



U.S. ENVIRONMENTAL PROTECTION AGENCY  
**OFFICE OF WASTEWATER MANAGEMENT**

2008  
**OWM Accomplishments Report**

Clean and sustainable water  
now and in the future



## Message from the Director

### August 2009

Provide clean and safe water for future generations.

This is the goal of all programs in the Office of Wastewater Management (OWM). Our programs strive to ensure our surface waters and aquatic ecosystems protect human health; support economic and recreational activities; and provide healthy habitat for fish, plants, and wildlife.

The **2008 OWM Accomplishments Report** highlights some of the most significant performance milestones that help OWM meet its goals.

As we begin 2009, our nation is starting to understand it will be difficult to simply maintain the gains we made in the last 30 years. We face unprecedented challenges in the coming years: failing infrastructure, economic struggles at state and local levels, and unregulated sources of pollution.

Our successes in 2008 and the strong foundation of Clean Water Act inspired programs put us in a strong position to meet our goals.

To meet and overcome our challenges, we will need the help and

assistance of our partners, including state and local governments, tribes, and non-government organizations.

Our challenges are daunting; they always are. However, we owe it to our children and grandchildren to leave them the same or better water quality we enjoy now.

Jim Hanlon  
Director  
Office of Wastewater  
Management

## OWM Mission

To help meet the nation's clean water goals by ensuring that appropriate regulatory standards, voluntary management approaches, information, financial resources, and technical assistance are provided to states, communities, and regulated entities.

**Integrity**—We aspire to the highest levels of fiscal and scientific reliability for our staff, programs, and research.

**Efficiency**—Through strategic planning and prioritizing and establishing realistic goals, OWM has a successful track record, delivering substantial environmental gains.

**Results**—Setting realistic goals and reaching or surpassing those goals is the cornerstone of OWM's strategic plan.

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## About the Office of Wastewater Management

**Clean Water** is the ultimate goal of all OWM programs. Overall, our programs are designed to ensure that not only is our water safe to drink, but that our surface waters and aquatic ecosystems protect human health; support economic and recreational activities; and provide healthy habitat for fish, plants, and wildlife. Our office supports EPA's goals for clean and safe water and healthy communities and ecosystems.

While OWM helps regulate and promote effective and responsible wastewater treatment, our programs consist of more than just wastewater management:

For the past 22 years, the **Clean Water State Revolving Fund** programs have financed over 24,000 water quality protection projects for wastewater treatment and the control of nonpoint source pollution.

One of our newest programs, **WaterSense**, makes it easy for consumers to find products and services that save water while ensuring product performance.

Our **Green Infrastructure** initiative focuses renewed attention on a blossoming approach to stormwater management and treats stormwater as a valuable resource rather than as a problem. It promotes the use of green roofs, rain gardens, porous pavements, and other techniques that result in improved water and air quality, energy and costs savings, enhanced water supplies, habitat creation, and source water protection.



The **National Pollution Discharge Elimination System (NPDES) Program** controls water pollution by regulating point sources that discharge pollutants into our surface waters.

Our **Stormwater Program** oversees the control of stormwater runoff through the issuance of NPDES stormwater permits and provides outreach and support to EPA Regions and states on issuance and oversight of those permits. It also educates local governments, industries, builders, and the public about the impact stormwater has on our local waterways and how to keep pollutants out of stormwater.

Under our **Sustainable Infrastructure Initiative**, OWM is promoting widespread adoption of better management practices, water efficiency, full-cost pricing, and watershed approaches to reduce costs and increase system investments.

## How We Do Our Work

The Office of Wastewater Management and its staff of more than 110 employees promote effective and responsible water use, treatment, disposal, and management and encourage the protection and restoration of watersheds. OWM is comprised of an Immediate Office of the Director; the Water Permits Division (WPD); the Municipal Support Division (MSD); and the Planning, Information and Resources Management Staff (PIRMS).



**MSD** helps manage the Clean Water State Revolving Fund programs; assists small communities and Indian tribes, U.S.-Mexico Border communities, and Alaska Native Villages; and develops special appropriations acts projects. The division maintains and regularly updates inventories and cost estimates of existing and needed future municipal wastewater treatment works and capital investments to meet the goals of the Clean Water Act. In addition, the division publishes technical information about conventional and innovative municipal wastewater collection systems and treatment technologies and provides support and technical assistance to EPA Regions and states to promote the proper management of on-site and decentralized wastewater systems nationwide. It also is promoting a national ethic of water efficiency and market enhancement for water-efficient products, programs, and practices through the new WaterSense program.

