

The background is a light blue gradient with several realistic water droplets of various sizes scattered across the surface. The droplets have highlights and shadows, giving them a three-dimensional appearance.

AN UPDATE AND OVERVIEW OF ADVANCE RESTORATION PLANS (ARPs)

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DISCLAIMER

THIS PRESENTATION DOES NOT:

- IMPOSE ANY BINDING REQUIREMENTS
- DETERMINE THE OBLIGATIONS OF THE REGULATED COMMUNITY
- CHANGE OR SUBSTITUTE FOR ANY STATUTORY PROVISION OR REGULATION REQUIREMENT
- REPRESENT, CHANGE OR SUBSTITUTE FOR ANY AGENCY POLICY OR GUIDANCE
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FROM THE 2022 VISION

THE INTENT OF THE RESTORATION GOAL IS TO ENCOURAGE THE IDENTIFICATION, DEVELOPMENT, AND IMPLEMENTATION OF THE MOST EFFECTIVE APPROACHES FOR RESTORING WATER QUALITY. THIS GOAL ACKNOWLEDGES HOW VITAL CREATIVITY AND COLLABORATION ARE FOR RESTORATION PLANS TO BE SUCCESSFUL IN RESTORING WATERS. RESTORATION PLANS REFER TO TMDLS AND OTHER BENEFICIAL PLANS THAT ADDRESS IMPAIRED WATERS. THIS INCLUDES, BUT IS NOT LIMITED TO, WATERS ASSIGNED TO INTEGRATED REPORTING CATEGORIES 5, 5R/5ALT, 4B, AND 4C.

FROM THE 2022 VISION

THE 2013 VISION HIGHLIGHTED, AND THIS 2022 VISION EMPHASIZES THAT TMDLS AND OTHER RESTORATION PLANS HAVE A GREATER LIKELIHOOD OF YIELDING SUCCESSFUL IMPLEMENTATION WHEN THEY INVOLVE ENHANCED ENGAGEMENT, COORDINATION WITH STAKEHOLDERS, INTEGRATION AMONG PROGRAMS, AND GREATER OVERALL BUY-IN. TMDLS AND OTHER RESTORATION PLANS CAN GUIDE IMPLEMENTATION IN MANY WAYS TO ACHIEVE THEIR INTENDED OUTCOME.

FOR EXAMPLE, TMDLS PROVIDE A TARGET FOR RESTORING BENEFICIAL USES, IDENTIFY POLLUTANT SOURCES AND ALLOCATIONS WITH AN APPROPRIATE LEVEL OF DETAIL; DESCRIBE STRATEGIES OR PROCESSES TO BE USED TO BEST ACHIEVE ALLOCATIONS AND TARGETS, INCLUDING AVAILABLE REGULATORY CONTROLS; AND PRESENT A STRUCTURE FOR ACTIVE REVIEW OF IMPLEMENTATION PRACTICES AND MONITORING DATA.

BUT FIRST, TMDLS....

- TMDLs ARE THE TOOL TYPICALLY USED TO ADDRESS THE REGULATORY REQUIREMENTS FOR IMPAIRED WATERS UNDER CWA SECTION 303(d)
- HOWEVER, BOTH THE 2013 AND 2022 303(d) VISION DOCUMENTS RECOGNIZE OPTIONS AND OPPORTUNITIES FOR OTHER TOOLS

“THE RESTORATION GOAL RECOGNIZES THAT TMDL DEVELOPMENT WILL CONTINUE TO BE A PRIMARY FEATURE OF THE PROGRAM. IN ADDITION TO TMDLS, THERE ARE OTHER TYPES OF PLANS THAT MAY BE MORE IMMEDIATELY BENEFICIAL OR PRACTICABLE FOR RESTORING WATER QUALITY. EPA NOTES THAT, WHILE THE CWA REQUIREMENT TO DEVELOP TMDLS REMAINS FOR IMPAIRED WATERBODIES IN CATEGORY 5, WATERBODIES MAY BE GIVEN A LOWER PRIORITY FOR TMDL DEVELOPMENT WHILE OTHER RESTORATION PLANS ARE PURSUED.”

TMDLS, 4B, ARPS - WHAT DO THESE OPTIONS HAVE IN COMMON?

RESTORATION!

