

FWQC Regulatory Update

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**CDM
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Revisions to Water Quality Standard Regulation

- **What:** EPA considering changes to Federal rules governing development of State water quality standards
- **Status:**
 - Taken a back seat; more criticism than expected
 - Opened door to NGO challenges
 - Final rule middle next year
- **Recommended Actions:**
 - Coordinate with other parties

Chloride Criteria

- **What:** EPA developing recommended aquatic life criteria for chloride
- **Status:**
 - EPA developing new criteria guidance for chloride, which are expected to be similar to Iowa standards - sulfate and hardness-dependent
 - Draft expected in late 2014 or early 2015; moving forward but slowly due to environmental groups and USFWS because standard would be less stringent
- **Recommended Actions:**
 - Review guidance when issued

Revisions to Selenium Criteria

- **What:** EPA has issued draft revisions to its recommended aquatic life criteria for selenium; EPA issued new draft criteria document on 5/14/14
- **Status:**
 - EPA has worked for 10 years on this and science has worked in good way, especially with the move to fish tissue
 - The USFWS and environmental groups are not happy with this approach
 - Kentucky adopted selenium in fish tissue; approved by EPA before USFWS action; litigation is possible
- **Recommended Actions:**
 - Support EPA move to fish tissue

Revisions to Ammonia Criteria

- **What:** EPA has revised the ammonia aquatic life criteria to address impacts to freshwater mussels. Final criteria issued on 8/22/13, along with implementation guidance.
- **Status:**
 - No chance to comment on studies used to set the criteria
 - States are not anxious to adopt
 - EPA is setting up workshops
 - FWQC may want to challenge – look for new limits in permits
- **Recommended Actions:**
 - Work with states on adoption

Conductivity Standards

- **What:** EPA may adopt stringent WQS for conductivity for application nationally
- **Status:**
 - 2010 EPA issued conductivity benchmark (TDS 130 mg/L)
 - Industry challenge , but Washington DC court determined that EPA guidance was not final agency action (July 2014)
 - EPA is now developing national conductivity guidance that would apply to any area where data are available
 - EPA plans to send guidance to external peer review, then public comment
- **Recommended Actions:**
 - Review and comment when available

Human Health Standards

- **What:** States and EPA are changing assumptions used in developing water quality standards based on fish consumption, resulting in low standards for mercury, PCBs and other pollutants. EPA issued draft revised human health criteria guidance on 5/13/14.
- **Status:**
 - High fish consumption rates and EPA encouraging states to use high rates; Guidance does not use the highest rates (22 grams)
 - 2000 methodology questioned; EPA is planning to update
 - Result: amazingly low human health standards
- **Recommended Actions:**
 - Work on state level for realistic consumption rate

Nutrient Water Quality Criteria & Guidance

- **What:** EPA working with States on development of aquatic life criteria for nutrients
- **Status:**
 - Nutrient Framework allows flexibility; some states are not using numeric; some states have adopted stringent criteria.
 - Particular states doing good or bad – let Fred know
- **Recommended Actions:**
 - Work on state level

Stormwater Numeric Limit Guidance

- **What:** November 2010 EPA issued new guidance on issuance of numeric limits for stormwater discharges in NPDES permits - – instead of numeric limits being imposed “only rarely,” they should now be used “where feasible”
- **Status:**
 - Final decision on whether to confirm, withdraw or modify guidance submitted to OMB on 3/30/12; no indication as to likely issuance date
- **Recommended Actions:**
 - Support FWQC if guidance confirmed

Whole Effluent Toxicity (WET)

- **What:** EPA and States including WET testing requirements and limits in permits
- **Status:**
 - EPA issued guidance on “Test of Significant Toxicity” (TST) approach to determining if discharges have WET “reasonable potential” and therefore receive permit limits for WET
 - Test of significant toxicity only implemented in California
 - Problems with TST methodology; watching this carefully.
- **Recommended Actions:**
 - Let Fred know if TST shows up in any permits

TMDL Vision

- **What:** EPA developed long-term vision for 303(d) listing and TMDL programs. Final “vision document” issued on 12/5/13.
- **Status:**
 - EPA Watershed guy has been detailed to WOTUS; TMDL group temporarily led by lawyer from general counsel
 - States want to move to prioritizing TMDLs and focusing on where it will do some good; not just doing TMDLs as fast as possible
 - They want to hear from FWQC on this: if there is an impaired water with no TMDL; where will the permit limits come from
- **Recommended Actions:**
 - States are leading Vision implementation. Work with states

PCB Test Method

- **What:** EPA and States are increasing use of Method 1668 to test for presence of PCBs in water discharges
- **Status:**
 - Comments in 2010 that method 1668 was not ready; EPA has indicated that it has no plans to issue approval of 1668; States using it anyway
 - Environmental Lab Advisory Group – has suggested that they develop a method between 608 and 1668 that will be more sensitive than 608 but does not have problems of 1668
 - IRIS non-cancer effects of PCBs assessment; EPA going to activate assessment for PCB and mercury second quarter 2015
- **Recommended Actions:**
 - Monitor in permits in states