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Integrated Project Control:

COORDINATION AND CONSISTENCY IN STATE WATER AND AIR QUALITY, COASTAL ZONE, AND LAND USE PLANNING

Prepared By: Land Resources Planning Group

Office of Program Development, Planning and Research
New York State Department of Environmental Conservation

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This report describes the commonalities and differences between the four major statewide planning programs and the current efforts to achieve coordination and consistency between them. The programs include water quality planning under Section 208 of the Federal Water Pollution Control Act as amended, Air Quality Maintenance Planning, Coastal Zone Management Program Development, and land use planning as conducted under Section 701 of the Housing Act of 1954, as amended.

Chapter I is an introduction, II sets forth the federal requirements for coordination and consistency, and III discusses program elements common to all four programs. Recommendations for improved coordination and consistency are included.

The overall purpose of the report is to provide a more systematic framework than has been available heretofore for the integration of work activities between programs and the achievement of consistency between programs.

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Preface

This report is one of five prepared by the Land Resources Planning Group, Office of Program Development and Planning, NYS Department of Environmental Conservation, for the State's Land Use Program which is being prepared by the Division of State Planning, Department of State to meet the requirements of the Housing and Community Development Act of 1974.

The other four reports are:

1. Land Resources Management and Planning Related Programs of the New York State Department of Environmental Conservation. 3 volumes. September, 1976.
2. Bibliography of Publications: Land Resources Management and Planning Related Programs of the New York State Department of Environmental Conservation. 19 pp. September, 1976.
3. Growth Impacts of Department of Environmental Conservation Programs. 48 pp. September, 1976.
4. Land Use Needs in New York State: An Environmental Perspective. 16 pp. September, 1976.

The present report on Integrated Project Control: Coordination and Consistency in State Water and Air Quality, Coastal Zone, and Land Use Planning provides a framework for improving the integration of the major statewide, regional, county and local planning programs. It does this in four ways:

1. It details the federal requirements, directives, and guidance memoranda for achieving interprogram coordination and consistency. (See Chapter II and Appendix A particularly.)
2. It describes the four major planning programs, which are identified in the title of the report, and provides an overview of the scope of work for each, its timing, and the similarities and differences between the programs. (See the Introduction, including Tables I-V, and Appendix B particularly.)
3. It identifies the work activities which each program has in common with another, to one degree or another, and discusses ways in which coordination of each work element can be improved between programs. (See Chapter III.)
4. It provides summary recommendations for improving coordination and consistency between the programs, following up on the requirements and directives set forth in Chapter II and the discussion of common work elements in Chapter III.

Despite some commonalities, each of the four programs is sufficiently different from the other that it is not practical or feasible at this time to prepare a chart showing the work elements for all four programs, with their scheduling and their points of interaction. The project control plan for some programs is still quite diffuse and the level of detail

in such plans varies greatly from one to the next. The final products and their scheduling also are not in clear focus for some programs.

Thus, although it had been hoped that an integrated project control plan could be developed this idea had to be set aside in favor of the approach taken in this report. For similar reasons it was found that it is not feasible for someone at the state level to pursue the development of an integrated control plan at the regional, county or local level. Apart from the kinds of constraints already mentioned, the internal organization, staffing and work approach to each program is sufficiently different from jurisdiction to jurisdiction that a case example of an integrated project control plan would have little value for other agencies engaged in one or more of these programs.

The cry for better coordination between these major programs has become a planning cliche. Although concern is warranted, the answer lies not in some "magic bullet" such as an "integrated project control plan," but in understanding the points of interaction and the overall complementarity between programs so as to be able to tie them together in a systematic fashion. To lay the groundwork for taking such a systematic approach to coordination of all four programs by working through each program individually, is the purpose of this report. Identification of check points for cross-review of work programs and products, and of opportunities for consolidation or sharing of work

programs and products, and of opportunities for consolidation or sharing of work activities between programs are presented in the report as a basis for achieving better coordination.

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Appendix A - Interagency Agreements and Implementation Memoranda

1. Interagency Agreement Between the Department of Housing and Urban Development and the Environmental Protection Agency, March 24, 1975.

2. EPA Program Guidance Memorandum AM-9, Integration of 208 Planning and 701 Comprehensive Planning. From Director, Water Planning Division to all Regional Administrators.

3. HUD memorandum: Implementation of Comprehensive Planning Assistance (701) Agreement with the Environmental Protection Agency (EPA). From David O. Meeker, Jr., Community Planning and Development, to all Regional Administrators.

   Enclosure 1: 701-208 Work Program Coordination

   Enclosure 2: Issues for Review of Land Use Related Provisions of Water Quality Plan.

   Enclosure 5: Draft Performance Criteria for Relating Water Quality Management Plans and 701 Land Use Elements

   - Land Use Related Provisions (208 Water Quality Plan) - 701 Land Use Element Comparative check list

4. Statement of Understanding Between EPA and HUD, Region II. Signed by Gerald M. Hansler and S. William Greene. (Covering letter, September 20, 1976, from Green to Richard S. DeTurk, Tri-State Regional Planning Commission.)

5. OCZM/EPA Water Programs Coordination Principles. Statement dated August 26, 1975, by Robert W. Knecht, Assistant Administrator for Coastal Zone Management, NOAA, and James L. Agee, Assistant Administrator for Water and Hazardous Materials, EPA.

6. Guidance on Coordination Between the Coastal Zone Management Program and EPA State and Areawide Water Quality Management Programs. 45 pp.

7. Joint Agreement for Coordination of Planning Between Office of Community Development, Department of Housing and Urban Development, and Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce. February 19, 1975.

8. HUD Memorandum on Implementation of Comprehensive Planning Assistance (701) Agreement with the Office of Coastal Zone Management (OCZM). From David O. Meeker, Jr., to all Regional Administrators. January 20, 1976.

Appendix B - Major Programs: Descriptions

1. Coastal Zone Management

2. Water Quality Management Planning

3. Air Resources Management

Recommendations

1. Work programs or the project control plan for each of four planning programs - water quality, air quality, coastal zone, and land use - should be developed in concert. If already developed they should be a systematically adjusted to show the timing and mechanisms by which interprogram impacts and coordination will be addressed, including many of the items discussed in these recommendations. Any integrated interprogram system must be based on the work program for each program being tied to that of the other. This should be done by each administering agency, whatever the level of jurisdiction - state, regional, county and local. There must be a clear recognition by the staff of each program that one program is formally, by federal requirements, accountable to another. The approach of developing or adjusting the work programs systematically is more desirable than that of making cumbersome interagency agreements which may not result in building the necessary control into each work program.

2. Provision should be made for full exchange of information between programs, to include:
   - briefings on each work program, and on progress to date in the programs, for the administrators and key staff of each of the other programs. At the state level in New York this should be done through the State Interagency Planning Committee and in separate meetings where more of the project staff from each program can be present.
   - exchange of interim work products as they become available and discussion of strategies, revised approaches, and major developments in any of the programs.
   - exchange of data, source materials, maps and other information.

3. Cross-review and formal acceptance procedures should be established to cover the major products prepared in each program, including:
   - interim products
   - pre-hearing drafts of final reports

4. Advisory Committees for each program should receive a detailed briefing on each of the other major programs, with particular emphasis on the points of interaction, potential impacts, and areas of probable conflict. Additionally, there should be an exchange of membership between the advisory committees for each program and liaison reporting arrangements should be established.

5. The public involvement work in each program should include activities specifically designed to make the public aware of the requirements and relationships of the other programs. In so far as possible this should be done through special sessions at conferences and workshops. It also should be done through newsletters and other mediums.

6. At the state level ancillary resources could be used much more widely to make the requirements and alternative strategies for these major programs better known. For example, the editors of Newsvane, New York State Environment, and the Conservationist could be made more aware of the interrelationships of these programs and the nature of the programs administered by agencies other than their own. Additional effort is needed to get all of these programs and their interrelationships before the public and local officials in such meetings as those for the Association of Towns and the County Officers Association.

7. The special coordination requirements of each program should be given attention in the appropriate work program. For example, in the CZM program the state must have coordinated its proposed program with applicable local, areawide and interstate plans on January 1 or later of the year in which the program is submitted for approval.

8. Consistency requirements of both a formal and informal nature in each program should be made more widely known. For example, it may be well known that applicants for federal permits will have to get a state sign-off on the consistency of the proposed action with the state's approved CZM program. However, it probably is less well known that air and water quality standards are binding on the CZM program or that state and local applicants for federal funding will have to get a sign-off from the "306" agency.

9. Maximum advantage should be taken of the public review opportunity provided through the A-95 review process for each program and all agencies should allow time in their work schedule for this process. This not only covers annual application for federal planning funds but also will include review of plans submitted for approval. Where these programs are on a tight schedule for completion the time required for such review may present difficulties and therefore should be scheduled carefully.

10. Coordination and consistency must be achieved through the preparation of an Environmental Impact Statement for each completed program.[1/] Moreover, in each statement there must be an exposition of the impact of the proposed plans on each of the other major planning programs. Adequate time for the preparation and review of the draft and final EIS must be allowed and, in each case, the requirements of the State Environmental Quality Review Act should be examined.

11. Federal agencies should review work programs carefully as they are submitted by state and other agencies to insure that work elements directed to the problem of interprogram coordination and consistency are included. Elements for integrating air and water quality, CZM and land use should be required and adequate funding should be provided to cover this work.

12. Federal agencies should review their guidelines carefully to determine whether or not their coordination requirements are conflicting and self-defeating or burdensome or out of date with respect to the timing for completion of the programs or with regard to more recent insights into their nature. For example, where pre-submission reviews have been requested by federal agencies other than the one to which a plan must be submitted formally, such reviews may be useful but time-consuming and possible duplicative. This is particularly true in light of the fact that there will be a post-submission review. To save some time it should be made clear that they will run concurrently with A-95 review and other public review. Or - another example - it does not seem practical to use a "single land use element for both "208" and "701," but it is practical and desirable to attain consistency. This distinction should be made.

13. Federal agencies should attempt to integrate, simplify and reconcile the morass of coordination and consistency guidelines, agreements, regualtions and directives applying to these four major programs. Submittal and cross-review procedures at the federal level seem to be an area of particular confusion. After having gained some

1/ The "701" land use element regulations call for an "environmental assessment" rather than an EIS. The distinction should be noted relative to the need to meet SEQR requirements.

experience with this over the past year or two, this would seem to be an area that could productively receive the attention of the federal agencies. At the very least the key documents could be assembled, rationalized, and made known widely.

14. Federal agencies should take stock of commitments to facilitate joint funding of projects through budgetary transfers, integrated grants or compensatory budgetary adjustments. Statewide data systems afford a good example of an area for such action. Despite statements that air and water programs must be integrated through land use programs, EPA, HUD and OCZM have given little attention to the need for pooling and concentrating funds to implement the Land Resources Information System in New York State as a basic land use planning tool which can serve all program interests at any level of government. Encouragement could also be given through this means to combining of program elements. DEC and DOS also should take steps to assist this.

15. The institutional arrangements element in each program will be the most critical one for implementation purposes and it probably will be the one requiring the most sensitive handling from both a political and a public administration viewpoint. Proposals in this area must be related closely to existing institutions and authority and the approach proposed for each of the four major programs should reinforce that taken in the others.

16. Care should be taken to coordinate the land use and population/employment data and projections developed for the statewide "208" program during the first half of 1977 with the "701" land use program to be submitted to HUD in August, 1977. Particular attention should be given to insuring consistency between this data at the regional, county and local levels of planning and to resolving any conflicts with EDB population data and State Land Use Program.

17. The State Interagency Planning Committee should be used much more extensively and should become more effective as a forum for flushing out and resolving coordination issues and conflicts between the four major statewide programs. Moreover, it should be used to assist in relating these major planning programs to transportation, housing, solid waste, water supply, recreation, energy and other functional areas which otherwise may receive insufficient attention.

18. Documentation of all interprogram coordination activity needs to be undertaken more systematically, with steps to insure that records will be maintained throughout program development. In the case of CZM, for example, this will be foure years or more and while central project files may be kept intact during this period, auxilliary files such as those for the interstate basin commission also should be kept intact. Documentation will be requested for dates and subjects of meetings, participants, coordination steps taken, developing conflict..

19. Resolution of conflicts between the major programs will need increasing attention as these programs advance to implementation. The state should insist that conflicts of a local nature be resolved locally and procedures and guidelines should be established for this.

20. Although it may seem too late to attempt to change the basis upon which some of these major programs are formulated the fact is that they all will be continuing in one form or another and it will be desirable to "interrupt" a program and improve the data base or coordinative procedures at almost any stage. If it is too late to affect a needed change during the present cycle of a program will be picked up during the next revision.

I. INTRODUCTION

As federally sponsored planning programs have proliferated, the concern of the Congress and the federal agencies charged with administering these programs increasingly has turned to improving the effectiveness of interprogram coordination. This is reflected in specific provisions in the authorizing legislation for particular programs, which requires consistency and coordination with other programs, and in the corresponding agency rules and regulations, guidelines.

More recently concern with this issue also has shown up in memoranda of understanding between federal agencies. The latter have been followed by the initiation of specific actions to implement the agreements, such as these for formalized interagency working arrangements, establishment of criteria for coordinative review of planning products developed under the aegis of other agencies, and cross-acceptance of plans.

The highlights of some of these legislative or administrative requirements for coordination of the several major federally sponsored statewide planning programs are provided in Chapter II of this report. Copies of a number of documents, other than laws or regulations, concerned with this subject appear in Appendix A. Chapter III describes relationships between particular work elements in these several major programs and discusses opportunities and mechanisms for insuring coordination.

This report has been prepared to assist with the development of a State Land Use Planning Program for the State of New York, in accord with the requirements of Section 701 (Comprehensive Planning) of the Housing Act of 1954, as amended by the Housing and Community Development Act of 1974. The "701" land use element of a comprehensive plan is concerned with development of unified growth policies and proposed procedures and legislation for implementing those policies. It must be prepared by all recipients of "701" funds - state, areawide, and local - by August 1977. Regulations for the program, promulgated by the U.S. Department of Housing and Urban Development (HUD), are quite specific in their coordination and consistency requirements, as described in Chapter II. At the request of the President, to improve inter-program coordination, HUD has developed some of the measures described in the preceding paragraphs. In particular, HUD has increased the coordination and consistency requirements in its regulations, as they pertain to the "701" land use element. Agreements to coordinate programs have been signed between HUD and half a dozen federal agencies, the ones of most immediate concern for purposes of this paper being the U.S. Environmental Protection Agency (EPA) and the Office of Coastal Zone Management (OCZM).

Intermedia Relationships

It is appropriate that attention has been focused on the "701" land use element, and its related planning process,

as a principal vehicle for achieving interprogram coordination because most of man's activities are based upon, or originate from, the land. Air and water pollution stem, for the most part, from activities conducted on the land and measures for mitigation of the pollution of air and water must be implemented primarily on the land.

Much has been written in recent years about the dangers of transferring adverse environmental effects from one medium to another if pollution control plans or measures are implemented along narrow lines without consideration of intermedia effects. Thus, in meeting water quality standards by installing wastewater treatment facilities and interceptors in a growing area, care must be taken not to encourage the type or magnitude of growth that will lead to contravention of air quality standards. Similarly, issuance of air quality permits for complex sources and preparation of regional Air Quality Maintenance Plans must not precipitate developmental sprawl in conflict with policies designed to promote efficiencies in the areas of water pollution control, land use and energy consumption, and maintenance of ecological balances. Contrary to most thoughts on the subject, a tightening of water quality standards also may lead to sprawl, in that this may make it cheaper to abandon old plants and build new ones rather than undertake expensive modernizations. This [illegible] for coordination of tax policies, transportation, [illegible], recreation, economic development and other plans with air and water plans to achieve growth patterns that are environmentally sound.

Control of growth and growth patterns through land resources management is one of the most important keys to overall environmental quality. Although air and water resources plans must be coordinated with each other, the interrelationships of these elements of a comprehensive plan are manifested most dramatically in the land use element.

The land use element is the most integrative element of a comprehensive plan not only because it must reflect air and water plans but also because it must reflect other social-economic-environmental decisions concerning land resources and interrelated biological resources. It is on the land where conflicts are most likely to show up from decisions made through more detailed planning for housing, commercial and industrial activity, recreation, transportation, food and fiber production, and non-renewable resource production. "Coordination" and "consistency," therefore must be given special emphasis in governmental activity for the management of land resources

Major New York State Planning Programs

Functional planning being conducted by New York State agencies, and impacting or relating to land use, includes statewide and urban transportation planning by the State Department of Transportation, State Comprehensive Outdoor Recreation Planning by the State Office of Parks and Recreation, and energy planning by several agencies. These and other programs, such as agricultural planning (State Dept. of Agriculture and Markets; Agricultural Resources

Commission), are being analyzed and related to the state "701" land use element by these several agencies. Preparation of land use and growth policy proposals and recommendations for their implementation is being undertaken by the Division of State Planning, Department of State (DOS), the agency with the overall responsibility for all "701" planning conducted in the state.

The present report does not purport to be the vehicle for developing the interrelationships of all of these programs, but rather centers on the interrelationships of four major programs, all of statewide importance, whose coordination has been of particular concern to the administering federal and state agencies. These programs are:

- "701" land use planning, administered by the U.S. Department of Housing and Urban Development(HUD) and the N.Y.S. Department of State (DOS).
- "208" water quality planning, administered by the U.S. Environmental Protection Agency (EPA) and the N.Y.S. Department of Environmental Conservation (DEC)
- Coastal zone management (CZM) program development, administered by the Office of Coastal Zone Management (OCZM), U.S. Department of Commerce and DOS.
- Air quality maintenance planning (AQMP), administered by EPA and DEC.

Three of these programs are described in more detail in Appendix B of this report. These are the CZM program, "208" planning and AQM planning. A description of each program is provided, with information on its current status.

Each of these programs is, essentially, a "statewide" planning program, backed by federal legislation and federal funding, although the geographical coverage or emphasis of each program is different. Each program is conducted both at the state level, in its planning aspects as well as for administrative purposes, and at the substate level, the latter being managed primarily through subcontracts from the federal or state agencies with regional and county planning agencies

All of the programs are on more or less parallel timetables for completion in the 1977-78 period, a fact which makes coordination particularly attractive, thereby giving rise to concerns about coordination and consistency.

Further, each of the programs has certain required or implicit work elements in common with the other: population, economic, land use and other base data, mapping requirements, public participation, analysis of pertinent legal authorities, and recommendations for improvement of existing governmental structures and procedures for handling the issues that are the subject of the program.

A new departure is that all of the programs; including "701," have implementation requirements and one of them - the coastal zone program - provides for a significant level of funding for the administration of an approved program, following its implementation.

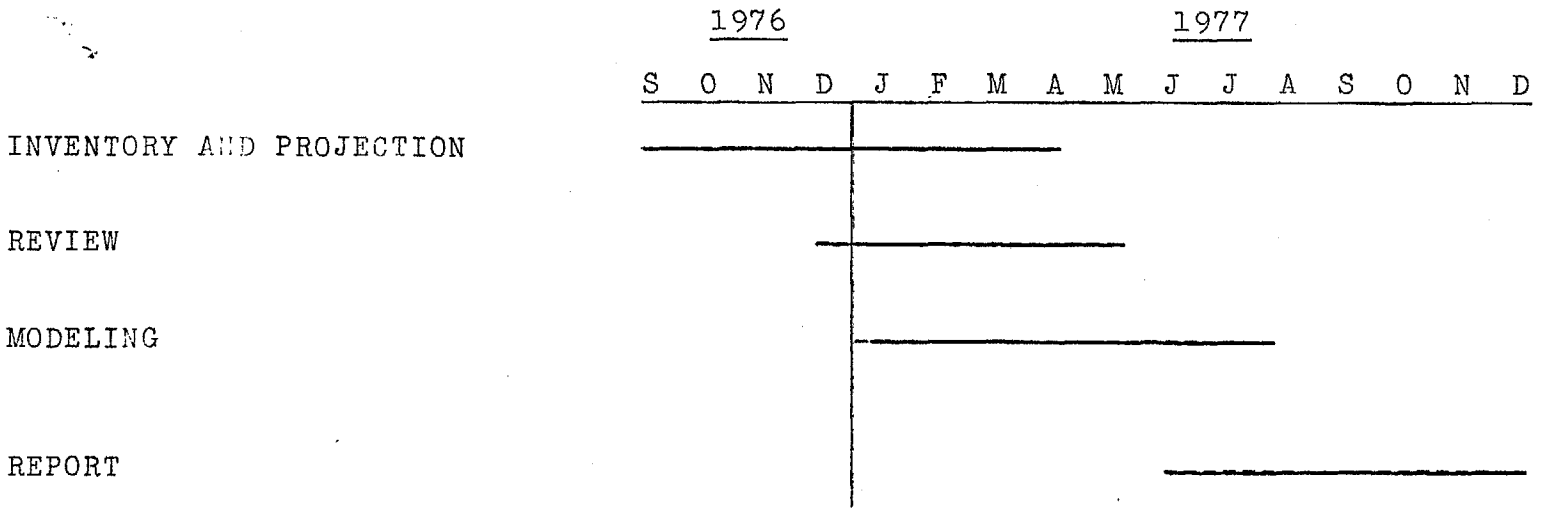
A generalized timetable for the major work elements in each of the four programs appears here as Tables I-IV.

Coordination of the work elements common to each program is necessary to avoid duplication and the possibility of subsequent conflicting implementation measures which could cause adverse social, economic or environmental effects as well as result in a considerable waste of public funds. In view of the fact that these plans all serve as public investment guides, coordination and consistency must be achieved not only between HUD, EPA and OCZM at the federal level but also between DOS and DEC at the state level. Further, the programs must be coordinated at the regional, county, and local level by the subcontracting agencies and related agencies, advisory committees, and other groups.

This three-tiered "horizontal" coordination is difficult enough within each level of government because of basic differences in programs, their timing and the missions of administering agencies. However, "vertical" intergovernmental coordination also is required. This is complex because the administrative channels and mechanisms differ in each program. For example, in the "208" program, EPA has a direct contractual arrangement with six designated agencies and this gives primary control to EPA although DEC by law has responsibility for the statewide water quality plan and must approve the various products prepared by the designated agencies prior to integrating them with "208" non-designated area plans.

Table 1

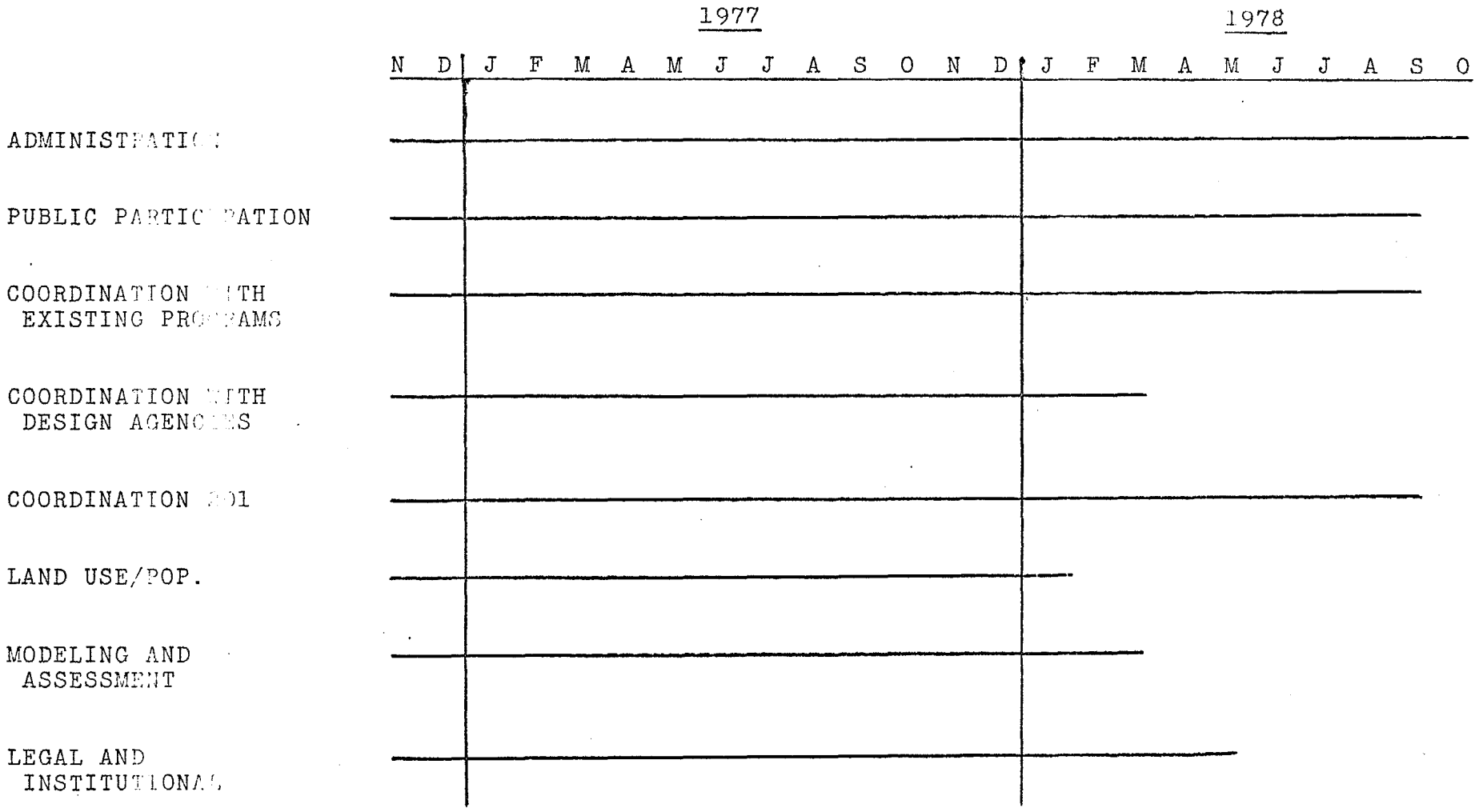
Air Quality Maintenance Planning*



*NOTE: The schedule for each activity shows the earliest time at which that activity will start in any one of the 10 areas and the latest time it will conclude for any of the areas. In other words, in most areas the activity will start later and conclude earlier than shown.

