United States
Environmental Protection
Agency

May 2018

EPA Region 9 Water Division

California Performance Criteria

Clean Water Act Programs

2018-2019

Contents

Background 3
Introduction 3
Evaluation 3
Categories 4
National Pollutant Discharge Elimination System Programs 4
Water Quality Assessment Programs 5
Nonpoint Source Program 5
Wetlands Program 5
Criteria 6
NPDES Permit Development 6
NPDES Stormwater Enforcement 8
NPDES Wastewater Enforcement 10
Water Quality Standards 12
Total Maximum Daily Loads 13
Integrated Reporting 14
Monitoring 15
Nonpoint Source Program 16
Wetlands 18
Guidelines 20
NPDES Permit Development 20
NPDES Stormwater Enforcement 23
NPDES Wastewater Enforcement 23
Water Quality Standards 23
Total Maximum Daily Loads 24
Integrated Reporting 25
Monitoring 26
Nonpoint Source Program 31
Wetlands 36

ED_002551_00001354-00002

Background

Commented [BE1]: Ellen will rework the background/into section.

EPA Region 9 works in partnership with the California State and Regional Water Quality Control Boards by overseeing delegated Clean Water Act programs and administering grants to support program implementation. To develop a consistent process to guide EPA's relationship with the state and ensure program and fiscal objectives are met, the EPA Region 9 is establishing performance criteria for all Clean Water Act programs. The objectives of the criteria are to:

- **Define** clear expectations, by program, for what EPA is looking for from the State as well as areas EPA can focus on supporting.
- **Evaluate** California State and Regional Water Quality Control Boards based on clearly-defined expectations.
- **Prioritize** any program elements which need additional support or attention.
- **Recognize** achievements of exemplary programs.
- **Leverage** regulatory and funding tools to support program objectives.

The criteria create a process which define what EPA believes to be both a "fully satisfactory" and "exemplary" CWA program. If neither of these thresholds are met, a program may be categorized as "needs improvement." The criteria are created to inform an End of Year review of the state by EPA and are not directly tied to any policy or award decisions.

Introduction

The CWA Performance Criteria document is intended to serve as a guide on the criteria and evaluation process being implemented by EPA for the State of California. This document will be used at the end of the 2018-19 state fiscal year to conduct an End of Year review and updated in advance of the 2019-20 state fiscal year.

In the *Evaluation* section, the document walks through the structure of the programs being evaluated, the types of ratings being assigned, and the process for end of year evaluation. The *Categories* section explains the four categories of programs and specifies how criteria will be tabulated for each program. The *Criteria* section is where all nine program criteria scoring tables are summarized, including scoring thresholds for each rating by program. These tables will be what EPA uses to conduct the end of year evaluation. Finally, the *Guidelines* section provides detailed explanation for how each program will be evaluated in cases where criteria tables are otherwise not self-explanatory.

Evaluation

Commented [BE2]: Combine "evaluation" and "categories" and remover references to scoring, refocus on narrative approach. For some programs, there will be more detail (NPDES) than others (Wetlands). Leave the rating table for now, but we may end up deleting it or restructuring it.

As part of the Clean Water evaluation, nine separate programs will be assessed in four categories, with the mechanics of the scoring process varying for each of program. Ultimately, final scoring assessment will be reported in the following summary table:

Program	Rating
National Pollutant Discharge Elimination System	
Permit Development	*Exemplary/Satisfactory/Needs Improvement*
Stormwater Enforcement	*Exemplary/Satisfactory/Needs Improvement*
Wastewater Enforcement	*Exemplary/Satisfactory/Needs Improvement*
Water Quality Assessment	

ED_002551_00001354-00003

Water Quality Standards	*Exemplary/Satisfactory/Needs Improvement*
Total Maximum Daily Loads	*Exemplary/Satisfactory/Needs Improvement*
Integrated Reporting	*Exemplary/Satisfactory/Needs Improvement*
Monitoring	*Exemplary/Satisfactory/Needs Improvement*
Nonpoint Sources	
Nonpoint Sources	*Exemplary/Satisfactory/Needs Improvement*
Wetlands	
Wetlands	*Exemplary/Satisfactory/Needs Improvement*

Although scoring mechanics vary, each program sets forth a rubric for earning **points**, which translate into a **rating**. Point thresholds are set by program to earn either a "Fully Satisfactory" or "Exemplary" rating. Additionally, each program distinguishes **core** criteria from **enhanced** criteria (where applicable). Core criteria are baseline expectations set to ensure consistency with grant or regulatory requirements. Enhanced criteria are not grant or regulatory requirements, but expectations from EPA of high-performing programs. Enhanced criteria can help compensate for core program deficiencies or help programs attain an "exemplary" rating.

After the performance period, ending June 30, 2019, EPA will use a combination of report submittals, database queries, information requests, and a compilation of annual and real-time EPA reviews to complete the evaluation. Once a draft is complete, the Regional and State Water Boards will have an opportunity to comment on the complete findings and evaluation. For any programs which have been rated "needs improvement", the state will have an opportunity to justify impediments to program performance and plans for improved performance. Once comments have been reviewed and incorporated into the evaluation, EPA will send the State a final report. The report will also serve as the annual California 106 program evaluation.

Categories

National Pollutant Discharge Elimination System Programs

The National Pollutant Discharge Elimination System is a delegated Clean Water Act program responsible for regulating point sources. EPA's oversight of the state's NPDES program are broken into three components: permit development, wastewater enforcement, and stormwater enforcement.

Scoring for **permit development** is assessed by board. For each program element, each of the nine regional boards plus state board is assigned a "1" or "0" depending on if the board met that program element. Scores are averaged equally across all ten boards and summed to determine a final score and rating. Although scores are quantified by regional board, only the state receives a rating.

Scoring for **stormwater enforcement** and **wastewater enforcement** similarly use the binary scale and assess scores from each regional board. Scoring for enforcement categories are broken into three groups: *core*, *tracking*, and *enhanced*. Core and enhanced scores are tabulated separately. Core scores are used to differentiate between "needs improvement" and "fully satisfactory," while enhanced scores are used only to distinguish between "fully satisfactory" and "exemplary" ratings. Tracking metrics are collected and tabulated for information purposes and are not incorporated into the scoring and rating rubric at this time.

ED_002551_00001354-00004

Water Quality Assessment Programs

Delegated water quality assessment programs set targets and evaluate conditions of waterways. EPA's oversight of the state's water quality assessments programs is broken into four components: water quality standards, total maximum daily loads, integrated reporting, and monitoring.

Scoring for **water quality standards** rate statewide performance on several specific key metrics based on national program expectations or work plan agreements from the state. For each element, the state may receive an "exemplary," "satisfactory," or "needs improvement" rating based on how many boards met their commitments or how close the state came overall to meeting targets. Scores on all elements are summed to determine a final score and rating.

Scoring for **total maximum daily loads** and **integrated reporting** are based on meeting commitments on priority project goals. The state will be assessed based on number of project goals met within the state fiscal year. Up to one additional enhanced criteria point may be assigned for each program if a special project goal is met. Total goals met are summed to determine final score and rating.

Scoring for **monitoring** is based on EPA's *Elements of a State Water Monitoring and Assessment Program* (2003) guidance document. The state is evaluated on whether they have achieved level 1, 2, 3, or 4 for each of ten elements. Levels 1 and 2 programs are not consistent with the guidance documents, level 3 is consistent, and level 4 represents an enhanced program. All ten level scores are summed to determine a final score and rating.

Nonpoint Source Program

The state's nonpoint source program is primarily aimed at planning, funding, and regulating nonpoint source pollution contributions and reduce or eliminate water quality impairments.

