

APPENDICES

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APPENDIX A – COMPARISON OF U.S.EPA AND WDNR PRIORITIES

AIR MANAGEMENT

| Region 5 Strategic Direction | WDNR Strategic Direction | Proposed Common Strategic Direction / Area of Focus | Proposed Supporting Joint Priority | Proposed WDNR Supporting Activities | Proposed Region 5 Supporting Activities |
|---------------------------------|---------------------------------|---|------------------------------------|---------------------------------------|---|
| Community Air Toxics | Community Air Toxics | Community Air Toxics | Yes | See Partnering/Joint Priorities Chart | See Partnering/Joint Priorities Chart |
| Midwest Clean Diesel Initiative | Midwest Clean Diesel Initiative | Midwest Clean Diesel Initiative | Yes | See Partnering/Joint Priorities Chart | See Partnering/Joint Priorities Chart |
| Title V Program Issues | Title V Program Issues | Title V Program Issues | Yes | See Partnering/Joint Priorities Chart | See Partnering/Joint Priorities Chart |
| Regional Pollutant Issues | Regional Pollutant Issues | Regional Pollutant Issues | Yes | See Partnering/Joint Priorities Chart | See Partnering/Joint Priorities Chart |

REMEDIATION AND REDEVELOPMENT

| Region 5 Strategic Direction | WDNR Strategic Direction | Proposed Common Strategic Direction / Area of Focus | Proposed Supporting Joint Priority | Proposed WDNR Supporting Activities | Proposed Region 5 Supporting Activities |
|------------------------------|---|--|------------------------------------|--|--|
| A | A Smart Regulation – Responsive Efficient Effective | A Provide stable state and federal funding--staff and response capability. | | Federal funding applications and fund management – Section 128a, Brownfields, Superfund, LUST, and RCRA Corrective Action. | Provide funding and support for 128(a), brownfield and Superfund activities. |
| B | B Smart Regulation – Efficient | A Maintain and enhance RR program wide outreach. | | Prepare/provide newsletters, annual reports, and publications, respond to information requests, and assist division efforts. | |
| | | B Provide opportunities for public participation and improved public information via brownfields and redevelopment outreach. | Brownfields Joint Priority | Web page development, public outreach, success stories, local government advocacy, update BRRTS, Green Team meetings. Geolocate sites and add sites to the GIS registry. | |

| Region 5 Strategic Direction | WDNR Strategic Direction | Proposed Common Strategic Direction / Area of Focus | Proposed Supporting Joint Priority | Proposed WDNR Supporting Activities | Proposed Region 5 Supporting Activities |
|-------------------------------------|--|--|---|--|--|
| | | C Provide financial assistance to LGUs to promote clean up and redevelopment. | Brownfields Joint Priority | Develop and administer Brownfields Revolving Loan Fund; provide proactive outreach to communities on brownfields incentives. | Funding and support for RLF and brownfield activities. |
| C | C Smart Regulation – Responsive | A Work toward passage of pending issues related to brownfields, per Brownfields Study Group. | Brownfields Joint Priority | Brownfields budget initiatives, negotiations, budget development, and related activities to result in enhancements to Wisconsin’s program. | Provide Brownfield support for WDNR Program. |
| D | D Respond to environmental emergencies and restore contaminated land and water to levels that protect public health and the environment in a manner that promotes redevelopment. | A WDNR provides support to EPA in the coordination of Superfund removals. | | Removals coordination provided per the annual Superfund Site Assessment CA work plan. | Provide Site Assessment support and funding for Program. |
| | | B Provide timely survey and inventory of sites. | Brownfields Joint Priority | Proactively locate and screen new and existing properties. Increase acceleration of action/progress at sites. | |
| | | C Superfund Site Assessment decisions. | | Number and type of determinations per the annual Superfund Site Assessment CA work plan. | |
| | | D Effective RCRA Corrective Action clean ups. | | By 2005, at RCRA high priority facilities, assist EPA in controlling human exposures at 95% and groundwater releases at 70%. Encourage lender and LGU participation in enforcement discretion liability pilot. | |
| | | E Superfund Cleanups | | WDNR provides project | Provide management |

| Region 5 Strategic Direction | WDNR Strategic Direction | Proposed Common Strategic Direction / Area of Focus | Proposed Supporting Joint Priority | Proposed WDNR Supporting Activities | Proposed Region 5 Supporting Activities |
|------------------------------|--------------------------|---|------------------------------------|---|--|
| | | | | management on state lead Superfund sites, and support to EPA on EPA Lead Superfund sites. | assistance and site specific funding and support for Superfund sites. |
| | | F LUST Cleanups | Closure Protocol Study | Progress in clean up of sites—reported twice a year per STARS. Closure Protocol Study completed by September 2006. Conduct RSIPs-- Regional/State Improvement Projects. | Provide assistance in writing the final Closure Protocol Study Report, help with Peer review, provide technical support, and distribute study results to other states and regions. |
| | | G Provide effective oversight and enforcement for cleanups. | Brownfields Joint Priority | Evaluate the effectiveness of institutional controls by annually conducting 100 site audits. | |

WASTE MANAGEMENT

| Region 5 Strategic Direction | WDNR Strategic Direction | Proposed Supporting Joint Priority | Proposed WDNR Supporting Activities | Proposed Region 5 Supporting Activities |
|------------------------------|--|------------------------------------|---|---|
| | <p>A.1. Improve Environmental Outcomes:</p> <p>a. Implement the Green Tier program and legislation in all our programs.</p> <p>b. Emphasize the core work necessary to achieve the desired environmental outcomes.</p> | Green Tier | <p>a. Green Tier Implementation Use Green Tier approvals and licensing.</p> <p>Use EMS in HW licensing.</p> <p>b. Improve environmental outcomes from core work.</p> <p>Use program measures (including EMS measures) to evaluate and adjust work</p> | Assist Waste Program to implement with specific projects by: Timely review of regulatory interpretations and assistance with policy development. |
| | <p>A. 2. Achieve Fiscal Stability and Improved Legal Framework:</p> <p>- We will work with stakeholders to stabilize the funding needed for our programs</p> <p>- We will seek legislation to make improvements in our legal framework.</p> | | <p>a. Stabilize funding Increase user fees in HW and SW</p> <p>Pursue a Governor’s task force on waste capacity and long-term vision</p> <p>b. Legislation to make improvements in our legal framework.</p> | |

| Region 5 Strategic Direction | WDNR Strategic Direction | Proposed Supporting Joint Priority | Proposed WDNR Supporting Activities | Proposed Region 5 Supporting Activities |
|---|--|--|---|---|
| <p>B. The National Priority Areas of the Resource Conservation Challenge provide strategic direction to EPA’s waste reduction and recycling programs. The 4 National Priority Areas (bullets below) are:</p> <p>---</p> <p>Increase MSW recycling to 35% by 2008 targeting organics, paper, and packaging, Increase the beneficial use of industrial byproducts, targeting foundry sand, coal ash, and C&D debris, Electronics Recycling, Minimizing targeted chemicals. (Recycling and Beneficial Reuse correspond to national priority areas)</p> <p>5</p> | <p>B. Waste Management Program Direction: Streamline our processes and reviews that prevent adverse impacts to public health and the environment related to management of waste materials. Consistent with the SMART Regulation approach, we will pursue these Workplan Priorities for FY05-07:</p> <p>Stabilize Waste Program Funding</p> <p>Reduce & Minimize Waste</p> | <p>Reduce & Minimize Waste/ Increase beneficial reuse.</p> | <p>Stabilize Waste Program Funding: Implement the Waste Management Program Redesign Plan. Develop proposals and build support for new funding/ potential revenue sources for the program. Update Hazardous Waste policies: a. Revise NR 600 Rules, b. Prepare & submit Hazardous Waste Reauthorization package to EPA Region 5, c. Develop new Guidance documents, d. Offer training to regulated facilities and staff.</p> <p>Reduce & Minimize Waste: Define best management practices for Construction & Demolition wastes; identify and support one effort to reuse/recycle C&D in each region; share best management practices and other information with all entities that manage C&D wastes. Voluntary tracking of recycling/reuse from C&D sites: develop an on-line tracking system. Promote best management practices for efficient and effective management of recycling programs, using the results from recent REI grant projects and other innovative approaches; share these ideas with local government units at recycling program evaluations. Create awareness that not only is recycling the law, but it makes “good business sense” and promotes job creation in Wisconsin. (Assists industries that depend on recycled products in their production processes, such as paper and scrap industries and plastics manufacturers.)</p> <p>Speakers and staff participation.</p> <p>Organize with assistance from foundry trade association</p> | <p>Stabilize Waste Program Funding: Assist WDNR in review of rewrite of regulations and authorization. Provide review and comments on application packages for new funding. Support WDNR policy development through timely feedback and technical support.</p> <p>Reduce & Minimize Waste: EPA Region 5’s grant to Waste Cap WI to develop a resource guide for C&D recovery. Region 5 will help distribute the results of the grant to C&D facilities in the Region. Assist in development of on-line tracking system (support through funding; promote use of facility in other states.) Assist in developing the case for business recycling. (Examples of successful efforts, innovative contractual arrangements with solid waste haulers, cooperative collection arrangements with businesses, develop on-line tools to measure recycling and cost/benefits from recycling.</p> |

