

**A New Proposed Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program**

The purpose of this document is to present for review and comment a new proposed long-term vision for the Clean Water Act Section 303(d) Program and associated goals for achieving that vision. In light of significant input from individual states, EPA in cooperation with the Association of Clean Water Administrators is committed to formulating this vision and these goals to help guide realization of our clean water goals in a manner that best reflects the lessons learned from the past two decades of implementation and anticipates the new challenges that are likely to present themselves in the coming years.

Why a New Vision Now?

The Clean Water Act Section 303(d) Program encompasses activities primarily focused around the identification and assessment of waters that are not meeting State water quality standards, as well as the development of the plans – known as Total Maximum Daily Loads (TMDLs) – to help guide restoration of those waters. In the past two decades the program has undergone a transformation from a somewhat unknown set of tools to a central area of focus for facilitating water quality knowledge and improvement. In many cases State application of these provisions of the Act were accelerated by external factors such as litigation, which is now largely behind us.

We have assessed, identified for restoration, and made public thousands of waters for which we previously did not know water quality condition. We are on the cusp of developing our 50,000<sup>th</sup> TMDL. We have measured and observed how well listing and TMDL results have been implemented on the ground, incorporated into control actions for point and nonpoint sources, improved water quality, and led to water quality restoration. The experience gained in assessing these waters and in pursuing individual TMDLs has not only contributed to the understanding and restoration of specific waters, but has also revealed where there are opportunities to make better strides toward water quality improvement and protection, both from an environmental standpoint as well as efficient program management. States and EPA program managers alike share a belief that we are at an opportune time to encourage evolution of the CWA Section 303(d) Program in some new and productive ways.

How Have We Gone About the Task?

EPA and State program managers launched the effort to develop a new vision and goals for the program in August 2011. Following a variety of discussions and meetings with program managers and staff, the States generated a comprehensive “wish list” that was distilled to seven key issue threads. Over the span of several months, State and EPA participants discussed these issue threads and formulated a working draft vision and six goal statements that will significantly contribute to achieving that vision. We are interested in hearing from stakeholders whether there are other considerations that need to be taken into account and how we could improve on the formulation of the vision and goal statements.

## **A New Proposed Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program**

***The Clean Water Act Section 303(d) Program provides seamless integration for activities to restore and protect the nation's aquatic resources, where the nation's waters have been assessed, restoration and protection objectives have been systematically prioritized, and Total Maximum Daily Loads and alternative approaches are being adaptively implemented to achieve water quality goals with the vibrant collaboration of States, federal agencies, tribes, stakeholders, and the public.***

**“Priorities” Goal Statement** For the 2016 integrated reporting cycle and beyond, States review, systematically prioritize, and report watersheds or waters for restoration and protection in their biennial integrated reports to facilitate State strategic planning for achieving water quality goals

**“Assessment” Goal Statement** By 2020, States identify the extent of impaired and healthy waters in each State's priority areas through site-specific assessments, as supplemented by on-going state-wide statistical surveys that have been initiated by 2014

**“Protection” Goal Statement** For the 2016 reporting cycle and beyond, States identify TMDL development prioritizations/schedules for healthy waters, as well as waters in need of restoration, in their integrated reports in a manner consistent with their systematic prioritization

**“Alternatives” Goal Statement** By 2018, States use alternative approaches, in addition to TMDLs, that incorporate adaptive management and are tailored to specific circumstances where such alternative approaches are best suited to address priority watersheds or waters and achieve the water quality goals of each state, including identifying and reducing nonpoint sources of pollution

**“Public Engagement” Goal Statement** 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

**“Coordination/Integration” Goal Statement** By 2016, EPA and the States identify and coordinate implementation of key actions that foster seamless 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

### ***Timeline for Goal Statements***

***2014 – Public Engagement***

***2016 – Priorities, Protection, Coordination/Integration***

***2018 – Alternatives***

***2020 – Assessment***

***2022 – Evaluate accomplishments of the vision and goals***

### Are There Examples of Existing State Efforts?

In each of these goal areas there are actions already underway in the States that reflect the new vision and highlight the interest and progress possible for the Program-- a sampling follows below.

### Alternatives

Washington's Department of Ecology has adopted a straight to implementation (STI) approach to restore certain impairments more quickly and cost-effectively than a traditional TMDL. In their experience, the STI approach can be a better fit where: pollution problems in a watershed have been identified and are caused by nonpoint sources, management practices that will solve the problems are known, State staff are available and dedicated to working on the STI, funds are available for post-implementation monitoring, and the agency has the authority and commitment to use enforcement actions if needed.

### Public Engagement

Minnesota released its first biennial Clean Water Fund Performance Report this February to help the public and legislators understand how State water quality dollars-- about \$85 million per year-- are being spent and what progress has been made. Eighteen performance measures describe the connections between program spending, actions taken, and outcomes achieved. Each measure has an "at a glance" ranking to show its current progress and trend, along with longer narrative information on why it is important, what work is being done, what progress has been made, and where to learn more. Stakeholder input was solicited throughout the measure development process and the suite of measures is expected to evolve over time.

### Coordination/Integration

Louisiana's Department of Environmental Quality (LDEQ) Integrated Report for the 2010 CWA Section 303(d) and 305(b) reporting cycle included some 175 waters impaired by nonpoint sources (NPS) and the State's NPS Management Plan set a goal to partially or fully restore 40 of these waters by 2016. To achieve this goal, LDEQ has developed and will implement a combination of TMDLs and detailed watershed implementation plans that identify where in these priority watersheds best management practices or other NPS controls should be implemented. Given the nature of the land use and pollutants, LDEQ is partnering with the United States Department of Agriculture (USDA), Louisiana Department of Agriculture and Forestry and the EPA to implement NPS BMPs and monitor water quality in the watersheds. As part of this partnership, federal funds from USDA Farm Bill Special Projects such as the Mississippi River Basin Initiative, Gulf of Mexico Initiative, National Water Quality Initiative and EPA Section 319 base and incremental funds have been targeted to these waters.

### What Are Some Important Considerations?

The New Proposed Vision and Goals are designed to help coordinate and focus EPA and State efforts to advance the effectiveness of the Clean Water Act Section 303(d) Program in the coming decade. States retain their existing flexibility to implement the Program consistent with their individual priorities. An additional level of detail regarding what specific efforts in particular years will lead to success in achieving the long term goals and vision will be a primary

topic for discussion at annual meetings among the States and EPA. There are also implications for reshaping relevant EPA Strategic Plan measures that reflect the new vision and goals.

#### What's Next?

Following an opportunity for stakeholders to comment on this proposed new vision and goals, EPA and the States will reconvene to consider those comments, make appropriate modifications, and proceed to adopt the vision and goals this fiscal year.

#### Who Are the Primary Points of Contact?

At EPA, primary points of contact for the effort are John Goodin, [goodin.john@epa.gov](mailto:goodin.john@epa.gov), and Eric Monschein, [monschein.eric@epa.gov](mailto:monschein.eric@epa.gov). For the States, primary points of contact include Tom Stiles, Kansas, [tstiles@kdheks.gov](mailto:tstiles@kdheks.gov), and Martha Clark Mettler, Indiana, [mclark@idem.in.gov](mailto:mclark@idem.in.gov).