Table II

Statewide Water Quality Planning (Section 208)*



*NOTE: The six designated agencies are all on an "earlier" schedule, each one of them different from the others. This will allow integration of their outputs into the statewide work.

Table III

Land Use Planning (Section 701)

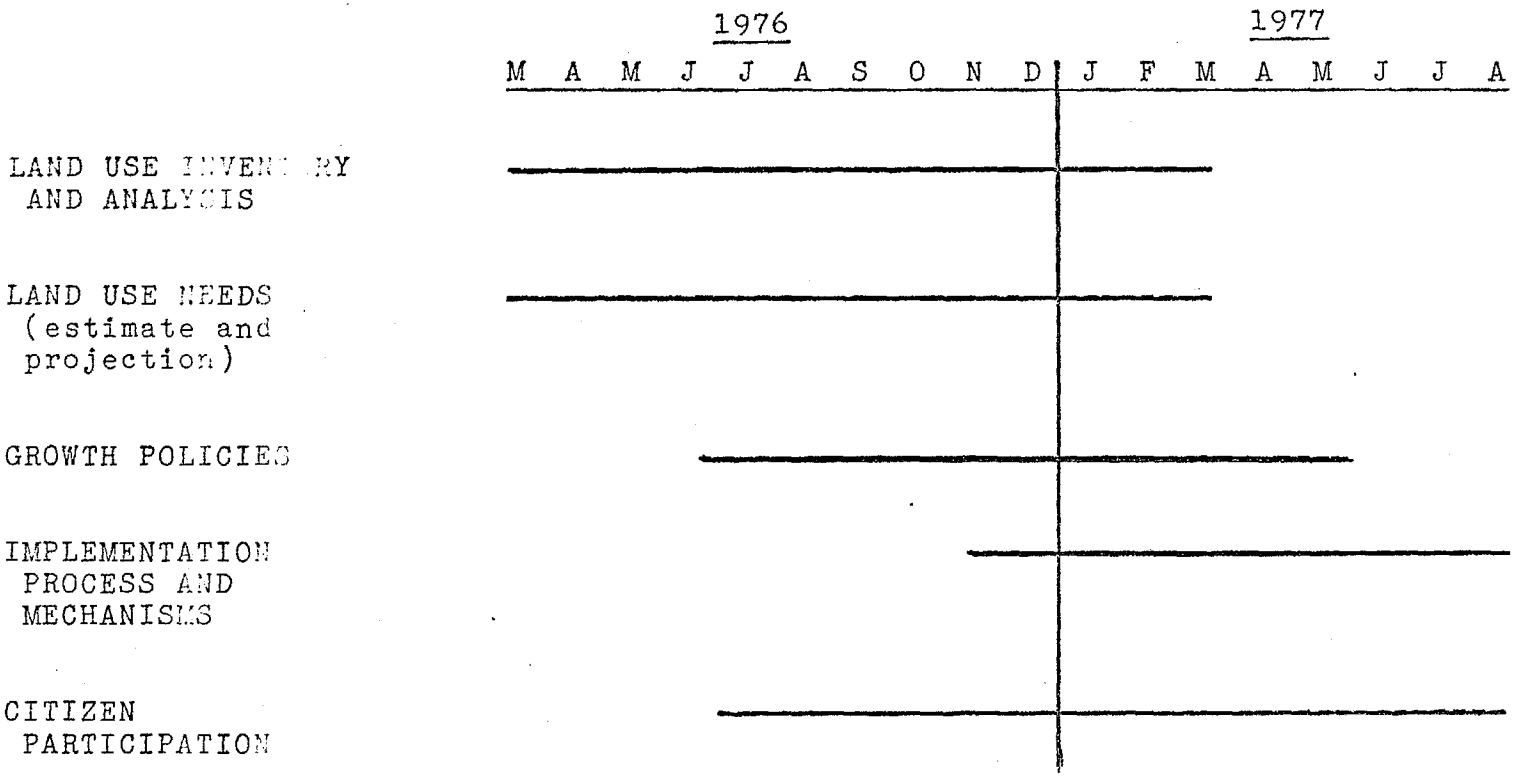
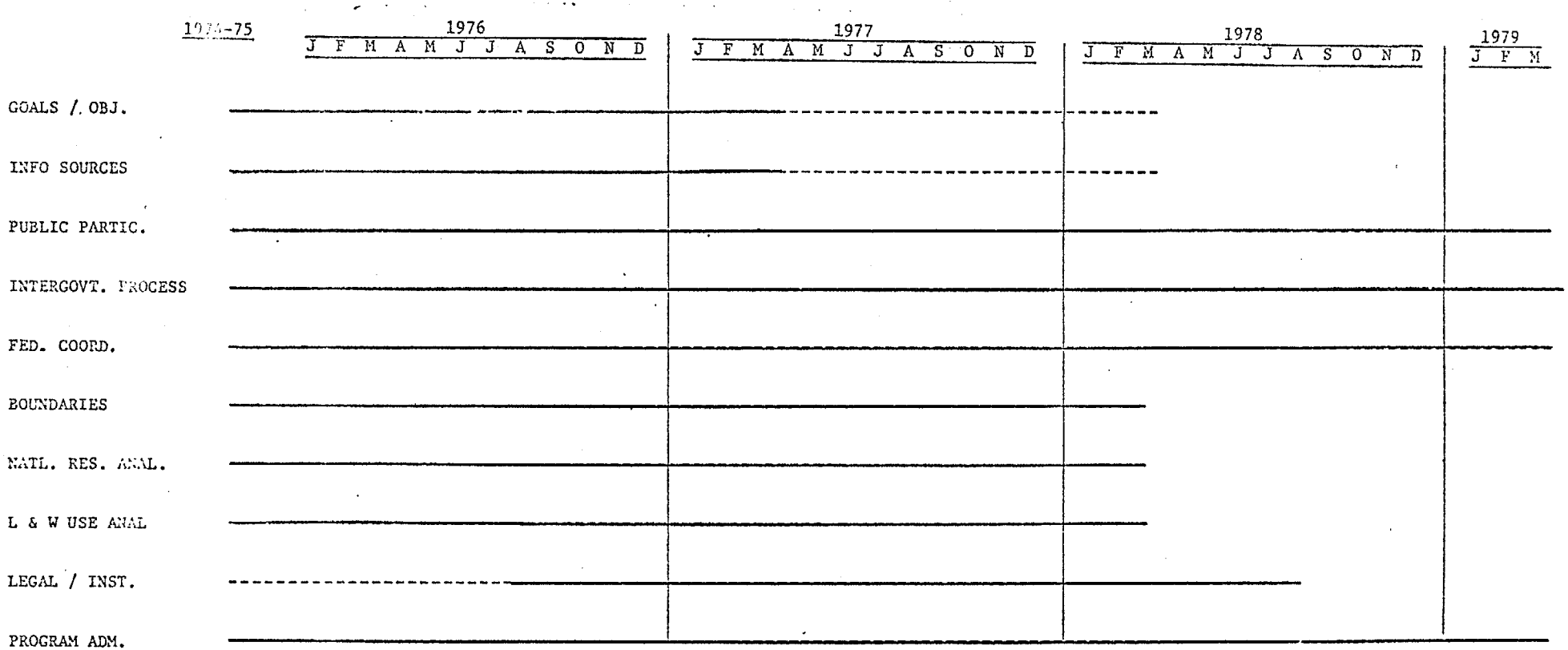


Table IV

Coastal Zone Management (Section 305)



In Air Quality Maintenance Planning, EPA has designated 10 areas requiring maintenance plans, and with DEC advice, contracts directly for services from areawide agencies.

In the "701" and CZM programs the federal agencies contract with the state. However, in the "701" program most regional, county, and local proposed work programs are submitted with the state's Overall Program Design, for HUD grant approval in order that these substate agencies may obtain a 1/6 state matching share. The CZM grant procedures require the state to work out the subcontracts as an integral part of the statewide program, not just as a "packager" of programs that meet the needs of substate applicants.

In the CZM program, DEC is in somewhat the same relationship to DOS as it is to EPA in "208" for the work in the six designated areas. DEC has a wide range of direct management responsibility for marine and coastal resources, yet DOS has the lead administrative and plan formulation role.

As stated, the geography of each program is different, too, although they are all, broadly speaking "statewide." (See Table V) The jurisdiction of the CZM program rules out large sectors of the state from that program, such as the Adirondacks and the Southern Tier. Although planning is proceeding in 28 coastal counties along the Great Lakes, the St. Lawrence, the Hudson, and in New York City and Long Island, the ultimate delineation of primary CZM boundaries will respond to the CZM Act requirement that

TABLE V

Jurisdictional and Funding Differences of Major State Planning Programs

Program	Application	Geographic Coverage	Federal Funding Level	Matching Requirements	Administrative Channels
701	All recipients of 701 funds (State, areawide agencies, regional, county and local agencies) Optional program	Statewide but primarily through regional and county planning agencies because funds for local agencies are limited	$2,458,000 for FY 1976-77. Includes state, metro., non-metro., large cities and local categories for all 701 comprehensive planning of which land use is one element.	2/3 federal, 1/6 state, 1/6 local	HUD grant is to DOS which assembles substate applications into Overall Program Design for HUD approval and then subcontracts
208	Designated (by Governor) Areawide agencies for areas in which severe water quality problems and, for remainder of state, to state water quality agency. State program is mandatory re meeting standards.	Designated: Nassau/Suffolk, NYC, Westchester, Elmira-Corning, Erie/Niagara, Central NY "Undesignated" remainder of state (47 counties)	$18.3 million for six designated agencies; $1.9 million for undesignated area. All are 18 month contracts.	100% federal for designated areas on first round; 75% thereafter, including for DEC grant for undesignated areas.	EPA contracts directly with 208 agencies.
AQM	State identifies and EPA designates areas where air standards potentially could be compromised through growth to 1995. State must meet standards.	Ten areas "designated:" Mid-Hudson, Capital District, Niagara frontier, Rochester, Syracuse, Utica-Rome, Binghamton, Jamestown, Elmira-Corning, NY Metropolitan	EPA contracts with planning agencies on order of $10,000 per region, $45,000 for NY Metro. Funding to DEC: $28,000		EPA contracts directly based on State proposals.
CZM	Coastal states for management program development. Optional participation by states in planning.	Shorelines of Great Lakes, St. Lawrence, Hudson and marine coast. Initial planning units are counties; boundaries to be refined.	1st year - $550,000; 2nd year - $753,000; 3rd year - $1.2 million (est)	2/3 federal, 1/3 state for first two years; 80/20 for next two years based on 1976 Amendments	OCZM contracts with coastal states

inland boundaries be set in relation to land uses that have a direct and significant impact on coastal waters. This means that CZM boundaries will be confined to shoreland resources and features.

As described, the "208" program covers six designated areas of the state and this involves contracts between EPA and various regional, county, and city agencies. The DEC is under contract with EPA to conduct the program in all or part of the 47 "undesignated" counties of the state, and is responsible for statewide program integration.

The "701" program is statewide relative to the work of the Division of State Planning in DOS but involves subcontracts for local planning assistance to regional, county and a few local agencies, through DOS's Division of Community Affairs.

Air Quality Maintenance Planning, on the other hand, is conducted only for the ten urbanizing areas identified by DEC and subsequently designated by EPA as having existing or potential air pollution problems.

Moreover, the level of detail required for collection and analysis of particular data or production of particular work elements varies greatly from program to program. For example, in CZM considerable detail for land use and natural resources data is required in order to define permissible and priority uses, establish boundaries, and identify geographic areas of particular concern. Land use [illegible] also is required for the "208" program, in urbanizing areas in order to determine wastewater treatment facilities needs and in rural areas where non-point source control is the

major issue. However, this data clearly does not need to be as fine-grained as it does for the coastal zone. The same holds true for land use information in AQMP and, to a lesser degree, in the "701" land use program where the focus is on growth policies and their implementation rather than on detailed land use planning.

A-95 and NEPA

All of these programs are subject to the project notification and review procedures of Office of Management and Budget Circular A-95 under which applicants for federal funds are required to notify the state and regional clearinghouse of their intent to apply.

The land use and housing elements completed under the "701" planning program are subject to A-95 review procedures, concurrent with approval review by HUD as required in approval regulations published in the Federal Register in 1977. Similarly, a state's first application for CZM administrative funds under section "306" of the CZM Act, is subject to A-95. Subsequent applications are not.

They also are subject to the provisions of the National Environmental Policy Act, requiring preparation and filing of an environmental impact statement upon completion of the plan. In the case of "701" plans, HUD has issued special requirements as a part of its regulations so as to insure the inclusion of environmental planning in the planning process. Further, a detailed environmental assessment must be prepared as a complement to any "701"-assisted plan resulting in developmental plans or policies.

These legal and procedural requirements, as well as those for public involvement, not only help to create an "open" planning process but also provide opportunities, both early and late in the process, for comment by all affected agencies and interested parties. These requirements therefore constitute important coordinative mechanisms in themselves.

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II. REQUIREMENTS IN FEDERAL LAWS, REGULATIONS, GUIDELINES AND AGREEMENTS

Each of the major programs has particular requirements for coordination and consistency between programs. In several cases this is provided for in the law authorizing the program and detailed further in agency regulations and guidelines. A more recent development has been the conclusion of interagency agreements formalizing interagency review procedures, establishing funding priorities for work elements common to several programs, and providing further direction on coordination.

Coastal Zone Management

CZM Act provisions for an approvable management program include, in section 307 of the act, extensive coordination requirements between states and federal agencies. This section also directs federal agencies to adapt their activities to be consistent to the maximum extent practicable with a state's approved management program. Applicants for federal permits will have to get a state sign-off to this effect and federal agencies will have to amend their regulations accordingly. This requirement of the act exceeds that of any other federally aided state program as regards consistency. It provides a singular incentive for state participation in CZM.

Interim regulations for federal/state coordination under section 307 were published in the Federal Register on February 28, 1975. Proposed regulations for the federal consistency aspects of section 307 were published on

September 28, 1976. Of particular note are the regulations for section 307(f) which provide that the Federal Water Pollution Control Act (FWPCA), as amended, and the Clean Air Act, as amended, shall not be superseded by any provision of the CZM act nor shall the CZM Act supersede any requirement established by states or their local governments pursuant to these acts. Moreover, the approved state programs for air and water pollution control must be incorporated in state CZM programs.

This consistency section (307) is reinforced by other provisions of the act which require continuing consultation between federal agencies and the states during all phases of the coastal zone program. For example, section 306(c)(1) states that the relevant federal agencies must be provided with an opportunity for full participation in program development and section 307(b) provides that states must demonstrate that federal agency views have been adequately considered. Consideration by the state CZM plans of national and regional interests in facilities siting and other aspects of land and water use priorities, and mechanisms for the mediation of any state-federal disputes are among the other provisions of the act that precipitate appropriate intergovernmental coordination. section 304(1) of the CZM Act, excluding federal lands from the jurisdiction of state CZM programs, also insures that state-federal agency communication will occur in the process of defining such lands.

Coordination with federal agencies has been taking place in New York through ongoing program contacts, interstate basin commission work, and by direct contact between DOS/DEC and relevant federal agencies with respect to section 307. Additionally, a major meeting with all federal agency representatives was held in Albany on October 6, 1976 to provide a basis for continuing communication.

"208" and CZM

On September 24, 1975 OCZM transmitted a paper on "Guidance on Coordination Between the Coastal Zone Management Program and the EPA State and Areawide Water Quality Management Program."(Appendix A-6) This was a supplement to a joint letter signed by OCZM and EPA (Office of Water and Hazardous Materials), dated August 26, 1975. (Appendix A-5).

Referring to section 307(f) of the CZM Act, the paper recognizes that the main objective of the EPA program is to restore and maintain water quality, and all other objectives are contributory to that. Differences between the two programs are recognized and include the fact that the CZM program is voluntary for states whereas the water quality program is not. CZM fosters environmental quality but also requires balancing this with concern for developmental interests. CZM focuses on development of a land and water management process, too, rather than upon meeting specific measurable goals and standards as in the case of water quality work. The latter also covers all parts of a state whereas the coastal zone is of more limited geographical definition.

Conversely, sections 302 and 303 of the CZM Act make it clear that Congress was concerned about environmental degradation brought about by unplanned population growth and economic development. Both programs are concerned with water resources and the quality of coastal resources and they do overlap geographically. Both require extensive planning and implementation efforts and often are on the same timetable. In more than half of the coastal states the CZM program is managed by the natural resources-environmental quality agency and therefore CZM and water quality programs are managed by the same agency more often than not. Both programs will affect land and water uses.

Areas for coordination, as described in the guidelines, include:

Water quality standards

- Water quality agencies must provide standards for coastal waters that meet FWPCA requirements and can be incorporated in the CZM plan.
- The CZM plan must include a statement that the water quality standards are overriding and will be met in the administration of the CZM plan.
- Documentation must be provided to the effect that the CZM plan complies with applicable water quality standards and policies.
- Revision of water quality standards must consider the objectives of the approved CZM plan.

- The CZM plan can specify areas for which water quality should be upgraded and where land and water use priorities will reinforce this.

Permissible and Priority Uses

- If a use's potential impacts could violate water quality standards, the CZM plan may recommend controls or exclusion of the use categorically or from certain areas.
- The establishment of particular uses may be contingent upon attainment and maintenance of certain water standards and therefore such uses should be considered in revising standards.

Plan Consistency

- Water quality management agencies must be consulted in the section 305 CZM planning process (sect. 306 (c)(1).
- CZM regulations (15 CFR 923.44(b) interpret the section 307(f) consistency provision to mean that policies and standards adopted pursuant to the FWPCA are baseline against which the CZM program must be developed.
- After CZM program approval, subsequent EPA grants will have to comply with the section 307(d) requirements regarding conformance with the Intergovernmental Cooperation Act. Thus, the state's CZM agency will comment directly on pending requests for federal assistance through the A-95

process, including water quality grants.

Regulatory Activities

- Section 307(c)(3) of the CZM Act states that any applicant for a federal license or permit in the coastal zone must provide a certification that the activity complies with the state CZM program. This will affect NPDES and SPDES and other water quality permits.
- Issuance of other permits for CZ activities, in the state CZM agency, must include a finding that the issuance of the permit will be consistent with water quality standards. (This should give impetus to permit procedure consolidation.)
- Best management practices (BMP) for non-point source control should be incorporated in regulatory programs for CZM. Thus, for example, coastal land uses which are "conditional" could include a requirement that BMP be used. Under these circumstances there must be a commitment by states to monitor the installation and conduct of such practices.

The guidelines recognize that certain coordination techniques may not be applicable for plan development if the CZM plan and "208" plan are being prepared on different timetables. However, procedures recommended for coordination include:

Integrated Work Elements

- CZM inventory and data collection such as those for

natural resources and man-made features, existing land and water uses, and estimation of demand on resources should be coordinated with water quality planning needs for land use, population, employment data. Such data should be compatible between programs.

- Joint public participation program should save time of participating individuals and be designed to point up program interrelationships. This is most easily done when timing and geography coincide for the two programs. Care should be taken, however, to insure that programs do not become lumped together in the public mind.

Exchange of Information

- "208" program managers should inform their CZM counterparts as soon as possible about non-point source strategies, revision of standards, and other vital information.
- CZM staff should inform "208" staff of directions being taken on permissible uses, priority uses, areas of particular concern and regulatory systems.

Advisory Committees

- Representatives of the state CZM program should be members of the policy advisory committee for "208" and vice versa.
- Similar exchanges should take place at the regional level, with clear coordinative ties back to the state level.

Documentation

- Records should be kept documenting all coordinative aspects between the two programs. This should include records of meetings, data coordination, potential conflicts. This will help meet requirements in 15 CFR 923.31(a)(2) that the management program submission must include a list of agencies and organizations liable to be affected by, or with a direct interest in, the program and show the nature and extent of opportunities afforded for their participation.
- OCZM recommends that a cumulative record be kept of all interactions, including contracts, agreements and understandings.
- Federal agency comments on the state program could be attached to these records when the program is submitted for approval.
- 40 CFR Part 130 for the State Continuing Planning Process requires that the process shall be coordinated with and shall describe the relationship with all other applicable programs, including the CZM program. Therefore, "208" agencies should adopt procedures similar to those prescribed for CZM.

Final Review

- OCZM final review process includes circulation of submitted state program and a draft EIS to other federal agencies, such as HUD and EPA. These are

then sent to the appropriate regional offices of these agencies. There is a 45-day review period, followed by a a 30-day review period for any significant modifications or additions. Reviews of the draft and final EIS run concurrently with these two periods.

- Copies of the draft "208" plan will be circulated by EPA in a similar manner.
- Exchange reviews of the "208" and CZM plans between responsible state agencies should take place before their submission for federal approval. Conflicts should be resolved at state level.
- OCZM has outlined a mediation procedure (15 CFR Part 921) to resolve conflicts at the federal level for which state may not have adequate resolution authority (eg. issuance of NPDES permits which conflict with state CZM plan).

AQMP, other EPA Programs and CZM

Additional guidance as to how EPA will review both the water pollution control and air pollution control elements of a state CZM program is contained in a letter from Charles Durfor, Chief of the Water Branch, EPA, Region II to Dorlan Brin, Assistant Director of Planning, Virgin Islands Planning Office, dated July 14, 1976.

One of the main points in this letter is that EPA Region II would like to have a pre-306 submission review of the CZM program in order to conduct a coordinated interdisciplinary review involving air, water, enforcement

and other related program elements. For states on a tight schedule to get 306 approval, this is an additional burden and one that seems duplicative in that it is clear that OCZM also will be circulating the state program to EPA for review after its submittal for 306 approval.

To meet the "static" consistency requirements of section 307(f), EPA Region II will be looking for:

a. A statement that air and water pollution requirements are overriding.

b. A positive recognition that certain uses in the coastal zone are contingent on the non-violation of these standards and that the maintenance of standards and desired water uses is contingent on supporting land uses and land use controls.

c. Documentation of adequate consultation with the state agency responsible for air and water pollution control as well as the 208 planning agency and the EPA where appropriate.

d. Guidance on integrating air and water quality considerations into land use planning decisions.

Procedures for continuing participation of state and local air and water authorities, including EPA where necessary, in the CZM program represent the "dynamic" consistency requirements of section 307(f). Included should be:

a. An element defining permissible land and water uses, including the interrelationships of uses, and setting priorities for specific areas in the

coastal zone.

b. A guidance element, explaining how the developing air and water planning requirements ("208" planning, air quality maintenance, significant deterioration, transportation planning, HUD "701," etc.) will be integrated into the CZMP. This will be especially important where land use planning is undertaken by local units of government under performance criteria issued by the state or by administrative review.

c. A regulatory element, including procedures for regulatory permissible land and water uses and evidence of means for future participation by agencies responsible for administering state-local and state-federal environmental requirements.

d. A procedural element, requiring the state air and water pollution control officials to be involved in the establishment of land and water uses for specific areas and a means for resolving conflicts with state air and water pollution control officials.

The state CZM program also should include, and EPA will look for:

- An adequate consideration of impacts of the CZMP beyond the coastal zone boundary and of actions beyond the coastal zone boundary on the CZMP.

  a. Examples of elements to be considered here include:

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***cooperative planning efforts with representatives of both areas.

***consistency with environmental standards and pollution control programs beyond the boundary,(e.g., air quality and maintenance plans, "208" plans).

***development projects beyond the boundary which have significant impacts on the coastal zone including OCS development, ocean dumping, ocean outfalls from development outside zone boundary, etc.

- An adequate consideration of areas of EPA concern and how they relate to permissible uses including provision for solid waste disposal sites, waste treatment plants, acceptable noise effects in sensitive use areas, water supply (ground water protection), dredge spoil disposal, etc.
- An adequate consideration of important environmental conflicts and processes for their resolution. Examples include wetlands protection and development projects, ocean outfalls and beach uses, shellfish beds and marine sanitation devices, recreation areas and noise effects from transportation, as well as conflicts between OCS development, energy facilities siting, industrial development, and dredge spoil disposal on the conservation of coastal environments.

- An identification of priority areas for cleanup in the coastal zone.
- Explicit recommendations pertaining to areas amd priorities for future upgrading of air and water quality standards where land and water uses will either reinforce this upgrading, for example, estuarine sanctuaries, or necessitate it to provide adequate protection.
- An adequate evaluation of the impact of the program on the environment, which will be useful in preparing the environmental impact statement, outlining of the impact of the program on air and water quality and other environmental values, including the following:
  a. A demonstration that the process for establishing permissible land uses includes air and water quality considerations.
  b. An after-the-fact evaluation of how air and water quality considerations have influenced the designation of permissible uses.
  c. A substantive evaluation of the effect of the CZMP on air and water quality, noise, solid waste, and water supply.

The letter concludes with an invitation to present the "final draft plan" to the Federal Regional Council.

A-95 Review for CZM "305" and "306" Grants

Applications for program development funds and program administration funds, under sections 305 and 306 of the CZM

Act respectively, are subject to the provisions of OMB Circular, A-95 (revised). Form CD288, Preapplication for Federal Assistance, required only for an initial grant under section 306, must be submitted to OCZM 120 days before the start of the grant period. This form, which must be signed by the Governor, may be submitted by the designated state agency before OCZM approval of the state's program providing that, after consultation with OCZM, such approval is expected within 60 days after submittal of Form CD-288.

Form CD-288 may be used to meet the project notification and review requirements of the A-95 procedure. If the application is statewide in nature, it may, optionally, be sent only to the state clearinghouse or it can be sent to all of the areawide clearinghouses as well (15 CFR Part 923.55).

