

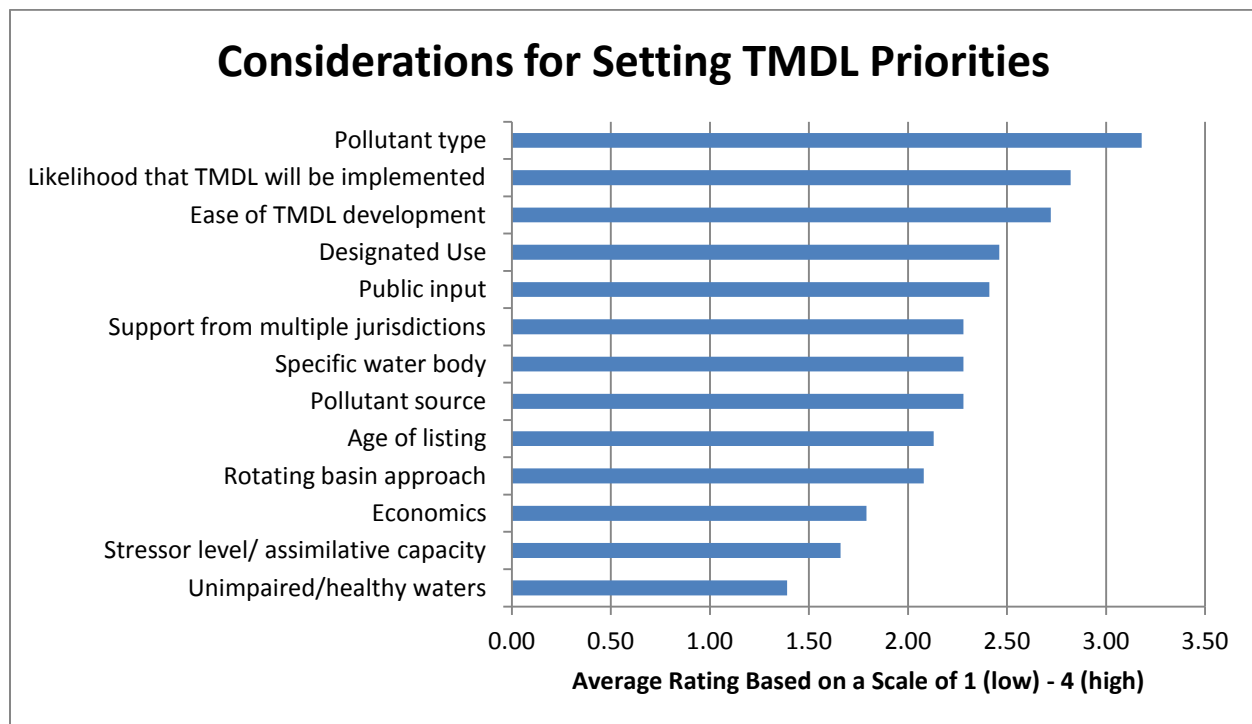
Overview of Responses Submitted to Clean Water Act 303(d) Vision Prioritization Questionnaire (December 2013 – April 2014)

In December 2013, U.S. EPA released a new framework for managing Clean Water Act 303 (d) program responsibilities, entitled “*A Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program,*” which was largely informed by a lengthy EPA-state collaborate process launched in 2011. ACWA hosted a series of calls from December 2013 – February 2014 devoted to state discussion of the Vision’s Prioritization, Engagement, and Alternatives Goals. Following each call, ACWA distributed a related online questionnaire to state participants. The below highlights comprise just some key preliminary results of the questionnaire on Prioritization. If your state would like an additional opportunity to respond to any of the questionnaires, please contact Susan Kirsch (at email: skirsch@acwa-us.org) to request the online link(s).

