

A Renewed, Watershed-based, Federal Regulatory Approach

Why Now?

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Quotes from the week...

- “21st Century is the Water Century”
- “Water policy will be local but national dialogue is needed”
 - Andy Richardson, Greeley and Hansen
- “the Clean Water Act is stagnant”
 - LaJuana Wilcher (aka Woman Whom Fish Fear)

More Quotes from the week...

- Watershed Restoration and Protection Strategies (WRAPS) - “local leadership can bring PS and NPS’s together”
 - Mike Tate, Kansas DHE
- “need new kind of environmental decision making, way beyond watersheds”
 - Gordon “NASCAR” Garner, CH2M-HILL

More Quotes from the week...


- “Water shed management approach recognize local factors and priorities”
 - Eric Rothstein, Galardi Rothstein Group

NACWA Watershed Task Force

Formed in March, 2007

Dick Champion	Buddy Morgan
Phil Friess	Howard Neukrug
Jerry Johnson	Marian Orfeo
Adel Hagekhahil	Peter Ruffier
Lisa Hollander	Kevin Shafer
Ben Horenstein	Martin Umberg
Dick Lanyon	Thomas Walsh
Norm LeBlanc	Chris Westhoff
Dan Thompson	

Task Force

- NACWA Staff support from Cynthia Finley and Chris Hornbeck
 - Consultant support by LaJuana Wilcher, English, Priest & Owsley, Bowling Green, KY
 - Initial Chair, Frank Pogge
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Objective of Task Force


- Investigate if the concept of a “watershed approach” may still prove to be the path forward to improve the quality of the nation’s waters further



Previous NACWA Effort

- Crafted a federal legislative initiative:
“The Comprehensive Watershed
Management Act of 1993”

“our focus must shift to a more
comprehensive approach to clean water
goals”



Current Activities


- Released “Recommendations for a Viable and Vital 21st Century Clean Water Policy”, on October 18th, 2007

(www.nacwa.org > Clean Water Advocacy> Special Initiatives and Projects)

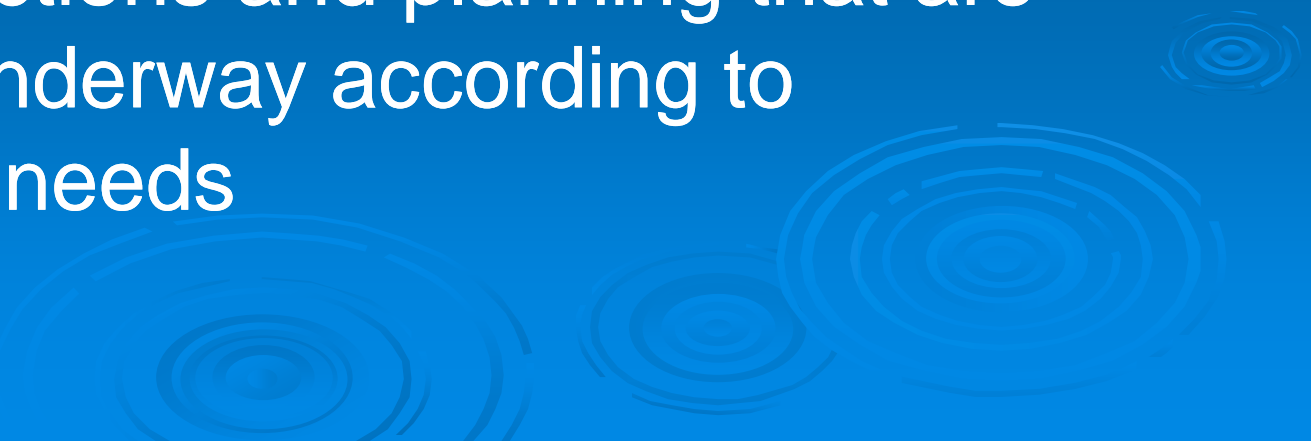
- Completed initial draft of the “21st Century Watershed Act



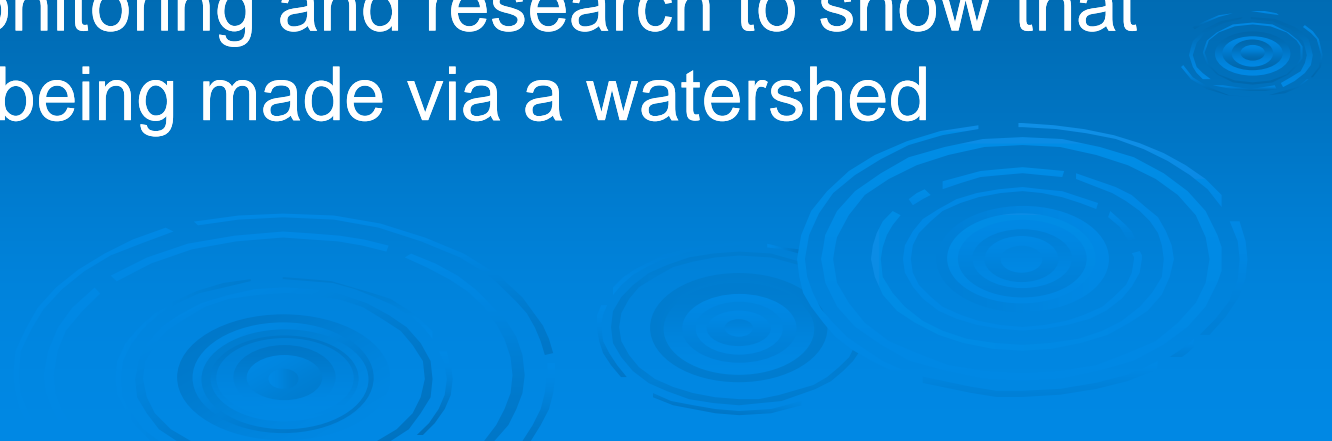
Recommendations (short term)