**WPD** provides national program direction to the National Pollutant Discharge Elimination System (NPDES) permit, pretreatment, and sewage sludge management programs under sections 401, 402, and 405 of the Clean Water Act, including: development of regulations, policy, and guidance; development of national strategies; implementation management; compliance assurance; and overview of Regional and state operations. The division also coordinates with the Office of Science and Technology (OST) in the development of national standards for point source controls, indirect dischargers, and biosolids use and disposal.

## Our Partners

- EPA Regional Offices
- State, Interstate, Tribal, and Local Programs
- Water and Wastewater Agencies
- Non-government Organizations
- Private Industry
- Regulated Community
- Academic Institutions
- Private Citizens

## Budget

In FY 2008, OWM's programs, including state and tribal assistance, accounted for more than \$980 billion, or nearly one-fifth of EPA's budget. Through its programs and initiatives, OWM promotes compliance with the requirements of the Clean Water Act (CWA). Under the CWA, OWM works in partnership with EPA's Regions, states, local governments, and tribes to regulate point source discharges into surface waters such as wetlands, lakes, rivers, estuaries, bays, and oceans.

## Our Work

- The NPDES Permit Program
- Clean Water State Revolving Fund
- Clean Watersheds Needs Survey
- Sustainable Infrastructure
- WaterSense Water Efficiency Program
- Onsite/Decentralized Wastewater Systems Program
- Innovative Management Systems (EMS, Asset Management, CMOM, etc.)
- Infrastructure Grants (Congressional Earmarks)
- Outreach, Technical Assistance, and Training Programs
- State and Tribal Program Assistance (CWA Section 106)
- Small Communities
- U.S.-Mexico Border
- Wastewater Treatment Technologies
- Water Quality Cooperative Agreements (104(b)(3))

## Highlights — 2008 Results

**Clean Water State Revolving Fund** — Clean Water State Revolving Fund (CWSRF) programs provided \$5.8 billion in 2008 to fund water quality protection projects for wastewater treatment, nonpoint source pollution control, and watershed and estuary management. To date, CWSRFs have funded over \$68.8 billion, providing over 22,700 low-interest loans.



**Priority Permits** — More than 95% of the priority permits were issued for FY 2008. OWM expanded the definition of “priority permits” to allow states and Regions to target permits of environmental concern that were previously outside the guidelines of the traditional definition.

**WaterSense** — WaterSense launched its Partner of the Year Awards this year. The awards program recognizes partners in four categories—promotional, manufacturer, retailer/distributor, and irrigation—that help to advance the WaterSense mission, increase awareness of the program, and demonstrate excellence in the water-efficiency arena.

**NPDES Vessels Permit** — OWM developed a new general permit that will help reduce releases of 26 types of discharges from vessels operating in U.S. waters. The permit covers vessels previously exempt from Clean Water Act requirements and significantly expands the NPDES universe.

**Concentrated Animal Feeding Operations** — OWM finalized its concentrated animal feeding operations (CAFOs) rule, which embraces a zero discharge standard. For the first time, nutrient management plans for manure will be required as part of a CAFO’s NPDES permit application. The rule will prevent an estimated 56 million pounds of phosphorus, 110 million pounds of nitrogen, and 2 billion pounds of sediment from entering waterways annually.

### Improving Management of Decentralized Systems —

OWM signed a voluntary agreement with 14 national organizations to participate in a long-term, voluntary effort to strengthen management of septic systems at the local level by raising awareness, building local capacity, and distributing technical information to local officials.



**Mexico Border** — Seventy-four Border Environment Infrastructure Fund projects, certified as of September 2008, provide the capacity to eliminate nearly 300 million gallons/day of untreated or inadequately treated wastewater discharges. The program has accomplished its Border 2012 drinking water connection goal, with nearly 29,000 new drinking water connections, and has connected over 135,000 homes to sanitary sewer systems.

## Clean Water State Revolving Fund



In 2008, Clean Water State Revolving Fund (CWSRF) programs provided an unprecedented \$5.8 billion to fund 2,030 loans to communities for water quality protection projects that included wastewater treatment, nonpoint source pollution control, and watershed and estuary management. Nationally, 98 percent of funds available to the program have been committed to projects. CWSRFs offer low interest rates, flexible terms, significant funding for nonpoint source pollution control and estuary protection, assistance to a variety of borrowers, and partnerships with other funding sources. Over the last 20 years, CWSRFs have funded \$68.8 billion in 22,700 low-cost loans for a variety of important water quality projects that help communities meet environmental standards and ensure public health.