A total of 41 states¹ responded. The following are preliminary key findings:

Setting Priorities:

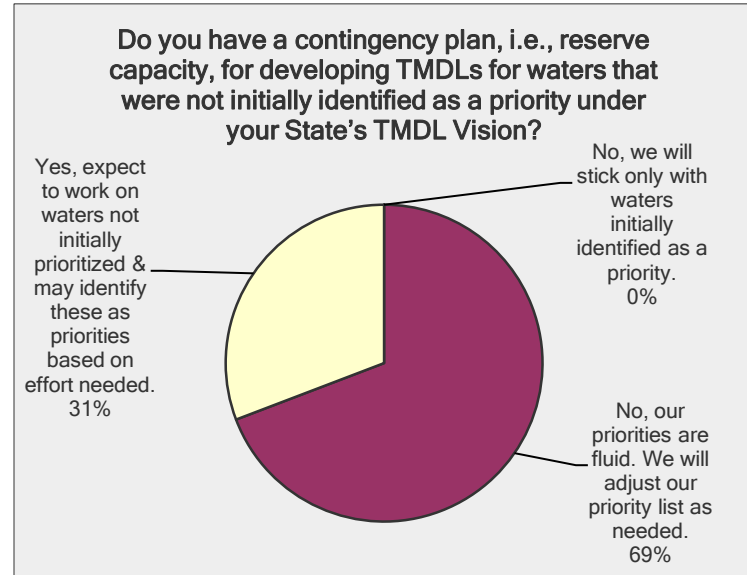
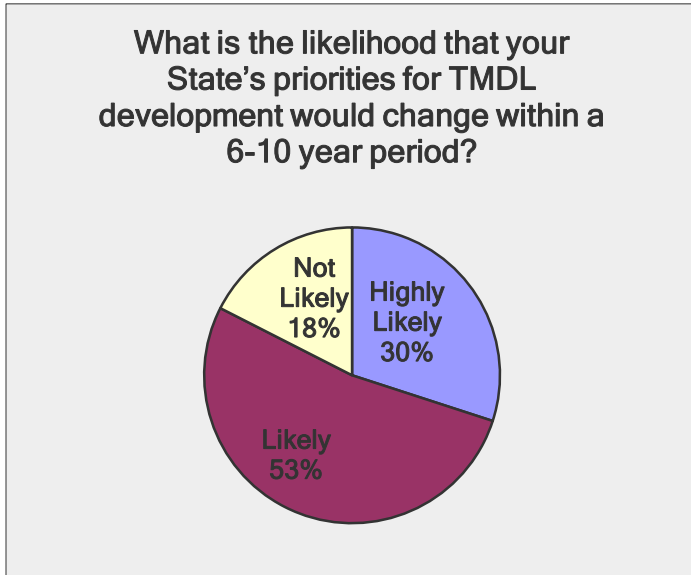
- Most states establish TMDL priorities based on the type of pollutant followed by the likelihood that the TMDL would be implemented and the ease of TMDL development.
- States generally do not establish priorities based on protecting healthy or unimpaired waters or based on the stressor level/assimilative capacity of the water body.



¹ States that have submitted responses as of April 29, 2014: AK, AZ, CA, CO, CT, DE, DC, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, SC, TN, TX, UT, VT, VA, WY. Results from WI are still pending

