

**FEDERAL WATER QUALITY COALITION
ACTIVE PRIORITY PROJECTS AS OF 9/30/13**

	PROJECT	DESCRIPTION	STATUS	TASKS/DEADLINES
STANDARDS ISSUES				
1	Nutrient Water Quality Criteria & Guidance	EPA working with States on development of aquatic life criteria for nutrients	<ul style="list-style-type: none"> • On 3/16/11, EPA issued guidance on a recommended framework for State nutrient reductions - http://water.epa.gov/scitech/swguidance/standards/criteria/nutrients/upload/memo_nitrogen_framework.pdf • On 6/23/11, FWQC, ASIWPCA and other organizations sent letter to EPA raising concerns about EPA “independent applicability” approach to development of State nutrient criteria • In Sept 2013, EPA issued guidance on an approach to numeric nutrient criteria that integrates causal and response parameters - http://www2.epa.gov/sites/production/files/2013-09/documents/guiding-principles.pdf • EPA has issued toolkit of resources to be used by States in developing numeric nutrient criteria - http://www2.epa.gov/nutrient-policy-data/toolkit-resources-provide-states-flexibility-adopting-and-implementing-numeric • Association of Clean Water Administrators (ACWA) has also issued toolkit of nutrient criteria resources - http://www.acwa-us.org/#!_nnc-toolkit • FLORIDA: EPA has approved Florida DEP’s numeric nutrient standards for some waters; DEP is continuing to develop numeric nutrient standards for remaining waters - http://www.dep.state.fl.us/water/wqssp/nutrients/; State and EPA actions have been challenged in State and Federal court, and claims are pending • MONTANA: State is developing a nutrient standards rulemaking package that includes state-wide nutrient variances – http://deq.mt.gov/wqinfo/standards/NumericNutrientCriteria.mcp ; On 1/3/12 , EPA issued a letter to Montana, indicating that State action to adopt state-wide nutrient variances would be approvable under CWA - http://deq.mt.gov/wqinfo/NutrientWorkGroup/PDFs/EPALtr1_3_12.pdf • IOWA: On 5/29/13, Iowa DNR issued a final Nutrient Reduction Strategy - http://www.nutrientstrategy.iastate.edu/ ; comments from EPA were generally favorable; environmental groups have submitted a petition asking for the State to issue numeric nutrient standards for public recreational lakes - http://www.iaenvironment.org/documents/2013/Lakes/petition.pdf • OHIO: State has developed a draft Nutrient Strategy Framework - http://epa.ohio.gov/dsw/wqs/NutrientReduction.aspx; agency has conducted early stakeholder outreach, with submittal of comments on May 2013; agency will now convene an advisory group to determine next steps 	<ul style="list-style-type: none"> • Continue monitoring EPA and State activities on nutrient issues • Assess need for FWQC comments or other involvement as appropriate

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2	Gulf of Mexico / Mississippi River Basin Numeric Nutrient Criteria	Environmental groups seeking to have EPA impose numeric nutrient standards for Gulf of Mexico and Mississippi River basin	<ul style="list-style-type: none"> • On 7/29/11, EPA denied petition by environmental groups requesting Federal nutrient water quality standards and TMDLs for Mississippi River basin and Gulf of Mexico - http://fwqc.org/members/DocumentLibrary/missnutrientsepaletter072911.pdf • Environmental groups have filed suit challenging EPA denial of petition as to setting of nutrient standards, and FWQC and other groups have intervened in support of EPA • On 9/20/13, court issued decision - http://fwqc.org/members/DocumentLibrary/gulfnutrientdecision092013.pdf • Court held that EPA has to make a “necessity” determination, but that EPA can base that decision on a broad range of factors; EPA has 180 days to issue determination 	<ul style="list-style-type: none"> • Review court decision; assess possible responses; consult with EPA re their planned responses
3	Revisions to Water Quality Standard Regulation	EPA considering changes to Federal rules governing development of State water quality standards	<ul style="list-style-type: none"> • On 7/30/10, EPA issued notice of two listening sessions (on 8/24/10 and 8/26/10) concerning possible changes to 40 CFR 131, EPA’s Water Quality Standards Regulation – http://frwebgate2.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=OJUaC3/1/2/0&WAISaction=retrieve • FWQC participated in listening sessions, and had meeting with EPA on 9/7/10 concerning FWQC concerns • FWQC comments on notice submitted 9/17/10 – http://fwqc.org/members/DocumentLibrary/Final%20Comments%20on%20EPA%20Notice%20re%20Revisions%20to%20Water%20Quality%20Standards%20Regulation.htm • EPA proposed rule issued on 9/4/13 – http://www.gpo.gov/fdsys/pkg/FR-2013-09-04/pdf/2013-21140.pdf • Comments due by 12/3/13 • Summary of proposal at http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Proposal%20to%20Revise%20Water%20Quality%20Standards%20Requirements.htm • EPA holding public meeting and webinars on proposal – registration at http://www.tetrattech-ffx.com/wqsregs/public/ 	<ul style="list-style-type: none"> • Review proposed rule • Call of FWQC on 10/4/13 • Participate in EPA public meeting and webinars • Plan to submit comments, and meet with EPA re concerns
4	Chloride Criteria	EPA developing recommended aquatic life criteria for chloride	<ul style="list-style-type: none"> • EPA developing new criteria guidance for chloride, which are expected to be similar to Iowa standards, sulfate and hardness-dependent – expected to be sent to external review and then public comment in summer 2014 	<ul style="list-style-type: none"> • Review draft guidance when issued and consider drafting comments

