Nutrients: I Thought They Were Good For You?

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Overview:
Are Nutrients Good For Anyone?

• Current approaches
• Technical & legal issues
• Mounting litigation pressure
• Alternative approaches
• Where do we go from here?
Current Approaches / Issues

- Largely water quality-based
- Narrative water quality standards
  - Allows site-specific considerations
  - What target for TMDLs and permitting?
  - How to connect to designated use support?
Current Approaches / Issues

• Federal ecoregional criteria
  – “Natural” reference sites
  – Most waters impaired
  – Not distinguished by water body type
  – Not connected to designated use support
Current Approaches/Issues

• State numeric water quality standards
  – Use of EPA and other guidance
  – Understand relationship between nutrient levels and adverse effects?
  – How to implement in TMDLs and permits?
Current Approaches / Issues

- Science well understood?
- Account for site-specific needs and conditions?
- Account for nonpoint contributions?
- What reductions necessary?
Current Approaches / Issues

- Allocate reductions fairly/cost-effectively?
- Consider downstream effects?
- What role for trading?
- What can technology achieve?
- How can point sources afford more?
Litigation Pressure / Alternative Approaches

• Water quality approaches
  – Florida: Federal criteria for state?
  – Mississippi Basin: Federal criteria nationwide; Federal TMDLs for basin?
  – NAS panel
  – Region 3: Nutrients as direct toxicants
Litigation Pressure / Alternative Approaches

• Technology approaches
  – State efforts in permitting and TMDLs
  – Secondary treatment petition: redefine to include nutrient removal?
Where Do We Go From Here?

• Water quality approaches haven’t been effective
• Technology approaches questionable and costly
• Neither adequately addresses nonpoint contributions
Where Do We Go From Here?

• National strategy
  – Work with EPA, other stakeholders to develop appropriate responses to outstanding petitions
  – Otherwise….  
    • Judicial solutions?
    • Default to ecoregional criteria?
Where Do We Go From Here?

– Consider legislative fixes
  • Address nonpoints
  • Facilitate trading

– Are there other alternatives to traditional water quality or technology approaches?
  • Nutrient issues unique
  • Consider broad BMP-based program
Where Do We Go From Here?

• Individual strategies
  – Use the tools we have now in permitting and TMDL situations
  – Numeric criteria should be related to use support, adverse effects
  – Permitting and TMDL decisions should be based on sound science
  – Reductions must be necessary to achieve water quality standards
Questions?

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