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ENVIRONMENTAL PROTECTION AGENCY



WATER QUALITY PROGRAMS AND IMPLEMENTATION PLANS

Final Agreement

ENVIRONMENTAL PROTECTION AGENCY

[FRL 309-2]

WATER QUALITY PROGRAMS AND IMPLEMENTATION PLANS

Final Agreement

A joint agreement for interagency coordination of areawide waste treatment management planning assistance to State and local governments has been worked out between the Environmental Protection Agency and the Department of the Army (Corps of Engineers). This agreement, presented below, defines the relationship between areawide waste treatment management planning conducted by the Army Corps of Engineers under its Urban Studies Program and areawide waste treatment management planning authorized under Title II of the Federal Water Pollution Control Act Amendments of 1972 and administered by EPA. It also sets forth coordination and funding procedures to be followed in those areas that have or may have Corps Urban Studies in areas designated for areawide planning. The agreement further specifies that the Corps of Engineers may provide technical assistance in areawide planning outside the Urban Studies Program.

The agreement is effective on signature of the parties.

RUSSELL E. TRAIN,
Administrator.

JOINT AGREEMENT FOR INTERAGENCY COORDINATION OF AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING ASSISTANCE TO STATE AND LOCAL GOVERNMENTS BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF THE ARMY

Purpose. This interagency agreement defines the relationship between areawide waste treatment management planning conducted by the Army Corps of Engineers under its Urban Studies Program and areawide waste treatment management planning authorized under Title II of the Federal Water Pollution Control Act Amendments of 1972 and administered by the Environmental Protection Agency. The agreement also acknowledges that the Corps of Engineers may provide technical assistance in 208 planning outside the Army Urban Studies Program.

The Army Corps of Engineers is authorized by specific resolutions of Public Works Committee of Congress to conduct regional wastewater management planning for designated urban regions of the United States. Such planning is normally conducted in conjunction with other urban water resources problems as part of the Corps of Engineers Urban Studies Program. Further, section 208 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) authorizes the Secretary of the Army, acting through the Chief of Engineers, to provide consulting and technical assistance to planning agencies designated under section 208(a) in developing and operating a continuing areawide waste treatment management planning process under section 208(b) upon request of the Governor or the designated planning agency.

The Administrator of the Environmental Protection Agency, in fulfilling his responsibility for administering Pub. L. 92-500, is required by the Act to encourage and facilitate the development and implementation of areawide waste treatment management plans. Subsection 208(f) authorizes the Administrator to make grants to designated planning agencies to develop and operate continuing areawide waste treatment management planning processes in accordance with specific requirements of Section 208. The Act further authorizes the Administrator under Subsection 208(g) to consult with and provide technical assistance to a designated agency upon request of the Governor or the designated 208 agency.

While each Federal agency executes its areawide waste treatment planning responsibilities in a different manner—the Army through technical assistance and the Environmental Protection Agency primarily through grants, the two programs are compatible and are designed to achieve the same goal. The provisions delineated in this agreement are intended to provide guidance to representatives of both agencies in instances where the two programs may involve the same geographical area.

Objectives. A common goal of both agencies is to enhance the capability of local and State governments in developing regional wastewater management planning processes which will achieve the National water quality goals stipulated in Pub. L. 92-500. In accordance with this goal, three specific objectives have been established for the areawide waste treatment management planning program.

These are:

- (1) Development of a local planning process which can successfully conduct the required planning on an areawide scale;
- (2) Development of an initial plan meeting requirements of the Act; and
- (3) Establishment of a continuing planning process at the regional level which can successfully evaluate the current plan and appropriately update such a plan to allow continued annual recertification by the Governor as required by the Act.

Coordinating provisions. 1. Planning by the Corps of Engineers under the provisions of section 208 will be to the level of precision required by the Administrator for approval of any plan certified and submitted to him by any Governor under section 208.

2. Acceptance of request by the Secretary of the Army to provide consultation or technical assistance in areawide wastewater management planning is contingent upon the resources and manpower available to the Corps of Engineers to provide such assistance.