Scoring for the **nonpoint source program** is broken into four categories, consistent with the *Nonpoint Source Program and Grants Guidelines for States and Territories* (2014). Each element is evaluated for consistency with the NPS Management Program Plan and assigned a "satisfactory" if consistency is achieved or "exemplary" if the state has demonstrated water quality outcomes or effective program management above and beyond what is required in the Plan. Ratings are translated into scores and summed to determine a final score and rating.

Wetlands Program

California's wetland program is responsible for implementing regulatory programs, providing support for monitoring and assessment, facilitating voluntary restoration, and implementing wetland water quality standards.

Scoring for the **wetlands program** is broken into four categories and reflects the goals set forth in the *California Wetland Program Plan (2017-2022)*. Progress for elements in each category is evaluated against defined benchmarks and assigned a rating and score of 0, 1, or 2. Averages rounded to the nearest whole number are used to determine the score for each of the four categories. Scores for all elements are summed to determine a final score and rating.

ED_002551_00001354-00005

Criteria

	NPDES Permit Development	Data Source	SB/RB___
A	**Core Criteria: QUALITY**		
A1	PQR action items adequately addressed (note N/A, if applicable).	Permit Quality Review Report	
A2	RPA results in WQBELs developed consistent with WQS.	NPDES Permit Office EPA Staff Liaison, Review of Permit Template Language	
A3	WLAs properly applied to wastewater, stormwater, and industrial permits.		
A4	RPA conducted for WET and limits established consistent with WQS and monitoring requirements included in permits.		
A5	Anti-degradation and anti-backsliding analyses conducted consistent with WQS and documented in the factsheet.		
A6	Mixing zones calculated properly and in accordance with WQS.		
A7	Compliance schedules established properly and in accordance with WQS.		
A8	Pretreatment requirements applied appropriately in permits.	NPDES Permit Office EPA Staff Liaison, Review of Permit Template Language, NPDES Permit Office EPA Staff Pretreatment Coordinator	
B	**Core Criteria: ADMINISTRATION**		
B1	Rules reflect Clean Water Act requirements (i.e. E-Reporting, including biosolids use and disposal, SSM Rule, NPDES updates, public notice, dental amalgam, etc.).	NPDES Permit Office EPA Staff Liaison	
B2	Program adheres to MOA conditions, including providing EPA proper time to review permits and providing appropriate forms to EPA (e.g. biosolids/pretreatment, if applicable).	NPDES Permit Office EPA Staff Liaison, MOA (1989)	
B3	Permit writers provided with basic and advanced technical training.	NPDES Permit Office EPA Staff Liaison, State Water Board Training/EPA sponsored Training, Grant/Contractor Assistance (for training purposes)	
B4	Permit writers able to defend permits petitioned to State Board or litigated in court.	NPDES Permit Office EPA Staff Liaison, Board drafted documents (i.e. Response to Comments, administrative record, etc.)	

Commented [BE3]: For most program, this should be a table that has the tracking number, the criteria, and the data source. In the narrative section, explain how information for each regional board will be tracked. Remove references to scoring,

Commented [MB4]: Jamie is this right? Please advise.....

C	**Core Criteria: ISSUANCE**		
C1	Permit renewal % current improved from previous two years.	NPDES Permit Office EPA Staff Liaison, Regional/State Board E.O. Annual Report/Tracking Measures	
C2	Permit renewal % current consistent with national objective (>83%).		
C3	Permit renewal % current consistent with regional objective (>78%).		
C4	Meets state-proposed and EPA-agreed upon permit issuance 106 Work Plan commitments and committed priority permits.	NPDES Permit Office EPA Staff Liaisons, Review State Board Workplan Reports	
C5	Contractor/In-kind supported permits issued in a timely manner (approx. 6 months per 106 workplan/MOA).		
D	**Enhanced Criteria: INNOVATION**		
D1	Program demonstrates improvement in receiving water quality as a result of NPDES program (e.g. 303(d) de-listing or any other improvement in receiving water).	NPDES Permit Office EPA Staff Liaison, 303d List Review	
D2	Permit program supports technical, managerial and financial capacity (TMF) of small systems through outreach and training.	NPDES Permit Office EPA Staff Liaison	
D3	Asset management planning required for wastewater or stormwater permits.	NPDES Permit Office EPA Staff Liaison, Review of Permit Templates, NPDES Permit Office EPA Staff Asset Mgt Lead	
D4	Permit implements innovative monitoring program (i.e. special studies for CECs, watershed monitoring, etc.).	NPDES Permit Office EPA Staff Liaison	
D5	Permit writers coordinate with related programs (i.e. TMDLs, enforcement, etc.).	NPDES Permit Office EPA Staff Liaison, Board Staff	
D6	MS4 permits include numeric WLAs as effluent limits.	NPDES Permit Office EPA Staff Liaison	

ED_002551_00001354-00007

	NPDES Stormwater Enforcement	SB[1]	RB1	RB2	RB3	RB4	RB5	RB6	RB7	RB8	RB9	AVG
	Core Criteria											
A1	Inspected 10 % of industrial stormwater permittees with report issued within 60 days											
A2	Inspected 10 % of construction stormwater permittees with report issued within 60 days											
A3	Inspected 10 % of MS4 stormwater permittees (both Phase I and II) with report issued within 60 days											
	Core Score:											
	Core Tracking Metrics											
B1	Number of inspections completed (industrial, construction, MS4)											
B2	Percent of inspection reports issued within 60 days											
B3	Number of enforcement actions taken and % type (informal, formal, etc.)											
B4	Amount of penalties issued and collected (MMP vs discretionary)											
B5	Number of SEPs performed and total SEP value											
B6	Percent of data uploaded to ICIS											
	TRACKING ONLY – NO SCORING	N/A										
	Enhanced Criteria											
C1	Enforcement actions that resulted in substantial environmental benefit											
C2	Innovative tools to address noncompliance											
C3	Innovative targeting methods											
C4	Collaboration between State and EPA (i.e. joint inspections, work share, etc.)											
C5	Effectively communicating environmental benefits of enforcement actions											
C6	Focused inspections and enforcement in environmental justice or disadvantaged communities											
	Enhanced Score:											

[1] State Board inspection and enforcement accomplishments will be credited toward Statewide accomplishments. However, annual inspection commitments (i.e. 10 % industrial stormwater permittees) are not intended to apply to the State Board given the Board's function of supporting Regional Board enforcement programs.

ED_002551_00001354-00008

NPDES SW Enforcement	Core Score Range (Out of 3)	Enhanced Score (Out of 6)
Needs Improvement[2]	0-2	-
Fully Satisfactory	3	0-1
Exemplary	3	2-6
Total Score		
Rating		

[2] The Region will consider a "Needs Improvement" rating only in instances where the State falls significantly short of the Core criteria without extenuating circumstances. Otherwise, state will receive a "satisfactory" rating.

