

The State Environmental Agencies'

***Statement of Need
and
Budget Proposal***

***for EPA's 2013 Categorical Grants
STAG Budget***

(State and Tribal Assistance Grants)

prepared by

The Environmental Council of the States (ECOS)

with the cooperation of:

Association of State Drinking Water Administrators

Association of State and Interstate Water Pollution Control Administrators

Association of State and Territorial Solid Waste Management Officials

National Association of Clean Air Agencies

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Executive Summary

In this document, the States respectfully submit their budget priorities, statement of need and budget proposal for the categorical grants portion of the U.S. Environmental Protection Agency's 2013 budget that supports States, tribes, and local governments, known as the State and Tribal Assistance Grants (STAG).

For 2013, the States are documenting needs for just over \$2 billion in categorical program grants for State and tribal governments. Our base budget request is twofold: (1) a 2% increase for all programs above 2011 appropriations to address inflation; and (2) new funds and new processes sufficient to implement new rules, guidances, and initiatives. We have listed some of the new rules we expect to see in 2013.

Our primary emphasis is on core programs. Core programs include the categorical grants budgets for air, wastewater (point sources and non-point sources), drinking water and waste. We are for the first time also including the Data Management categorical grant as a core program, due to the many new data initiatives undertaken by the agency. We are now also including the State Revolving Loan Funds (SRFs) for reasons explained below.

We add a caution about further cuts to the State Revolving Loan Funds, especially the drinking water SRF. The states no longer believe the State Revolving Loan Funds, especially the Drinking Water SRF, can continue to be cut without implementation repercussions. In order for states to be able take a smaller percentage of their eligible DWSRF set-asides for a variety of purposes (e.g., administrative, small water utility capacity development, source water protection, etc.) thereby leaving more for direct infrastructure loans, one of two things would need to happen. Either the categorical PWSS grant would need to increase to fill the set-aside void or the federal government would have to dramatically decrease their expectations of states in terms of implementation of new and existing rules, guidance, and policy. Continued flat funding of the already inadequate PWSS grant and cuts to the DWSRF (and thereby, associated set-asides) seem likely to mean that new EPA regulatory initiatives may be delayed, partially completed, or left for EPA to implement.

We attempt to project 2013 priorities further this year by listing the rules that EPA currently has under development and that States are most likely to be implementing in 2013. This list is found on pages 3-9, and includes the "priority" rules (not all rules) as listed in the Regulatory Gateway that we anticipate States will be newly implementing at that time. Implementation of new major rules usually carries a new financial burden, for which we are asking EPA to budget new federal funds to assist States in their implementation. We recognize that some rules may be changes in current operations – not an entirely new effort. For these, the burden may be short-term as states shift from, for example, an old standard to a new one. Other rules add significantly to the state workload, both to create the program and to maintain it. It is very rare that a rule is dropped or no longer is being implemented, so once on the "to do" list, the requirement to implement is cumulative. As a general matter, states do not oppose the adoption of new rules that are necessary to protect environmental quality or human health. However, due to state budget cuts and the prospect of federal budget cuts, states are doubtful whether the current pattern of around 100 new rules per year is sustainable. EPA and the States will have to have a dialogue about how to proceed if additional funding is not forthcoming.

ECOS and our sister associations are prepared to present additional details and suggestions as requested, including in testimony at any hearings as might be held on the President's budget proposal.

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About The Environmental Council of the States (ECOS)

The Environmental Council of the States (ECOS) is the national non-profit, non-partisan association of State and territorial environmental agency leaders. The purpose of ECOS is to improve the capability of State environmental agencies and their leaders to protect and improve human health and the environment of the United States of America.

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The State Environmental Agencies' Proposal for EPA's 2013 Categorical Grants STAG Budget (State and Tribal Assistance Grants Budget)

What the States Contribute to our National Environmental Protection System

Our nation's environmental protection is dependent on a solid partnership between the U.S. Environmental Protection Agency and the State and territorial environmental agencies. State environmental agencies are responsible for implementing nearly all of the core environmental programs that protect public health and our nation's air, land, and water resources.¹ Most of the major Federal environmental statutes are designed for States to assume authority over the Federal programs under the oversight of the U.S. Environmental Protection Agency (EPA). In 1992, EPA had delegated only 40% of these programs to the States, but by 2007, 96% of these programs had been delegated to the States. States are the implementing agencies for nearly all of the nation's environmental and public health laws.

In recognition of this key role in environmental service delivery, Congress included provisions in the Clean Water Act (CWA), the Safe Drinking Water Act (SDWA), the Clean Air Act (CAA), the Resource Conservation and Recovery Act (RCRA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to provide assistance to States to operate these Federal programs. A State match is usually required under these statutes, and States now provide well over half (in most States, two-thirds) of the funds needed to operate Federal programs. States also operate their own programs that address State-specific needs. These State programs, driven by State laws, do not require Federal funds but contribute significantly to the public health and environmental quality of the nation and may indirectly support the federal programs.

The core environmental protection activities required by Federal (and State) law include permitting, inspections, enforcement, monitoring, standard setting, site cleanup and more. For example, States conduct 97% of the inspections at regulated facilities; provide 94% of the data in EPA's six major databases; conduct over 90% of all enforcement actions; and are first responders at spills, cleanups, and natural disasters, with EPA providing most of the remaining work directly.

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To fund these activities, Congress provides assistance to States primarily through State and Tribal Assistance Grants (STAG), which are composed of two parts: Categorical Grants (which assist with the operation of delegated programs) and Infrastructure funds (which are used primarily by local governments). Over the years that States have operated Federal programs, State environmental agencies have had to seek alternate program funding support through user fees, state general funds and other means to support program implementation to the point where Federal funding has been reduced to less than one-third of the cost of program operation.

¹ We also recognize the significant role played by local governments and tribes. In this document we acknowledge that we do not speak on behalf of other grantees, such as the tribes.

From the States' point of view the Categorical Grants funds are essential to provide resources to meet congressional requirements for public health and the environment.

Recent Changes in Federal Support Prolong Funding Shortages

In the period 2005-2008, reductions in EPA's STAG budget were the largest in EPA's history. Fortunately, this trend stopped with the 2009/2010 budgets (which were essentially flat), but it has not been reversed. The 2011 budget proposal promised significant and very much needed increases in the categorical grants, especially for air and clean water. ECOS supported EPA's 2011 budget proposal, and we have done so again for the 2012 proposal. However Congress did not enact the 2011 recommendations. The states' categorical grants remained relatively flat. The State Revolving Funds were cut significantly.

In the meantime, the number of new rules issued by EPA with a "State impact" continues to grow at a very rapid rate, with about 100 rules on this list for 2007, 2008, 2009, 2010 and apparently continuing for each following year, from 2011 and into 2012 and 2013, based on information in the agency's Regulatory Gateway (see Tables 1 and 2 for a list of the anticipated "priority" rules). The agency plans to promulgate many new rules that States will be expected to implement. States do not usually oppose these rules, but we recognize that their implementation comes with a price that must be paid by someone. On top of these new rules are new or revised guidelines for existing rules (e.g., water enforcement, water jurisdiction), and the renewal of interest in existing, but previously dormant rules (e.g., degradation, nutrient standards). These may also be very resource-intensive. Of course, all the previously existing rules must continue to be implemented as well. If budgets do not increase to

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accommodate new work from new rules, we risk failure in our joint missions to protect human health and the environment. Options other than funding increases exist, but they are limited and may face opposition from those who are reluctant to change.

ECOS is not sure the current pattern of flat (or declining) funding coupled with the annual issuance of many new rules is sustainable. At some point,

states will reach their limit. The results may be that new rules won't be adopted, will be adopted late, or will not be completely adopted, and EPA may find itself having to implement many new rules without sufficient funding either. This is not a desirable outcome, and ECOS suggests that it and EPA need to address this issue head-on.

Unfortunately, EPA's new rules, guidelines and revised rules are appearing at the worst possible time from a budgetary point of view. State budgets have declined significantly during 2009, 2010, 2011 and 2012, and every sign is that this will continue into 2013 and beyond. Even if the economy stabilizes, state revenue usually takes two years to catch up.

Furthermore, according to EPA, during the period 2001-2009, inflation was about 24% but Categorical Grants rose by only 11%, resulting in a decrease of 13% in purchasing power. The combination of

increasing demands on the States from new rules, and the reduction in purchasing power from inflation is a significant impediment to successful State implementation of delegated programs.