DRINKING WATER AND GROUND WATER MANAGEMENT

| Region V Strategic Direction | WDNR Strategic Direction | Proposed WDNR Supporting Activities | Proposed Region V Supporting Activities |
|--|---|--|--|
| <p>1. Short-term priorities</p> <p>a. Use negotiated disinvestment/worksharing agreement to ensure that highest public health priority work is done.</p> <p>Reach an agreement with the WDNR on what program work needs to be disinvested or shared with EPA so that program implementation improvements in core work areas continue. Memorialize agreement in DW/GW EnPPA program chart.</p> <p>b. Manage WDNR and EPA resources as per agreement. Implementation will be tracked in the DW/GW EnPPA program chart.</p> <p>c. Safe Drinking Water Information System Modernization</p> <p>Starting on October 1, 2005, EPA will be changing the data reporting format that will be accepted from WDNR. The new data format is XML. In addition, WDNR must use a new tool, FedRep, to check their data for errors prior to submitting it to the national database. The WDNR is expected to test the modernized data flow for all 3 data types (Inventory, Actions, and Sample) prior to October 1st.</p> | <p>1. Protect Public Health</p> <p>a. Emphasize core work necessary to protect public health.</p> | <p>a. Implement Core Work Elements:</p> <ul style="list-style-type: none"> • Properly equipped and trained staff conducting sanitary surveys at least once every 5 years at all public water systems. • Assure all public water systems monitor water quality as required. When violations to health standards do occur they are resolved without delay. • Increased surveillance of well drillers and pump installers. | <p>Negotiate disinvestment/work sharing agreement.</p> <p>Accomplish worksharing activities as per agreement.</p> <p>Continue deployment of State Program Manager to Wisconsin to enhance communication and improve the execution of agreements.</p> <p>Track progress with SDWIS modernization implementation and help troubleshoot problems if they arise.</p> |

| Region V Strategic Direction | WDNR Strategic Direction | Proposed WDNR Supporting Activities | Proposed Region V Supporting Activities |
|--|---|--|---|
| <p>2. Medium-term priorities</p> <p>a. Indicators</p> <p>Continue to work jointly with the WDNR to increase the suite of indicators of program health.</p> <p>b. Data quality improvement plan</p> <p>Continue to make Safe Drinking Water Information System data more reliable by implementing the Data Quality Improvement Plan.</p> <p>c. Resource enhancement</p> <p>Continue to work jointly with the WDNR to develop options and activities to build State resources.</p> | <p>2. Measure Environmental Performance:</p> <p>a. Add components to the Drinking Water Data System so that the system can be used more readily as a program management tool.</p> | <p>a. Develop user friendly reports from the Drinking Water Data System that will allow managers to more easily measure performance. Examples of possible reports include:</p> <ul style="list-style-type: none"> • Systems with a certified operator vs. total number of systems • Systems with a sanitary survey within the last 5 years vs. total number of systems. • Number of water systems that meet all drinking water standards vs. total number of systems. • Number of wells inspected during construction vs. total number of wells constructed. | <p>Develop improved program evaluation methods through participation in the effort to develop a logic model and indicators of program health for the Public Water System Supervision program nationally, and share these methods with the WDNR when appropriate.</p> <p>Enhance dialogue between Wisconsin program managers and their counterparts in similar states to identify common problems and potential solutions through meetings and conference calls.</p> <p>Continue to use program evaluation tools like data verifications, grant workplans, shared goals, the primacy tracking tool, the Annual Resource Deployment Plan, Drinking Water State Revolving Loan Fund Set-Aside Reviews, and Significant Non-Complier Reports to determine the completeness and adequacy of PWSS program implementation in Wisconsin. Provide regulatory interpretation and training to state employees and industry trade groups upon request. Provide data reporting tracking and assistance to WDNR to continue progress on the implementation of Data Quality Improvement Plan activities.</p> |
| <p>3. Long-term priorities –</p> <p>Improve position of the primacy program to ensure the delivery of safe drinking water by increasing staff and stabilizing funding.</p> | <p>3. Increase and Stabilize Available Resources</p> <p>Increase Staff Resources</p> <p>Stabilize Funding</p> | <p>Work with the Department of Administration to approve the hiring of additional federally funded positions. Work with stakeholders to stabilize state funding for the program.</p> | <p>Continue to describe the condition of the State’s program using the tools and methodologies described above.</p> |

APPENDIX B – EVALUATION OF PROGRESS

Self Assessment Report (SAR) - A significant element of the PPA will be the SAR which will contain WDNR and Region 5 self assessments. This SAR is a critical component of the plan, do, check and adjust process and serves other functions like identifying progress through environment performance (like indicators and JPs) and to document fulfillment of all WDNR reporting requirements for USEPA grants with the exception of some fiscal reporting. Also, in an effort to improve the readability and understanding of the PPA and SAR, a standardized format has been used and general program commitments have been moved to the PPA appendix. This standardized format combines a number of pieces of information on how the work efforts fit into WDNR and Region 5 programs, actual work efforts proposed by both agencies, and finally the Region 5 and WDNR self assessments. Thus, it is the intent to have the PPA continue as a combined final PPA/SAR for each year of the PPA. (July 1st to June 30th).

A. WDNR Self Assessment Report

The SAR will serve as a progress report on all aspects of the environmental management programs (Air, Water, Remediation & Redevelopment, etc.), including JPs and partnering, and programmatic issues covered in the PPA.

The WDNR SAR will:

- Measure how well WDNR is moving toward and achieving its long term goals and objectives for the Agency.
- Act as a tool to make mid-course correction during the biennial work plan process.
- Provide direction for future WDNR biennial work plan processes and provide input for future PPAs.
- Report to WDNR management for the reporting period.
- Report to Region 5 management on performance for the reporting period.
- Supplement WDNR's "State of the Environment" report.

B. Region 5 Self Assessment Report

Region 5 has a responsibility to monitor its efforts in support of WDNR and in support of achieving USEPA's national and Regional environmental goals described in the Region 5 strategic plan. Region 5 will assess its progress in different ways. To measure support for WDNR specifically under this PPA, Region 5 will provide information in two ways:

- Input to WDNR's annual Self-Assessments about Region 5 work accomplished on the WDNR and Region 5 JPs and other partnering efforts. Region 5 will prepare information on the progress made regarding commitments, measures described under the JPs and an overview. The information will be provided to WDNR for incorporation into WDNR's development of the annual SARs and overview.
- An assessment of Region 5's progress on support activities described in the PPA. For Region 5's Self-Assessment, Region 5 programs will provide an evaluation of their own efforts to support WDNR programs. This evaluation will be based on Region 5 activities contributed to the PPA's media-specific program plans or other areas and could include training offered by Region 5, meetings or any other activities that Region 5 programs agreed to undertake for WDNR. Region 5 will provide this information along with its annual evaluation of WDNR's performance.

The regional Self-Assessment that Region 5 will provide to WDNR needs to fit into a larger picture. Region 5 describes its overall plans and measures in annual program Memoranda of Agreements with USEPA Headquarters, as well as in Region 5's own Agenda for Action which describes Region 5 priorities.

Region 5 will evaluate its work in its annual program reports to Headquarters. The schedules and extent of these reports differ among programs and occur in conjunction with the evaluation for each federal fiscal year.

C. SAR Schedule

An annual draft SAR will be prepared by WDNR for July 1st to June 30th of each year. WDNR will start the process of developing a draft SAR by July 1 of each year. The draft WDNR SAR will be sent to Region 5 by August 15th. Region 5 will provide comments and additions on the draft SAR to WDNR by September 15th. WDNR will finalize and distribute the SAR by October 15th of each year, or by the alternative agreed upon date.

APPENDIX C – ROLES AND RESPONSIBILITIES FOR REGION 5 AND WDNR

A. Shared Responsibilities

Region 5 and WDNR have complementary missions to protect and restore the environment. In order to accomplish these missions, Region 5 and WDNR must maximize their resources and minimize activities that do not contribute to these objectives. Shared responsibilities include implementation of many federal programs. The success of these programs relies on provision for adequate resources, clear distinction of roles, and a high degree of cooperation between agencies. The involvement of stakeholders and opportunity for public participation is also a key shared responsibility and equally as critical to successful development and implementation of these programs.

