



Water and Ecosystems Committee

August 29, 2010

Whitefield, New Hampshire

Meeting Notes

Welcome – Commissioners Tom Easterly (IN), Chair and Laurie Burt (MA), Acting Vice Chair

Introduction of Speaker - Chair, Tom Easterly

Featured Speaker - U.S. EPA Deputy Assistant Administrator for the Office of Water, Nancy Stoner

- EPA is finalizing their clean water strategy, which was released just a few days prior to the ECOS meeting so that EPA officials could discuss it with commissioners, directors and their deputies
- Entitled "[Coming Together for Clean Water](#)" the draft outlines a broad strategy for improving water quality. EPA plans to strengthen water pollution regulations under the Clean Water Act and complete a comprehensive scientific assessment of the country's water bodies. The deadline for submitting comments on U.S. EPA's draft clean water strategy is Friday, **September 17**.
- Tools to deal with water pollution have not changed from 20 to 30 years ago and cannot fully address new and expanded challenges

Clean Water Strategy

- EPA's basic strategy assumes that Congress will not take action on any comprehensive Clean Water Act (CWA) legislation
- EPA will maximize existing tools in the CWA
- Examples: water quality standards rulemaking; stormwater – lots more EPA can do at the state and local level (recognized ECOS nonpoint source resolution); CAFOs – have underutilized authority there – the number of un-permitted CAFOs has remained constant; effluent guidelines – new ones underway (acknowledged ECOS dental amalgam resolution)
- Lack of tools at EPA – in nutrients, the principal strategy is partnerships – need to move away from pilots to establish state programs; must develop plans with accountability; Chesapeake Bay strategy has some teeth – EPA will learn from the Bay, both successes and problems
- EPA will be more strategic – improve knowledge of the state of our waters. Assessments and reports are needed to create a national picture, but it is likely this won't get done until 2014
- Protecting healthy waters – 25 state partners are participating; ecological assessments are being done; how can EPA and states do on more widespread basis?
- TMDLs – need to shift to implementation as opposed to just looking at the number of TMDLs developed
- Achieve multiple benefits from solutions to pollution problems
- Tailor solutions to work for the public – expand the effort to involve more people in community-based solutions

Drinking Water Strategy

The Drinking Water Strategy includes the following four principles:

- Addressing some contaminants as group(s) rather than one at a time so that enhancement of drinking water protection can be achieved cost-effectively;
- Fostering development of new drinking water technologies to address health risks posed by a broad array of contaminants;
- Using the authority of multiple statutes to help protect drinking water; and
- Partnering with States to share more complete data from monitoring at public water systems.

- Blog: <http://water.epa.gov/lawsregs/rulesregs/sdwa/dwstrategy/index.cfm>

State Questions and Comments

- OR – How will EPA move forward with their new thinking and the traditional application of the CWA?
- OH – Need a silver bullet for nonpoint source pollution (NPS) – it is a tremendous struggle for states. We encourage conversations with the Dept. of Agriculture at the federal level that will help states better know what to do. The mixture of varying authorities when it comes the NPS results in confusion.
DAA Stoner: We do know what technology to use for NPS. “We know what to do, we just need to make it happen.” USDA is interested in the results from their investments and interested in more and better targeting. What would move that forward is to have state plans outlining where the money is, how it should be spend and what results can be expected.
- MA – the stormwater rule proposal and comment period (proposed: 2011 and final 2012) is not a comprehensive approach. Some EPA ideas are good but lack authority
- DC – OW should meet with ITRC.
- VT – in areas of impairment, 97% is from NPS. If we spend current funding on point source pollution, it won’t make a difference in water quality and problems will remain.
DAA Stoner: the SRF can be spent on NPS problems. Also you can have trade-offs between point and nonpoint sources. Look at state level funding from all federal sources to form an array of partnerships.
- AR – under the CWA strategic plan, will there be watershed permitting? Will there be categories for healthy and healthier?
DAA Stoner: No. There will be ecological assessments to move waters into tiers that receive federal protection, thus elevating watersheds. (Dov Weitman Chief, Nonpoint Source Control Branch, is the lead at EPA)
- WA – are there opportunities for technology in the stormwater rulemaking?
DAS Stoner: Not really. The National Research Council report recommendations will be the centerpiece of EPA thinking.

In July 2006, EPA commissioned the National Research Council (NRC) to review its program for controlling stormwater discharges under the CWA. The NRC released its report, entitled [Urban Stormwater Management in the United States](#), National Academy of Sciences Press, in October 2008. The NRC report states that stormwater discharges from the built environment remain one of the greatest challenges of modern water pollution controls, "as this source of contamination is a principal contributor to water quality impairment of waterbodies nationwide." The NRC found that the current regulatory approach by EPA is not adequately controlling all sources of stormwater discharges that are contributing to waterbody impairment. NRC recommended that EPA address stormwater discharges from impervious land cover and promote what are often called "green infrastructure" practices. Green infrastructure approaches and technologies, including "Low Impact Development" (LID), can infiltrate, harvest, evapotranspire, capture, reuse or otherwise manage stormwater in order to maintain or restore the natural hydrology of a developed site. The maintenance or restoration of the natural hydrology is critical to reducing pollutant loadings to our Nation's waters.

Nonpoint Source Subcommittee – Justin Johnson (VT), Chair

- The Subcommittee convened a breakfast meeting
- Still trying to get their arms around the many pieces of the NPS puzzle
- The Subcommittee has created a list of relevant NPS issues that will be fleshed-out and prioritized
- Bill Holman (Duke U.) provided an overview of recent nationwide meetings
- The Subcommittee has drafted a resolution calling for better coordination and cooperation among the federal departments and agencies that provide funding for nonpoint source programs

Resolutions

(See all *Resolutions* <http://www.ecos.org/section/policy/resolution/?committee=2>)

- Proposed Resolution – *Improved Cooperative Management of Federal Programs to Reduce Nonpoint Source Pollution*
VT – not always apparent who has the lead on what when it comes to funding NPS projects
Resolution passes.

- Revised Draft Resolution # 07-10, *Supporting Green Infrastructure*
MA – assisted with the redrafting to add more substance and also to make it current, especially in the ‘Therefore’ section
TX – problem with the recommendation to “consider” in the 3rd and 4th to last ‘Therefore’ paragraphs.
Maybe change to encourage?
AL – agrees and seconds
OK – instead, leave the wording as is and only change the word ‘regulate’ in both paragraphs to the word ‘address’
CT – agrees
VA – endorses OK’s suggestion
AL – agrees
TX – agrees to the change
Resolution passes.

Clean Water Act Action Plan

The Action Plan is a joint effort of OECA and OW and both Tom Easterly and Cindy Tuck have been involved through the Steering Committee. An overview of the effort will be presented in the ECOS Compliance Committee. All draft papers are supposed to be completed in early-mid September. That timetable may be slipping.

Adjournment