Fortunately, EPA has shown a willingness to address the workload issues in ways besides increased funding. In 2010, the agency entered into a Memorandum of Understanding with ECOS on the use of process improvement techniques to reduce our implementation costs. We have also begun discussions on work-sharing. States will also need changes to reduce administrative burden and speed up EPA processing on matters such as categorical grant awards. Currently, the delay between the passage of a budget and the award of funds to the states is excessive. For example, Congress passed the 2011 budget in April, but EPA does not require the awards to states until August 15 – after the end of most states’ fiscal year, and more than three months after the budget’s passage. We also suggest that States and the Agency need to develop “implementation plans” for new rules – at the same time the rule is being developed. These implementation plans should address the method in which the rule will be implemented, and how much that implementation is likely to cost states and EPA.

Table 1. New EPA “Priority” Rules Expected to be Implemented in FY 2013*

	RIN	Title	Gateway Link	NPRM (projected)	Final Rule (projected)*	Affects States? **
1	2040 – AF22	Revised National Pollutant Discharge Elimination System Regulation to Require CAFOs to Report Facility Information	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2040-AF22?opendocument	05/2011	2013?	Determination not yet made
2	2060-AQ68	Residual Risk and Technology Review for Secondary Lead Smelters NESHAP	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2060-AQ68?opendocument	05/2011	2013?	No
3	2070-AJ54	Nanoscale Materials; Chemical Substances When Manufactured, Imported, or Processed as Nanoscale Materials; Reporting and Recordkeeping Requirements; Significant New Use Rule	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2070-AJ54?opendocument	05/2011	2013?	No
4	2050-AG60	Hazardous Waste Management Systems: Identification and Listing of Hazardous Waste: Carbon Dioxide (CO2) Injectate in Geological Sequestration Activities	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2050-AG60?opendocument	05/2011	2013?	Yes (regulated and involved in implementation)
5	2070-AJ83	Testing of Bisphenol A	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2070-AJ83?opendocument	[ANPRM] 05/2011	2013?	Determination not yet made
6	2040-AF27	Effluent Guidelines and Standards for the Construction and Development Industry - Revision	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2040-AF27?opendocument	05/2011	2013?	Yes (regulated and involved in implementation)
7	2060-AQ41	NESHAP Risk and Technology Review for Pulp and Paper Industry and Chemical Recovery Combustion Sources, and NSPS review for Kraft Pulp Mills	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2060-AQ41?opendocument	06/2011	2013?	Yes (involved in implementation)
8	2060-AO72	Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2060-AO72?opendocument	07/2011	2013?	Yes (involved in implementation)
9	2050-AG62	Rulemaking on the Definition of Solid Waste	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2050-AG62?opendocument	07/2011	2013?	Yes (involved in implementation)
10	2050-AG46	Revising Underground Storage Tank Regulations - Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2050-AG46?opendocument	07/2011	2013?	Yes (regulated and involved in implementation)
11	2070-AJ26	Prions; Amendment of EPA’s Regulatory Definition of Pests to	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2070-	[Supp. NPRM] 07/2011	2013?	Yes (involved in implementation)

		Include Prion	AJ26?opendocument			
12	2050-AG66	CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2050-AG66?opendocument	08/2011	2013?	Yes (involved in implementation)
13	2040-AF17	National Pollutant Discharge Elimination System (NPDES) Permit Regulations for New Dischargers and the Appropriate Use of Offsets with regard to Water Quality Permitting	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2040-AF17?opendocument	08/2011	2013?	Determination not yet made
14	2060-AP84	NESHAP Standard Standards for Petroleum Refineries - Heat Exchanger Reconsideration and Uniform Standards	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2060-AP84?opendocument	08/2011	2013?	Determination not yet made
15	2060-AQ91	Greenhouse Gas New Source Performance Standard for Electric Utility Steam Generating Units	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2060-AQ91?opendocument	08/2011	2013?	Determination not yet made
16	2060-AP76	Oil and Natural Gas Sector -- New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2060-AP76?opendocument	08/2011	2013?	No
17	2040-AF13	Stormwater Regulations Revision to Address Discharges from Developed Sites	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2040-AF13?opendocument	09/2011	2012-2013?	No
18	2020-AA47	NPDES Electronic Reporting Rule	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2020-AA47?opendocument	09/2011	2012-2013?	Yes (regulated and involved in implementation)
19	2060-AQ54	Joint Rulemaking to Establish 2017 and Later Model Year Light Duty Vehicle GHG Emissions and CAFE Standards	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2060-AQ54?opendocument	09/2011	2013?	No
20	2060-AQ10	Review of New Source Performance Standards for Nitric Acid Plants - Subpart G	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2060-AQ10?opendocument	10/2011	2013?	Determination not yet made
21	2040-AF21	Water Quality Standards for the State of Florida's Estuaries and Coastal Waters	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2040-AF21?opendocument	11/2011	2013?	Yes (involved in implementation)
22	2060-AQ11	Risk and Technology Review for Ferroalloys Production	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2060-AQ11?opendocument	11/2011	2013?	Yes (involved in implementation)
23	2040-AF16	Water Quality Standards Regulatory Clarifications	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2040-AF16?opendocument	11/2011	2013?	Yes (regulated and involved in implementation)
24	2060-AQ90	National Emission Standards for Hazardous Air Pollutants (NESHAP) Risk and Technology Review (RTR) for the Mineral Wool and Wool Fiberglass Industries	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2060-AQ90?opendocument	11/2011	2013?	Determination not yet made
25	2060-AQ92	Residual Risk and Technology Review Amendments to the Primary Aluminum Reduction NESHAP	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2060-AQ92?opendocument	11/2011	2013?	Yes (involved in implementation)
26	2025-AA11	Modification of Toxics Release Inventory (TRI) Reporting Requirements Primarily Associated with Metal Mining	http://yosemite.epa.gov/opei/RuleGate.nsf/byRIN/2025-AA11?opendocument	11/2011	2013?	No
27	2060-AQ40	Residual Risk and Technology Review Amendments to the Secondary Aluminum Production NESHAP	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2060-AQ40?opendocument	12/2011	2013?	Yes (involved in implementation)
28	2060-AN00	Implementing Periodic Monitoring in Federal and State Operating Permit Programs	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2060-AN00?opendocument	12/2011	2013?	Yes (involved in implementation)
29	2050-AE87	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2050-AE87?opendocument	12/2011	2013?	Yes (involved in implementation)
30	2060-	Petroleum Refinery Sector Risk	http://yosemite.epa.gov/opei/rule	12/2011	2013?	Yes (involved in

	AQ75	and Technology Review and NSPS	gate.nsf/byRIN/2060-AQ75?opendocument			implementation)
31	2060-AP26	NESHAP Subpart W: Standards for Radon Emissions From Operating Uranium Mill Tailings: Review	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2060-AP26?opendocument	12/2011	2013?	Yes (involved in implementation)
32	2040-AD02	NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2040-AD02?opendocument	12/2011	2013?	Yes (regulated and involved in implementation)
33	2070-AJ44	Formaldehyde Emissions from Pressed Wood Products	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2070-AJ44?opendocument	01/2012	2013-2014?	No
34	2060-AQ86	Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2060-AQ86?opendocument	01/2012	2013-2014?	No
35	2060-AQ47	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Reconsideration	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2060-AQ47?opendocument	01/2012	2013-2014?	Determination not yet made
36	2050-AG61	Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2050-AG61?opendocument	02/2012	2013-2014?	No
37	2060-AP43	Revision of 40 CFR Part 192--Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings and Uranium In Situ Leaching Processing Facilities	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2060-AP43?opendocument	02/2012	2013-2014?	Yes (regulated and involved in implementation)
38	2060-AP93	Revision of New Source Performance Standards for New Residential Wood Heaters	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2060-AP93?opendocument	02/2012	2013-2014?	Yes (involved in implementation)
39	2060-AP96	Malfunction Amendments to Part 63 Standards	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2060-AP96?opendocument	03/2012	2013-2014?	Determination not yet made
40	2070-AJ46	Mercury; Regulation of Use in Certain Products	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2070-AJ46?opendocument	03/2012	2013-2014?	No
41	2040-AF03	Development of Best Management Practices for Recreational Boats under § 312(o) of the Clean Water Act	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2040-AF03?opendocument	04/2012	2013-2014?	Determination not yet made
42	2040-AF15	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2040-AF15?opendocument	05/2012	2013-2014?	No
43	2070-AJ22	Pesticides; Agricultural Worker Protection Standard Revisions	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2070-AJ22?opendocument	05/2012	2013-2014?	Yes (regulated and involved in implementation)
44	2070-AJ20	Pesticides; Certification of Pesticide Applicators	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2070-AJ20?opendocument	05/2012	2013-2014?	Yes (regulated and involved in implementation)
45	2070-AJ82	Lead Dust Hazard Standards	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2070-AJ82?opendocument	06/2012	2013-2014?	Yes (involved in implementation)
46	2070-AJ56	Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2070-AJ56?opendocument	06/2012	2013-2014?	Yes (involved in implementation)
47	2050-AE51	Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2050-AE51?opendocument	11/2003	06/2012*	Yes (regulated and involved in implementation)
48	2070-AJ64	Lead Wheel Weights; Regulatory Investigation	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2070-AJ64?opendocument	06/2012	2013-2014?	Yes (involved in implementation)
49	2070-	Regulations to Facilitate	http://yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2070-AJ64?opendocument	06/2012	2013-2014?	Yes (involved in

