CWA 303(d) Program Vision – Alternatives

Menchu Martinez
Watershed Branch, EPA HQ
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Overview

- Alternatives in the context of the CWA 303d Vision
- Elements to consider to support use of an alternative restoration approach
- Distinction between alternatives under category 5 and category 4b
- Alternatives under the new measures
- Sub-category 5-alt
Alternatives under CWA 303(d) Vision

Alternative Restoration Approach

- Intended for impaired waters
- **Plan pursued in the near term** that in its totality is **designed to attain WQS**
- Under certain or unique circumstances, may be more effective tool to achieve WQS **more rapidly** than TMDLs
- States and EPA to work together to determine which is the more effective tool to pursue in near-term to achieve WQS

Impaired Waters with Alternative Restoration Approaches

- Shall **remain on the CWA 303(d) list**
  - Except for 4b waters – more on that later
- Shall **require TMDLs** until WQS are met
  - May be assigned lower priority for TMDL development but TMDL development not deferred indefinitely
  - Expect to address impairment more rapidly than TMDL
The Devil’s in the Details 😊

- Main challenge ➔ Description supporting alternatives to show:
  - How alternative is designed to meet WQS; and,
  - How alternative is expected to address impairment more rapidly

- Why is this important?
  - Provides transparency to the public on the purpose of using alternative ➔ getting to WQS more rapidly
  - Facilitates stakeholder engagement
But What Details -- Is there a Recipe?

Suggested elements of alternative approach to consider:

1. Identification of water segments/waters and sources
2. Analysis showing that implementing alternative would achieve WQS
3. Action Plan or Implementation Plan with: a) commitments that address all sources; and, b) a schedule of actions to meet WQS with clear milestones and dates
4. Funding opportunities to immediately implement the alternative
5. Identification of all parties committed, and/or additional parties needed
6. Date upon which WQS are expected to be achieved
7. Plans for effectiveness monitoring to: a) demonstrate water quality progress; b) identify needed improvement for adaptive modification, and, c) evaluate the success of actions and outcome.

That’s a lot of ingredients! -- But, wait, it is not a checklist.

- Likely to be case-specific
- Length and scale of description depends on the severity of pollution; impaired designated uses; nature of impairment, sources, and pollutants; and other factors
- Not one size fits all!
## Distinction between Alternatives under Category 5 and Category 4b

<table>
<thead>
<tr>
<th>Alternative under Category 5</th>
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<tr>
<td>- Water remains in category 5, and TMDL is still required</td>
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<tr>
<td>- No demonstration of ‘other pollution control requirements’ to meet WQS</td>
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<td>- EPA review of list is not affected by EPA review of alternative</td>
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<table>
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<th>Category 4b</th>
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<tr>
<td>- Water is not listed or delisted</td>
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<tr>
<td>- Sufficient demonstration that there are ‘other pollution control requirements’ to meet WQS</td>
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<td>- EPA reviews and approves water’s delisting from category 5</td>
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Alternatives under the new measures

- For measure purposes **only**, EPA reviews description that alternative plan is designed to meet WQS
  - Note: this is separate from EPA review of the list

- If EPA agrees, plan is given credit under the measure

- EPA will work with the state to evaluate whether to continue to give credit under measure
  - Evaluate if there is sufficient progress in water quality or in implementation towards meeting WQS
  - Case-specific evaluation
  - If not, re-prioritize for TMDL development (again, cannot indefinitely defer TMDL development)
Subcategory 5-alt

- Subcategory 5 alt for plans in place designed to meet WQS
- Relationship between subcategory 5-alt and WQS 27 and WQ 28 measures

Discussion