



US EPA's Approach and Expectations for the Delisting Process

**U.S. Great Lakes Areas of Concern Program
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WHERE ARE WE NOW?

- U.S. BUI Delisting Targets established -- 12/31/08
- Great Lakes Restoration Initiative – resources for AOC program increased
- GLRI commits GLNPO to delist 3 AOCs by 2011 and 5 by 2014
- GLRI commits GLNPO to delist 20 BUIs by 2010, 30 by 2011 and 50 by 2014
- Of those 50 BUIs—34 Habitat related by 2014

AOC/BUI DELISTING PROGRESS

- Oswego River AOC delisted (2006)
- Presque Isle Bay AOC is an Area of Recovery (2009)
- 13 BUIs delisted as of September 2009
- Up to 15 BUI packages anticipated by September 2010 due to:
 - Monitoring data shows recovery;
 - BUI is not AOC specific, and
 - Extra resources provides support to delist.

MOVING FORWARD

- States have the option of adopting the following tools for maintaining momentum:
- Restoring individual beneficial use impairments as they are restored, as interim steps toward formal delisting.
- Adopting Recovery Stage Concept: Interim Step Between Implementation of all remedial actions and Full Restoration.
- Restoring Sub-watersheds in an AOC as Beneficial Uses are Restored in the Sub-watershed—Need discussion on how to account for this progress.
- States are not required to use the tools included in the Guidance.

DELISTING PRINCIPLES

- An AOC is eligible to be formally delisted only when restoration targets are met and supported by sufficient monitoring data.
- Delisting Targets should be Locally Derived and Can Differ Between AOCs, Depending on Local Conditions.
- Delisting Targets Must Reflect and Be Consistent With Applicable Federal and State Regulations, Objectives, Guidelines, Standards and Policies.
- RAPs can only Address Impairments Caused by Local Sources.

DELISTING PRINCIPLES (cont.)

- **Recognized that some Beneficial Uses Cannot Be Fully Restored; Partial Restoration may only be Possible.**
- **Decision is Based on a Combination of Timeliness and Reasonableness.**
- **Administrative Process of Formally Delisting an AOC should be Completed in a Timely Fashion.**
- **To the extent practicable, AOC delisting targets should mesh with Great Lakes Environmental Indicators being developed under the SOLEC process.**

DELISTING PROCESS

- Begin with PAC discussions
- Who will develop the draft document—
State/Federal liaisons or AOC
- EPA informs IJC of proposed actions
- Is Delisting based on monitoring data
or is this a redesignation?
- Develop draft package among group
- Send package to state and federal
agencies for review

DELSITING PROCESS (cont.)

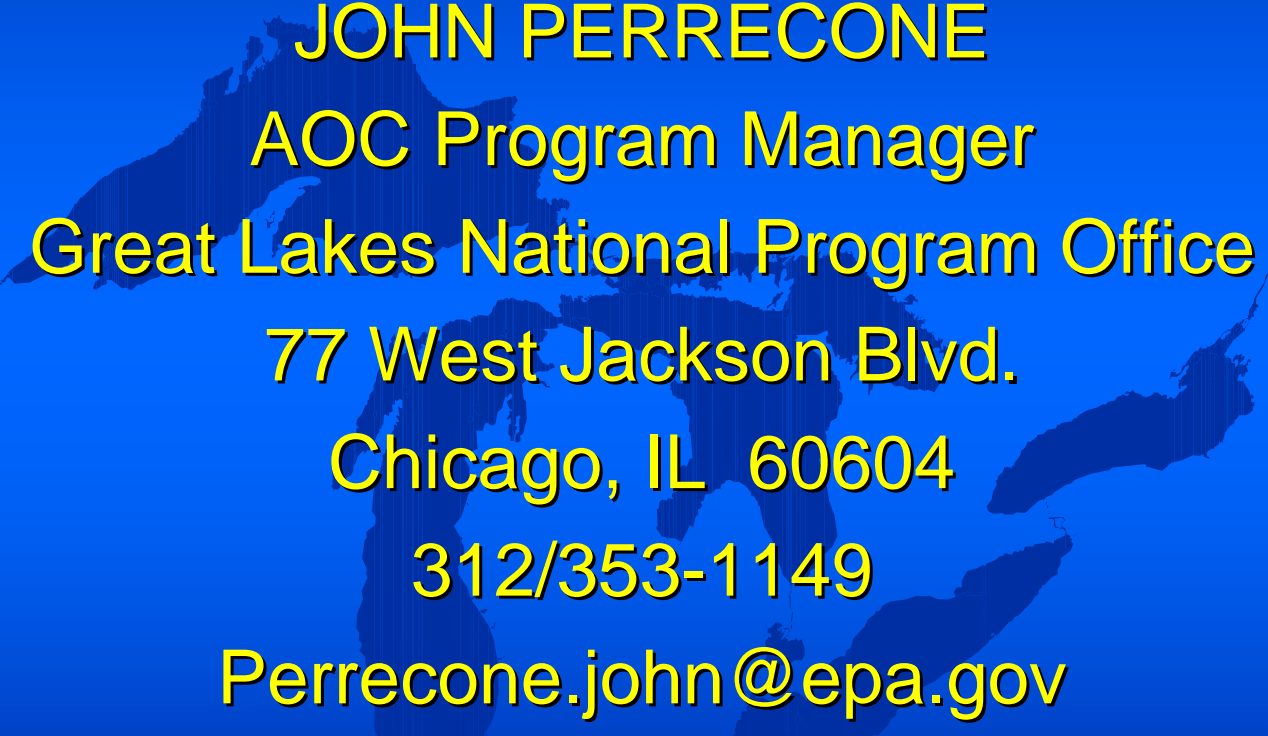
- Review comments and revise document
- Conduct public meeting and comment period
- Conduct PAC meeting to finalize
- Insure there are “no surprises” in submittal
- Insure submittal based on clear logic and/or sound science

WHAT SHOULD BE IN SUBMITTAL?

- Background and why request to delist
- Identify BUIs and Delisting Criteria
- Provide sound science justification (tables, charts, citations, etc.)
- Use clear tables and charts to make the point
- Provide recommendation

WHAT HAPPENS AT EPA?

- AOC Submittal comes from the state agency—may have PAC support and/or letterhead as well
- EPA reviews and approves
- EPA informs key parties—IJC, Canadians
- EPA modifies GLNPO web page
- Celebrate Success!!



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