### Management Assistance Reviews

In FY 2008, the State Revolving Fund (SRF) Branch conducted management assistance reviews of the Clean Water State Revolving Fund and Special Appropriation Act Project (SAAP) programs in all ten Regions. As a result of the review, we now have a better understanding of how the Regions are managing the CWSRF and SAAP programs and their current concerns and/or issues. In addition, the review provided the SRF Branch with the opportunity to discuss several new headquarters initiatives, which we feel will be helpful in managing these programs, with Regional management.

### 2008 CWSRF PISCES Awards

The 2008 Performance and Innovation in the SRF Creating Environmental Success (PISCES) Awards highlight organizations and civic bodies that have used their expertise in planning, management, and financing to successfully further EPA water quality protection goals. The 34 recipients of the 2008 PISCES Awards represented a variety of innovations, including: upgrade and expansion of existing wastewater treatment plants, installation of advanced treatment technologies, construction of green infrastructure, and purchase of land for water quality protection. The 2009 awards will recognize individual state programs for outstanding management of their CWSRF.

### 2009 CWSRF Conference

Planning is currently underway for the 2009 CWSRF Conference. The conference will focus on the future of the CWSRF program and address the need for strategic management of the program. Conference sessions will provide an opportunity to examine the CWSRF from both a financial and programmatic standpoint. The conference will be held in Chicago, Illinois, on July 14-15, 2009, and is being co-sponsored by the Association of State and Interstate Water Pollution Control Administrators and the Council for Infrastructure Financing Authorities.

### Green Infrastructure

Green infrastructure is an innovative approach to wet weather management that is cost-effective, sustainable, and environmentally friendly. As such, it makes for an ideal investment for CWSRFs.

The CWSRF can fund the capital costs of green infrastructure projects with direct water quality benefits. Green infrastructure technologies infiltrate, evapotranspire, capture, and reuse stormwater to maintain or restore natural hydrologies.



The objective of green infrastructure, like traditional infrastructure, is to protect clean water, manage stormwater, and ensure healthy soil or to provide recreational benefits. It is also used to achieve energy efficiencies.

Green infrastructure projects eligible for CWSRF assistance include (but are not restricted to) rain gardens, green roofs, landscape swales, and porous pavement. To reduce energy costs, projects can take the form of solar panels or energy-efficient pumps, motors, and collection pipes. To address greenhouse gases, some utilities have installed combined heat and power practices to capture methane and convert it into heat and power.



## Partner of the Year Awards

WaterSense launched its annual awards program, recognizing the very first WaterSense Partners of the Year in four categories: promotional, manufacturer, retailer/distributor, and irrigation.

Each of these four winners—the Saving Water Partnership of Seattle, Kohler, Ferguson, and Timothy Malooly—helped to advance the WaterSense mission, increase awareness about the program in a measurable way, and demonstrate overall excellence in the water-efficiency arena.

## Water Efficiency

### WaterSense®

Since the WaterSense® program began in 2006, it has quickly become a national standard for water efficiency among utilities, plumbing manufacturers, retailers, and consumers. As of December 2008, more than 800 bathroom sink faucets and faucet accessories and 300 toilets had earned the WaterSense label, which helps consumers make informed decisions when buying water-efficient products.

In 2008, EPA estimates that consumers saved more than 9.3 billion gallons of water by installing WaterSense-labeled models. The associated water and wastewater utility bill savings was approximately \$55 million, and the associated energy reduction from pumping and treating less water was 1 billion kilowatt-hours of electricity. With additional products coming becoming available and partner involvement increasing, savings are expected to be even higher for 2009.

In addition, more than 1,000 manufacturers, retailers, utilities, and irrigation professionals have partnered with the program, more than a 70 percent increase in partnership compared to 2007.

### New Homes

For more than two years, WaterSense has worked closely with industry stakeholders to identify criteria for water-efficient new homes. In May 2008, a draft specification was released and received more than 500 public comments. In fall 2008, WaterSense also began conducting a pilot program with seven builders located across the country who are building homes to meet the draft specification.

### High-Efficiency Toilets

Toilet models that use less than 1.28 gallons per flush and meet strict performance standards can earn the WaterSense label. WaterSense-labeled toilets are now widely available in a broad range of styles and price points.



