

The need for stakeholder representation in the TMDL process

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Summary: The need for stakeholder representation in the TMDL process

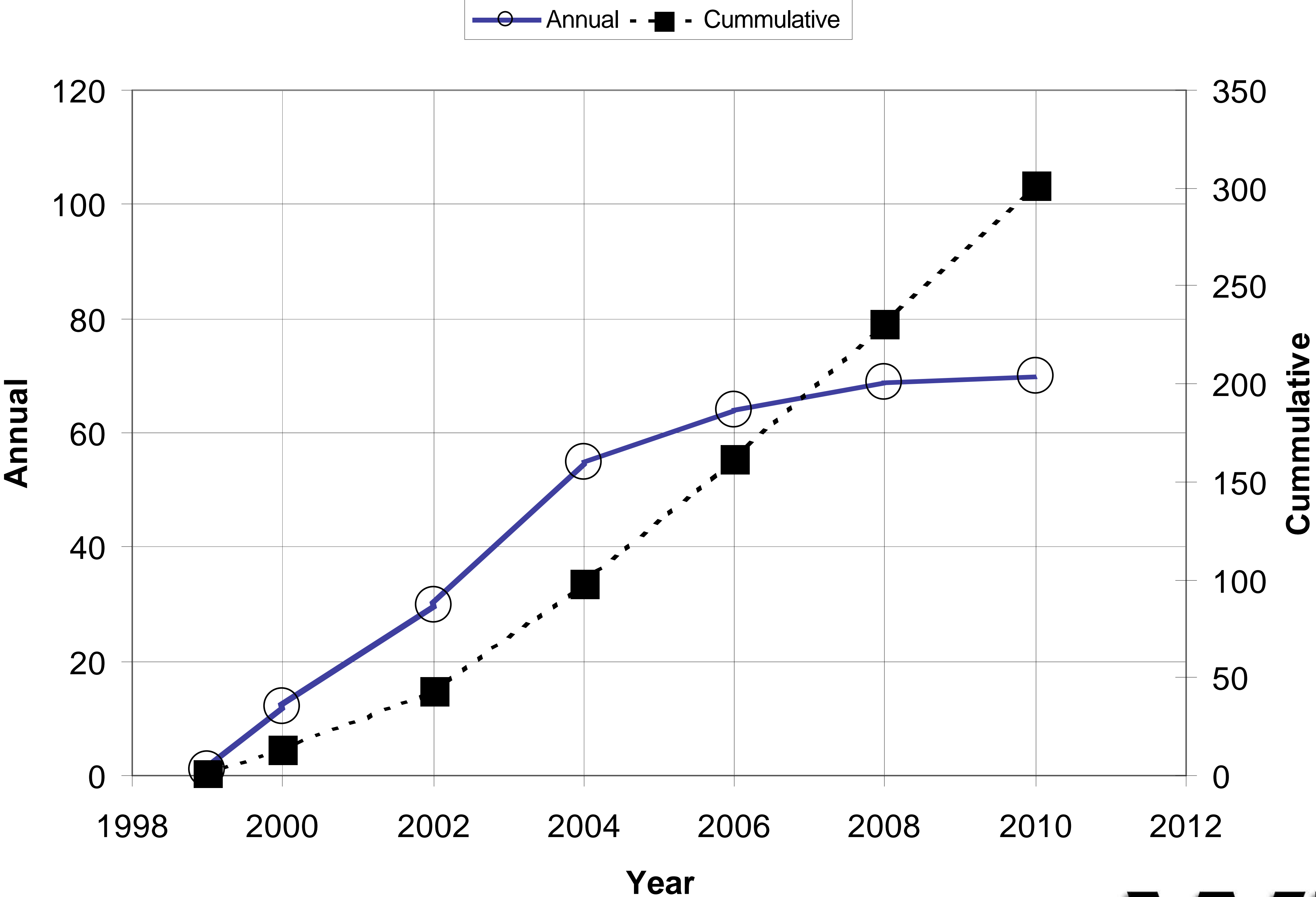
Development of Total Maximum Daily Load (TMDL) estimates is a mandate of the U.S. Clean Water Act (CWA). Under the CWA, states, with EPA guidance and approval, determine water quality standards, list streams not meeting these standards, and develop plans (TMDL's) for how to bring non-attaining streams into compliance with the established standards.

