

ALTERNATIVES UNDER THE 303(d) VISION

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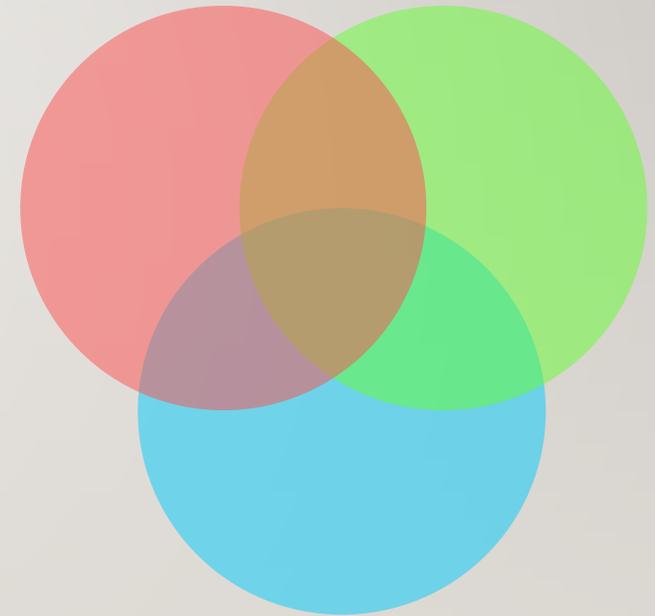
KEY MESSAGES ABOUT ALTERNATIVES

- Intended to provide flexibility in finding a more immediate path toward restoring water quality
- With the right ingredients they can be a great way to leverage existing engagement & efforts
- They don't have the same requirements as TMDLs or 319 Watershed Based Plans, but there can be significant overlap
- Well-crafted milestones and clearly-stated goals are essential to showing progress, and for reaching agreement on plan development

TERMINOLOGY

Alternatives under the Vision

- Watershed Based Plans (WBP), 319 plans
- 5-alt plans
- Alternative restoration approaches
- 4b plans/projects



EPA WQ-27/28 Measures

ALTERNATIVES - FROM THE 303(d) VISION

- 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 than TMDLs
- States and EPA to work together to determine which is the more effective tool to pursue in near-term to achieve WQS
- For 5-alts, water remain on the impaired waters list until standards are achieved, or a TMDL is approved

THE PLAN

Main challenge: Description supporting alternatives to show

- How alternative is designed to meet WQS
- How alternative is expected to more immediately address impairment

Why is this important?

- Provides transparency to the public on the purpose of using alternative and for getting to WQS more rapidly
 - Facilitates stakeholder engagement
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THE PLAN

Elements to consider in explaining how an alternative plan is designed to meet WQS:

- 2013 Vision
- 2016 Integrated Report Guidance

WHEN IS AN ALTERNATIVE PLAN A GOOD FIT?

- Likely to be case-specific, based on:
 - The specific state/watershed needs
 - The strengths of existing efforts, information, stakeholders, etc.
- The length and level of detail will depend on the severity of pollution, nature of impairment and pollutants, and complexity of actions needed to address the impairment
- Not a standardized format – talk with your EPA Regional counterparts

ALTERNATIVE EXAMPLE #1 – NORTH DAKOTA



ALTERNATIVES UNDER THE EPA MEASURES

- For measure purposes only, EPA reviews description that alternative plan is designed to meet WQS
- If EPA agrees, the plan is “accepted” and given credit under the measure
- EPA will work with the state to evaluate the plan’s progress and whether to continue to give credit under measure
- If water quality standards are not fully attained through the alternative approach, the state would need to reprioritize the waterbody for TMDL development

COMPARING WATERSHED PROTECTION PLANS AND 5-ALTS

Is it apples and oranges? Or fruit salad?

- There can be significant overlap between these tools
- Coordination between state and EPA regional staff from both programs in reviews of such watershed plans is critical
- Bridges across programs are valuable to:
 - Make effective use of resources to restore waters,
 - To provide opportunities for program staff learn from one another
 - Highlight best practices as alternatives to TMDLs

FOCUS OF EPA'S REVIEW OF WATERSHED BASED PLANS WILL-DIFFER FOR NPS AND 303(d) PROGRAM PURPOSES

Primary role of regional
NPS review of WBPs:

- Confirm that the plan meets the 9 minimum elements and is thus eligible for implementation with 319 funding



Purpose of the 303(d) staff
review of WBPs:

- Determine whether plan is consistent with the 303(d) Vision and would be counted under the 303(d) program measure WQ-27

ALTERNATIVE EXAMPLE #2 – TEXAS



WHY DEVELOP AN ALTERNATIVE? WHAT ARE THE BENEFITS?

- Empower local groups to address water quality problems while fostering partnership and collaboration at the local, state and federal levels
- Allow TMDL program resources to be focused elsewhere
- Receive recognition under 303(d)/TMDL program measures, WQ-27 and/or WQ-28
- Provide transparency to the public regarding restoration activities
- Justify state's decision to defer TMDL development while restoration plans are being implemented and assign a lower prioritization on the 303(d) list for TMDL development
- Encourage greater coordination and awareness of issues cross-programs and with the public

SOME MISCONCEPTIONS EXPRESSED ABOUT 5-ALT ALTERNATIVES

Misconception: *Alternative plans have similar requirements to a TMDL*

- There are few “requirements” aside from a plan to achieve WQs in a more effective & timely manner than a TMDL
- States and Regions can work together to identify milestones and data needs to craft an acceptable alternative

Misconception: *Alternatives require similar time or level of effort as TMDL*

- This is not the intention – if it seems likely, then that plan might not be a good candidate for a 5-alt at that location

* *Slide amended for clarity following presentation*

SOME MISCONCEPTIONS EXPRESSED ABOUT 5-ALT ALTERNATIVES

Misconception: *Alternatives can't address point sources*

- It is true that the alternative itself cannot require specific permit limits or conditions in the plan, but can address point source discharges through cooperation, other agreements, and partnerships – as well independent permit requirements

Misconception: *Alternatives can't be used if there isn't a numeric standard*

- Goal of the plan is to restore WQS – if you can craft an implementable plan to achieve standards, numeric criteria aren't necessary

* *Slide amended for clarity following presentation*

DISCUSSION

- Are there tools that would help states who are interested?
- Recommendations for overcoming common hurdles
- Questions?