Playing Together in the CWA Sandbox: Integration between the CWA 319 and CWA 303d Listing and TMDL Programs

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This presentation will cover:

- Quick Review of the CWA 303d Program Vision

- Opportunities for Coordination between NPS/319 and 303d Programs
  - Today’s emphasis on 303d Vision Goals on Prioritization, Alternatives and Integration/Engagement
Vision: A New Framework to Manage the CWA 303(d) Listing and TMDL Program

Key Principles:

• **Flexibility for states** to set program priorities in the context of their overall water program goals
• Accountability **focused on state priority waters** addressed with TMDLs, alternative restoration approaches and protection plans, reflecting a state’s strategic choices
• Focus on **environmental results** through TMDLs, alternative restoration approaches and protection plans
• Recognition that there are **various effective approaches** to restore waters
• **Integration** across CWA and other federal/state/tribal programs to achieve results
• **Engagement of public** on priorities and implementation
• Alignment with **innovations in data systems** to track plans and water quality improvements
CWA 303(d) Program Vision

“The Clean Water Act Section 303(d) Program provides for effective integration of implementation efforts to restore and protect the nation’s aquatic resources, where the nation’s waters are assessed, restoration and protection objectives are systematically prioritized, and Total Maximum Daily Loads and alternative approaches are adaptively implemented to achieve water quality goals with the collaboration of States, federal agencies, tribes, stakeholders, and the public”

Six Goals:

• Prioritization ★
• Assessment
• Protection
• Alternatives ★
• Engagement ★
• Integration ★
**Prioritization Goal: Lynchpin of the Vision**

- Provides flexibility to set state CWA 303(d) Program priorities from 2016-2022 in the context of its overall water program goals

- Reflects strategic use of resources by identifying priority watersheds or waterbodies for restoration and protection

- Focuses location/timing of the TMDLs, alternative restoration or protection approaches

- **303d Vision priorities could provide a platform for integration** across CWA and non-CWA programs

- **Today’s example -- MA NPS Program Objectives and Watershed Based Planner Tool:**
  - Objectives: “Solicit high priority TMDLs to be funded by Section 319 grants”; NPS program review of TMDLs to improve reasonable assurances in TMDLs
  - Watershed Based Planner Tool: facilitates 9-element plans to implement TMDLs
State-Identified 303(d) Priorities

FY 16 – First time States set CWA 303(d) Draft Priorities from 2016-2022 under new Program Vision and Measure
• Almost all states have submitted their draft long-term priorities to EPA in FY16
• Expect all 50 states to do so in FY17
• Some states focused on designated uses, while others focused on causes of impairment
• Some states submitted priorities based on assessment units, while others used HUC12s or other approaches

Priority Pollutants
• 37 states - pathogens
• 35 states - nutrients
• 32 states - organic enrichment/oxygen depletion
• 22 states - metals other than Hg
• 19 states - pH/acidity/caustic conditions

Protection plans:
• 11 states have identified protection as a component of their long-term priorities
• WI has the greatest amount of acreage (~14 million for nutrients and ~10 million for sediment)
• 8 states – nutrients

• # of acres is overwhelmingly nutrients, followed by pathogens
  ◦ Nutrients ~ 30 million acres
  ◦ Pathogens ~ 18 million acres

• Designated Uses (info available for 12 states)
  ◦ 9 states - fish/shellfish/wildlife
  ◦ 6 states – recreation
  ◦ 4 states – aquatic life
  ◦ 2 states – public water supply
  ◦ 1 state – agriculture
Alternatives Goal

• TMDLs remain the dominant tool, recognizing TMDLS many not always be most effective in achieving WQS

• Bottom-line: Achieve or maintain WQS

• States/EPA to work on identifying alternative approaches using the 2016 Integrated Reporting memo

• Interest in use of watershed based plans (WBPs) for NPS dominated impairments
  - Today’s example – Nebraska’s Use of WBPs as alternatives in the context of CWA 303d program

• Other alternatives being explored include permits
Integration and Engagement Goals

- TMDLs not self-implementing

- Cross-program coordination to achieve environmental results

- Involvement of key stakeholders on setting of priorities and implementation of TMDLs

- Today’s example – MI Hybrid “TMDL/Watershed Based Plan” for the Bad Axe
  - Combines elements of an approvable TMDL with a Watershed Implementation Plan (319 Nine Elements)
  - Early stakeholder engagement → buy-in to implement shovel-ready BMPs
Today’s Presentations for 319/NPS and 303d program Integration:

• **MA Watershed Based Planner Tool** to facilitate development of 9-element plans to implement TMDLs

• Collaboration to develop a **MI Hybrid “TMDL/Watershed Based Plan”** to accelerate on-the-ground implementation

• Coordination on development and review of a **WBP as an alternative plan** for 303d program measure purposes (Nebraska and EPA Region 7 example)
Appendix:
First, putting things in perspective:

- Long-standing connection between the 319/NPS and CWA 303d Programs
- Opportunity to enhance this connection
  - Updates of State NPS Program Management Plans
  - New CWA 303d Program Vision
- Heightened interest in state collaboration in both programs
- Strategic use of resources – more imperative than ever for both programs
- Exciting time to realize the shared goal of achieving water quality!
CWA 303(d) Program Vision – Six Goals

- "Prioritization" For the 2016 integrated reporting cycle and beyond, States review, systematically prioritize, and report priority watersheds or waters for restoration and protection in their biennial integrated reports to facilitate State strategic planning for achieving water quality goals.

- "Assessment" By 2020, States identify the extent of CWA Section 303(d) impaired and healthy waters in each State’s priority watersheds or waters through site-specific assessment.

- "Protection" For the 2016 reporting cycle and beyond, in addition to the traditional TMDL development priorities and schedules for waters in need of restoration, States identify protection planning priorities and approaches along with schedules to help prevent impairments in healthy waters, in a manner consistent with each State’s systematic prioritization.

- "Alternatives" By 2018, States use alternative approaches, in addition to TMDLs, that incorporate adaptive management and are tailored to specific circumstances where such approaches are better suited to implement priority watershed or water actions that achieve the water quality goals of each state, including identifying and reducing nonpoint sources of pollution.

- "Engagement" By 2014, EPA and the States actively engage the public and other stakeholders to improve and protect water quality, as demonstrated by documented, inclusive, transparent, and consistent communication; requesting and sharing feedback on proposed approaches; and enhanced understanding of program objectives.

- "Integration" By 2016, EPA and the States identify and coordinate implementation of key point source and nonpoint source control actions that foster effective integration across CWA programs, other statutory programs (e.g., CERCLA, RCRA, SDWA, CAA), and the water quality efforts of other Federal departments and agencies (e.g., Agriculture, Interior, Commerce) to achieve the water quality goals of each state.
For more information:

  - Long-term prioritization
  - Importance of Engaging the Public in the State’s Long-term Prioritization Process
  - Distinction between the Vision Long-term Priorities and the Required Priority Ranking of Listed
  - What is meant by alternative restoration approaches
  - Creation of a subcategory in Category 5 (i.e., 5-alternative) to report on alternative restoration approaches for CWA 303(d) listed waters

  - Includes Vision and “Questions and Answers”
New Metric for CWA 303(d) Program

Extent of priority areas identified by each State that are addressed by EPA-approved TMDLs or alternative restoration approaches for impaired waters that will achieve water quality standards. These areas may also include protection approaches for unimpaired waters to maintain water quality standards.

- **Expressed** as percentage of watershed area (by state and aggregated nationally) out of the total watershed areas of priority waters.
- **Priority areas** are defined by each State in close coordination with the EPA Regions and the public.
- **Alternative restoration approach** is a plan and/or a set of actions pursued in near-term (other than a TMDL) that in their totality are designed to attain water quality standards.
- **Protection approach** is a plan and/or a set of actions pursued in the near-term that are designed to maintain or improve unimpaired waters in attaining water quality standards.
- **Targets** are set annually as well as long-term for 2022.
CWA 303d Vision & the NPS Management Program Components: A Great Match!

NPS Program Components
#2 (Partnerships), #5 (Prioritization), and #7 (Implementation)

NPS Program Component #2 (Partnerships)

NPS Program Component #3 (Integration)

303d Vision Goal on Integration

303d Vision Goal on Prioritization

NPS Mgmt Program Components
#1 (Short/Long term Goals), #3 (Integration), and #5 (Prioritization)

NPS Mgmt Program Component #4 (Resource Allocation for Protection & Restoration)

NPS Mgmt Program Components #1 (Short/Long Term Goals), #5 (Prioritization), and #8 (Evaluation/Measure of Success)

303d Vision Goal on Engagement

303d Vision Goal on Alternatives

303d Vision Goal on Protection

303d Vision Goal on Assessment