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5	Revisions to Selenium Criteria	EPA has issued draft revisions to its recommended aquatic life criteria for selenium	<ul style="list-style-type: none"> • Draft revised criteria were issued in Fed Reg on 12/17/04 – at http://www.epa.gov/waterscience/criteria/selenium/ • FWQC filed comments on draft criteria on 6/10/05 • A Pellston expert workshop was held in Pensacola, FL in Feb. 2009, to focus on ecological assessment of selenium in aquatic environment – summary of workshop is at http://www.namc.org/docs/00045009.pdf • EPA has developed a new draft criteria document; draft sent to external review in Jan 2013, public review and comment possibly by late 2014 • Draft implementation guidance may be issued for comment as well 	<ul style="list-style-type: none"> • Review draft criteria and implementation guidance when issued, and plan to submit comments
5	Revisions to Ammonia Criteria	EPA considering revising ammonia aquatic life criteria to address impacts to freshwater mussels	<ul style="list-style-type: none"> • On 7/9/04, EPA issued Federal Register notice stating its intention to reevaluate, and possibly revise, the Agency’s recommended ammonia criteria, based on recent studies concerning impacts of ammonia on freshwater mussels – at http://www.epa.gov/waterscience/standards/ammonia/ • On 9/13/04, FWQC filed comments stating that the mussel data do not justify reevaluating the ammonia criteria at this time • On 8/23-24/05, EPA held workshop in Chicago on mussel toxicity studies – focus was primarily on ammonia, but some studies also on metals; workshop report, abstracts and presentations are at http://www.epa.gov/waterscience/criteria/ammonia/ • EPA issued draft revised criteria document on 12/30/09 – http://www.epa.gov/waterscience/criteria/ammonia/ • FWQC filed comments on 4/1/10 • Final criteria issued on 8/22/13, along with implementation guidance - http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/ammonia/index.cfm 	<ul style="list-style-type: none"> • Review final criteria document and consider possible responses • Call of FWQC held on 9/20/13 • FWQC convening small group to assess EPA responses to FWQC comments and to develop recommendations for FWQC to consider as to next steps