- THE GOAL FOR ALL THESE OPTIONS IS REMOVAL OF THE IMPAIRMENT AND RESTORATION OF WATER QUALITY STANDARDS
- ALL HAVE EPA INVOLVEMENT – IN VARYING LEVELS AND RESPONSIBILITIES
- ALL HAVE EXPECTATIONS OF AN ANALYSIS OF THE IMPAIRMENT AND DEVELOPMENT OF AN IMPLEMENTATION PLAN TO RESTORE STANDARDS – IN VARYING LEVELS
- ALL HAVE AN EXPECTATION OF STAKEHOLDER INVOLVEMENT – IN VARYING LEVELS

FROM “ALTERNATIVES” TO “ADVANCE RESTORATION PLANS”

- THE 2013 VISION FOR THE 303(d) PROGRAM IDENTIFIED AN “ALTERNATIVES” GOAL
 - “THE PURPOSE OF THIS GOAL IS TO ENCOURAGE THE USE OF THE MOST EFFECTIVE TOOL(S) TO ADDRESS WATER QUALITY PROTECTION AND RESTORATION EFFORTS.”
- 2016 IR MEMO CONTAINED FURTHER DETAILS ON CONSIDERATIONS AND PROCESS

FROM “ALTERNATIVES” TO “ADVANCE RESTORATION PLANS”

- THE 2022 VISION FOR THE CLEAN WATER ACT SECTION 303(d) PROGRAM REPLACED THE ALTERNATIVES GOAL WITH THE RESTORATION GOAL
 - THIS INCLUDED A RECOMMENDATION THAT “ALTERNATIVE RESTORATION PLANS” BE REFERRED TO AS “ADVANCE RESTORATION PLANS” MOVING FORWARD
 - THIS WAS IN RESPONSE TO CONCERNS THAT ARPs WERE AN “ALTERNATIVE TO A TMDL” WHICH IS NOT THE CASE. A TMDL IS REQUIRED FOR WATERS IN CATEGORY 5, BUT A RESTORATION PLAN CAN BE IMPLEMENTED IN ADVANCE OF A TMDL IN ORDER TO REMOVE THE IMPAIRMENT

2024 INTEGRATED REPORTING MEMO

- AN ADVANCE RESTORATION PLAN (ARP) IS A PLAN DESIGNED TO ADDRESS IMPAIRMENTS FOR WATERS THAT WILL REMAIN ON THE CWA 303(d) LIST (I.E., CATEGORY 5), AS RESTORATION ACTIVITIES ARE IMPLEMENTED PRIOR TO TMDL DEVELOPMENT
- EPA AND STATES, TERRITORIES, AND AUTHORIZED TRIBES WILL WORK TOGETHER TO DETERMINE THE MOST EFFECTIVE TOOL TO ACHIEVE WQS IN THE NEAR TERM — BE IT TMDL DEVELOPMENT OR PURSUING AN ARP — FOR WATERS THAT REMAIN ON THE CWA 303(d) LIST

2024 INTEGRATED REPORTING MEMO

- EPA RECOMMENDS USING A SUBCATEGORY UNDER CATEGORY 5 (SUBCATEGORY 5R) AS AN ORGANIZING TOOL TO CLEARLY ARTICULATE WHICH LISTED WATERS HAVE SUCH PLANS, AND TO PROVIDE TRANSPARENCY TO THE PUBLIC. IN ADDITION, THIS SUBCATEGORY WILL FACILITATE TRACKING ARP IMPLEMENTATION IN THESE CWA 303(D) LISTED WATERS.
- NOTE THAT, AS RECOGNIZED IN PREVIOUS IR MEMOS, STATES, TERRITORIES, AND AUTHORIZED TRIBES MAY SEPARATE THEIR IMPAIRED WATERS WITHIN THEIR OWN DEFINED SUBCATEGORIES

ELEMENTS FOR CONSIDERATION IN DEVELOPING ARPs

THE 2016 INTEGRATED REPORT MEMO CONTAINS SOME ELEMENTS FOR CONSIDERATION IN DEVELOPING AN ARP (ALSO REFERENCED IN 2024 IR MEMO)

