

Tahoe TMDL Symposium

TMDLs Then and Now

December 10, 2004



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Nevada Division of Environmental Protection
Water Quality Planning Bureau

Clean Water Act



- ❖ Objective - “restore and maintain the chemical, physical, and biological integrity of the nation's waters”
- ❖ Goal - attain fishable and swimmable water quality conditions wherever attainable by 1983

Clean Water Act



- ❖ Point Source

discharges from discernible points, including pipes, ditches, channels, tunnels (excludes agricultural return ditches)

- ❖ Nonpoint Source*

discharges over a wide area of land, not from a specific location (runoff)

Clean Water Act



❖ NPDES Permit

- 🕒 Municipal sewer treatment plants
- 🕒 Industrial plants with discharges

❖ NPDES Funding

- 🕒 Federal/State construction grants
- 🕒 State Revolving Fund (SFR) program
- 🕒 550 billion dollars expended

Clean Water Act

- ❖ Congress required States to assess and list surface waters which are “impaired” a.k.a. 303(d) List
- ❖ Total Maximum Daily Loads (TMDL) for impaired waters on the 303(d) List

Clean Water Act



❖ By the mid 1980's

- 🕒 Some waters in the U.S. restored
- 🕒 Many surface waters still impaired
- 🕒 Point source attention not enough
- 🕒 EPA substantiates TMDL rule 1985

Clean Water Act

❖ 1987 Congress Amends CWA

- 🕒 Assess NPS pollution
- 🕒 NPS control program established
- 🕒 Grant program established

Clean Water Act

❖ By the mid 1990's

- 🕒 20,000 waters impaired nationally
- 🕒 Litigation against States & EPA increasing
- 🕒 TMDLs are at issue
- 🕒 EPA amends TMDL regulation 1992

TMDL

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- ❖ Lawsuits filed over lack of TMDL development
 - ❖ Courts agree with TMDL argument
 - ❖ 45 lawsuits affecting 38 states*
 - ❖ Court orders stringent (Idaho)

TMDL

❖ Federal Advisory Committee Convened

- 🕒 Industry, agriculture, environmental, state and public members
- 🕒 Reviewed TMDL program ('96-'98)
- 🕒 150 consensus recommendations made

TMDL



❖ Draft Rule August '99 "2000 Rule"

- 🕒 Expanded impaired waters definition
- 🕒 Expanded TMDL requirements
 - a) implementation plans
 - b) reasonable assurance

TMDL "2000 Rule" Saga



- ❖ Over 35,000 comments received
- ❖ Browner signed rule Jul '00
- ❖ Congress delays rule until Oct '01
- ❖ Oct '01 EPA delays rule for 18 mos.
- ❖ EPA discussing "Watershed Rule" Aug '02
- ❖ EPA withdraws "2000 Rule" Mar '03

TMDL Watershed Rule



- ❖ Integrated water quality report
- ❖ NPS programs support TMDL development
- ❖ No implementation plan required
- ❖ More options for TMDL targets
- ❖ All TMDLs completed by 2015
- ❖ EPA back stop

TMDL Watershed Rule Saga



- ❖ States request rule be final by 2003
- ❖ Members of Congress request rule release
- ❖ “Watershed Rule” unlikely to move forward
- ❖ EPA implementing portions of rule through guidance

TMDL

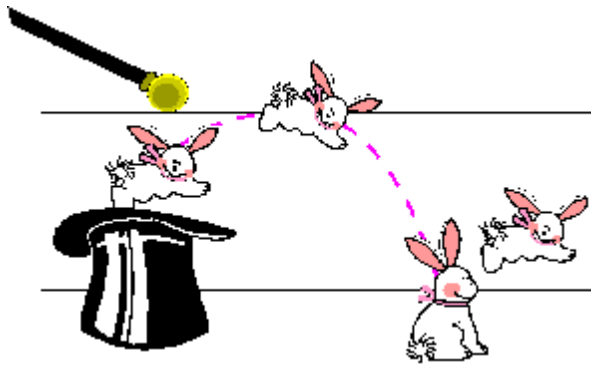
❖ Elements of the 1992 TMDL Rule

- 🕒 Identification of the pollutant
- 🕒 Determination of maximum load
- 🕒 Safety margin
- 🕒 Allowance for future growth*
- 🕒 Assign load allocations

How Were TMDLs Derived?



$$\frac{\text{FaNPS}}{0} + (\text{StPS})^{10} + \text{Die} = \text{TMDL}$$



1992 TMDL Rule Effective?

❖ Answer: Somewhat

- 🕒 TMDLs effective with point sources
- 🕒 TMDLs not as effective w/o point srcs
 - a) No requirement for implementation
 - b) NPS programs typically voluntary
 - c) State water law
 - d) Little or no public involvement

Tahoe TMDL, What's Different



- ❖ Significant research and funding to identify pollutants and sources (Phase I)
- ❖ Federal, State and Local agencies coordinating plans through Pathway 2007
- ❖ Public is engaged and shares the common vision to improve water quality in the Lake

Tahoe TMDL, What's Different



❖ Implementation (Phase II)


- 🕒 Load reduction matrix
- 🕒 Prioritizing projects
- 🕒 Developing regulatory strategies
- 🕒 Monitoring progress

Tahoe TMDL, What's Different

❖ Implementation (Phase II)



Pathway 2007

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- ❖ Collaborative agency effort
 - ❖ Broad scale public involvement
 - 🕒 Technical working groups
 - 🕒 Planning working groups
 - 🕒 Forum with interest round tables
 - 🕒 Public outreach
 - ❖ Basin-wide Management System

TMDL

**Lake Mead
May 25, 2001**



December 2004

Thank You



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