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7	<p>Fish Consumption Rate for Human Health Standards</p>	<p>States are considering option of high fish consumption rate assumptions in developing water quality standards, resulting in low standards for mercury, PCBs and other pollutants</p>	<ul style="list-style-type: none"> • Oregon adopted fish consumption rate (FCR) of 175 g/day • Washington State considering adoption of FCR between 157 and 267 g/day – rulemaking info at http://www.ecy.wa.gov/toxics/fish.html • FWQC submitted comments on WA proposal, supporting technical concerns raised by FWQC members – http://fwqc.org/members/DocumentLibrary/fwqc%20wash%20fish%20com%20ments.pdf • Other States considering revising FCR, including Maine, Florida and Idaho • Idaho has started a rulemaking: http://www.deq.idaho.gov/media/878428-deq-response-letter-human-health-criteria-080612.pdf , and FWQC has submitted comments - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20and%20Conference%20Call%20on%20Fish%20Consumption%20Rate%20Issue.htm • Florida is considering FCR issue in triennial WQS review - http://www.dep.state.fl.us/water/wqssp/tr_review.htm • FWQC submitted comments in Florida - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20and%20Conference%20Call%20on%20Fish%20Consumption%20Rate%20Issue.htm • FWQC has submitted issue papers to EPA regarding FCR concerns - http://fwqc.org/members/DocumentLibrary/Final%20Details%20on%20Feb%207%20Meeting%20with%20EPA%20on%20Fish%20Consumption%20Rates.htm • FWQC met with EPA on FCR issues on 2/7/13 – http://fwqc.org/members/DocumentLibrary/Summary%20of%20Feb.%207%20Meeting%20with%20EPA%20on%20Fish%20Consumption%20Rates.htm • Followup information on FWQC concerns submitted to EPA on 5/20/13 - http://fwqc.org/members/DocumentLibrary/Followup%20from%20Fish%20Consumption%20Rate%20Meeting.htm • Presentation to States circulated to FWQC members on 6/14/13 – http://fwqc.org/members/DocumentLibrary/Presentation%20to%20States%20on%20Fish%20Consumption%20Rates.htm ; presentation then sent to Association of Clean Water Agencies (ACWA) for distribution to State agencies • FWQC held call with ACWA work groups on 9/18/13 to discuss concerns 	<ul style="list-style-type: none"> • Monitor State actions on FCR issue, and consider filing FWQC comments when appropriate • Follow up with EPA regarding further discussion of FWQC concerns with Agency policy • Continue discussions with ACWA and State agencies about cooperation in addressing concerns re FCR issues
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8	Conductivity Standards	EPA may adopt stringent WQS for conductivity for application nationally	<ul style="list-style-type: none"> • On 4/12/10, EPA issued notice asking for comment on draft technical report concerning conductivity aquatic life benchmark for Appalachian region • FWQC comments submitted 9/3/10 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm • SAB review issued on 3/25/11 - http://yosemite.epa.gov/sab/sabproduct.nsf/c91996cd39a82f648525742400690127/EEDF20B88AD4C6388525785E007331F3/\$File/EPA-SAB-11-006-unsigned.pdf • Final EPA report issued 5/27/11 - http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=233809 • On 7/31/12, Federal district court for DC ruled that EPA action in issuing Appalachian conductivity guidance violated the CWA - http://www.cnsenvironmentallaw.com/2012/08/02/show_public_doc.pdf; decision being appealed to D.C. Circuit by EPA • EPA is now developing national conductivity guidance that would apply to any area where data are available • EPA will send guidance to new panel for peer review; there will be Fed Reg notices re nominations to panel and re review of draft criteria by panel; expect draft criteria to be sent to panel by early 2014 	<ul style="list-style-type: none"> • Monitor developments in litigation and permit appeals, including possible appeals by EPA and/or NGOs in DC district court case; consider FWQC involvement in cases as appropriate • If EPA decides to develop national guidance, meet with EPA staff and develop comments
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PERMIT ISSUES

9	Pinto Creek – Permits for New Sources Issue	Ninth Circuit Court of Appeals issued stringent ruling on issuance of permits for new sources on impaired waters	<ul style="list-style-type: none"> • Ninth Circuit ruling issued on 10/4/07 – http://www.ca9.uscourts.gov/datastore/opinions/2007/10/03/0570785.pdf • FWQC and others filed <i>amicus</i> briefs supporting Carlota Copper’s petition for Supreme Court to take the case • Supreme Court denied <i>cert.</i> on 1/22/09, refusing to take case for review • EPA now indicating that it does not plan to revise Federal rule that was interpreted in Pinto Creek case – 40 CFR 122.4(i) 	<ul style="list-style-type: none"> • Monitor permit developments in States to determine how agencies are addressing permits for new sources to impaired waters • If need arises, consider contacts with EPA about possible proposed rule or guidance to address permitting concerns
10	Stormwater Numeric Limit Guidance	EPA issued new guidance on issuance of numeric limits for stormwater discharges in NPDES permits	<ul style="list-style-type: none"> • EPA issued new guidance on 11/12/10 concerning issuance of water quality-based limits in stormwater permits – http://www.epa.gov/npdes/pubs/establishingtmdlwla_revision.pdf • Guidance revises elements of previous stormwater guidance issued in 2002 – instead of numeric limits being imposed “only rarely,” they should now be used “where feasible” • EPA decided on 3/17/11 to accept comments on guidance – http://www.epa.gov/npdes/pubs/sw_tmdlwla_comments.pdf • FWQC filed comments on 5/16/11 – http://fwqc.org/members/DocumentLibrary/Stormwater%20Developments%20-%20EPA%20Numeric%20Limits%20Memo%20-%20New%20Draft%20Construction%20Permit.htm • Final decision on whether to confirm, withdraw or modify guidance submitted to OMB on 3/30/12; no indication as to likely issuance date 	<ul style="list-style-type: none"> • Monitor status of final decision at OMB, and consider meeting with OMB if appropriate • Review EPA final decision and consider possible responses
11	Multi-Sector General Permit (MSGP)	EPA developing next version of general permit for stormwater discharges from industrial activities	<ul style="list-style-type: none"> • EPA last issued MSGP on 9/29/08 - http://cfpub.epa.gov/npdes/stormwater/indust.cfm • 2008 permit expires on 9/29/13 • Draft of next permit issued on 9/27/13 - http://cfpub.epa.gov/npdes/stormwater/msgp.cfm • Comments due 11/26/13 	<ul style="list-style-type: none"> • Review draft permit; develop and submit comments
12	E-Reporting Rule	EPA developing proposed rule that would require electronic submittal of DMRs and other reports	<ul style="list-style-type: none"> • EPA gave presentation to FWQC members in webinar on 6/14/12 • Proposed rule signed 7/15/13 – http://www2.epa.gov/compliance/proposed-mpdes-electronic-reporting-rule • Comments due 10/28/13 • EPA did another webinar for FWQC members on 9/17/13 on proposal 	<ul style="list-style-type: none"> • Review proposed rule and submit comments