During this EnPPA, Region 5 and WDNR will work toward a goal of optimizing the use of the agencies' combined resources to assure compliance. In order to best employ the full benefits of their partnership relationship, Region 5 and WDNR will identify targets for compliance and enforcement activities and share the responsibility for initiating appropriate enforcement actions.

Region 5's and WDNR's compliance assistance efforts will be measured and reported.

Region 5 and WDNR will mutually and openly share information on enforcement and compliance assistance activities.

The following two sections detail the roles and responsibilities of each agency in providing quality environmental programs which protect public health and Wisconsin's environment.

B. USEPA/Region 5 Roles and Responsibilities

The Federal government has a fundamental responsibility to protect the integrity of the nation's environment and health of its diverse citizenry. Both USEPA and individual states conduct environmental protection activities. USEPA carries out an important role by directly implementing some Federal programs, taking enforcement against violators, delegating or approving Federal programs for State operation and reviewing and evaluating State program performance. USEPA has a fiscal and statutory responsibility to ensure that Federal programs are carried out consistently across the country. In this capacity, its program review role incorporates a variety of activities in general, from annual meetings with State program managers to file reviews. USEPA also builds the capacity of States and other partners by offering training and technical assistance, sharing work efforts, and conducting scientific and policy research.

Because pollution does not respect political boundaries, USEPA must ensure that a consistent level playing field exists across the nation. USEPA performs this vital function by providing leadership when addressing environmental problems that cross state, regional and national borders and by ensuring a consistent level of environmental protection for all citizens. The Agency fulfills these responsibilities by working with its many partners - other federal agencies, states, tribes and local communities - to address high priority environmental problems. USEPA is committed to promoting and supporting environmental justice with a goal of eliminating disproportionate environmental impacts on low-income and people of color. To the maximum extent possible, Region 5 will take environmental justice into account in carrying out its responsibilities and commitments under this EnPPA. The Agency is also committed to people having access to good data for informed decision-making, both inside and outside the Agency.

Specific compliance and enforcement activities to be accomplished during the term of this EnPPA are included in the media-specific appendices. However, Region 5 and WDNR believe it is appropriate to highlight the federal role in compliance and enforcement in this EnPPA. Although WDNR is authorized to

implement many of the federal environmental programs, both agencies agree that there is an ongoing federal role in environmental protection. Under this EnPPA, Region 5 and WDNR retain their respective authorities and responsibilities to conduct enforcement and compliance assistance activities.

Region 5 will continue to maintain a federal enforcement and compliance presence in Wisconsin and Region 5 in order to support State enforcement and compliance activities and to serve as an incentive to compliance.

Both federal and state enforcement activities serve to ensure that regulated entities which violate environmental requirements do not gain a competitive advantage over those expending the resources to comply with environmental laws. Region 5 will focus on national and regional priorities including, but not limited to, multi-media inspections, national companies with multi-state non-compliance, selected priority sectors, and prosecution of criminal violations. Region 5 will also assist WDNR in conducting inspections, enforcement actions and in providing compliance and technical assistance to the State and its regulated entities. Region 5 will continue to take enforcement actions, where appropriate, to ensure implementation of federal programs, and will coordinate with and inform WDNR when such actions are being considered. Specific federal enforcement and compliance assistance responsibilities are outlined in the existing USEPA guidance documents.

While individual media program activities will be coordinated on a program-specific basis, multi-media activities will be coordinated through Region 5's Office of Enforcement and Compliance Assurance and WDNR's Office of Environmental Enforcement.

C. WDNR Roles and Responsibilities

WDNR is responsible for implementing State and State-authorized, approved or delegated federal programs that protect and enhance Wisconsin's natural resources and for coordinating the many State administered programs that protect the environment and provide a full range of outdoor recreational opportunities.

WDNR's environmental management responsibilities focus on improving and protecting the quality of Wisconsin's air, land, surface water and groundwater to support a diverse environment and protect fish and other aquatic life, wildlife and human health. WDNR, in cooperation with Region 5, prevents waste generation, pollution and spills; implements programs to manage waste and by-products and directs the cleanup at contaminated sites and groundwater. This is done through its wastewater management, water quality, safe drinking water, waste management, remediation and redevelopment and air quality activities.

In achieving its responsibilities to protect human health and the environment, WDNR works in partnership with citizens, communities, businesses, advocacy groups, other state agencies and the federal government. In addition to working in partnerships, the interrelationships among our air, land and water resources require an integrated approach to ecosystem management. In its organization WDNR has established geographic management units, based mostly on major river basins, which will be the focus of an interdisciplinary approach to environmental and natural resource management. Direct citizen participation in setting goals and priorities within these geographical management units is key to WDNR natural resource and environmental decision-making.

D. Role of the Public

Since the Conservation Act of 1927, which established citizen oversight of natural resource policy, Wisconsin has viewed the direct involvement of its public as essential to responsibly managing the State's natural resources. Citizen members of the Natural Resources Board; the Conservation Congress; participants at public meetings and hearings; advisory groups and all others who comment are directly involved in natural resource management and environmental protection.

With the 1996 reorganization of WDNR, this long-standing commitment to public involvement continues as well as continuous quality principles of Plan, Do, Check and Adapt.

It is important to note that this PPA is built around a system of public participation that will accomplish several important public policy goals, namely:

Establish environmental priorities based on local, place-based needs.

Increase public confidence in the national and state environmental management systems.

USEPA illustrates its commitment to public involvement in decision-making with the Community-Based Environmental Protection (CBEP) model. CBEP's goals are to assess and manage the quality of air, water, land and living resources in a place as a whole, to better reflect regional and local conditions, and to work more effectively with our many partners in environmental protection, both public and private.

Both partners in this PPA understand the importance of early public involvement. Communities, including all types of stakeholders and agencies, are viewed as equal partners in the dialogue on environmental issues. The Region 5 Senior Management and WDNR Department Leadership Team (DLT) have actively looked for ways to improve stakeholder outreach, striving to get more involvement in environmental decision-making. Some shared guiding principles for public outreach and involvement include:

Encourage and promote the active participation of communities and stakeholders by giving them a voice in all aspects of environmental decisions which affect their lives.

Institutionalize public participation, with recognition of the value of community knowledge, and the underlying promise that the public's contribution will influence decisions.

Utilize cross-cultural formats and exchanges in order to assure that the interests and needs of all participants are understood.

Provide equal access to decisions made about the environments in which people live. Maintain honesty, integrity and scientific professionalism in the process of articulating goals, expectations and limitations.

Both agencies are committed to making this EnPPA a meaningful collaboration in the work they share. Both hope to garner increased public confidence in their efforts to improve the environment. To invite public comment on this EnPPA, public availability sessions will be held and public review sought at critical stages in the Agencies' planning and decision-making process. News releases and fact sheets will keep the Wisconsin public informed.

E. Principles of WDNR/EPA Compliance/Enforcement Relationship

WDNR and USEPA share a commitment to protect Wisconsin's citizens and environment. Achieving and maintaining compliance with environmental requirements is a major part of this shared commitment. To guide the agencies in this shared responsibility, USEPA and WDNR agree on the following objectives as guiding principles:

- Manage for environmental results which support agency goals.
- Encourage and maintain compliance through the most effective application of the full spectrum of tools.
- Use our respective resources and abilities as efficiently as possible.

- Institute joint, advance planning for the most effective coordination.
- Enhance open and honest communication between our agencies.

Joint Planning, Priority-Setting, and Sharing Responsibilities for Enforcement & Compliance Assurance

Our goal is to promote greater joint planning, priority-setting, and sharing of responsibilities between USEPA and WDNR in order to achieve more efficient deployment of resources, higher levels of coordination, and greater compliance with environmental laws. To accomplish this goal, USEPA and WDNR agree to:

- Use the EnPPA process to determine compliance and enforcement priorities and work sharing arrangements.
- Seek opportunities for sharing work and resources, as specified in the specific program work plans.
- Share expertise, as part of work sharing and coordinated planning, to address areas of concern or lack of expertise in specific sectors.
- Tailor compliance and enforcement priorities to address environmental needs in Wisconsin as well as USEPA regional and national priorities. WDNR will identify its needs to USEPA by specific program. USEPA will identify regional and national enforcement priorities to WDNR.
- Identify needs so that USEPA and WDNR can work alongside and support each other efforts.
- Recognize that state and national program directions may shift during the course of this EnPPA, and commit to discussing any needed shifts, the feasibility of implementation and possible disinvestment needed to accommodate any shifts.