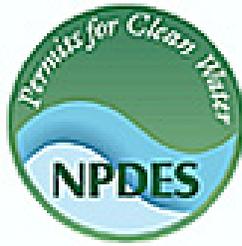
### Bathroom Sink Faucets

WaterSense-labeled faucets and faucet aerators use about 30 percent less water than standard faucets with no sacrifice in product performance. In 2008, faucets and faucet accessories began to earn the WaterSense label.

### Landscape Irrigation Professionals

Four certification programs for landscape irrigation professionals have earned the WaterSense label for their adherence to water-saving techniques. As of December 2008, approximately 600 irrigation professionals had partnered with WaterSense after completing one or more of these certifications.

## Wet Weather / Stormwater Program



Urban wet weather sources remain an important EPA priority because of the potential impacts on human health and the environment. Urban wet weather sources are among the most significant sources of water pollution today that EPA can address through the Clean Water Act. Adverse effects from wet weather are typically tied to the condition, type, and extent of the infrastructure.

### Green Infrastructure Action Strategy

OWM and its Partners for Green Infrastructure developed an action strategy that will use partner organizations to reduce stormwater runoff, combined sewer overflows, and nonpoint source pollution. The action strategy covers seven broad categories, including research, outreach, and demonstration projects.



### Stormwater Construction Permit

OWM is re-issuing its stormwater Construction General Permit (CGP), which expired July 1, 2008, for two years. The CGP regulates the discharge of stormwater from construction sites that disturb one acre or more of land and from smaller sites that are part of a larger, common plan of development. The permit requires operators of the construction sites to use stormwater controls and develop stormwater pollution prevention plans to minimize the discharge of sediment and other pollutants associated with construction sites in stormwater runoff.

OWM coordinated the permit with the development of a new effluent limitation guideline for the construction and development industry.

### Urban BMP Performance Tool

The program developed a new Web-based tool to provide stormwater professionals with easy access to approximately 220 studies that assess the performance of over 275 stormwater best management practices (BMPs). The tool provides access to studies covering a variety of traditional and low-impact BMP types, including retention and detention ponds, biofilters, grassed filter strips, porous pavement, and wetlands.



### Stormwater Webcast Series

OWM continued its very popular webcast series for municipal stormwater professionals. In 2008, five webcasts were held on a variety of topics, including best management practice performance, stormwater retrofits, finding and fixing illicit discharges, and municipal separate storm sewer system (MS4) program performance. The program also offered a Stormwater 101 Course. All the webcasts are available on the Stormwater program's website ([www.epa.gov/npdes/training](http://www.epa.gov/npdes/training)).

## Municipal Technology: Nutrients

The *Municipal Nutrient Removal Technologies Reference Document* was developed to help municipal and utility owners and operators, engineers, local decision makers, and state permit writers and regulators plan cost-effective nutrient removal projects for municipal wastewater treatment facilities.

The document presents detailed technical and cost information about existing nutrient removal technologies and information on emerging technologies, including detailed process descriptions, performance and reliability data, and operating factors for processes that can remove nitrogen, phosphorus, or both from municipal wastewater. The document also includes process performance and cost data for nine in-depth facility case studies.

## Clean Watersheds Needs Survey (CWNS)

OWM delivered the *Clean Watersheds Needs Survey 2004 Report to Congress* and published the data in user friendly, customizable reports at <http://www.epa.gov/cwns/2004data.htm>. These products provide policy makers and the public the ability to assess wastewater infrastructure needs in relationship with other environmental programs and data. For the CWNS 2008 data collection, state and local partners initiated use of the new CWNS Data Entry Portal. The new data entry portal is providing greatly expanded access and decreased data entry time due to integration with other EPA data resources.

## Sustainable Infrastructure Initiative

Our nation's water infrastructure systems are aging, and much of it will be reaching the end of its useful life in the next 20 to 40 years. To address the mounting needs, OWM is partnering with other EPA offices and across the sector on the Sustainable Infrastructure Initiative. The Initiative aims to change the way the country views, values, and manages its water infrastructure. 2008 was a year of great progress for the Initiative, and some of the accomplishments are highlighted below. For more information on the Initiative, visit <http://www.epa.gov/waterinfrastructure/>.