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13	Whole Effluent Toxicity (WET)	EPA and States including WET testing requirements and limits in permits	<ul style="list-style-type: none"> • Draft WET implementation guidance issued 12/28/04 – at http://www.epa.gov/npdes/pubs/wet_draft_guidance.pdf • FWQC comments on draft guidance submitted on 3/31/05 • EPA has issued guidance on “Test of Significant Toxicity” (TST) approach to determining if discharges have WET “reasonable potential” and therefore receive permit limits for WET - technical document at http://www.epa.gov/npdes/pubs/tst-techdoc.pdf , implementation document at http://www.epa.gov/npdes/pubs/tst-impdoc.pdf • California State Water Resources Control Board has issued draft WET policy, applying EPA’s TST guidance – http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml ; comments have been submitted, and public hearing held on 8/21/12 • On 5/24/12, EPA issued a WET Spreadsheet, which can be used to determine reasonable potential and to assess permit compliance - http://cfpub.epa.gov/npdes/docs.cfm?view=allprog&program_id=45&sort=date_published 	<ul style="list-style-type: none"> • Monitor WET developments in States, and consider filing comments as appropriate • Assess EPA WET Spreadsheet and consider possible steps to address concerns
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TMDL ISSUES

14	TMDL Vision	EPA developing long-term vision for 303(d) listing and TMDL programs	<ul style="list-style-type: none"> • EPA has issued draft document setting forth long-term vision for 303(d)/TMDL program - http://fwqc.org/members/DocumentLibrary/tmdl%20vision%20document%200612.pdf • FWQC comments submitted to EPA 7/22/12 - http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20vision%20comments%20072212.pdf • FWQC met with EPA regarding comments on 4/29/13 • Revised draft “vision document” issued in August 2013 - http://fwqc.org/members/DocumentLibrary/tmdlvisionplandraft061813.pdf 	<ul style="list-style-type: none"> • Continue contacts with EPA staff as Agency continues steps in refining and implementing concepts in vision document • Schedule call with State agencies to discuss their plans for implementing new TMDL vision in their programs
15	Guidance on Revision and Withdrawal of TMDLs	EPA developing guidance to States on revising and withdrawing TMDLs	<ul style="list-style-type: none"> • Draft guidance issued by EPA on 3/22/12 – http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/Draft-TMDL_32212.pdf • FWQC filed comments on 5/10/12 – http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20guidance%20comments%20051012.pdf • FWQC discussed comments in meeting with EPA on 4/29/13 	<ul style="list-style-type: none"> • Provide information to EPA to follow up on issues discussed in 4/29/13 meeting • Review final guidance when issued, and consider next steps
16	Guidance on Multijurisdictional TMDLs	EPA developing guidance to States on development of TMDLs that apply to multiple jurisdictions	<ul style="list-style-type: none"> • Draft EPA guidance issued on 3/22/12 – http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/Draft-MJTMDL_032212.pdf • FWQC filed comments on 6/5/12 – http://fwqc.org/members/DocumentLibrary/fwqc%20multi%20tmdl%20comments%20060512.pdf 	<ul style="list-style-type: none"> • Continue contacts with EPA staff regarding comments • Review final guidance when issued, and consider next steps
17	Guidance on Antidegradation Listings	EPA developing guidance on application of antidegradation requirements in 303(d) lists	<ul style="list-style-type: none"> • On 9/3/13, EPA issued guidance to States on development of 303(d) lists of impaired waters that are due to EPA in April 2014 - http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/final_2014_memo_document.pdf • Guidance states that Outstanding National Resource Waters (ONRWs) can be listed if there is any degradation in water quality • EPA is developing additional guidance on how antideg requirements should be applied in making 303(d) listing decisions 	<ul style="list-style-type: none"> • Develop FWQC position paper on use of antideg in listing process • Meet with Agency staff and submit comments as appropriate