Consultation on Enforcement and Compliance Assurance Activities

Ongoing communication and consultation between USEPA and WDNR is critical for a smooth and productive working relationship. Our goal is to improve communication and consultation between our agencies. To accomplish this goal WDNR and USEPA agree to improve communication and coordination to foster an atmosphere of early and meaningful communication between USEPA and WDNR for discussing priorities and providing notification between WDNR and USEPA of any upcoming significant inspection or enforcement action.

To emphasize that compliance and enforcement activities and priorities are clearly communicated between USEPA and WDNR senior and mid-level management, the following responsibilities are identified:

- Planning and priority-setting is accomplished at the respective section chief level during negotiation of this EnPPA and as needs arise, during the EnPPA.
- Routine communication is a program-to-program responsibility at the respective section chief level.
- Sensitive communication, defined as multi-media, high profile, conflict-based, that requires a policy interpretation or which is an emergency, is the responsibility of the respective USEPA Branch Chief to communicate with WDNR's Division of Enforcement and Science Administrator, or respective designee.
- USEPA will take enforcement actions in Wisconsin as necessary and appropriate to ensure implementation of federal programs and as a deterrent to non-compliance, in accordance with the communication and coordination activities outlined above. There may be emergency situations or criminal matters that require USEPA to take immediate action (e.g., seeking a temporary restraining order). In those circumstances, USEPA will consult with the State as quickly as possible following initiation of the action.
- Coordinate compliance and enforcement actions, on an ongoing basis, to ensure efficient and effective use of resources.
- Ensure effective communication between senior and mid-level management to ensure that USEPA and WDNR front-line staff receive consistent messages.
- Communicate, as regulatory agencies, the message that escalated enforcement is neither a positive or negative issue for the agencies and should be considered when non-compliance occurs. There is a need for deterrence and the need to punish violators even when they achieve compliance or when there is criminal activity.
- Recognize that EPA has a responsibility to foster consistency among State enforcement programs.

APPENDIX D – ADMINISTRATION OF THE PPA AND CONFLICT RESOLUTION

A. Needed Changes in the EnPPA

Region 5 and WDNR both recognize that most multi-year EnPPAs need change to make them current, relevant, and supportable. Since both Agencies also support continuous quality improvement (plan, do, check and adapt), it is important to designate a process to review the EnPPA and propose changes. These changes would then be implemented through the Amending the Agreement process (see Section V. G.).

In order to facilitate the formal review of the EnPPA, Region 5 and WDNR individual programs must have some type of dialog to identify problems and issues. This dialog needs to occur no later than the end of February of each year. This information needs to be shared with the EnPPA program contacts, in both Agencies, so that they can share the information and deal with those issues as well as multi-program issues at the routine program to program discussions.

At least one formal program review and discussion, between the two Agency EnPPA teams, needs to occur during March of each year. It is intended that the meeting focus on progress, new issues, and solutions and that by the close of the meeting, proposed changes would have been developed in draft form. The EnPPA team leaders would then route the proposed EnPPA changes to Agency programs for comment. Proposed changes must be agreed to and approved by June 30.

This formal process is not intended to limit program to program discussion nor does it preclude additional changes agreed to by both Agencies. The overall philosophy of this EnPPA is to encourage dialog and partnering.

B. Conflict Resolution

Region 5 and WDNR realize that disagreements may occur, that differing perspectives are a normal part of the state/federal relationship, and that timely resolution of disagreements is in the public's and both Agencies' best interests. Accordingly, Region 5 and WDNR are fully committed to using a mutually agreeable dispute resolution process to handle the conflicts that may arise as we implement environmental programs. We also agree to view the conflict resolution process as an opportunity to improve our joint efforts rather than as an indication of failure to achieve goals. To that end, we endorse the following negotiation principles:

Approach disagreement as a mutual problem requiring efforts from both Agencies to resolve.

Approach the discussion as an opportunity to improve work activities and relationships in developing products through joint efforts.

Empower staff; i.e. aim for resolution at the staff level, while keeping management informed.

Consider all issues raised, but establish priorities to ensure that significant issues receive attention first.

Observe reasonable time frames, elevate disputes as quickly as practicable; in any event the negotiation process should not exceed 90 days for formal conflict / non-emergency situations.

In keeping with these principles, both Agencies agree to attempt to resolve conflicts at the lowest possible staff level when disputes occur between WDNR and Region 5. This is balanced with a recognition that elevation is encouraged and appropriate when timely resolution is not forthcoming.

Informal Conflict Resolution

Conflict can develop at all levels, from disagreements over wording in a report to significant differences over implementing federal policy. Region 5 and WDNR will strive to implement the following principles to resolve conflicts as they arise:

- Encourage staff to identify issues that they can resolve immediately; recognize and identify those issues that are caused by a larger system and need broader input to resolve.
- Diagnose the underlying cause of the problem or conflict and involve those who can affect the outcome.
- Promptly disclose underlying assumptions, frames of reference and other driving forces.
- Clearly differentiate positions and check understanding of content and process with all appropriate or affected parties to assure acceptance by all stakeholders.
- Document discussions and decisions to minimize future misunderstandings,
- Keep Region 5 and WDNR EnPPA program and team contacts informed as to the resolution.
- If a dispute cannot be resolved at the staff level, with proper input from involved managers and participants, the dispute is elevated to the formal dispute process.

Formal Dispute Resolution

The formal dispute resolution process is invoked when the informal process does not result in a resolution acceptable to all parties or if it fails to resolve all issues associated with a dispute. To elevate an issue for formal dispute resolution the following procedure should be followed:

- Involved staff must clearly define the dispute including background information, options for resolving and pros and cons thereof.
- Involved staff must define the dispute resolution process including the time frame that will be used to continue to elevate a dispute until it is resolved.

If a dispute can't be resolved at the staff level, the dispute can be elevated to the first line supervisory level. Either party may elevate the issue and the other party will respect the decision and continue to work to resolve this issue. The supervisory referral and resolution process will continue to the level of the Region 5 Regional Administrator and WDNR Secretary, if necessary. If an agreement still cannot be reached, Region 5 Regional Administrator and WDNR Secretary can agree to jointly refer the dispute to the appropriate Assistant Administrator at USEPA Headquarters for resolution. If there is no joint agreement by the Regional Administrator and WDNR Secretary to elevate the dispute, the conflict resolution process terminates. Another alternative is for WDNR to initiate the formal grant dispute procedures outlined in the Code of Federal Regulations 40 CFR 31.70. Both Agencies agree that no legal rights are given up in agreeing to this dispute resolution process.

The aim is to resolve disputes as quickly as possible and, if unresolved at the end of three weeks, the issue should be elevated to the next level in each organization. Escalation should be to comparable levels in each organization and accompanied by an issue paper. The issue paper should be updated at each level, in each Agency, and include the information above, and document the actions and decisions that were and were not taken. A conference call and/or other consultation arrangement are strongly encouraged should it become necessary to elevate the dispute to the next management level.

Shortly after completing a formal dispute resolution process, both agencies should briefly document which elements or processes in the negotiation were most and those least effective in reaching agreement. These observations should be shared between the Agencies. This documentation will serve as a foundation for refinements and improvements in the conflict resolution process.

C. Amending the EnPPA

Region 5 and WDNR have complementary responsibilities to protect and enhance Wisconsin's environment. In order to accomplish these responsibilities our agencies must efficiently use the institutional resources we have available. Both Agencies recognize that in order to help manage work efforts, we must agree on how and when applicable State and Federal guidance will be handled. We agree that federal program guidance must be received on a timely basis in order to be considered in WDNR work planning. We also agree that the WDNR must share its work planning guidance with Region 5 in a timely manner. For purposes of this EnPPA, only the USEPA National Program Guidance and other Region 5 guidance received by WDNR by May 1 will be considered in WDNR work planning for the first year of EnPPA. It is intended that guidance received after May 1st and prior to the next May 1st will be considered as part of the Agreement adjustment process for the last 15 months of the agreement. This doesn't preclude adjustment to protect the public health and the environment where both Agencies agree.

It is recognized that important needs will arise during this EnPPA cycle that must be addressed. Refinements to portions of the EnPPA, such as conflict resolution, self-assessment and Joint Priority implementation, should be initiated and implemented as needed at any time. Also, amendments to grants or carrying out EnPPA implementation activities which do not require adjustments, should also proceed with documentation but without a formal amendment.

An appropriate time to formally adjust this EnPPA is when the self-assessment is completed or at the mid-course evaluation phase. Any adjustments will need to be identified and agreed to by June 30th for formal incorporation into the EnPPA beginning July 1. It is recognized that USEPA National Guidance is often not available by May 1st of each year; WDNR will make reasonable attempts to accommodate this whenever possible during the second year of the EnPPA. There are two types of modification, minor and significant.