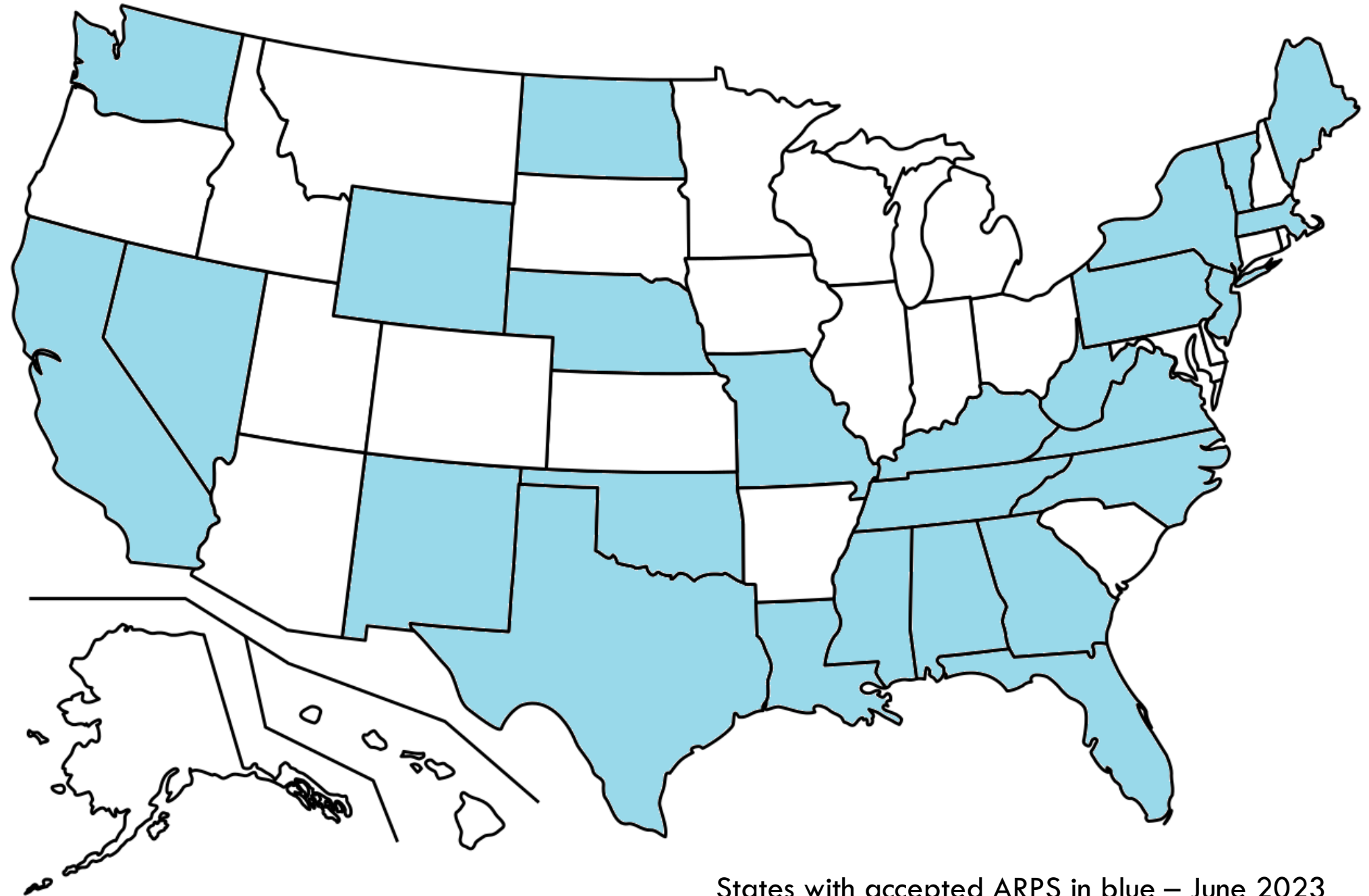
- IDENTIFICATION OF SPECIFIC IMPAIRED WATERS ADDRESSED
- IDENTIFICATION OF ALL SOURCES CONTRIBUTING TO THE IMPAIRMENT
- ANALYSIS TO SUPPORT WHY/HOW THE ARP IS EXPECTED TO ACHIEVE WQS.
- AN ACTION PLAN OR IMPLEMENTATION PLAN TO DOCUMENT ACTIONS PROPOSED AND THEIR SCHEDULE
- IDENTIFICATION OF AVAILABLE FUNDING OPPORTUNITIES TO IMPLEMENT THE ALTERNATIVE RESTORATION PLAN
- IDENTIFICATION OF ALL PARTIES COMMITTED, AND/OR ADDITIONAL PARTIES NEEDED, TO TAKE ACTIONS THAT ARE EXPECTED TO MEET
- AN ESTIMATE OR PROJECTION OF THE TIME WHEN WQS WILL BE MET
- PLANS FOR EFFECTIVENESS MONITORING TO DEMONSTRATE PROGRESS
- COMMITMENT TO PERIODICALLY EVALUATE THE ALTERNATIVE RESTORATION APPROACH TO DETERMINE IF IT IS ON TRACK TO BE MORE IMMEDIATELY BENEFICIAL OR PRACTICABLE IN ACHIEVING WQS THAN PURSUING THE TMDL APPROACH IN THE NEAR-TERM, AND IF THE IMPAIRED WATER SHOULD BE ASSIGNED A HIGHER PRIORITY FOR TMDL DEVELOPMENT.

