

Watershed Permitting for the NPDES Program

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OBJECTIVES

1. Description of the CWA Paradigm:

The process for achieving WQ, with emphasis on the NPDES portion.

2. Inquiry:

What role can Watershed-based permitting and trading play in achieving WQ?

Objective of CWA

“The Objective of this Act is to restore and maintain the chemical, physical and biological integrity of the Nation’s waters.”

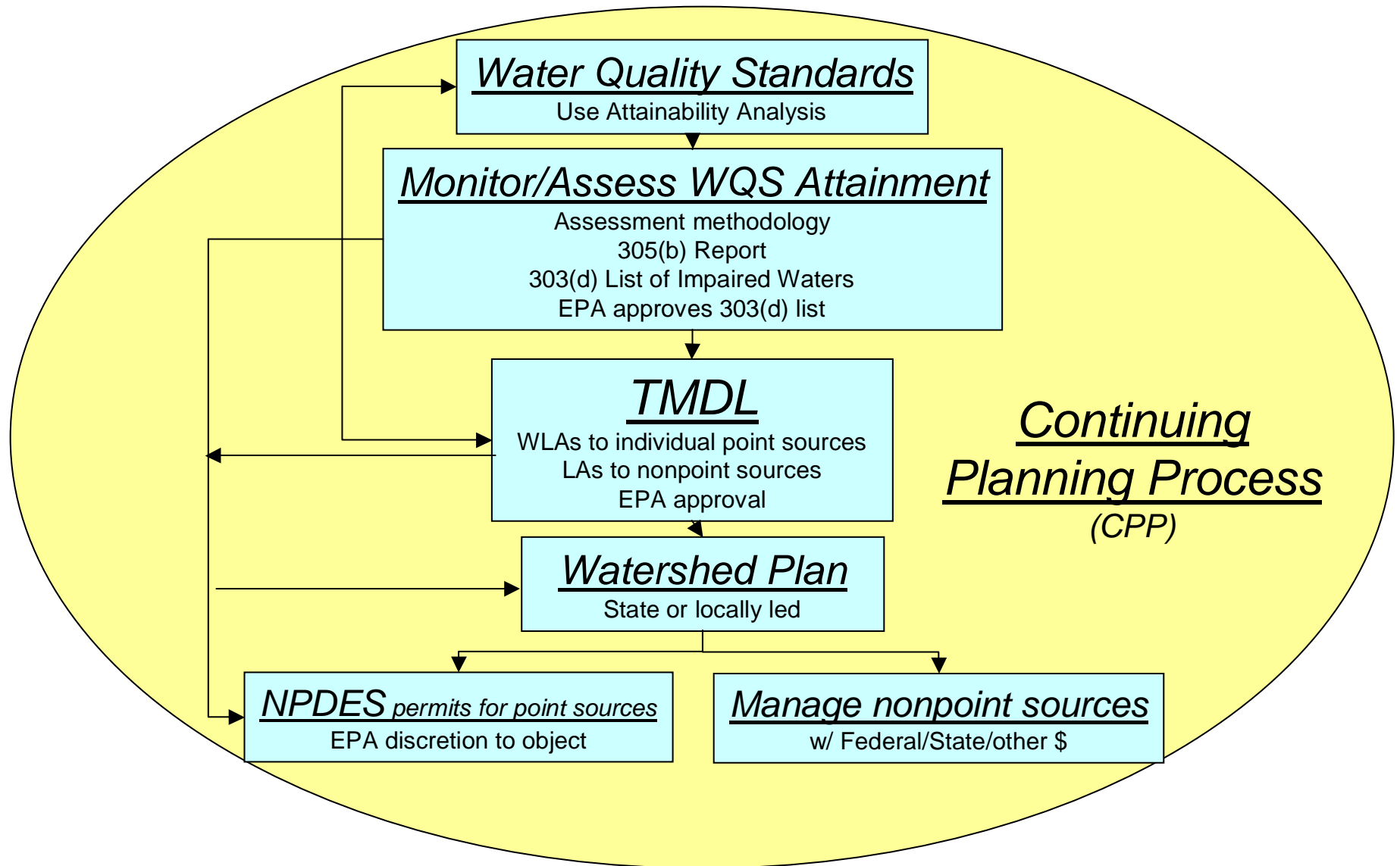
Clean Water Act, Section 101(a)
(33 U.S.C. 1251(a))