ED_002551_00001354-00009

	NPDES Wastewater Enforcement	SB	RB1	RB2	RB3	RB4	RB5	RB6	RB7	RB8	RB9	Total
	Core Criteria											
A1	Inspected 50% of major permittees											
A2	Inspected 20% of minor permittees											
A3	Inspected 20% of large and medium Confined Animal Feeding Operations (CAFOs) with NPDES permits											
A4	Inspected 5% of sanitary sewer collection systems											
A5a	Completed Pretreatment Compliance Inspections (PCI) for 40% of all approved active POTW Pretreatment programs											
A5b	Completed Pretreatment Compliance Audits (PCA) for 20% of all approved active POTW Pretreatment programs											
A6	Submit midyear and end of year reports for 106 workplan complete and on-time											
A7a	Less than 24% of major facilities in Significant Noncompliance (SNC)											
A7b	Less than 24% of minor facilities in SNC											
A7c	Timely and appropriate enforcement actions taken against major SNC facilities											
	Core Score:											
	Enhanced Criteria											
	Core Tracking Metrics											
B1	Permit/DMR data properly uploaded to ICIS per eReporting Rule											
B2	Percent of inspection reports issued within 60 days											
B3	Total number of enforcement actions taken											
B3a	Number of Informal actions taken (oral/written contact, NOV)											
B3b	Number of Notices to Comply issued											
B3c	Number of mandatory minimum penalties (MMP) issued											
B3d	Number of Cleanup and Abatement Orders (CAO) issued											
B3e	Number of Cease and Desist Orders (CDO) issued											
B3f	Number of Time Schedule Orders (TSO) issued											
B3g	Number of Administrative Civil Liabilities (ACL) issued											
B4a	Amount of penalties issued ($)											
B4b	Amount of penalties collected ($)											
B5	Number of SEPs performed and total SEP value ($)											

ED_002551_00001354-00010

B6	Addressed findings from most recent SRF (i.e. FY16), if applicable											
	TRACKING ONLY – NO SCORING	N/A										
	Enhanced Criteria											
C1	Enforcement actions that resulted in substantial environmental benefit											
C2	Innovative tools to address noncompliance											
C3	Innovative targeting methods											
C4	Collaboration between State and EPA (i.e. joint inspections, work share, etc.)											
C5	Environmental Justice included in Enforcement targeting and actions											
C6	Effectively communicating environmental benefits of enforcement actions											
C7	Recidivism - Number of facilities returning to noncompliance for the same violation(s) previously addressed through an enforcement action											
	Enhanced Score:											

NPDES SW Enforcement	**Core Score Range (Out of 10)**	**Enhanced Score (Out of 7)**
Needs Improvement[3]	1-6	-
Fully Satisfactory	7-10	-
Exemplary	9-10	2-7
Total Score		
Rating		

[3] The Region will consider a "Needs Improvement" rating only in instances where the State falls significantly short of the Core criteria without extenuating circumstances. Otherwise, state will receive a "satisfactory" rating.

ED_002551_00001354-00011

	Water Quality Standards	Total Complete	Needs Improvement	Satisfactory	Exemplary	SCORE
	Core Criteria		**0 Points**	**1 Point**	**2 Points**	
A1	Triennial Reviews in last 3 years		<9	9	>9	
A2	High priority Triennial Reviews actions completed over a 5-year period		<9	9	10-27	
A3	Standards updated or revised in last 3 years		<3	3	>3	
A4	Statewide nutrient water quality standards planned to be adopted within next 3 years (WQ-01d)		0	1	>1	
	Enhanced Criteria				**1 Point**	
B1	WQS or Basin amendments that address more than one Regional Board or address pollutants without a 304(a) recommendation				>1	
B2	State and/or Regional Boards that engage USFWS and/or NMFS early in the standards development process (e.g., prior to CEQA)				>1	
	Total/Overall Score:					

Water Quality Standards	**Total Score Range (Out of 10)**
Needs Improvement	0-3
Fully Satisfactory	4-7
Exemplary	8-10
Total Score	
Rating	

ED_002551_00001354-00012

	Total Maximum Daily Loads	Scoring	SCORE
	Core Criteria	**Out of 10**	
A	Number of TMDLs and/or TMDL Vision project goals completed within state fiscal year.	Score is equal to number of selected projects completed.	
	Enhanced Criteria	**Out of 1**	
B	Completion of statewide TMDL or policy goal that address waters in more than one watershed or region OR goal associated with development of complex or innovative project within state fiscal year.	Scores 1 if either statewide OR innovative project goal complete.	
	Total/Overall Score:		

Integrated Reporting	**Total Score Range (Out of 11)**
Needs Improvement	0-6
Fully Satisfactory	7-8
Exemplary	9-11
Total Score	
Rating	

ED_002551_00001354-00013

	Integrated Reporting	Scoring	SCORE
	Core Criteria	**Out of 5**	
A	Completion of Integrated Reporting project goals completed throughout state within state fiscal year.	Score is equal to number of selected projects completed.	
	Enhanced Criteria	**Out of 1**	
B	Meets goal associated with submitting IR requirements through ATTAINS system OR goal associated with submitting IR GIS data within state fiscal year.	Scores 1 if either ATTAINS or GIS goal is completed.	
	Total/Overall Score:		

Integrated Reporting	**Total Score Range (Out of 6)**
Needs Improvement	0-2
Fully Satisfactory	3
Exemplary	4-6
Total Score	
Rating	

ED_002551_00001354-00014

	Monitoring	Level 1	Level 2	Level 3	Level 4	SCORE
	Core Criteria Elements	**Points**				
1	Strategy	1	2	3	4	
2	Objectives	1	2	3	4	
3	Design	1	2	3	4	
4	Indicators	1	2	3	4	
5	QA/QC	1	2	3	4	
6	Information Management	1	2	3	4	
7	Analysis	1	2	3	4	
8	Reporting	1	2	3	4	
9	Program Evaluation	1	2	3	4	
10	Infrastructure	1	2	3	4	
	Total/Overall Score:					

Monitoring	**Total Score Range (Out of 40)**
Needs Improvement	10-19
Fully Satisfactory	20-30
Exemplary	31-40
Total Score	
Rating	

ED_002551_00001354-00015

	Nonpoint Source Program	Assessment	Needs Improvement	Satisfactory	Exemplary	SCORE
	Core Criteria: State NPS Management Program Plans			**Points**		
A1	Explicit short- and long-term goals, objectives and strategies to restore and protect surface water and ground water, as appropriate		0	1	2	
A2	Measures to strengthen working partnerships and linkages with appropriate stakeholders		0	1	2	
A3	Achieving WQ benefits through a combination of statewide programs and on-the-ground projects, well-integrated with other relevant programs		0	1	2	
A4	Allocation of resources between addressing NPS WQ impairments and protecting threatened and high-quality waters from NPS threats		0	1	2	
A5	Established process to prioritize and progressively address identified waters / watersheds the watershed assessments, and developing and implementing watershed-based plans		0	1	2	
A6	Implementing all required CWA § 319(b) program components, and establishes strategic approach and adaptive management to achieve and maintain WQ standards as expeditiously as practicable		0	1	2	
A7	State NPS management program is managed and implemented efficiently and effectively, including financial management		0	1	2	
A8	State reviews and evaluates its NPS management program using environmental and functional measures of success; and, revises its NPS management program plan at least every five years.		0	1	2	
	Core Criteria: Annual Determination of Progress and Performance			**Points**		
B1a	State has made satisfactory progress in meeting schedule of annual milestones to implement its NPS management program		0	1	2	

ED_002551_00001354-00016

B1b	State has reported, on an annual basis, reductions in NPS pollutant loading and improvements in WQ		0	1	2	
B2	Overall GRTS Reporting		0	1	2	
B3	Focus on Watershed-Based Implementation, at required grant expenditure levels (≥50%)		0	1	2	
B4	Fiscal Accountability – tracking and reporting, and rate of expenditure		0	1	2	
B5	Performance Partnership Grant (PPG) Considerations - (N/A for California)		0	1	2	
B6	Performance Issues/Progress Concerns		0	1	2	
	Core Criteria: Annual Determination of Progress and Performance			**Points**		
C1a	Programmatic statutory and regulatory requirements have been met		0	1	2	
C1b	Grant administration requirements met		0	1	2	
C2	Annual progress under the award (including workplan, terms and conditions)		0	1	2	
	Total/Overall Score:					