Minor modifications are Region 5 to WDNR program adjustments, only impact a single program, and both programs agree to the change. These changes can occur at any time and need to follow this process:

Document the problem and revise the activities format or appropriate section in the EnPPA.
Provide the revision documentation to the EnPPA Agency sponsors and team leaders.
EnPPA team leaders will see that the change is added to the master copies of the EnPPA that are maintained by both Agencies.

Significant modifications are those modifications that impact more than one Region 5 or WDNR program and need to have the EnPPA formally modified. This formal modification process is as follows:

1. Region 5 and WDNR programs develop a short discussion paper to identify the need for the modification, impacts on the programs and present a proposed modification. The proposal will be routed to the EnPPA Agency sponsors and team leaders, along with a memo requesting the formal modification.
2. At WDNR, the proposed modification will be shared with the appropriate Bureau Directors and approval requested.
3. At Region 5, the proposed modification will be shared with the appropriate Division Director and approval requested.
4. After the modification has been approved by the appropriate WDNR Bureau Director and Region 5 Division Director, the EnPPA co-sponsors will develop and jointly sign a letter approving the modifications.

5. The formal modification approval letter will then be sent to the programs and a copy sent to the both Agency EnPPA teams. The both Agency EnPPA team leaders will add the modification to the master EnPPA that are maintained by both Agencies.

D. EnPPA Cycle

During the time covered by this EnPPA, Region 5 and WDNR will be implementing this EnPPA as well as planning for the next PPA. In order to accommodate these dual schedules, a 27-month cycle will be followed. This cycle parallels the WDNR's IWPS which is based on the "Plan, Do, Check, and Adapt"

APPENDIX E – REPORTING AND SCHEDULE FOR ENPPA DEVELOPMENT & REVIEW

Reporting Commitment

This EnPPA contains the reporting commitment established between Region 5 and WDNR managers who implement programs. WDNR's commitment to support national data bases, report information identified in National Core Performance Measure requirements and meet other Region 5 information needs are identified in the program charts in Section VIII. Reporting will cover all grant-eligible activities. This reporting will be discussed in the annual Self Assessment prepared by Region 5 and WDNR and is further described in Section VI, unless a different time frame or specific program reporting process has been established.

Nothing in this EnPPA prevents the Agencies from determining that additional ways to streamline or modify reporting are appropriate. The Agencies will have the flexibility to amend reporting activities through negotiated amendments to this EnPPA.

Schedule and Feedback

Developing the 2-Year PPA

- Meeting in Madison, WI with Region 5 Administrator and WDNR Secretary (with management staff) to discuss the FY'04 SAR and oversight, and set priorities for the FY' 06 and 07 PPA in mid February of 2005.
- Program staff proceed to develop the PPA during the months of February through May 15, 2005.
- Draft PPA is routed for program review, appropriate adjusts made and a draft final PPA is completed June 15, 2005.
- Final PPA is routed for sign-off and signed by the Region 5 Administrator and Secretary by June 30, 2005.
- SAR process starts with WDNR developing a draft FY' 05 SAR by August 15 (July 1st to June 30th of each year). The draft WDNR SAR will be sent to Region 5 programs by August 15th. Region 5 will provide comments and additions on the draft SAR to WDNR by September 15th. WDNR will finalize and distribute the SAR by October 15th.

Mid-course Review and Adjustments to the PPA

- Meeting in Madison, WI with Region 5 Administrator and WDNR Secretary (with management staff) to discuss the FY'05 SAR, discuss progress on Joint Priorities and oversight, and adjust and set priorities for the FY' 07 PPA in January of 2006.
- Program staff proceed to develop adjustments to the PPA during the months of February through March 15, 2005.
- If the changes are significant in nature, the revised PPA will be routed for program review, appropriate adjusts made and a revised PPA is completed April 15, 2005.
- Revised PPA is routed for sign-off and signed by the Region 5 Administrator and Secretary by May 15, 2005.
- SAR process starts with WDNR developing a draft FY' 06 SAR by August 15 (July 1st to June 30th of each year). The draft WDNR SAR will be sent to Region 5 programs by August 15th. Region 5 will provide comments and additions on the draft SAR to WDNR by September 15th. WDNR will finalize and distribute the SAR by October 15th.
- Meeting in Madison, WI with Region 5 Administrator and WDNR Secretary (with management staff) to discuss the FY'06 SAR and oversight, and set priorities for the FY' 08 and 09 PPA in January of 2007.

APPENDIX F – WDNR / Region 5 Contacts

WDNR PPA, PROGRAM and QA CONTACTS

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| Agency EnPPA Sponsor (AD/5) | Allen Shea, Air & Waste Division - Division Adm. (608) 266-5896 |
| Agency EnPPA Team Leader (WA/5) | Barbara Zellmer, Management and Budget (608) 266-8724 |
| WDNR Divisions | |
| Air & Waste Division (A&W) | Allen Shea, Administrator (608) 266-5896 |
| Enforcement and Integrated Science Services Division (E&ISS) | Amy Smith – Administrator (608) 266-0015 |
| Customer & Employee Services Division (C&ES) | Vance Rayburn, Administrator (608) 266-2241 |
| Land Division | Laurie Osterndorf, Administrator (608) 267-7552 |
| Water Division | Todd Ambs – Administrator (608) 264-6278 |
| Quality Management System | |
| <ul style="list-style-type: none"> • Documentation Agency Contact • Air and Waste Division Contact • Water Division Contact • Enforcement and Science Services Division Contact (including laboratory services) | <ul style="list-style-type: none"> • Barb Zellmer, Section Chief, Management and Planning Programs - (608) 266-8724 • Kevin Kessler, Natural Resources Program Manager, Air and Waste Division (608) 266-5207 • Roger Larson, Assistant Director, Watershed Management Bureau - (608) 266-2666 • Dave Webb, Section Chief, Environmental Science Services - (608) 266-0245 |
| Quality Management System Bureau contacts are the Bureau Directors (unless delegated) – Technical Level QA contacts and roles are listed within Bureaus | |
| Air Management (AM/7) / A&W Division | |
| PPA AM contact | Eileen Pierce, Section Chief, Monitoring (608) 266-1058 |
| Bureau Director | Lloyd Eagan, Director (608) 266-0603 |
| Quality Management System Bureau contact and coordinates Administrative rules (and website) and VOCs | Bob Eckdale (608)266-2856 |
| <u>Environmental Analysis & Outreach Section</u> This section is responsible for analyzing air quality issues, including air toxics, health impacts and air quality trends. It is also responsible for public information and outreach activities. | Jon Heinrich, Section Chief (608) 267-7547 |
| <u>Monitoring Section</u> Responsible for ambient air quality monitoring, atmospheric deposition monitoring, and evaluation of the impacts. | Eileen Pierce, Section Chief (608) 266-1058 |
| Quality Assurance contact, coordinates technical assistance for: Air monitoring | Steve Scheunemann (608) 267-7578 |
| <u>Compliance & Enforcement Section</u> This section coordinates the Air Management Program's efforts to ensure that industries and others comply with clean air laws. This includes: Working with U.S. EPA Region 5 and WDNR Air Program compliance staff to assure that rules, policies, and guidance are applied consistently statewide | Bill Baumann, Section Chief (608) 267-7542 |