1985 Goal

“It is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985”

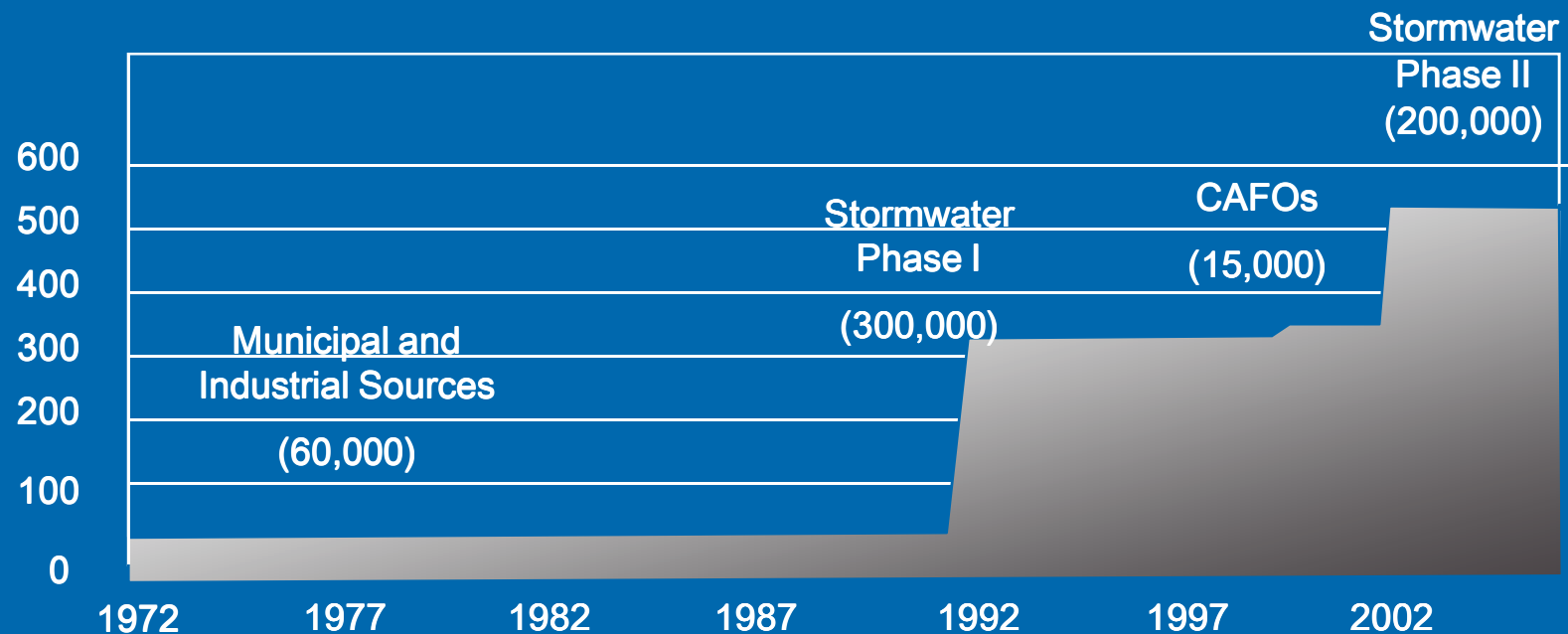
Clean Water Act, Section 101(a) (1)
(33 U.S.C. 1251(a) (1))

