



ENVIRONMENTAL LAW INSTITUTE®

AN INDEPENDENT, NON-PARTISAN ENVIRONMENTAL EDUCATION AND POLICY RESEARCH CENTER.

2013 NATIONAL TRAINING WORKSHOP ON CWA 303(d) LISTING & TMDLS

A LONG-TERM VISION FOR ASSESSMENT, RESTORATION, AND PROTECTION UNDER THE CWA SECTION 303(d) PROGRAM

National Conservation Training Center
Shepherdstown, West Virginia
April 2-4, 2013

TRAINING WORKSHOP AGENDA

**This project made possible through a cooperative agreement with the
United States Environmental Protection Agency**

PURPOSE OF THE TRAINING WORKSHOP

To provide an opportunity for state, tribal, and territorial participants from Clean Water Act Section 303(d) Listing and TMDL Programs—along with their federal counterparts—to learn about, discuss, and inform the development, structure, and plan for implementation of the Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program.

WORKSHOP OBJECTIVES

- Advance **mutual understanding** among the states, tribes, territories, and EPA about the expectations of, means of implementing, and challenges to accomplishing the goals of the ten-year vision.
- Present new and adapt existing **strategies and tools** to use in applying the vision in the particular context of a given state, tribe, or territory.
- Learn how to define **success** for each of the vision goals.
- Learn about and refine the **incremental milestones found in the draft national implementation plans** for accomplishing the vision goals.
- Discuss and inform the development of potential **program measures** of success.
- Enhance the **network of listing and TMDL professionals** by expanding and improving communication among the states, tribes, and territories; identifying experts on specific topics; and promoting the sharing of resources and better understanding of experiences.

OUTPUTS

No. 1: A final report summarizing presentations and discussions from the training workshop. The report will include a summary of individual input from workshop participants and will serve as a reference for program personnel refining the draft national implementation plans for each of the vision goal statements.

No. 2: A document presenting a menu of potential strategies for states, tribes, and territories to achieve each vision goal and applicable milestones.

AGENDA

Monday, April 1

Arrival, Check-In, & Registration

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|-------------------|---|
| 3:00 pm – 8:00 pm | NCTC Check-In and Training Workshop Registration Main Lobby Murie Lodge |
| 5:30 pm – 7:00 pm | Dinner Commons Dining Room |
| 8:00 pm – 9:00 pm | Informal Welcome Murie Lodge Lounge Area |

Tuesday, April 2

Training Workshop Day 1

6:30 am – 7:45 am Breakfast
Commons Dining Room

8:00 am – 9:00 am **Welcome, Introductions, Updates, and Training Workshop Overview**
Auditorium

Greeting and Introductions

Bruce Myers, ELI

Opening Remarks

John Cruden, ELI

Broader Context of CWA Issues

Tom Wall, EPA

Training Workshop Overview

Adam Schempp, ELI

9:00 am – 10:15 am **Session #1**
A Ten-Year Vision for the CWA 303(d) Program
Auditorium

The Ten-Year Program Vision

John Goodin, EPA

Tom Stiles, KS

Alexandra Dunn, ACWA

Facilitated Discussion

Session #1 Outcomes:

- *Participants will learn about what the Program vision is, why and how it was developed, and who participated in the process.*
- *Participants will learn about various categories of measures and their significance in this workshop.*

Discussion Questions: How will the vision make the CWA 303(d) program different from what it has been? What should the CWA 303(d) program be?

10:15 am – 10:45 am Morning Break

10:45 am – 12:30 pm

Session #2
Prioritization
Auditorium

Goal: 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.

Session Coordinator
Tom Stiles, KS

Facilitated Discussion

Session #2 Outcomes:

- *Participants will learn about the national implementation plan for the prioritization goal and identify potential refinements.*
- *Participants will share ideas of how they would implement the prioritization goal.*
- *Participants will identify and learn about milestones for achieving and tracking progress toward the prioritization goal.*

Discussion Questions: What programmatic practices (policy, procedure, science, etc.) are states, tribes, and territories using to establish priorities for the CWA 303(d) program? How might these existing practices be adapted to accomplish the vision prioritization goal? What is the relationship between prioritization and the integration and protection goals? What should be the milestones for tracking progress toward the prioritization goal? What options should be used for achieving the goal and its milestones? How should success in accomplishing the prioritization goal be defined?

