



Office of Wetlands, Oceans & Watersheds

## QUARTERLY HIGHLIGHTS

Fall 1992

### *A Note from Dave Davis*

*As many of our readers know, for the past year I have been leading a strategic planning effort for EPA's water program. Although we still have "miles to go before we sleep," we feel that we have made some important progress in defining a common vision and mission and in highlighting a number of major areas on which water program management must focus over the coming months. Closer to home in OWOW, we have also made some limited, but important steps in the direction of formulating a strategic view for the office. Although we have not yet decided how far to push the process on an OWOW-wide basis, we have begun more intensive strategic planning efforts in both the nonpoint source and wetlands programs.*

*The process of strategic analysis and planning serves to surface many important issues. Some are obvious programmatic issues like striking the right balance between traditional regulatory approaches and the wide array of non-regulatory alternatives. Others, however, are considerably more subtle and tend to underlie almost everything we do, often in ways that aren't obvious at first glance.*

*One of the most intriguing and challenging of these "type 2" issues is the whole question of the environment and economics. Sometimes this issue is right there in technicolor: permit a new facility with attendant economic gains or deny the permit to protect the environmental values of the site. In some sense these are the easiest cases because the values and costs are rather easily arrayed in a straightforward manner leading to a clear, but often politically painful public policy choice.*

*Note--Continued on Page 4*

### **CZARA Guidance Nears Publication**

On September 22, Red Border Review ended for the Management Measures Guidance and the Program Implementation Guidance for Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990. Following revisions to accommodate Red Border comments, the guidance documents will go to the Office of Management and Budget for final clearance.

Development and issuance of the Management Measures Guidance by EPA in consultation with NOAA was mandated in the 1990 amendments to the Coastal Zone Act. This Guidance specifies technology-based management measures to be used by the States in developing Coastal Nonpoint Pollution Control Programs aimed at restoring and protecting coastal waters. The Guidance targets five major nonpoint sources of pollution - agriculture, forestry, urban, hydromodification, and marinas. In addition, cross-cutting measures that address the protection of wetlands, riparian areas, and vegetated treatment systems are included in the Guidance.

Development of the Program Implementation Guidance was not legislatively mandated, but evolved out of a recognition by EPA and NOAA that the States would benefit from such Guidance due to the complexity and number of new requirements. The Program Guidance will assist States in understanding how to develop State coastal zone nonpoint source programs that are in conformance with the Management Guidance and includes timetables for program implementation. This Guidance describes the components that a State must include in its program in order for the program to be approved by EPA and NOAA.

Once the Management Guidance and Program Guidance are published, the States will have 30 months to develop and submit their programs. EPA and NOAA have six months to approve a State plan after it is submitted. Once a plan receives approval, implementation by the State begins. States that do not submit a plan within 30 months will be penalized through reduction of their Section 319 and Coastal Zone Management Grants on an increasing scale that begins with a 10% reduction in FY96. Only states that have approved Coastal Zone Management Plans (29 of the 35 states with coastal borders) are

*CZARA Guidance--Continued on Page 2*

required to comply with the Management Measures. Most affected States are generally supportive of the Coastal Nonpoint Programs set forth in the guidances; however, they are very concerned about the limited resources available for development and implementation. To minimize resources needed for program development, EPA and NOAA have proposed a "threshold review" process whereby NOAA and EPA would consult with individual states throughout the program development phase to clarify expectations and avoid unnecessary tasks. The final Management Measures Guidance and Program Implementation Guidance are scheduled for release this fall. Contact Stu Tuller, 260-7112.

## **NEP Program Grows with Addition of Peconic Bay**

On September 11, Administrator Reilly signed a letter to Governor Cuomo of New York announcing his decision to convene a National Estuary Program (NEP) management conference for Peconic Bay. For the last five to six years, sporadic outbreaks of brown tide algae have plagued Peconic Bay causing a sharp decline in the shellfish population. Resolution of the brown tide problem is a primary goal for the Peconic Bay NEP management conference. Additional problems to be addressed by the management conference include nutrient inputs, toxics, and pathogens.