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OTHER ISSUES

18	PCB Test Method	EPA and States are increasing use of Method 1668 to test for presence of PCBs in water discharges	<ul style="list-style-type: none"> • On 9/23/10, EPA issued notice proposing to approve Method 1668 – http://water.epa.gov/scitech/swguidance/methods/update_index.cfm • FWQC comments submitted 12/22/10 – http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Approval%20of%20Test%20Method%201668C%20for%20PCBs.htm • FWQC met with EPA about 1668 issues on 6/1/11 • On 5/18/12, EPA issued final rule approving other methods, which did not approve 1668 - http://www.gpo.gov/fdsys/pkg/FR-2012-05-18/pdf/2012-10210.pdf • EPA has indicated that it has no plans to issue approval of 1668 in 2012 or 2013 • States are requiring use of 1668 in permit monitoring provisions • On 5/18/12, FWQC submitted comments to NY DEC, raising concerns about requiring testing using 1668 in State permits - http://fwqc.org/members/DocumentLibrary/fwqc%20nygm%20comments%20051812.pdf 	<ul style="list-style-type: none"> • Monitor status of 1668 at EPA, and if Agency moves forward, engage with EPA staff • Monitor actions of States to require use of 1668 in permits, and provide support to FWQC members as appropriate
19	Sensitive Test Methods Notice	EPA considering requiring of “sufficiently sensitive” test methods in NPDES applications and reports	<ul style="list-style-type: none"> • On 6/23/10, EPA issued a proposed revision to NPDES rules, requiring use of “sufficiently sensitive test methods” - http://frwebgate1.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=hB0q03/22/2/0&WAIAction=retrieve • FWQC submitted comments on 8/9/10 • Final rule submitted to OMB on 8/8/11; OMB currently conducting interagency review of rule 	<ul style="list-style-type: none"> • Follow up with OMB regarding concerns raised in comments • When final rule change is issued, consider possible responses

**FEDERAL WATER QUALITY COALITION
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20	Waters of US Guidance	EPA developing guidance on scope of “waters of the United States” for Clean Water Act regulatory and permitting purposes	<ul style="list-style-type: none"> • EPA draft guidance issued for comment on 5/2/2011 – http://water.epa.gov/lawsregs/guidance/wetlands/upload/wous_guidance_4-2011.pdf • FWQC comments submitted on 7/30/11 – http://fwqc.org/members/DocumentLibrary/waters%20of%20us%20comments%20073011.pdf • On 9/17/13, EPA announced that it will not issue final guidance; instead, it will issue a proposed rule, which has been submitted to OMB for review: http://water.epa.gov/lawsregs/guidance/wetlands/CWAwaters.cfm • EPA has developed draft report on connectivity of waterbodies, to support regulatory efforts on “waters of US” issue - http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/7724357376745F48852579E60043E88C/\$File/WOUS_ERD2_Sep2013.pdf • SAB will review connectivity study, and has set up an ad hoc panel - http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Watershed%20Connectivity%20Report!OpenDocument&TableRow=2.0#2. • SAB panel will hold public meeting 12/16-18/13; oral statements allowed, and written comments can be submitted by 11/6/13 	<ul style="list-style-type: none"> • Consider meeting with OMB re draft rule submitted by EPA • Review and submit comments on proposed rule if and when issued • Participate in SAB meeting on connectivity study; submit comments if appropriate
21	Rivers and Streams Health Report	EPA conducting periodic surveys of health of rivers and streams across US, based on random surveys and probabilistic methods	<ul style="list-style-type: none"> • On 3/29/13, EPA issued a draft national rivers and streams assessment for 2008-2009 - http://water.epa.gov/type/watersheds/monitoring/aquaticsurvey_index.cfm • On 5/9/13, FWQC submitted comments on draft report to EPA with other regulated parties - http://fwqc.org/members/DocumentLibrary/Final%20Comments%20on%20EPA%20RiversStreams%20Report.htm 	<ul style="list-style-type: none"> • Follow up with EPA regarding issues raised in comments • Consider teaming with other groups to engage scientific consultants to develop technical assessment of EPA methodology