	AJ32	Compliance with the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)	eGate.nsf/byRIN/2070-AJ32?opendocument			implementation)
50	2040-AF14	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	http://www.yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2040-AF14?opendocument	07/2012	2013-2014?	Determination not yet made
51	2040-AE95	Criteria and Standards for Cooling Water Intake Structures	http://www.yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2040-AE95?opendocument	04/2011	07/2012*	Yes (involved in implementation)
52	2060-AK73	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines- Petition to Delist	http://www.yosemite.epa.gov/oepi/rulegate.nsf/byRIN/2060-AK73?opendocument	04/2004	11/2012*	Determination not yet made
53	2040-AD94	National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule	http://www.yosemite.epa.gov/oepi/rulegate.nsf/byRIN/2040-AD94?opendocument	07/2010	11/2012*	Yes (regulated and involved in implementation)
54	2060-AQ20	Residual Risk and Technology Review Amendments to the Phosphoric Acid and Phosphate Fertilizer Production NESHAPs	http://www.yosemite.epa.gov/oepi/rulegate.nsf/byRIN/2060-AQ20?opendocument	11/2012	2013-2014?	Yes (involved in implementation)
55	2070-AJ72	Long-Chain Perfluorinated Chemicals (LCPFCs); Regulation(s) Under TSCA	http://www.yosemite.epa.gov/oepi/rulegate.nsf/byRIN/2070-AJ72?opendocument	12/2012	2013-2014?	No
56	2040-AF28	National Primary Drinking Water Regulations: Regulation of Perchlorate	http://www.yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2040-AF28?opendocument	03/2013	?	No
57	2070-AJ38	Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations	http://www.yosemite.epa.gov/oepi/rulegate.nsf/byRIN/2070-AJ38?opendocument	04/2013	?	No
58	2060-AP38	Review of the National Ambient Air Quality Standards for Ozone	http://www.yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2060-AP38?opendocument	07/2013	?	Yes (involved in implementation)
59	2070-AJ69	Short-chained Chlorinated Paraffins (SCCPs); Regulation(s) Under TSCA	http://www.yosemite.epa.gov/oepi/RuleGate.nsf/byRIN/2070-AJ69?opendocument	07/2013	?	Determination not yet made
60	2060-AQ44	Review of the National Ambient Air Quality Standards for Lead	http://www.yosemite.epa.gov/oepi/rulegate.nsf/byRIN/2060-AQ44?opendocument	12/2013	?	Yes (involved in implementation)

*Projected Final Rule date provided by EPA Rulemaking Gateway unless there is a “?” in which case ECOS estimated the likely date for implementation based on the date of the proposed rule.

**Column reflects EPA determination of impacts to states as listed on Rulemaking Gateway. EPA indicates many of these rules will have a state implementation component; some will not. While EPA lists some rules as having “no impact” on states, states believe some of these rules will have an impact.

Table 2. Additional EPA Rules Currently at OMB that may be Implemented in FY 2013***

	RIN	Title	Link	NPRM projected	Final Rule Projected	Affects States?
1	2070-AJ49	Pesticides; Data Requirements for Product Performance	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2070-AJ49	02/2012	2013?	Yes
2	2070-AJ34	Test Rule; Nonylphenol (NP) and its Ethoxylates (NPE)	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2070-AJ34	12/2011	2013?	No
3	2070-AD64	Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2070-AD64	06/2012	2013-2014?	Yes
4	2060-AJ86	Performance Specifications for Continuous Parameter Monitoring Systems	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AJ86	12/2011	2013?	No
5	2020-AA49	Technical Corrections to Title 40 To Conform to the Civil Monetary Penalty Inflation Adjustment Rule	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2020-AA49	Not Listed	[Direct Final Action] 09/2012	No
6	2070-AJ60	Mercury Export Ban Act (MEBA); Essential Use	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2070-AJ60	Not Listed	[goes into effect] 01/2013	No

		Exemption Instructions	010&RIN=2070-AJ60			
7	2070-AJ81	Short-Chained Chlorinated Paraffins (SCCPs); Significant New Use Rule (SNUR)	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ81	08/2011	2013?	No
8	2070-AJ80	Pesticides; Clarifications for Microbial Pesticide Definitions and Applicability	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ80	04/2011	2013?	No
9	2070-AJ79	Pesticides; Revisions to Minimum Risk Exemptions	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ79	09/2011	2013?	Yes
10	2070-AJ78	Significant New Use Rule (SNUR); Benzidine-Based Dyes	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ78	06/2011	2013?	No
11	2070-AJ77	Synchronizing the Expiration Dates of EPA Pesticide Applicator Certificates With the Underlying State or Tribal Applicator Certificate	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ77	01/2011	2013?	Yes
12	2070-AJ75	Electronic Reporting for Health and Safety Data Under the Toxic Substances Control Act (TSCA)	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ75	10/2011	2013?	No
13	2070-AJ73	Significant New Use Rule (SNUR); Di-n-pentyl Phthalate (DnPP)	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ73	04/2011	2013?	No
14	2070-AJ71	Mercury; Significant New Use Rule; Elemental Mercury Used in Barometers, Manometers, and Hygrometers/Psychrometers	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ71	02/2011	2013?	No
15	2070-AJ66	High Production Volume Chemicals; 4th Group of Chemicals; Test Rule and Significant New Use Rule	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ66	04/2011	2013?	No
16	2070-AJ65	General Exemptions From Reporting Requirements for Microorganisms; Revisions of Recipient Organisms Eligible for Tier I and Tier II Exemptions	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ65	03/2011	2013?	No
17	2070-AJ63	TSCA Reporting Requirements; Minor Revisions	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ63	05/2011	2013?	No
18	2070-AJ61	Pesticides; Clarifying Changes to Labeling	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ61	10/2011	2013?	No
19	2070-AJ58	Pesticides; Satisfaction of Data Requirements; Minor Revisions to the Procedures to Ensure Protection of Data Submitters' Rights	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ58	[comment period end] 01/04/2011	2013?	No
20	2070-AJ53	Pesticides; Regulation to Clarify Labeling of Pesticides for Export	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ53	01/2011	2013?	No
21	2070-AJ52	Significant New Use Rule for Glymes	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ52	01/2011	2013?	No
22	2070-AJ50	Electronic Reporting of Chemical Import Data in the Automated Commercial Environment (ACE)	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ50	06/2011	2013?	No
23	2070-AJ47	Nanoscale Materials; Test Rule for Certain Nanoscale Materials	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ47	04/2011	2013?	No
24	2070-AJ45	Pesticides; Reconsideration of Exemptions for Insect Repellents	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ45	09/2011	2013?	Yes
25	2070-AJ27	Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs) and Certain Exemptions for PIPs	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ27	06/2011	2013?	No
26	2070-AJ08	Certain Polybrominated Diphenyl Ethers (PBDEs); Test Rule and Significant New Use Rule (SNUR)	http://www.reginfo.gov/public/d/0/e/AgendaViewRule?pubId=201010&RIN=2070-AJ08	03/2011	2013?	No
27	2070-	TSCA Inventory Nomenclature	http://www.reginfo.gov/public/d	10/2011	2013?	No