Meanwhile, the selection process for the addition of three more estuaries from the ten that were nominated continues to move forward on schedule. These nominees face a multitude of problems including point and nonpoint source impacts, toxics, sedimentation, and eutrophication. Reflecting on the nominations and the National Estuary Program in general, Mark Curran, Chief of the Coastal Management Branch, stated, "The growth in the National Estuary Program and the enthusiastic and energetic involvement of the affected stakeholders is exciting and promises a healthier future for our estuaries." The nominated estuaries run the gamut in size from the Gulf of Maine as the largest to Morro Bay (California) as the smallest. For all ten of the nominations, individual review and comment meetings have been completed. Comment letters were then sent to the ten states requesting information clarifying relevant issues, and responses have been received from all ten nominees. The nomination process has now entered the final review and ranking

phase. Expectations are that Administrator Reilly will make a decision on which nominations to accept in October. Contact Ruth Chemerys, 260-9038 or Eric Slaughter, 260-1051.

## **New Procedures for Elevating Cases Agreed Upon**

As mandated by the President's Wetlands Plan, EPA and the Corps of Engineers (COE) have revised their Section 404(q) Memorandum of Agreement (MOA). The revisions, which became effective on August 24, outline procedures for interagency coordination between EPA and the COE during Section 404 permit review. The new MOA establishes a two track approach to elevations - one for addressing policy and procedural issues at the Regional and Headquarters levels and a separate one for addressing case-specific elevations that meet a specified threshold of impacts and/or resources.

The revisions are intended to streamline the elevated case process by reducing the time and complexity associated with case specific elevations. Further, the addition of policy elevations is expected to make the process smoother since resolution of policy issues can eliminate the need to address similar cases on an individual basis. Referring to the new MOA, Will Garvey, Chief of the Elevated Cases Section in the Wetlands Division, states, "As drafted, we believe the MOA will streamline the Section 404 regulatory process, while still protecting aquatic resources." The revised MOA has been distributed to the Regions and discussed with them via teleconference. Contact Will Garvey, 260-9900.

## **States Shifting Toward Watershed Protection**

A number of states have shifted to or are considering moving to a watershed protection approach. OWOW and the Office of Wastewater Enforcement and Compliance (OWEC) are providing assistance to states through a cooperative agreement with the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). State and interstate watershed protection approaches will be evaluated and a model framework that can be piloted by interested States will be developed through this cooperative agreement. On August 19, OWOW and OWEC, along with ASIWPCA, hosted a kick-off meeting with seven states and

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one interstate organization (ORSANCO) which are currently implementing or moving towards implementation of watershed-based management approaches. At this meeting, the states explained how their programs are operating and provided feedback on those actions that EPA could take to facilitate their efforts (e.g., consolidating grant and reporting requirements). This information will be useful during the next phase of this project as Headquarters and Regional staff select and begin negotiating state pilot projects to test selected watershed management concepts.

In addition to the EPA/ASIWPCA project, state interest in watershed protection was evident elsewhere. At ASIWPCA's conference held in July, a plenary session was convened to explore issues and opportunities for implementing water quality programs on a watershed basis and integrating them with other habitat protection and natural resource management programs. At this session, about a dozen people raised their hands when asked by the moderator which States are moving their programs toward this approach. In Delaware, interest in watershed protection resulted in an August meeting of OWOW staff, representatives of the Delaware Department of Natural Resources and Conservation, and Region III staff to discuss reorientation of Delaware's water programs on a watershed basis. Delaware is considering use of the basin approach used by North Carolina. Contact Sandy Germann, 260-6418.



### Special Events

#### 1992 National Geography Awareness Week To Focus on Water

"Geography: Reflections on Water" is the theme for this year's National Geography Awareness Week to be held November 15-21, 1992. Office of Water (OW) staff provided considerable input for the Teacher's Handbook that was developed by the National Geographic Society (NGS) to be distributed to over 140,000 educators for use in the schools in conjunction with National Geography Awareness Week. In July, NGS held a workshop for 100 teachers, two from each state, to provide them with training on water issues. Lajuana Wilcher gave a presentation at this workshop. The teachers who attended the July workshop are responsible for implementing statewide water education programs.

