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Call for Change - Water Quality Improvement in the 21st Century

Program Issues Abstract

For more than 45 years the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) has served as the voice of State, Interstate, and Territorial officials responsible for the implementation of programs that protect surface water and source water. Over the last 30 years, US Environmental Protection Agency (EPA) has provided assistance to States to achieve significant improvements in water quality through a combination of sound policy, regulation, and funding. However, a disturbing trend has developed during the last several years jeopardizing this effective partnership and the realization of on-the-ground environmental improvements.

ASIWPCA has developed a set of recommendations believed necessary to maintain and continue to improve the water quality in the United States. This "Call for Change: Water Quality Improvement in the 21st Century" is an invitation to the Federal government to reestablish an effective partnership and forge a new course of action to protect and improve the nation's water resources. We look forward to an on-going constructive dialogue with the EPA, the incoming Administration, and interested stakeholders to meet this challenge.

The Call for Change is accompanied by recommendations on key program issues of high level management concern. The following summarizes those recommendations. For copies of the Call for Change and the Program Issue Papers contact Linda Eichmiller at (202) 756-0600, l.eichmiller@asiwpca.org or visit ASIWPCA's website at http://www.asiwpca.org .

***NOTE**: Throughout this and all related documents, reference to States also refers to the Interstate Water Pollution Control Agencies.*

Program Issues: Needs and Levels of Funding

Clean Water Infrastructure

There is a growing need to continue to restore and upgrade the nation's wastewater infrastructure. $5 billion annually for wastewater infrastructure is needed through the Clean Water State Revolving Fund (SRF) and States should be able to awards grants through the Fund. In addition, a National Water Trust Fund should be considered.

State Clean Water Act Program Funding – §106

States are responsible for implementing the core components of the Clean Water Act, yet Federal funding is grossly inadequate. Support for the core program should be provided under Section 106 at the level of $1 billion annually to help bridge the funding gap.

Nonpoint Source Management Programs – §319

The majority of impaired waterbodies are due to nonpoint source pollution. The current level of §319 funding is not sufficient to run a comprehensive nonpoint source program and should be increased to $1 billion annually.

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Wastewater Operating Training Program – §104(g)

State programs funded by §104(g) have been highly effective, producing significant environmental improvements for a very modest investment. Yet, this program was defunded. $5 Million annually should be appropriated.

Program Issues: Water Quality Standards (WQS)

A Stronger Partnership

As co-regulators, States should be treated as equal partners with EPA in the WQS program. A co-regulator forum needs to be established.

Water Quality Standards Criteria – A New Paradigm

WQS are the cornerstone of all water quality management and should be developed mindful of their multiple uses. If we continue developing one chemical criterion a year we will never be able to adequately address such issues as nutrients, emerging contaminants, climate change, responsible development, etc. A more comprehensive approach is needed.

Antidegradation – A Common Understanding for the Future

In the absence of a clear understanding of what antidegradation truly means and how it can be implemented, States' standards programs may be unable to support future economic and population growth. States and EPA need to collaboratively develop an approach that makes sense.

Impairment "Thresholds – Translating WQS Into Impairment Decisions

Using criteria as thresholds is problematic as they do not consider the dynamics of water bodies as functional ecosystems. Attainment (100% of the time) of criteria may not be possible or even necessary to protect water uses. Acceptable durations and frequencies of exceedences must be considered when adopting or revising water quality criteria.

Program Issues: Monitoring

How Clean Are Our Waters? A State-Driven Solution to Answer a National Question

EPA needs to reorient its focus from pursuing national surveys to achieving well-designed state-driven programs and developing scientifically valid assessment tools. Scarce § 106 resources should not be diverted from the monitoring essential to support all water quality management programs in the States.

More Effective Monitoring and Data Collection through Partnering

The shortfall in monitoring resources must be addressed through increased funding and efficient use of available resources. Multiple sampling designs are needed to meet the variety of needs, e.g. for biological monitoring. Better capabilities are needed for data exchange across agencies.

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Program Issues: National Pollutant Discharge Elimination System (NPDES)

An Overwhelmed Program

The NPDES program needs to work better than it does. The number of sources requiring permits has increased from 100,000 to well over 600,000. NPDES permit requirements should be updated and the process streamlined. EPA should also reinvest more in updating effluent guidelines.

Square Peg in a Round Hole – Use of NPDES and Other Tools

Large-scale unregulated and insufficiently controlled precipitation driven discharges will continue to keep States from meeting clean water goals unless we revamp our programs. We can no longer expect to use the NPDES program to "permit" our way to substantially cleaner water for the less traditional sources.

The Advancing Deluge that is Stormwater

The number of regulated storm water sources greatly exceeds the capacity of permit agencies to give them individual attention. National investment must be made in research, because relating stream impacts to such sources is beyond the state of the science. EPA must also work with States to establish appropriate procedures for general permits.

Program Oversight and Data Reporting

Without a national philosophical shift, more funds will be spent on duplicative and unnecessary program management activities labeled as actions "necessary for oversight administration", than will actually be invested in water quality improvement and environmental benefits.

Program Issues: Watershed Scale Management

The cumulative impacts of point and nonpoint pollution can only effectively be assessed and managed on a watershed scale, considering water quantity and quality, surface water and groundwater, water withdrawal, in stream flow, wastewater discharge, and stormwater.

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Forestry: States need to be full partners with Federal agencies in development and assessment of forestry strategies to protect watershed health.

Agriculture: In most State, the USDA manages farm bill programs entirely independent of CWA programs. As a result, they are frequently implemented in a non-targeted, random way that will not result in measurable improvements to watershed health. The Farm Bill Programs must become an integral partner in the nation's effort to protect water quality.

Urban Development, Land Use, and "Green" Practices: Agricultural and forested lands are being converted to urban/suburban landscapes at alarming rates. Yet, cumulative impacts are often not assessed. Green practices must be implemented on a landscape scale; piecemeal, mostly unconnected, and voluntary approaches will not result in widespread and sustainable restoration and protection.

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Effectiveness: States are spending millions of dollars every year to develop TMDLs and even more money to implement watershed protection. States and EPA need to work together to garner the tools, resources, and performance indicators needed to assess progress and when necessary, make mid-course adjustments.

Program Issues: Climate Change

Climate change will have profound impacts on water systems. Water resource models using historic records will not be adequate predictive tools. Many modes of energy production gaining favor require large quantities of water and may increase degradation to water quality and aquatic habitat. Challenges are intensified, because the 1972 Clean Water Act is not well suited to address these impacts. States and Federal agencies need to look more holistically at what is needed to manage our natural systems.

Program Issues: Clean Water Act Jurisdiction

Significant uncertainty was created with the Supreme Court's *Rapanos* decision; issuance and implementation of the EPA/Corps guidance has added further confusion. It should be clarified that CWA law not impacted by the *Rapanos* decision remains in effect. EPA/Corps guidance should not deviate from the rulings in the *Rapanos* decision. Legislation should define "waters of the United States" as it appears in 40 CFR 122.2. States must have a formal role in the jurisdictional determination process.

Program Issues: National Nutrient Strategy

If EPA and the States jointly believe that reducing nutrient pollution within the coming decade is a critical water quality goal, an effective, reasonable, and comprehensive strategy is needed that recognizes the relative contribution of nonpoint and point sources.