	AJ04	for Enzymes and Proteins	o/eAgendaViewRule?pubId=201010&RIN=2070-AJ04			
28	2060-AQ48	Revision to the Clean Air Fine Particle Implementation Rule	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AQ48	09/2011	2013?	Yes
29	2060-AQ38	Revision to Definition of Volatile Organic Compounds—Exclusion of trans 1,3,3,3-tetrafluoropropene and 2,3,3,3-tetrafluoropropene	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AQ38	04/2011	2013?	Yes
30	2060-AQ28	New Source Performance Standards (NSPS) Review for Petroleum Refineries (Subpart J)—Response to Reconsideration—Other Issues	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AQ28	11/2011	10/2012	No
31	2060-AQ07	RACT Issues for Implementation of the 1997 PM2.5 and Ozone NAAQS	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AQ07	05/2011	2013?	Undetermined
32	2060-AP97	National Emission Standards for Hazardous Air Pollutants for Elemental Phosphorous Production	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AP97	05/2011	2013?	No
33	2060-AP94	National VOC Emission Standards for Architectural Coatings; Amendments	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AP94	04/2011	2013?	No
34	2060-AP89	Federal Reference Method for Lead in Total Suspended Particulate Matter	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AP89	10/2011	2013?	Yes
35	2060-AP72	Proposal to Revise the Interpollutant Trading Policy for PM2.5 Offsets	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AP72	04/2011	2013?	Yes
36	2060-AP66	Alternative Work Practices for Leak Detection and Repair, Amendments	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AP66	02/2011	2013?	Undetermined
37	2060-AP63	Emissions Factors Program Improvements	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AP63	01/2011	2013?	Undetermined
38	2060-AP34	NSPS Equipment Leaks (Subpart VV SOCOMI and GGG Petroleum Refineries); Amendments	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AP34	03/2011	2013?	Undetermined
39	2060-AP22	Revision to Definition of Volatile Organic Compounds—Exclusion of Methyl Iodide	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AP22	02/2011	2013?	Yes
40	2060-AO66	Plywood and Composite Wood Products (PCWP) NESHAP—Proposed & Final Amendments to Address "No Emission Reduction" MACT Floors	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AO66	08/2011	2013?	No
41	2060-AO50	Measurement of PM 2.5 and PM 10 Emissions by Dilution Sampling	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AO50	05/2011	2013?	Yes
42	2060-AO18	Response to Request for Reconsideration of Final Air Emission MACT Rules for Large Municipal Waste Combustors (MWCs)	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AO18	06/2011	2013?	No
43	2060-AH90	Technical Change to Dose Methodology	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2060-AH90	08/2011	2013?	No
44	2050-AG64	Hazardous Chemical Reporting; Community Right-To-Know: Revisions to the Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II)	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2050-AG64	04/2011	2013?	Yes
45	2050-AG56	Financial Responsibility Requirements Under CERCLA Section 108(b) for Facilities in the Chemical, Petroleum and Electric Power Industries	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2050-AG56	09/2011	2013?	Undetermined
46	2050-AF08	Emergency Planning and Community Right-To-Know Act: Modification to the	http://www.reginfo.gov/public/d/eAgendaViewRule?pubId=201010&RIN=2050-AF08	03/2011	2013?	No

		Threshold Planning Quantity Methodology for the Extremely Hazardous Substances That Are Solids in Solution				
47	2040-AF12	Amendment to Effluent Guidelines for Primary Aluminum Smelting Subcategory of the Nonferrous Metals Manufacturing Point Source Category	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201010&RIN=2040-AF12	07/2011	07/2012	Yes
48	2015-AA00	Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201010&RIN=2015-AA00	08/2011	2013?	No
49	2040-AF25	National Pollutant Discharge Elimination System (NPDES) Application and Program Updates Rule	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201010&RIN=2040-AF25	04/2011	04/2012	Yes
50	2040-AD87	Statement of Policy -- NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems	http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201010&RIN=2040-AD87		2013?	Yes

*** Table 2 Source: OMB Unified Agenda Fall 2010 for EPA. ECOS does not necessarily agree with OMB's assessment on the impact of each rule to states. For example, the *Response to Request for Reconsideration of Final Air Emission MACT Rules for Large Municipal Waste Combustors (MWCs)* indicates "no impact" to states, whereas ECOS believes that, at a minimum, states will have to implement this rule.

2012 STAG Statement of Needs and Budget Proposal

The States' statement of needs will again this year address the Categorical Grants portion of the STAG budget. We support the administration's approach as provided in both the ARRA (stimulus) bill and in the 2011 budget proposal with respect to infrastructure.

In this year's statement, we are again placing special emphasis on core programs. Core programs include air, wastewater, drinking water, and waste. We recognize the importance of the other programs, but note that they typically affect only some States, or are narrow in their focus.

Flexibility

The States continue to ask for flexibility to State and tribal governments to manage their environmental programs, provided that States can demonstrate that such flexibility will lead to improved results through the implementation of the National Environmental Performance Partnership System (NEPPS). NEPPS is designed to allow States more flexibility to operate their programs, while increasing emphasis on measuring and reporting environmental improvements. Performance Partnership Grants will continue to allow States and tribes funding flexibility to combine Categorical program grants to address environmental priorities.

Core Programs' Documented Need for Categorical Grants

The Categorical Grants section of STAG includes the congressionally mandated programs that have been largely delegated to the States. These programs stem directly from the major environmental statutes and EPA regulations and guidance. These programs provide the basic public health benefits and the most appropriate environmental protection, and they are the law of the land.

ECOS and our sister associations have compiled information on the States' program needs based on the workload of Federal rules, policies, and guidance that affect us. This is attached in the spreadsheet budget that follows.

Budget Justifications for Documented Need

This year we present detailed budget justifications for the need as the States see it. These are based on the workload that US EPA has indicated it will expect of the States in Fiscal 2013 and on analyses of State workloads. For the most part these are new or significantly modified rules that States must implement on behalf of the Federal government in fiscal year 2013. Also included are impacts of known guidance, policies and initiatives in which EPA expects the States to play a major role.

The states no longer believe the State Revolving Loan Funds (SRF), especially the Drinking Water SRF, can continue to be cut without implementation repercussions. In order for states to be able take a smaller percentage of their eligible DWSRF set-asides for a variety of purposes (e.g., administrative, small water utility capacity development, source water protection, etc.) thereby leaving more for direct infrastructure loans, one of two things would need to happen. Either the categorical PWSS grant would need to increase to fill the set-aside void or the federal government would have to dramatically decrease their expectations of states in terms of implementation of new and existing rules, guidance, and policy. Continued flat funding of the already inadequate PWSS grant and cuts to the DWSRF (and thereby, associated set-asides) seem likely to mean that new EPA regulatory initiatives may be delayed, partially completed, or left for EPA to deal with.

Clean Air Programs

State and local air pollution control programs have faced serious budget constraints for many years. It is well known that the economic downturn has had a devastating effect on state and local environmental budgets. Unfortunately, these budget problems are compounded by the fact that federal grants, which are a critical part of state and local air quality programs, have remained relatively stagnant and the purchasing power of state and local air agency resources has decreased due to inflation.

Based upon a study² of the needs of state and local air pollution control programs, the National Association of Clean Air Agencies (NACAA) has calculated that state and local air quality agencies need \$775 million a year in federal grant appropriations to fulfill responsibilities that are essential to their programs. In recent years, however, federal appropriations have been approximately \$225 million per year, which is a shortfall of \$550 million – over 70 percent – every year.

While state and local agencies have had to contend with these budget issues, the responsibilities they face have continued to increase. The combination of inadequate budgets and expanded workloads has severely impaired the ability of state and local air quality agencies to adequately address air pollution and protect public health.

In FY 2011 and FY 2012, the President's budget requests called for increases of \$82.5 million and \$78.9 million, respectively. In order to ensure the resources necessary for state and local air pollution control agencies to carry out their programs effectively, we recommend that federal grants to state and local air agencies be increased in FY 2013 by the amount of the shortfall – \$550 million, for a

² *Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies*, National Association of Clean Air Agencies (April 2009).

total of \$775 million. For FY 2012, state and local agencies requested an increase of \$78.9 million, consistent with the President's request, as an initial step toward closing the serious funding gap that exists. Because of the urgency of the need for additional resources for underfunded core programs and pressing new work, NACAA is recommending the full increase for FY 2013. These increases would support the currently underfunded core programs as well as pressing new responsibilities.

Funding increases are critically important because state and local agencies are responsible for many programs and activities designed to obtain and maintain cleaner, more healthful air, including efforts related to State Implementation Plan (SIP) development and implementation in response to federal air quality standards; ambient monitoring for a variety of pollutants; reduction of toxic air pollution; visibility; climate change; modeling; area (small) sources, including permitting and small business assistance; emission inventories; program and rule development; emergency response; enforcement; compliance; inspections; reporting; information technology; public education and outreach; personnel; and training. States also support SIP reform efforts being jointly discussed with EPA and urge timely implementation of recommendations to ease state burden.

In FY 2013 in particular, there are many specific responsibilities and activities facing state and local air agencies, for which increased federal grants must be provided. Examples include the following:

Criteria Pollutants

State and local air pollution control agencies are responsible for meeting all of the requirements for the 2006 particulate matter National Ambient Air Quality Standards (NAAQS) and the recent or proposed ozone, lead, nitrogen dioxide and sulfur dioxide NAAQS. For example, there are various SIPs due for the 2006 PM_{2.5} and new lead, ozone, nitrogen dioxide and primary sulfur dioxide NAAQS in calendar years 2012, 2013 and 2014. State and local agencies, therefore, will be developing, and in some cases implementing, these plans in FY 2013, which will involve, among other things, compiling emission inventories, significantly expanding the current monitoring networks at a cost of tens of millions of dollars, and adopting regulations.

