



ENVIRONMENTAL LAW INSTITUTE®

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

2012 NATIONAL TRAINING WORKSHOP ON CWA 303(d) LISTING & TMDLS

MEETING THE CHALLENGES OF NUTRIENTS AND NONPOINT SOURCES OF WATER POLLUTION

National Conservation Training Center
Shepherdstown, West Virginia
April 10-12, 2012

TRAINING WORKSHOP AGENDA

(WITH VISION, GOALS, AND OUTPUTS)

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

VISION FOR THE TRAINING WORKSHOP

To provide an opportunity for state participants from Clean Water Act Section 303(d) Listing/TMDL and Nonpoint Source Programs to learn about—and to discuss with one another and federal counterparts—present and potential challenges to addressing nutrients and nonpoint sources of pollution (NPS); strategies for meeting these challenges; and the best means of measuring and sustaining success through and with the ten-year vision of the CWA 303(d) program.

GOALS

- In support of achieving the ten-year vision, advance **mutual understanding** among the states and EPA about the challenges and opportunities before the CWA 303(d) program resulting from nutrients and nonpoint sources of pollution.
- Improve the **effectiveness** of state and federal efforts to address nutrients and nonpoint sources of pollution through TMDLs and other tools.
- Identify, share, and learn about **current strategies and tools** in listing, TMDL development, and TMDL implementation for addressing nutrients and nonpoint source pollution.
- Develop **incremental measures of success** for achieving the ultimate goal of meeting state water quality standards.
- Learn about and foster **opportunities to improve coordination** among state, tribal, territorial, and federal agencies with authority over issues pertaining to nutrients and nonpoint source pollution.
- Enhance the **network of listing and TMDL professionals** by expanding and improving communication among the states, identifying experts on specific topics, and promoting the sharing of resources and better understanding of experiences.

OUTPUTS

No. 1: A compilation of recommended strategies to assist states, tribes, and territories in addressing various aspects of nutrient and nonpoint source pollution through their CWA 303(d) and other programs, and to clarify how EPA can help states achieve success, tied to the ten-year vision.

No. 2: A summary of recommendations regarding how success in addressing nutrients and nonpoint source pollution through the CWA 303(d) program should be measured and credit given.

No. 3: A final report summarizing presentations and discussions from the training workshop. The report will include a summary document that identifies key findings from the event and highlights areas of agreement and disagreement regarding the subject matter covered.

AGENDA

Monday, April 9

Arrival, Check-In, & Registration

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

Tuesday, April 10

***2012 Training Workshop on Listing & TMDLs
Day 1: The Setting***

6:30 am – 8:30 am

Breakfast (Open)
Commons Dining Room

8:30 am – 9:00 am

**Welcome, Introductions, Updates, and Training Workshop
Overview**

Room 151, Instructional West Building

Greeting and Introductions

Bruce Myers, ELI

Opening Remarks

John Goodin, EPA HQ

Training Workshop Overview

Adam Schempp, ELI

9:00 am – 10:00 am

Session #1

A Ten-Year Vision for the CWA 303(d) Program

Room 151, Instructional West Building

Facilitators

Bruce Myers & Adam Schempp, ELI

Update on the Ten-Year Vision

Eric Monschein, EPA HQ

Facilitated Discussion

Session #1 Outcomes:

- *Participants will learn about the status of the development of a ten-year vision and associated goals for the CWA 303(d) program.*
- *Participants will learn about the role of the ten-year vision in this workshop and the role of this workshop in shaping the vision with regard to NPS and nutrient pollution.*

10:00 am – 10:30 am

Morning Break

10:30 am – 12:00 pm

Session #2

Implications of the CWA 319 Program

Room 151, Instructional West Building

Facilitators

Bruce Myers & Adam Schempp, ELI

Session Coordinator

Allen Bonini, IA

Update on CWA 319 Program Improvements

Lynda Hall, Chief, Nonpoint Source Control Branch, EPA HQ

Facilitated Discussion

Session #2 Outcomes:

- *Participants will learn about the results of the CWA 319 Program Evaluation Study and the direction of the CWA 319 Program.*
- *Participants will identify and learn about ways that the CWA Section 319 Program could support nutrient- or NPS-related objectives of the CWA 303(d) program.*
- *Participants will identify and learn how the CWA 303(d) program could better support NPS control implementation in the CWA 319 Program.*

Discussion Questions: Where is CWA 319 headed given its voluntary, non-regulatory program features coupled with potentially tightening financial controls? How will CWA 319 funding be able to be used? How will that affect states' abilities to integrate CWA 303(d) and CWA 319 programming? What can be done to increase collaboration between the two programs to continue to achieve environmental improvements? How can the CWA 303(d) program be encouraged to do the critical NPS TMDLs first and in a way that is most useful to the 319 Program? How are CWA 319 Programs using those TMDLs to inform their decision-making and develop and implement effective watershed based plans?

