



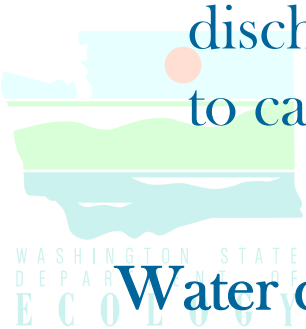
It takes more than a good
TMDL to get to
implementation





Just how scary is the Department of Ecology?

Washington Water Pollution Control Act says it's unlawful to discharge anything into waters of the state that causes or tends to cause pollution as determined by the department.



Water quality standards say activities that cause nonpoint pollution are to use BMPs to abate it. Department may determine failure to use BMPs is a violation of statute and may use orders, directives, permits, or civil or criminal sanctions to achieve compliance.





We have met the enemy and he is us

- Our nonpoint and TMDL programs functioned separately.



- Our grant program was not set up to fund program priorities.

- Our TMDL program was designed to get TMDL production “beans,” not to get clean water.

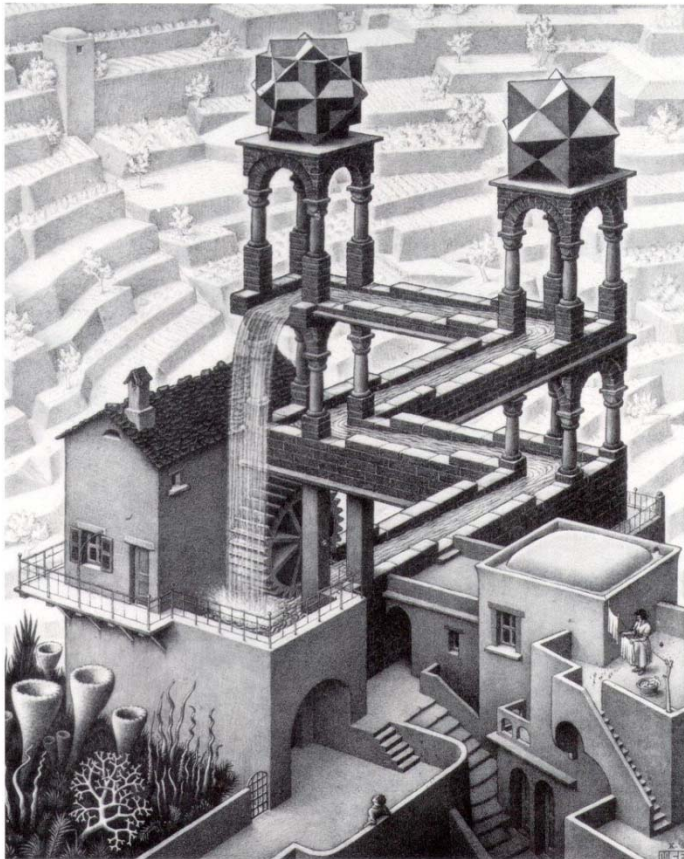




What had we created?

A system with

- No strategy
- No logical connections
- That looked good but didn't work



Why didn't it work?

For TMDLs

- TMDLs getting written but not implemented
- Not necessarily connected with nonpoint work in the same watershed
- Not using nonpoint knowledge to write good implementation plans

For nonpoint

- Piecemeal approach
- No overall strategy about dealing with nonpoint
- Not using evidence from TMDLs
- Seldom used enforcement authority
- Funding not connected to either program



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The challenge



Create an integrated nonpoint, TMDL, and funding program designed to get to clean water,



even though

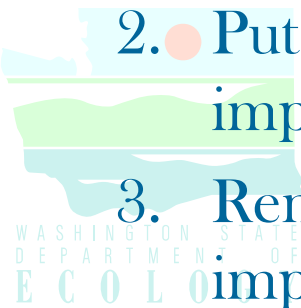


changing our agency is like turning the Titanic.



Changes needed

1. When we produce a TMDL, make sure it is set up to be easy to implement.
2. Put nonpoint tools in place to help with TMDL implementation.
3. Renegotiate our settlement agreement to focus on implementation instead of on TMDL production.
4. Set new goals and milestones for TMDL, nonpoint, and grant/loan staff, and get them all to work together.





Oh no! How do we even start?





Changing the work






Getting to change

- First tried talking, persuading, selling a new version of the future—this got about 1/3
- Asked for, and got, four new positions to focus on implementation
- Giving guidance about how to write a complete and implementable plan—reviewing every one
 - Changing grant/loan eligibility criteria and rating process
 - Guidance and assistance when we decide to use enforcement
 - Changing individual workplans
 - Changing performance measures we report to governor's office
- Using part of 319 funds for direct implementation



Changing the content of TMDLs

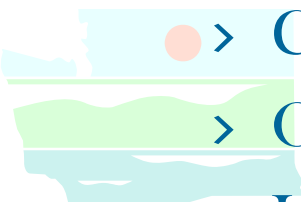
- Writing better and more complete implementation plans
 - Our TMDLs and implementation plans together contain EPA's 9 key elements of a watershed plan, which allows us to use 319 funds for implementation.
 - Being specific enough about **BMPS** needed to target grant and loan funds
 - Getting the right people on TMDL advisory committees—local land use planners are critical
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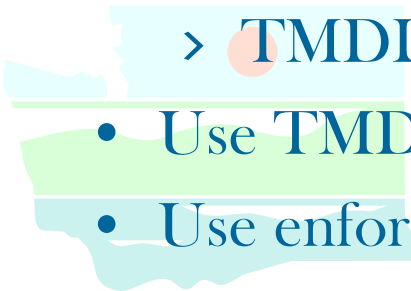
Creating nonpoint tools

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- Make sure all tools are consistent
- Create BMP manual for specific land uses
 - > Can use in TMDL implementation plans
 - > Only BMPs in manual are eligible for funding
 - > Use the manual when we do enforcement
- Link to Growth Management Act
 - > Critical Area Ordinances
 - > TMDLs designated as “best available science”
- Use TMDLs when performing SEPA review.
- Use enforcement authority



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Renegotiating the settlement agreement

Proposed clean water beans:

- Listings addressed by our “straight to implementation” approach, before or after placement in Category 4b
- Permits issued that implement TMDLs
- 401 certifications issued that address listed segments
- Enforcement actions taken
- Steady progress producing and implementing the nonpoint BMP manual

Litigants have notified EPA Region 10 that they want to talk about this!





We can get to clean water from here





We can get to clean water faster if . .

- Federal regulatory backstop for nonpoint pollution
- No cuts to 319 program
- Get water quality money out of the Farm Bill and into 319