### Effective Utility Management

Building on the ground-breaking agreement with six national associations to promote effective water sector, OWM release a number of promoting. The *Management: A Wastewater Utilities.* description of the 10 management and a tizing those areas of cific utility. It is ac-sample measures, benchmark and track sustainability, as well toolbox to aid in the formance under each 2009, the partnership case studies and an interactive Web-based presentation on effective utility management.



utility management in the worked with the partners to tools that all parties are terpiece is "*Effective Utility Primer for Water and* The primer walks through a attributes of effective utility simple procedure for priori-most importance to a spe-companied by a set of which can be adopted to progress towards greater as an on-line resources process of improving per-attribute. In early spring of released an initial set of

### Energy Management

Using the energy management guidebook developed in partnership with EPA Region 1, OWM has initiated a series of workshops to help utilities review and reduce their energy usage. In 2008, workshops were held in six of EPA's Regions, with the remaining Regions scheduled to receive workshops in 2009. To date, the workshops have included over 700 participants and are sparking both awareness and progress towards energy efficiency across the country.

OWM has also expanded its partnership with the Office of Air and Radiation (OAR) to jointly pursue energy efficiency at utilities through both OAR's benchmarking tools and fostering the adoption of combined heat and power strategies in the wastewater sector.

### Asset Management

OWM continued to expand its efforts to move asset management approaches into the mainstream of utility practice. The Office continued its ongoing national training program with four two-day sessions in 2008. Materials for the workshops were both expanded and compiled into a stand-alone training CD to expand their use beyond those who are able to attend the sessions. OWM also collaborated with EPA's Office of Ground Water and Drinking Water as they released the Check Up Program for Small Systems (CUPSS), free asset management software that is geared towards small drinking water and wastewater facilities.

OWM has also been collaborating with the Department of Transportation to foster cross-sector discussions and practice of asset management. The partnership will shortly release a set of case studies that illustrate the benefits and challenges of multi-sector implementation of asset management.

## Rural Program

The rural program strives to protect and improve water quality by developing and implementing NPDES programs that target rural areas and rural populations. The program develops regulations, policies, technical implementation guidance, and outreach for EPA Regions, states, and the general public. Significant achievements in 2008 include the following:

### Concentrated Animal Feeding Operations Rulemaking

In March, OWM proposed additional options to its 2006 proposal for concentrated animal feeding operations (CAFOs) under the Clean Water Act. In October, OWM finalized its CAFO rule revisions, which maintain a no discharge standard for operations with permits.

For the first time, nutrient management plans (NMP) for manure and process water will be required as part of a CAFO's NPDES permit application.

The NMP will be reviewed by the permitting authority and conditions from the plan will be incorporated as enforceable terms of the permit. The proposed NMP and permit must be available for public review and comment before going final. The regulation also requires that an owner or operator of a CAFO that actually discharges to streams, lakes, and other waters



must apply for a permit under the Clean Water Act. Under the federal rule, a CAFO that does not discharge or propose to discharge may certify to the permitting authority that it does not need an NPDES permit.

The rule will prevent an estimated 56 million pounds of phosphorus, 110 million pounds of nitrogen, and 2 billion pounds of sediment from entering streams, lakes, and other waters annually. The final rule responds to a February 2005 federal court decision that upheld most of the Agency's 2003 rule, but directed further action or clarification on some portions. After issuing the rule, EPA conducted numerous outreach activities to States and the regulated community, including a public webcast and presentations to stakeholder groups.



### Pesticide Spray Drift

OWM worked closely with the Office of Prevention, Pesticides and Toxic Substances to develop a draft Pesticide Registration (PR) Notice on pesticide drift labeling. The goal of the PR Notice is to provide guidance on revising pesticide drift labeling to improve its consistency, clarity, and enforceability and to propose

labeling statements intended to minimize drift and to protect people and other non-target organisms and sites from adverse effects that may be caused by off-target pesticide drift. EPA plans to make the draft PR Notice available for public comment before the end of 2009.



### Water Transfers Rule

OWM published a final rule in 2008 that clarified that water transfers are excluded from regulation under the NPDES program. The rule defined a water transfer as an activity that conveys or connects waters of the United States without subjecting the transferred water to intervening industrial, municipal, or commercial use. This exclusion does not apply to pollutants introduced to the water being transferred by the water transfer activity itself. EPA issued the NPDES water transfers rule partly in response to several conflicting court decisions as to whether or not water transfers required NPDES permits.

Since the rule was published, petitions for review were filed by both environmental groups and industry in various Courts of Appeal and two District Courts. The challenges to this rule have been stayed pending the outcome of a related case, *Friends of the Everglades v. South Florida Water Management District*.

## Priority Permits

In FY 2008, the definition of priority permits was expanded to allow states and Regions to target permits of environmental concern that were previously outside the guidelines of the traditional definition. For the fourth consecutive year, states and Regions issued over 95% of the priority permits to which they had committed.