To promote National Geography Awareness Week and in celebration of the 20th Anniversary of the Clean Water Act, OW has set a goal of having 1,000 EPA employees visit schools during the month of November to share their knowledge of water issues with the students. This initiative is being called WET WAY, Water Employees Together With America's Youth, and is being carried out in collaboration with the NGS. OW will be providing more information to Headquarters, the Regions, and the labs on how to participate in WET WAY in October. National Geography Awareness Week, NGS's focus on water, and WET WAY provide excellent opportunities to increase awareness of water issues and encourage active participation in protecting water resources. Contact Anne Robertson, 260-9112.

#### WORLD Magazine to Highlight Ocean and Coastal Protection

Building on the recent cooperative efforts between EPA and the National Geographic Society (NGS), OWOW has awarded a grant to NGS for the production of an eight page educational insert on ocean and coastal protection to be included in NGS's September 1993 edition of *WORLD* magazine. The insert will include information, lessons, and activities aimed at informing NGS's 1.2 million junior members about the value of ocean and coastal environments and the need to protect and preserve these resources for the future. As part of the cooperative agreement, NGS will provide EPA with an additional 2,000 copies of the magazine for its own use. Contact Marcy O'Dell, 260-1904.

#### International Beach Cleanups

International Beach Cleanups are a volunteer activity organized by the Center for Marine Conservation, and co-sponsored by EPA, NOAA, and other Federal agencies, in celebration of "Coastweeks." Beach cleanups are one of several annual events designed to increase public awareness of ocean pollution and appreciation of coastal environments. On Saturday, September 19, EPA staff helped with cleanups along the banks of the Potomac and Anacostia Rivers in the Washington Metropolitan Area. On Saturday, October 3, EPA staff assisted with the beach cleanup at Cape Henlopen Bay in Delaware. Other popular "Coastweeks" events include boat cruises, museum exhibits, coastal walks, seminars, art shows, and photography exhibits. Contact Edna Villanueva, 260-6059.

We've all had both good and bad experiences with these situations. Often, however, the environmental and economic issues are intertwined in ways that would challenge a Dungeons and Dragons aficionado.

Within OWOW's family of programs, the latter situation is maddeningly familiar. So often our coastal, wetlands, or nonpoint source activities present us with circumstances where economic and environmental values are interlocked and sometimes even reinforcing. Unfortunately, we also encounter the situation where protection of multiple environmental values may compete. The reasons for this happening more frequently in OWOW's programs is not totally clear, but it probably relates to our heavy emphasis on natural resources (vs. pollution control) issues and on the absence of a single permit in many of our programs.

The upshot of this is that we, in the OWOW family of programs, must be particularly attentive to the complex interrelationship of environment and economy as we fashion and implement programs and initiatives. The relatively straightforward Regulatory Impact Analysis (RIA) type approach will often simply not work for us. Instead, we must consider such factors as natural resource damage and value assessment, the economics of sustainability, source trading, and land use management. For most of us, these are new frontiers that at best will require an open and inquiring mind and at worst some retraining. There's an opportunity for some of each presented by the October 19-21 conference on Clean Water and the American Economy in Arlington, Virginia. I will be moderating a panel on recreation and tourism — two areas that present some particularly interesting opportunities and challenges.

The concept of sustainability is one of the most interesting and powerful of these newer concepts. I recently attended a large invited "congress" on natural resources management with the ambitious charge of formulating an agenda for the 21<sup>st</sup> century. In almost every discussion — whether of forestry or water resources management or outdoor recreation — the concept of sustainability seemed to be a central tenet of finding a solution to today's problems. While most agreed on the idea, few agreed on the specifics, including even the definition. Certainly there is a lot of work remaining in this area, but I believe that it is an important concept for us and I hope that we will be active and informed participants in the continuing dialogue.

Not surprisingly, other important themes at the Natural Resources Congress were landscape ecology, interdisciplinary approaches, and a geographic approach, commonly styled a watershed approach. Sounds like

OWOW's program, doesn't it? I guess the moral of this rambling little dissertation is that we must strive in our programs to find ways to harmonize environmental protection with other societal goals, and we need to become conversant with and comfortable with some of the newer tools and concepts that will help us strike that harmonic chord.