Nonpoint Source Program	**Total Score Range (Out of 36)**
Needs Improvement	0-17
Fully Satisfactory	18-21
Exemplary	22-36
Total Score	
Rating	

ED_002551_00001354-00017

	Wetlands	Assessment	Needs Improvement	Satisfactory	Exemplary	SCORE
	Core Criteria: Monitoring and Assessment			**Points**		
A1	Develop and implement standard methods for wetland, stream and riparian mapping (SWB)		0	1	2	
A2	Track and report on statewide losses and gains of wetland acreage (SWB)		0	1	2	
A3	Integrate rapid assessments into regulatory programs (RWBs)		0	1	2	
A4	Support the continued development of rapid assessments through updates and trainings (SWB)		0	1	2	
A5	Coordinate the use of standard methods for Level 3 wetland assessments (SWB)		0	1	2	
	Monitoring and Assessment Score	**Average:**		**Rating:**		
	Core Criteria: Regulatory Activities			**Points**		
B1	Permitting – Adopt and implement standard procedures for 401 certification (Dredge and Fill Procedures) (SWB, RWBs)		0	1	2	
B2	Permitting – Streamline the 401 certification process through online tools (SWB)		0	1	2	
B3	Permitting – Improve tracking of approved wetland impacts (RWBs)		0	1	2	
B4	Mitigation – Participate on the Banking Agency Management Team (SWB)		0	1	2	
B5	Mitigation – Actively participate in Interagency Review Teams for mitigation banks and ILFs (RWBs, SWB)		0	1	2	
B6	Mitigation – Actively participate in regional planning efforts (RAMP, HCP, NCCP, etc.) (RWBs, SWB)		0	1	2	
	Regulatory Activities Score	**Average:**		**Rating:**		
	Core Criteria: Voluntary Restoration and Protection			**Points**		
C1	Develop and implement general 401 certifications for habitat restoration projects (SWB, RWBs)		0	1	2	

ED_002551_00001354-00018

C2	Educational endeavors and outreach to increase public awareness of wetlands and wetland protection efforts (SWB, RWBs)					
	Voluntary Restoration and Protection Score	**Average:**		**Rating:**		
	Core Criteria: Water Quality Standards for Wetlands		**Points**			
D1	Research and develop WQS for wetlands (RWBs)		0	1	2	
	Water Quality Standards for Wetlands Score			**Rating:**		
	Total/Overall Score:					

Wetlands	**Total Score Range (Out of 28)**
Needs Improvement	0-7
Fully Satisfactory	8-21
Exemplary	22-28
Total Score	
Rating	

ED_002551_00001354-00019

Guidelines

NPDES Permit Development

Quality Criteria (A)[4]

1. *PQR action items adequately addressed.*
   This criterion relates to category 1 action items from EPA Region 9 (EPA R9) PQR report, which for CA is available at https://www.epa.gov/sites/production/files/2015-09/documents/pqr_california_report.pdf. California's last PQR was completed in 2014, and EPA R9 reviewed the State Board and Regional Boards 2, 4, 5, and 9.

   The outstanding category 1 action items also are milestones in the 106 Workplan. These include training for antidegradation and antibacksliding considerations, training on developing and documenting compliance schedules, and ensuring consistency of permitting and data management procedures among the Regional Boards.

2. *RPA results in WQBELs developed consistent with water quality standards.*
   EPA R9 will evaluate whether the appropriate standards are implemented in permits (i.e. Basin plan, CTR, Ocean plan, etc.) as well as how WQBELs are expressed (i.e. total recoverable concentrations for metals, limits expressed in concentration and mass as well as monthly and daily max limits, as appropriate). EPA R9 will use the section III of its central tenants document as a guide, available at https://www.epa.gov/sites/production/files/2015-09/documents/tenets.pdf.

3. *Wasteload allocations (WLAs) properly applied to wastewater, stormwater, and industrial permits.*
   EPA R9 notes that TMDLs could be adopted by either the State Board or Regional Board as well as the Agency itself. EPA R9 will review permits to evaluate whether TMDL pollutants have numeric effluent limits and review factsheet language for justification and explanation of how the effluent limit is consistent with WLAs.

4. *RPA conducted for WET and limits established consistent with WQS & monitoring requirements included.*
   EPA R9 will evaluate whether numeric toxicity limits are included in permits and if not, whether monitoring requirements are required. EPA R9 noted in the CA 2014 PQR that most non-ocean permits did not include numeric effluent limits.

5. *Antidegradation and anti-backsliding analyses conducted consistent with WQS and documented in the factsheet.*
   EPA R9 will review factsheets for justification and explanation for whether limits were removed consistent with antidegradation and antibacksliding requirements, including justification and explanation for any site-specific objectives or variances.

---

[4] If no permits were issued in the given year, the regional board will be evaluated based on only administration and issuance criteria.

6. *Mixing zones calculated properly and in accordance with WQS.*
   EPA R9 will review factsheet language for sample calculations and an explanation.

7. *Compliance schedules established properly and in accordance with WQS.*
   EPA R9 will review permit language to determine whether compliance schedule incorporate action-based interim milestones and included a final WQBEL. EPA R9 will also look for an appropriate justification in the factsheet. Compliance schedules should not be used to provide time for a TMDL or site-specific objective to be finalized. Compliance schedules are also not authorized for NTR or CTR pollutants.

8. *Pretreatment requirements applied appropriately in permits.*
   EPA R9 will use the results from the PQR report, as well as review template language for compliance with 40 CFR 122.42(b); 122.44(j); and 40 CFR 403 requirements.

Administration Criteria (B)

1. *Rules reflect Clean Water Act requirements (i.e. E-Reporting, including biosolids use and disposal, SSM Rule, NPDES updates, public notice, dental amalgam, etc.).*
   This criterion applies to both legal requirements (i.e. on the books) as well as implementation. For implementation, EPA R9 will evaluate whether requirements are being implementation through permit template language, statewide policies or plans, or through other means.

2. *Program adheres to MOA conditions, including providing EPA proper time to review permits and providing appropriate forms and reports to EPA (e.g. biosolids/pretreatment, if applicable).*
   This criterion is met if State Board or Regional Boards provide pre-drafts of NPDES permit in accordance with MOA timelines, follows proper public notice procedures, and provides for stakeholder participation. The MOA outlines 30 days upon receipt of a prenotice draft individual permit and 90 days of a prenotice draft general permit.

3. *Permit writers provided with basic and advanced technical training.*
   EPA R9 will evaluate this criterion by assessing the amount of training provided either by the State, contractor, or other entity to permit writers during a given year. Any training beyond the week-long permit writer's training will be considered advanced technical training. The main audience for the training needs to be permit writers to count as advanced technical training. Basic training should be offered at least every two years to permit writers, with funds available for staff to attend such trainings. On-the-job training, like mentorship, may count as advanced training.

4. *Permit writers able to defend permits petitioned to the State Water Board or litigated in court.*
   EPA R9 will evaluate this criterion by assessing the amount of technical support requested (i.e. all contractor written permits, amount of time requested for EPA R9 legal/technical support) and whether the state addressed all public comments during the public notice period (i.e. administrative record).

Issuance Criteria (C)

1. *Permit renewal % current improved from previous two years.*
   This criterion evaluates backlog trends and criterion is met if state makes progress in reducing the permit backlog.

2. *Permit renewal % current consistent with national objective (>83%).*
   EPA R9 will use the state's annual performance reports, and the 106 reporting to determine whether this criterion is met.