Greenhouse Gases

Greenhouse Gas (GHG) permitting requirements for major stationary sources took effect on January 2, 2011. While the Tailoring Rule significantly reduces the burden on permitting authorities by ensuring that only the largest sources are initially permitted, State and local agencies need additional resources over the next few years in order to fully implement the program. More importantly, with respect to grant funding, is the fact that many sources will likely continue to seek permits providing them "minor source" status. Permitting minor sources consumes as much as or more administrative resources than major source permitting activities and is not eligible for funding with Title V permit fees. Some state and local air agencies estimate that their workload related to permitting these sources could double or even triple. Almost all the work pertaining to the synthetic minor sources would be eligible for federal grant support.

Hazardous Air Pollutants

EPA is issuing regulations to address emissions of hazardous air pollutants from small, or "area" sources and state and local air agencies are being asked to accept delegation of these programs. This requires significant effort and resources to address emissions and issue permits, as needed, for literally thousands

of sources. EPA has also recently issued major rules to address emissions of hazardous air pollutants from thousands of industrial boilers, solid waste incinerators, electric utilities and cement kilns, which state and local air agencies will be called upon to implement. State and local air agencies also will continue to implement new hazardous air pollution standards to address the “residual risk” that remains after the implementation of the MACT standards. Finally, monitoring efforts related to hazardous air pollution have been increasing and are unlikely to diminish.

The goal of clean air programs is to save lives and protect public health and welfare. In order to carry out these and other critical activities, state and local air pollution control agencies require significant increases in federal grants to close the gap between the amount they have received in recent years and the total that is needed for these important programs.

Clean Water Programs

State³ clean water programs have been underfunded for many years. With increasing new CWA regulatory mandates and policy programs, it is absolutely not the time to leave these programs unsupported. Reduced budgets, along with new federal rules, policies, and guidance threaten to undermine the successes achieved over the last 40 years. Likewise, new judicial interpretations continue to expand the programs. The federal requirements that state agencies are expected to implement are increasing at an alarming rate. Insufficient funds and increasing workloads combined are severely eroding the ability of States to adequately maintain and enhance water quality protection. States around the country are stretched to the limit. Many state water quality administrators are concerned that water quality, and the citizens they serve, will be the ultimate losers with staffing cuts, hiring freezes, and furloughs impacting their capacity to implement critical federal clean water programs.

Nearly ten years ago (2002), EPA and the States completed an analysis of the need for funding to the States for these and other activities. Together, we found a gap of \$800 million per year. Since this study, only limited additional resources have been directed to these critical programs and these resources have been directed toward specific additional tasks, not the underlying need. Since 2002, numerous regulations, policy changes, and court cases have expanded the scope of federal CWA programs and limited significant flexibility which can be used to offset some of this resource gap.

In FY2012 and beyond, the number of new CWA regulations and guidance documents being proposed and/or released will further expand this gap – as funding to state water programs continues to decline. This is an unacceptable and unsustainable state of affairs.

Ongoing Priorities for State Clean Water Programs

The states have a number of pressing water quality obligations. These include:

- Issuing CWA National Pollutant Discharge Elimination System (NPDES) permits
- Conducting inspections and enforcement of facilities
- Taking proactive steps to protect high quality (unimpaired) waters
- Water quality assessment and monitoring
- Ensuring the full involvement of the public in the CWA programs we implement, particularly environmental justice communities
- Developing total maximum daily loads (TMDLs) for impaired waters

³ In this portion of the document, the term “States” also refers to the Clean Water Interstate Authorities (Interstates).

- Addressing non-point sources of pollution
- Identifying creative and flexible ways to address full spectrum of nutrient pollution issues
- Implementation of pesticide permits and the CAFO rule, and
- Restructuring the National Aquatic Resources Surveys.

Over the next 12 – 18 months, states will be preparing to implement new federal regulations – which will put increased demand on water administrators. None of these regulations come with increased funding for state implementation. These include:

- NPDES e-Reporting Rule
- 316(b) Cooling Water Intake Structures
- Stormwater Rule (including requirements for Post-Construction, Redevelopment, New Development, and Retrofits, as well as state roads)
- Permitting pesticide applications over water
- OECA’s Clean Water Act Action Plan
- Water Quality Standards Regulatory Updates
- NPDES Streamlining Rule

States are also being asked to implement new federal policies, including:

- CWA Jurisdictional Guidance
- Green infrastructure initiatives
- Developing numeric nutrient criteria for nitrogen and phosphorus

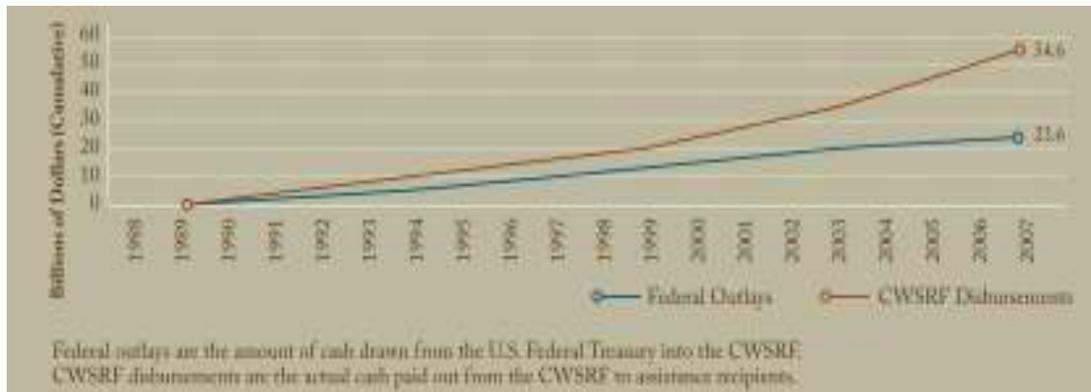
CWSRF

The Clean Water State Revolving Fund (CWSRF), widely recognized as one of the largest items in EPA’s budget, allows many critical water infrastructure projects to go forward. This program is designed to be a self-perpetuating loan assistance authority focused directly on improving water quality. Under the CWSRF, low interest loans are provided for construction of municipal wastewater facilities and implementation of nonpoint source pollution control and estuary protection projects. Since 1988, the CWSRF programs have provided \$74 billion in assistance through 24,688 low interest loans. However, the need continues to far outpace funding, with over \$320.9 billion in unfunded projects⁴.

Most states leverage the amount of funds to increase the total capital available. This is done through state match, interest earnings, and repayments. Over the past two decades the CWSRF has financed approximately \$2.30 for every federal \$1 invested. Figure 1 illustrates the growth of the CWSRF corpus for this program and the value and importance of federal government and states working together to leverage funds towards a common goal. As we move forward, we need to find more effective ways to leverage our time and dollars to address increasing water quality needs.

⁴ As noted in the 2008 EPA Clean Water Needs Survey Report to Congress, there is \$298.1 billion in wastewater and stormwater needs, along with \$22.8 billion in nonpoint source pollution prevention.

Figure 1. CWSRF Return on Federal Investment as of 2007



State SRF administrators do retain some percentage of CWSRF funds to cover their administrative costs. However, the CWSRF does not: fund new enforcement officials, new permit writers, new inspectors, and other elements required for states to run an effective Clean Water Act (CWA) program. The CWA §106 and §319 STAG grants are absolutely critical for these functions – and these programs have remained static or have declined over the years.

Section 106

Section 106 of the CWA authorizes funding to the States and Interstate Commissions to assist them in preventing, reducing, and eliminating pollution in the nation’s waters. The States administer the core components of the CWA, overseeing the quality of State waters, issuing water pollution control permits, assessing, restoring, and protecting watersheds, and ensuring compliance with the CWA, including enforcement activities. §106 funding is key to the implementation of the CWA and the protection of the nation’s waters. Without it, the core pollution prevention work of the Act would cease and the nation’s fragile water quality gains would quickly be lost.

States are proud of the significant reductions in water pollution yielded by the NPDES program since its establishment. The NPDES program continues to work, although we are very concerned that it will be compromised by the addition of more and more sources to permit, at the same time as federal funds to support the program decline. A strong federal/state partnership, good data, adequate and sustainable funding, clear performance standards, and prioritization are at the heart of this program. The NPDES program has accomplished much due to its focus on predictable and manageable flows, identifiable end-of-pipe controls, extensive monitoring, and substantial federal and state funding for treatment facilities and technologies.

Since its inception, the NPDES program universe has continued to grow, not just because there has been an increase in the number of traditional industrial/municipal sources, but more profoundly because more and more new sources are added to the program as a result of litigation or new regulations. As you can see from Figure 2, the inclusion of municipal stormwater, construction stormwater, industrial stormwater, concentrated animal feeding operations, and most recently vessel discharges has vastly increased the NPDES program’s scope.