CWA Watershed Framework

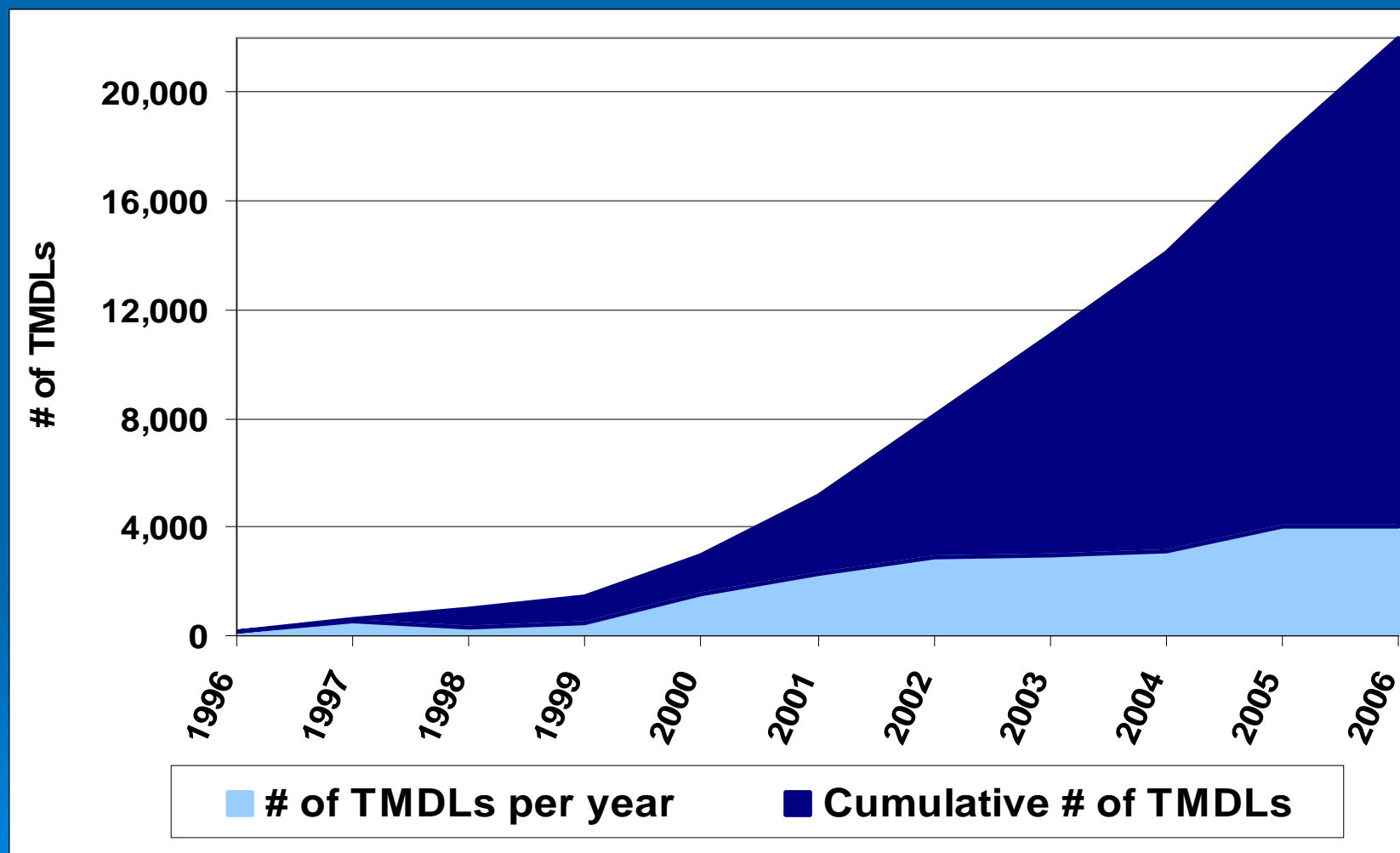


The NPDES Universe

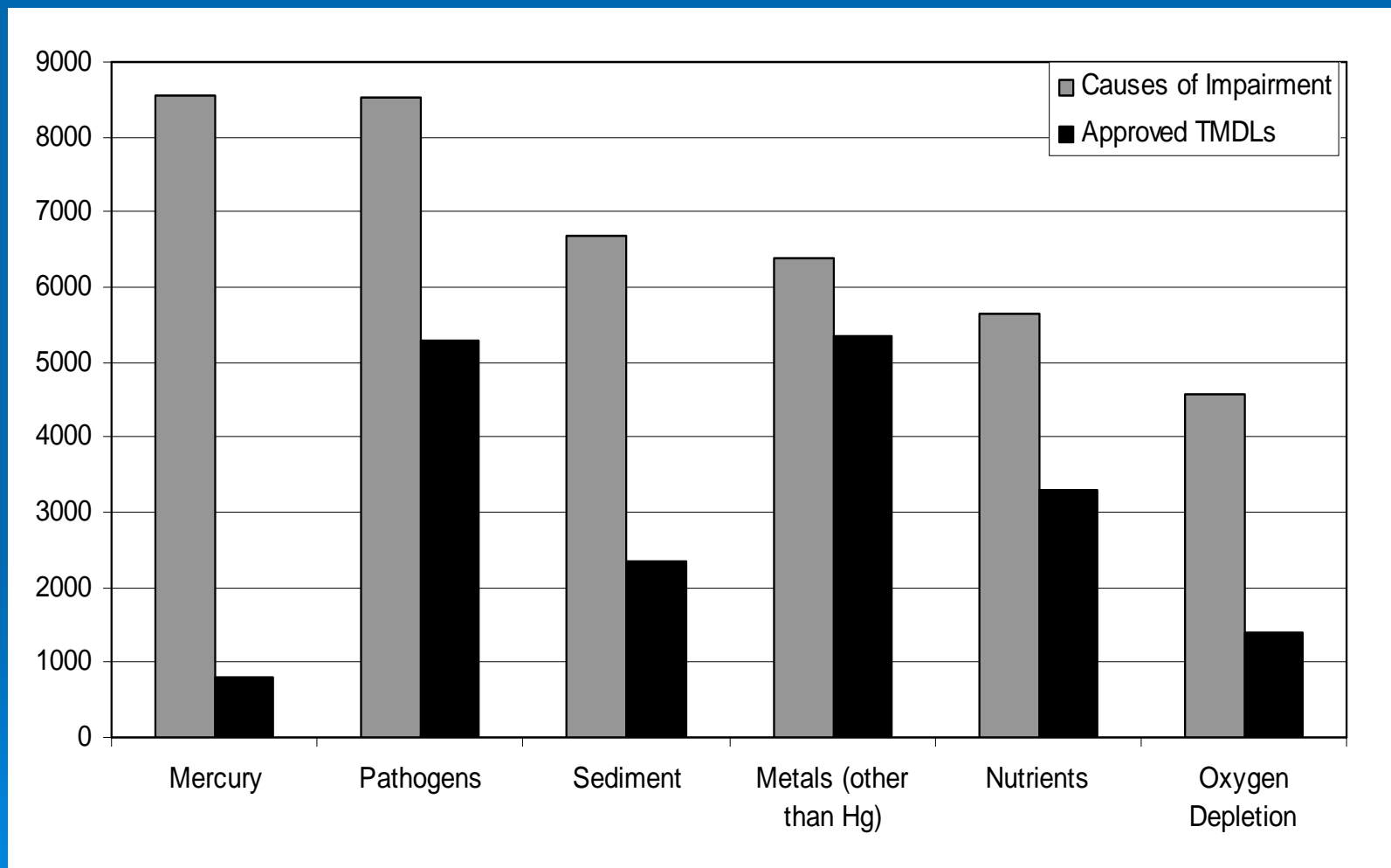
Growth of NPDES Program



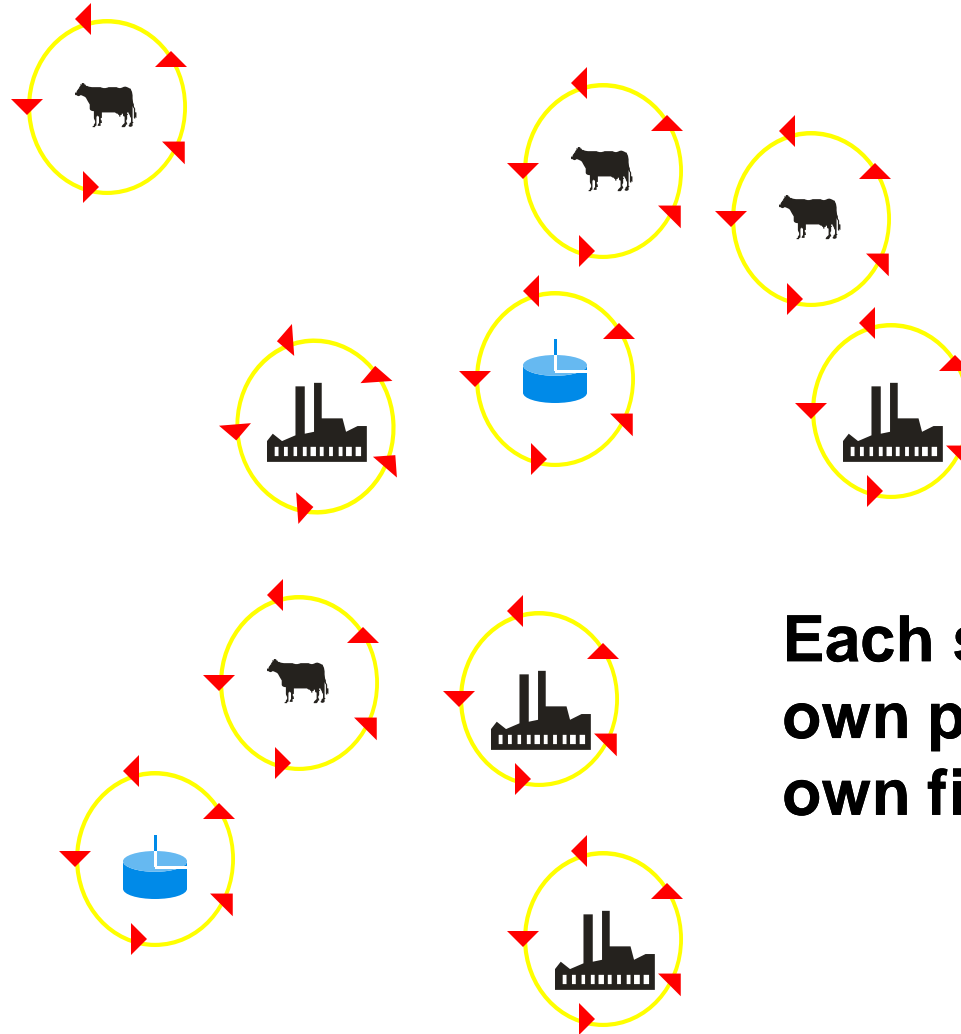
TMDLs Completed



TMDLs Needed & Number Developed by Pollutant Type



Traditional Permitting Approach



**Each source has
own permit with its
own five year cycle.**

What Is Watershed-Based Permitting?

An **approach** to NPDES permitting that results in permits:

- Designed to attain watershed goals due to the consideration of all sources/stressors in a watershed or basin
- Developed via a watershed planning framework to communicate with stakeholders and integrate permit development among monitoring, water quality standards, TMDL, nonpoint sources, source water protection and other programs

Who Initiates a Watershed-Based Permitting Approach?