## Permit Backlog Reduction

For the second year since OWM began tracking the backlog in 1999, states and Regions met the national goal of 90% current for individual and non-stormwater general permits.

## Permit Quality Reviews

OWM continued to assess the integrity of the national NPDES program by performing permit quality review (PQRs). In 2008, PQRs were conducted in Regions 2, 3, 5, and 10.

## Action Items

Regions, states, and territories have committed to approximately 320 action items resulting from the 2005 Permitting for Environmental Results review of state and Regional NPDES permitting programs and the most recent PQRs. By the end of FY 2008, 215 of the action items (67%) were completed.

## Petitions to Withdraw State NPDES Programs

The Petition Response Team manages an Agency-wide effort to resolve petitions asking EPA to withdraw the authority of states that administer the NPDES permit program. In 2008, petitions to withdraw two state programs (in FL and NV) were resolved. Also, agreement had been reached on resolving two additional petitions (in PA and WA), which were in the formal concurrence process at the end of the year.

## State & Regional Program

The state and Regional program provides technical and policy support to help implement the NPDES program. Through coordination with states and EPA Regions, the program guides consistent and effective translation of water quality goals and standards into permit limits and conditions. It resolves legal barriers that prevent optimal program implementation and provides proactive and consistent management of external legal drivers. It also provides timely information on the integrity of the NPDES program implementation while working cooperatively to produce efficient processes and measurable results.

## Permit Writers Conference

In July, OWM sponsored a three-day National Permit Writers Workshop in Shepherdstown, WV. Over 165 attendees participated from EPA (headquarters and Regions) and 26 states. The workshop served as a forum for senior permit writers to learn about and discuss complicated issues they regularly face and to promote national consistency.



## Methylmercury Fish Tissue Criterion: Final Implementation Guidance

EPA published the final guidance for implementing the January 2001 Methylmercury Water Quality Criterion, which provided technical guidance to states, territories, and authorized tribes exercising responsibility under CWA section 303(c) on how to use the new fish-based criterion recommendation in developing their own water quality standards for methylmercury and in implementing those standards in Total Maximum Daily Loads and NPDES permits. The guidance also includes a recommended approach for directly incorporating the methylmercury tissue criterion into NPDES permits.

## NPDES Permit Writers Training

In 2008, the NPDES Permit Writers Course was held in five locations (San Diego, CA; Chicago, IL; Kansas City, MO; Montgomery, AL; and Woodbridge, VA) and provided basic NPDES training to 241 students. This course is EPA's principal tool to provide state and EPA permit writers with a comprehensive understanding of the core tenets of the NPDES permit program and to promote consistency across the states and Regions. The course has expanded and evolved over the past 20 years to address program changes and is highly rated by participants.

## Alaska and Other Program Approvals

On October 31, 2008, after several years of working with the state, EPA approved Alaska to administer the NPDES permit program. OWM continued to work with Region 5 and the Ohio Department of Agriculture (ODA) to ensure it has an adequate program prior to its receiving NPDES authorization. On October 15, 2008, the Region published a notice of its intent to approve the transfer of the NPDES program for permitting concentrated animal feeding operations to ODA, once conditions identified in the notice are satisfied.

## Climate Change

Building upon the 2008 National Water Program's Climate Change Strategy, OWM began assessing how climate change will affect the NPDES permit program. This comprehensive overview will help to determine which tools can be used to address climate change while determining how best to adapt current NPDES procedures to maintain the effectiveness of the program.

## State & Tribal Water Pollution Control Grants

Section 106 of the Clean Water Act authorizes EPA to provide federal assistance to states (including territories and the District of Columbia), interstate agencies, and Indian tribes to establish and implement ongoing water pollution control programs. Prevention and control measures supported by water quality management programs include permitting, pollution control activities, surveillance, monitoring, enforcement, advice and assistance to local agencies, and the provision of training and public information.

### Funding for Indian Tribes

Federally recognized tribal lands cover over 110,000 square miles of the United States—more than the total land area of Nevada, the nation's seventh largest state. Unlike a single state, however, these lands are held by 562 distinct Indian tribes, each with a unique set of water resources used for recreation, transportation, fishing, drinking water, ceremonial purposes, and more. Likewise, each tribe faces a separate set of challenges in protecting these resources. Together, Indian tribes are responsible for protecting and restoring tens of thousands of square miles of rivers, streams, and lakes as well as ground water.

Of the 562 federally recognized tribes, approximately 377 meet the criteria to receive Section 106 funding. As of 2009, 67% (252) of these tribes have received EPA approval and are eligible to receive grants. For tribes, Section 106 grants are a crucial, dedicated source of funding for developing, maintaining, and expanding programs designed to control, prevent, and eliminate water pollution.

