

# **305b/303d Workload Reduction Responses from the States**

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# Response to Workload Options

- 15 States Responded; 5 States on WG ~ 40% of the States
- Each Option generated very diverse responses
- No Option received consensus among the states
- A matrix presentation of the responses is too simplistic; much variation around common themes
- There was apparent pride of ownership in various states' assessment/listing processes
- Responses reflected different attitudes between practitioners of 305b assessments, 303d listing & TMDL developers

# Option 1: EPA Assume Responsibility for ADB

- Wide spectrum of views regarding ADB
  - Don't use it
  - Populate it, get no benefit from it
  - Use and benefit from it
- Control is an issue
- Quality Assurance and Proper Interpretation of WQ data and standards is an issue

# Option 1: ADB

- Many States use own Database, results can be input into ADB
- One state indicates ADB populating takes 4-5 weeks of staff time ~ > \$8000, this has no return for state
- Region VII has indicated dedicating one staff to translate KS 2008 IR into ADB elements
- Several states (GA, MI) are transitioning into using ADB for 2008 IR

# Option 1: Recommendations

- 1. Kansas will track performance of R7 staffer in translating IR info into ADB
- 2. Georgia and Michigan should track the changes in workload with transitioning into ADB for 2008, relative to developing 305b/303d in 2006.
- 3. New Mexico should track ease in developing 2008 IR using ADB

## Option 2: Rotating Basins

- Used in some manner in many states to guide monitoring
- In most states, is not seen as way to reduce workload  
~ Most states want to / must update whole list
- “All Existing and Readily Available Data” is near sacrosanct
- Public expects all data to be considered
- Volunteer groups generate a lot of data, expect them to be used

## Option 2: Rotating Basins

- Sometimes most new data come from basins in rotation, but does not exclude outside party/outside basin data
- Confounds delistings, remediation, time trend analysis
- FL leading the way in using rotating basins to formulate list, rationale for not submitting “AERAD”.

# Option 2 Recommendation

- Florida track ability to parse 303d list updates based on rotational basin data



# Option 3: Use of Cat 3

- Responses indicate two purposes:
  - Insufficient Data to make call
  - Uncertainty in data to reconcile debate (Option 3)
- Timeframe to move off Cat 3 is resource (monitoring) dependent
- OH moving waters off Cat 3 into Cat 5
- Defers handling of “threatened” waters
- Option generally supported by most states
- May not generate much relief in workload, but should expedite list submission/approval

# Option 3 Recommendations

- 1. Ohio give a conference call presentation on how Category 3 influences monitoring follow-up.
- 2. All States document entries into 2008 Category 3 for the purpose of *deferring arguments on listing status for later time*

# Option 4: Watershed Listings

- Largely negative reaction
- Response flavored by viewing it from 305b assessment or 303d listing perspective
- Watersheds overstate number of assessed waters and their condition
- Not all monitoring stations located at watershed outlet, moving resisted
- Many impairments localized
- Confounds public information on status of waters
- Confounds treatment of dischargers

# Option 4: Watersheds

- **Ohio lists by watershed**
  - HUC 10 basis since 2002
  - Working down to HUC 12s in 2010
  - Assists transition from listing to TMDL
- **Kansas lists by watershed**
  - Aggregates of HUC 14s (HUC 12)
  - Done in recognition that TMDLs were done on watershed basis
  - Just spent 3 weeks of staff time trying to reconcile segments with watersheds for Region
- **NJ looking at HUC 14 listings, provided stations are representative of watershed**
- **Potential Benefit: *Robison* – Defers significant nexus determinations for segments**

# Option 4 Recommendation

- 1. Ohio, Kansas and New Jersey track public response to using watersheds for listing and fallout to other CWA programs: NPDES permitting, 319 priority watersheds

# Option 5: Liberalizing Cat 4B

- Subject of separate ASIWPCA survey and October conference call
- Perception is it's easier to do a TMDL than justify a 4B
- Most 4Bs to date have been NPDES permits
- One state couldn't use RCRA/CERCLA; another state could
- One state could not hold 4B water between 2004 and 2006, per EPA
- Strong sense among States that 4B was to be used selectively, where ongoing, significant efforts were underway, not on the basis of potential

## Option 5: 4B

- Generally supported option, unless documentation and tracking is too burdensome
- Eight years might be insufficient to show improvements in some NPS/Invasive Species impairments
- WA has used 4B successfully, although more as documenting successful efforts than as alternative to TMDL
- Questions remain over “Requirements required”
- EPA 4B thought process in evolution (mutation?)

# Option 5 Recommendations

- 1. All States push the envelope on non-NPDES 4B entries, track required documentation and Region response
- 2. EPA compile list of Non-NPDES 4B successes, including timeline of process from state submission to EPA approval and necessary documentation



# Option 6: 4 or 5 year Cycle

- Surprisingly muted responses
- Many states wish to keep 2 year cycle so information is current
- 303d is often subset for 305b, so no relief unless CWA revised
- Cycle extension can lead to
  - Delayed remediation
  - Permitting problems
  - Lost support for monitoring investments
  - No contemporary assessment of new loadings

## Option 6: 4/5 yr Cycle

- Most TMDL developers favor extended cycle, focuses on action rather than listing
- With tie-in with 305b, only relief is no public involvement and no EPA review in interim.
- If other options are used, this option is less necessary
- Timely review and approval is more beneficial

# Option 6 Recommendations

- 1. EPA evaluate policy/program implications of going to a 4 year IR cycle
- 2. EPA track Regional review and approval performance of 2008 lists

# Response to Other Options

- 3 Other Options garnered a number of responses:
  - #9 – Computer Assisted Assessments
  - #10 – Federal Responsibility for Completing National WQ assessment
  - #13 – Continuous Listing Process

# Computer Assisted Assessments

- Good Decision Support System, if designed right
- Vulnerable to becoming burdensome, e.g. ADB type issues
- Diversity among States in methodologies and WQS defies uniform approach
- Not applicable to all stages of data management (QA, age, representativeness)
- Number of States have made investments in this
- Number of States are fledging in this area

# Federal WQ Assessment

- General response was States are better suited, more familiar with waters, understand WQS nuances and data issues
- Would focus States toward 303d issues
- Possible outcome of ADB management
- Would likely require CWA revision
- May be a need to perform on major interstate streams

# Continuous Listing Cycle

- Sometimes *de facto* situation because of rulemaking or ongoing conflicts with region
- Many viewed as too burdensome and may increase workloads
- May lead to public confusion over status
- Would spread work out over year, rather than episodic crashes every two years.

# Recommendations

- 1. Hold a conference call presentation by states with strong data management systems (NH, FL, LA, WA) to describe necessary investments
- 2. EPA work with Interstates on assessing major interstate river WQ
- 3. WA and FL document how assessment/listing process occurs year by year
- 4. ASIWPCA continue to push for federal funding for monitoring, assessment and listing (but not re-routed 106\$)



# Next Steps

- 1. Work Group come together in December to discuss white paper, using this ppt as initial outline
- 2. Contact and get consent of targeted States for 2008 option tracking
- 3. Follow up in Summer on use of options
- 4. Follow up on number of April 1 Submissions
- 5. Follow up on Regional responses
- 6. Generate recommendations for 2010 in Fall 2008