

Nutrients Panel: State Approaches to Permit Limits in Nutrient Impaired Waters

WESTCAS ANNUAL CONFERENCE

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SANTA FE, NEW MEXICO

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The Problem

- Nutrient concentrations (total nitrogen, total phosphorus) to protect designated uses are generally very, very low
- Arid areas where little or no stream dilution is available, dischargers will find it difficult or impossible to meet the standards
- Effluent limits in NPDES permits are also very, very low
 - In some case, standards may be below the limits of current treatment technology
 - Upgrading facilities to meet criteria may be cost prohibitive
- Agricultural sources contribute more than 70 percent of the nitrogen and phosphorus delivered to the Gulf, compared to only 9 to 12 percent from urban sources.
- States are struggling with the balance between water quality and affordability

Numeric Criteria



Numeric nutrient criteria (EPA):

- Enable effective monitoring of a waterbody for attaining its designated uses
- Facilitate formulation of NPDES discharge permits
- Simplify development of TMDLs

Some Waters with N and P Criteria:

- California, Nevada, Arizona, New Mexico, Colorado, Montana

No N and P Criteria:

- Utah, Wyoming, Idaho, Texas

Total Maximum Daily Load

- Waters impaired by nutrients
- Concentrations to protect designated uses (eco-region)
- Waste Load Allocation for point sources – implemented through permit limits
- Load Allocation for nonpoint sources – not enforceable



Different Approaches to the Same Problem

Montana

- Established numeric criteria
- Adopted laws to allow for variances to the water quality standards
- Applies to POTWs, 20 years

Utah

- Cost Benefit Study
- Technology based limits on POTWs for 10 years, except where a WLA has been set
- Technology based limits not applied in cases of economic hardship or demonstration that they are not necessary

Our Panel Today

State Approaches (15 minutes):

- Colorado – Nancy Keller
- New Mexico – Alex Puglisi
- Texas – Peggy Glass

Questions/Discussion (30 minutes)