3. *Permit renewal % current consistent with regional objective (>78%).*
   Same as number 15 above.

4. *Meets state-proposed and EPA-agreed upon permit issuance 106 workplan commitments and committed priority permits.*
   EPA R9 will use its the 106 workplan reports to determine whether this criterion is met. For reporting, the 106 workplan requires that the State Board submits PSTS reports (i.e. permit tracking sheet with updates to annual issuance plan), the number of enrollees under each non-stormwater general permit, and annual list of permits under administrative or judicial appeal. EPA R9 understands that extenuating circumstances such as staff attrition, retirement, vacancies, etc., may affect when and how commitments are fulfilled.

5. *Contractor/In-kind supported permits issued in a timely manner (within approximately 6 months).*
   The 106 workplan identifies that contractor/in-kind supported permits are to be proposed for final adoption within approximately 6 months. EPA R9 will consider permit complexity, including whether multiple workshops or hearings were held, amount of public interest/comment, and multiple discharge points/receiving waters if permits are delayed beyond this timeframe.

Innovation Criteria (D)

1. *Program demonstrates improvement in receiving water quality as a result of NPDES program (e.g. 303(d) de-listing or any other improvement in receiving water).*

2. *Permit program supports technical, managerial and financial capacity (TMF) of small systems through outreach and training.*

3. *Asset management planning required for wastewater or stormwater permits.*

4. *Permit implements innovative monitoring program (i.e. special studies for CECs, watershed monitoring, etc.).*

5. *Permit writers coordinate with related programs (i.e. TMDLs, enforcement, WDRs, etc.).*

6. *MS4 permits include numeric WLAs as effluent limits.*

ED_002551_00001354-00022

NPDES Stormwater Enforcement

No additional guidelines.

NPDES Wastewater Enforcement

No additional guidelines.

Water Quality Standards

No additional guidelines.

ED_002551_00001354-00023

Total Maximum Daily Loads

Core Criteria (A)

Each state must develop TMDLs for all the waters identified on their Clean Water Act, Section 303(d) list of impaired waters, according to their priority on that list and, additionally, under the New Vision for the CWA 303(d) Program, *States develop tailored strategies to implement their Clean Water Act 303(d) Program responsibilities in the context of their overall water quality goals*.

As a result, California is developing TMDLs to address 303(d) listings. Additionally, California has identified priority waters and listings which it will address through delisting, TMDLs or alternative projects

This metric is intended to measure the state's progress towards meeting both of the above goals, including goals associated with 1) completing TMDLs for any 303(d)-listed waterbody-pollutant combination and/or 2) completing TMDLs or projects associated with addressing Program Vision priorities.

In parallel with the TMDL Workplan process, California will submit a list of 10 goals associated with TMDLs or TMDL Vision projects throughout the state and a goal for each project that will be accomplished within the state fiscal year. Example goals might include, but are not limited to: RB adoption of a TMDL, submission of a TMDL to EPA, completion of a public draft of a TMDL, completion of a plan for alternative restoration for a Vision Priority, etc.

Enhanced Criteria (B)

At the beginning of the fiscal year, the state must set one goals associated with a statewide or multi-watershed TMDL or policies aimed at effectively and efficiently addressing water quality problems on a broad scale <u>and</u> one project goal which is an innovative solution to address complex water quality problems. Up to one additional point total may be given for meeting the statewide watershed TMDL goal <u>or</u> innovative project goal.

This metric is intended to have California select one or more goals it believes are important towards completing the above types of innovative or complex projects. The scoring is intended to recognize the extra effort these particular types of projects require.

All goals must be proposed to and approved by EPA at the beginning of each state fiscal year. In consultation with EPA, a different goal accomplished in a related area may be substituted with another TMDL accomplishment of similar scale or importance.

ED_002551_00001354-00024

Integrated Reporting

Core Criteria (A)

The Integrated Report is intended to satisfy the requirements of Clean Water Act sections 303(d) and 305(b) and is due to the EPA on April 1st of every even-numbered year. There are many elements necessary towards the successful submission of an Integrated Report.

This metric is intended to have California select the goals it believes are important towards completing the Integrated Report. The scoring is intended to evaluate their accomplishment of these goals.

In parallel with the TMDL Workplan process, California will submit a list of 5 goals associated with Integrated Reporting. Example goals might include, but are not limited to: RB adoption of a 303(d) list; LOE's completed for a pollutant, RB, etc.; SB approval of an IR; submission of an IR to EPA; data or policy accomplishments associated with Integrated Reporting.

Enhanced Criteria (B)

Beginning in 2018, States and Territories will begin utilizing a fully electronic process to submit Integrated Reports to EPA using the new ATTAINS system. In addition, to provide geographic reporting of Integrated Report data, GIS data from states is needed and will be utilized for tracking and reporting.

There are many elements necessary in order to successfully use the new ATTAINS system for Integrated Reporting and for completion of GIS data for the Integrated Report.

This metric is intended to have California select one or more goals it believes are important towards completing the above elements. The scoring is intended to recognize the extra effort required to meet these particular goals.

An accomplishment of one or more identified goals in these areas will result in up to one additional point that may be counted towards the overall points in the 303(d)/305(b) Integrated Report score.

All goals must be proposed to and approved by EPA as part of the TMDL workplan process. In consultation with EPA, a different goal accomplished in a related area may be substituted with another TMDL accomplishment of similar scale or importance.

ED_002551_00001354-00025

Monitoring

Commented [BE5]: Edit to remove references to levels. Instead, describe the level 3 and 4 programs as the standard.

Monitoring criteria is based on EPA's *Elements of a State Water Monitoring and Assessment Program* (March 2003).

The criteria table should be interpreted as follows:

- Level 1 and Level 2 programs are not consistent with the Elements guidance.
- Level 3 programs are consistent with Elements guidance. State monitoring strategies should lay out a process for reaching Level 3. Strategies that do not do so are not consistent with guidance.
- Level 4 represents an enhanced program.

Note that each level in this framework builds on the ones before it. Thus, a Level 4 program will have the characteristics of a Level 3 program PLUS a Level 4 program.

1. *Strategy: A comprehensive monitoring program strategy addresses all water quality management needs and all waters of the State, including all waterbody types (e.g., streams, rivers, lakes, reservoirs, estuaries, coastal areas, wetlands, and groundwater).*

   Level 1. The State does not have a monitoring strategy, or the State monitoring strategy does not address each Element.

   Level 2. The State's monitoring strategy includes information on all Elements, but does not provide a complete description of program status, identify program needs, or include an implementation plan with milestones to address these needs.

   Level 3. The State has a comprehensive monitoring program strategy that serves its water quality management needs and addresses all State waters. The strategy contains, or references, a description of how the State plans to address each of the remaining nine Elements. The strategy includes a time line, not to exceed ten years, for implementation. The strategy identifies technical issues and resource needs that are currently impediments to an adequate monitoring program.

   Level 4. *The State strategy addresses all water resource management needs including the need to support decisions at scales beyond state boundaries (e.g., inter-jurisdictional waters, ecoregions, national). The State strategy includes plans for periodic updates every 3-5 years.*

2. *Objectives:* The State monitoring program is guided by clearly delineated objectives consistent with the requirements, goals, and intent of the CWA and relevant State laws.

   Level 1. The State does not define its monitoring objectives that include the CWA and other program needs.

   Level 2. The State has identified some, but not all, monitoring objectives to support decision needs relevant to all types of State waters.