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| Evaluating how well the program accomplishes its statewide compliance and enforcement goals; and Keeping the data in the Wisconsin Air Compliance Database (WACD) up to date. | |
| Quality Assurance contact, coordinates technical assistance for: Compliance | Martha Makholm (608)267-4231 |
| <u>Permits & Stationary Source Modeling Section</u> This section: Meets with industry representatives to discuss permitting issues and negotiate permit conditions Does computer modeling to determine how air pollutant emissions will affect air quality Writes construction permits and operation permits for air pollution sources | Jeff Hanson, Section Chief (608) 266-6876 |
| Quality Assurance contact, coordinates technical assistance for: Permits | Joydeb Bhattacharyya (608)267-7544 |
| <u>Emission Inventory & Small Sources Section</u> This section: Manages the annual Air Emissions Inventory, which is DNR's process for getting annual reports of air pollutant emissions from industries across the state. Coordinates DNR's activities related to asbestos, refrigerant recovery, Stage 2 vapor recovery, and small emission sources (such as dry cleaners, asphalt plants, and crushers and quarries). Works with the Small Business Clean Air Assistance Program on issues of mutual concern. | Pat Kirsop, Section Chief (608) 266-2060 |
| Quality Assurance contact, coordinates technical assistance for: Emissions inventory | Ralph Patterson (608) 267-7546 |
| <u>Regional Pollutant and Mobile Source Section</u> This section is responsible for developing State Implementation Plans (SIPs) for regional air pollutants such as ground-level ozone, particle pollution and haze. The section also develops plans and programs related to motor vehicles and motor vehicle fuels. | Larry Bruss, Section Chief (608) 267-7543 |
| Management Section This section prepares budgets and workplans, administers grants, and handles finance, rules oversight, data and personnel management. | Sheri Stach, Section Chief (608) 264-6292 |
| Community Financial Assistance (CF/8) / C&ES Division | |
| Bureau Director | Michele Young, Bureau Director (608) 266-7566 |
| <u>Environmental Loans Section</u> Questions involving the Environmental Improvement Fund and loan programs. | Bob Ramharter, Section Chief (608) 266-3915 |
| <u>Environmental Financial Assistance Section</u> Questions involving financial assistance for the nonpoint source program, well compensation, recycling and recycling demonstrations, dry cleaning, forestry, land, recreation, and lake grants. | Mary Rose Teves, Section Chief (608) 267-7683 |
| Cooperative Environmental Assistance (CO/7) / A&W Division | |
| PPA contact, Grants Coordinator and Quality Management System Bureau contact Responsible for managing bureau budgets, measuring program | Carla Wright Grant and Budget Specialist (608) 267-7407 |

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| success using environmental indicators, developing workplans, helping to assure efficient and consistent program implementation, developing and implementing public outreach strategies | |
| Bureau Director Memorandum of Agreement/Innovative Strategies Joint Priority | Mark McDermid, Director (608) 267-3125 |
| Drinking Water/Ground Water (DG/2) / Water Division | |
| PPA Drinking Water and Groundwater Contact | James McLimans, Adm. Services Manager (608) 266-2726 |
| Bureau Director | Jill Jonas, Director (608) 267-7545 |
| <u>Public Water Supply Section</u> | Lee Boushon, Section Chief (608) 266-0857 |
| <u>Private Water Systems Section</u> | Mark Putra, Section Chief (608) 267-7649 |
| <u>Groundwater Management Section</u> | Mike Lemcke, Section Chief (608) 266-2104 |
| Quality Assurance contact, coordinates the following: Groundwater Data Consistency Well and Test Result Data System | Deb Lyons-Roehl, Administrative Support Coordinator (608) 267-9350 |
| Quality Assurance contact, coordinates Water monitoring -- groundwater | Jeff Helmuth, Hydrogeologist Program Coordinator (608) 266-5234 |
| Environmental Enforcement (LE/5) / E&ISS Division | |
| Section Chief Statewide enforcement. | Steve Sisbach, Chief (608) 266-7317 |
| Enforcement Coordinator | Marty Ringquist (608) 267-7440 |
| Quality Assurance contact | N/A |
| Fisheries Management/Habitat Protection (FH/4) / Water Division | |
| PPA FH Contact Grant Management Activities for 319 Incremental and other EPA special grants Workplanning and Budgeting Performance Partnership Grant | Suzan Acre, Grant and Budget Specialist (608) 267-7613 |
| Bureau Director | Mike Staggs, Director (608) 267-0796 |
| Quality Assurance contact, coordinates Water monitoring -- rivers | Brian Weigel, Research Scientist (608)221-6326 |
| Quality Assurance contact, coordinates Water monitoring – water quality | Ken Schreiber, Water Resources Management Specialist (715)839-3798 |
| <u>Monitoring Section</u> Surface Water Quality Monitoring. Water Quality Trends and Conditions. Fish Consumption Advisory. Maintain STORET Database for WI. Implement Statewide Monitoring Strategy. | Mike Talbot, Section Chief (608) 266-0832 |
| Quality Assurance contact, coordinates Water monitoring – data management | Nancy Nate, Statewide Fisheries Database Coordinator (608)267-9665 |
| Quality Assurance contact, coordinates Water monitoring -- streams | Mike Miller, Water Resources Management Specialist (608)267-2753 |
| Quality Assurance contact, coordinates Water monitoring -- lakes | Tim Simonson, Fisheries/Lake Sampling Coordinator (608)266-6222 |

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| <u>Rivers and Regulations</u> Issue Water Quality Certifications. Waterway and Wetland Permitting. River and Stream Planning and Protection. | Mary Ellen Vollbrecht, Section Chief (608) 264-8554 |
| <u>Lakes and Wetlands</u> Self-Help Citizen Lake Monitoring. Coordinate Wisconsin Lakes Partnership. Coordinate Clean Lake Planning & Implementation. Wisconsin Wetland Inventory Updates. Lake and Wetland Policy Development. | Jeff Bode, Section Chief (608) 266-0502 |
| Quality Assurance contact, coordinates Water monitoring -- wetlands | Tom Bernthal, Water Resources Management Specialist (608) 266-3033 |
| <u>Fish and Aquatic Resources</u> (Activities are covered under SFR Grant with US Fish & Wildlife, including Trout and warmwater habitat restoration; coldwater and warmwater production and stocking; and fisheries policy development; etc.) | Steve Hewett, Section Chief (608) 267-7501 |
| <u>Management Services Section</u> Grant Oversight Budgeting and Work Planning. | Dennis Schenborn, Section Chief (608) 267-7591 |
| Great Lakes, Office of (WT/2) / Water Division | |
| This office serves as a focal point for Great Lakes issues and is the lead for interagency, interstate and international Great Lakes management initiatives. This office also manages the Great Lakes protection and restoration funds. | Chuck Ledin, Office Director (608) 266-1956 |
| Quality Assurance contact, coordinates: QAPP Reviews for Great Lakes Projects Pre-QAPP development consultation Liaison with GLNPO staff on Quality Assurance Issues | Elisabeth Harrahy 608-264-6260 |
| Quality Assurance contact, coordinates Water monitoring – Great Lakes | Jim Baumann, Bureau Director Special Assistant (608)266-9277 |
| Integrated Science Services (SS/WB) / E&ISS Division | |
| Bureau Director | Jack Sullivan, Director (608) 267-9753 |
| Quality Management System Bureau contact and coordinates Department-wide QA under NR 149 for: Lab certification program Data verification and validation Analytical methods Data quality assessment | Dave Webb, Section Chief, Environmental Science Services (608) 266-0245 |
| Quality Assurance contact, liaison for/coordinates: State Laboratory of Hygiene Field procedures and methods Agency-wide analytical services | Ron Arneson, Chemist (608) |
| Fish and Habitat Research | Ed Emmons, Fish and Habitat Research Section Chief (608)221-6334 |
| Wildlife and Forestry Research | Gerald Bartelt, Forestry and Wildlife Research Section Chief (608)221-6344 |
| Science and Information Research | Dreux Watermolen, Science Information Services Section Chief (608)266-8931 |
| Quality Assurance contact, coordinates Water monitoring -- rivers | Brian Weigel, Research Scientist (608)221-6326 |

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| Remediation & Redevelopment (RR/3) / A&W Division | |
| PPA RR Contact | Dick Kalnicky, Grant and Budget Specialist (608) 267-7554 |
| Bureau Director | Mark Giesfeldt, Director (608) 267-7562 |
| Quality Management System Bureau contact and coordinates QA technical assistance | Mark Gordon, Policy and Technical Resources Section Chief (608) 266-7278 |
| LUST Grant Liaison for Federal LUST Program issues. | Mark Gordon, Policy and Technical Resources Section Chief (608) 266-7278 |
| RCRA Corrective Action and Closure Covers investigation and remediation of sites: 1) that are being addressed under the RCRA corrective action program, 2) where a release of hazardous waste has occurred, and 3) where management of media defined as hazardous waste is necessary. This also includes general hazardous waste administrative activities such as work planning, reporting, data management, and rule development. | Mark Gordon, Policy and Technical Resources Section Chief (608) 266-7278 |
| Superfund Remedial/Core Covers the investigation and remediation of State and RP lead Superfund sites; providing support to U.S. EPA on Federal lead sites; and general Superfund administrative activities such as: work planning, reporting, contract management, and data management. Superfund Site Assessment including traditional site assessments as well as coordination of removals. | Mark Gordon, Policy and Technical Resources Section Chief (608) 266-7278 |
| Brownfields Includes all brownfields related activities such as policy development, budget implementation, outreach, Brownfields Study Group, brownfields financial assistance / expertise, brownfields tax credit, and brownfields pilots. | Darsi Foss, Brownfields and Outreach Section Chief (608) 267-6713 |
| QA assistance concerning (See ISS Bureau): Lab certification program Data verification and validation Analytical methods Data quality assessment | Dave Webb, Section Chief, Environmental Science Services (608) 266-0245 |
| Waste Management (WA/3) / A&W Division | |
| PPA WA contact | Primary Contact Pat Chabot, Hazardous Waste Team Leader (608) 264-6015 Secondary Contact Kate Cooper, Section Chief (608) 267-3133 |
| Bureau Director | Suzanne Bangert, Director (608) 266-0014 |