#### News Bits

\* The proposed and final Pollution Source and Impaired Waters - CWA Section 303(d)/304(l) - rules were published on July 24. The final 304(l) rule requires States to revise their 304(l) facilities lists, and the proposal requests public comment on options concerning whether these newly listed facilities should be subject to the 304(l) Individual Control Strategy requirements. The 303(d) rule requires States to biennially identify waters that still require establishment of Total Maximum Daily Loads (TMDL's) and to target waters for TMDL development over the subsequent two years. Contact Bruce Newton, 260-7076 or Peggy Michell, 260-5378.

\* The Clean Water Act (CWA) Section 319 Nonpoint Source (NPS) Grants Tracking and Reporting System is now on line. The System carries information on the basic NPS grant, the NPS problem category, project data, and project tasks. EPA's ability to manage the NPS grants and to interchange information on NPS problems and solutions will be enhanced by this tracking tool. The System is on the Agency's mainframe and can be accessed via a PC with a modem. Contact Don Kunkoski, 260-7103.

\* OWOW is conducting Customer/Supplier Conferences with the Regions on a regular basis. These several day meetings between Headquarters and Regional staff are providing invaluable information about Regional needs and are facilitating Headquarters' ability to respond to these needs. In addition, these meetings provide an excellent opportunity for Headquarters' staff to learn first hand about Regional accomplishments. To date, OWOW has met with Regions 1, 4, 5, 8, and 9. OWOW will meet with the remaining Regions over the coming months and then will begin the cycle again. Contact John Pai, 260-8076.

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## Meetings

**Multi-Objective River Basin/Watershed Planning and Management Workshop, June 24-25** - At this workshop, jointly conducted by the Wetlands Division and the Corps of Engineers (COE) Institute for Water Resources, the participants addressed: (1) opportunities for improving local/federal interaction in river basin/watershed planning and management; (2) elements that contribute to successful local and federal interaction; and (3) resource needs/policy issues and next steps. A report on the workshop that includes priority recommendations for future COE/EPA action is available. Contact Glenn Eugster, 260-6045.

**1994 Sec. 305(b) Consistency Workgroup Meeting, June 24-26** - At this first workgroup meeting, there was consensus that the 1992 Guidelines have been implemented unevenly, that new requirements for 1990 were beneficial, and that only one major change was necessary for the 1994 cycle. The workgroup members wanted to consider changes to the guidelines in the recommendations on measuring aquatic life uses. There was support for other changes recommended for monitoring consistency regarding the Clean Lakes Program reporting requirements. AWPD will issue the 1994 305 (b) Guidelines one year before the due date and the 1992 305 (b) Report in October of 1993. Contact Barry Burgan, 260-7060.

**Monitoring Training Workshop for the National Estuary Program, July 8-9** - This workshop, held for the Galveston Bay National Estuary Program (GBNEP), was the first in a series to be conducted for the National Estuary Programs (NEP). This workshop provided the GBNEP with an excellent forum on national, regional, and local experiences in development of a comprehensive, integrated monitoring plan. Presentations on these experiences and the framework outlined by the "Monitoring Guidance for the National Estuary Program" set the stage for the development of the Galveston Bay Monitoring Plan over the next two years. Contact Joe Hall, 260-9082.

**JAD Workshop for STORET Modernization, August 11-13** - This workshop was the last in a series conducted by the STORET/BIOS/ODES Modernization Team. This workshop was held to involve customers in development of the model for the new modernized STORET. The model has been successively developed in each of the ten EPA Regional Offices and at Headquarters. Contact Bob King, 260-7028.

**Volunteer Monitoring Workgroup Meeting, August 13-14** - This interagency workgroup has been established to evaluate existing biological and habitat assessment protocols for volunteers and develop a standardized approach to be included in an EPA methods manual for volunteer monitoring of streams. The methods, which will be based on EPA's Rapid Bioassessment Protocols, will be adapted and tiered to allow volunteer organizers to select approaches that best suit their volunteers' experience, capabilities, resources and goals. The workgroup plans to develop a first draft biological methods chapter of the stream monitoring methods manual by the end of the year. Contact Alice Mayo, 260-7018.

