

NPDES and WQS Revisions

Supporting the Revisions to the Water Quality
Planing and Management Regulations

Proposed Regulatory Changes

Purposes and Objectives

❖ Reasonable Further Progress

- ◆ To improve water quality in impaired waterbodies prior to the establishment of a TMDL

❖ Reasonable Assurance

- ◆ To ensure that TMDLs, once established, are implemented

Improving Water Quality in the Absence of a TMDL

- ❖ Offsetting New Pollutant Loads
- ❖ Reissuing Expired State-issued
NPDES Permits

Offsetting New Pollutant Loads

❖ Antidegradation Regulations

- ◆ 40 CFR Part 131**

❖ NPDES Regulations

- ◆ 40 CFR Part 122**

Offsetting New Pollutant Loads

- ❖ **Who Does This Apply To?**
 - ◆ Large “new dischargers” and existing dischargers undergoing a “significant expansion”
 - ◆ Discharging to an impaired waterbody
 - ◆ Discharging a pollutant(s) for which the waterbody is impaired

Offsetting New Pollutant Loads

- ❖ New Dischargers
- ❖ Existing Dischargers Undergoing a Significant Expansion
- ❖ Large

Offsetting New Pollutant Loads

❖ Antidegradation Regulations

- ◆ Restoration
- ◆ 1.5:1 offset for pollutants causing impairments
- ◆ Director discretion to vary offset

Offsetting New Pollutant Loads

❖ NPDES Regulations

- ◆ Same pollutant
- ◆ Same waterbody
- ◆ New requirement/new improvement
- ◆ Achieved on/before the discharger begins discharging

Offsetting New Pollutant Loads

❖ NPDES Regulations

- ◆ **Must be Maintained Until**
 - **TMDL is established**
 - **Discharger stops discharging**
- ◆ **Trading with Existing Point Sources**
- ◆ **Trading with Existing Nonpoint Sources**

Reissuing Expired State-issued NPDES Permits

- ❖ Extension of Authority to EPA
- ❖ Expired Permits Authorizing Discharges to impaired waterbodies
 - ◆ Inconsistent with water quality standards in the absence of a TMDL
 - ◆ Inconsistent with an established TMDL

Ensuring That Established TMDLs are Implemented

❖ Reissuing Expired State-issued
NPDES Permits

❖ Designating Unregulated Sources

Designation of Sources

- ❖ Which Sources May be Designated?
 - ◆ Animal Feeding Operations (AFOs)
 - ◆ Aquatic Animal Production Facilities (AAPFs)
 - ◆ Silviculture Operations

- ❖ Why Would These Sources be Designated?

Designation of Sources

❖ AFOs and AAPFs

- ◆ Existing case-by-case designation authority
- ◆ Authority is limited and discretionary

Designation of Sources

❖ Silviculture Operations

- ◆ **Regulatory Exclusion**
- ◆ **Existing case-by-case stormwater designation authority**
- ◆ **EPA authority is limited and discretionary**
- ◆ **State authority is not limited**