Figure 2. NPDES Universe with Pesticides Permittee Projection⁵

⁵ EPA’s projection of more than 365,000 pesticide permittees would increase the size of state NPDES programs by 60 percent. This table does not include the impact of a 17% increase in federal jurisdictional waters, the stormwater rule, and the new 316(b) rule.

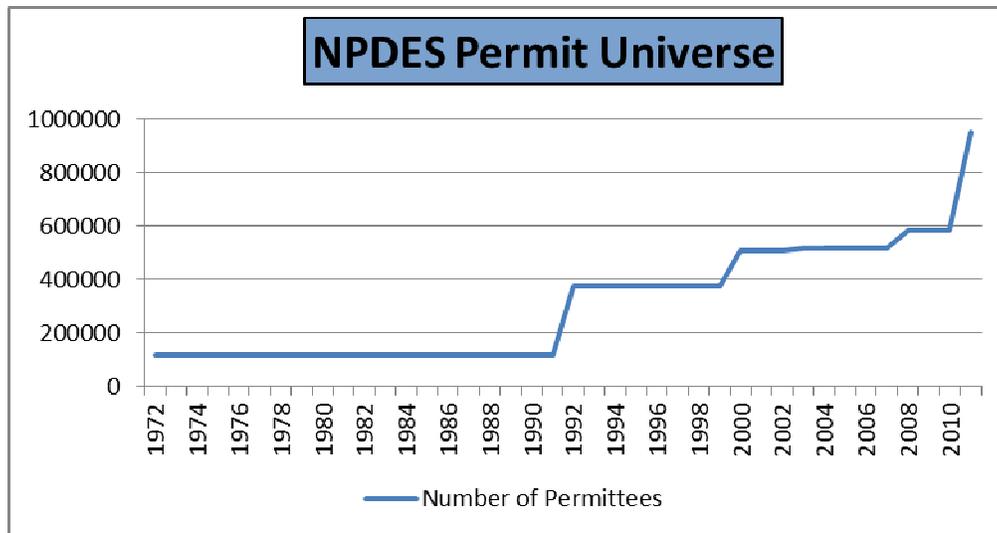
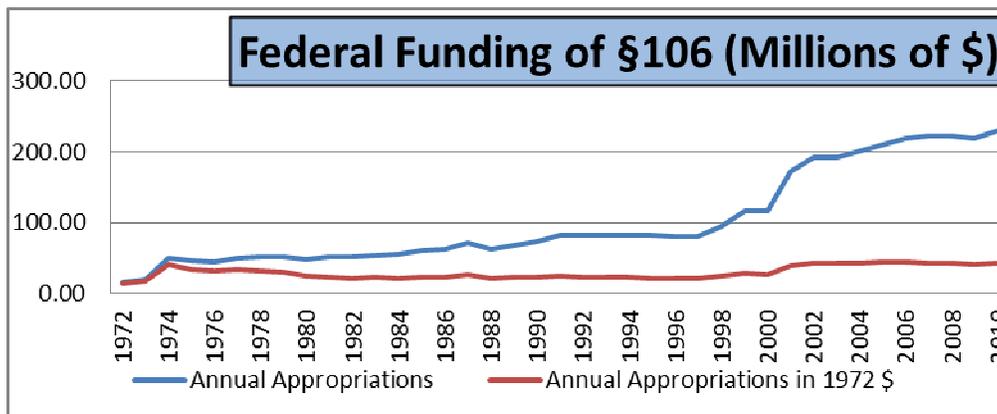


Figure 3 below provides context regarding §106 appropriations and highlights the adverse impacts that inflation has had on annual funding. These figures are of significant concern given that the §106 dollars are not increasing at a level that will allow states to effectively permit, inspect, and enforce thousands of new sources.

Figure 3. Impacts of Inflation on Section 106 Funding to States



While the FY2012 budget request provides an unrestricted increase for §106, this \$22.2 million increase only represents 2.75% of the actual need documented by the GAP. States are in critical need of meaningful unrestricted increases to §106. The limited requests that EPA made to increase funding over the past several years have been for specific new EPA initiatives which have amounted to “set-asides” from the core grant program. While States support certain priorities of these targeted increases, including improving State capacity for monitoring and assessment, the practice of setting aside nearly \$18.6M for the National Aquatic Resource Surveys is weighted too heavily toward national scale monitoring that does not provide a sufficiently accurate picture of water quality trends. The States’ critical funding shortage is exacerbated when EPA is inflexible about how certain funding can be used.

The States provide a minimum match based on actual expenditures to this program that is often over 200% compared to the Federal 106 contribution. Thus, the Federal funding is leveraged and the nation’s waters are protected. A significant majority of the day-to-day management, permitting, inspections, and

enforcement of CWA programs is done at the State level, allowing for regional flexibility and local involvement.

Section 106 provides the only Federal funding for the baseline programmatic needs of the States. It allows States to direct resources to the areas in their programs that need the most attention. This funding is integral to the States' continued involvement with CWA activities. In a very direct way, inadequate funding adversely impacts the quality of the nation's waters.

Section 319

CWA §319 funds are used for protection and restoration efforts for water bodies primarily impaired by non-point sources. The majority of the water bodies on the CWA §303(d) list are impaired as a result of non-point source pollution. Water quality improvements in these waters are only accomplished through Federal, State, and Local efforts, which include addressing the following: high levels of sediments and nutrients due to agriculture and land development, dissolved oxygen impairments, high phosphorus loads, high turbidity, pathogen impairments, total suspended solids impairments stream from bank modification/destabilization, toxic metals from mines, and acid mine drainage.

According to the most recent (2008) Clean Watersheds Needs Survey (CWNS), total NPS needs are \$22.8 billion over 20 years or \$1.14 billion annually on average. Additionally, the CWNS only includes data from 38 states and is based on 2004 dollars.

In the last five years, the annual appropriation for CWA §319 has been approximately \$200 million per year. Of that, States received an annual allotment of anywhere from \$1.0 million to \$10 million, depending on each fiscal year. In FY2011, without discussing with states, EPA reprogrammed \$25 million dollars of §319 funding, disinvesting in the nonpoint source program and leaving states to figure out how to complete the current year's projects. The current level of §319 funding provided to States is not sufficient to run a comprehensive non-point source program. For example, States in the Northeast have reported that they could utilize 100% to 500% more §319 funding than is currently allocated to them. The projections are likely much larger for mid-western States.

The §319 shortfall is even more devastating as EPA puts pressure on states to reduce nitrogen and phosphorus pollution, much of which comes from nonpoint sources. §319 is a critical source of federal funding under the CWA for nonpoint source pollution reductions.

While States are hopeful that the 2012 Farm Bill reauthorization will bring nonpoint source pollution dollars to the table, this is not a reason for §319 to be defunded.

Section 104(g)(1)

Section 104(g)(1) of the CWA authorizes funding for the Wastewater Treatment Plant Operator On-Site Assistance Training. The program addresses non-compliance at small publicly-owned wastewater treatment plants. State programs funded by Section 104(g) have been highly effective and produced significant environmental improvements for a very modest investment. In 2006, at an average Federal cost of about \$1,800 per facility, the program:

- Assisted 659 facilities, of which 566 achieved or maintained compliance, or improved performance - a 86% success rate and;
- Completed training at 335 of these facilities, of which 316 achieved or maintained compliance, or improved performance - a 94% success rate.

In a cooperative effort with EPA, States, Municipalities, and Operators, 104(g) assistance focuses on issues such as wastewater treatment plant capacity, operation training, maintenance, administrative and financial management, trouble-shooting, and laboratory operations. Plant operating staff and local elected officials work together to improve water quality through efficient use of treatment equipment for maximum environmental benefit. This program was a win-win for everyone and provided credibility for State water programs.

No CWA 104(g) funding has been provided for the last 4 years – the program was eliminated and States are losing their capacity to assist small local wastewater facilities. This negatively impacts attainment of CWA program goals.

Drinking Water Programs

Drinking Water Programs

The categorical grant for Public Water System Supervision (PWSS) is the principal source of Federal funding for State drinking water programs to administer all of the Federal rules governing the 90+ regulated contaminants and all of the Federal requirements associated with these programs. All but one State (Wyoming) and the Navajo Nation have taken on “primacy” obligations to implement the Federal rules. Increased funding for the PWSS program grant is urgently needed to enable State drinking water programs to implement recently promulgated rules and undertake a host of other tasks needed to ensure safe and secure drinking water. Both a qualitative and quantitative explanation of these needs are provided below.