**EPA/NOAA Workshops on CZARA Guidance** EPA and NOAA Headquarters staff held five two-day workshops with State and territorial nonpoint source control and coastal zone management agencies to prepare these agencies for development of state coastal nonpoint source pollution control programs under the Coastal Zone Act Reauthorization Amendments (CZARA). The workshops provided an opportunity for the state and territorial representatives to learn more about the technical and program guidance to be published this fall and enabled NOAA, EPA and the states to begin to lay the groundwork for successful program development once the guidances have become final. Contact Dov Weitman, 260-7085 or Stu Tuller, 260-7112.

**Intergovernmental Task Force on Monitoring Water Quality Meeting, September 9-10** - At this meeting, the first year draft report, which is due to OMB in December, was reviewed and discussed. This report outlines existing water quality monitoring problems and provides recommendations for solutions. Contact Elizabeth Jester, 260-7062 or Mary Belefski, 260-7061.

**National Rural Clean Water Program (RCWP) Symposium, September 13-17** - At this symposium, approximately 44 presentations were given on the findings from the 21 RCWP projects. The topics included water quality results, the effectiveness of agricultural nonpoint source control measures, project coordination, farmer participation, institutional arrangements, information and education, socioeconomic impacts, technology transfer, and research needs. Symposium proceedings are available from the EPA CERL in Cincinnati, OH. Contact Steve Dressing, 260-7110.

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## Recent Releases

***Protecting the Nation's Wetlands, Oceans, and Watersheds: An Overview of Programs and Activities*** An overview of the responsibilities, programs and activities carried out by OWOW. Contact Anne Robertson, 260-9112.

***The Global Oceans Directory*** This directory provides profiles of Federal agencies, United Nations agencies, non-governmental organizations, and Canadian Agencies that are involved in ocean conservation and resource management. A list of North American Marine Policy Centers is also included. Contact Nicole Veilleux, 260-1981.

***Monitoring Guidance for the National Estuary Program - Final*** This document provides the National Estuary Program with guidance on how to design, implement, and evaluate a monitoring program. This document is of use to all coastal and marine managers with monitoring responsibilities. Contact Joe Hall, 260-9082.

***The National Estuary Program After Four Years: A Report to Congress*** - This document is a status report on the National Estuary Program (NEP) and the seventeen Management Conferences that are part of the NEP. The report highlights the program's growing expertise in managing cumulative impacts of growth and development, non-point source pollution, and habitat loss. Contact Margherita Pryor, 260-9176.

***Turning the Tide on Trash: A Learning Guide on Marine Debris*** - This guide focuses on the problem of marine debris and teaches ways that children can become part of the solution to the problem. This guide targets grade school children. Contact Marcy O'Dell, 260-1904.

***Save Our Seas*** - This two-sided poster highlights the main aspects of the marine debris problem and what individuals can do to become part of a solution to the problem. The back side of the poster features a board game from "Turning the Tide on Trash - A Learning Guide on Marine Debris." Contact Marcy O'Dell, 260-1904.

***The Quality of Our Nation's Water: 1990*** - This booklet is a summary of the *National Water Quality Inventory: 1990 Report to Congress*. This booklet is designed to help the general reader understand the problem of water pollution in the U.S. today. Its focus is on the sources, types, impacts, and extent of water pollution and the actions govern-

ment and citizens are taking to control them. Contact Alice Mayo, 260-7018.

***Summary of Administrator's Point/Nonpoint Source Trading Meeting*** - A summary of the meeting held in Durham, North Carolina, April 27-28. Contact Peggy Michell, 260-5378.

***Private Landowner's Wetlands Assistance Guide: Voluntary Options for Wetlands Stewardship in Maryland*** - This document was developed under a cooperative agreement between EPA and 14 other co-sponsoring agencies and private organizations. Copies of the guide are available from the Wetlands Hotline at 1-800-832-7828. Contact Marjorie Wesley, 260-1905.

***Protecting Coastal and Wetlands Resources: A Guide for Local Governments*** - This document is a hands-on guide designed to help elected officials and concerned citizens from coastal communities learn about a variety of approaches for managing their coastal and wetlands resources. The guide contains a comprehensive review of resource management and planning tools as well as 19 case studies. Contact Nicole Veilleux, 260-1981.

## Draft Reports

***Guidance Manual for the Preparation of Part II of the National Pollutant Discharge Elimination System (NPDES) Permit Applications for Discharges from Municipal Separate Storm Sewer Systems*** This document will be used by municipalities in preparing the Part II application for compliance with stormwater regulations. Concerns regarding the siting of stormwater ponds in natural wetlands are being addressed. Contact Fran Eargle or Stephanie Krone Firestone, 260-1954.