"701" Land Use Planning

The land use element of a comprehensive plan is subject to special coordination procedures as specified in HUD's regulations (24 CFR 600), dated August 22, 1975. It must be handled in accord with the procedures which apply to the plan as a whole, including individual elements such as land use.

Applications for planning funds are subject to A-95 review requirements. Applicants must notify the state and regional clearinghouses of intent to submit an application to HUD, or to the State. Clearinghouse comments on substate

applications are encouraged to be submitted too, as part of State's Overall Program Design.

The regulations also require that an "environmental assessment statement" be prepared and appended to the completed plan or any plan element such as the land use element.

The land use element's purpose is stated (Sect. 600.72) to provide for integration of "...all existing land use policies and functional planning activities impacting land use and to involve Federal, State, and other public agencies charged with significant functional planning or land management responsibilities in the development of the land use element..." These land use policies and plans are a guide for federal, state and local government decision-making on all matters relating to the use of land, "including air and water quality concerns, waste disposal, transportation, protection of coastal areas, open space, agricultural food and fiber production, environmental conservation, development and housing."

The tate Overall Program Design must include sections on coordination mechanisms to be employed to foster common or related planning and management programs, data and forecasts and coordination arrangements with other state or federally funded planning efforts such as CZM, air and water quality, transportation and solid waste management.

As discussed, HUD has concluded a number of agreements with other federal agencies to achieve coordination and consistency.

On October 6, 1976, draft regulations for receiving and approving plans were published in the Federal Register. These proposed rules reflect the interagency agreement provisions in several areas.

They require, among other things, inclusion of a statement with the plan when submitted to HUD for approval to the effect that a state's CZM program, if any, and the land use element are consistent with each other or will be made consistent with each other. If they are inconsistent, reasons must be provided. A similar statement must be included for the "208" program. These statements must be provided by the chief executive officer of the jurisdiction submitting the plan. At the state level this means the Governor.

Additionally, CZM program participants must attach to their land use element submittal a copy of their completed CZM plan. (No similar requirement is made for the "208" plan.)

Before this submittal is made, the chief executive must submit a summary of the plan and other documents, including the above statements, to the legislative body of the jurisdiction, indicating areas for potential legislative action. The same material also must go through the A-95 process concurrently with its submittal to HUD.

Biennial reviews of progress towards implementing the plans also are proposed by HUD.

Initially, applicants for these funds, in the Overall Program Design, must include a statement describing how work elements will be coordinated with related activities being performed by other levels of government or other agencies.

"208" and "701"

After circulating a draft in December, 1974, HUD and EPA signed an interagency agreement on March 24, 1975 for coordination of 701 and 208 planning. This indicated that the 701 land use element should be the vehicle for basic land use planning including:[1/]

- development of long and short term policies for where growth should and should not take place.
- determination of the type, intensity, and timing of growth.
- studies, criteria, standards and implementing procedures necessary for guiding growth.

The "208" program, on the other hand, should engage in land use evaluation by:

- determining the most efficient design of treatment systems consistent with the basic land use plan.
- analyzing land use - water quality relationships to determine what modifications should be made to the basic land use plan for the purpose of controlling point or non-point sources.

The agreement also provides that:

- HUD and EPA will develop criteria for insuring consistency and these criteria will include land use outputs required for both program. It stated that directives on this matter were to be issued to EPA and HUD regional offices, indicating activities to be supported by each agency and allowable levels of funding for such activities.

1/ The fourth mandatory requirement for the "701" land use element, not listed here, is for the development of policies, procedures and mechanisms necessary for coordinating land use policies with functional planning and capital investment strategies and improvements in governmental structures, systems and procedures that will help attain land use objectives.

- In areas where a "208" and a "701" land use element are being developed coincidentally, planning agencies must demonstrate how activities are being coordinated so as to insure that (1) there is no duplication, (2) plans are consistent, and (3) the objectives of both programs will be achieved.
- EPA and HUD will make available to each other a copy of the "208" or "701" plan respectively, for 45 day review, promptly upon receipt of such plan from a grantee. No plan will be approved without such review by the other agency.
- Each agency will issue guidelines on this subject.
- EPA will encourage, whenever possible, the "designation or substantive involvement" of qualified areawide comprehensive planning agencies in the "208" program.
- All HUD and EPA assisted agencies will be actively encouraged to use common data bases, analytic techniques, and consistent criteria.
- HUD and EPA field staff will, upon determining that impediments to implementation of the HUD "701" land use element and the land use related provisions of "208" exist, invite representatives from appropriate federal, state or areawide agencies to review the situation and possibly formulate recommendations for removal of the impediments.
- Joint progress reports on this coordination also are specified in the agreement, to be prepared at six and

twelve months from the date of signature.

On May 2, 1975, EPA sent this agreement to its Regional Offices with a covering Program Guidance Memorandum (AM-9). This lists, on p. 2, the land use related tasks which "208" agencies might undertake and those for which "701" should be the primary vehicle. (Appendix A-2).

1. Establish land use categorization system ("701")
2. Prepare population, economic, and land use inventories ("701")
3. Analyze land capability for water quality purposes ("208")
4. Prepare population, economic, and land use projections and plans ("701")
5. Determine and display wasteloads based on projections and plans ("208")
6. Analyze land use controls for water quality impact ("208")
7. Refine land use plans and controls as necessary for water quality planning purposes ("208")

Further, the memorandum indicates that both agencies may support some of these activities, depending on program needs, level of detail needed for certain data and on other factors. The memorandum also indicates that further guidance will be forthcoming, including:

- performance criteria for integrating plans
- procedures for coordinating "208" and "701" planning
- review and comment procedures on final plans

- procedures for integrating "208" and "701" planning at the state level.

Previously, HUD sent a similar memorandum, on March 10, 1975, to its regional administrators (Appendix A-3). This provided guidance on:

- coordination of the development of Overall Program Designs and "208" work programs
- review of "701" land use element by EPA
- review of "208" plans by HUD
- contact between HUD and EPA regional office staffs.

The memorandum states that HUD has been under a Presidential directive to coordinate the "701" program with other planning programs. Meetings between "701" and "208" agencies are to be encouraged so as to agree on common goals and objectives, data bases, mapping scales and formats, etc. These meetings should take place as soon as preliminary Overall Program Designs and "208" work plans have been completed.

HUD regional offices were instructed not to accept "701" applications for processing unless the coordination statements required by the regulations is included and describes "701"-"208" coordination. A copy of the coordination statement also will be sent by HUD to EPA.

This HUD memorandum had two enclosures listing coordination issues which should be discussed prior to applying to HUD for planning funds and before submitting the completed plans. The "701" and "208" agencies should

resolve these issues.

HUD and EPA expect "701" and "208" agencies to meet the requirements of both agencies with a single areawide land use element. If a single element cannot be prepared, the grantees must adopt and apply acceptable coordination procedures to insure that a consistent element will be prepared at least by the first biennial update.

The memorandum reiterates this principle with respect to the requirement in the regulations that a statement be submitted with the plan when approval is requested, to the effect that the "701" and "208" land use elements are, (a) "identical or consistent," (b) inconsistent, or (c) the "208" plan is not complete. In the case of (b) and (c), specific follow-up procedures will apply.

HUD regional offices also will be expected to review the plans for consistency, to verify the claims of the "701" agency. If there are deficiencies, HUD will notify EPA as well as the "701" agency. The results of the review could affect future funding.

The state "701" agency, according to the memorandum, will be responsible for "208"-"701" coordination in the non-metropolitan portion of the state.

Copies of the EPA instructions to its regional offices, and a September 18, 1975 memo encouraging meetings between EPA and HUD field staff and copies of suggested letters to "701"agencies were among the 8 enclosures with this memorandum.

On September 20, 1976, S. William Green, Regional Administrator for HUD and Chairman of the Federal Regional

Council for Region II, replied in the latter capacity to a July letter of inquiry from the Tri-State Regional Planning Commission on the coordination of "701" and "208" land use elements. This letter states that neither HUD nor EPA anticipates any major scheduling problems on the land use planning elements and it encloses a joint letter from HUD and EPA on this subject (Appendix A-4).

The joint letter, actually a statement of understanding, notes that Part IV of OMB Circular A-95, encourages federal agencies involved in areawide planning to use agencies designated as metropolitan clearinghouses to coordinate or carry out such planning. Further, EPA Region II has required all "208" grantees that are not metropolitan clearinghouses to obtain a memorandum of agreement as provided in Part IV of A-95 and signed by the 208 grantee and the clearinghouse. This should even, among other things, data, statistics, and projections on the basis of which planning in the area will proceed.

The letter makes it clear that all of the "208" interim outputs must be reviewed by the public and by the clearinghouse before adoption by local authorities and submittal to the state. After certification by the state and approval by EPA, these outputs will be the first (but integral) parts of the "208" plan. Interim outputs will be considered binding on HUD and EPA actions once approved.

With this letter in hand, Tri-State wrote to the New York City Planning Department, the Nassau-Suffolk Regional Planning Board, and the Westchester County Department of Planning and requested that the interim outputs be sent for its review as soon as they are ready.

CZM and "701"

On January 20, 1976, HUD provided its Regional Administrators with implementing instructions for the HUD-OCZM agreement concluded on February 19, 1975 (Appendix A-7 and A-8). This agreement had concluded that:

- HUD will accept the CZM plan approved by the Secretary of Commerce as a basis for meeting applicable minimum requirements for the "701" land use element. To the extent that the CZM and "701" plans apply to the same areas the CZM plan will constitute an accepted portion of the "701" land use element.[1/]
- HUD and OCZM will develop procedures for joint review and comment on CZM grant applications and Overall Program Designs; establish mutually supportive working arrangements to facilitate timely development of both programs; HUD field review of CZM programs before approval by the Secretary of Commerce, and OCZM review of "701" plans before approval by HUD; development of working arrangements to remove impediments to implementation of "701" and CZM plans, particularly as regards federally assisted programs.
- Both agencies will develop implementation procedures and regulations reflective of this agreement.
- OCZM will encourage the use of areawide agencies in the development of the CZM program.

1/ The "701" land use element will be submitted to HUD by August, 1977, well in advance of the completion of the CZM program in New York State.

- Both agencies will actively explore and, if possible, jointly fund selected activities within the coastal states. These demonstrations will focus on (1) administrative coordination of land use and CZM program development, (2) more efficient delivery of HUD "701" and OCZM support; (3) preparations to implement land use and coastal policy, and (4) increased state, areawide, or local capabilities to deal with impacts of energy related developments.

The January 20 memo on implementation essentially tracks the same points as the HUD memo of March 10 on "701"-"208" relationships.

AQMP and "701"

No agreements have been concluded between HUD and EPA with respect to the role of the "701" land use element in Air Quality Maintenance Planning. However, the provisions of the HUD regulations that relate to water quality planning coordination also, as mentioned, include air quality and therefore it may be assumed that similar principles apply with respect to use of the land use element information and policies.

"208" Water Quality Planning

The EPA "Guidelines for Areawide Waste Treatment Management Planning" (August, 1975) on p. 2-6 indicates that: "The land use aspects of 208 planning provide a direct linkage with other areawide planning efforts within

the area including those supported under the HUD 701, water and sewer, and flood insurance and disaster programs, DOT transportation plans and NOAA coastal zone management plans. 208 planning should be viewed as providing the water quality component of the comprehensive plan for the area. Other area planning activities should be considered to ensure that their impact on water quality is incorporated into the 208 planning process and that 208 plans are consistent with these activities. This will facilitate the development of a coordinative relationship between the 208 agencies and related agencies which should be carried over into the 208 implementation phase.

Special attention should be given to related plans which are being developed concurrently with the 208 plan. It is likely, for example, that many areas will be preparing land use elements under the HUD 701 program and on coastal zone management plans. Those types of plans will be of particular importance since they will be examining issues related to development, land use, and water quality. The 208 agency should establish procedures to ensure that such plans are consistent with the 208 plan."

AQMP Coordination

This section also requires coordination with Air Quality Maintenance Planning, including:

1. Use of a consistent data base, especially growth projections.

2. Promotion of complementary air and water quality management strategies.
3. Assessment of the impact of "208" plan implementation on air quality, especially the primary and secondary effects of treatment facilities.
4. Review by the appropriate agencies to ensure that "208" plans are consistent with applicable portions of the State Implementation Plans.
5. Review by the "208" agency of performance standards for stationary sources and emission standards for hazardous air pollutants. These may be important because of their impact, for example, on decisions concerning sludge incineration and the location of facilities generating air pollutants.

Program relationships with solid waste management, particularly sludge, also are discussed in this section of the guidelines.

Section 3-4 indicates that because the "208" plan will affect other community goals, it is important to understand such goals as those for housing, economic development, recreation, education, other environmental goals, etc. It is suggested that public participation in the "208" planning process is a most effective way of gaining such understanding but in any case these other goals should be understood as well as possible at an early stage in the planning process.

Land Use Controls

The "208" planning requires an analysis of alternative land use controls and practices to determine those which would be most cost efficient in reducing pollutant loadings. Because land use controls are used to achieve a variety of objectives, this analysis should include a review of the consistency of the controls with those required for other programs, policies, and plans. The capability of implementation of the controls and their likelihood of public acceptance also are to be considered. One of the outputs for this analysis must include a demonstration that the land use controls, existing and proposed, will be consistent with and reinforce the land use projections and the facilities subplans.

The support for much of this comes from Part 130.34 of the EPA's regulations for a State Continuing Planning Process for water quality management and indicates that the plans should be tied with other resources and developmental planning conducted by state, local and federal agencies. This includes state and local land use programs, other federally sponsored or mandated activities relating to solid waste, safe drinking water, clean air, coastal zone management, watershed and flood protection, rural development, recreation, historic preservation, fish restoration, endangered species, urban studies by the Corps of Engineers relating to waste water management, transportation planning and housing and community development activities.

Other sections of EPA's regulation require the state water quality planning agency responsible for assuring that section 208 requirements are met, including those for designated areas. The state agency is to provide leadership and support and is to monitor planning being conducted by the designated agencies, eventually incorporating their plans into state plans after review and certification. The state agency also must coordinate all water quality planning with that conducted in neighboring states.

After "208" plans for designated areas are approved, the Governor must certify annually that the plan is consistent with the applicable basin plan and after receiving such certification the plan must be submitted to EPA for approval.

AQMP and "208"

In 1975 (received 12/22/75) EPA Region II released Coordination Guidelines for "208" and Air Quality Maintenance Planning. Coordination and integration are stated to be advantageous for various reasons and a number of areas common to both programs are singled out for analysis.

Land use planning is considered to be the key in that the guideline specifically states that "...a focal point must be found around which the effects of the AQMP and 208 on air and water quality can be integrated. This focal point should be the existing or proposed land use plan for that area. The intent must be to utilize existing land use plans and land use controls to the fullest extent possible in an effort to attain water quality goals... However, where no

land use plan exists, the development of an appropriate strategy and/or plan must be undertaken as soon as possible." The guideline also makes it clear that "land use management techniques for air and water quality (should) always be placed in the perspective that they are part of an overall strategy for managing air and water quality."

The interrelationships are shown in a chart showing that projections of population, employment, and land use are to be inputs for projections of water quality and air quality in the initial phases of planning and in the later stages development of alternative control strategies for air and water quality are to influence "the development of alternative land use options."

Methods of coordination suggested are:

- Letters of agreement between "208" and AQMA(Area) agencies, if they are different agencies, covering integration of work plans and consistency of data and control strategies.
- Specification in work plans of how coordination will occur throughout the planning process.
- Integrate their data requirements with the AQMA planning effort before gathering data.
- Exchange of advisory group representatives.
- Exchange information at an early stage about strategies and alternatives being considered.
- Environmental assessment associated with each plan must address the impact of the plan upon the other media (air and land in the case of water quality plans).

- "208" agencies must report on coordination with AQMP as part of the semi-annual report requirements.
- Exchange review of completed plans.

The appendix to these guidelines discusses alternative control strategies.

Air Quality Maintenance Planning

Regulations published in the Federal Register on May 3, 1976 for Air Quality Maintenance Planning (AQMP) contain strong requirements for coordination and consistency with other programs. The organization responsible for an AQMP must, through procedures for consultation and review, insure the continuous involvement of:

- State agencies responsible for air pollution control, transportation planning, and water quality management.
- Elected officials and local governments.
- Agencies responsible for local and areawide planning within the AQMP, including as a minimum:
  a) local air pollution control agencies
  b) agencies responsible for "208" water quality planning
  c) agencies responsible for "701" planning
  d) urban transportation planning agencies established under the Federal Aid Highway Act of 1962 (as amended) and the Urban Mass Transportation Act of 1964 (as amended).

e) agencies responsible for Coastal Zone Management Act planning

f) clearinghouse established for purposes of A-95 project review, published in Federal Register on January 13, 1976.

Requirements for coordination with other programs are equally specific and strong. Procedures shall be developed for -

- using common data bases
- coordinating or intregrating work programs
- using similar policy advisory bodies
- incorporating air quality as a factor in other planning programs
- determining consistency between programs

Coordination procedures between Air Quality Maintenance Areas (AQMA) must be described in each AQMA plan and each AQMA plan must describe program relationships between air quality management and state, regional and local programs for -

- land use management;
- transportation and parking management;
- water quality management;
- solid waste management;
- and other forms of environmental management substantially affected by or affecting air quality management.

The plan is to be submitted to EPA in accord with

A-95 review procedures, allowing 45 days for review.

In 1974, EPA produced a series of 12 Guidelines for Air Quality Maintenance and Analysis to provide state and local agencies with information and guidance for the preparation of AQMP under 40 CRF 51. Vol. 2 Plan Preparation and Volume 4., Land Use and Transportation Considerations, are especially pertinent to analysis of interrelationships with other planning programs.

In December, 1975, EPA Region II issued a paper, Coordination Guidelines for Areawide Waste Treatment Management Planning, Section 208, Federal Water Pollution Control Act Amendments of 1972 and Air Quality Maintenance Planning, Section 110, The Clean Air Act, as amended, June, 1974. This paper, 42 pages long, provides a particularly good overview of the two programs and their interrelationships. It places great emphasis on land use programs as providing the basis for integration of air and water programs. The report states (p.8) that: "The intent must be to utilize existing land use plans and land use controls to the fullest extent possible in an effort to attain the air and water quality goals. Whenever these plans or controls lead to consequences which prevent or interfere with the timely achievement of air and water quality goals they must be rapidly and effectively abandoned in favor of more environmentally acceptable measures. However, where no land use plan exists, the development of an appropriate strategy and/or plan must be undertaken as soon as possible. "The report then goes on to set forth criteria by which land

use plans should be evaluated.

The implications of this statement are as clear as anywhere that they have ever been set forth. Land use plans should be prepared for all areas of the state, in part as a means for gaining control of air and water pollution. Moreover, there is a need for a review of the adequacy of such plans by a higher authority who will be prepared to recommend their abandonment in favor of an alternate strategy if they are in adequate.

III. INTERDEPENDENCIES BETWEEN WORK ELEMENTS

Setting aside the constraints of differences in timing, geography, level of required detail and other factors discussed in Chapter I, there are a number of work elements that are common to the four major programs. These are:

1. Public participation
2. Goals and objectives
3. Population and employment estimates and projections
4. Land use data and projections
5. Analysis of existing authority, regulations and programs
6. Institutional arrangements

Each of these work elements in any one of the four programs is more or less dependent on the work element in the other programs. A judgmental evaluation, on a value scale, of the dependency of "208," CZM and AQMA on "701" is shown in Table VI.

PUBLIC PARTICIPATION

Program requirements for public involvement are universal but it also is one of the most difficult work items to carry out well and all too often it is handled by planning technicians as an "add on" for someone else to be concerned about. However, if it is conducted in a perfunctory way, it may be a wasted exercise. The quality of the public involvement program will show up in the extent to

Table VI

Interdependency of Work Elements in 208, CZM, AQMP with 701

	208	CZM	AQMP
Goals and Objectives	2	2	2
Population - Employment Data	1	2	1
Land Use - Natural Resources Data	1	2	1
Existing Program/Authority Analysis	1	1	3
Institutional Arrangements	2	1	2
Public Involvement	2	2	3

Note: 1 - highly dependent
2 - moderately dependent
3 - not very dependent

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which unforseen difficulties occur in implementing a plan.

"701"

The HUD "701" comprehensive planning regulations are specific (sec. 600.80) about each recipient of comprehensive planning funds making provision for citizen involvement where major plans, policies, priorities or objectives are being determined. Criteria to be used to measure compliance with this requirement include:

- extent of interaction and involvement. Citizens should not only be informed of proposals but also should help to initiate them.
- extent of access to decision-making process.
- success of communication techniques in providing in providing adequate and understandable information to a broad segment of the public in advance of decision-making.

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HUD also requires each applicant to prepare a statement of citizen involvement in its progress reports, which will be responsive to the stated criteria.

Regional, county, and local agencies are meeting this requirement through established advisory committees, newsletters, distribution of draft reports and various communications channels.

To date, the "701" land use program has been given little public visibility at the state level. However, seven regional meetings are being scheduled for February, 1977 to bring the land use and housing elements before the public. This should help to increase public understanding that HUD intends that a unified state land use program is to emerge from this work.

CZM

The Coastal Zone Management Act requires that the state must provide "opportunity for full participation" by various public and private agencies, organizations and individuals. It also requires that public hearings on the draft CZM plan be held and notice given 45 days in advance. These may be informal public meetings or more formal public hearings.

To approve the program for "306" grants the Secretary of Commerce will have to find that the state not only has held public hearings but also has coordinated its program with local, areawide, and interstate agencies and has established effective mechanisms for continuing consultation. Federal views also have to be adequately documented, as do other aspects of public involvement.

OCZM Threshold Paper #4 on Public and Governmental Involvement quotes the requirements of the act in these areas, and also quotes the appropriate section of the regulations. The statement points out that merely affording an "opportunity" for participation will not suffice unless coupled with an adequate information program.

Efforts must be made to inform and educate the public-at-large, not just local officials and advisory committees. Feedback mechanisms are encouraged and acceptable approaches to this and "full participation," and planning coordination are described.

In New York State, regional and county subcontractors have initiated local public meetings on coastal zone

management and the results and requirement of CZM planning. Goals and objectives, alternative boundaries and identification of critical areas have been discussed initially. The Sea Grant Advisory Service also has been active in discussing the program.

At the state level, DOS established a 16-member CZM Citizens Advisory Committee in the fall of 1976. The first meeting was held in December, 1976 and another on January 4, 1977. A third has been scheduled for February 10 and 11 in conjunction with an OCZM site visit.

Another meeting was held on December 9 and 10 with all of the CZM contractors and there have been several rounds of meetings with them individually during the past two years, thus helping to insure coordination of work and products and to satisfy the intergovernmental coordination provisions of the CZM Act.

A meeting, preceded by other communications, was held in October, 1976 with representatives of all appropriate federal agencies.

DOS and DEC, and other agencies, cooperated with the NYS League of Women Voters in a major meeting on CZM in New York City in December. The League recently received a "focused assistance" grant from OCZM to conduct such activities in the state. DOS and the College of Environmental Science and Forestry held a public CZM meeting in Syracuse in mid-December, 1976. Other meetings include one at Wave Hill Environmental Education Center in the Bronx in October, 1976, where "208" and CZM were joint topics. More such meetings are needed to develop interprogram relationships. A meeting on public participation was held in Buffalo in

October, 1976, under the sponsorship of the Great Lakes Basin Commission. Early in the program, another major meeting in the western part of the State, was arranged by the Federal Executive Board. Held at Niagara Falls, this received a large turnout of a diverse and interested public.

Draft public participation guidelines have been sent by DOS to regional and county subcontractors.

Although some public involvement has occurred in the first and second year of the program much more needs to be done to illuminate the issues. Public participation at the regional and county level particularly needs more state guidance and leadership. Several of the major regional public meetings that have been held were initiated and sponsored by organizations other than the state. An effective working relationship with the Sea Grant Advisory Service has not been consolidated. There has been little attempt to date to detail the program at the meetings of major statewide organizations, such as the municipal associations. The concept of "education and outreach," although a part of the work program in the first and second year, has not been fully operational. In brief, much remains to be done before the state program is submitted for "306" approval to OCZM.

"208"

Of the four statewide planning programs the only one for which separate regulations on public participation have been issued is "208." Minimum guidelines were issued by EPA on August 23, 1973 as 40 CFR Part 105.

This requires that state agencies, among others, involved in water pollution control programs shall maintain a continuing public participation process, which must be reported annually. This is to be comprised of -

- information materials (releases, newsletters and other publications, for example)
- assistance to the public (technical advice, workshops, training, etc.)
- consultation - (with agencies, organizations, advisory groups)
- notification (maintain directories, lists)
- access (availability of reports, data, in appropriate locations)
- enforcement (develop procedures for evidence submitted by citizens)
- legal proceedings (provide open information on all legal proceedings under the act)
- rule making (public shall be able to comment on all regulations)
- other measures (encouraged)

Sections of this regulation include guidelines for evaluation of public participation by the EPA Administrator or Regional Administrator and guidelines for public hearings. These rules apply to all aspects of the Federal Water Pollution Control Act.

For the statewide "208" program, DEC hired a qualified public participation coordinator beginning in September 1976.

The initial assignment has been to establish, working with DEC regional directors, policy advisory committees (PAC's) for each of nine "208" planning regions of the state and to prepare a more detailed work element for this activity. When this is completed, the real work of helping the PAC's to understand the program and its products and to develop regionwide "outreach and feedback" mechanisms will begin.

Outreach from the state level also will be undertaken extensively, working through various statewide organizations and conducting workshops and conferences. Several issues of a statewide "208" newsletter already have been published.

The coordinator also will be cooperating with the six designated agencies to insure integration of their public involvement activities and experiences with those of the statewide program.

An important part of the work of the coordinator will be to help communicate and facilitate understanding of interprogram relationships.

