



# Cleaner Waters Across America: Actions On-the-Ground

## Cleaner Waters Across America: Improving the TMDL Program

EPA is taking steps to achieve Cleaner Waters Across America by revising the Total Maximum Daily Load - or TMDL -- program. Established by section 303(d) of the Clean Water Act, the primary mission of the TMDL program is to protect public health and ensure healthy watersheds. The program identifies polluted waters, determines how much pollutants must be reduced to meet water quality standards, and ensures that on-the-ground actions occur to reduce the pollutants.

In addition, EPA is proposing associated revisions to the National Pollutant Discharge Elimination System (NPDES) and the Water Quality Standards program regulations. These changes will help achieve reasonable further progress in attaining water quality standards prior to the establishment of a TMDL, as well as ensure that, once they are established, TMDLs will be implemented.

The proposed regulatory changes can be found in the August 23, 1999 *Federal Register*, and on EPA's TMDL website. After public review and comment, final regulations will be published in 2000.

## Implementing TMDLs: The Goal is Cleaner Waters

The ultimate goal of the TMDL process is the achievement of water quality standards. Once standards have been reached, the waterbody can be removed from the state's list of polluted waters. The regulatory changes that are being proposed would require an implementation plan as part of the TMDL-- the key to translating the TMDL into actual, on-the-ground actions to reduce pollutants.

### *Why Are We Concerned about Restoring Our Waters?*

Over 20,000 waterbodies across America have been identified by states, territories, and authorized tribes as polluted. These polluted waters include over 300,000 river and shore miles and 5 million lake acres. Direct pollution discharges are the sole cause in only about 10 percent of polluted waters. The remainder are polluted by runoff from agricultural lands, city streets, suburban lawns, or by a combination of sources. The overwhelming majority of people living in the U.S. live within 10 miles of one of these polluted water. What this tells us is that, despite significant progress, much work remains to be done in cleaning up our Nation's waters.

Through this new regulatory framework, we will have over 200,000 more river and shore miles of healthy aquatic ecosystems, and 3 million more lake acres for safer swimming and fishing.

### *What is a TMDL?*

A TMDL or Total Maximum Daily Load is a framework for restoring polluted waters. It is developed in 2 steps:

- a calculation of the maximum amount of a pollutant that a waterbody can take in and still meet water quality standards; and
- a distribution of that amount to the pollutant's sources.

Using this framework, states develop tailored restoration plans for each individual polluted waterbody identified by the state.

## Minimum Elements of a TMDL Implementation Plan

The proposed regulations call for each TMDL to have an implementation plan with -

- ✓ List of actions needed to reduce pollutants -- for example, NPDES permits revision schedules for point sources, or description of best management practices for nonpoint sources
- ✓ Time line describing when these actions will occur
- ✓ Reasonable assurance that pollutants from point and nonpoint sources will be reduced
- ✓ Legal authorities to be used
- ✓ Estimate of the time it will take to reach water quality standards
- ✓ Monitoring or modeling plan to determine if on-the-ground actions are working and pollutants are being reduced
- ✓ Milestones for measuring progress
- ✓ Plans for revising the TMDL, if progress is not being made

## New Tools for TMDL Implementation: Reasonable Assurance Through NPDES

How can we ensure that TMDLs, once established, will reduce pollutants? In the proposed regulatory revisions, EPA is asking that states include "reasonable assurances" in their implementation plans to make sure that these "on-the-ground" actions will occur.

There are a variety of ways that a state can demonstrate reasonable assurance. States could use their nonpoint source management programs, federal, state or local cost-sharing programs, or local ordinances and zoning requirements to demonstrate a commitment to reducing pollutants.

To enhance EPA and the state's ability to establish reasonable assurance, the proposed changes would allow states and EPA to decide that certain currently unregulated sources are causing significant water quality problems. The proposed regulations would allow states and EPA to require these sources to have an NPDES permit. This authority would be limited to: animal feeding operations, aquatic animal production facilities, and some discharges from forestry operations.

### *Achieving Healthy Watershed & Water Quality Standards*

- TMDLs set the stage for on-the-ground actions to reduce pollutant loadings
- Implementation tools are many-
  - NPDES permits for point sources
  - State nonpoint source management programs
  - Other federal laws and requirements
  - State and local laws and ordinances
  - Local or regional watershed management programs

### *What is an NPDES Permit?*

The Clean Water Act prohibits anybody from discharging pollutants into our waters through a point source unless they have a National Pollutant Discharge Elimination System (NPDES) permit. A permit contains limits on the discharge and monitoring to ensure that the discharge does not harm water quality or people's health. An NPDES permit translates general requirements of the Clean Water Act into specific provisions tailored to operation of each point source discharging pollutants.

**For More Information including state lists and maps & proposed regulations, see EPA's TMDL homepage - <http://www.epa.gov/owow/tmdl>**