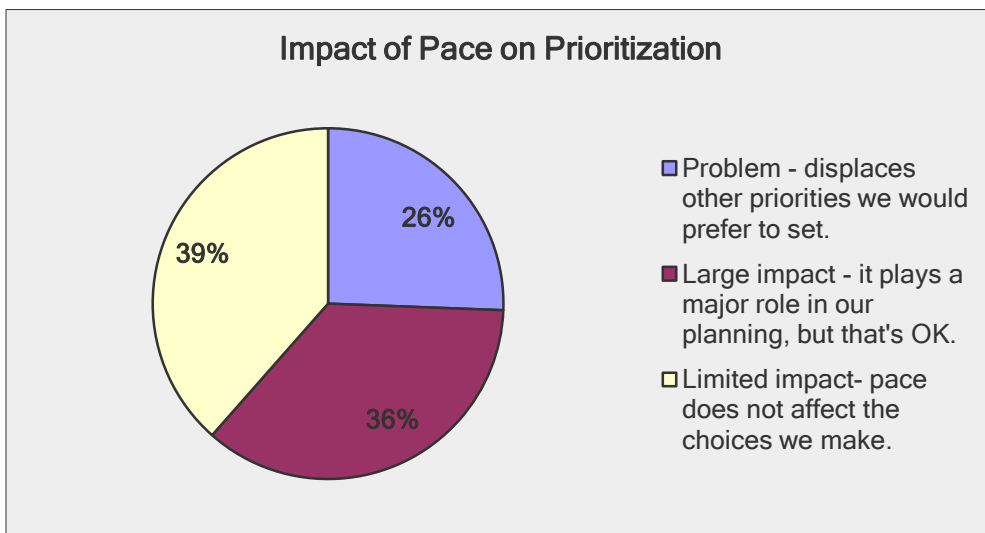
Changing Priorities

- During a 6-10 year period, most states (~ 82%) expect that priorities will change. However, all states indicated that they would adjust to address the new priorities.
- Approximately 30% of the states expect to reserve some working capacity to address new priorities as they arise. The other states will adjust their priority list as needed to address changing priorities.



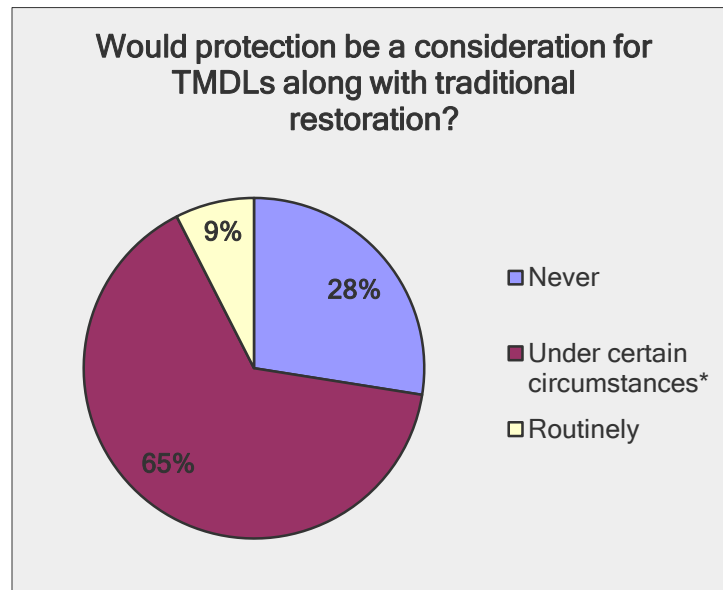
Pace of TMDL Development

- Pace has an impact on just under two thirds of state TMDL programs with approximately one third of the states feeling not-impacted by pace. However, pace is seen to be problematic for one quarter of all states responding to the survey.