AQMP

As a minimum, under the Clean Air Act, states must conduct public hearings on the AQMP and make the plan available in each AQMP in the state. Regional and local agencies are to be encouraged to review the plan and, initially, to participate in its preparation. These requirements appear in 40 CFR 51.4.

Chapter 2 of Volume 2 (Plan Preparation) of Guidelines for Air Quality Maintenance Planning and Analysis (U.S./EPA-

July, 1974) describes appropriate coordination and public involvement measures.

These plans are being prepared by regional or county planning agencies and, given the minimal funds available for all aspects of the planning, their development can be expected to be communicated to the public primarily through mechanisms already operational in these agencies. In other words, it is unlikely that special newsletters, advisory committees or an extensive communications effort will be launched strictly on behalf of AQMP.

Goals and Objectives

Planning should both begin and end with a determination of the goals to be attained through the planning process and identification of the objectives which must be attained to fulfill those goals. Goals usually are framed in relation to problems or issues. The purpose of planning is to develop policies to attain goals and to initiate action programs to implement those policies.

The nature of goals and objectives will vary from one type of plan to the next, depending on the level of detail required and the approach and emphasis of the planning program. However, refinement of goals and objectives will continue throughout the planning process as the information base is developed through various studies and analyses, as issues are sharpened or identified, and as public involvement helps to shape these matters. They are subject to change as new information becomes available through a continuing planning and updating process or as broader policies change.

All four major state planning programs - "208," "701," AQMP and CZM - are concerned with the identification of goals and objectives as a basis for developing plans. Although conflict is inherent in any statement of goals and objectives, goals usually are stated in sufficiently broad terms that conflicts with existing activities may not be readily evident. Conflicts are more likely to show up at the action or implementation level. However, a finding on actual or potential conflicts should be made at as early a date as possible in any planning program. The CZM program is the only one of the four major statewide planning programs which explicitly recognizes the need for this. (See OCZM "threshold" papers.)

"701." Objectives are discussed in Section 600.5 of the HUD regulations for the Comprehensive Planning Assistance Program. These are to improve overall governmental capabilities and the management and decision-making capability of Governors and Chief Executive Officers as well as to address special problems or opportunities, develop coordination mechanisms, and to develop and implement a comprehensive plan. Sub-objectives are listed under these major objectives. In effect, many of the eligible and/or required activities in comprehensive planning also may be considered as sub-objectives. Special requirements attendant to all comprehensive planning work include those for environmental planning and, for most plans, preparation of environmental assessment. All of these are designed to meet particular objectives that are in accord with national goals and policies.

The environmental planning objectives are to: (1) assess those environmental factors which will, among other things, minimize or prevent undue damage, unwise use, or unwarranted

pre-empting of natural resources and opportunities; recognize and make prudent allowance for major latent environmental changes and risks (e.g., floods, mud slides, earthquakes, air and water pollution; and foster the human benefits obtainable from the wise use of the natural environment; (2) identify the salient elements of the natural and man-made environment, their interrelationships, and major problems and/or opportunities they present for community development, (3) incorporate state environmental policies and standards, including those developed in response to federal laws regarding the protection of air and water quality and control and abatement of noise.

The Division of State Planning in DOS has completed an Identification, Classification, and Summary of State and Regional Land Use Goals and Objectives as Technical Report No. 3 for the "701" State Land Use Element (August 2, 1976). This report lists various goals and objectives which have been developed in the determination of goals and bojectives in the final state Land Use Element.

CZM. Goals and objectives for CZM, are reflected strongly in the 1972 CZM Act, as in the case of "701," and in OCZM's rules and regulations. Identification of goals and objectives also is a task in the state's work program for the first and second grant years. DHC and other subcontractors have developed first year reports which have been submitted to DOS. In the second year, this task does not seem to have been included in the contracts of the regional and county sub-contractors but presumably should be given attention nonetheless. Refinement should be continued as a result of their public involvement programs and the collection of additional information leading

towards a statewide CZM process. A report of all work done to date on goals and objectives and all other work is being prepared by DOS and DEC for an OCZM site visit early in 1977.

"208." Goals and objectives are both implicit and explicit in the 1972 amendments to the Federal Water Pollution Control Act. The overall national goal of "fishable, swimmable" waters by 1983 is explicit enough. Objectives of controlling point sources and non-point sources in relation to specific standards are also made explicit. However, the means for attaining these objectives are only implied.

At the areawide and state levels, these goals and objectives will have to be amplified in the final report. In general, the delineation of goals and objectives is not required in "208" work programs (Project Control Plans) as a separate activity, but rather is implicit in many of the activities.

They should be made explicit in the final reports and, therefore, should be reflected in the outline of such reports.

Water quality goals and objectives in CZM, as well as policy and action recommendations should be reviewed carefully for consistency with those in "208" and vice versa. Because the "208" and CZM water quality work is being done in the same office at the state level in New York problems should be minimal. However, problems may arise at the regional level where CZM contracts have been let by DOS to regional and county planning agencies and the "208" work is being done by DEC.

AQMP. A statement of goals and objectives is not explicitly required as an element of an AQMP. This probably is because the goals, as in the water quality program, are to meet specific quantitative standards. All other more qualitative goal statements would be subordinate to such standards.

Population and Employment Projections

All too often population and economic projections are viewed as a simple matter of trend extropolation and little analysis is undertaken of their interrelationships with each other or with physical factors which encourage or constrain economic growth and land development. For example, the decision to build a major new transportation facility, or a water supply system or an interceptor line could have a major impact in opening an area to growth. Conversely, if an area has high water tables or very shallow soils or very steep slopes and little level ground that can be inexpensively developed and supplied with utility services, then growth will be inhibited.

When population and economic projections are prepared for the local level it is important to take into consideration land capability and regulatory constraints as well as information on major public and private investment and land development decisions. This information then can be used to modify demographic and economic trend projections. At the statewide and national level this is more difficult to do because of the vast quantities of information to be handled. Nonetheless, economic trends are considered by sector in complex input-output models and can be interrelated to population projections based upon various birth rate, death rate and migration assumptions.

The allocation of public funds, particularly from the state or national levels of government, as well as individual public investment decisions, often require a consistent set of population and employment projections for the area of jurisdiction and subareas thereof. These projections must be based upon

standard, well-accepted methods.

Projections prepared by a state will utilize national projections, but may modify one or more alternative series in any set of national projections applying to that state in order to introduce additional information or different assumptions. The same holds true at the local level relative to any statewide projections promulgated by state government for the entire state as well as its subareas. Modification of the state series as it applies to a particular municipality is an acceptable exercise if the input of more detailed local information will improve the accuracy of the projections and if the assumptions and methodology are sound.

In New York State, the Economic Development Board, in its role as the successor to the former Office of Planning Services in the function of preparing statewide projections, issues and updates such projections annually. They are considered to be "interim" because they are adjusted annually based upon new trend information, major economic or land development activities, or the availability of more detailed and validated projections of a local or regional nature or other subareas of the state. In brief, the fact that the projections are "interim" carries with it the implication that as new or better statewide or local information becomes available, the projections are subject to modification. That this is done annually in a formal issuance of the statewide projections is a convenience that is subordinate to the principle that they are subject to modification.

The chief problem with this is that it burdens the Economic Development Board to continually review, assist, and approve the work of substate agencies--at least to the level of counties and major cities--in order to insure that this projection work, based on more detailed local knowledge and prepared under somewhat different assumptions and methods than the Board's, is acceptable.

The state has not set forth specific procedures and policies for accommodating substate projections in the annual update of state projections. It is implied, rather than explicit, in state actions and assistance.

On the other hand, policy has been established with respect to use of the projections by state agencies. By memoranda dated January 1976, Robert Morgado, Director of State Operations, in the Office of the Governor, transmitted the latest annual projections to the heads of all state agencies. "These projections," the memorandum stated, "are the official population projections for interim use by all State agencies."

This makes it clear that the state agencies are to use the official projections for all of their own planning work or for other activities such as allocation of funds. However, it does not clarify the matter of the extent to which a state agency should require substate agencies, with which it has a contractual, oversight or similar relationship, to use the state projections. To improve this degree of control would be particularly difficult if the substate agency has invested substantial time and effort in developing projections that are more refined than those of the State.

This issue is a current one in the "208" program and it requires resolution. DEC must approve the interim products, including population projections, of the six designated "208" agencies. It informed these agencies earlier that the State projections would provide the standard against which these products would be measured. However, as these products are submitted, DEC must turn to the Economic Development Board for review and approval. But, staff shortages in that agency have slowed this process.

DEC uses the state projections for facilities planning and in other planning. However, some DEC programs are directly related to economic activity, particularly industrial activity and it is to be noted that the state does not have integrated population-industrial projections. The State Department of Labor provides statewide projections of industrial activity. This has a limited utility for environmental planning. They provide projections of employment to 1985 by industry and these are generally consistent with the state population projections.

The seriousness of this issue is highlighted by the fact that EDB's figures for New York City in the year 2000 are 6,876,000 whereas those of the Tri-State Regional Planning Commission are 7,660,000 and those used by the Corps of Engineers for water supply planning are 8,430,000. The New York City Planning Department is investing a considerable effort through the "208" program in developing new projections. The City obviously has a large stake in the outcome. Declining populations in other central cities of the state also pose difficult policy issues. The use of low figures could even

be a self-fulfilling prophesy.

Rules and regulations for the "701" program do not specifically require development of population projections or employment projections. Nor is such work listed as an eligible activity. However, in developing a policy planning evaluation capacity, comprehensive planning agencies are urged to improve their capability "...to gather, process and analyze data necessary for rational decision-making." Further, the development of growth policies and the analysis of growth patterns suggests that development of such projections is not inappropriate.

The CZM program is even more vague about the need for such projections. It is concerned with a process for administering coastal land and water uses. The emphasis is on the establishment of the process rather than the preparation of a plan to meet specific objectives involving future population and employment distribution in part. It would appear that the development of such projections for the CZM program is optional. However, in considering land and water uses, some data - if not projections - on existing population and employment probably should be developed. This is not in the state work program at present.

The HUD-OCZM agreement (see Appendix A-7) provides for cross-acceptance by HUD of approved CZM programs. Such programs will meet "701" requirements insofar as they may geographically cover all or part of a "701" planning jurisdiction. This does not necessarily mean, however, that the CZM program must have all of the same elements, such as projections, which might be in a "701" plan.

AQMP requires an analysis and projection of emissions. Land use data as well as population and employment projections all come into play in this work. It is accomplished on a county and regional basis and therefore it may be expected that the demographic projections will be consistent with those used in "701," CZM, and, in the designated areas, "208." The primary information for emissions projection, however, will be industrial.

In "208" planning, great emphasis is placed in various EPA guidelines, including a special handbook on Interim Products, on the development of population, employment, and land use projections as a basis for projecting waste loadings. In the 47-county "undesignated" portion of the State, DEC is proceeding to develop these data. For the county level, the Economic Development Board projections will be used. This also applies to major cities. For other sub-county urban areas, the necessary disaggregation of the EDB figures will rely upon local planning projections more directly.

It is anticipated that some of the county and local data will conflict with the county EDB totals. This conflicting data may be well founded and therefore cannot be lightly disregarded. Further, cross-acceptance for consistency with "701" projections may be an issue. Thus, the problem of validating methods, assumptions and projections may not be much different in the undesignated area of the state than it is in the designated areas as described at the beginning of this section.

Consistency of projections from one program to the next - in CZM, "208," "701," and AQMP - will have to be checked at every turn in these programs, but inconsistencies should not exist in those cases where several of these programs are being developed by the same regional or county agency.

The Interim Output Evaluation Handbook for Section 208 Areawide Waste Treatment Management Planning (EPA, June, 1975), states that "...Such projections should be consistent with those used for local and regional planning, air quality maintenance, water supply, transportation, solid waste management, and public investment. The projections must also reflect growth constraints imposed by air quality maintenance plans or other objectives or policies."

"Population and employment projections should be consistent with existing and projected land-use patterns in the 208 area." ..... "The State planning agency should provide the 208 agencies with statewide population projections and coordinate disaggregation of these projections for 208 areas."

....."Whenever possible, the 208 agency should use employment or population projections already in use by other local agencies. Ideally, all local planners - air quality, transportation, solid waste, water supply, and so on -- would work from the same set of projections, which also would have a strong correlation to disaggregated statewide projections.

"In some cases, the 208 agency may disagree with population projections provided by the State or in use by other local planning agencies. In some States, the State may take

a very active role in coordinating projections to be used by 208 agencies, thus minimizing disagreements. But in other States, the agencies may have flexibility in selecting the projections. When the 208 agency has some flexibility in this area, it should select projections which have the support of its advisory committees and local political units; which are reasonable and can be defended on technical grounds; and which, to the extent feasible, are compatible with other projections used or prepared locally.

"Finally, the 208 agencies should use caution in extrapolating historical employment and population trends to make population projections. Since many parts of the country are experiencing abrupt changes in population growth and distribution, historical trends may not be useful for projecting future needs. Recent economic and social factors, for example, the rapidly declining birth rate and the high unemployment rate, should be considered in projections of local activity."

Land Use Data and Projections

The "701" land use element is touted throughout the guidelines, agreements and directives described in Chapter II as the key to integration of air and water planning. This is an accurate depiction but it needs to be dissected.

The HUD regulations published on August 22, 1975, covering the housing and land use elements and other requirements, are remarkable for their great emphasis on the development of policies and recommendations for their implementation. There seems to be an effort to make a marked

departure from "701" planning of the past through the emphasis on "process" rather than a physical plan and on the follow-through on implementation recommendations to be transmitted to the legislative body of the planning jurisdiction. The required sign-off by the chief executive is another step that attempts to answer the old criticisms of the "701" program that, for all of its accomplishments since 1954, the plans it has produced are too often discarded or ignored. At the time the HUD regulations were developed, there were two good models from which to work: (1) the CZM Act of 1972, and (2) the several versions of the proposed national land use act.

The major difference between the "701" program and those embodied in these other pieces of legislation is that the "701" program is mired in its fundamental origins as a local planning program. The "701" program has supported, and still does, state planning activities but this has never been its primary focus. The focus has been on urban areas and, more recently as the funds have begun to be cut more severely, on regional planning.

This diffusiveness, at once a strength and a weakness, could be helpful in developing a unified state land use program or it could divert concerted attention from that effort. There, of course, are numerous other factors that will influence the outcome of current work throughout the state and at the state level on the "701" land use element. The success of this effort will be seen by August 22, 1977.

The big question is one of how "unified" the state's unified growth policies plan will be. Will it be a mere amalgamation of existing state and local authority, invoking the "networking" concept that currently is in vogue as a CZM strategy - but will not, by itself, meet the requirements for an approvable CZM program? Or will it clearly set forth state policies on land use more broadly and recommend reform of the long-standing laissez-faire approach to land use planning in New York? If the reform route is taken will it be comprehensive, ala one or more of the several bills introduced in the Assembly on this subject during the past few years, or will it be a more piecemeal approach after the fashion of some of the recommendations in Study Document No. 4, prepared by the former State Office of Planning Services in 1970 in conjunction with Development Plan-I?

The outcome is critical in a number of respects. One of these is that true reform can be effected only at the state level. The land use elements being prepared at the local, county and regional level are useful and important, including the various and sundry recommendations they bring forth to their respective legislative bodies. However, these will be implemented, if at all, within the context of existing authority whereas the state recommendations are capable of completely changing that authority. The state program could recommend that no longer will one jurisdiction take a piecemeal but progressive step while the next one decides to do nothing, but that all municipalities in the state will play the game of land management henceforth, in accord with rules set by the state.

While this is developing, all of the "701" substate entities are preparing land use plans which, include traditional land use maps, inventories of existing land uses and projections of land use. The HUD regulations do not specifically require maps of existing or projected land use. Rather it is implied in that each recipient of funds should consider (1) existing uses of land and land resources, (2) projections of land use needs, (3) distribution of growth, etc. The word "map" does not appear anywhere in the regulations.

Nonetheless, in the guidelines issued by the Department of State, enunciating the elements that should be included by substate "701" applicants in their work plan, mapping was featured prominently. This is fortunate because this graphic data and projections thereof, as a future land use plan, provides an essential base for work done in the "208" program, AQMP, and the CZM program.

For the most part these maps are being prepared on 1:24,000 scale quadrangle maps (USGS topographic 7½' sheets on NYS-DOT planimetric 7½' sheets) and generalized at 1:125,000 scale, particularly where county or regional programs are in progress.

The CZM program emphasizes "process," but it too forces detailed mapping of coastal land uses and natural resources. It would be difficult to identify permissible and priority uses, determine CZM boundary alternatives based in part on identification of land uses which have a direct and significant impact on coastal waters; and inventory and designate geographic

areas of particular concern - all without a map. Surprisingly enough, there is no reference to the need for a map, in the act, in the regulations, or in the "threshold" papers. (As a matter of fact, it does appear in one place - in the Boundaries paper - where it specifically says that a map is not needed for documentation.)

New York's CZM program is proceeding with mapping of the features described above. Base maps have been prepared on sheets of standard size, on a scale of 1:24,000, for use with a series of work map overlays. These base maps cover the entire coast; similar work on Long Island and in the St. Lawrence Eastern Ontario area is being undertaken by regional agencies. It is planned to generalize this information on a scale of 1:125,000; later, for presentation and possible publication.

The "208" program requires a detailed consideration of land use plans because (1) they can serve as bases from which point and non-point source controls can be developed and evaluated, and (2) possible changes in future development patterns and controls can be explored as a means of reducing investment in point and non-point source control. In those areas where there are no land use plans, the "208" agency has to gather enough information about the area so that current and future development patterns, densities and policies can be identified. Residential, commercial, and industrial categories must be identified along with agricultural, silvicultural, mineral and other uses from which pollution can be generated.

Land use map scales and the level of detail may be varied depending on the type of area, wasteloads and the availability of local plans. However, consistency is preferable and the scales and level of detail should be sufficient so that the location, volume and nature of wastewater flows can be identified to locate, size and time treatment and major interceptors. The origins of the sources must be identified by geographic distribution. There also should be a tie-in to the National Flood Insurance maps.

AQMP relies heavily upon land use data, existing and projected, particularly for urban areas and industrial uses.

New York State, beginning in 1966, developed one of the first statewide computerized land use and natural resources data systems in the nation. This LUNR system is based on interpretation of air photos, the data from which is transposed to grid overlays for each of the more than 900 topographic quadrangle sheets covering the state. These data are placed in a computer and can be printed in either tabular or graphic form, or the overlays - one for areal information and one for point information - for each quandrangle can be reproduced and used directly in planning work. About 150 land use and natural resources variables are coded into the system.

In the early 1970's, Appalachia funds were used to develop a revised system which contains additional environmental information not obtainable from air photo interpretation. This land resources information system (LRIS) also utilizes rectified aerial photographs that have the advantage of being in scale from edge to edge and therefore can be used directly

for mapping. A pilot project was completed for Broome and Tioga counties.

LUNR data is being used extensively in the "208" work in both the designated and undesignated areas of the state, particularly for rural areas where there have been few land use changes since the 1966 photography was flown. This is especially useful for non-point source evaluation.

Yet, planning in the State is desperately in need of a revised and updated system such as LRIS. This is needed for all planning programs, at all levels of government, on the LUNR-LRIS scale of 1:24,000.

If the aim of the federal government is to achieve standardization of data between programs, as a basis for consistency, and if land use planning is the integrative medium for air and water planning, then federal agencies would be well advised to pool their land use funds and direct them towards the development of a new statewide land use data system. No investment would have a bigger pay-off. The state should press this matter with the Federal Regional Council for Region II.

Analysis of Existing Authority

Each of the major planning programs requires an evaluation of existing federal, state and local laws and regulations as they apply to the problems which are peculiar to each program.

The concept of "networking" existing state authority, a strategy and terminology that has evolved from the CZM program, is a natural outgrowth of this kind of an evaluation.

It is to be noted, however, that OCZM will not accept a mere identification of all of the "pieces" of legislation which may be applied in CZM. They are looking for organizational structures and mechanisms to show how the state will exert control over uses of regional benefit and national interest. And they are looking for a structure that will be capable of managing the "networked" authorities in a unified manner.

Catalogs of existing state programs pertinent to CZM have been prepared by DEC and a similar catalog has been prepared for the Outer Continental Shelf program. However, the most comprehensive one is that prepared for the "701" land use program by DEC. This is a three volume analytical report describing about 50 programs administered by DEC for land resources and related planning. Various 701 and CZM subcontractors also are preparing analyses of existing authority.

Significant funding is being devoted to this work in each of the designated "208" study areas and it will receive attention in DEC's work for the undesignated area of the state.

This is another area where there could be a pooling of effort and funds, with significant savings for all agencies needing this information. Each program must analyze this information so as to bring it to bear on the issues facing that program. However, basic elements of statutory citations, program description, and current program status are common to all [illegible] planning programs.

It is recommended that DOS consider the possibility of issuing a land use planning program catalog, with an annual update.

Institutional Arangements

The heart of nearly all planning programs is the recommendations for an appropriate organizational structure to administer the program. This, coupled with the procedural and interactive mechanisms devised for the program, is sometimes called the "institutional arrangements."

The implementing provisions for such arrangements, if they represent a departure from present authority, must be approved legislatively. This legislation can be developed without preparing numerous supporting studies. However, without such planning studies there would be no supporting justification for the legislation.

In New York it is apparent that additional state legislation will be needed to gain federal approval of the state CZM program, particularly with regard to the matter of establishing a specific authorization for a state CZM agency to exert control over uses of regional benefit and national interest as well as to insure effective local planning and consistency of state actions with the approved program. Both DOS and DEC are beginning to develop such legislation.

In the "701" land use program, HUD approval regulations require that implementing legislation must be forwarded to the state Legislature before August 22, 1977. This has already been discussed in the section of this report that deals with land use data.

For the "208" program in the undesignated area of the state, the institutional study has a strong fiscal orientation. The study, to be contracted by DEC, will include an evaluation of present administrative arrangements for control of point and non-point sources and will look at management capabilities in this regard. Local environmental protection agencies, health departments, and other agencies will be reviewed relative to point source control and recommendations will be made for strengthening their capabilities. Soil and water districts and other such resource agencies will be examined relative to non-point source control. However, the biggest constraints to water quality improvement are expected to be financial.

Land use is the common element in the institutional arrangements work, as well as in other aspects of these programs. Unless positive steps are taken to insure that all local governments undertake the preparation and administration of approvable land use plans, either directly or through the county planning departments and in accord with state guidelines reflecting regional and statewide concerns, the basis for investing in air and water pollution controls as well as many other public facilities, will continue to be "chancy" at best.

Sooner or later, with or without the support of the federal government for land resources management, the state must come to grips with this issue, just as many other states have done. The problem is doing so is not one of "home rule" versus state control. Rather it is one of recognizing that each level of government - local, county, state - has an

appropriate role in land resources management and that an effective partnership between all governmental entities must be consolidated to forge ahead with this.

It will have to be discerned by a sufficient number of people to carry the issue that each level of government - state, county and local - has a role to play in this and that those roles essentially should remain what they always have been. Land use controls should remain at the local level; the counties are in a pivotal role for technical assistance, intermunicipal overview and intergovernmental coordination; and that the state should set guidelines, provide funding and monitor the system to insure that it works. The only thing new in any of this is that it would be done systematically for the first time instead of proceeding haphazardly as at present with municipalities planning or not planning as they choose and, if they do plan, not being given much direction about matters of more than local concern. All levels of government must be held accountable if "home rule" is really going to be effective.

In this light, the "institutional arrangements" to be proposed through the state's "701" Land Use Program will be crucial for the future of land resources management in New York State.

Appendix A-1

Interagency Agreement Between the
Department of Housing and Urban Development
and the
Environmental Protection Agency

March 24, 1975

(copy)

INTERAGENCY AGREEMENT
BETWEEN
THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AND
THE ENVIRONMENTAL PROTECTION AGENCY

I. Purpose

This Interagency Agreement has been developed in recognition of the need to: (1) rationalize the planning assistance activities of the two signatory agencies in accordance with the Administration's objectives; (2) encourage interagency coordination of planning activities within and among the state, regional, and local levels of government; (3) secure agreement on coordination of implementation programs which affect the planning programs identified below; and (4) ensure that land use planning undertaken for water quality purposes is developed within the broader framework of comprehensive planning.

II. Programs Involved

The following programs are involved:

Comprehensive planning Assistance (701) Program of the Housing Act of 1954, as amended

Areawide Waste Treatment Management Planning Assistance Program (208) of the Federal Water Pollution Control Act Amendments of 1972

III. Provisions

1. To the extent that resources are available, the HUD 701 land use element shall provide basic land use planning including: (1) long and short term policies with regard to where growth should and should not take place; (2) the type, intensity and timing of growth; (3) studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place.

To the extent that resources are available, land use evaluation under Section 208 shall be directed to: (1) determining the most efficient design of treatment systems consistent with the basic land use plan; and (2) analyzing land use-water quality relationships to determine what modifications should be made to the basic land use plan for the purpose of controlling or managing point and non-point sources of pollution.

2. Pursuant to provision (1) above:

   A. Performance criteria will be developed relating and ensuring consistency between the HUD land use element and the land use-related provisions of the 208 plan. The performance criteria will include the land use outputs required for both programs.

   B. Directives will be issued to the HUD and EPA regional and HUD area offices which will provide guidance with respect to land use-related planning and evaluation activities that may be supported by each agency and the allowable funding levels for such activities. The specific amount for the land use planning and evaluation activities of each individual grant will be based on the allowable land use costs under each planning program and on work program(s) developed by the planning agency(s).

3. In those geographic areas where both a 701 land use element and a 208 areawide waste treatment management plan will be developed, planning agencies will demonstrate in their work programs how activities under both the 701 and 208 programs will be coordinated so as to ensure that: (1) there is no duplication of effort; (2) completed plans will be consistent; and (3) the objectives of both programs will be achieved.