12:30 pm – 1:15 pm

Lunch
Commons Dining Room

1:30 pm – 3:00 pm

Session #3
Protection
Auditorium

Goal: For the 2016 reporting cycle and beyond, in addition to the traditional TMDL development priorities and schedules for waters in need of restoration, states identify protection planning priorities and schedules for healthy waters, in a manner consistent with each state's systematic prioritization.

Session Coordinator
Julie Espy, FL

Facilitated Discussion

Session #3 Outcomes:

- *Participants will learn about the national implementation plan for the protection goal and identify potential refinements.*
- *Participants will share ideas of how they would implement the protection goal.*
- *Participants will identify and learn about milestones for achieving and tracking progress toward the protection goal.*

Discussion Questions: What does “protection” of healthy waters mean to you? Is there better terminology than “healthy waters”? What means of prioritizing protection may accomplish the goal? What tools (e.g., biological condition gradient) do states, tribes, and territories presently use or think would be helpful in implementing the protection goal? Is 2016 a realistic year to begin reporting? Should those who are further ahead be encouraged to report earlier? What are the implications of including healthy waters protection in the IR reporting? What should be the milestones for making progress toward the protection goal? How should success in accomplishing the protection goal be defined?

3:00 pm – 3:30 pm

Afternoon Break

3:30 pm – 5:00 pm

Session #4
Assessment
Auditorium

Goal: By 2020, states identify the extent of impaired and healthy waters in each state’s priority areas through site-specific assessments, which may be supplemented by on-going state-wide statistical surveys that have been initiated by 2014.

Session Coordinator
Martha Clark Mettler, IN

Facilitated Discussion

Session #4 Outcomes:

- *Participants will learn about the national implementation plan for the assessment goal and identify potential refinements.*
- *Participants will share ideas of how they would implement the assessment goal.*
- *Participants will identify and learn about milestones for achieving and tracking progress toward the assessment goal.*

Discussion Questions: For assessment purposes, how do you define “healthy” waters? Considering your potential priority areas, how well does this goal fit with your current monitoring and assessment protocols? Can you accomplish this goal by just doing what you are doing, or are additions or tradeoffs necessary? How well do statistical surveys fit with this goal? What is the role of effectiveness monitoring to assess the change in condition of priority waters? What milestones will show progress toward the assessment goal? How should success in accomplishing the assessment goal be defined?

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|-------------------|-------------------------------|
| 5:00 pm – 6:00 pm | Open |
| 6:00 pm – 7:00 pm | Dinner Commons Dining Room |
| 7:30 pm – 8:30 pm | Bonfire |

6:30 am – 7:45 am Breakfast
Commons Dining Room

8:00 am – 10:00 am **Session #5**
Alternatives
Auditorium

Goal: By 2018, states use alternative approaches, in addition to TMDLs, that incorporate adaptive management and are tailored to specific circumstances where such approaches are better suited to implement priority watershed or water actions that achieve the water quality goals of each state, including identifying and reducing nonpoint sources of pollution.

Session Coordinator
Traci Iott, CT

Facilitated Discussion

Session #5 Outcomes:

- *Participants will learn about the national implementation plan for the alternatives goal and identify potential refinements.*
- *Participants will share ideas of how they would implement the alternatives goal.*
- *Participants will identify and learn about milestones for achieving and tracking progress toward the alternatives goal.*

Discussion Questions: What does “alternative to a TMDL” approach mean to you? What programmatic practices or policies support the use of TMDL alternatives? Should similar emphasis be placed on exploring and promoting approaches that address waters assigned to Category 4c? How can the reporting method provide flexibility in tracking non-TMDL approaches and still be consistent with the CWA 303(d) regulations that call for listing of impaired waters in Category 5 until a TMDL is developed? What are the key intersections of this alternatives goal with those regarding prioritization, protection, and integration? What should be the milestones for making progress toward the alternatives goal? Is it important to engage non-EPA and non-state technical and resource groups and other federal agencies to achieve this goal? How should success in accomplishing the alternatives goal be defined?