ED_002551_00001354-00026

Level 3. The State has identified monitoring objectives critical to the design of a monitoring program that is efficient and effective in generating data that serve management decision needs. This full range of monitoring objectives includes, but is not limited to, Clean Water Act goals. Consistent with the CWA, monitoring objectives reflect the decision needs relevant to all types of State waters.

Level 4. State monitoring objectives reflect the need to collect data in order to support decisions at scales beyond State boundaries (e.g., inter-jurisdictional waters, ecoregions, national).

3. *Design:* The State has a comprehensive monitoring program design and rationale for selection of monitoring sites that incorporate several approaches (e.g., fixed station, intensive and screening level monitoring, rotating basin, judgmental, and probability design) to meet the range of program objectives.

   Level 1. The State does not have documented monitoring program designs or rationale for how its designs meet program objectives.

   Level 2. The State has documented monitoring program designs and rationale for selection of monitoring sites for some, but not all, monitoring objectives and waterbody types.

   Level 3. The State has a documented approach and rationale for selection of monitoring designs and sample sites that best serve its monitoring objectives. The State monitoring program uses several monitoring designs (e.g., fixed station, intensive and screening-level monitoring, rotating basin, judgmental and probability design) to meet the full range of decision needs. The State monitoring design includes a probability-based network for making statistically valid inferences about the condition of all State water types, over time. The State uses the most efficient combination of monitoring designs to meet its objectives.

   Level 4. The State integrates probability sampling, landscape and other predictive tools, and targeted, special-issue approaches into a tiered monitoring design that covers all resource types, all uses and all programs. The overall State monitoring design reflects the need to collect data in order to support decisions at scales beyond State boundaries (e.g., inter- jurisdictional waters, ecoregions, national).

4. *Indicators:* The State monitoring strategy defines a core set of monitoring indicators (e.g., water quality parameters), including physical/habitat, chemical/toxicological, and biological/ecological endpoints used to assess attainment.

   Level 1. The State does not have a core set of indicators that includes biological and chemical measures.

   Level 2. The State has a core set of indicators that includes biological, physical, and chemical measures for some, but not all, uses and major waterbody types. Also, the State describes how indicators are linked to the uses.

   Level 3. The State uses a tiered approach to monitoring that includes core indicators selected to represent each applicable designated use, plus supplemental indicators selected according to site-

ED_002551_00001354-00027

specific or project-specific decision criteria. Core indicators for each water resource type include physical/habitat, chemical/toxicological, and biological/ecological endpoints as appropriate, and can be used routinely to assess attainment with applicable water quality standards throughout the State.

Level 4. State indicators reflect the need to collect data in order to support decisions at scales beyond State boundaries (e.g., inter-jurisdictional waters, ecoregions, national).

5. *Quality Assurance:* Quality Management Plans (QMPs) and Quality Assurance Program/Project Plans (QAPPs) are developed, maintained, and peer-reviewed in accordance with USEPA policy to ensure the scientific validity of monitoring and laboratory activities.

   Level 1. The State does not have a Quality Management Plan and/or appropriate Quality Assurance Project Plans.

   Level 2. State has an USEPA approved Quality Assurance Project Plan and Standard Operating Procedures, but not a Quality Management Plan. The State implements QA activities, as defined in plans.

   Level 3. The State's Quality Management Plan and Quality Assurance Program/Project Plans are established, maintained, and peer reviewed in accordance with USEPA policy to ensure the scientific validity of monitoring and laboratory activities, and to ensure that State reporting requirements are met. State implements QA activities, as defined in plans.

   Level 4. Quality Assurance approval authority has been delegated to the State level. The State implements QA activities, as defined in plans. State quality assurance plans and implementation reflect the need to collect data in order to support decisions at scales beyond State boundaries (e.g., inter-jurisdictional waters, ecoregions, national).

6. *Data Management:* The State stores and manages data in a timely and accessible electronic system. USEPA will require States to directly or indirectly (via the Central Data Exchange (CDX) and the Monitoring Data Standards) use the new STORET (STOrage and RETrieval) system.

   Level 1. The State does not have a computerized database.

   Level 2. The State has a computerized database that includes appropriate Metadata and State/Federal geo-locational standards.

   Level 3. The State uses an accessible electronic data system for water quality, fish tissue, toxicity, sediment chemistry, habitat, biological data, with timely data entry (following appropriate metadata and State/Federal geo-locational standards) and public access. The State uploads data to STORET and uses the Assessment Data Base (ADB) or an equivalent database, and the National Hydrography Dataset (NHD) (where available).

ED_002551_00001354-00028

Level 4. The State works with other major data producers to get their data into STORET. The State uploads data to STORET more frequently than annually. State data management activities reflect the need to collect data in order to support decisions at scales beyond State boundaries (e.g., inter-jurisdictional waters, ecoregions, national).

7. *Data Analysis*: The State has a methodology for assessing water quality based on analysis of various types of data (chemical, physical, biological, land use) from various sources, including all waterbody types and all waters of the State.

   Level 1. The State provides little or no information on its assessment methodology.

   Level 2. The State's assessment methodology does not address all waterbody types and uses, or the methodology is not reproducible, or the State is not using data from other sources.

   Level 3. The State has a documented methodology for assessing attainment of water quality standards based on analysis of various types of data (chemical, physical, biological, land use) from various sources, for all waterbody types and all State waters. The methodology includes criteria for compiling, analyzing, and integrating all readily available and existing information (e.g., volunteer monitoring data, discharge monitoring reports).

   Level 4. The State's data management system supports/ automates the assessment process. The State has a documented methodology to measure how it performs and assesses cumulative effectiveness of water quality programs. The State has documented methods for assessing stressors (causes/sources) associated with impaired or vulnerable waters. The State has data analysis plans formulated to address other water program needs, (e.g., NPDES program effectiveness and permitting, trend analyses, water effect ratios, TMDL calculations, etc.). State monitoring objectives reflect the need to collect data in order to support decisions at scales beyond State boundaries (e.g., inter-jurisdictional waters). ecoregions, national).

8. *Reporting*: The State produces useful reports on its findings under CWA Sections 305(b), 303(d), 406, and others.

   Level 1. The State does not provide water quality reports including 305(b) and 303(d) (or the Integrated Report). The State does not provide required annual updates.

   Level 2. The State provides water quality reports including 305(b) and 303(d) (or the Integrated Report) and annual updates. Reports may not be timely or complete.

   Level 3. The State produces timely and complete water quality reports and lists called for under Sections 305(b) and 303(d) (or the Integrated Report) of the Clean Water Act and Section 406 of the Beaches Act.

   Level 4. The State uses the Integrated Reporting format, including reporting results of randomized design and aggregating site-specific assessment findings for the whole State. The State provides timely

ED_002551_00001354-00029

updates to the ADB to reflect changes based on final 303(d) lists. The State provides the information on web sites.

9. *Program Evaluation*: The State, in consultation with its USEPA Region, will conduct periodic reviews of each aspect of its monitoring program to determine how well the program serves its water quality decision needs for all navigable U.S. waters in the State, including all waterbody types.

   Level 1. The State does not have a monitoring program evaluation process.

   Level 2. The State has an incomplete monitoring program evaluation process. For example, the State lacks a process for soliciting feedback from all programs.

   Level 3. The State, in consultation with its USEPA Region, conducts periodic reviews of each aspect of its monitoring program to determine how well the program serves its water quality decision needs for all State waters, including all waterbody types. This consultation should involve evaluating the monitoring program to determine how well each Element is addressed and determining how needed changes and additions are incorporated into future monitoring cycles

   Level 4. The State seeks external participation in program evaluation (e.g., from scientific peer review, monitoring councils, volunteer organizations, academic institutions, local government, private organizations, etc.).