Tribes began receiving Section 106 funds in 1989. Since then, the tribal set-aside has grown from less than \$1 million to approximately \$25 million. In the last eight years alone, the number of tribes eligible to receive Section 106 grants has nearly doubled.

Tribes across the country are using Section 106 grants to identify and proactively address water quality priorities and concerns. Tribes can use Section 106 grants for a wide range of water pollution control activities, including:

- Assessing water quality on tribal lands,
- Establishing water quality goals and objectives,
- Conducting regular monitoring and data reporting, and
- Implementing quality assurance processes to ensure data reliability.



### Water Monitoring Initiative

OWM has been working with EPA's Office of Wetlands, Oceans and Watersheds (OWOW) on a effort to enhance state monitoring strategies and implement a multi-year statistically valid survey of the nation's waters.



Using approximately \$18.5 million per year, OWM and OWOW are working with states and tribes to enhance their water quality monitoring programs and collect and report on water quality monitoring data collected through the statistically-valid surveys. This will allow EPA, states, and tribes to continue to report on the condition of the nation's waters and make significant progress toward assessing trends in water condition in a scientifically defensible manner.

## Policy Memos & Fact Sheets

In 2008, the Industrial Branch developed a number of significant policy memos and fact sheets, including:

- A characterization of the emerging biodiesel industrial manufacturing process and potential sources of wastewater generation. In addition, EPA evaluated the existing technology-based standards to determine their applicability to wastewater permitting discharges from the biodiesel manufacturing industry.
- A memo providing clarity on the review of existing permit requirements implementing Clean Water Act Section 316 (a) requirements for thermal variances in NPDES permits.
- Two fact sheets for the pretreatment program, one providing guidance to publicly owned treatment works that minimize certain monitoring requirements and one that clarifies guidance in developing effluent limits. See: *"Applicability of Effluent Guidelines and Categorical Pretreatment Standards to Biodiesel Manufacturing"* and *"Pretreatment Streamlining Rule Fact Sheet 6.0: Optional Sampling Waiver for Pollutants Not Present."*



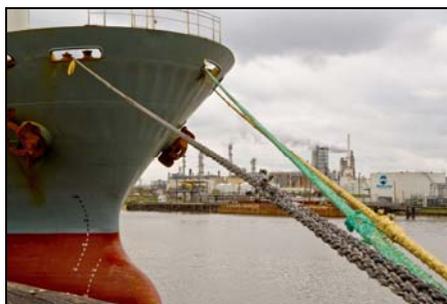
## Industrial Program

Wastewater discharges from industrial sources may contain pollutants at levels that affect the quality of receiving waters. OWM's industrial program works to protect and improve water quality through technology-based and water quality-based permitting. Stormwater, pretreatment, and industrial permitting are within its scope. As part of the NPDES permit program, it establishes specific requirements that control the pollutant discharges from industrial sources.

### NPDES Vessels Permit

A new general permit, developed by OWM, will help reduce releases of 26 types of discharges from vessels operating in U.S. waters. The new permit significantly expands the NPDES universe: approximately 61,000 domestically flagged commercial vessels and 8,000 foreign flagged vessels will need to comply with the permit.

The permit covers vessels previously exempt from Clean Water Act requirements. OWM met a court-ordered deadline and delivered a protective and practical permit. The permit covers non-recreational vessels 79 feet in length or longer, such as cruise ships or oil and cargo tankers, but excludes fishing vessels of any length, unless they discharge ballast water. It also incorporates the Coast Guard's mandatory ballast water management and exchange standards and provides technology-based and water-quality-based effluent limits for other types of discharges, including deck runoff from rain or cleaning; ballast water used to stabilize ships; and "gray water" from showers, sinks, and laundry machines.



### New MSGP Permit

The 2008 Multi-Sector General Permit (2008 MSGP) was issued on September 29, 2008. The 2008 MSGP provides coverage for industrial stormwater discharges in five states, U.S. territories, some federal facilities, and tribal lands. The permit addresses 30 industrial sectors. The 2008 MSGP offers several changes from the previous permit, including:

- Reorganized permit that clearly spells out: (1) requirements affecting the installation of stormwater controls to meet technology-based and water quality-based effluent limits, (2) inspection and effluent monitoring requirements, and (3) the development of the stormwater pollution prevention plans.
- New requirements to annually report inspection findings and the results of corrective actions to EPA.
- Improved tools for identifying receiving waters and notifying EPA of the location of impaired waterbodies and the pollutants of concern.
- Fast and easy electronic submission of notices of intent (NOIs) through the e-NOI system operated by headquarters, with automated email explanations and reminders of monitoring requirements.
- Electronic submission of monitoring results under the e-NOI system.