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4. Promptly upon submission for approval by a grantee of an areawide or comprehensive plan, each signatory agency will make available to the other a copy of the submitted plan (or of the land use element or provisions thereof) for review and written comment pursuant to this agreement. Written comments, if any, will be submitted within 45 days. No plan will be approved unless such opportunity for review is granted to the other agency.

5. Each signatory agency will take action including issuance of guidelines to assure that coordinated land use planning requirements will also be effected, to the extent possible, for planning which is already underway.

6. In designated 208 areas, EPA will encourage, wherever possible, the designation or substantive involvement of qualified areawide comprehensive planning agencies in the 208 areawide waste treatment management planning program.

7. All HUD and EPA assisted agencies will be actively encouraged to use common data bases, analytic techniques, and consistent criteria in their planning activities wherever appropriate.

8. Wherever the appropriate HUD and EPA field staff agree that, as a result of planning assisted or required by one or more other Federal agencies, an impediment to full realization of the 701

land use element and the land use-related provisions of the 208 plan exists or is likely to exist, the respective offices will invite representatives of interested federal, state, and areawide planning agencies to review the situation and whenever possible to formulate recommendations for removing the impediment.

9. Directives, guidelines, and performance criteria issued pursuant to this agreement will have joint concurrence of both signatory agencies prior to issuance and will be developed in accordance with Executive Orders and regulations governing both programs.

10. Joint reports on the progress of the above provisions will be prepared 6 months and 12 months from the date of signature.

Signed at Washington, D.C., this 24th day

of March 1975.

Department of Housing and Urban Development

BY: (signed)

Assistant Secretary for Community Planning and Development

Environmental Protection Agency

(signed)

Administrator of EPA

Appendix A-2

EPA Program Guidance Memorandum AM-9, Integration of 208 Planning and 701 Comprehensive Planning

(copy)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Integrating 208 Planning and 701 Comprehensive Planning

FROM: Director, Water Planning Division (WH-454)

TO: All Regional Administrators

ATTN: Water Division Directors

PROGRAM GUIDANCE MEMORANDUM: AM-9

PURPOSE

This memorandum sets for the policy and procedures concerning the coordination of 208 planning and 701 comprehensive planning funded by the Department of Housing and Urban Development. The policies and procedures are established to ensure that designated planning agencies indicate in their work plans how land use-related activities under both the 701 and 208 programs will be integrated. This guidance is to be implemented immediately and applies to those designated 208 agencies seeking grant award after the effective date of the interagency agreement discussed below.

BACKGROUND

The 1974 amendments to the Housing Act of 1954 require that the HUD Comprehensive Planning Assistance Program (701) include a land use element as a basis for continued eligibility for 701 funds after August 22, 1977. Areawide waste treatment management plans will include an analysis of the impact that land use has on water quality. They will also include land use and land management controls to the extent that such controls are needed to manage both point and non-point sources of pollution. There will, therefore, be a considerable overlap of planning activities in those areas in which a 701 land use element and a 208 plan are being prepared.

In December 1974 a draft interagency agreement relating 208 and 701 planning was prepared and distributed for review and comment. Based on the comments received from the regions, headquarters, and public interest groups, the agreement was redrafted. A copy of the agreement as it was redrafted and subsequently signed is attached to this memorandum.

As established in the agreement, the land use element which is to be prepared under the 701 program is to provide a basic land use plan, including land use, population, and economic inventories and projections. The 208 planning agencies are to analyze land use plans and projections to determine modifications necessary to manage point and non-point sources of pollution.

It is important that the 701 plan, in particular its land use element, and the 208 plan be consistent. Moreover, in preparing these plans, the planning agencies must not duplicate effort. Therefore, it is necessary that the planning agencies in those areas where both 208 and 701 plans are being prepared identify in their work plans how they will integrate 208 and 701 planning.

Below is a list of land use-related tasks which 208 agencies might undertake. The specific tasks will vary among 208 areas depending upon the nature of the water quality problems and existing studies. Accompanying each task is an indication of the primary funding responsibility (EPA or HUD) for that task:

1.	Establish land use categorization system	HUD
2.	Prepare population, economic, and land use inventories	HUD
3.	Analyze land capability for water quality purposes	EPA
4.	Prepare population, economic, and land use projections and plans	HUD
5.	Determine and display wasteloads based on projections and plans	EPA
6.	Analyze land use controls for water quality impact	EPA
7.	Refine land use plans and controls as necessary for water quality purposes.	EPA

For many of the tasks, funding support can be provided by both agencies. For example, HUD support can be provided for task 7 since refinements to land use plans and controls must consider a broad spectrum of community goals and objectives. Where a greater level of detail is necessary to develop the 208 plan, EPA can support the completion of tasks 2 and 4. In such cases, inventories, projections, and plans can be prepared at the level of detail necessary for 208 plan development and aggregated to support the preparation of the 701 land use element. Funding for specific tasks, of course, must be negotiated on an individual basis with each planning agency.

Further guidance will be provided in the future to carry out all provisions of the interagency agreement. The guidance will include: (1) performance criteria to determine consistency between 208 and 701 plans; (2) precedures for coordinating existing 208 and 701 planning; (3) review and comment procedures for the final plans; and (4) procedures for integrating 208 and 701 planning at the state level. This initial guidance on work plan development has been provided prior to the remaining guidance because of the need to incorporate the provisions of this statement into the numerous grant applications to be submitted during the remainder of FY 75.

POLICY

The Regional Offices shall assure that 208 planning agencies demonstrate explicitly in their work plans how they will integrate the preparation of 701 land use elements with the development of the 208 plan. Funding responsibilities for specific land use-related tasks shall be based on this guidance memorandum. In the event that it becomes necessary to consult the HUD regional or area office to assure that the planning agencies have successfully integrated their activities, the appropriate HUD regional representative should be contacted (see attached list).

Attachments

Appendix A-3

HUD memorandum, Implementation of Comprehensive Planning Assistance (701) Agreement with the Environmental Protection Agency (EPA). From David O. Meeker, Jr., Community Planning and Development, to all Regional Administrators.

Enclosure 1: 701-208 Work Program Coordination

Enclosure 2: Issues for Review of Land Use Related Provisions of Water Quality Plan

Enclosure 5: Draft Performance Criteria for Relating Water Quality Management Plans and 701 Land Use Elements

Land Use Related Provisions (208 Water Quality Plan) - 701 Land Use Element Comparative Checklist

(copy)

U.S. Department of
Housing and Urban Development

March 10, 1976

MEMORANDUM

TO: All Regional Administrators
Attention: Assistant Regional Administrators/CPD

FROM: David O. Meeker, Jr., Community Planning and Development

SUBJECT: Implementation of Comprehensive Planning Assistance (701) Agreement with the Environmental Protection Agency (EPA)

This memorandum provides implementing instructions for the subject Agreement which was transmitted to you earlier this year. These instructions are effective immediately. Although they reflect the refinements suggested by the Regional staffs, the unprecedented nature of this work will doubtless turn up problems that none of the parties anticipated. Such experience should be transmitted to the Central Office promptly. A cooperative Central Office - Regional Office effort is important to the success of these implementing procedures. Regional Offices may choose to send all or portions of these instructions to appropriate 701 assisted agencies. The initial implementing instructions and the accompanying enclosures provide guidance to Regional Offices on the following points:

1. Coordination of the development of OPD's and 208* work programs.
2. Review of required 701 land use element by EPA.
3. Review of 208 plans by HUD.
4. Contact between HUD and EPA Regional Office staffs.

A. PURPOSE OF THE AGREEMENT

Over the past year the Department has been engaged in efforts to develop agreements with various Federal agencies to coordinate the 701 Comprehensive Planning Assistance Program with other planning assistance programs. There have been four reasons behind these efforts.

1. Presidential Directive

The President has directed all Federal agencies with planning assistance programs to rationalize the activities assisted by these programs. The President also directed the Secretary of HUD to study and report on this problem.

2. Land Use Unification

Under the amended 701 legislation, a land use element is now required of all applicants for continued eligibility for assistance after

* In this memorandum, 208 is an abbreviated reference intended to include all related requirements of water quality management planning; e.g. Sections 303, 314, and 316 of the 1972 Federal Water Pollution Control Act Amendments as implemented through the newly issued EPA Regulations, 40CFR Parts 130 and 131.

August 22, 1977. Since many other planning programs impact land use, there is a need to coordinate and insure consistency of these programs. This need is reflected in 24CFR Sec.600.72 of the 701 Regulations.

3. Maximizing the Use of Federal Planning Programs

The 701 Program encourages implementation through effective planning and improved decision-making processes. Others, such as CZM and EPA Programs, focus upon implementation through effective planning and regulatory controls. State and local governments and areawide bodies can maximize the use of Federal planning programs by linking the planning, decision-making and regulatory aspects of the various programs to their development programs.

4. Rational Plans Leading to Orderly Development

Considerable savings in public and private resources can be achieved through rational planning which leads to orderly development. Functional plans that are uncoordinated and inconsistent often result in needlessly costly and/or chaotic development.

The HUD-EPA Agreement was the second Agreement to be signed as a result of the recent interagency coordination efforts.

B. HUD-EPA AGREEMENT

In implementing the work program requirements (Provision #3) and the review and comment requirements (Provision #4) of the Agreement, HUD and EPA will rely upon the States and areawide planning organizations which are receiving or applying for 701 or EPA assistance.

1. Coordination of Work Activities

Regional Offices shall encourage early working contacts between 701 and 208 assisted agencies (where they are not the same and in some cases divisions within the same agency) in order to formulate common goals and objectives, select common data bases, and agree on coordinated mapping and other necessary coordination. Meetings should be held between these agencies when preliminary drafts of OPD's have been completed. Prior exchange of preliminary and final drafts of OPD's and 208 work programs for discussion purposes between the two agencies is recommended (24CFR Sec.600.170(a)). For non-designated areas, the State and EPA sign an agreement on the level of detail and timing which may serve as a work program.

Enclosure #1 contains a list of issues which should be addressed in these discussions. Conflicts between 701 and 208 work programs should be eliminated by the 701 assisted agency prior to submission of the OPD to HUD. Regional Offices may not accept 701 applications for processing unless the coordination statement required as part of the OPD (24CFR Sec.600.105(b)(2) and Sec.600.115(d)(3) and (4)) describes such 701-EPA coordination, provides assurances that there

are no overlaps or inconsistencies between 701 and EPA assisted activities, and makes provision for effective and continuing 701-EPA coordination.

Where the 208 and 701 assisted agencies are the same, the OPD shall include the work activities related to the 208 work program as required by 24CFR Sec.600.105. Regional Offices shall review the OPD and the required coordination statement and determine that 208 and 701 activities have been coordinated with the result that there are no overlaps or inconsistencies. A copy of the coordination statement will also be sent to EPA. The Regional Office may find it useful to discuss the statement and the work program with EPA. Existing coordinative mechanisms such as the Intermodal Planning Groups might be utilized for this purpose.

2. Consistency Between the 701 Required Land Use Element and the Land Use Related Provisions of the 208 Plan.

Prior to submission for approval by HUD and EPA, the 701 and 208 assisted agencies (if not the same agency) will exchange copies of the 701 required land use element and the land use related provisions of the 208 plan, respectively, for review and comment. Copies of of the land use element and the 208 plan will be sent to both HUD and EPA at the time of submission. Enclosure #2 contains a list of issues which should be addressed in the review. The 701 and 208 assisted agencies should be encouraged to resolve any outstanding issues. All inconsistencies between the areawide land use element and the land use related provisions of the 208 plan should be eliminated prior to the submission to HUD and EPA. HUD and EPA will expect 701 and 208 assisted agencies to meet the requirements of both agencies with a single areawide land use element. If a single element cannot be prepared, the grantees must adopt and apply acceptable coordination procedures to insure that a consistent element will be prepared at least by the first biennal update. The 701 assisted agency will include with the submission of the areawide plan on the following statements:

a. The areawide land use element and the land use related provisions of the 208 plan are identical or consistent. Where the 701 and 208 required plans are prepared by the same agency, HUD and EPA fully expect that the land use related provisions of the 208 water quality plan will be consistent with and eventually integrated into a single land use element.

b. The areawide land use element and the land use related provisions of the 208 plan are inconsistent. With this statement the 701 assisted agency will include (1) an explanation of any inconsistencies and the reasons why consistency will not be possible and (2) the steps the 701 assisted agency plans to take along with the 208 assisted agency (if not the same agency) to achieve consistency. The 701 recipients should understand well in advance that failure to assure consistency will in all probability

result in ineligibility for further 701 funding. Both EPA and HUD will require such consistency and integration into a single land use element in the biennial review of the land use plan as part of the continuing comprehensive planning process (See 24CFR Sec.600.7(j)).

c. The 208 plan is not completed. Upon completion of the 208 plan, the 701 assisted agency will send a copy of the land use related provisions to HUD along with a statement that the areawide land element and the land use related provisions are (1) identical or consistent or (2) inconsistent with the accompanying explanation required in the above.

While primary responsibility for land use coordination has been properly placed with the 701 and 208 assisted agencies, the Regional Office will be expected to review, as workload permits, the land use related provisions of the 208 plan and the 701 required land use element to verify the consistency statement. The results of the review will be used as a factor in determining future funding pursuant to 24CFR Sec. 600.10(d) which states that the amount of assistance shall be based upon compliance with 701 statutes and requirements, coordination capability, and implementation progress. Existing coordinative mechanisms such as the Intermodal Planning Group (IPG) might be utilized in this review process.

Where the 208 plan is submitted to EPA prior to the completion of the 701 required areawide land use element, the Regional Office will review the land use related provisions of the 208 plan for compliance with the 701 required land use element (24CFR Sec.600.72) and will notify the 701 assisted agency and EPA of any deficiencies.

3. State Role

a. Non-designated areas. Because of a recent court ruling, the States will be developing water quality maangement plans for non-designated areas, except where no water quality problems will exist over the 20 year planning period. In accordance with the EPA Regulations (40CFR Parts 130, 131) governing this required planning, each State by April 26, 1976 will be identifying (1) additional designated areas, (2) non-designated areas for which the State will be responsible for the planning of the non-designated areas.

b. Non-metropolitan 208 designated areas. In non-metropolitan 208 planning areas, the State 701-designated agency handling non-metropolitan assistance will be responsible for 208-701 coordination. The States may achieve this coordination by inviting these agencies to participate in the consultation process required by HUD's Sec. 600.112(a) "Consultation process" of the 701 regulations.

4. Regional Office Contacts with EPA. By this time the HUD Regional staff should have met with EPA Regional Offices (See Enclosure #3, September 18 memorandum) to discuss coordination of the 701 and 208 programs and, in particular, the coordination of work programs. Enclosure #4 is a copy of corresponding EPA instructions. Those Regional Office which have not completed these initial discussions should do so at the earliest possible date. Whenever possible, the Federal Office of Coastal Zone Management should be invited to participate in these discussions.

5. Supporting Documents and Instructions to 701 Assisted Agencies. Enclosure #5 contains a copy of the draft land use planning criteria which identifies the relation between the 208 and 701 land use requirements and will be utilized by EPA Regional Offices in the review of the land use related provisions of the 208 required water quality plan. Enclosure #6 contains copies of suggested letters to 701 assisted agencies. Enclosure #7 is a copy of the HUD-EPA Agreement. Enclosure #8 is a copy of the EPA Regulations, 40CFR Parts 35, 130, and 131; the introductions to Parts 130 and 131 are especially helpful. Regional Offices are expected to hold conferences and meet with the 701 and 208 assisted agencies to help them understand and comply with the Agreement. The EPA Regional Office should be asked to participate.

Assistant Secretary

Enclosure

Enclosure #1

701-208 Work Program Coordination

In the coordination of the development of 701 and 208 required work programs, the following issues should be addressed:

1) Designation of staff responsible for coordination.

2) Development of formal and informal procedures for coordination and resolution of conflicts.

3) Assurance of consistency of the planning activities in the State-EPA agreement on the level of detail and timing with those planning activities of relevant areawide planning agencies as indicated in their OPD's and establishment of a process for involving relevant areawide planning agencies; e.g. the consultation process and advisory group set up for this purpose, including wherever possible the development of formal agreements.

4) Coordination of respective work programs to eliminate conflicts, duplication or overlap; to identify scheduling of planning activities; identify key decision points; and to effectively utilize limited financial resources. The A-95 process can serve as s final check in this regard.

5) Identification of areas of apparent conflict with planning to be developed through the 208 and 701 required work programs.

6) Evidence of the use of common data bases, mapping, and population and economic projections in the development of the land use related provisions of the 208 required plan and the 701 land use element.

7) Identification of the extent to which the 208 plan to be developed would fulfill the 701 required land use element. See checklist enclosed with "Issues for Review of Land Use Related Provisions of Water Quality Plan".

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Enclosure #2

Issues for Review of Land Use Related Provisions of Water Quality Plan

In the review by 701 recipients of 208 plans submitted to EPA for approval, the following issues related to the HUD-EPA Agreement on land use should be addressed:

1) Existing or potential conflict between the land use related provisions and land use plans completed at the State, areawide and local levels in compliance with 701 requirements.

2) Consistency of sewerage facilities proposed in the 208 plan with land use plans complete at the State, areawide and local levels in compliance with 701 requirements.

3) Where inconsistencies exist, the development of coordinative mechanisms between the 701 and 208 assisted agencies to eliminate or minimize these inconsistencies wherever possible, including the identification of the necessary steps and timetable by which the inconsistencies will be resolved before the biennial review of the 701 required land use element.

4) The extent to which the land use related provisions of the 208 plan fulfill the 701 land use requirement in the geographic area subject to the 208 plan and the identification of areas where further mutual action could fulfill both objectives of the 701 required land use element and the 208 plan if each program where supplemented or otherwise modified. The following land use requirement checklist should be used as guide for this determination.

(copy) Enclosure #5

DRAFT
PERFORMANCE CRITERIA FOR RELATING WATER QUALITY MANAGEMENT PLANS AND 701 LAND USE ELEMENTS

The interagency agreement between EPA and HUD to integrate water quality management and 701 planning states that performance criteria will be developed to ensure consistency between the 701 land use element and the land use-related provisions of the water quality management plan. The agreement also states that the performance criteria will include the land use outputs required for both programs. This document: (1) summarizes the land use outputs for the 701 and water quality management programs; and (2) establishes the performance criteria ensuring consistency of these outputs. This document also discusses review and comment, and conflict resolution procedures.

701 Land Use Outputs

1. Long and short term policies, and where appropriate, administrative procedures and legislative proposals, with regard to where growth should and should not take place;
2. The type, intensity and timing of growth;
3. Studies, criteria, standards and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place;
4. Policies, procedures and mechanisms necessary for coordinating local, areawide and State land use policies with functional planning systems (e.g., coastal zone management air and water quality, transportation, solid waste, etc.) and capital investment strategies, when available, and improvements in governmental structures, systems and procedures that will facilitate the achievement of land use objectives;
5. Consistent land use and housing policies.

Water Quality Management Land-Use Related Outputs

1. Population, land use (residential, commercial, industrial, agricultural, silvicultural, open space, etc.), and economic projections for the fifth, tenth, fifteenth and twentieth year of the planning period disaggregated to subareas (submunicipal or equivalent level);
2. Working maps depicting land uses, growth, densities, and type of development disaggregated by subareas for the fifth, tenth, fifteenth, and twentieth year of the planning period;
3. Working maps displaying waste loads by subarea for both point and non-point sources over the planning period (These wasteloads should be consistent with meeting water quality objectives);
4. Demonstration that the wastewater treatment facilities element of the plan is consistent with the land use and population projections;

5. Regulatory program to: (1) provide control or treatment of all point and non-point sources of pollution and (2) regulate the location and modification of any facilities in the water quality management area which may result in a discharge in the area;
6. Demonstration that the regulatory program will be consistent with and reinforce the land use projections and the facilities element.

Performance Criteria

There is potentially a great deal of overlap in the requirements of the two programs. Both programs are concerned with growth policies; land use, population, and economic projections; means for coordination of local, areawide and State land use policies with water quality management; regulations for controlling pollution and guiding growth; and the institutions responsible for complementing the plans. It should be noted, however, that the two programs have somewhat different emphasis. HUD emphasizes the comprehensive planning process with the land use element as an element of the comprehensive plan. EPA emphasizes the relationship of the water quality management plan to the whole process of integrated resource management, resources including air, land and water. In particular, the water quality management plan is to include an examination of the relationship between land use and water quality. Although there is a difference of emphasis, both agencies are interested in promoting consistency between the two programs. Both agencies seek, therefore, the integration of the outputs listed above into a consistent land use element. To judge this integration, the following performance criteria will be applied by both agencies:

1. Consistent population, economic, housing, and land use projections. Where there are differences in the level of detail of the projections, the more detailed projections should be consistent with the less detailed projections. Nevertheless, a general projection for one parameter (e.g., employment, housing, land use, population) should not conflict with a detailed projection of another parameter. Thus, for example, a detailed land use projection developed for purposes of point and non-point source planning should not be contradicted by a more general projection of housing, which might be too general to determine the location of the housing for purposes of municipal sewerage facilities.
2. Consistency between the land use element tools for managing growth (e.g., zoning ordinances, capital improvement ordinances) and the regulatory program of the water quality management plan (including, for example, sewer hookup ordinances, ordinances to protect environmentally critical areas). This consistency is to cover criteria, standards, implementing procedures and regulations necessary to effectively guide major development decisions. These criteria, etc., should ensure that policies and implementing actions to promote one set of community objectives (e.g., housing, transportation, education) do not conflict with environmental policies (e.g., air, water, land).

In general, these performance criteria call for consistency between the 701 and water quality management outputs. The projections (land use, population and economic) should be the same. As a result, the plans should be proposing the same growth patterns. In addition, the wastewater treatment facilities element of the water quality management plan must be designed to service that growth pattern. Regulations, ordinances, and public investment policies which reinforce the facilities and land use elements must also be consistent. In addition, 701 housing elements must also be consistent with the growth pattern established in the land use element.

Conflict Resolution

As is true of most planning activities, it will not be possible to achieve absolute consistency. There might be small variations in projections. The plans might propose similar but not identical ordinances. Small differences are to be expected. Major variations, however, are not acceptable. A land use element that plans for growth in one area and a water quality management plan that fails to provide for adequate sanitary facilities for that area obviously would be in conflict. It is essential, therefore, that close and frequent communication be established between those individuals responsible for developing the plans. This communication may be accomplished in various ways, including review of draft outputs and representation necessary to achieve consistency and integration into a single areawide land use element.

Certain difficulties may arise due to the fact that one required plan prepared by one agency is being developed ahead of another required plan prepared by a second agency. In such cases, conflicts may arise over projections, regulatory controls, or other issues. These conflicts may be difficult to resolve due to the advanced state of one of the plans. When this occurs, conflicts should be resolved the first time the plans are updated or revised. The water quality management plan is to be reviewed annually and, if necessary, revised. The 701 required land use plans also must be reviewed at least biennually. In those cases where the water quality management and 701 required plans are prepared by different agencies and conflicts do arise which cannot be completely resolved, the water quality management plan and/or the 701 land use element must clearly set forth the procedures and time period.

Where the 701 and 208 required plans are prepared by the same agency, HUD and EPA fully expect that the land use related provisions of water quality management plan be consistent with and eventually integrated into a single land use element. In most cases, the planning agency should be able to develop consistent 701 and water quality management outputs. In some cases, a single land use element might be developed to meet the requirements of both programs. Due to the difficulties discussed above, there may be a few cases where certain inconsistencies remain. These must be resolved no later than the first time the plans are updated and revised. In the initial submittal, the plans must set forth procedures and a schedule necessary to resolve the inconsistencies.

In general, any conflicts should be resolved as early as possible and at the lowest possible level. Specific conflict resolution procedures during the review and comment period are discussed below.

Provisions will also be made, whenever possible, for resolution of conflicts arising with plans assisted by other Federal agencies. In accordance with the HUD-EPA Agreement, HUD and EPA will invite representatives of interested Federal, State and areawide planning agencies to reveiw the situation and whenever possible to formulate recommendations for resolving such conflicts.

Agencies which received 208 assistance of 701 assistance for the land use element prior to execution of the HUD-EPA Agreement will be expected to comply with the provisions of the Agreement unless a substantial amount of planning has been completed. In such cases, a reasonable degree of compliance commensurate with completed work is expected.

Review and Comment Procedures

The performance criteria will be applied by EPA and HUD regional offices during their reviews of the 701 and water quality management plans. The interagency agreement requires that each agency make available to the other a copy of the plan (or of the land use element or provisions thereof) for review and written comment. Written comments, if any, must be submitted within 45 days. The 701 and water quality management planning agencies must provide sufficient copies of the plan so that this review and comment can occur.

If either regional office determines that there is a conflict between the plans or a potential conflict in the case when one plan has not been completed, the regional office should attempt to resolve the conflict. If necessary, a meeting should take place involving representatives of HUD, EPA, and the planning agency(s). If resolution cannot be achieved at the regional level, headquarters offices should be contacted and will establish a procedure to resolve the conflict. In many cases, this will be accomplished by ensuring that the planning agency(s) establish a procedure and a schedule to resolve the conflict in the plan update.

Land Use Related Provisions (208 Water Quality Plan) - 701 Land Use Element Comparative Checklist

The following is intended to serve as a guide in determining the extent to which (1) the land used related provisions of the 208 water quality plan to be developed under an EPA grant would probably fulfill the 701 required land use element or (2) the 208 land use provisions of the 208 water quality plan submitted to EPA for approval does fulfill the 701 required land use element. This checklist is a guide to be used in the review of the 208 plan and may be sent to the 208 assisted agency as part of the comments submitted by the 701 recipient to the 208 agency on the application or the 208 plan. It is important to note that EPA cannot require that the 208 plan contain all of the land use plan components identified in the checklist. However, EPA, will encourage their inclusion in the development of the 208 plan or later refinements of the 208 plan.