Implementation of TMDL's may require more stringent limits on NPDES permits, a reduction in loads from nonpoint sources, or other remedies. It is important for stakeholders to be both informed about how a TMDL may affect them, and involved throughout the TMDL process. This presentation will focus on why it is important for citizens, the regulated community, and landowners to involve themselves in the TMDL process. Their involvement may come through either direct participation, or through professional representation.

History

- Clean Water Act (CWA) – enacted 1972 + amendments
- CWA requires
 - Permitting
 - Standards
 - Listings
 - TMDL's
- Litigation
- MOU's consent decrees & timetables
 - Virginia consent decree
 - 12 TMDL's completed in 2000
 - 30 TMDL's completed in 2002
 - 55 TMDL's completed in 2004
 - total by 2010 of 300 (+ another 260 for shellfish waters)

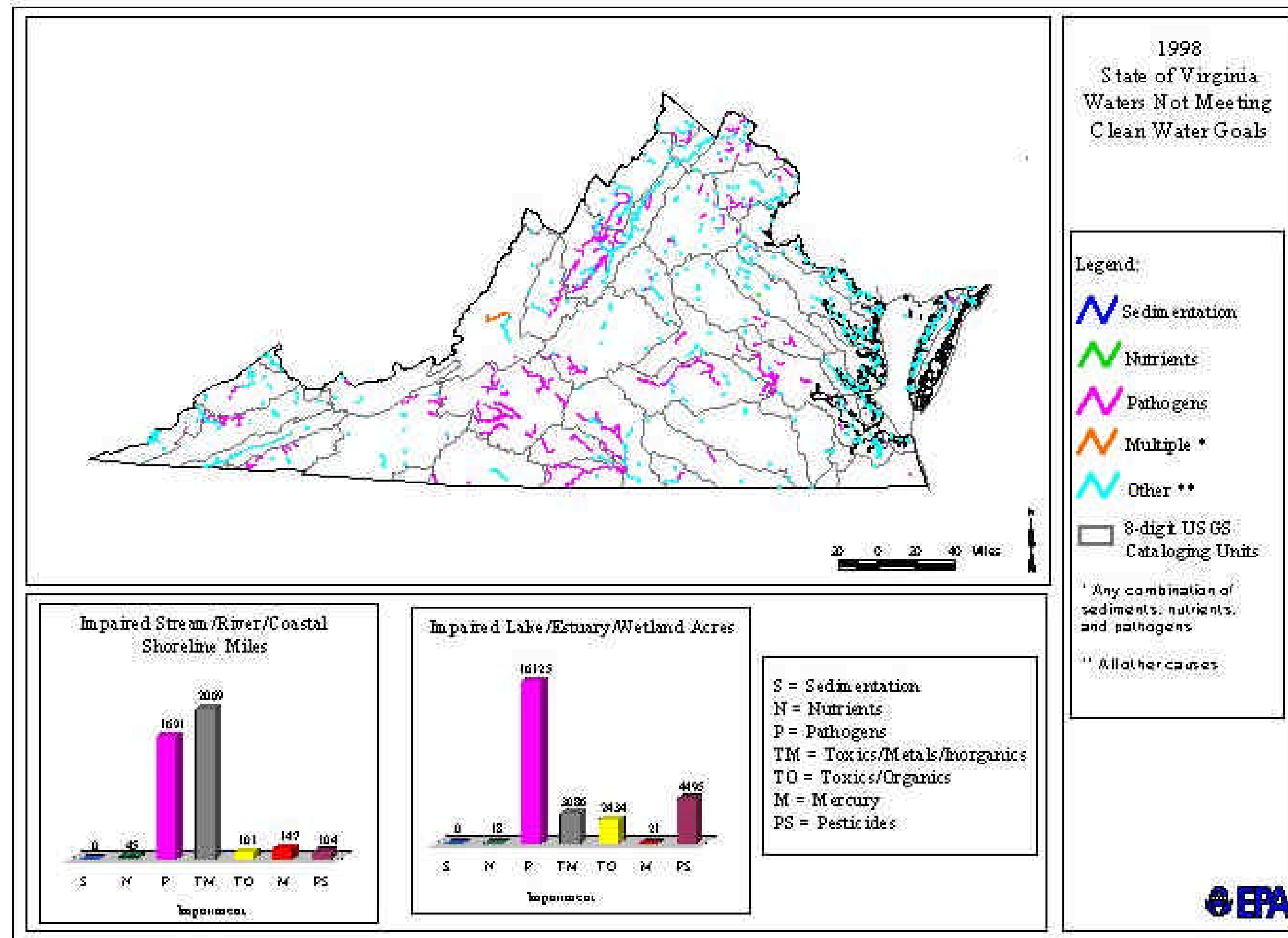
Consent Decree - Number of TMDL's



Def

- Water Quality Standards
 - uses
 - criteria
 - narrative
 - numerical
- Use impairment
- Listed stream/watershed
- $\text{Load} = \text{Concentration} * \text{Flow} = (\text{mass/volume}) * (\text{volume/time})$
- $\text{Load} = \text{mass/time}$