10:00 am – 10:30 am Morning Break

10:30 am – 12:00 pm

Session #6
Integration
Auditorium

Goal: By 2016, EPA and the states identify and coordinate implementation of key point source and nonpoint source control actions that foster effective 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

Session Coordinator
Jeff Berckes, IA

Facilitated Discussion

Session #6 Outcomes:

- *Participants will learn about the national implementation plan for the integration goal and identify potential refinements.*
- *Participants will share ideas of how they would implement the integration goal.*
- *Participants will identify and learn about milestones for achieving and tracking progress toward the integration goal.*

Discussion Questions: Should states, tribes, and territories and EPA integrate CWA programs first before integrating the CWA 303(d) program with other EPA programs and other agencies, or should they occur simultaneously? By what means could CWA 303(d) programs coordinate integration across CWA programs, other programs, and the water quality efforts of other federal agencies? What should be the milestones for making progress toward the integration goal? What options are there for achieving the goal and the milestones? How should success in accomplishing the integration goal be defined?

12:00 pm – 12:45 pm

Lunch
Commons Dining Room

1:00 pm – 2:30 pm

Session #7
Vision Goal & Programmatic Measures
Auditorium

Session Coordinator
Jeff Risberg, MN

(1) Measures Sideboards

Tatyana DiMascio, EPA-ORISE

(2) Tracking Minnesota's Clean Water Fund Effectiveness

Jeff Risberg, MN

Facilitated Discussion

Session #7 Outcomes:

- *Participants will identify and learn about potential measures to be used for implementation of each of the vision goals.*
- *Participants will identify and learn about how the vision goals may be used as measures for overall program success at the national and state, tribal, and territorial levels.*

Discussion Questions: What is the audience for vision goal measures, the public or just EPA, and how easy should the measures be to convey? What measures should be used for implementation of the vision goals? What pieces of vision goal statements (and their measures) could be used as measures for overall state, tribal, and territorial program success? What would a national measure for the long-term success of the CWA 303(d) program look like?

2:30 pm – 3:00 pm

Afternoon Break

3:00 pm – 4:30 pm

Session #8
Engagement
Auditorium

Goal: 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

Session Coordinator
Lee Currey, MD

Facilitated Discussion

Session #8 Outcomes:

- *Participants will learn about the national implementation plan for the engagement goal and identify potential refinements.*
- *Participants will share ideas of how they would implement the engagement goal.*
- *Participants will identify and learn about milestones for achieving and tracking progress toward the engagement goal.*

Discussion Questions: What does “engagement” mean to you? Should EPA and states, tribes, and territories together develop a *common* programmatic message (e.g., “brand”) on what the CWA 303(d) program is doing or can do? How can states, tribes, and territories manage expectations of the public and stakeholders on what the CWA 303(d) program can or cannot accomplish? What are the tools or methods that you use to engage the public and stakeholders, and at what level – from staff up to elected officials? What are the costs or trade-offs resulting from engaging others (e.g., time and resource requirements)? What milestones are needed to help states, tribes, and territories achieve the engagement goal? How should success in accomplishing the engagement goal be defined? How could success be measured?

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|-------------------|---|
| 4:30 pm – 6:00 pm | Open |
| 6:00 pm – 7:00 pm | Dinner Commons Dining Room |
| 7:00 pm – 8:00 pm | Informal Evening Gathering Murie Lodge Lounge Area |

6:30 am – 7:45 am Breakfast
Commons Dining Room

8:00 am – 10:00 am **Session #9**
Draft Implementation Plans & Menu of State Options
Auditorium

Session Coordinators
Tom Stiles, KS
Traci Iott, CT
John Goodin, EPA

Facilitated Discussion

Session #9 Outcomes:

- Participants will identify and learn about options to be included on a menu for achieving each vision goal.
- Participants will identify and learn about the format for tech transfer and communicating the draft national implementation plans and state, tribal, and territorial actions.

Discussion Questions: What refinements could be made to the draft implementation plans for the vision goals? What options should be included on a menu for achieving each goal and workplan milestones?

10:00 am – 10:30 am Morning Break

10:30 am – 12:00 pm **Final Discussion and Training Workshop Wrap-Up**
Auditorium

Plenary Discussion

EPA Remarks

John Goodin, EPA

Final Discussion Outcomes:

- *Participants will review the major conclusions from each of the previous sessions and identify next steps.*

12:00 pm – 12:45 pm Lunch
Commons Dining Room

NCTC Check-Out & Departure

1:00 pm

Departure of Shuttle Bus for Dulles Airport
Murie Lodge