- Can start at any level
 - Permitting authority
 - Point sources
 - Watershed organization
- Requires support of Permitting Authority and EPA Regional Office

Basic Steps to WBP

Step 1: Select a Watershed

Step 2: Identify and Engage Stakeholders

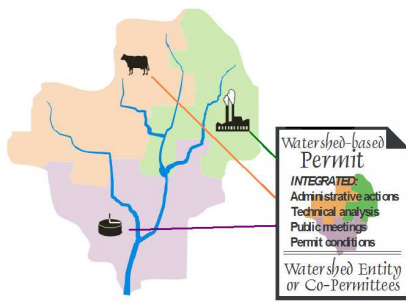
Step 3: Analyze Watershed Data

Step 4: Develop Permit Conditions

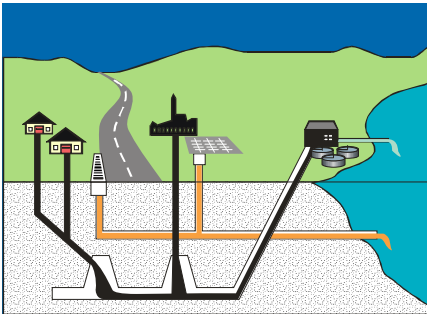
Step 5: Issue Watershed-Based NPDES Permit(s)

Step 6: Measure and Report Progress

Types of Watershed-based Permits

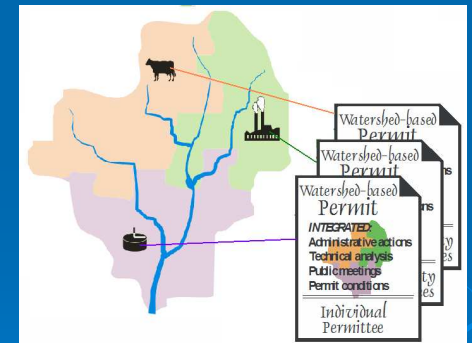


Individual Permit for Multiple Permittees

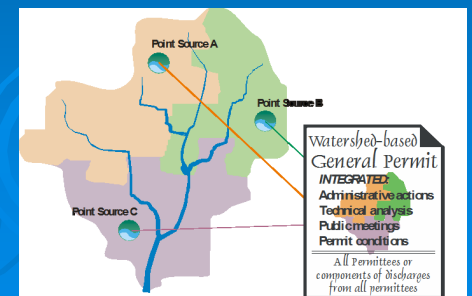


Integrated Individual Permit

Coordinated Individual Permits
(Synchronized Permits)



Watershed-based General Permits



New Tools

Policies and Guidance

- **Watershed-based Permitting:**
 - Watershed-Based National Pollutant Discharge Elimination System (NPDES) Permitting Technical Guidance, July 2007
 - Watershed-Based NPDES Permitting Implementation Guidance, Dec 2003
 - Visit -- <http://www.epa.gov/NPDES/Watersheds>
- **Water Quality Trading:**
 - Water Quality Trading Policy, 2003
 - Water Quality Trading Toolkit for Permit Writers
 - Visit -- <http://www.epa.gov/waterqualitytrading>

What is Included in the Watershed-based Permitting Technical Guidance?

- NPDES Watershed Decision Framework
 - Decision making tool to analyze data and help the permitting authority decide whether a WBP is appropriate.
 - Designed to help the permitting authority determine how to implement the NPDES program so permits consider the entire watershed.
- Multisource Watershed-based NPDES Permitting Guide
 - Provides permitting authorities the technical assistance necessary to develop watershed-based permits, including example permit language.
- Watershed-based Permitting Case Studies

2007 Water Quality Trading Toolkit for Permit Writers

Five Water Quality Trading Scenarios

1. Single Point Source - Point Source
2. Multiple Facility Point Source
3. Point Source Credit Exchange
4. Point Source-Nonpoint Source
5. Nonpoint Source Credit Exchange

Mechanisms for Implementing Trades

➤ Trade Agreement

- Signed by all parties
- Sets out structure and content of trading program

➤ NPDES Permits

- Incorporates trade agreement in total or by reference
 - At a minimum the permit must include enforceable conditions and reflects ability to trade consistent with trade agreement
- Cost effectiveness document

➤ Contracts

- Agreement between trading parties outside of NPDES that can cover issues of liability for breaking trade agreement, setting credit price, etc.

For More Information on Water Quality Trading

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For More Information on Watershed-based Permitting

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Discussion

- 1 – How do we use the tools in our arsenal to achieve the objective of the CWA?
- 2– How do we make watershed permitting and trading strong weapons in that arsenal?