
Reasonable Assurance – Achieving Water Quality Standards through TMDLs

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Webinar with States/Territories/Tribes
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A Review: Topics Covered In April

- EPA Guidance and Legal Basis
- Range of RA expressions in TMDLs
- Progress in restoring impaired waters
- Environmental benefits of demonstrating reasonable assurance
- Increased interest in reasonable assurance → Legal challenges to TMDLs or permits
- Resource implications

Visit for details:

http://www.eli.org/Program_Areas/state_tmdl_center.cfm

What is Reasonable Assurance?

- Reasonable Assurance that NPS reductions will occur
 - Demonstration that nonpoint source reductions are expected to occur
 - ‘Roadmap’ of what and how NPS reductions will occur over time
- Applies when setting allocations to NPS and PS for ‘mixed-source’ TMDLs
 - Necessary to determine that the TMDL, including WLA and LA, have been established at a level necessary to implement WQS
- RA is required in mixed-source TMDLs

Why is Reasonable Assurance Important?

- Important to realizing future water quality and environmental gains.
- Increased interest in environmental results under the CWA
- Will enhance the defensibility of TMDL actions
- Will enhance the defensibility of permits relying on TMDL allocations

Draft Key Principles

- RA Demonstration is case-specific:
 - Not one-size-fits-all
 - Factors to be considered: the nature of the receiving waterbody, the type of pollutants causing the impairment, the relative mix of nonpoint and point source loadings, and the nature of the sources of those loadings
- Utilize an adaptive management approach toward meeting WQS

Adaptive Management in RA

- Better/more detailed assessment and quantification of LA and WLA
- Linkage between LA and WLA
- Discussion of schedule and milestones to achieve LA
- Discussion of monitoring and tracking approach to evaluate progress
- Discussion of follow-up actions if there is insufficient progress

Follow-up Actions Since April Meeting:

Method	Action	Status/Target Date/Next Steps
Best Practices	Compile a set of examples of "successful" TMDLs and their associated RA (that is, those TMDLs which have successfully led to implementation of NPS controls) in order to glean characteristics of effective RA demonstrations	Underway; Complete by Summer 2012
	Collaborate with states to discuss a simple RA 'checklist' and other approaches to bolster likelihood of implementation	Underway - will build on examples of TMDLs with good RA, implementation plans or TMDLs effectively implemented

Follow-up Actions Since April Meeting:

Method	Action	Status/Target Date/Next Steps
Technical Tools	Explore sharing <u>information on suites of BMPs</u> (specific sets of BMPs to avoid mere buffet of examples) appropriate for land use types, sources, and impact levels, to help identify NPS controls likely to achieve the LA—and provide those that are part of the NPS handbooks and NRCS handbooks to advance their use	Share with states list of BMP info November, 2011 (see attachment, "Resources List...") EPA will initiate a pilot to work with specific states in a region to develop a region-specific BMP approach in 2012
	Explore distributing and publicizing BMP <u>optimization</u> tools to help assess and achieve efficient NPS load reductions	EPA is seeking to host series of webinars in 2012

At the April meeting, we heard that EPA should develop a suite of BMPs linked to source/land-use.

- Attached is a sheet with some information/resources on BMPs for NPS.
- What else would states find useful to close this information gap between the existing BMP information and their application on the ground to help with RA?
- Are you aware of any other information portals to close this gap?

Follow-up Actions Since April Meeting:

Method	Action	Status/Target Date
New Developments post-April 2011 meeting	Since the April workshop, WB plans to conduct study on the incremental level of effort associated with enhanced RA activities and their subsequent environmental benefits to NPS plan development and implementation	Initiated; Complete by Summer 2012