The 701 recipient may find it appropriate to include the checklist with the comments submitted to the 208 assisted agency along with a recommendation encouraging that agency to comply with certain items. The 701 assisted agency may also find the checklist useful in determining the extent to which compliance with the 701 land use requirements can be anticipated or has been accomplished.

	Yes	Partial	No
1. Does the 208 plan specify broad goals and annual objectives (in measurable terms wherever possible); programs designed to accomplish the objectives and procedures, including criteria set forth in advance, for evaluating programs and activities to determine whether the objectives are being met.? (24 CFR Sec. 600.67(b)).			
a. Broad goals			
b. Annual objectives			
c. Programs designed to achieve annual objectives			
d. Criteria and procedures for evaluating programs and activities			
2. Does the 208 plan integrate all significant land use policies and functional planning activities impacting land use in the 208 planning area.? (24 CFR Sec. 600.72(a))			
a. Land use policies			
b. Functional planning activities			
3. Are these policies such that they can serve as a guide for governmental decision making on all land use related matters relevant to the 208 planning.? (24 CFR Sec. 600.72(a))			

2

Yes	Partial	No

4. With respect to the 208 planning area, does the CZM program include the following: (24 CFR Sec. 600.72(c))

   a. Long and short term policies and where appropriate administrative procedures and legislative proposals with regard to where growth should and should not take place?
      (1) Long term policies
      (2) Short term policies
      (3) Administrative Procedures (where appropriate)
      (4) Legislative proposals (where appropriate)

   b. The type, intensity and timing of growth?
      (1) Type
      (2) Intensity
      (3) Timing

   c. Studies, criteria, standards and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place?
      (1) Studies, criteria and standards
      (2) Implementing Procedures

   d. Policies, procedures and mechanisms for coordinating local, areawide and state land use policy?
      (1) Policies
      (2) Procedures and mechanisms

REGION II
FEDERAL REGIONAL COUNCIL

26 FEDERAL PLAZA
SUITE 3541
NEW YORK, NEW YORK 10007
(212) 264-8068

September 20, 1976

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Staff Director
212-264-0723

Mr. Richard S. DeTurk
Deputy Executive Director
Tri-State Regional Planning Commission
1 World Trade Center, 82nd Floor
New York, NY 10048

Dear ~~Mr. DeTurk~~ Dick:

Enclosed is a joint letter from the Department of Housing and Urban Development and the U. S. Environmental Protection Agency which deals with the coordination of the land use planning elements in the HUD 701 and EPA 208 programs. This letter was developed in response to your July inquiry to the Federal Regional Council on this issue.

Neither HUD nor EPA anticipates any major scheduling problems on these land use planning elements; indeed, the final results should reflect the timely concern of both agencies for consistency and coordination in their activities.

Sincerely,

S. William Green
Chairman, Federal Regional Council

Appendix A-4

Statement of Understanding Between EPA and HUD, Region II. Signed by Gerald M. Hansler and S. William Green. (Covering letter, September 20, 1976, from Green to Richard S. DeTurk, Tri-State Regional Planning Commission.)

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Statement of Understanding Between EPA and HUD -

The Interagency Agreement between the Department of Housing and Urban Development and the Environmental Protection Agency of March 24, 1975 recognized the need to:

- encourage interagency on coordination of planning activities within and among the state, regional, and local levels of government.

- secure agreement on coordination of implementation programs which affect the Comprehensive Planning Assistance (701) Program of the Housing Act of 1954 as amended and the Areawide Waste Treatment Management Planning Assistance Program (208) of the Federal Water Pollution Control Act Amendments of 1972.

- ensure that land use planning undertaken for water quality purposes is developed within the broader framework of comprehensive planning.

Part IV of OMB Circular A-95, Coordination of Planning in Multi-Jurisdictional Areas, encourages federal agencies administering programs requiring areawide planning to utilize agencies that have been designated metropolitan areawide clearinghouses to carry out or coordinate planning under such programs. In this connection, the Regional Administrator of USEPA, Region II, required all 208 grantees that are not metropolitan areawide clearinghouses to obtain a Memorandum of Agreement as provided in Part IV of A-95 signed by the 208 grantee and the metropolitan areawide clearinghouse. This agreement covers, among other things, "agreed upon data, statistics, and projections (social, economic, demographic) on the basis of which planning in the area will proceed". If the memorandum of agreement which you have signed has yet to be implemented satisfactorily please advise us immediately.

As a part of every planning grant signed by the EPA Regional Administrator, Region II, and the 208 grantee, a special condition mandates that the following interim outputs be completed within nine months after the onset of the plan development period:

(1) Service area delineation for municipal wastewater treatment systems throughout the designated area.

(2) Existing population and land use, and projected population and land use for twenty (20) year planning period.

(3) Projected waste loads and flows generated for each service area corresponding to the existing and projected pollution and land use.

These interim outputs are an essential part of the 208 program. For most grants the outputs will be the first tangible product of the 208 planning process. The interim outputs are extremely important and when completed and approved will be the basis for many federal actions. For example, after interim outputs are developed and approved by the State and EPA for a 208 planning area:

(a) new construction grant facilities planning will be consistent with the approved interim outputs of the 208 plan, and

(b) the appropriate requirements of the plan will be incorporated into NPDES permits such that all permits issued or reissued after such approval will not be in conflict with the plan.

Careful consideration should be given to the preparation, review, adoption and certification of these interim outputs. These interim outputs should be carefully reviewed by the public and carefully reviewed by the appropriate metropolitan clearinghouse. After adoption by appropriate local authorities these outputs should be submitted to the State. After certification by the State and approval by EPA the outputs will be the first (but integral) part of the Section 208 water quality management plan.

Statements have been made about conflicts between EPA deadlines and HUD deadlines. EPA has required that the interim outputs be completed within nine (9) months of the start of the plan development period. If this occurs, all 208 grantees should have their interim outputs completed prior to the August 22, 1977 deadline of HUD.

On March 10, 1976 HUD promulgated further instructions regarding consistency of land use elements of 208 planning and 701 planning (See pages 2-4 of the attached document.) EPA concurs with HUD on this document.

The EPA and HUD firmly believe in obtaining implementable plans. By the aforementioned interagency agreement, HUD will review these interim outputs before EPA will approve them. In this way the interim outputs will be considered binding on actions under the jurisdiction of EPA or HUD.

Please feel free to contact either Charles N. Durfor of EPA at (212) 264-1833 or Bernard I. Levine of HUD at (212) 264-1290 should you have any additional question regarding implementation of the HUD-EPA Joint Agreement.

Gerald M. Hansler, P.E.
Regional Administrator of
Environmental Protection Agency

S. William Green
Regional Administrator of
the Department of Housing
and Urban Development

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Appendix A-5

OCZM/EPA Water Programs Coordination Principles. Statement dated August 26, 1975, by Robert W. Knecht, NOAA, and James Agee, EPA.

(copy)

OCZM/EPA Water Programs Coordination Principles

The purpose of this joint letter is to emphasize the intent of both the Environmental Protection Agency and NOAA's Office of Coastal Zone Management to bring about close coordination between coastal zone management (CZM) and EPA's water quality programs. The first step in achieving such coordination is to assure that the policy directions and planning efforts of these programs are compatible and work to complement and reinforce one another. This letter provides guidance on how to facilitate such coordination; we strongly encourage our respective regional, state and areawide agencies to respond actively to its spirit and content.

In addition to the legislative mandate for program coordination, there are practical reasons why coordination is critical. Both the Federal Water Pollution Control Act and the Coastal Zone Management Act involve extensive planning and implementation efforts and are logically interrelated, especially in the area of land and water uses. For example, the control of non-point sources of pollution forms an important element of Section 208 areawide waste treatment management and could involve performance standards for certain uses in coastal areas where a non-point source is a significant contributor to water pollution. At the same time, a coastal zone management program involves such tasks as identifying areas of particular management concern, refining permissible land and water uses for the coastal region, and developing priorities of use within particular areas.

Program Status

Most states have completed their first year of CZM program development; many states will be seeking approval of their programs within a year to eighteen months. Concurrently, a wide range of EPA water planning, regulatory, and construction activities are either beginning (e.g. 208 areawide waste treatment management planning), or are in progress (e.g. basin planning, 201 wastewater treatment facilities, and the NPDES permit system). Thus it is essential that specific coordination procedures be implemented immediately if needed integration is to be achieved.

Future Steps

State CZM programs are directed by Section 307(f) of the Coastal Zone Management Act to insure that water quality standards and effluent limitations are incorporated in their programs and that these regulations are not violated by any of the programs' procedural or substantive provisions. This basic requirement can only be fulfilled by close and continuing consultation with water programs at the state and substate levels of government during program development and implementation, and by integrating water quality considerations into the process of designating permissible and priority uses. Water quality objectives must also recognize

that their planning construction and management activities should be carried out in close cooperation with CZM programs and that they must be consistent with approved CZM programs which are consonant with water quality standards.

The following statements are designed to achieve the consultation needed during the planning phase of program development. They represent the joint OCZM and EPA position on coordination procedures:

1. CZM agencies should make a special effort to coordinate with basin and 208 areawide waste treatment management programs in the coastal zone and vice versa. This is to be encouraged particularly in the case of the 208 program because CZM policies can provide input to the 208 planning process for regulation of construction activities, development of land use policies, and identification of no discharge areas. Conversely, if 208 plans are closely coordinated with CZM plans, they can provide significant additional detail for defining permissible land and water uses and incorporating water quality concerns into the developing CZM program. CZM plans and policies should also take account of other EPA activities in progress. For example, CZM plans should be coordinated with facilities planning for wastewater treatment facilities, especially where no 208 designations have been made.

2. Compatibility of assumptions, technical criteria, and data use and analysis is strongly encouraged. While there will be variation in approach in many cases it will be possible to integrate elements of the work plans so that the work can be done jointly and tasks can be divided either functionally or geographically.

3. Participation on advisory, review, and working groups established pursuant to CZM and water quality programs should be afforded to the appropriate agencies. It is essential that this take place at the state level and whenever feasible, at the substate level.

4. CZM and water program agencies (both at the state and substate level) should develop procedures to periodically exchange information on the status of various program tasks including the development of work plans. Specifically, the agencies should be alerted when key decision points are approaching, and should be informed of policy options and alternatives being considered. Periodic meetings to address common problems or issues should be held involving regional or national offices, if appropriate. These meetings can also serve as a forum to resolve any differences that may arise between programs.

5. As a basis for the formal review and approval of CZM and water quality programs, it is strongly recommended that some type of documentation of the interactions and interrelationships between the programs be maintained throughout the program development period and a brief summary of coordination efforts be included in reports to the regional or national offices.

EPA and OCZM will continue to work toward expanding the mutually supportive aspects of these programs both during planning and implementation. They will address issues of mutual concern including protection of critical natural areas, identification of priority areas for improving water quality in the coastal zone, and coordination of regulatory activities.

Robert W. Knecht
Assistant Administrator for
Coastal Zone Management

James L. Agee
Assistant Administrator for
Water & Hazardous Materials

August 26, 1975

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Appendix A-6

Guidance on Coordination Between the Coastal Zone Management Program and EPA State and Areawide Water Quality Management Program

GUIDANCE ON COORDINATION BETWEEN THE COASTAL ZONE MANAGEMENT PROGRAM AND EPA STATE AND AREAWIDE WATER QUALITY MANAGEMENT PROGRAM

I. Introduction

This guidance expands upon an earlier joint letter from the Office of Water and Hazardous Materials in the Environmental Protection Agency and the Office of Coastal Zone Management. The letter was signed August 26, 1975, and was distributed to appropriate EPA and OCZM offices and grant recipients. This guidance is supplemental, applies to the CZM and the state and areawide water quality management (WQM) programs, and explains how best to implement the objectives expressed in the joint letter.

II. Rationale for Coordination - Background

A. Description of the Programs

1. Coastal Zone Management

In 1972 the Congress passed the Coastal Zone Management Act (P.L. 92-583). The Act authorized a new Federal program administered by the National Oceanic and Atmospheric Administration (NOAA), Office of Coastal Zone Management (OCZM). The purpose of the CZM Act is to provide the coastal states, which includes those bordering the Great Lakes, with Federal assistance in the form of grants to develop "a management program for the land and water resources of (their) coastal zone." The Act provides for annual grants to help cover the cost of administering the program (up to 66 2/3% of costs). Thirty-three of the eligible 34 coastal states are now participating in the program.

The management program must include the following:

a. Identification of the boundaries of the coastal zone, which must include those shorelands the uses of which have "a direct and significant impact upon the coastal waters."

b. A definition of permissible land and water uses within the coastal zone which have a direct and signficiant impact on the coastal waters. This must relate the suitability of coastal resources to various uses and include an analysis of the potential impact of these uses on the environment. An inventory of coastal resources serves as a basis for this analysis.

c. Designation of geographic areas of particular concern. These may include unique or highly productive natural areas, but may also include hazardous areas or urbanized areas where the need for concerted management is especially pressing.

d. Guidelines on priority of uses for specific areas.

e. Procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or aesthetic values.

f. Adequate authorities and organizational arrangements to implement the program.

g. Adequate consideration of relevant Federal views which includes national interests involved in the siting of facilities.

The CZM Act encourages the states to exercise their full authority over the lands and waters in the coastal zone. The management program must have the power to administer land and water use regulations, control development to ensure compliance with the management program, and resolve conflicts among competing uses. This control can be achieved by one or a combination of the following: establishment of state criteria and standards for local implementation; direct state planning and regulation; or state administrative review of local plans with the power to approve or disapprove them.

Once a state program is approved by the Secretary of Commerce, Federal agencies are required to conduct their activities within or affecting the coastal zone in a manner consistent with the approved program, to the maximum extent practicable. The consistency provisions affect activities, development projects, permits, and grants that are the responsibility of the Federal Government. However, Section 307(f) of the CZM Act specifies that no provision in the Act is to affect any requirement established by the Federal Water Pollution Control Act, as amended. It is clear that nothing in a CZM program may violate any standards promulgated under the authority of the FWPCAA. It is equally clear that the CZM entity cannot set water quality standards directly, but can, either through the substance of its program or in direct consultation with the state water quality agency, seek to have that agency upgrade certain requirements established pursuant to the FWPCAA. It should be noted that changes to existing NPDES permits under the FWPCAA are not authorized by the CZMA.

Because implementation of the CZM Act entails increasing state capability and authority within the coastal zone, extensive coordination between state, local, and Federal agencies is especially necessary. A state developing a coastal zone plan must provide an opportunity for full participation by relevant Federal, state, local and regional agencies and other interested parties such as port authorities. The views of Federal agencies principally affected by the program must be adequately considered. The state must coordinate its programs with applicable local, areawide and interstate plans existing on January 1 of the year in which the CZM plan is submitted. The state must establish an effective mechanism for continuing consultation and coordination with other local, regional and interstate agencies.

The CZM Act allows for up to three years of program development grants for each state to develop a management program. After the plan's approval by the Secretary of Commerce, the state is eligible for administrative grants. Most of the initial development grants were made in 1974 which means that most plans should be completed no later than 1977. Some states were involved with coastal zone planning before the Act was passed and for that reason will probably complete their plans before 1977. A few will probably not be completed until 1978.

The states are given a great deal of flexibility as to how the planning will be done. The grants are made to one state agency, but it is up to the state to determine the distribution of responsibilities for the planning effort. In some states, planning is essentially a state effort, while in others such as Washington State, the state has encouraged the localities to develop their own plans under state standards and guidelines. Still others, such as Florida, have involved regional planning organizations heavily in plan development. In any case, to achieve effective coordination, local and regional, as well as Federal, entities must be involved in the planning process.

2. EPA State and Areawide Water Quality Management Program

The same year Congress passed the Coastal Zone Management Act, it also passed extensive amendments to the Federal Water Pollution Control Act. These amendments call for a significant expansion of planning and implementation requirements, especially at the state level, but also by Federal, local and areawide (regional) entities. On November 28, 1975, EPA published regulations (40 CFR 130 and 131) which govern the state continuing planning process and the development of state and areawide water quality management plans. These regulations are based primarily on Sections 208 and 303 of the Act. They provide for a strong state role in water quality management and also place significant responsibilities on local and areawide agencies.

The Act specifies that the states should set up a continuing planning process through which water quality standards and management plans to implement standards are developed. The broad goals of the continuing planning process are: to provide the states with the water quality assessment and program management information necessary to make coordinated decisions affecting water quality; to encourage water quality objectives which take into account overall state and local policies and programs, including those for land use and other related natural resources; and to provide the strategic guidance for developing the annual state program submittal under Section 106 of the Act. Specific outputs of the continuing planning process are the state strategy including the state/EPA agreement on timing and level of detail, the annual state program plan, and individual state water quality management plans.

EPA has directed the states to focus the first phase* of water quality management plans on analyses to determine the effluent limitations necessary for point sources to meet standards. Implementation of effluent limitations is through the Section 402 Federal/state discharge permit. Another means of implementing point source effluent limitations for municipalities is through the construction of publicly owned sewage treatment works authorized under Title II of the Act.

In the second phase of water quality management development, the planning objective is to meet the longer term 1983 goals of Section 101(a)(2): "It is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983." Water quality management plans form a basis for implementing applicable point and nonpoint source controls needed to achieve the requirements of the Act. These plans consist of the following elements:

(1) Planning boundaries
(2) Water quality assessment and segment classification
(3) Inventories and projections
(4) Nonpoint source assessment
(5) Water quality standards
(6) Total maximum daily loads
(7) Point source load allocations
(8) Municipal facilities needs
(9) Industrial facilities needs
(10) Nonpoint source control needs
(11) Residual waste control needs; land disposal needs
(12) Urban and industrial stormwater needs
(13) Target abatement dates
(14) Regulatory programs
(15) Implementing and operating agencies
(16) Environmental, social, and economic impact

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In these plans it is necessary to analyse pollution problems for both point and nonpoint sources. Implementation actions for these plans include permits for point sources, grants for publicly owned treatment works, and state and local regulatory programs over point and nonpoint sources. The Act requires that management agencies be designated by the Governor to implement the plans.

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* Phase I water quality management plans, which are based primarily on Section 303 of the Act, were to be submitted to EPA by July 1, 1975, unless an extension (of up to one year) was granted by the EPA Regional Administrator.

Phase II plans must be certified by the Governor and submitted to EPA no later than November 1, 1978. EPA then has 120 days to review the plans and either approve them or return them to the state for modification. After EPA approval, the state should review, and if necessary, revise the plans at least annually.

For those areas with complex water pollution problems, the state can designate an areawide planning agency for each area to develop the plan. These areas are referred to as "designated areas" and they are eligible to receive Federal funding under Section 208 of the Act. There are presently 176 such designated areas, and most are urban, industrial areas, though some are rural or energy development areas. The plans developed must fulfill the requirements of Section 208 and must be approved by the state and EPA. The state is responsible for ensuring that the water quality management requirements of Section 208 are met in all areas of the state that are not designated.

Planning agencies for designated areas have up to one year to initiate their planning process and then two years to develop a plan. For existing grants, the Regional Administrator determines when the process is operational based on when the agency has sufficient staff to begin plan development and has initiated major work elements. The agency then has two years to develop the initial plan. Most plans for designated areas now underway will be due between December, 1977 and June, 1978. New grantees will have two years to develop the plan from the date the detailed work plan is approved by EPA. The agencies can receive up to 5 percent of their grant award to prepare the work plan.

There are other EPA programs which are closely related to the state and areawide water quality management program. Two of these are particularly important. The first of these programs is the construction grant program. Municipalities and public agencies responsible for sewage treatment can apply for Federal funding to cover 75% of the cost of construction for waste treatment facilities. Facilities, or "201" plans, which are the first step in the construction grant process, consist of those necessary plans and studies required to evaluate and ultimately select the best alternative prior to detailed design and construction of publicly owned waste treatment works. The overall objective is to ensure that treatment works are cost-effective and environmentally sound.

The second program is the National Pollution Discharge Elimination System (NPDES) which issues discharge permits. These permits, which describe the limits of the discharges allowed, are required for all point source discharges. EPA is responsible for issuing the permits, but it can delegate this responsibility to the state if the state can demonstrate it has the necessary authority to implement the program and will comply with the requirements of the Act. By August, 1976, 28 states are expected to have approved NPDES programs. In addition, EPA develops the effluent guidelines, and new source and toxic pollutant discharge standards which provide the base level of abatement control on which the permits are issued. Whenever these controls are inadequate to meet water quality standards, waste load allocations (provided by the state) are applied.

3. Program Differences

Obviously, although the water quality management programs and coastal zone management are strongly interrelated, they have many differences. The most apparent is in terms of program objectives. The main objective of the EPA water programs is to "restore and maintain the chemical, physical and biological integrity of the Nation's waters." All the plans are designed to achieve that central goal, and all other objectives are contributory to that aim. There are specific technical requirements to the FWPCAA that affect existing and potential sources of pollution. States must establish standards; dischargers must have permits and comply with effluent limitations; municipal treatment works must meet certain levels of treatment by certain dates. The states are responsible for developing the plans necessary for implementation of these programs.

The CZM program differs in several ways from the above brief description of EPA water programs. First, participation is the National Coastal Zone Management Program is voluntary. However, as stated earlier, there has been a high degree of state involvement with 33 of the 34 eligible states participating in the program. Furthermore, the CZM program does not involve national standard setting in the sense of water quality classifications and effluent limitations, but does require adherence to specific Federal criteria in such areas as boundary setting, permissible land and water uses, geographic areas of particular concern and the necessary organization and authorities to control land and water uses. CZM programs are directed not only to foster environmental quality, but to balance this objective with development needs. Further, the major requirements of the Act are focused upon developing adequate state processes (policies, organizational arrangements, control and mechanisms), not meeting specific, measurable goals.

Another difference is geographical: the CZM plans are concerned with coastal areas. How the boundary of the coastal zone is defined is generally left up to the state and it can vary from 100 feet above sea level (Alabama), to 10 miles (Alaska) or the entire state (Hawaii). Nevertheless, in most states it covers a limited area. The water programs are concerned with all waters, including surface and ground waters, fresh and salt. Thus, water quality management plans affect essentially all parts of a state.

4. Program Similarities

While there are differences between these programs their similarities should also be stressed. Both the CZM program and EPA water programs place a strong emphasis on improving environmental quality. Sections 303 and 303 of the CZM Act make it clear that Congress, in enacting the legislation, was concerned about the environmental degradation being brought about by population growth and economic development. Both programs are concerned with water resources and with the quality of coastal waters. Although their geographical area of interest may not always be the same, there are many overlaps. For example, all coastal areas are or will be within water quality management areas. Both programs entail an extensive planning and implementation effort. In addition, the plans are being developed generally at the same time and often by the same agencies.

Both programs affect land and water uses, and thus affect one another. Perhaps the best way to illustrate this is by example. The control of nonpoint sources of pollution forms an important element of water quality management plans and involves the application of the best management practices* for certain uses in areas where a nonpoint source is a significant contributor to water pollution. In coastal areas this could affect CZM plans which are similarly concerned with performance standards for certain land and water uses.

This special relationship between CZM and all of EPA water programs was acknowledged in the CZM Act in Section 307(f) which states that the requirements of the FWPCAA shall be incorporated into CZM plans and shall be the water pollution control requirements applicable to such programs.

III. Areas for Coordination

Because the CZM planning program and EPA water quality management programs have a large potential for affecting one another, it is essential to develop mechanisms for effective and continuing coordination. This section discusses those elements of the EPA and CZM programs which are the most closely interrelated and sets policy governing their coordination.

A. Water Quality Standards

Water quality standards are established by promulgation or EPA approval of state standards, taking into consideration their use and value for public water supplies; protection and propagation of fish, shellfish, and wildlife; recreational purposes; agricultural, industrial and other water supply purposes; and also taking into consideration their use and value for navigation. The state must review and, if appropriate, revise these standards at least once every three years.

EPA itself, as described earlier, develops effluent limitations, new source performance standards, pretreatment standards and toxic pollutant discharge standards. These are being and have been developed for a number of industrial categories. These direct "end-of-the-pipe" limitations represent the minimum levels of control to be applied regardless of local receiving water quality.

Section 307(f) of the CZM Act states in part that nothing in the act "shall in any way affect any requirement established by the Federal Water Pollution

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*"Best Management Practices" (BMP) means a practice, or combination of practices, that is determined by a state (or designated areawide planning agency) after problem assessment, examination of alternative practices, and appropriate public participation to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Control Act, as amended." As indicated earlier, a major purpose of this provision is to assure that CZM actions will be consistent with water quality standards. Thus water quality standards are to be incorporated into the CZM plan. The regulations for CZM development grants state clearly that CZM plans must "be consistent with applicable state or Federal water and air pollution control standards in the coastal zone."

To enable the CZM planners to meet this requirement, the state water quality agencies should provide standards for coastal waters that can meet the requirements of the FWPCAA and can be incorporated in the CZM plan. In turn, the CZM plan should include a statement that water pollution standards are an overriding objective to be met in the administration of CZM plans as well as documentation by the responsible official for water quality in the state that the CZM program complies with applicable water standards and policies.

When revising standards, the state water quality agency must consider CZM objectives, if those objectives are clearly stated. The standards setting process also includes a procedure for public participation in the review and revision of standards and establishment of overall water quality goals and expectations for the state. The objectives of the CZM program must be taken into account during this process. In addition, the CZM planning agency can specify priority areas for upgrading of water quality where certain land and water uses or priorities will either reinforce this upgrading (for example, estuarine sanctuaries), or need upgrading to provide adequate protection for resource management

B. Permissible Uses, Use Priorities

The definition of permissible uses under the CZM program is closely tied to the setting of standards. Certain uses in the coastal zone, such as recreation, are contingent on the achievement and maintenance of standards which support those uses. Thus a determination of permissible uses and use priorities should be an input to the water quality standards review and revision process. The impact, both individual and cumulative, of potential uses on water quality should be evaluated when making this determination. If a use's potential impacts could cause a violation of water quality standards, the state should consider controlling or excluding this use in the coastal zone either categorically or in specific geographic areas.