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| <i>Bureau Quality Management System contact</i> | Vacant (608) |
| <u>Planning & Evaluation Section</u> Responsible for evaluating and responding to customer feedback and needs, measuring program success using environmental indicators, developing workplans, helping to assure efficient and consistent program implementation, developing and implementing public outreach strategies, and ensuring incorporation of pollution prevention techniques. | Kate Cooper, Section Chief (608) 267-3133 |
| <u>Program Services Section</u> Responsible for support function for waste management subprogram. Functions include; records management, management of the licensing for solid and hazardous waste facilities, data management, clerical support for central office services, budget development, financial management and fiscal support, financial responsibility tracking for solid and hazardous waste facilities, hardware and software support services for central office staff, and safety and training coordination. | Colleen Hellenbrand, Section Chief (608) 267-7515 |
| Hazardous Waste Team Lead responsibility for overseeing the implementation of Wisconsin's hazardous waste program. Functions include: serve as a group that develops hazardous waste policies with state-wide applicability, communicate issues with staff and managers with hazardous waste responsibilities, and seek to achieve consistency in the state-wide application of the hazardous waste regulatory program. | Patricia Chabot, Hazardous Waste Team Leader (608) 264-6015 |
| Special Waste Team Coordinates regulatory and outreach efforts for solid wastes which may be hazardous, but because of factors such as special characteristics or overlapping waste requirements, require special consideration to encourage better management. | Vacant, Special Waste Team Leader |
| <u>Policy Section</u> Responsible for policy development. Functions include: legislative coordination, administrative rules development, guidance development, federal authorization maintenance, priority assessments, and federal grants development. | Vacant, Section Chief (608) 264-8884 |
| <u>Technical Support Section</u> Responsible for providing a core of technical experts to support and supplement program responsibilities in the regions. Functions include: expertise in innovative waste management technologies, facility construction and performance expertise, recycling expertise, specialized expertise for solid waste and hazardous waste plan review, laboratory coordination, and laboratory quality assurance/quality control expertise. | Dennis Mack, Section Chief (608) 267-9386 |
| Quality Assurance contact, coordinates the following Chemistry data Laboratory analyses | Dave Parsons, Chemist (608) 266-0272 |
| Watershed Management (WT/2) / Water Division | |
| PPA WT Contact Operations and Maintenance Awards Program Bureau Quality Management System contact | Roger Larson, Assistant Director (608) 266-2666 |
| Bureau Director | Russ Rasmussen, Director (608) 267-7651 |
| Watershed Policy Coordination & Integration | Jim Baumann, Bureau Director Special Assistant |

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| Coordinates the following: National Policy Development including TMDL & Watershed Approach. Coastal Zone (CZARA). Farm Bill Programs including CREP. | (608) 266-9277 |
| Quality Assurance contact, coordinates Water monitoring – Great Lakes | Jim Baumann, Bureau Director Special Assistant (608)266-9277 |
| Quality Assurance (Also Office of Great Lakes) Coordinates the following: QAPP Reviews for Water Projects (including Great Lakes) Pre-QAPP development consultation Liaison with Region 5 and GLNPO staff on Quality Assurance Issues | Elisabeth Harrahy (608) 264-6260 |
| <u>Runoff Management Section</u> Coordinates the following: Animal Waste including AFO/CAFO. Section 319 Grants Activities. Stormwater Permits. Priority Watershed / Targeted Runoff Management Planning. Nonpoint Source Coordination Activities with Wis. Dept. of Agriculture Trade and Consumer Protection and Counties. | Gordon Stevenson, Section Chief (608) 267-2759 |
| <u>Water Quality Standards Section</u> Coordinates the following: Surface Water Quality Standards. Surface Water Quality Classification. Water Quality Effluent Limits. Total Maximum Daily Loads (TMDL). Impaired Waters List [303(d)]. Great Lakes Initiative Implementation. Biomonitoring and Whole Effluent Toxicity. Outstanding & Exceptional Resource Waters. Wasteload Allocations and Modeling. | Bob Masnado, Section Chief (608) 267-7662 |
| Quality Assurance contact, coordinates Water monitoring – citizen monitoring | Kris Stepenuck (608) |
| Quality Assurance contact, coordinates Water monitoring – water quality | Ken Schreiber, Water Resources Management Specialist (715)839-3798 |
| Quality Assurance contact, coordinates Water monitoring – Great Lakes | Jim Baumann, Bureau Director Special Assistant (608)266-9277 |
| <u>Wastewater Permits and Pretreatment Section</u> Coordinates the following: Discharge Permit Issuance for Specialized Permits including Paper Industry Permits. Permits Policy Development. Groundwater Discharge Permits. Water Permits Enforcement Activities. Pretreatment Program. CSO/SSO Policy | Duane Schuettpelz, Section Chief (608) 266-0156 |
| <u>Permits Section</u> Coordinates the following: Statewide Discharge Permit Activities and Policy Development. Permit Data Coordination including PCS. Biosolids Management. POTW Operation and Maintenance. Wastewater Security Issues. Areawide Water Quality Planning & Water Basin Plans. 604 (b) (3) activities including Sewer Service Areas approvals. | Susan Sylvester, Section Chief (608) 266-1099 |

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| SFR Facility Plan and Design Reviews. Aquatic Exotics Species. 305 (b) Report for Wisconsin | |
| <i>Quality Assurance contact, coordinates</i> DMR-QA | Tom Muga, Wastewater Engineer (608) 266-7420 |
| <u>Water Quality Modeling Section</u> Coordinates the following: Fox (Wisconsin) River Activities. Contaminated Sediment Project Investigation. Contaminated Sediment Monitoring. Contaminated Sediment Transportation Modeling. | Greg Hill, Section Chief (608) 267-9352 |
| <u>Dam Safety, Floodplain and Shoreland Management Section</u> Coordinates the following: Floodplain, Shoreland Planning & Zoning. Dam Safety and Removal. Federal Emergency Management Agency | Richard Wedepohl, Section Chief (608) 267-9352 |
| <u>Administration Section</u> Coordinates the following: Grants Management Activities for 104, 106, 319 and other special EPA grants. Information Technology. Work Planning and Budgeting. Performance Partnership Grant. | Vacant, Section Chief (608) 266-9252 |
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USEPA – REGION 5 PPA, PROGRAM and QA CONTACTS

To be completed by USEPA. Pages 27 and 28 Reserved.

Reserved EPA Contact Table

APPENDIX G – PERFORMANCE TRACK AND GREEN TIER MOA BETWEEN REGION 5 AND WDNR



MEMORANDUM OF AGREEMENT BETWEEN THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Preamble

This Memorandum of Agreement (MOA) is entered into between the United States Environmental Protection Agency (EPA) and the Wisconsin Department of Natural Resources (WDNR) to guide their partnership in promoting superior environmental performance through coordinated implementation of EPA's Performance Track and WDNR's Green Tier programs. EPA and WDNR believe that these performance-based programs, implemented in concert with traditional regulatory approaches, are engines for improved environmental protection. The Agencies agree that Green Tier and Performance Track serve as important tools for securing environmental results beyond what might be achieved through traditional approaches.

The Agencies agree that Green Tier and Performance Track are mutual areas of emphasis. Although the programs are different in many ways, the Agencies believe participants will benefit from coordination between EPA and WDNR. This Agreement and the Wisconsin Environmental Performance Partnership Agreement (WI-EnPPA) provide the framework and guidelines for coordinating implementation of the two programs. Through the WI-EnPPA, EPA Region 5 and WDNR commit to work as partners with the public to improve Wisconsin's environmental quality, strengthen the relationship between our agencies, and account for our progress toward meeting environmental goals. The WI-EnPPA outlines principles, processes, and actions the Agencies will take to meet these commitments. When appropriate, these agreed upon principles, processes and/or actions will be referenced in the Agreement.

Guiding Principles

The following principles will guide our working relationship as we support each other's program and work to make them successful. The Agencies further agree to use these guiding principles in the execution of the provisions of this agreement.

1. Performance Track and Green Tier are designed to result in performance improvements.
2. Performance Track and Green Tier are engines for continuing environmental system change.
3. Performance Track and Green Tier are designed to enhance the traditional regulatory structure, not replace it.