- Reinvigorate the watershed-based planning process – Section 208 CWA
 - Pursue new, more aggressive measures and funding to address needed controls on agricultural nonpoint sources
 - Promote adaptive implementation of WQ improvement measures based on valid science
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Recommendations (short term)

- Better utilize market-based approaches
 - Break down regulatory and enforcement silos within EPA's organization structure
 - Use a more appropriate sequence for establishing TMDLs
 - Prioritize actions and planning that are currently underway according to watershed needs
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Long Term Recommendations


- Establish a new water quality framework via a 21st century Watershed Act
 - Reorganize EPA to reflect this new watershed framework
 - Conduct monitoring and research to show that progress is being made via a watershed approach
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Must break down the traditional legislative and regulatory framework “silos” and develop a comprehensive, integrated watershed management approach!



Basic Premises

- If we continue doing the same thing, we will end up with the same result...
 - Can not successfully address the issues of today and tomorrow using the current set of tools
 - We do not want to lose the ground we have accomplished to date
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Overarching Framework

- The 21st Century Watershed Act (TCWA) is intended to be an “overarching Act”, built on some of the best elements of CWA, CAA, and other Acts
- Address water quality from an comprehensive, watershed perspective

Framework

- Focus on the principle tenants of 1972 Act
 - Protect and restore the physical, chemical, and biological integrity of the nation's waters
 - All sources and activities contributing to pollution of our waters and degradation of the health of our watersheds should be identified and addressed

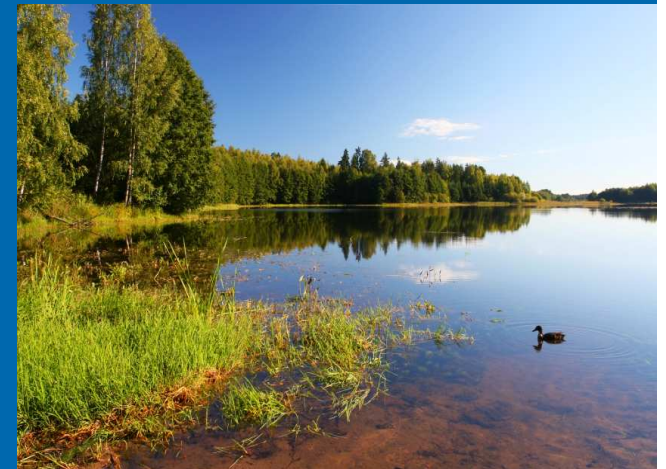
Opportunities Provided

- Integrated Water Resources Management
- “Water is Water”
- Local Prioritization
- Comprehensive, Innovative Solutions



General Provisions of TCWA

- Greater geographically based scope
 - The watershed, not the river segment
- Prioritization of issues
 - Nannograms vs. pounds vs. tons
- Broader stakeholder group
 - Urban, suburban, agriculture, forestry, air
- Cost-effective implementation
 - Collective efforts, biggest bang for the \$
- Greater emphasis on local conditions
 - Local watershed specific concerns and problems
- Expanded timeframe
 - 20 years



Specific Provisions of TCWA

- New FWPCA Sec 1331 – Watershed Quality Assessments
 - 5-year cycle
 - Chemical, physical and biological aspects
 - Identify background, naturally occurring, point sources, nonpoint sources, air deposition and land-based activities associated with adverse impacts

New Section 1331

- Identify a prioritization set of recommended action to improve water quality
- Create an Inter-Agency Task Force to provide long-term oversight of the watershed monitoring and watershed quality assessment activities
- Assessments shall be substituted for all purposes for the lists required to be developed under sections 305(b) and 303(d)

New Section 1332

- Establishes Watershed Quality Commissions
 - Established and appointed by Governor's
 - Shall represent broad interests
 - May be same entities created under Section 208

New Section 1333

- Each State shall submit a state watershed improvement implementation plan
- Develop watershed improvement implementation plans
 - 20 years to achieve excellent designation
 - Section 208 may serve as watershed improvement implementation plans, if all applicable requirements are met

New Section 1334

- Demonstrating Progress and Benefits
 - Grants to States and WQ Commissions, up to 60% of the costs
 - No Funds, if State fails to demonstrate progress towards achieving schedules in SWIIPs

New Section 402 (r)

- Extension of time shall be granted, not to exceed 10 years, if implementing innovative or alternative processes
 - Reasonably expected to be more cost-effective than traditional pollution control processes
 - Intended to provide benefits
 - Aesthetic or social benefits
 - Habitat improvement
 - Reduction of GHG
 - Increased recycling
 - Protection of endangered species

Other Provisions

- New Subsection 1254 (v)
 - Watershed research
- Authorization of Appropriations
 - \$500,000,000 for fiscal years 2009 to 2014

Obstacles

- Administrative and institutional fragmentation
- Adversarial tradition
- Active congressional oversight
- Open access for third parties to affect policy making (especially through the courts)

Delmas and Terlak, 2002

Opportunities

- Creating a new TCWA will be a cake-walk!
- *If we:*
- Explicitly recognize what is not working well,
- Identify and nurture the more promising trends that are underway, and
- Work more systematically to achieve change

Fiorino, 2006

Q&A



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