The determination of permissible uses in certain areas may be tied to performance standards which assure the maintenance of environmental quality. From the definition of permissible uses and guidelines on priority of uses, it should be possible, for instance, to determine what areas can best accommodate industrialization and what areas, because of fragile environmental systems or special values, should be restricted from intensive use. These determinations should be made in consultation and coordination with the water quality planning and management agencies concerned and affected by them. These determinations can then be utilized as a guide to water quality management as well as CZM program development and implementation. For example, performance standards could be integrated into water quality plans as a control strategy for reducing nonpoint pollution. Permissible and priority use designations could indicate where certain uses would predominate and where pollution could be best accommodated.

C. Plan Consistency

The CZM Act states that "State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone [and] Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program except upon a finding by the Secretary of Commerce that such project is consistent with the purposes of the title or necessary in the interest of national security." [Section 307(d)]. This consistency provision would not affect pre-existing efforts, since the CZM plans have not yet been approved, and many of the grants, such as for water quality management, have already been awarded.

As a prior condition for approval, CZM planning agencies are required to develop their plan "with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private. . ." [Section 306(c)(1)]. Thus, water quality planning and management agencies must be consulted and involved in the CZM planning process. In fact, the CZM grant regulations (15 CFR 923.44(b)), interpret the requirement of Section 307(f) to mean that the CZM "management program does not conflict with the national and state policies, plans and regulations mandated by the Federal Water Pollution Control Act. . . The policies and standards adopted pursuant to these Acts should be considered essential baselines against which the overall management program is developed."

Thus, it is apparent that consistency in both the CZM and water quality management planning processes is a necessary precedent to subsequent consistency in Federal assistance programs. After a CZM plan is approved, subsequent EPA grants would have to comply with the provisions of Section 307(d). The A-95 process can provide the mechanism through which the state's coastal zone management entity will be informed and will be able to comment directly on pending Federal assistance, including requests for water quality grants.

D. Regulatory Activities

The CZM Act states in Section 307(c)(3) that any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of a state must provide in the application to the licensing or permitting agency, a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. No license or permit may be granted by the Federal agency if the state objects to the applicant's certification. This provision will affect NPDES and certain other permits but the exact manner depends on the circumstances surrounding the issuance of each permit.

If a permitting procedure is part of the regulation program for CZM, these permits must also be consistent with water quality standards. An integrated CZM water quality regulatory program (for example by combining permit procedures into one application) should be considered as one way of meeting these requirements in an efficient and consistent manner.

Another area which should be coordinated is the development of nonpoint source regulatory methods. Water quality management plans will set forth best management practices to manage pollutants from nonpoint sources. These best management practices should be incorporated in the CZM regulatory structure and its administrative/enforcement process where they are relevant to the CZM program policies. For example, a state's CZM program definition of "conditional" land uses could include a requirement to use the appropriate best management practices. In states where the administration of the CZM and water quality management programs is not fully integrated, there should be a commitment from the appropriate agencies to jointly monitor those conditional uses to ensure that existing water uses are protected.

IV. Procedures for Coordination

This section discusses procedures which can be used to facilitate coordination between CZM planning and water quality management planning and notes at what points in the planning process such coordination should occur. The viability of a particular procedure for a specific area will depend on the organizational arrangements and approaches of the specific planning effort and timing considerations. Although there is a great deal of overlap in terms of timing, there is considerable variability from state to state. Therefore certain coordination techniques, such as integrated public participation programs may not be applicable if one plan is much further advanced toward completion than another.

A. Integrated Work Plan Elements

In many cases, the planning agencies for CZM and water quality management will be performing similar tasks. It is possible that some of these could be done jointly or responsibilities divided and results shared so that duplication of effort is avoided. The development of an inventory and data collection are obvious candidates for such a joint effort. Many states are conducting extensive inventories of the natural and man-made resources within the coastal zone, mapping existing uses, and attempting to estimate future demands on resources. Water quality management programs are similarly concerned with assessing existing water quality, and based on projections of population, employment, land use, and the like, predicting future waste loads or effluents. A joint approach would certainly reduce the resources needed to complete this task, as well as provide an opportunity to enhance the breadth and comprehensiveness of analysis.

It is also important that data on existing and projected conditions in terms of population, its distribution, land use, and economic growth be compatible between the two programs. When people are working from common perceptions of what the current situation is and potential future conditions will be, they

are less likely to be in conflict. If perceptions of key management areas are the same, there will be less conflict over proposed uses in such areas. The degree of compatibility would vary depending upon the level of detail and the time horizons of data within the individual plans.

Another plan component which might be profitably integrated concerns public involvement in program development. There are several things to consider here. First, if there are a number of planning efforts going on at the same time, it might increase the amount of public participation to have a joint program since there would be fewer conflicting demands for an individual's or organization's time. In addition, since the planning programs are so closely related, it might be difficult for the public to distinguish the differences between them, which could lead to confusion. A joint program could clarify the interrelationships of the planning programs for the public and would reassure it that the plans are being developed in a coordinated rather than segmented manner. A combined public participation program could also reduce the amount of resources the planning agency must expend.

A joint effort is most easily accomplished when the planning is being done at the same level of government, and for the same general area. And, as pointed out earlier, timing is important. Only plans being developed at relatively the same time would be amenable to a truly integrated approach.

Planning agencies should agree on the objectives of their public participation effort, on what they are trying to achieve. What type of input do they want from the public? For example, a joint effort would be useful in determining the public value systems to be used in the development of both CZM plans and water quality planning.

Another factor to be considered is that combined efforts can become cumbersome with large committees and numerous subcommittees. A flexible schedule, whereby the main committees meet only infrequently for formal review of main products, while the subcommittees serve as working committees for program elements would help reduce this problem.

Finally, although the programs are related, they are not the same. There may still be public confusion and difficulty in distinguishing the objectives of one program from that of another. A careful education program would be required to keep the programs from being lumped together in the public mind.

B. Exchange of Information

Whether or not the CZM and water quality agencies decide to integrate various elements of their work plan, it is still necessary that they provide for a full exchange of information between them. This procedure will be useful to the planning agencies by providing supplemental data which they otherwise would not have. It will also be essential for early identification of inconsistencies or potential conflicts between the plans. Thus, it is especially important that the agencies inform one another of possible management alternatives as they are being developed and allow the other agency(ies) to review and comment

on proposed alternatives. For water quality management planning this would mean informing CZM of such things as possible nonpoint source control strategies, possible facility configurations and locations and possible revision of standards. For CZM it is important that they keep the water quality planning agencies informed and solicit their input on the identification of permissible uses, priorities, areas of particular management concern and regulatory systems.

C. Participation in Advisory and Review Groups

Assuring adequate representation on the advisory committees for the various programs is another way to encourage consistency in the developing plans. In general, representation would take place at the state level and also at the regional (substate) level if this is possible. The state is responsible both for CZM and for much of water quality management planning. Representatives from the two programs should be invited to serve on any advisory committee or public participation effort which is established.

This could also be done at the substate regional level if the state has delegated CZM development responsibilities to a region. For example, in California there are six Regional Commissions responsible for preparing coastal zone plans. Some of these regions roughly correspond to designated areas but others do not. At a minimum, it is at the state level that coordination must occur.

Therefore, representatives of the state CZM program should be appointed to the state water quality policy advisory committee and either a state or regional representative should be appointed to areawide policy advisory committees. There should be like representation from the state water quality agency on any CZM advisory committee, and if there is a regional CZM planning effort which corresponds to a designated area, a representative of the designated agency should be included in any advisory committee or public participation effort which is created.

Such procedures in and of themselves will not preclude conflicts. However, formal means of consultation are necessary as an initial step in bringing the two programs together.

D. Documentation

Some type of documentation (dealing with coordination efforts in general and with what has been done specifically to coordinate the two programs) should be included in each report by the planning agencies to either the regional or national office. The documentation of coordination should point out how such [illegible] representatives of each program are involved in an advisory capacity, any meetings which have been held between the two programs and who attended, what information has been provided to each program, how consistency in data and projections is being achieved, and any potential conflicts which may be developing.

The CZM regulations require that: "The submission of the management program shall be accompanied by a list identifying the agencies and organizations which are liable to be affected by, or may have a direct interest in the management program, the nature of their interest, and the opportunities afforded such agencies and organizations to participate in the development of the management program" Subsection 923.31(a)(2). To meet this requirement, the Federal Office of Coastal Zone Management has suggested that a cumulative record be kept of the various interactions involved throughout the program development period. This record could constitute a summary and index of interagency contacts, arrangements and understandings arrived at and incorporated into the state's coastal zone management program.

Federal agency comments on state programs could be attached to the record at the time the state submits its management program to the Department of Commerce for approval. The comments will have the effect of certifying that serious disagreements between the state and any Federal agency have been addressed before submission for approval.

The part 130 regulations for the state continuing planning process require that the process "shall assure that state water quality management plans are coordinated, and shall describe the relationship with other applicable programs including the CZM program (Subsection 130.34(a)). A cumulative record, such as described above for CZM, could document that the required coordination has taken place and water quality planning agencies should consider adopting a similar procedure.

E. Coordination at the State Level

Although EPA and the Office of Coastal Zone Management are Federal agencies, their programs are administered either partially or totally through state or local public agencies. In a sense, then, what is required is the coordination of two state programs, and if the state can develop a consistent set of objectives to be reflected in both programs, the task of coordination will be greatly simplified. Although the Federal agencies can agree on the principles of coordination, and develop guidance on how it can be achieved, the situation varies from state to state and the techniques must be tailored to fit the state's needs. The states themselves have an interest in making sure that the two programs do not work at cross purposes since this would only detract from the effectiveness of both. Overall direction can be provided both through the legislature by the use of such things as joint committees and by the Governor, through his executive authority.

In Rhode Island this interrelationship has been explicitly recognized through joint CZM and WQM consultation leading to an integrated "control plan" for WQM in that state that draws upon the data, analyses and policies of the Coastal Resources Management Council. Other states are developing similar mechanisms. It is not necessary that the mechanism for coordination be within the CZM organization, but it is important that it not be a pro-forma structure, but be effective in achieving concrete arrangements for program coordination.

F. Continuing Coordination

The states now have three years to develop a CZM plan. State and areawide water quality management planning agencies have up to three years to develop their plans; however, all water quality management plans are due no later than November 1, 1978. Many plans from designated areas will be due between January and June 1978. Given the complex nature of coastal zone and water quality problems, it is unlikely that totally developed plans will be completed within this time period. Nor will the plans be static products; they will continue to be developed and revised.

Because of this, specific procedures must be developed to provide for continuing consultation between water quality agencies and CZM agencies. These should include consultation on modifications to existing policies, permissible land and water uses, interrelationships among uses, and use priorities in specific geographic areas. These procedures should describe methods for maintaining a dynamic interface between water quality requirements and land and water use planning. For example, performance standards may be used to ensure that certain uses maintain water quality. A marina, for instance, may require the inclusion of a sewer hookup or disposal system for domestic wastes to maintain the quality of the surrounding waters. Certain growth configurations will be most efficient for collection and treatment of sewage and for minimizing runoff. CZM land use policies should be compatible with these. Many of these land use - water quality interrelationships will be addressed in state and areawide water quality management plans, so through a consultation and review procedure CZM and water quality management plans should remain consistent as they are expanded and revised.

G. Final Review

If CZM and water quality planning agencies coordinate throughout their planning processes, there should be little need for an extensive or contentious final review, since conflicts will already have been addressed. Nevertheless, provisions are made for final review at the state level and finally by the Federal offices. OCZM has already developed a system whereby the program and a draft EIS are prepared for circulation to and comment by other Federal agencies. Copies are sent to EPA and through it to the appropriate regional offices. An initial 45 day period for review is provided, followed by a 30 day period to review any significant modifications or additions to the submitted program. The review period for the initial program submission runs concurrently with the review of the draft impact statement, and similarly, review of the modified plan takes place at the same time as review of the final impact statement. Copies of the initial or draft state and areawide water quality management plans should similarly be provided to the state CZM planning agency for their review and comment. No plan should be approved unless such opportunity for review is granted to the other agency.

H. Resolution of Conflicts

The logical place to resolve most conflicts in connection with the planning for the two programs would be at the state level. CZM is primarily a state program. The states are also ultimately responsible for state and areawide water quality management plans. If the state CZM agency has delegated planning responsibilities to regional or local entities, informal resolution of minor or local conflicts with designated areawide agencies could take place at that level.

If EPA itself has a conflict with a proposed CZM plan and either does not accept the state's resolution, or the conflict lies in an area over which the state has no real control (for example, issuance of permits where EPA is still responsible for their issuance), CZM has outlined a possible mediation procedure which involves the Executive Office of the President. In those cases where it was determined by the Administrator that the conflict involves the attainment of water quality standards (and there are no feasible alternatives consistent with the CZM program) Section 307(f) of the CZM Act would be applicable, and water quality standards would take precedence.

Future Refinement and Implementation

While this guidance paper attempts to clarify a number of areas of mutual OCZM and EPA water program concern, it is certain that state and local initiatives and experience will surface additional problems, issues and opportunities, Since both programs are evolving in parallel, this guidance should be considered a "living" document that will be refined, amended or expanded as further experience is gained. The key basis for refining CZM-water quality relationships will be communication to OCZM and EPA from the involved parties in the field. Such communication is therefore not only welcomed, but is necessary to the future effectiveness of the national CZM and water quality efforts.

The next major area of mutual interest will focus upon implementation of CZM and water quality programs. OCZM is now in the process of formulating regulations on the consistency provisions of the Coastal Zone Management Act and is requiring CZM programs to express the policies, priorities and procedures that will govern program implementation. Concurrently, the specific implementary approaches and characteristics of the WQM program are being defined. Therefore, it is anticipated that the policies and mechanics of implementing the CZM-water quality management relationship will assume significant importance during the next year.

Appendix A-7

Joint Agreement for Coordination of Planning between Office of Community Development, Department of Housing and Urban Development and Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce. February 19, 1975.

(copy)

JOINT AGREEMENT
FOR
COORDINATION OF PLANNING
BETWEEN
OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AND
OFFICE OF COASTAL ZONE MANAGEMENT
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
DEPARTMENT OF COMMERCE

I. PURPOSE

This Interagency Agreement has been developed in recognition of the need: (1) to rationalize the planning and management assistance activities of the two signatory agencies in accordance with the President's objectives, (2) to encourage interagency coordination of planning and management activities within and among the State, regional and local levels of government, (3) to provide for the coordination and supportive delivery of HUD's Section 701 and NOAA's Coastal Zone Management resources, and (4) to assist in the adoption of compatible, comprehensive planning and coastal zone management policies and procedures within the various levels of government.

II. PROGRAMS INVOLVED

The following programs are involved: the Comprehensive Planning Assistance (701) Program of the Housing Act of 1954, as amended, and the Comprehensive Management Program of the Coastal Zone Management Act of 1972, as amended.

III. PROVISIONS

The signatory agencies agree to the following provisions:

1. HUD will accept coastal zone management programs approved by the Secretary of Commerce as a basis for meeting applicable minimum land use planning requirements necessary for continued eligibility of the approved areas for 701 Comprehensive Planning Assistance after August 22, 1977. To the extent that the 701 assisted plan and the CZM program apply to the same geographic areas, approved management programs will constitute accepted portions of and will be incorporated into the full HUD land use element required of State and sub-state recipients.

2. Both agencies will develop procedures, having joint concurrence prior to issuance, that will provide for the following:

   a. Review and comment by appropriate HUD offices and the Office of Coastal Zone Management (OCZM) on coastal zone management grant applications and Overall Program Designs, respectively.

   b. Establishment of mutually supportive working arrangements to facilitate the timely, consistent and technically compatible development of both programs, within the three year State program

development time limitation of the Coastal Zone Management Act and the August 22, 1977, deadline for preparation of acceptable HUD-supported land use elements.

c. Opportunity for HUD field office review of management programs prior to their approval by the Secretary of Commerce and OCZM review of 701 land use elements prior to their approval by HUD.

d. Development between HUD field offices and OCZM of lines of communication and means to jointly address problems, issues or disputes that involve Federally assisted programs and that may impede the timely and effective adoption of coastal zone management programs of HUD land use elements.

3. Both agencies will work toward the completion of the implementing procedures for one and two above by July 1, 1975, and will develop subsequent agency regulations so as to foster the interagency and intergovernmental cooperation and coordination purposes of this agreement. These procedures will be developed in accordance with Executive Orders and regulations governing both programs.

4. In recognition of the contributions to be made and the shared concerns of areawide agencies in the development of coastal zone management programs, OCZM will encourage States, to substantively involve these substate entities wherever possible, in the development of management programs.

5. To further the purposes of this agreement, both agencies will actively explore and, if possible, jointly fund selected activities within the coastal States. These demonstrations will focus upon identifying and supporting activities to achieve: (1) administrative coordination of land use and coastal zone management program development; (2) more efficient delivery of HUD 701 and OCZM support; (3) preparations to implement land use and coastal zone policies; and (4) increased State, areawide or local capabilities to deal with the impacts of energy-related developments.

6. Summary joint reports on the progress made and results stemming from this agreement will be prepared six months and twelve months from the date this agreement is executed.

Signed this 19 th day of February 1975

By: (signed)
David O. Maxwell, Jr., Assistant Secretary for Community Planning and Development

By: (signed)
Robert W. [illegible], Assistant Administrator for Coastal Zone Management

Appendix A-8

HUD Memorandum on Implementation of Comprehensive Planning Assistance (701) Agreement with the Office of Coastal Zone Management (OCZM). January 20, 1976.

(copy)

U.S. Department of
Housing and Urban Development

MEMORANDUM

TO: All Regional Administrators DATE: Jan 20, 1976
Attn: Assistant Regional Administrators/CPD

FROM: David O. Meeker, Jr., Community Planning and Development,

SUBJECT: Implementation of Comprehensive Planning Assistance (701) Agreement with the Office on Coastal Zone Management (OCZM)

This memorandum provides implementing instructions for the subject Agreement which was transmitted to you earlier this year. These instructions are effective immediately. Although they reflect the refinements suggested by the Regional staffs, the unprecedented nature of this work will doubtless turn up problems that none of the parties anticipated. Such experience should be transmitted to the Central Office promptly. A cooperative Central Office - Regional Office effort is important to the success of these implementing procedures. Regional Offices may choose to send all or portions of these instructions to the Governors of the affected States.

The memorandum and the accompanying enclosures provide guidance to Regional Offices on the following major points:

1. Purpose of the Agreements.

2. HUD-OCZM Agreement - Implementing Instructions.

   a. Coordination of 701 OPD's and CZM grant applications.

   b. Consistency between the 701 required land use element and the CZM program.

   c. Instructions to 701 applicants and recipients.

   d. Contact between HUD Regional Office and OCZM.

A. PURPOSE OF THE AGREEMENTS

Over the past year the Department has developed agreements with various Federal agencies to coordinate the 701 Comprehensive Planning Assistance Program with other planning and development programs which have an important bearing on the 701 land use requirements. There have been four reasons for these efforts.

1. Presidential Directive

The President has directed all Federal agencies with planning assistance programs to rationalize the activities assisted by these programs. The President also directed the Secretary of HUD to study and report on this problem.

2. Land Use Unification

Under the amended 701 legislation, a land use element is now requried of all applicants for continued eligibility for assistance after August 22, 1977. Since many other planning programs impact land use, there is a need to coordinate and insure consistency of these programs. This need is reflected in 24CFR Sec.600.72 of the 701 Regulations.

3. Maximizing the Use of Federal Planning Programs

The 701 Program encourages implementation through effective planning and improved decision-making processes. Others such as CZM and EPA Programs, focus upon implementation through effective planning and regulatory controls. State and local governments and areawide bodies can maximize the use of Federal planning programs by linking the planning, decision-making and regulatory aspects of the various programs to their development programs.

4. Rational Plans Leading to Orderly Development

Considerable savings in public and private resources can be achieved through rational planning which leads to orderly development. Functional plans that are uncoordinated and inconsistent often result in needlessly costly and/or chaotic development.

The specific purpose of the HUD-OCZM Agreement (the first to be signed as a result of the coordination efforts of the past two years) is to facilitate the development and use by Governors or their designees of a single set of control and development policies governing all relevant state-administered activities affecting the land in the coastal areas.

B. HUD-OCZM AGREEMENT - IMPLEMENTING INSTRUCTIONS

In implementing the requirements of provisions 2a and 2c of the Agreement, which provide for Federal review and comment, HUD and OCZM will rely upon the States and areawide organizations which are receiving or applying for 701 or CZM assistance.

1. Coordination of Work Activities

Regional Offices shall encourage early working contacts between the State agencies designated by the Governor for 701 and coastal zone management where they are not the same (and in some cases between divisions within the same State agency) in order to assure on-going, viable coordination. In particular, meetings should be held between these agencies when preliminary drafts of OPD's and applications for CZM 305 assistance have been completed. Areawide planning organizations with jurisdiction in the coastal zone area should also be invited. Prior exchange of preliminary and final drafts of OPD's and CZM applications between the agencies and the areawide planning organizations is recommended (24CFR Sec.600.170(a)).

Enclosure #1 contains a list of issues which should be addressed in these discussions. Conflicts between 701 and CZM work programs should be prevented or eliminated by the State prior to submission of the OPD to HUD. Regional Offices may not accept 701 applications for processing unless the coordinating statement required by 24CFR Sec.600.105(b)(2) and Sec.600.115(d)(3) and (4) describes the nature of 701-CZM coordination, provides assurances that there is no overlap or inconsistency between 701 and CZM assisted activities, and makes provision for effective and continuing 701-CZM coordination.

Where the 701 State designated agency and the State CZM Coastal Zone Agency are the same, the OPD shall include the work activities related to CZM Program development as required by 24CFR Sec.600.105. Regional Offices shall review the OPD and the required coordination statement and determine that 701 and CZM activities have been coordinated with the result that there are no overlaps or inconsistencies.

2. Consistency Between the 701 Required Land Use Element and the CZM Program

Prior to submission for approval by HUD and OCZM, the State designated 701 agency and the State Coastal Zone Agency will exchange copies of the 701 required land use element and the CZM program respectively for review and comment. A Similar exchange between the State Coastal Zone Agency and areawide planning organizations in the coastal zone area will be encouraged by OCZM.

Enclosure #2 contains a list of issues which should be addressed by the State 701 designated agency. Significant inconsistencies between the State land use element and the CZM Program should be eliminated prior to submission to HUD and OCZM. The State designated 701 agency will include with the submission of the State land use element to HUD a copy of the CZM Program to be included as part of that element and a statement that the CZM Program and the State land use element are consistent. Where the CZM Program is submitted to OCZM prior to the completion of the full land use element, the Regional Office will review the CZM Program for compliance with the land use element (24CFR Sec.600.72) and will notify the State and OCZM of any deficiencies. Where the CZM Program has not been completed, the 701 designated agency will provide assurance of consistency at the time the CZM Program is submitted to OCZM. While the primary responsibility for land use and CZM coordination has been properly placed with the States, the Regional Office will be expected to review, as workload permits, the CZM Program and the State land use element to verify the State's consistency statement. The results of the review will be used as a factor in determining future funding pursuant to 24CFR Sec.600.10(d), which states that the amount of 701 assistance shall be based upon compliance with 701 statutes and requirements, coordination capability, and implementation progress.

3. Supporting Documents and Instructions to 701 Applicants and Recipients

Enclosure #3 contains suggested letters to 701 applicants and recipients and Enclosure #4 contains copies of the HUD-OCZM Agreement, CZM legislation and CZM Regulations. Regional Offices are expected to hold

conferences and meet with the States to help them understand and comply with the Agreement. OCZM and State CZM designates should be asked to participate.

4. Regional Office Contacts with OCZM

Regional Offices should contact OCZM within the next month to assure joint implementation of these procedures. The following are the appropriate OCZM staff (202-264-4251) and their geographic area of responsibility:

Timothy Alexander - Northeastern States (as far south as Virginia)

Michael Payne - South Atlantic and Gulf Coasts States

Philip Johnson - Great Lakes States

Grant Dehart - Pacific Coast States

OCZM will be meeting in the various coastal States periodically. HUD Regional staff may wish to use this opportunity to meet with OCZM staff.

Assistant Secretary

Enclosure

cc: CD Butler 7100
CBR Friedman 7224
CB Houstoun 7220
CBR Price 7224
CF McLean 7206
C Meeker 7100
CX Jones 7100

FEB 1 1978

COASTAL ZONE INFORMATION CENTER

Appendix B-1

Coastal Zone Management

COASTAL ZONE MANAGEMENT

PROGRAM OBJECTIVES

Protect and preserve coastal resources for future use and enjoyment through effective planning and management of the coastal zone; bring into harmony the social, economic and ecological aspects of land and water use decisions of state and local significance; encourage a partnership among various levels of government, through which each may exercise its appropriate management role; attain a greater degree of national energy self sufficiency.

STATE STATUTORY AUTHORITY

ECL 3-0301(e); Chapter 464 of the Laws of 1975

STATE GUIDELINES

Department of State Technical Guidelines Series on goals and objectives, boundaries, public participation and guidelines for water and land uses. Federal grant applications and related work programs.

GUIDELINES

Department of State Technical Guidelines Series on goals and objectives, boundaries, public participation and guidelines for water and land uses.

FEDERAL AUTHORITY

Coastal Zone Management Act of 1972, PL 92-583; Coastal Zone Management Act Amendments of 1976

FEDERAL REGULATIONS

15 CFR Part 920 - CZM Program Development Grants

15 CFR Part 926 - CZM Program Development Grants, Allocation of Funds to states

15 CFR Part 923 - CZM Program Approval Regulation

15 CFR Part 925 - State CZM Program

[illegible] PROGRAM

The Coastal Zone Management Act is a consequence of public concern over the future of the nation's coastal resources. In particular it is directed at problems created by conflicting resource uses and interests.