4. Information on these programs, membership, activities, event schedules, and potential issues are routinely shared by the Agencies.
5. Performance Track and Green Tier will both be strengthened by ensuring timely communication of program events to potentially eligible entities.
6. EPA and WDNR will explore ways to align Performance Track and Green Tier.
7. EPA and WDNR will identify incentives that yield environmental and business value.
8. Issues are resolved through timely elevation to the Agencies' decision-makers.

Program Management

Performance Track and Green Tier implementation will be advanced jointly by following the guiding principles, as well as implementation plans (e.g., communication strategy) developed as a result of this Agreement. We expect this agreement to result in an increase in participation, better environmental outcomes, and a greater array of incentives as both programs mature.

A. Notification/Application Process

WDNR will

- share Tier 1 applications with EPA as notification only, unless otherwise indicated, and
- share Tier 2 applications with EPA and provide EPA an opportunity to comment, and
- within 30 days of notification by EPA of the receipt of Wisconsin Performance Track application(s), provide compliance and enforcement status information, as well as any substantive comments for each application.

EPA will

- respond to WDNR within 30 days of receipt of Green Tier, Tier 2 applications, regarding how EPA will comment and/or participate in the application process, and
- notify WDNR of Performance Track applications from Wisconsin facilities (applications are available on the EPA website).

WDNR and EPA agree

- to work toward coordinating the application processes of Green Tier and Performance Track so eligible applicants can apply to both programs simultaneously.

B. Program Communication

EPA and WDNR agree to develop a communication strategy to facilitate the sharing of information, coordinating actions and supporting each other on outreach and marketing efforts. The plan will be developed within six months of the execution of this Agreement and reviewed annually thereafter for the term of the Agreement. The basic elements of the strategy may include:

- Information sharing protocol for:
 - planned recruiting
 - marketing initiatives
 - publicity
 - program events
 - electronic, print and audio tools
 - administrative information
 - internet

- Shared responsibilities:
 - internal communications
 - collaborative recruiting
 - coordinated marketing
- Recognition events:
 - planning
 - joint participation as appropriate
 - joint sponsorship as appropriate

C. Membership

WDNR agrees

- to consider all Performance Track members for participation in Green Tier, upon request by the member. Performance Track membership materials may be used as Green Tier application materials in lieu of new or original applications materials,
- to provide Performance Track incentives to Performance Track members as allowed under Wisconsin law, and to work with Performance Track members to extend additional incentives through the Green Tier law, and
- to share Performance Track program information with Green Tier applicants and members.

EPA agrees

- to consider all Green Tier, Tier 2 applicants for Performance Track in the next round of enrollment if the company chooses to apply to Performance Track, and
- to share Green Tier program information with Wisconsin Performance Track applicants and members.

D. Conflict Resolution

For disputes arising in the implementation of this Agreement, WDNR and EPA agree to use the procedures for conflict resolution specified in the Wisconsin EnPPA 2003-2005, Section V, Subsection F. on page 25 or the amended language developed for each subsequent WI-EnPPA.

E. Program Evaluation

EPA and WDNR agree that they will annually assess the impact of this Agreement within the context of the WI-EnPPA Self Assessment Reports. This assessment may include the following topics:

- Level and type of outcomes realized
- Level and type of Stakeholder Involvement
- Level and type of continuing interest in the programs on the part of eligible Wisconsin facilities
- Progress toward implementing program incentives, and any issues arising from enforcement and compliance actions

WDNR and EPA further agree to annually assess where further synergy can be created between the Green Tier and Performance Track programs. Annually the parties will consider if there are state incentives that could be further developed to enhance Performance Track and the alignment between the programs.

F. Point of Contact

WDNR and EPA agree to appoint a contact for this Agreement. The points of contact shall consult at least annually to assess progress toward meeting the conditions of this agreement and determine whether the terms and conditions of this agreement should be extended for an additional year.

G. Future Developments

WDNR and EPA acknowledge that the Green Tier program may contain elements that are outside the scope of the Performance Track program. WDNR and EPA agree to work together to identify these areas and determine how the Agencies can work together in these areas to move the program forward in a manner consistent with both the program's environmental goals and WDNR's delegated, authorized and/or approved state programs. Further, WDNR and EPA acknowledge that the Environmental Council of States and EPA are working to identify mutually beneficial ways to enhance the Performance Track program and State Leadership programs. When program modifications are agreed upon and formally adopted by EPA, the recommendations will be incorporated into the Performance Track program, as appropriate, and WDNR and EPA will identify the impact of these changes on this Agreement, and will modify this Agreement accordingly.

H. Miscellaneous

All commitments made in this Agreement are subject to the availability of appropriated funds and each Agency's budget priorities. Nothing in Agreement, in and of itself, obligates WDNR or EPA to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or other financial obligation:

Neither WDNR nor EPA may endorse the purchase or sale of products or services provided by private organizations that become partners in this effort.

This Agreement does not create any right or benefit, substantive or procedural, enforceable by law or equity against WDNR or EPA, their officers or employees, or any other person.



**MEMORANDUM OF AGREEMENT
BETWEEN
THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES
AND
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
For Coordination and Implementation of
Wisconsin's Green Tier Program and
EPA's National Environmental Performance Track Program**

This Agreement is hereby entered into this 3rd of October, 2005 and remains in effect until June 20, 2007. The duration of the Agreement is synchronized with the two-year cycle of the Wisconsin Environmental Performance Partnership Agreement. This Agreement will terminate just prior to the next cycle of EnPPA negotiations so that an independent review can be completed and new performance objectives and measures are developed and ready to be included in the new EnPPA.

Scott Hassett
Secretary
Wisconsin Department of Natural Resources

Thomas V. Skinner
Regional Administrator
United States Environmental Protection Agency, Region 5

Brian Mannix
Associate Administrator
United States Environmental Protection Agency
Office of Policy, Economics and Innovation

APPENDIX H – WI/U.S.EPA ENFORCEMENT ACTION COMMUNICATIONS PLAN (JUNE 21, 2001)

Background: Region 5 and WDNR have authority to enforce environmental laws. As a result, federally initiated enforcement actions can and do occur in the State of Wisconsin for both delegated and non-delegated programs. Region 5 and WDNR have identified a concern that advance notification of Federal enforcement actions has not always occurred consistently and, as a result, WDNR is at times caught unaware when the public or news media contact them regarding a Region 5 enforcement action. WDNR and Region 5 agree to improve communications regarding enforcement actions by developing this plan.

Purpose: Communication on enforcement program activities generally occurs at a couple of stages: 1) prior to an EPA decision on planned enforcement actions and 2) after a decision has been made to initiate enforcement. There is still some concern that the pre-decision communications are not always occurring satisfactorily, for the purposes of this plan, there was a decision to focus on the second communications need as it deals more directly with the issue raised by the State Director.

Communications Plan: Region 5 will notify the designated WDNR enforcement contacts in a timely manner on agreed upon types of enforcement cases in the State whether delegated or not. Types of enforcement actions covered by this communications plan include:

- Administrative Actions: Finding of Violations & Notice of Violation
- Administrative Compliance Orders (on consent or unilateral)
- Administrative Penalty Order Complaints
- Consent Agreement and Final Order (CAFO)
- Civil Judicial Actions: Judicial Complaints
- Judicial Consent Decrees (CD)

Each Region 5 Program Office Branch or Section Chief shall make a phone call no later than two days in advance of the action to the identified State contacts. If WDNR contacts are not available, a voice mail message will be left. See the Designated State Contacts Table below for information regarding WDNR contacts. This notification shall include the following information:

- Facility name and location;
- Date action is to take place;
- Type of action being taken (e.g., administrative, judicial,...);
- Value of the action (e.g., penalty amount, whether there is injunctive relief or a SEP);
- EPA contact; and
- Whether there will be a press release and the timing of any planned press releases. (Note: Where appropriate, EPA should work with the State to include language in the press release regarding state coordination/participation.)

Confidentiality: Region 5 and WDNR agree that communication on enforcement matters in advance of filing or settlement are enforcement confidential and as such, they are not to be shared with respondents/defendants or the public, until Region 5 takes its final action.

| Designated State Contact | | |
|--|---------------------------------|---------------------------------------|
| Notification Provided to | Notification Provided by | Preferred Mechanism for Communication |
| Steve Sisbach (WDNR) Dir. of Environmental Enforcement (LE-5) Phone: 608/266-7317 Fax: 608/266-3696 Email: sisbas@dnr.state.wi.us William H. Smith (WDNR) Deputy Secretary (AD-5) Phone: 608/264-6133 Fax: 608/266-6983 Email: william.h.smith@dnr.state.wi.us | Program Branch/Section Chief | Telephone Telephone |