12:00 pm – 1:00 pm

Lunch
Commons Dining Room

1:00 pm – 3:00 pm

Session #3
How the NPS Landscape May Influence Listing/TMDLs
Room 151, Instructional West Building

Facilitators
Bruce Myers & Adam Schempp, ELI

(1) Setting the Stage for Consideration of Long Term Issues for Nutrient Management & Water Quality

*Larry Sanders, Professor & Extension Economist,
Oklahoma State University*

(2) NRCS National Water Quality Initiative (NWQI)

Astor Boozer, Regional Conservationist for the West, USDA NRCS

**(3) The Conservation Effects Assessment Project (CEAP):
Overview and Watershed Scale Assessments**

Lisa Duriancik, Coordinator, CEAP, USDA NRCS

Facilitated Discussion

Session #3 Outcomes:

- *Participants will identify and learn about factors that may facilitate addressing NPS- or nutrient-related impairment.*
- *Participants will identify and learn about factors that may hinder addressing NPS- or nutrient-related impairment.*
- *Participants will identify and learn about how to account for these factors in CWA 303(d) program activities.*

Discussion Questions: What is the economic forecast for agriculture? What are the likely effects of the Farm Bill and other federal policies? How is NRCS considering water quality in decision-making and program execution, e.g., under the FY12 National Water Quality Initiative? What influences on CWA 303(d) program success regarding nonpoint sources are beyond the direct control of the program? What factors may facilitate addressing NPS- or nutrient-related impairment? What factors may hinder it? What obstacles could the CWA 303(d) program overcome to achieve nutrient- or NPS-objectives, and how?

3:00 pm – 3:30 pm

Afternoon Break

3:30 pm – 5:30 pm

Session #4

Nutrient- & NPS-Related Vision Elements

Room 151, Instructional West Building

Facilitators

Bruce Myers & Adam Schempp, ELI

Session Coordinator

Tom Stiles, KS

Facilitated Discussion

Session #4 Outcomes:

- *Participants will identify and learn about how the ten-year vision could address NPS- or nutrient-related impairment issues.*
- *Participants will identify and learn about how addressing NPS- or nutrient-related impairment issues could support achievement of the ten-year vision.*
- *Participants will establish the beginnings of guiding principles for addressing nonpoint sources of pollution through the CWA 303(d) program.*

Discussion Questions: What are the obstacles to attaining the ten-year vision posed by NPS- and nutrient-related impairments? How has your State overcome some of these obstacles and are those approaches transferrable to other states? To support the ten-year vision, what guiding principles should be established and applied to addressing NPS- and nutrient-related impairments?

5:30 pm – 6:00 pm

Open

6:00 pm – 7:00 pm

Dinner
Commons Dining Room

7:00 pm – 8:00 pm

Bonfire

Wednesday, April 11

*2012 Training Workshop on Listing & TMDLs
Day 2: Next Steps*

6:30 am – 8:00 am Breakfast (Open)
Commons Dining Room

8:00 am – 9:30 am **Session #5**
Approaches to Listing Waters Impaired by Nutrients
Room 151, Instructional West Building

Facilitators
Bruce Myers & Adam Schempp, ELI

Facilitated Discussion

Session #5 Outcomes:

- *Participants will learn about current policies for identifying and assessing waters impaired by nutrients.*
- *Participants will learn about key ‘rules of thumb’ to improve listings of or more accurately list waters impaired by nutrients.*
- *Participants will learn about tools that help identify nutrients as the stressors for listings.*
- *Participants will identify and learn about the current role of response indicators in the listing of waters impaired by nutrients.*

Discussion Questions: What approaches are being used in the listing of waters impaired by nutrients to make them as accurate and comprehensive as possible for the purpose of subsequent decisions? In the absence of numeric nutrient criteria, what are the best approaches to use? Without numeric criteria, what is the role of information, including biological information, in the listing of waters impaired by nutrients? What tools are available to identify nutrients as stressors for those listings?

9:30 am – 10:00 am Morning Break

10:00 am – 12:00 pm **Session #6**
Setting Program Priorities with Accountability
Room 151, Instructional West Building

Facilitators
Bruce Myers & Adam Schempp, ELI

Session Coordinator
Jeff Risberg, MN

Facilitated Discussion

Session #6 Outcomes:

- *Participants will identify and learn about the obstacles to and opportunities for creating a system of prioritizing TMDL development and implementation that replaces pace requirements.*
- *Participants will learn about and recommend principles for integrating CWA 303(d) priorities with other priorities, for balancing TMDL development and implementation, and for balancing of state priorities with multi-state priorities.*

Discussion Questions: How can a system of prioritizing TMDL development and implementation be sufficiently transparent and accountable to replace pace requirements? Are states, tribes, and territories willing to do it? How should interstate/multi-state priorities be balanced against state priorities? How should the priorities of other programs be incorporated into TMDL development and implementation priorities? What are the means and methods that must be devised to set priorities, regardless of who is devising them? What existing tools could support these means and methods? What might a prioritization system that meets all these qualifications look like?