10. *General Support and Infrastructure*: States identify current and future monitoring infrastructure needs.

    Level 1. The State does not document current and future resource needs.

    Level 2. The State provides an incomplete report of current and future resource needs to implement its monitoring program strategy.

    Level 3. The State identifies current and future resources required to fully implement its monitoring program strategy. This needs assessment includes funding, staff, training, laboratory resources, and upcoming improvements.

    Level 4. The State plan for meeting resource needs includes use of other partners (e.g., other state agencies, volunteer organizations, academic institutions, local government, private organizations, etc.)

ED_002551_00001354-00030

Nonpoint Source Program

Commented [BE6]: To the extent the rating is not required by statute/regs, remove those references. Also, please see if there is a way to consolidate or shorten this section.

Nonpoint source program criteria are based on *Nonpoint Source Program and Grants Guidelines for States and Territories* (2014). Benchmarks for achieving "satisfactory" rating outlined below. Program elements which demonstrate water quality outcomes and effective programs above and beyond those identified in approved State NPS Management Program Plans and annual workplans may receive "exemplary" rating.

State NPS Management Program Plan Criteria (A) – Benchmarks for *Satisfactory* Rating

1. *Explicit short- and long-term goals, objectives and strategies to restore and protect surface water and ground water, as appropriate.*

   - A strategically focused state NPS management program
   - Long-term goals designed to achieve and maintain WQ standards and to maximize WQ benefits.
   - Shorter-term objectives designed to demonstrate progress toward accomplishing long-term goals
   - Activities, with annual milestones, outcomes and key actions expected, to implement and track progress;
   - Demonstrated integration with other key environmental and natural resource programs.

2. *Working partnerships and linkages with appropriate stakeholders.*

   - Collaboration with other key NPS entities (state, interstate, tribal, regional, and local entities - including conservation districts, private sector groups, citizens groups, and federal agencies)
   - Coordinated implementation in high priority watersheds
   - Processes build capacity in local partners/grantees to effectively implement watershed projects
   - Funding of implementation projects supports states NPS management program
   - Public involvement on significant proposed program elements/changes
   - Coordination with other goals and programs to ensure that environmental objectives are well integrated

3. *Achieving WQ benefits through a combination of statewide programs and on-the-ground projects*

   - Program emphasizes a watershed management approach;
   - Presents states approach to prioritizing waters and watersheds to achieve WQ restoration and protection.
   - Integration with other relevant programs to restore and protect water quality, aligning priority setting processes and resources to increase efficiency and environmental results.
   - Strong sustained efforts to coordinate and leverage loan programs, particularly USDA NRCS, CWSRF, etc.

4. *Allocation of resources between addressing NPS WQ impairments and protecting threatened and high-quality waters from NPS threats*

ED_002551_00001354-00031

- Identified approach for aligning resources between addressing impaired waters and preventing new WQ problems, including the relative emphasis and how priorities will be set.

5. *Established process to prioritize and progressively address identified waters / watersheds*

- Updated list of waters impaired by NPS pollution, and important threatened/unimpaired waters
- Identification of primary categories / subcategories causing impairments / threats across the state
- A prioritization and implementation strategy, linked to other programs assessment efforts
- Support for development and implementation of watershed-based plans to address priority watersheds

6. *Implementing all required CWA § 319(b) program components, and establishes strategic approach and adaptive management to achieve and maintain WQ standards as expeditiously as practicable.*

- Regular review and upgrade to NPS Management Program components, as appropriate.
- Program with a mix of regulatory, nonregulatory, financial and technical assistance, as needed
- Identification of measures (i.e., systems of practices) used to control NPS pollution, focusing on those measures believed will be most effective in achieving and maintaining WQ standards
- Identification of key programs to achieve implementation of the measures (e.g., nonregulatory or regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects)
- Description of processes to coordinate/integrate implementation of NPS pollution controls, including with federal, state, local, and private entities for land management programs, development projects and financial assistance/leveraging
- Schedule with goals, objectives, and annual milestones for implementation; legal authorities to implement the program; available resources; and institutional relationships
- Description of state monitoring and other evaluation programs to determine NPS management program effectiveness (short- and long-term)
- Incorporation of state's approved coastal nonpoint pollution control program, required by section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA) into NPS Program
- Incorporation of other federal or state requirements (as relevant) into NPS Program

7. *State NPS management program is managed and implemented efficiently and effectively, including financial management*

- Program effectively and expeditiously solves states water quality problems
- Satisfactory progress each year in meeting program goals
- State has and uses process for identifying priority problems and/or watersheds,
- Resources are deployed in a timely fashion to address priorities, including any critical areas requiring treatment and protection within watersheds
- State employs appropriate programmatic and financial systems that ensure § 319 dollars are used efficiently and consistent with its legal obligations
- State manages all §319 funds to maximize water quality benefit

ED_002551_00001354-00032

- State ensures that §319 funds complement and leverage funds from other federal sources and agencies

8. *State reviews and evaluates its NPS management program using environmental and functional measures of success; and, revises its NPS management program plan at least every five years.*

- State establishes appropriate measures of progress in meeting programmatic and WQ goals/objectives
- State describes monitoring/evaluation strategy and schedule to measure success meeting goals/objectives
- State integrates monitoring and evaluation strategies with ongoing natural resource inventories and monitoring programs
- State reviews and revises NPS management program every five years, updating parts that are out-of-date
- Revision updates annual milestones and the schedule for program implementation, to remain current
- Update schedule allows for public participation and draft review/revisions before approval deadline.

State NPS Management Program Plan Criteria (B) – Benchmarks for *Satisfactory* Rating

1. *Meeting Statutory and Regulatory Requirements and Demonstrating Water Quality Results*

   A. *State has made satisfactory progress in meeting schedule of annual milestones to implement its NPS management program*

   - State's NPS management program includes relevant, up-to-date and trackable annual milestones for program implementation
   - State reported progress in meeting its milestone(s) for the preceding fiscal year in the annual report
   - State demonstrated satisfactory progress in meeting its schedule of milestone(s) for the preceding year (question 1(A)(iv))
   - ***Not Satisfactory:*** If state did not demonstrate satisfactory progress in meeting its schedule of milestone(s) for the preceding fiscal year; the 319 grant for the coming year cannot be awarded (CWA section 319(h)(8)).

   B. *State has reported, on an annual basis, reductions in NPS pollutant loading and improvements in WQ*

   - WQ-9 were reported into GRTS for nutrients and sediment load reductions for all active projects with NPS reduction goals
   - SP-12 reported for improvements in WQ resulting from implementation of its NPS management program

ED_002551_00001354-00033

- State meeting annual commitment/target for WQ-10 NPS Success Stories to remove impaired waters from the 303(d) list) (on-pace for meeting State NPS Management Program Plan commitments/targets)

2. *Overall GRTS Reporting*

- State entered all mandated data elements into GRTS for all applicable projects in previous § 319 grant

3. *Focus on Watershed-Based Implementation*

- State is implementing Watershed-based plans (WBPs) or approved alternative plans completed prior to beginning to implement on-the-ground projects with § 319 project funds
- State demonstrates that 50% of state's grant was used to implement WBPs (beginning in 2014)

4. *Fiscal Accountability – tracking and reporting, and rate of expenditure*

For all open section 319 grant awards:

- State's RFP process is efficient and timely for selecting and funding projects within work plan timeframe
- State obligated all the § 319(h) funds in the previous year's award within one year
- Rate of Expenditures substantially match the expected drawdown rates or the negotiated outlay strategy from the associated grant work plan schedules

5. *Performance Partnership Grant (PPG) Considerations* - (N/A for California)

Annual Assessment of Grant Administration (C) – Benchmarks for *Satisfactory* Rating

1. Programmatic statutory and regulatory requirements have been met, as well as grant administration requirements including those identified in Grant Guidance, **2 CFR Part 200,** General Terms and Conditions Effective April 27, 2017 and EPA Subaward Policy.

