



TOTAL MAXIMUM DAILY LOADS

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SUMMARY

Merrimack TMDL Forum

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ASIWPCA held the third in its series of Total Maximum Daily Load (TMDL) Forums in Merrimack, New Hampshire on January 14-16, 2002. The Association and USEPA sponsored these sessions to provide State/Interstate program staff and USEPA personnel the opportunity discuss share effective approaches, dicuss current issues and explore future directions in the TMDL program.

Representatives from the USEPA Office of Wetlands, Oceans and Watersheds, opened the session with an overview of current TMDL program improvements and a status report on the new TMDL rule. Discussions highlighted the recently issued EPA guidance which allows Integrated Water Quality Reporting combining Sec. 305(b) and Sec. 303(d) processes, along with Sec. 319 Guidance supporting TMDL implementation. As with the previous Forums, the agenda included presentations on State's experience with TMDLs. State, USEPA, and other participants engaged in a dialogue to share lessons learned, discuss the complexities of developing and implementing effective TMDLs, and explored new approaches for streamlining the TMDL process.

Representatives from USEPA Region I and States within Regions 1 and 2 made presentations and led group discussions about the current status of and issues associated with implementing TMDL programs in their respective states. Presentations were made on a variety of topics, including monitoring approaches, credible data laws, biocriteria development, effective public involvement, and state/tribal coordination.

At the culmination of these activities, participants engaged in a lively wrap-up discussion and identified priority action items to consider as USEPA, States and Interstate Agencies move ahead in their efforts to develop meaningful and implement TMDLs. Those actions items and next steps included—

Better use needs to be made of available partners.

- The connection between TMDLs and USDA's implementation role was very important. More attention needed to be given to that the handoff to assure TMDLs are implemented in a smooth and efficient manner.
- The local role and the importance of stakeholder involvement needs to more emphasis.
- The lack of grant funds ss a major limiting factor.
- The use of 3rd parties for TMDL development should be considered more.

USEPA and the States need to think strategically on how to make the best use of the limited resources and where TMDLs should fit into the overall WQ program.

- TMDLs can be a useful tool for helping to identify implementation plans and communicate information. But, they are not always the most sensible approach to solving water quality problems andd are

sometimes redundant. Alternative pollution control strategies may be less costly, more effective and more expeditious. In some circumstances, the public will be more amenable to supporting non-TMDL approaches to solving problems.

- Functionally equivalent approaches should be recognized and ways found around the “administrivia”
- States need flexibility to be creative in their use and application of TMDLs. More thought should be given to what the program should look like.
- The new rule needs to also accommodate the diversity of approaches States were taking.

The linkages with other parts of the WQ program need to be examined and strengthened. This would be a powerful incentive for maximizing watershed protection.

- States should be able to take an integrated approach to TMDL development and WQS approval. UAAs and TMDLs have shared common elements that should be recognized. USEPA needs to help facilitate States revision of WQS based on natural conditions.
- The WQS and permit programs should be considered more in tandem with the TMDL program.
- The link with monitoring needs to be strengthened.
- Funding programs (e.g., the SRF and 319) should support TMDL implementation.
- The linkage between the SRF, POTWs and monitoring needs to be strengthened.
- The linkage between TMDLs and future changes in WQS presents new challenges.
- More thought needs to be given to the connection between TMDLs and Stormwater Phase II permitting.

Pre TMDL permitting is an outstanding issue that needed to be better addressed, but participants were not sure whether interim guidance would be beneficial.

- Reasonable progress needs to be made in the interim before TMDLs
- Compatible NPDES and TMDL schedules is an issue
- Better analysis was needed to support permit issuance.
- The concept of reasonable assurance (RA) needs to provide enough flexibility to adjust load allocations so long as the over all targets are met.
- The tension between RA and equity needs to be better acknowledged.

Technical issues need to be addressed. TMDLs are producing restoration blue prints that will be far more challenging to than what States and USEPA were able to accomplish in the first 30 years of the Clean Water Act for point source control using substantial Federal funding and the NPDES program.

- A workshop would be beneficial for north east States on TMDL basics.

States needed a transition period to shift from the pre-existing to the new 303(d) listing policy.

More flexibility was needed in the use of incremental 319 funds to address pollution in impaired waters, watershed restoration and protection underway.

To get pollution control efforts underway at the local level, the program needs to keep approaches simple. Implementation should be the focus, not TMDL completion for its own sake.

Regarding waters listed in category 4b, States should get credit for pollution control efforts as an alternative to ceasing such activity to do a TMDL.

Increased use should be made of generic TMDLs (e.g., for lakes).

Funds should be targeted to priority R&D needs.

The iterative approach is important.

Increasing the public's understanding of priorities will be of major benefit to TMDL efforts.

A regional approach should be taken by Northeast States and USEPA regarding mercury from air deposition.