Qualitative Justification for Recommended Level

- **Pre-Existing State Resources “Gap”:** An extensive recent survey of all 50 States estimated a nationwide gap of \$360 million annually between the funds needed to administer their programs and available funds. This gap has grown in recent years – due to inflation, the deteriorating financial situation in most States, and the increasing complexity and scope of the Federal requirements that States must implement.
- **Exacerbating the Gap -- Recent Rules/Demographics of Water Systems:** In addition to the ongoing need to adequately fund existing responsibilities and obligations, several “risk-based” Federal rules have been promulgated in the past few years. “Risk-based” means that the actual on-the-ground implementation of the rule needs to be tailored to the health risk posed at individual drinking water utilities. State drinking water programs are the entities that must undertake this work. Moreover, these requirements must be implemented at predominantly small water systems (those serving fewer than 10,000 people) – since they make up the vast majority of water systems in the U.S. Thus, States must continually shore up the technical, managerial, and financial capacity of many water systems. The following are the most prominent of the new regulatory requirements:
 - a. **Lead and Copper Rule Short Term Revisions (LCR):** In the wake of the D.C. lead-in-drinking water crisis of a few years ago, EPA promulgated a series of changes to this important rule (affecting virtually all water systems in the U.S.) designed to minimize the amount of lead in drinking water with a particular focus on lead in schools. The short term revisions are designed to strengthen implementation of existing LCR requirements regarding monitoring, treatment processes, public education, customer awareness and lead service line replacement. States must

revise and enforce stricter public education and Consumer Confidence Report (CCR) provisions with respect to lead. (Promulgated: 10/10/07; Effective: 12/10/09). In addition to these short term revisions, long term rule revisions are currently be drafted, as explained below.

b. Disinfection By-Products/Microbial Contaminants Phase 2 Rules (known as “LT 2/Stage 2”): Disinfection of drinking water (typically using chlorine) ensures the microbiological safety of drinking water. However, that process can also create cancer-causing contaminants (called “disinfection by-products” or DBPs) that are themselves problematic. This complex suite of rules requires all water systems that disinfect to ensure that they find the “sweet spot” between killing or inactivating bacteria and viruses in drinking water while at the same time reducing quantities of cancer-causing disinfection by-products. (Promulgated: 1/5/06; Effective Date: 10/1/06; with cascading deadlines through FY 13 and beyond.) New tasks include the following:

- Review and approval of cryptosporidium and E. coli monitoring plans
- Making “grandfathering” determinations of adequacy of prior treatment levels
- Review and approval of “40/30” certifications (i.e., more lenient requirements based on a good track record).
- Review and approval of DBP standard monitoring plans and compliance monitoring plans
- Review and approval of Initial Distribution System Evaluation (IDSE) reports
- Review and approval of cryptosporidium “bin” classifications
- Consult with water suppliers and make decisions regarding sampling locations for E. coli and cryptosporidium, including decisions about “Ground Water Under the Direct Influence” (of surface water) trigger levels, multiple sources, and sampling locations for DBPs.
- Update laboratory reporting guidance, data management procedures and other related guidance documents
- Provide training to State staff and the regulated community
- Track new monitoring requirements
- Additional federal reporting

c. Ground Water Rule: Over 80% of the nation’s community water systems are served by ground water; many of which do not currently disinfect their drinking water supplies. This recently promulgated rule requires States, working with water systems, to assess the vulnerability of all water systems using ground water and correct all deficiencies that pose a human health risk. (Promulgated: 1/8/06; Effective: 12/1/09.) New tasks include the following:

- Incorporate federal requirements into State regulations
- Conduct source water assessments
- Determine specific criteria for defining 4-log treatment for inactivation/removal of viruses
- Review and approval of system 4-log treatment designations
- Additional permitting workload to review and approve 4-log treatment, particularly for Non-Community Water Systems (of which there are approximately 100,000).
- Conduct periodic sanitary surveys of all groundwater systems
- For sanitary surveys, determine what constitutes "significant deficiencies" and "outstanding performance"
- Recommend, review, and approve corrective actions by water utilities
- Track triggered source water monitoring
- Track new monitoring requirements, such as chlorine residual and/or operation of alternative treatments

- Additional federal reporting
- d. **Additional Rules Expected in FY 2013 and Beyond:** By FY 2013, a set of long term revisions to the Lead and Copper Rule and comprehensive revisions to the Total Coliform Rule (TCR) are expected. Both rules are expected to present very substantial challenges in terms of State implementation burden – particularly, the TCR, which would affect all 160,000 public water systems. Close on the heels of those rules, final rules regulating perchlorate and carcinogenic VOCs (volatile organic carbon compounds) are expected as well as revisions to EPA’s fluoride and chromium rules.
- **Threats to Sources of Drinking Water -- Additional Challenges Faced by States:** In addition to the above-described rule requirements, state drinking water programs face additional challenges as sources of drinking water become increasingly contaminated from a variety of sources. Of particular concern in recent years has been nitrogen and phosphorus pollution along with associated contaminants (e.g., pathogens, hormones, pesticides, herbicides, etc.). Nitrogen and phosphorus pollution can also lead to algal blooms that produce algal toxins which threaten sources of drinking water.

State PWSS Program Activities Not Specifically Covered by New Rule Estimates and Not Already Addressed in PWSS Grant:

- e. **Small Water Systems Support:** As drinking water regulations become increasingly complex and as the operator workforce continues to age, the need for enhanced support and assistance for small (serving populations of fewer than 10,000) water systems increases. These small systems frequently have poor economies of scale that leave them ill-equipped to meet the escalating costs and technical challenges of water treatment operations. Thus, State primacy agencies, either directly or through contracted technical assistance providers, spend a substantial portion of their time and resources working with these systems on an individual basis to find unique solutions.
- f. **Addressing Unregulated Contaminants:** State drinking water programs must also respond to a host of unregulated contaminants, such as MTBE, PFOA/PFOS, and pharmaceuticals/personal care products, to name but a few. States conduct monitoring for many of these contaminants, evaluate their health significance, advise water systems and their customers about appropriate steps (if any) to be taken to mitigate risk, and, where appropriate, establish State-specific advisories or regulations.
- g. **Data Management Support:** In the past few years, States have expended very significant efforts to modernize their data management systems to accommodate the suite of new rules and to interface with EPA’s modernized data flows. This has been time and resource-intensive for States and has not been fully accounted for in the PWSS grant. EPA is also currently building the next generation of the Safe Drinking Water Information System (known as SDWIS “NextGen”) which will pose a massive database conversion effort for states in FY 13.
- h. **Integrating Security into Water Programs:** Security considerations have grown in recent years from potential manmade events to a more broad based ‘all hazards’ approach that includes accidents and natural disasters. State primacy agencies must be positioned to support the response, recovery, and business continuity needs of all water systems so that the economic vitality of a community or region is not irreparably harmed. The natural expansion of public health protection into the water security arena means that states must incorporate security into

their more traditional implementation efforts. States received small Federal security grants through FY 09, but no longer receive this funding.

Quantitative Justification for Recommended Level

- **Adjustment to Base Appropriation: \$124.3 million** (represents 2004 appropriation level adjusted for inflation)
- **Annual State Costs of Rules Effective Since 2004** (Note: These figures are from EPA’s Economic Analyses accompanying the following rules and represent mean annualized costs for States at 7% discount rates):

Ground Water Rule:	\$11.7 million
Stage 2 DBP Rule:	\$1.7 million
LT 2 ESWTR:	\$1.4 million
Arsenic Rule:	\$1.2 million
LCR Short Term:	\$0.6 million
Radionuclide Rule:	\$0.1 million
Filter Backwash Rule:	\$0.1 million
LT 1 ESWTR:	\$6.6 million
Stage 1 DBPR:	<u>\$17.3 million</u>
TOTAL:	\$40.7 million

*Note: States believe the EPA Economic Analysis significantly underestimates State costs, thus, we recommend increasing this total by a factor of approximately 25% to **\$50.7 million**. In addition, the cost of the final TCR and LCR rules are not yet known, but can be expected to be considerable.*

State Costs for PWSS Program Activities Not Specifically Covered by New Rule Estimates and Not Already Addressed:

Small water systems support:	Need 2 FTE, on average, per State
Addressing unregulated contaminants:	Need 1 FTE, on average, per State
Data management support:	Need 1 FTE, on average, per State
Integrating security into water programs:	<u>Need 1 FTE, on average, per State</u>
TOTAL FTEs NEEDED:	Need 5 FTEs

*Assuming \$100,000 per FTE (salary & benefits); 5 X \$100,000 X 50 States = **\$25,000,000***

Total PWSS Annual Financial Need:

Adjusted 2004 Baseline:	\$124.3 million
Costs of New Rules:	\$50.7 million
Annual Unaddressed Costs:	<u>\$25 million</u>
GRAND TOTAL:	\$200 million

Implications of Inadequate Funding Levels

States must accomplish all of the above-described activities, and take on new responsibilities, in the context of the current national economic crisis. This has meant further cutting their budgets, streamlining their workforces, and operating with less State-provided financial support. State drinking water programs have often been expected to do more with less and States have always responded with commitment and ingenuity. However, State drinking water programs are now in crisis. Insufficient Federal support for this critical program increases the likelihood of a contamination event or waterborne disease outbreak that puts public health at risk. Examples of the kinds of activities most likely to suffer without adequate funding are:

Field Activities: Insufficient resources hinder adequate State field presence at water systems, principally through inspections known as “sanitary surveys” as well as on-site technical assistance to water systems. States are increasingly unable to adequately follow up on any significant deficiencies discovered during these surveys or to prepare the necessary enforcement orders.

