

Excerpts from the November 8, 2012 *Nonpoint Source Program and Grants Guidelines for States and Territories Pertaining to Integration of the Section 319 and TMDL Programs to Address Nonpoint Sources*

Section IX. F. on TMDL Development Activities (Specific Requirements for TMDLs developed with 319 Funding)

NPS program funds may be used for the development of NPS-only and mixed source TMDLs, provided that the TMDLs completed include the following elements: (1) total NPS existing loads and total NPS load reductions required to meet water quality standards, by source type; (2) a detailed identification of the causes and sources of NPS pollution by source type that will need to be controlled to achieve the load reductions required by the TMDL; (3) a description of the NPS management measures to be implemented by source type; and (4) an estimate of the load reductions by source type, expected for the NPS management measures identified. For these elements, sources that need to be controlled should be identified at the significant subcategory level (e.g., X number of dairy cattle feedlots need upgrading; Y acres of row crops needing improved nutrient management or sediment control.)

While this level of detail is not specified for TMDLs generally, EPA believes that for purposes of efficiency and program efficacy, TMDLs developed with funds intended for NPS pollution control should have maximum utility for informing and facilitating the implementation of NPS watershed projects. This requirement will facilitate the development of WBPs by providing a sufficiently detailed assessment to comprise elements (a) and (b), and parts of element (c) of the WBP, at least for the portions of the watershed to which the TMDL applies. (See appendix C for a description of these elements.) This will also promote greater efficiency in integration of TMDLs and WBPs in that states will be able to directly incorporate the TMDL analysis into the WBP, adding elements (d) through (i) to complete the plan.

EPA encourages state NPS staff to work with state TMDL staff during TMDL development. NPS staff can bring knowledge of BMP effectiveness and feasibility, to ensure that NPS load reduction goals in the TMDL are achievable. Additionally, coordination between the two programs will provide a smoother transition from development of the TMDL to its implementation.

Section II. D. ii. on Listing and TMDL Program

Under § 303(d) of the Clean Water Act, states must develop a list of "water quality limited segments" still requiring TMDLs. "Water quality limited segments" are segments where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-based effluent limitations required by § 301(b) and § 306 of the Clean Water Act. States must develop TMDLs for waters on the § 303(d) list of impaired or threatened waters. The TMDL calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that particular pollutant. TMDLs calculate wasteload allocations for point sources and load allocations for nonpoint sources.

Because implementation of the load allocations established by these TMDLs is not enforceable under the Clean Water Act, for waters impaired solely or partly by nonpoint sources, the primary implementation mechanism is generally the state NPS management program coupled with state, local, and federal land management programs and authorities. Thus, the § 319 program is an important mechanism to implement TMDLs and restore the impaired waters listed under § 303(d) where NPS pollution is a contributor to the water quality impairment. EPA believes that implementation of these TMDLs can best be achieved through the development of WBPs that incorporate information from TMDLs that have been developed in the watershed. The implementation of WBPs has been and continues to be one of EPA's highest priorities for the use of § 319 funds.

EPA encourages states to coordinate their TMDL, CWA § 106, and § 319 programs to align priorities and leverage resources available for assessment, planning, and implementation of water quality restoration projects. In particular, EPA encourages states to coordinate their efforts to develop and implement WBPs with state and EPA efforts to develop and implement TMDLs. This is particularly valuable when water quality models for determining TMDLs include the ability to run various best management practices (BMP) treatment scenarios. Local watershed organizations may both gain a better understanding of modeled watershed processes and contribute important local knowledge in the timing and selection of management measures. States may benefit from integrating TMDL and WBP development in terms of monitoring costs and expenses associated with contractors, meetings, and outreach. This integration may pose a challenge because TMDLs can be developed at varying watershed scales or for single segments, while the scope of WBPs often target a planning area at the HUC-12 watershed level or larger. Development of TMDLs on a watershed basis can effectively and efficiently address TMDL development commitments as well as facilitate integration with the § 319 program activities. Thus states are encouraged to use the tools and information provided in EPA's Draft *Handbook for Developing Watershed TMDLs* to determine the appropriateness of using the watershed approach in TMDL development (www.epa.gov/owow/tmdl/pdf/draft_handbook.pdf). Section IX.F specifies requirements for TMDLs developed with § 319 funding.