3. The Corps of Engineers will assign appropriate priority to planning required by section 208 to enable the designated planning agency and/or the Governor to comply with time limitations prescribed by the Regional Administrator, Environmental Protection Agency.

4. The existence of an urban study resolution shall not preclude approval of a 208 designation for an area, nor shall approval of a 208 designation for an area preclude funding for an urban study.

5. In no case shall there be a duplication of Environmental Protection Agency and Corps of Engineers funding for the same specific task in development of a wastewater management plan or planning process under Title II of the Federal Water Pollution Control Act Amendments of 1972.

Where a potential duplication of the same specific task is identified, applicable Corps of Engineers and Environmental Protection Agency budgets will be appropriately modified.

6. All section 208 planning activities undertaken by the Corps of Engineers will be set forth in a plan of study approved by the designated local planning agency, the State and the Environmental Protection Agency Regional Administrator. Such planning will be in accordance with all applicable laws, Environmental Protection Agency guidelines, criteria, and regulations, as well as applicable State and local laws and regulations.

7. Where plans of study under the Army Urban Studies Program have been approved by local officials and the Environmental Protection Agency prior to the 208 designation, the plans of study for the 208 project and the Urban Study will be reviewed to identify the additional planning needed to meet 208 requirements. The urban study will be completed in accordance with provisions of the original plan of study as revised to include any additional section 208 requirements requested by the designated planning agency.

8. Where an urban study has been authorized and funded for an area also designated under section 208 and a plan of study has not been approved, the Corps of Engineers will delete areawide waste water planning from the urban study if the designated planning agency elects to accomplish such planning using section 208 grant funds. Under such conditions, the Corps of Engineers will assess the remaining water resources problems to determine the feasibility of undertaking an urban study.

Conversely, if the designated planning agency requests the Corps of Engineers to conduct the section 208 planning as an integral part of the urban study, a plan of study will be developed to meet the requirements of the designated 208 planning agency, subject to the approval of the Environmental Protection Agency Regional Administrator. If agreement concerning the plan of study for the 208 designated area cannot be set forth in a mutually agreeable manner, wastewater planning for the area will be deleted from the urban study and accomplished by the designated planning agency. As above, the Corps of Engineers would then assess the feasibility of undertaking the remaining facets of the urban study.

9. Technical assistance provided by the Corps of Engineers may include the development of alternative plans or portions of plans for meeting the provisions of section 208(b). The decision to adopt or implement specific alternatives or proposals generated by this planning is the responsibility of the designated planning and the designated management agency(ies).

10. Technical assistance provided by the Corps of Engineers for designated 208 areas not included in the urban studies program will be accomplished as directed by the designated planning agency.

11. Upon request of the Governor(s), and upon agreement of the Regional Administrator, Environmental Protection Agency, the Army Corps of Engineers may consult with and provide technical assistance on a reimbursable basis in developing State plans for areas not designated under section 208(a).

Funding policy. Funding policy is based on the premise that a designated agency needs to fully participate in the planning process and to build planning expertise.

1. Section 208 studies initiated through June 30, 1975 can be at 100 percent Federal expense except that costs and effort provided by non-Federal interests prior to designation will not be reimbursed. For areawide wastewater management studies of designated areas initiated through June 30, 1975, the source of Federal funds by planning category will be as follows:

a. Section 208 planning included in Army urban studies will be funded 75 percent by Army and 25 percent by the Environmental Protection Agency. (The funds from the Environmental Protection Agency will be granted to the designated agency for internal activities.) Section 208 planning added to planning already included in Army urban studies will be funded 100 percent by the Environmental Protection Agency.

b. Section 208 planning by the Corps of Engineers in areas not associated with the

Army Urban Studies Program will be funded 100 percent by EPA.

2. In areas not designated under section 208, wastewater management planning conducted by the Corps as a part of an urban study will be cost shared at 75 percent Federal/25 percent non-Federal.

Signed at Washington, D.C., this 22d day of November 1974.

ENVIRONMENTAL PROTECTION
AGENCY,
RUSSELL E. TRAIN,
Administrator of EPA.

DEPARTMENT OF THE ARMY,
HOWARD H. CALLAWAY,
Secretary of the Army.

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We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

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