Impaired Virginia Streams

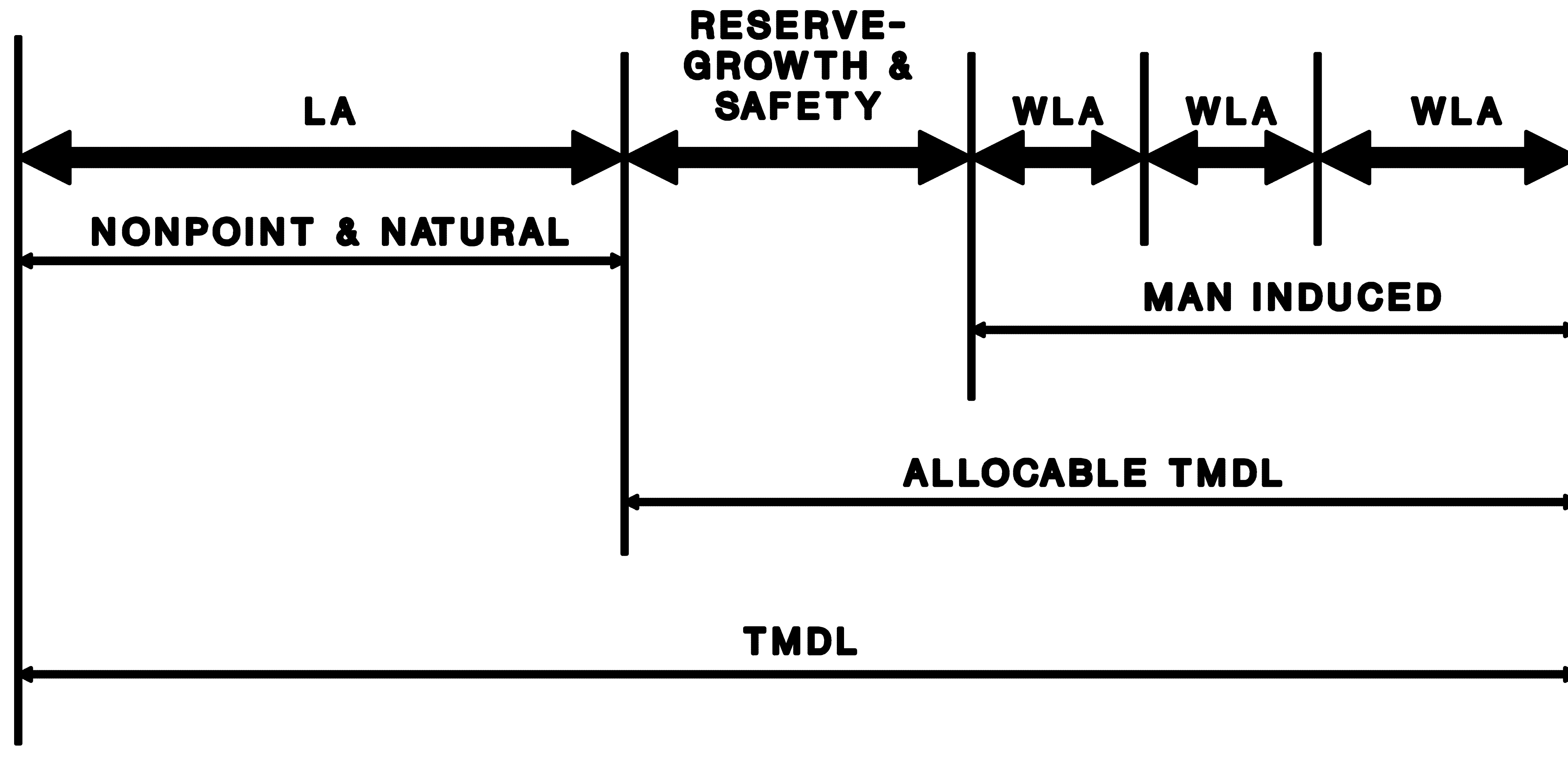


<http://www.epa.gov/owow/tmdl/states/vamap.html>

More Def

- TMDL - Total Maximum Daily Load (defined and required by the CWA)
- TMDL is the highest load which can discharge into a stream without violating water quality standards
- Sharing the load
 - wasteload allocation - equitably splits the available TMDL between point sources
 - load allocation - share of load to nonpoint source
 - MOS or margin of safety is required by EPA