ARPS SUBMITTED TO EPA

87 ACCEPTED ARPS

- FROM 26 STATES
- > 700 ASSESSMENT UNIT/POLLUTANT COMBINATIONS
- PRIMARILY PATHOGENS, NUTRIENTS, SEDIMENT, BIOLOGICAL IMPAIRMENTS

**INFORMATION BASED ON FINAL ACTIONS ENTERED IN ATTAINS (JUNE 2023)*



States with accepted ARPS in blue – June 2023

ARP DEVELOPMENT

- EPA DOES NOT EXPECT THAT ALL OF THE ACTIVITIES TO CARRY OUT AN ARP MUST BE FULLY IMPLEMENTED, OR THAT WATER QUALITY STANDARDS MUST HAVE BEEN ACHIEVED, BEFORE THE ALTERNATIVE RESTORATION APPROACH CAN BE REPORTED AS A PLAN UNDER THE CWA 303(d) PERFORMANCE MEASURES.
- AN ARP DOES NEED TO CLEARLY DEMONSTRATE HOW WATER QUALITY STANDARDS WILL BE ACHIEVED FOR EPA TO INCLUDE IT UNDER THE CWA 303(d) PERFORMANCE MEASURES.
- THE PROPOSED ARP SHOULD BE MADE AVAILABLE TO THE PUBLIC FOR COMMENT PRIOR TO FINALIZING AND SENDING TO EPA.
- EPA MAY REQUEST FURTHER INFORMATION ON THE PLAN'S ACTIVITIES OR MILESTONES PRIOR TO INCLUDING IT UNDER THE CWA 303(d) PERFORMANCE MEASURE.

4B PLANS/DEMONSTRATIONS

40 CFR 130.7(B) - IDENTIFICATION AND PRIORITY SETTING FOR WATER QUALITY-LIMITED SEGMENTS STILL REQUIRING TMDLS

(1) EACH STATE SHALL IDENTIFY THOSE WATER QUALITY-LIMITED SEGMENTS STILL REQUIRING TMDLS WITHIN ITS BOUNDARIES FOR WHICH:

(III) **OTHER POLLUTION CONTROL REQUIREMENTS (E.G., BEST MANAGEMENT PRACTICES) REQUIRED** BY LOCAL, STATE, OR FEDERAL AUTHORITY ARE NOT STRINGENT ENOUGH TO IMPLEMENT ANY WATER QUALITY STANDARDS (WQS) APPLICABLE TO SUCH WATERS.

4B PLANS/DEMONSTRATIONS

THE 2006 & 2008 IR MEMOS STATE THAT THE FOLLOWING SIX ITEMS SHOULD BE ADDRESSED IN A 4B DEMONSTRATION:

1. AN IDENTIFICATION OF SEGMENT AND STATEMENT OF PROBLEM CAUSING THE IMPAIRMENT
2. A DESCRIPTION OF POLLUTION CONTROLS AND HOW THEY WILL ACHIEVE WATER QUALITY STANDARDS
3. AN ESTIMATE OR PROJECTION OF THE TIME WHEN WQS WILL BE MET
4. A SCHEDULE FOR IMPLEMENTING POLLUTION CONTROLS
5. A MONITORING PLAN TO TRACK EFFECTIVENESS OF POLLUTION CONTROLS
6. A COMMITMENT TO REVISE POLLUTION CONTROLS, AS NECESSARY

4B PLANS/DEMONSTRATIONS

- FOR MORE INFORMATION ON 4B PLANS, REVIEW THE 2006 AND 2008 INTEGRATED REPORTING MEMOS ON EPA'S WEBSITE
- NOTE THAT EPA APPROVES OF THE OMISSION FROM 303(d) IMPAIRED LIST OF WATERS REQUIRING TMDL
 - WHILE THE 4B PLAN ITSELF MIGHT NOT BE APPROVED BY EPA, A RATIONALE IS NEEDED FOR EPA TO APPROVE THE DELISTING