12:00 pm – 1:00 pm

Lunch
Commons Dining Room

1:00 pm – 2:30 pm

Session #7
TMDL/Other Programs & Nutrient Reduction Strategies
Room 151, Instructional West Building

Facilitators
Bruce Myers & Adam Schempp, ELI

Facilitated Discussion

Session #7 Outcomes:

- *Participants will recommend principles for how TMDLs can support the development and implementation of state nutrient reduction strategies, particularly in setting load reduction targets.*
- *Participants will learn how to develop nutrient reduction targets in TMDLs or other implementation mechanisms.*
- *Participants will identify and learn how nutrient reduction could be accomplished with or without TMDLs.*

Discussion Questions: What are the intentions of states and where are they in the process of developing state nutrient reduction strategies? What should be the role of TMDLs to support the development and implementation of state nutrient reduction strategies? In what ways could the development and implementation of TMDLs be modified to assist strategy success? Should strategies be designed to specifically include TMDLs or other programs? If so, how? How should nutrient reduction strategies inform the prioritization, development, and implementation of TMDLs?

2:30 pm – 3:00 pm Afternoon Break

*NOTE: the next three sessions **focus on success** in addressing nutrients and NPS pollution by the CWA 303(d) program: the tools available and what is needed to determine and achieve success (Session 8), what should constitute success (Evening Session), and knowing when success is being achieved and how to sustain it (Session 9).*

3:00 pm – 4:30 pm

Session #8

Tools & Approaches to Foster NPS Load Reductions

Room 151, Instructional West Building

Facilitators

Bruce Myers & Adam Schempp, ELI

Session Coordinator

Kathy Stecker, NC

Facilitated Discussion

Session #8 Outcomes:

- *Participants will identify specific next steps to close the ‘information gap’ between the existence of BMP information and effective BMP application.*
- *Participants will identify whether and how development of a suite of tailored BMPs would be useful for states in developing and implementing TMDLs.*

Discussion Questions: How are programs getting BMPs implemented? For those states that rely on voluntary approaches for BMP implementation, has there been a gap between existence of BMP information and BMP implementation? Could agriculture certainty programs or tracking programs help facilitate BMP implementation? Could a suite of tailored BMPs help in practice with TMDL and other implementation mechanisms? If so, how should it be created? How can these tools and approaches bolster Reasonable Assurance? What BMP optimization tools are available to cost-effectively address nonpoint sources of pollution?

4:30 pm – 5:30 pm Open

5:30 pm – 7:00 pm Dinner
Commons Dining Room

7:00 pm – 8:00 pm **Informal Evening Session
(Re)defining Success**
Ding Darling Lounge Area

Facilitators
Bruce Myers & Adam Schempp, ELI

Evening Session Outcomes:

- *Participants will share the stories that they would like to be able to tell in ten years about the results of their efforts and how they got there.*

Thursday, April 12

2012 Training Workshop on Listing & TMDLs
Day 3: Success

6:30 am – 8:00 am Breakfast (Open)
Commons Dining Room

8:00 am – 10:00 am **Session #9**
Measuring & Sustaining NPS Load Reduction Success
Room 151, Instructional West Building

Facilitators
Bruce Myers & Adam Schempp, ELI

Session Coordinator
Helen Bresler, WA

Facilitated Discussion

Session #9 Outcomes:

- Participants will identify and learn about different options for measuring success in addressing NPS impairments in the CWA 303(d) program.
- Participants will identify and learn about measuring incremental success in addressing NPS impairments in the CWA 303(d) program.
- Participants will identify and learn about solutions to the obstacles to sustaining success in addressing NPS impairments.

Discussion Questions: How should success in addressing NPS impairments be measured, via water quality, or by some other metric? Should progress or incremental success be measured and given credit? If so, how? What can be done to bridge the gap between BMP implementation and accounting for load reduction? What are the obstacles to sustaining success in addressing NPS impairments? Are there good examples of sustaining success? If so, what did it take?

10:00 am – 10:30 am Morning Break

10:30 am – 12:00 pm **Final Discussion and Training Workshop Wrap-Up**
Room 151, Instructional West Building

Facilitators
Bruce Myers & Adam Schempp, ELI

Plenary Discussion

EPA Remarks

John Goodin, EPA HQ

Final Discussion Outcomes:

- *Participants will review the major conclusions from each of the previous sessions.*
- *Participants will recommend changes to the ten-year vision in light of analysis through the lens of NPS and nutrient pollution.*

12:00 pm – 1:00 pm

Lunch
Commons Dining Room

	<i>NCTC Check-Out & Departure</i>
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1:00 pm

Departure of Shuttle Bus for Dulles Airport (for participants with Thursday or Friday flights)