Review of Submissions: States are either unable or are delayed in reviewing all the materials that water suppliers must submit to the States (e.g. monitoring plans, annual reports, watershed sanitary survey reports, assessment reports, permit applications, construction schedules, etc.).

Assuring Sufficient Water Quality and Quantity: The increased severity and frequency of storm events and droughts has intensified the need for State efforts to assure safe, secure and adequate supplies of drinking water. The growing complexities of drinking water sampling and treatment as communities need to access water that is naturally and/or anthropogenically contaminated (even from some “regulated” sources) challenges State drinking water program personnel. These activities need to be adequately supported.

Training (for State staff, water suppliers, and laboratories): Training is akin to Research and Development programs – the near term impacts of program cuts in these areas may not be immediately felt, but the loss of a trained cadre of professionals has serious longer term consequences for program integrity and ultimately, public health.

Data Management: Accurate and reliable data upon which to base decisions and to verify compliance is the “heartbeat” of drinking water programs. These activities are time and resource intensive and among the program areas that are most impacted by insufficient funding.

Source Water Protection Planning and Implementation: State drinking water programs play a leading role in helping prevent sources of drinking water from becoming contaminated. Contaminated sources of drinking water translate into greater costs for water systems to remove contaminants as well as, in some cases, the need to secure alternative water supply sources.

State Laboratory Capacity: State laboratories play a key role in providing reliable sample results for State decision-making purposes as well as quality assurance and quality control standards that undergird the State’s drinking water program. Insufficient funding jeopardizes that important function.

Waste and Related RCRA Programs

Hazardous Waste Financial Assistance

In order to implement effective and adequate RCRA C Core Programs, States require substantially more funding than has been allocated for State Hazardous Waste Financial Assistance grants in the past several years. ASTSWMO estimates the cost of the RCRA C program nationally could be at least \$284M⁶ in FY11. The 75% federal match needed to maintain the State RCRA core programs and corrective action should be \$213M. However, in recent years the STAG for hazardous waste has been half that amount – just over \$100M per year.

If States are to continue to meet the increasingly challenging national goals for the RCRA C Core Program set by EPA and the Office of Management and Budget (OMB), and to satisfactorily meet the reasonable expectations of the public that these programs will be implemented in a manner which ensures continued protection of human health and the environment, the funding shortfalls must be addressed. To do nothing will only exacerbate the current funding gap and further erode the national capacity to prevent harmful releases of hazardous constituents to the environment, as well as the capacity to clean up those releases which have occurred in the past.

Superfund State, Political Suidivision and Indian Tribe Site Specific Cooperative Agreements

Funding for the Superfund Program through Superfund Cooperative Agreements has been cut by nearly 50% in recent years. The cooperative agreements fund State activities that are critical to the success of the federal Superfund Program such as: conducting remedial actions (i.e., clean up) at uncontrolled hazardous waste sites listed on the National Priorities List ; identifying Potentially Responsible Parties (PRPs); conducting settlement negotiations; and taking enforcement actions against PRPs. Reducing the funding for these activities can have unforeseen negative consequences that diminish the effectiveness of the program. This became apparent when ASTSWMO's Site Evaluation Focus Group recently conducted a study to evaluate outcomes of State activities funded by the Superfund Cooperative Agreements over the years. The results of the study document that the States' work has resulted in significant benefits that were previously unaccounted for. States conduct site characterization activities at potential or confirmed hazardous waste sites for possible referral to the National Priorities List (NPL). The ASTSWMO study shows that in addition to identifying the highest priority sites for inclusion on the NPL, federally-funded State site characterization activities have resulted in the identification and cleanup of thousands of contaminated sites under other State and federal authorities including voluntary remediation programs, removal programs, and other State and industry specific cleanup initiatives. The Superfund Cooperative Agreement funding has demonstrable financial benefits and should, at a minimum, be restored.

Underground Storage Tanks

The Energy Policy Act (EPAct) imposed several new requirements for State underground storage tank (UST) programs (e.g., conducting more frequent inspections, prohibiting delivery for non-complying facilities, and requiring either secondary containment for tank systems or financial responsibility for manufacturers and installers) on top of existing core programs. In order to carry out these extensive

⁶ ASTSWMO's Hazardous Waste Subcommittee conducted a pilot program to determine the cost to States for implementing a complete and adequate RCRA Subtitle C Program in 2006. The report entitled [State RCRA Subtitle C Core Hazardous Waste Management Program Implementation Costs - Final Report \(January 2007\)](#) revealed that the cost to States of implementing a complete and adequate Subtitle C program in 2006 was approximately \$255 M, or \$284 M in 2011 dollars.

State programs requirements, as well as to address new issues such as the impact of alternative fuels on fuel tanks and dispenser systems, it is imperative that, at a minimum, current funding levels allocated through cooperative agreements and the LUST Trust Fund be maintained.

2013 States' Statement of Need

State and Tribal Assistance Grants (all figures in thousands of dollars)

	FY 2011 Enacted with Rescissions; Includes Changes Made in Agency Operating Plan (Note 1)	FY 2012 President's 2012 Budget Proposal	FY 2013 States' Statement of Need (see text for justifications)
State and Tribal Assistance Grants (STAG)			
Categorical Grants			
Air Programs			
State and Local Air Quality Management	\$236,127	\$305,500	\$775,000
Clean Water Programs			
Pollution Control (Sec. 106)	\$238,805	\$250,264	\$540,000
Nonpoint Source (Sec. 319)	\$175,455	\$164,757	\$408,000
Wetlands Program Development	\$16,796	\$15,167	\$24,000
Wastewater Operator Training	\$0	\$0	\$2,000
Drinking Water Programs			
Public Water System Supervision (PWSS)	\$105,489	\$109,700	\$200,000
Waste Management Programs			
Hazardous Waste Financial Assistance	\$103,139	\$103,412	\$284,000
Brownfields (limited by statute to \$50m)	\$49,396	\$49,495	\$50,000
Pesticides Programs			
Pesticides Enforcement	\$18,674	\$19,085	\$28,200
Pesticides Program Implementation	\$13,493	\$13,140	\$17,040
Multi-media Programs			
Environmental Information	\$9,980	\$10,200	\$10,404
Pollution Prevention (Note 2)	\$4,930	\$5,039	\$8,000
Specialized Programs (Note 3)			
Beaches Protection	\$9,880	\$9,900	\$10,098
Lead	\$14,535	\$14,855	\$15,152
Radon	\$8,058	\$8,074	\$8,235
Toxics Substances Compliance	\$5,089	\$5,201	\$5,305
Tribal Air Quality Management	\$13,273	\$20,000	\$13,837
Tribal General Assistance Program	\$67,749	\$71,375	\$72,803
Underground Injection Control (UIC)	\$10,869	\$11,109	\$11,331
Underground Storage Tanks (Note 4)	\$2,495	\$1,550	\$2,601
Subtotal, Categorical Grants	\$1,116,446	\$1,246,619	\$2,477,007
Infrastructure Assistance: Clean Water SRF	\$1,521,950	\$1,550,000	no reductions
Infrastructure Assistance: Drinking Water SRF	\$963,070	\$990,000	no reductions

Note 1. After the budget was passed, the EPA Administrator removed \$25,000,000 from the 319 program, and sent \$10 m to air, \$10m to 106 and \$5 m to Tribal G.A.

Note 2. ECOS has passed a resolution on this matter, supporting the \$8 million figure.

Note 3. Specialized programs do not affect every state, or are narrower in scope than the core programs.

Note 4. ECOS recognizes that substantial funds are provided from non-STAG sources for this item.

These funds are not shown here.

Final Note: ECOS does not list all items under “State and Tribal Categorical Grants.” Omission of an item means ECOS does not have a recommendation for it. The above table is not a complete list, but it is a list of all the ECOS priorities.