In addition to major concerns such as coastal water quality, protection of tidal wetlands and estuarine resources, and elimination of property damages from storms and beach erosion, basic issues in the coastal zone are the questions of public access to beaches and of the siting of major public or quasi-public coastal dependent facilities such as ports or power plants. There have been few mechanisms available to resolve the conflicts these issues generate. The Congress determined that the key to more effective protection and use of the land and water resources of the coastal zone would be to encourage the states to take a more active role in the management of coastal areas.

Under the definitions in the CZM Act, the coastal zone in New York State includes all shores of Long Island, Westchester County and New York City, the Hudson River as far north as Troy, and the shorelines of the St. Lawrence River, Lake Erie and Lake Ontario.

The Coastal Zone Management Act as amended provides a series of incentives, primarily in the form of grants to stimulate state leadership in planning and management of the coastal zone. Initial grants under Section 305 of the act are for program development. Up to four successive annual program planning grants may be received by a participating state. The recent amendment to the Act also allows grants to participating states for purposes of completion and initial implementation of plans, particularly for preparation of state legislation. These may be followed by a grant to implement a federally approved management program and by grants, under Section 306, to administer the program.

Program development and administrative grants provided under Sections 305 and 306 of the Act, are available on an 80% federal, 20% state matching basis. The act also provides for grants to help states set up estuarine sanctuaries as natural field laboratories to be used for education and research. Section 312 provides for 50 percent Federal matching grants for the acquisition and operation of marine sanctuaries. Only certain representative types of areas in the country will be chosen for federal funding, however.

Other incentives to states to participate hinge on the provision in the Act that the actions of federal agencies in the coastal zone must be consistent with the approved state CZM program. The prospect for control over federal actions is an important consideration from a state viewpoint.

In New York, the Governor designated the Department of State as the agency responsible for administering the federal grant and completing the management program. Under Chapter 464 of the state laws of 1975, the Legislature and the Governor formalized this assignment further. The Department of Environmental Conservation is the major technical subcontractor working on environmental studies and coastal resources aspects of the program. Section 3-0301(e) of the Environmental Conservation Law authorizes the Department to "provide for the protection and management of marine and coastal resources and of wetlands, estuaries and shorelines." Other general and specific authority of the Department also relates strongly to management of coastal land and water resources.

The Department of State has allocated portions of the New York grants to other agencies, primarily regional planning agencies, but also including county and local governments, in order to insure local involvement throughout the development of the program.

There are six basic requirements in the federal act which states must address in their coastal planning program.

1. Identification of the boundaries of the coastal zone;
2. Inventory and designation of areas of particular concern;
3. Determination of priority of uses in particular areas including specifically those uses of lowest priority;
4. Determination of permissible land and water uses which have a direct and significant impact on coastal waters;
5. The means by which the state proposes to exercise control over those uses, including, but not necessarily limited to a listing of relevant constitutional provisions, legislative enactments, regulations and judicial decisions; and

6. The organizational (institutional) structure which will be necessary for implementing the management program, including the responsibilities and interrelationships of local, areawide, state, regional and interstate agencies in the management process.

The end result must be a unified state coastal zone management program. The management program must be based on a process of extensive public participation and interaction with local units of government and regional and federal agencies. It must set forth the mechanisms by which the existing state authorities and programs will be "networked" to provide for a unified, well-focused management program.

The Act specifies three optional types of controls which may be used to implement the particular aspects of the prgoram: direct state regulation, local regulation consistent with established state standards, or local regulation subject to state review.

An important requirement of the management program is provision of a process for adequately considering the national interest in the siting of facilities which are of more than local concern.

To secure federal approval, the Governor must approve the program and the State must have developed the powers, institutional arrangements and authorities necessary to implement it.

CURRENT STATUS

On November 1, 1974, New York received its first federal grant for program development, totaling $550,000. In April 1976, the state began the second year of planning. A grant of $753,000 was received. Because of the heavy emphasis on local involvement, the work has been divided by the Department of State among approximately twenty subcontractors, including local and county governments and [illegible] agencies. As the principal subcontractor, DEC received $232,000 in federal

funds for the first year and $250,000 for the second year.

Work in the first year emphasized the need for public discussion of the desirability and feasibility of proceeding with coastal zone management planning. Identification of issues, basic inventory work and information gathering, and mapping of alternative boundaries were major work items. There is an emphasis on public participation and involvement throughout the program.

Technical work in the second year includes refinement of the coastal zone's boundaries, further analysis of natural resources and analysis of land and water uses, analysis of legal and institutional issues, identification and mapping of the geographic areas of particular concern.

A major effort is being made to accelerate the program planning to allow two areas of the state, Long Island and the St. Lawrence-Eastern Ontario Commission region, to proceed to the coastal zone management phase under Section 306 prior to completion of plans for the rest of the state.

The federal Coastal Zone Management Act was amended in 1976, providing--among other things--for an increase in funds for Section 305 program development work, with an 80-20 matching formula, and requiring the inclusion of separate elements on energy facilities, public access and shoreline erosion control in state 305 programs. New York's third year program, to begin on April 1, 1977, will reflect these opportunities and requirements. All of the basic 305 studies, including the work of regional and county subcontractors, will be concluded during 1977 in order that the fourth and final year of Section 305 work in 1978--allowed under the 1976 amendments--may be devoted to assemblage of the final program.

Appendix B-2

Water Quality Management Planning

WATER QUALITY MANAGEMENT PLANNING

PROGRAM OBJECTIVES

--Continuing statewide water quality planning, consistent with State and Federal water quality laws, rules and regulations, and the specific Federal goal of fishable, swimmable water quality by 1983;

--Assistance to local agencies in basin, areawide, regional and local water quality management plan preparation;

--Guidance, through preparation of long range plans, for more detailed sewage treatment and other wastewater facility planning;

--Specific compliance with various planning requirements under PL 92-500 (1972 Amendments to the Federal Water Pollution Control Act) to maintain eligibility for various Federal wastewater treatment grants and assistance programs;

--Coordination with other resource management and comprehensive planning programs, such as Air Quality Maintenance Plans, Coastal Zone Planning, water resource basin plans under Section 209 of PL 92-500, and local, county, regional and statewide land use and housing plans required under Section "701" of the Housing and Urban Development Act of 1954, as amended.

STATE STATUTORY AUTHORITY

--ECL 17-0303 and 17-1901, adopted 1972 (the latter, former PHL Art. 12, Section 1263-a)

--also, with specific respect to DEC authority to participate in Federally-required Continuing Planning Process for Water Quality Management: (1) Governor Rockefeller's letter of October 1, 1970 to Commissioner Domenick of the Federal

Water Pollution Control Agency designating the Commissioner of Environmental Conservation as the certifying official for pollution abatement plans, and (2) Governor Carey's letter of December 19, 1975 to Gerald Hansler, Regional Administrator for EPA, designating DEC as the state planning agency responsible for the conduct and coordination of planning required by PL 92-500 under 40 CFR Parts 130 and 131.

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STATE RULES AND REGULATIONS

Part 651, 6 NYCRR for comprehensive sewerage studies.

GUIDELINES

--State Continuing Planning Process Handbook (Fed. EPA) Dec. 1975

--Area and Agency Designation Handbook (Revised) for Section 208 Areawide Water Quality Management Planning (Fed. EPA) Nov. 1975

--Grant Application and Work Plan Handbooks (Revised) for Section 208 Water Quality Management (Fed. EPA) Dec. 1975

--Guidelines for Areawide Waste Treatment Management Planning (Fed. EPA) Aug. 1975

--Guidelines for State and Areawide Water Quality Management Planning (Fed. EPA) Feb. 1976

FEDERAL AUTHORITY

PL 92-500, Federal Water Pollution Control Act Amendments of 1972.

FEDERAL REGULATIONS

--Title 40, Part 35F, Areawide Waste Treatment Management Planning Agencies, Interim Grant Regulations 5/13/74

--Title 40, Part 35A, Planning Grants 11/28/75

--Title 40, Part 105, Public Participation in Water Pollution Control, 8/23/73

--Title 40, Part 130, Policies and Procedures for Continuing Planning Process, 11/28/75

--Title 40, Part 131, Preparation of Water Quality Management Plans, 11/28/75

--Title 40, Part 126, Identification and Designation of Areas with Water Quality Control Problems for Areawide Waste Treatment Management Planning, 9/14/73

DESCRIPTION OF PROGRAM

Comprehensive Sewerage Studies

Water pollution control planning in New York began a decade before the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) mandated such efforts. Since the early 1960's, the State's Comprehensive Sewerage Study Programs and its water quality analysis programs have served as the basis for the "Pure Waters" facility development program. The objective of comprehensive sewerage studies, wholly State financed under Section 17-1901 of the Environmental Conservation Law, has been to provide areawide--usually county--basic engineering studies for the development of projects for sewage collection and treatment from one or more municipalities in a cost effective and environmentally sound manner. The studies provide input to more detailed facility planning and data for basinwide plans. Most of the urban areas, and many of the more rural communities of the State have been covered by such plans which are now authorized to continue until 1982. They will represent a part of the State's contribution to the Continuing Planning Process required under Federal PL 92-500 and be tied closely to other types of water quality planning developed under the Federal program. Until completion of areawide waste treatment management plans (none before 1977), the comprehensive sewerage studies will serve as the prime basis of further sewerage facility planning.

State Continuing Planning Process

As a condition for eligibility for grants under PL 92-500, and in order to receive delegation of authority to administer the National Pollutant Discharge Elimination System (NPDES) at state level, certify "201" facility plans, and meet responsibilities for setting water quality standards, a state must have a continuing planning process for water pollution control, acceptable to the Federal Environmental Protection Agency.

Such process initially emphasized a statewide plan under Section 303(e) of PL 92-500, prepared by basins and sub-basins primarily through State initiative. The Water Quality Planning Group in DEC has been responsible for preparation of these basin plans. The Continuing Planning Process also requires specific facility plans, an annual needs assessment and an annual state strategy for water pollution abatement which are the responsibility of the Division of Pure Waters. The Continuing Planning Process for the state has been recently amended to account for the Areawide Waste Treatment Management Plans produced for designated areas of the state by local agencies, as called for in Section 208.

However, a recent Federal Court Order stipulates that planning under Section 208 of PL 92-500 must be conducted in all areas of a state, whether officially "designated" or not. Consequently, the U.S. Environmental Protection Agency has provided new guidelines (described below) which combine the Areawide Waste Treatment Management Planning under Section 208 with Statewide Water Quality Basin Planning under Section 303(e) into a single Water Quality Management Plan for a state as part of the Continuing Planning Process.

Areawide and Statewide Waste Treatment Management Plans (Section 208)

As of the spring of 1975, six areas of the state had been designated by the Governor as having "substantial water quality control problems," and six designated local agencies started "208" plans. The designated plans now underway are for Erie and Niagara Counties, a part of Chemung and Steuben Counties, the five county Central New York Region, Westchester County, New York City, and Nassau-Suffolk Counties. Such plans should:

a) Identify all anticipated municipal and industrial treatment work over at least a 20 year period.

b) Identify urban runoff and combined sewer overflow treatment needs, as well as non-point sources of pollution and feasible control methods.

c) Develop alternative systems which incorporate technical and institutional constraints.

d) Recommend the most cost effective alternatives and establish construction priorities and timetables.

e) Identify non-structural requirements, including possible limitations on development.

f) Establish needed regulatory programs and select management agencies to implement the plan.

g) Insure public participation during all phases of development.

h) Provide for annual updating and certification.

$18,302,533 of Federal planning assistance money for a two year program has been provided to the six designated areas, without requirement for state or local financial contribution. Plans for the remainder of the State must be completed by November 1, 1978 and New York has received a grant of approximately $1.959 million from EPA. However, a 25% state or local match in-kind is required.

Modifications by EPA in Parts 130 and 131 for the Continuing Planning Process and Water Quality Management Plans in accord with the recent court order, provide for integration between the "208" planning and the statewide basin plans called for under Section 303(e) of PL 92-500. These revisions also clarify what may be expected in the non-point source pollution section of the reports. Many non-point sources which may cause water quality problems are difficult to identify and to solve because of technological and economic constraints.

Water Quality Basin Planning (Section 303(e))

Basin planning was recognized initially by EPA as the means for states to comply with the statewide water quality planning requirement under Section 303(e) of PL 92-500 and to provide a statewide plan element into the Continuing Planning Process. In New York, 67 sub-basins were identified for preparation of such plans, but have subsequently been combined so that in most cases reports will cover 17 major basins. Each basin plan provides:

- identification of water quality problems through stream monitoring and surveillance;
- identification of existing and proposed classifications for each significant reach of stream;
- identification of significant industrial, municipal and non-point sources and their characteristics;
- indication of effluent limitations, abatement schedule, remedial solutions and priorities; and
- opportunity, through public hearings and other means, for citizen review and comment.

Under the original schedule provided by EPA, basin plans were to be completed by July 1, 1976, but the recent modification in the process to integrate "208" and "303(e)" planning now means that these basin plans will serve as Phase I of a broader Water Quality Management Planning Program. New York's schedule calls for completion of these Phase I plans early in 1977, with some Phase II work underway.

Water Quality Management Planning as Part of the Continuing Planning Process under PL 92-500

Under the new procedures spelled out in EPA regulation 40 CFR Parts 130 and 131, revised, the state could make planning assignments to governmental planning agencies but is ultimately responsible for coordination and proper accomplishment of all water quality planning within its boundaries. In December 1975, Governor Carey designated DEC as the comprehensive planning agency responsible for this Continuing Planning Process for water quality management. By November 1, 1978, initial areawide and State Water Quality Management Plans must be approved by the EPA Regional Administrator.

The State program planning cycle is annual, which feeds into a five-year horizon for the State Strategy, which is part of the longer term, 20 year horizon for the Water Quality Management Plan. The scope of planning under the new regulations is greater and includes examination of all water pollution sources and many possible technical, management and regulatory solutions. The assessment and control of non-point sources and focus on land use matters are new features for most State Water Quality Plans. Planning elements are to be the same for each approved State planning area and each designated areawide region. However, the level of detail will vary depending on funding and the significance of each type of water quality problem.

In some New York regions, due to the concentration of industry and residential densities, and because of such unique water resource problems as Long Island's groundwater situation, there is strong likelihood that Water Quality Management Plans could require certain restrictive land use measures. Because implementation of such measures involves considerable local government commitment, it is essential that there be opportunity for substantial local government and general public participation in the planning process. Hearings are required with respect to both the plans and subsequent regulations adopted as part of their implementation. While much local and regional planning must be part of the

process, there are certain items of the Continuing Planning Process which the State must do itself--adoption of water quality standards, development and implementation of statewide antidegradation policy, certification of areawide ("designated area") plans, yearly preparation of the State Strategy and Annual Program Plan, and overview of planning conducted in designated "208" agencies.

CURRENT STATUS

--Initial Work of Designated Areawide "208" Agencies

The six designated 208 agencies have started investigating such common elements as land use, non-point pollution sources, necessary treatment works, construction priorities, the disposition of residual wastes, land disposal and institutional arrangements, and methods for the control of pollution sources. Nassau/Suffolk, Southern Tier Central and Central New York will be investigating their groundwater resources to determine appropriate methods for control of groundwater quality. Other unique programs are Nassau/Suffolk's viral studies and New York City's harborwide water quality modeling program.

--Phase I Basin Plans (Initial 303(e) Planning)

As of October 1976, New York State has completed draft basin water quality plans for 33 of the 67 planning areas of the State. Most of these plans are in various stages of agency review and 17 have been to public hearing. Plans for the remaining 4 areas are scheduled for completion by January 1, 1977.

--Phase II Plans (Statewide Water Quality Management Planning)

On November 26, 1975, EPA regulations were revised to require integration of 208 planning into the State's continuing planning process. DEC has met with local interests to obtain views on study needs, priorities and approaches to Statewide 208 Planning. On April 26, 1976 the State met with EPA to identify planning areas, policy advisory committees and agree on the level of detail and timing of statewide planning. A grant application for $1,959,000

has been approved. It requires a 25% non-federal match. A draft of a more detailed work plan for this work was submitted to EPA by DEC in October, 1976. Establishment of Policy Advisory Committees and submission of a final work plan is scheduled for December 1, 1976.

--Comprehensive Sewerage Studies (State Funded)

One hundred fifty four State funded comprehensive sewerage studies have been completed since the initiation of the program in 1962, covering 52 of the 62 counties of the State. This includes a number of local studies and and updates of previously completed studies. Five additional studies are in progress and two more may be initiated in FY 77. In addition, county studies which are over five years old will be reviewed and evaluated to see what updating is required. The scope of study has been updated to include: logical service areas, existing and projected population, non-structural solutions where appropriate, cost effectiveness, existing and desired land use, and the environmentally, technically sound utilization of the resources of the area with consideration given to specific areas of environmental concern related to future development.

Appendix B-3

Air Resources Management

AIR RESOURCES MANAGEMENT

PROGRAM OBJECTIVES

Safeguard the air resources of the State from pollution through establishment of air quality standards and control and abatement of existing sources of air pollution and prevention of pollution from new sources.

Maintain a reasonable degree of purity of the air resources of the state consistent with the need to protect the public health and welfare, advance the industrial development of the state, and protect the flora and fauna and the physical property and other resources by requiring the use of all available practical and reasonable methods to prevent and control air pollution in New York State.

STATE STATUTORY AUTHORITY

ECL Article 19 - Air Pollution Control

RULES AND REGULATIONS

6NYCRR Part 200 - 317.3

Regulations include:

Part 200 - General Provisions

Part 201 - Permits and Certificates

Part 203 - Indirect Sources of Air Contamination

Part 256 - Air Quality Classifications System

Part 257 - Air Quality Standards

Parts 260-317 - Air Quality Area Classifications

GUIDELINES

Numerous technical guidelines, including:

Application Guidelines for Construction of Indirect Sources of Air Contamination

Acceptable Stack Test Methods

Guidelines for Environmentally Sound Management of Animals and Animal Production Farms

Instructions for the Preparation and Submission of an Application for a Permit to Construct or a Certificate to Operate (various sources)

FEDERAL AUTHORITY

Clean Air Act Amendments of 1970

(P.L. 91-604)

FEDERAL REGULATIONS

Environmental Protection Agency Regulations on National Primary and Secondary Ambient Air Quality Standards (40 CFR 50)

EPA Regulations on New Source Performance Standards (40 CFR 60)

EPA Regulations on National Hazardous Air Pollutant Standards (40 CFR 61)

EPA Regulations Designating Air Quality Control Regions (40 CFR 81)

EPA Regulations on Preparation of Implementation Plans (40 CFR 51)

EPA Regulations on Approval and Promulgation of Implementation Plans (40 CFR 52)

DESCRIPTION OF PROGRAM

The air resources management program in New York State is carried out under authority of the State Air Pollution Control Act (ECL Article 19), within the national framework created by the federal Clean Air Act of 1967 and the Clean Air Act Amendments of 1970. The 1967 Clean Air Act embodied the concept that air pollution control required a national effort with primary responsibility and authority for action delegated to the states. The 1970 amendments went beyond this in requiring the development and enforcement of ambient air quality standards for key pollutants, including particulates, sulfur dioxide, hydrocarbons, carbon monoxide, photochemical oxidants and nitrogen dioxide. The U.S. Environmental Protection Agency has since promulgated primary and secondary standards for these pollutants. Primary standards are designed to protect public health while the secondary and more generally stringent standards address public welfare concerns, such as property and materials damage.

Implementation Plan. Each state is required to prepare an Implementation Plan to achieve and maintain federal air quality standards. According to federal law and regulations, present components of a state plan are a stationary source control plan, a transportation control plan, an air quality maintenance plan, and a plan to prevent significant air quality deterioration. Each completed state plan must be reviewed by EPA, which must either approve the State implementation plan, thus making it part of federal law, or require that it be amended in conformance with EPA criteria for achieving ambient air standards.

As plan requirements have evolved in a piecemeal fashion, plan preparation and review has been staged. The resulting continuous review process makes it possible for EPA and the states to modify plans to carry out changes ordered by the courts or by Congress.

Stationary Source Plan. The stationary source plan for major sources of pollution is being implemented in New York State through regulatory and permit procedures. Both new and existing sources must conform to state emission and regulatory requirements. Monitoring and inspection procedures are established to assure compliance.

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Transportation Controls. A transportation control plan is required for areas where controls on stationary sources and new vehicles will not be sufficient to ensure that ambient air quality standards will be met. A plan has been prepared for the New York Metropolitan area that will implement appropriate transportation controls. Most of the controls are concerned with modification of existing transportation components, such as inspection, maintenance and retrofitting of motor vehicle emission controls, improvement of public transportation, and better street traffic management. Others will have more direct land use impacts, including restrictions on new parking garages and spaces in Manhattan's central business district.

Standards for new mobile sources, such as cars and trucks, are established by EPA, although controls to assure that vehicles continue to meet standards may be included in State transportation control plans.

The state also administers its own statewide transportation source regulations through a permit program for "indirect sources." These are transportation-related facilities, such as major streets, highways, large shopping centers, parking lots and stadiums that generate significant traffic and may contribute to air quality deterioration.

Permit applications for major new indirect sources are reviewed to ensure that air standards will not be violated; one major emphasis is ensuring adequate traffic circulation and other control measures which reduce vehicular emissions.

Air Quality Maintenance. Section 51.12 of EPA regulations on Preparation, Adoption and Submittal of Implementation Plans requires states to identify areas where air quality standards potentially could be violated through 1985 because of growth and development. On review by EPA they may be designated as air quality maintenance areas. Ten such areas have been designated in New York State. Detailed analysis must be conducted for each area. If the analysis of an area reveals the likelihood of a national air quality standards violation, plans must be formulated to ensure maintenance of the air standards. June 1975 was the original date for maintenance analysis and plans, if required. However, this date was rescinded by EPA, and schedules have been modified to allow more flexibility and time.

The impact of this program on land use within the maintenance areas depends in part upon whether the DEC analysis reveals the likelihood of national air quality standard violation for 1975-85. The areas most likely to require such plans are areas where significant growth can be expected. This includes the lower Hudson Valley and the Rochester area. The Syracuse and Capital District areas also could be affected. New York City and Buffalo, where present problems are the most serious, are unlikely to experience significant growth in the next ten years. Nevertheless, maintenance of national air quality standards must be addressed in the planning process for these areas, too.

Viable plans to maintain standards could impact on future areawide transportation facilities and industrial and residential development. Legally enforceable state air quality maintenance plans must either be approved by EPA or EPA must promulgate a plan of its own, and assure the implementation of maintenance plans. Requirements could include (1) permit procedures for all new sources, (2) locational controls for particular types of sources, and (3) density emission zoning which would involve transfer of emission rights.

Prevention of Air Quality Deterioration. Perhaps the most controversial element in Federal efforts to combat air pollution under the Clean Air Act relates to the significant deterioration or "non-deterioration" issue. Current EPA regulations are based on a Supreme Court decision holding that the Clean Air Act prohibits the degradation of air quality in areas having cleaner air than

required by Federal primary and secondary ambient air quality standards.

The regulations are quite flexible, allowing states the option of designating areas as Class I, Class II, or Class III Regions. Class I designation allows for a very small increment of air degradation, Class II allows for a moderate increment, and Class III designation allows for air degradation to nearly the national standards. Under the regulations all areas below the national standards have a Class II designation pending specific proposals to change the classifications. After public hearings and submittal to EPA of information supporting changes to Class I or Class III, states may change their initial blanket classification.

The program may have important implications for land use planning, since the most restrictive classifications could prevent growth in a designated area. The exact impacts will depend on the implementation mechanisms used to maintain classifications, but it is obvious that the most significant impact will be in Class I areas. Designation of parts of the Adirondacks as a Class I area, for example, could mean that no major power plants or heavy industries could be located there.

Amendments to the Clean Air Act currently under consideration by Congress should specify its intent with respect to significant deterioration. At this time, the Senate version of the bill calls for strengthening the restrictions against degradation by dropping Class III, but still allowing the States to designate, in most cases, Class I and Class II areas. The House version on the other hand retains all three classifications.

New York State's own air quality classification system presents an alternate approach to control of adverse impacts of growth on air quality. In the State, four general levels of social and economic development interests and pollution potentials have been defined ranging from area where habitation and industry are sparce (Level I) to areas of dense population and significant heavy industry (Level IV). For Level I areas, state air quality standards have been set which are well below equivalent federal standards. At other levels, standards are higher with Level IV being equal to the federal AAQS. By proper adjustment of the standards required by each level, it will be possible to develop a state regulated program which will meet the Federal requirements for significant deterioration

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CURRENT STATUS

New York State's Stationary Source Plans (New York Metropolitan Area Air Quality Implementation Plan and Implementation Plan to Achieve Air Quality Standards - Upstate New York) were promulgated in 1972 and are now in effect, as is the state's indirect source permit program. Revisions to the Stationary Source plans should be completed in 1978 that will account for both attainment and maintenance of standards. The New York Metroplitan Area Transportation Control Plan is being revised as a result of recent court decisions, with hearings expected before the end of the year. The Air Quality Maintenance Planning effort is now in progress in 10 designated areas in the State. These areas are the New York Metropolitan Area, the Niagara Frontier, Capital District, Mid-Hudson, Utica-Rome area, Binghamton area, Syracuse area, Elmira-Corning area, Rochester area, and Jamestown area.

Congress is now considering amendments to the Clean Air Act which may clarify its intent with regard to the prevention of significant air quality deterioration; following this, EPA will prepare rules and regulations for the planning and implementation required for this program.

Copies of the New York City Metropolitan Area Air Quality Implementation Plan, the Implementation Plan to Achieve Air Quality Standards - Upstate New York, and the New York City Metropolitan Area Air Quality Implementation Plan - Transportation Controls are available at cost under the Freedom of Information Act.

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