***Draft EPA Strategic Plan for Habitat Protection*** - This draft document, under preparation by the EPA Habitat Cluster, offers a strategy for reducing habitat degradation and loss. The strategy emphasizes better use of existing regulatory authorities and non-regulatory programs, improvement of the habitat science and information base, and establishment of effective governmental and non-governmental partnerships as ways for EPA to help reduce the risk of adverse impacts upon habitats. This draft document is not yet available for external release. Contact Doug Norton, 260-7017.

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## People

- Congratulations to Ruth Chemerys and her husband on the birth of their daughter Nora Kathryn on July 20.

- Congratulations to Stephanie Sanzone and her husband on the birth of their son Andrew Arash on July 27.

- Congratulations to Dianne Fish and her husband on the birth of their son Collin Holliday on October 11.

- EPA friends were saddened by the death, in early September, of William Hedeman, who was a director of the Office of Federal Activities (OFA) during the time OFA administered the Section 404 Program. In the 1970's, Bill served as Corps of Engineers Associate Counsel for Regulatory Affairs and in that capacity he played a key role in establishing many important Section 404 policies and regulations. Bill later became Director of the Office of Emergency and Remedial Response, until leaving the Agency to become a partner in the law firm of Beveridge and Diamond.

- Another loss in our extended family occurred in August when Allan Hirsch passed away. Allan was OFA Director during much of Bill Ruckelshaus' second term at EPA. He was associated with several precedent setting Section 404 cases and played a key role in establishing the Comprehensive Wetlands Protection Strategy that still guides the program today. Allan had continued to work with his EPA colleagues through service in various scientific committees and as a contractor.



## Upcoming Events

**Third Annual National Estuary Program (NEP) Directors' Meeting, week of October 12** - The primary focus of this meeting will be to create a forum for staff in other EPA program offices, as well as other Federal agencies, to interact with members of the NEP. The meeting will also provide an opportunity for the programs to discuss current issues and exchange information. Contact Leanne Stahl, 260-9799.

**Practical Conflict Management: Skills to Resolve Highway/Wetland Issues, late October** - This three day course, being developed by the Federal Highway Administration with assistance from EPA's Wetlands Division, will address practical negotiation and communication techniques applicable to resolving issues that arise during the Section 404 and NEPA review of Federal-aid highway projects. Contact Joseph DaVia, 260-1602.

**Technical Assistance Strategy Workshop, November 16-17** - This invitational workshop is the first in a series that will be held to get input from Regions, States, and other key groups to help in the development of a Technical Assistance Strategy. Contact Karen Klima, 260-6424.

**Beneficial Use of Dredged Material Workshop, December 1-3** - This workshop is being hosted by EPA Headquarters and Region VI, in cooperation with the Corps of Engineers and Louisiana State University. "How Do We Make Beneficial Use Projects Practicable?" is the theme. Contact Fran Eargle, 260-1954.

"Quarterly Highlights" is prepared by the Office of Wetlands, Oceans and Watersheds (OWOW). Its purpose is to share information with our Headquarters and Regional counterparts on major events that occurred during the past quarter, to provide an update on specific topics, and to advise you of key personnel changes and upcoming activities. Any questions or suggestions concerning "Quarterly Highlights" should be directed to Anne Robertson of OWOW at 202-260-9112.

## New Personnel

A warm welcome is extended to the following new employees who joined OWOW over the summer (where these new arrivals most recently hail from is indicated in parentheses):

### *Immediate Office*

Elise Malinovsky (Central Regional Lab in Annapolis)

### *Policy and Communication Staff*

Patty Scott (Congressman Christopher Shay's Office, Republican, CT)

### *Oceans and Coastal Protection Division*

Deborah Lebow (OWEC)

Yvonne Jordan (OST)

### *Wetlands Division*

Mark Jen (Yale School of Forestry)

Clay Miller (Army Corps of Engineers, Philadelphia District)

Peter Keller, Presidential Management Intern (Montana Parks)

Tim Whitehouse, Presidential Management Intern (Emory University Law School)

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