

# Nutrients: I Thought They Were Good For You?

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# Overview:

## Are Nutrients Good For Anyone?

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- Current approaches
- Technical & legal issues
- Mounting litigation pressure
- Alternative approaches
- Where do we go from here?

# Current Approaches / Issues

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- 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

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- Federal ecoregional criteria
  - “Natural” reference sites
  - Most waters impaired
  - Not distinguished by water body type
  - Not connected to designated use support

# Current Approaches/Issues

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- 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

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

# Current Approaches / Issues

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- 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

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- 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

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- Technology approaches
  - State efforts in permitting and TMDLs
  - Secondary treatment petition: redefine to include nutrient removal?

# Where Do We Go From Here?

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- Water quality approaches haven't been effective
- Technology approaches questionable and costly
- Neither adequately addresses nonpoint contributions

# Where Do We Go From Here?

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- 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?

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- 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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