TMDL Allocation



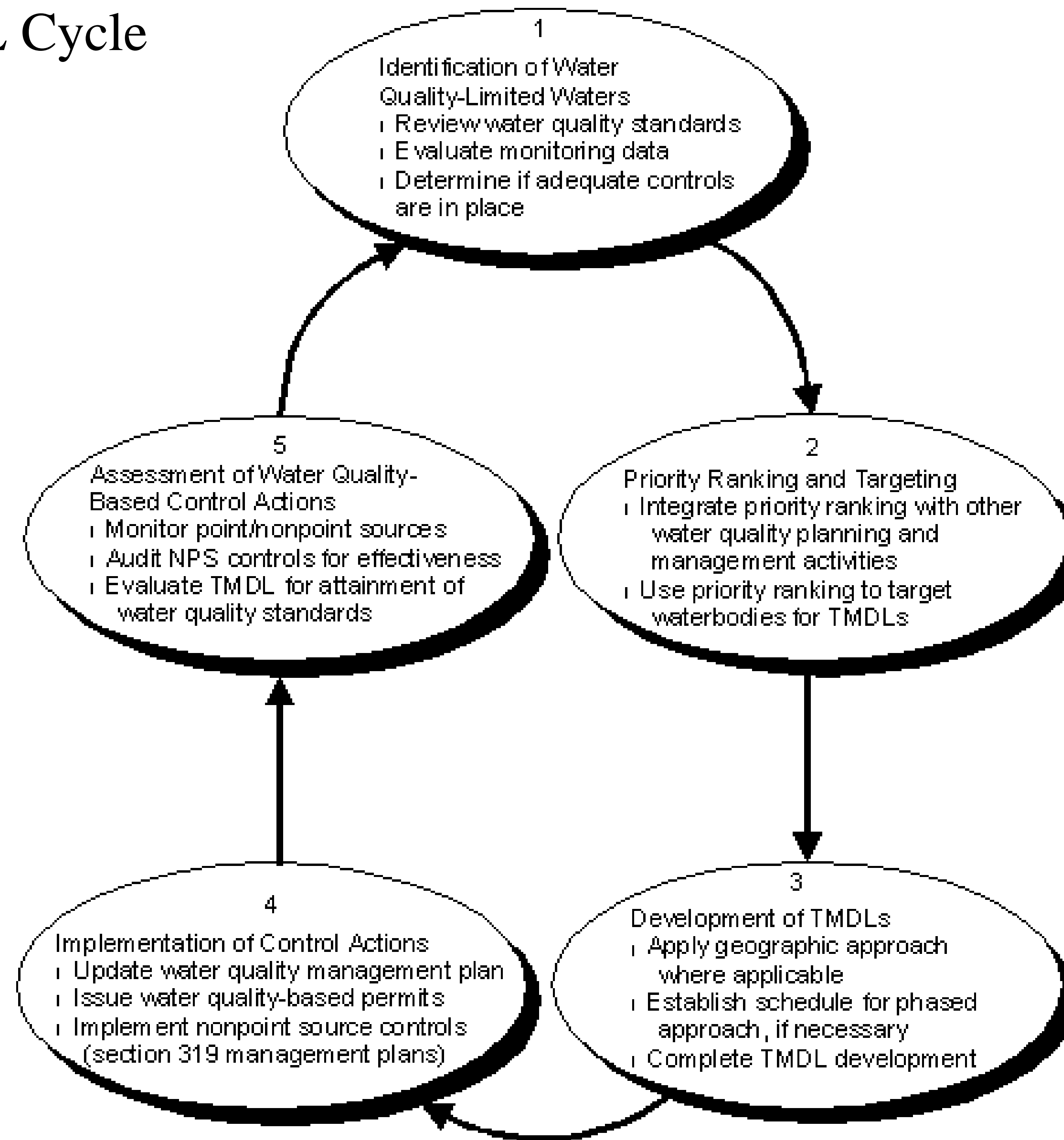
The TMDL Process

- 1. Identify **limited** waters still requiring TMDLs.
- 2. Priority ranking and targeting.
- 3. TMDL development.
- 4. Implementation of
- 5. Assessment of **control** actions

Reference: EPA "Guidance for Water Quality-Based Decisions: The TMDL Process"



The TMDL Cycle



Reference: EPA "Guidance for Water Quality-Based Decisions: The TMDL Process"

Who are the *stakeholders*?

- Permitted dischargers
 - Municipal
 - Industrial
 - Urban stormwater
- Nonpoint source contributors
 - Urban
 - residential
 - commercial
 - agricultural
- Citizens, individually and through organizations

Often, large private interests ARE involved and represented!



Why is TMDL involvement important?

- There are technical issues and concerns best known by stakeholders
- Early involvement may avoid bureaucratic and legal intransigence
- Anti-backsliding - backsliding on permits (setting less stringent limits) is not allowed under the CWA
- EXAMPLE - Lafayette, Louisiana
 - seasonality
 - multiple NPDES discharges
- EXAMPLE - Crowley, Louisiana
 - constructed wetland treatment could not meet ammonia limits

How to get involved

- Keep informed
 - internet
 - professional societies
 - publications
- Meet with state agencies - Virginia DEQ and DCR
- If you have a permit, talk with state and EPA permit writers
- Attend public meetings, voice concerns
- Discuss concerns with state representatives and congressmen
- Hire environmental and/or legal representation

For more inf

- EPA TMDL Program web page
<http://www.epa.gov/OWOW/tmdl/index.html>
- EPA Surf Your Watershed <http://www.epa.gov/surf/>
- Virginia Department of Conservation & Recreation
<http://www.state.va.us/~dcr/>
- Virginia Department of Environmental Quality
<http://www.deq.state.va.us/>
- Virginia Water Environment Association
<http://www.cvco.org/science/vwea/#homepage>
- Virginia Water Resources Research Center
<http://www.vwrrc.vt.edu/>