



Continuing Planning Process and Water Quality
Management Plan Requirements: Perspectives
of EPA Region 6, New Mexico & Texas

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A Regional Perspective

Disclaimer: This presentation does not establish new EPA policy nor impose new statutory or regulatory requirements


Region 6 Administrative Overview

- 5 States (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas) / 4 With EPA-Authorized State NPDES Permitting Programs
- 66 Federally Recognized Tribes / 12 With EPA-Approved Water Quality Standards
- Direct Implementation Permitting Authority
 - Tribal Lands
 - New Mexico
 - Certain SICs and Locations

Water Quality Protection Section

- CWA Section 303(c) – Water Quality Standards
- CWA Section 303(d) – Listing and TMDLs
- CWA Section 303(e) – Continuing Planning Process and Water Quality Management Plans
- Water Quality Monitoring Programs
- Nutrients and Water Quality Trading
- Beach Act
- WIIN Act
- Coordination/Collaboration
 - Oversight of State-drafted NPDES Permits
 - Acceptance of Watershed Protection Plans

12 Full-Time Physical/Life Scientists



33 U.S. Code § 1313
- Water quality
standards and
implementation
plans

- **(e) Continuing planning process**
- (1) Each State shall have a continuing planning process approved under paragraph (2) of this subsection which is consistent with this chapter.
- (2) Each State shall submit not later than 120 days after October 18, 1972, to the Administrator for his approval a proposed continuing planning process which is consistent with this chapter. Not later than thirty days after the date of submission of such a process the Administrator shall either approve or disapprove such process. **The Administrator shall from time to time review each State's approved planning process for the purpose of insuring that such planning process is at all times consistent with this chapter. The Administrator shall not approve any State permit program under subchapter IV of this chapter for any State which does not have an approved continuing planning process under this section.**

33 U.S. Code § 1313
- Water quality
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- **(3)The Administrator shall approve any continuing planning process submitted to him under this section which will result in plans for all navigable waters within such State, which include, but are not limited to, the following:**
- **(A)**effluent limitations and schedules of compliance . . . ;
- **(B)** . . . elements of any applicable area-wide waste management plans under section 1288 of this title, and applicable basin plans . . . ;
- **(C)****total maximum daily load** for pollutants in accordance with subsection (d) of this section;
- **(D)****procedures for revision;**
- **(E)**adequate authority for intergovernmental cooperation;
- **(F)**adequate implementation, including schedules of compliance, for revised or new [water quality standards](#), . . . ;
- **(G)**controls over the disposition of all residual waste from any water treatment processing;
- **(H)**an inventory and ranking, in order of priority, of needs for construction of waste [treatment works](#) . . .

40 CFR § 130.5

- Continuing planning process

(a) General. Each State shall establish and maintain a continuing planning process (CPP) as described under section 303(e)(3)(A)-(H) of the Act.

- Each State is responsible for managing its water quality program to implement the processes specified in the continuing planning process. EPA is responsible for periodically reviewing the adequacy of the State's CPP.



40 CFR § 130.5
- Continuing
planning
process

(b) Content. The State may determine the format of its CPP as long as the minimum requirements of the CWA and this regulation are met. The following processes must be described in each CPP, and the State may include other processes at its discretion.




40 CFR § 130.5
- Continuing
planning
process

(3) The process for developing total maximum daily loads (TMDLs) and individual water quality-based effluent limitations for pollutants in accordance with section 303(d) of the Act and §130.7(a) of this regulation.




40 CFR § 130.5
- Continuing
planning
process

(4) The process for updating and maintaining Water Quality Management (WQM) plans, including schedules for revision.



40 CFR § 130.6
- Water quality
management
plans

(a) *Water quality management (WQM) plans.* WQM plans consist of initial plans produced in accordance with sections 208 and 303(e) of the Act and certified and approved updates to those plans. Continuing water quality planning shall be based upon WQM plans and water quality problems identified in the latest 305(b) reports. State water quality planning should focus annually on priority issues and geographic areas and on the development of water quality controls leading to implementation measures . . .




40 CFR § 130.6 - Water quality management plans

- **(b) *Use of WQM plans.*** WQM plans are used to direct implementation. WQM plans draw upon the water quality assessments to identify priority point and nonpoint water quality problems, consider alternative solutions and recommend control measures, including the financial and institutional measures necessary for implementing recommended solutions. State annual work programs shall be based upon the priority issues identified in the State WQM plan.

40 CFR § 130.6
- Water quality
management
plans

(c) *WQM plan elements.* Sections 205(j), 208 and 303 of the Act specify water quality planning requirements.
The following plan elements shall be included in the WQM plan or referenced as part of the WQM plan if contained in separate documents when they are needed to address water quality problems.



40 CFR § 130.6
- Water quality
management
plans

(c) WQM plan elements.

(1) Total maximum daily loads. TMDLs in accordance with sections 303(d) and (e)(3)(C) of the Act and § 130.7 of this part.

(2) Effluent limitations. Effluent limitations including water quality-based effluent limitations and schedules of compliance in accordance with section 303(e)(3)(A) of the Act and § 130.5 of this part.

40 CFR § 130.6
- Water quality
management
plans

- **(c) WQM plan elements.**
- **(3) Municipal and industrial waste treatment.**
- **(4) Nonpoint source management and control.**
- **(5) Management agencies.**
- **(6) Implementation measures.**
- **(7) Dredge or fill program.**
- **(8) Basin plans.**
- **(9) Ground water.**

40 CFR § 130.6 - Water quality management plans

(e) Update and certification.

State and/or areawide agency WQM plans shall be updated as needed to reflect changing water quality conditions, results of implementation actions, new requirements or to remove conditions in prior conditional or partial plan approvals. Regional Administrators may require that State WQM plans be updated as needed.

State Continuing Planning Processes (CPPs) shall specify the process and schedule used to revise WQM plans. . . The Governor or the Governor's designee shall certify by letter to the Regional Administrator for EPA approval that WQM plan updates are consistent with all other parts of the plan. The certification may be contained in the annual State work program.

Practical Application – Benefits and Requirements

Benefits –

- Long-Range Water Quality Program
 - Prioritization
 - Program Integration
 - Public Involvement
 - Implementation Focus
- Facilitate Permitting Regulation Compliance
- Facilitate TMDL Revisions
 - Adaptive Management
 - Future Growth Accommodation

Requirements –

- Efforts to Coordinate Programs (Permitting, NPS, WQS)
- Programmatic Knowledge Base Development
- Technical Skills Development (Simplified DO Modeling)

Region 6 States Perspectives

New Mexico/Texas