## Sustainable Communities

Small, rural communities (communities with fewer than 10,000 people), Indian reservations, and communities along the U.S.-Mexico border have historically experienced difficulty in achieving Clean Water Act goals, due in part to lack of resources and technical expertise. The Sustainable Communities program aims to provide small and underserved communities with the financial and technical assistance and education necessary to achieve sustainable, appropriate, and cost-effective water infrastructure.

### Agreement to Improve Management of Septic Systems

On November 19, 2008, Assistant Administrator Benjamin H. Grumbles hosted a signing ceremony to announce a long-term, voluntary effort to strengthen management of septic systems at the local level. Proper management of septic systems is critical to protecting human health and the environment. One-quarter of American homes use septic treatment systems, and a third of all new developments in the United States use them. EPA will work closely with the 14 national signatory organizations over the coming years to raise awareness, build local capacity, and distribute technical information to help local officials ensure better management of septic systems.



### Alaska Native Village (ANV) Program

With support from Region 10, the ANV program has coordinated with the Safe Drinking Water Act Program and the Clean Water Act Indian Set-aside Program to increase the percentage of homes in Alaska with drinking water or sewer services from about 60 percent in 1993 to nearly 92 percent in 2008. The program utilized findings from the Office of Management and Budget's (OMB's) Program Assessment Rating Tool (PART) reassessment to substantially improve program accountability and ultimately received a significantly improved score. A Web-based project tracking system has been implemented, a program management procedure was developed, and a more meaningful program efficiency measure was developed in coordination with OMB.

### Rural Community Assistance Partnership (RCAP)

Through their mission to help rural people improve the quality of life in their communities, RCAP assisted small, lower income rural communities to resolve water supply and waste disposal problems and needs by providing technical assistance, training, and information dissemination and coordinating community leaders and outside agencies.

Last year, RCAP held 81 training workshops for nearly 3,000 community leaders in 28 states and territories. RCAP served about 372,000 people through 170 technical assistance projects in 184 communities. RCAP has successfully leveraged and combined funding from other state and federal loan programs, such that for each dollar that EPA invested in RCAP for wastewater, about \$7.80 was spent for communities to have a wastewater system installed or updated.



### Clean Water Indian Set-Aside (CWISA) Grant Program

The CWISA program awarded \$10.3 million in grants to Indian tribes for planning, design, and construction of wastewater treatment facilities in Indian Country. Over 4,300 homes in tribal lands received assistance from the CWISA Program to meet basic wastewater needs. OWM continues to be involved in the Inter-Agency Tribal Infrastructure Taskforce, coordinating approaches to improve access to safe drinking water and basic sanitation in Indian Country.



### U.S.-Mexico Border

In June, OWM hosted the Mexican National Water Commission (CONAGUA), North American Development Bank, Border Environment Cooperation Commission, and EPA Regions 6 and 9 at meetings in Washington, DC. The group discussed future planning for the program, which benefits the environment and public health along the U.S.-Mexico Border through a collaborative bi-national effort of U.S. and Mexican organizations. OWM also worked with Office of the Chief Financial Officer and EPA Regions 6 and 9 to respond to recommendations made in the Office of Inspector General Audit Report, "Improvements Needed to Ensure Grant Funds for U.S.-Mexico Border Water Infrastructure Program Are Spent More Timely." Implementation of audit recommendations as well as other program enhancements have resulted in the accelerated disbursement of program funds that are resulting from advancements in construction projects. Seventy-four Border Environment Infrastructure Fund projects certified as of September 2008 provide the capacity to eliminate nearly 300 million gallons/day of untreated or inadequately treated wastewater discharges. The program has accomplished its Border 2012 drinking water connection goal, with nearly 29,000 new drinking water connections, and has connected over 135,000 homes to sanitary sewer systems. The Tijuana, Tecate, and Mexicali water utilities are counted in the top 10 most efficient public utilities in Mexico, with Tijuana rated #1.

## **We welcome your comments!**

Thank you for your interest in the OWM annual report. We welcome all comments and suggestions about how we can make this report a more useful and informative document for our readers. Please send comments to [gude.karen@epa.gov](mailto:gude.karen@epa.gov) or:

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