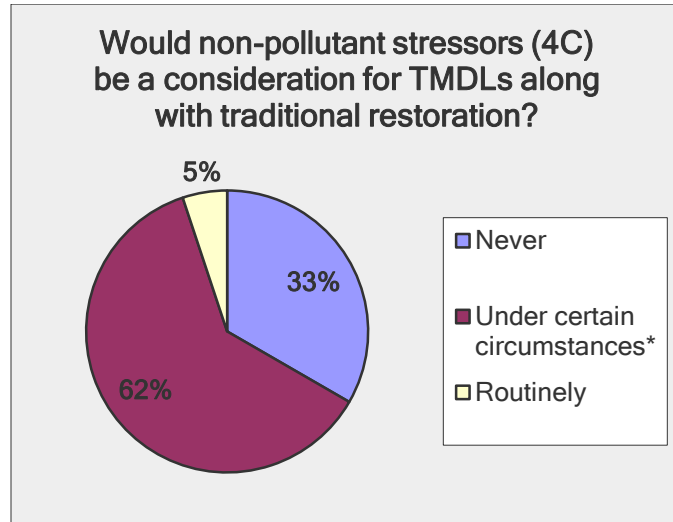
Protection

- Most states would include in TMDLs the protection of unimpaired waters under certain circumstances. About one-third of states said they would never address protection in TMDLs.
 - Some states currently address protection:
 - Addressing protection within TMDLs : This occurs most often when the state uses a watershed approach and addresses both restoration and protection considerations within the same
 - Addressing protection outside of TMDLs: States rely on other programs but may work in collaboration.
 - Most states indicate that if they were to prioritize waters for protection, it would be based on a special designation for that water body (e.g. Wild and Scenic or Exceptional Resource), an important designated use (e.g. drinking water) or public support.
 - Some states are not currently addressing protection within TMDLs due to:
 - Statutory prohibition
 - Lack of money and resources
 - States have identified that it would be easier to address protection if 319 funding were to be made available to implement projects for that purpose.



Non-Pollutant Stressors

- Most states would include non-pollutant stressors in TMDLs under certain circumstances. About one-third of states said they would never address non-pollutant stressors in TMDLs.
 - Stream flow was cited as a 4C listing that could be addressed
 - Non-pollutant stressors might be included in an implementation plan, either within or outside of a TMDL.
 - It would be easier to address non-pollutant stressors if there more resources and public support

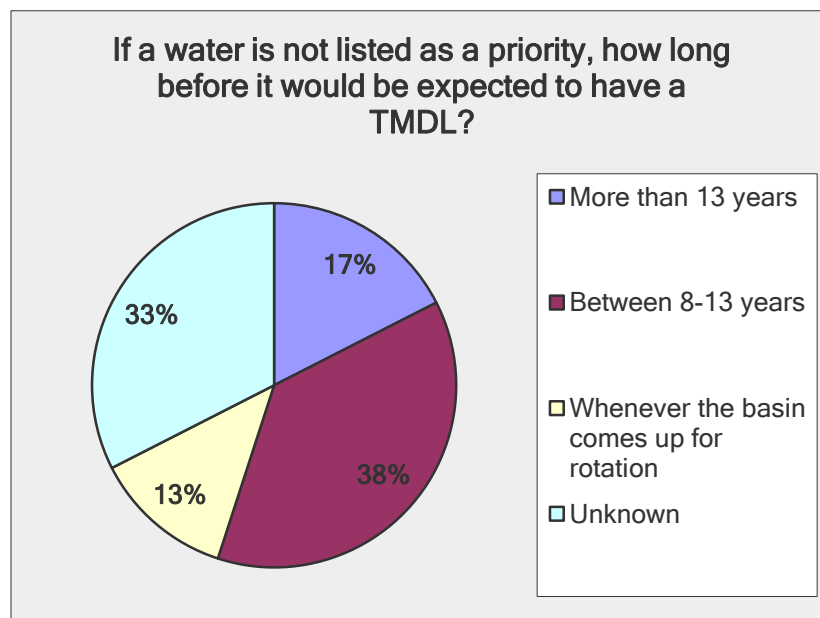


Interaction with EPA or Public on Priorities

- States are generally split 50:50 as to whether or not they regularly or infrequently interact with EPA or with local interests on setting TMDL listing priorities.
- Most states are seldom, if ever, asked to explain to the public why older TMDL listings have yet to be addressed. This is, however, a routine inquiry for approximately 25% of the states.

Time to TMDL Development

- There is not a clear trend in the time it would take a TMDL to be developed for a new listing. Just over one third of the states indicated that it would take between 8-13 years while a similar percentage indicated that the time frame was unknown.



Benefits for Prioritization under 303d Vision

- Two thirds of the states thought there was a benefit to establishing priorities on a longer time frame. Only 8% did not see a benefit.
- The benefits that states most expect from implementing a TMDL Vision is the ability to focus on state priorities. This is closely followed with being able to more effectively balance work load and tackle more complex problems. Only 8% did not expect to see a benefit from the TMDL Vision approach