SOME CONSIDERATIONS FOR DEVELOPING AN ARP OR 4B PLAN/DEMONSTRATION

- THE LEVEL AND TYPE OF WORK ALREADY DONE AND/OR BEING DONE
- THE PROPORTION OF POINT SOURCE/NONPOINT SOURCE LOADING
- THE TYPE OF POLLUTANTS AND RESPONSIVENESS TO RESTORATION ACTIVITIES
- HOW LOCALIZED ARE THE IMPAIRMENTS OR CONTRIBUTING SOURCES?
- ARE THERE “REQUIREMENTS REQUIRED” IN PLACE OR PROPOSED TO ADDRESS THE IMPAIRMENT?
- IS THERE AN IMPLEMENTATION PLAN FOR RESTORATION ACTIVITIES, MILESTONE, TIMEFRAME FOR SUCCESS?
- THE LEVEL OF PUBLIC PROFILE, CONTROVERSY, LITIGATION
- ARE THERE ALREADY ENGAGED LOCAL STAKEHOLDERS?
- THE LEVEL OF PRIORITIZATION (ON THE 303(d) LIST OR OTHERWISE) FOR ACTION

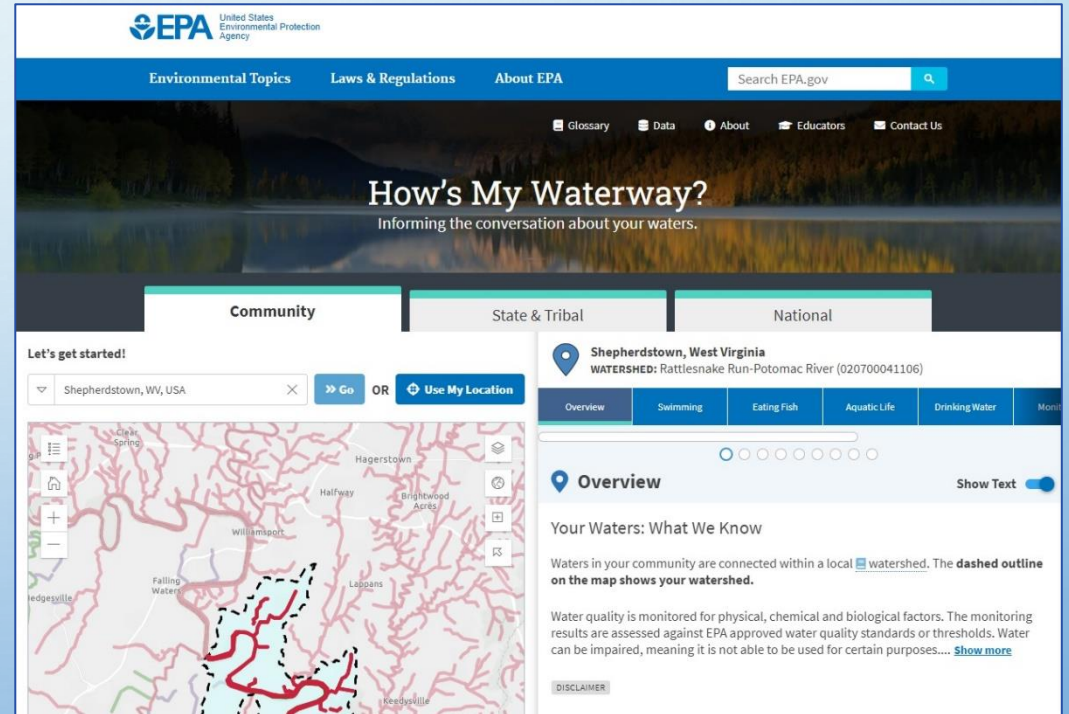
WHERE TO FIND OUT MORE INFORMATION ON RESTORATION PLANS

[EPA.GOV/WATERDATA/HOWS-MY-WATERWAY](https://www.epa.gov/waterdata/how-my-waterway)

- GEOLOCATED INFORMATION ON HEALTH OF WATERBODIES AS WELL AS TMDLS AND RESTORATION PLANS, PERMITTED DISCHARGES, DRINKING WATER, AND MORE

[EPA.GOV/TMDL/ADVANCE-RESTORATION-PLANS](https://www.epa.gov/tmdl/advance-restoration-plans)

- A LIST OF ARPs/5-ALT PLANS ACCEPTED BY EPA TO DATE AND LINKS TO AVAILABLE PLAN INFORMATION



The screenshot displays the EPA's 'How's My Waterway' website. At the top, the EPA logo and navigation menu are visible. The main heading reads 'How's My Waterway? Informing the conversation about your waters.' Below this, there are tabs for 'Community', 'State & Tribal', and 'National'. The 'Community' tab is selected, showing a search bar with 'Shepherdstown, WV, USA' and a 'Go' button. A map of the region is shown with a dashed red outline indicating the watershed. The right sidebar provides an 'Overview' section for the 'Shepherdstown, West Virginia' watershed, including a 'Show Text' toggle and a 'DISCLAIMER' link.

QUESTIONS?

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