A. *Reporting Requirements*

State complies with all reporting requirements required by EPA regulation, §§ 319(h)(10) and (11) of the Clean Water Act, and the 2014 Guidelines, including:

- Final Grant (programmatic) close-out report submitted within 90 days after expiration of the grant
- Annual NPS Program Report submitted within 90 days of end of performance period and meets requirements in EPA 2014 NPS Guidelines (319(h)(11))
- Semi-annual Grant Performance report submitted within 30 days of performance period end
- Federal Financial Reports (FFRs) and final FFRs, submitted within 90 days after the grant year
- ***Needs Improvements:*** Failure to comply with the above referenced reporting requirements may result in a disruption of grantee funding and/or early termination of the grant agreement

ED_002551_00001354-00034

B. Grant Application

- Workplan submittal/negotiation schedule ensures timely application and award of the § 319 grant
- Application and work plan are submitted at least 60 days before beginning of proposed funding period; and are consistent with applicable federal statutes; regulation; circulars, executive orders; and EPA delegations, approvals or authorizations
- Workplan implements approved State NPS Management Program (identify approval date) (CWA 319(h)(1))
- Workplan tasks are consistent with national and Regional guidelines; or rationale and management approval are documented if work plan is not consistent
- Workplan includes required elements: Introduction/Overview of Strategy; Activity output and outcomes descriptions, commitments and time frames for each component; Estimated work years and funding for each work plan component; Description of projects more than $50,000; Performance evaluation process and reporting schedule.
- Costs are eligible, allowable, and reasonable
- Purchase of equipment has been approved, if applicable.
- Administrative costs do not exceed Administrative Cap of 10% of the grant (319(h)(12)
- State provides match of 40% of the total cost, with sufficient information to demonstrate match is consistent with Federal requirements and implements the NPS Program;
- Minimum of 50% of the funds are allocated to projects guided by WBPs, per 2014 Guidelines
- Maintenance of Effort: State maintains aggregate expenditures from all other sources at or above the average level of expenditures in FY85 and FY86. Grant application must assert this requirement is met.
- Includes reporting requirements: Annual Report; Financial Status Report; Grant Progress Reports
- Workplan identifies amount of watershed project funds for protecting unimpaired/high quality waters.
- Workplans clearly articulates linkage to the EPA Strategic Goals and Measures

2. *Annual progress under the award (including workplan, terms and conditions)*

- State implements workplans for awarded grants; and informs EPA as soon as problems, delays or adverse conditions arise which will impair ability to meet outputs/outcomes specified in the applicable work plan.
- Program enhancement or corrective action plan requirements are met, if applicable.
- State uses § 319 funds to restore and protect the priority waterbodies identified in the State NPS Management Program Plan.
- State reports on all projects identified in the approved work plan (can be via GRTS), including match project(s). Final reports are uploaded in GRTS.
- For 319 funded projects, State assures the continued proper operation and maintenance of all NPS management practices implemented for the expected lifespan of the specific practice (e.g., provision in applicable sub-agreements)

ED_002551_00001354-00035

Wetlands

Commented [BE7]: Remove the ratings and convert to a narrative that describes what we will be looking for or expecting.

Wetlands criteria is based on *California Wetland Program Plan (2017-2022).*

Monitoring and Assessment (A)

1. *Develop and implement standard methods for wetland, stream and riparian mapping*

   Exemplary: Development of a new method; or implementation of an existing method

   Satisfactory: Significant progress towards development and/or implementation of an L1 mapping tool

   Needs Improvements: None of the above

2. *Track and report on statewide losses and gains of wetland acreage*

   Exemplary: Periodic reporting on losses and gains of wetlands acreage through permitted and unpermitted activities

   Satisfactory: Periodic reporting on losses and gains of wetland acreage through permitted activities

   Needs Improvements: None of the above

3. *Integrate rapid assessments into regulatory programs*

   Exemplary: Rapid assessments integrated into standard procedures for permit review across RWBs

   Satisfactory: One or more RWBs integrating rapid assessments into standard procedures; or rapid assessments not yet integrated into above, but issued clarifying guidance on appropriate uses.

   Needs Improvements: None of the above

4. *Support the continued development of rapid assessments through updates and trainings*

   Exemplary: Trainings offered at multiple RWBs and necessary update issued for existing rapid assessment (if applicable).

   Satisfactory: One of the above

   Needs Improvements: None of the above

5. *Coordinate the use of standard methods for Level 3 assessments*

   Exemplary: Issued guidance towards the collection or regulatory uses of L3 data

   Satisfactory: Significant progress towards the above or participation in CWMW L3 committee

   Needs Improvements: None of the above

ED_002551_00001354-00036

Regulatory Activities (B)

1. *Permitting – Adopt and implement standard procedures for 401 certification*

   Exemplary: 401 certification applications are evaluated under standard procedures, with an even level of review across RWBs.

   Satisfactory: 401 certification applications are evaluated under standard procedures, but with uneven or unclear levels of review across RWBs.

   Needs Improvements: None of the above

2. *Permitting – Streamline the 401 certification process through online tools*

   Exemplary: All applications for 401 certification may be submitted through online portals.

   Satisfactory: Significant progress towards the above.

   Needs Improvements: None of the above

3. *Permitting – Improve tracking of approved wetland impacts*

   Exemplary: EcoAtlas Project Tracker used in all RWBs.

   Satisfactory: EcoAtlas Project Tracker used in at least one RWB.

   Needs Improvements: None of the above

4. *Mitigation – Participate on the Banking Agency Management Team*

   Exemplary: Consistent and active participation of SWB and/or RWB staff on the PDT

   Satisfactory: Inconsistent participation

   Needs Improvements: None of the above

5. *Mitigation – Actively participate in Interagency Review Teams for mitigation banks and ILFs*

   Exemplary: Consistent and active participation of SWB and RWB staff on mitigation bank and ILF IRTs

   Satisfactory: Inconsistent participation

   Needs Improvements: None of the above

6. *Mitigation – Actively participate in regional planning efforts (RAMP, HCP, NCCP, etc.)*

   Exemplary: Consistent and active participation of SWB and RWB staff in active regional planning efforts.

   Satisfactory: Inconsistent participation

   Needs Improvements: None of the above

ED_002551_00001354-00037

Voluntary Restoration and Protection (C)

1. *Develop and implement general 401 certifications for habitat restoration projects*

   Exemplary: Issuance of one or more general 401 orders certifying all permits for habitat restoration projects of a similar nature within a specified geographic area.

   Satisfactory: Significant progress towards the above.

   Needs Improvements: None of the above; lack of general orders impedes the voluntary restoration of aquatic resources.

2. *Educational endeavors and outreach to increase public awareness of wetlands and wetland protection efforts*

   Exemplary: SWB and RWBs conduct educational outreach through events and publications

   Satisfactory: SWB and RWBs issue outreach materials, but no events

   Needs Improvements: None of the above

Voluntary Restoration and Protection (D)

1. *Research and develop WQS for wetlands*

   Exemplary: All RWB Basin Plans include numerical WQS for wetlands

   Satisfactory: All RWB Basin Plains include WQS for wetlands

   Needs Improvements: Not all RWB Basin Plans include WQS for wetlands

ED_002551_00001354-00038