



Call for Change – Water Quality Standards

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The Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) has developed a set of recommendations believed necessary to maintain and continue to improve the water quality in the United States. This "Call for Change: Water Quality Improvement in the 21st Century" is an invitation to the Federal government to reestablish an effective partnership and forge a new course of action to protect and improve the nation's water resources. ASIWPCA looks forward to an on-going constructive dialogue with the US Environmental Protection Agency (EPA), the incoming Administration, and interested stakeholders to meet this challenge.

General Overview and Background:

As the cornerstone of all water quality management activities, Water Quality Standards (WQS) should have a much higher priority at the U.S. Environmental Protection Agency (EPA). If further progress is to be made, the WQS program needs to adapt and evolve to reflect the growth and increased complexity of the water quality programs. With over 30 years of WQS development, it is imperative that future investments reflect lessons learned. States have many great ideas based on years of experience administering the program and scientific acumen.

The Clean Water Act (CWA) sets out national goals to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." To reach these goals, States have the primary responsibility to develop WQS by designating uses of surface waters and establishing protective water quality criteria. EPA is responsible for publishing water quality criteria that consist of scientific information regarding concentrations of specific chemicals or levels of parameters in water that can protect aquatic life and human health. States use this information to help develop enforceable WQS. The CWA further requires that States have antidegradation policies to ensure existing water quality is generally maintained. States adopt standards to protect public health and welfare, recreation in and on the water, and fish, shellfish, and wildlife. WQS must consider the use and value of public water supplies, agricultural uses, along with industrial and other purposes.

Recognizing that State needs and priorities vary and that one solution doesn't fit all circumstances, States are committed to continuing to improve WQS and believe there are several opportunities where enhancement of the WQS program will provide greater progress.

A. A Stronger Partnership

While EPA oversees State WQS development, States are not EPA contractors; They should be considered equal partners. While collaboration on WQS issues is very important to future successes, not every national issue or concern will necessarily be State water quality priority and States resources to address a national priority vary widely.

Recommendation:

- States and EPA should become better partners and work more collaboratively. A co-regulator forum should be established for States and EPA that is managed by these two partners and not 3rd parties.
- EPA should recognize and allow States with programs that meet CWA requirements, the flexibility to implement WQS that may differ from the federal approach.

B. *Water Quality Standards Criteria (WQS) - A New Paradigm***Reason for Change:**

Often criteria should be site specific. EPA's help and cooperation is needed to accomplish that. State WQS are more than "permitting drivers." They should be developed and revised mindful of their multiple uses in identifying impaired waters, undertaking nonpoint source control programs, protecting watersheds, ecological integrity and endangered species, etc. Developing standards that can support all of the regulatory (and non-regulatory) water programs will be key to success in solving the most serious issues water quality managers face over the foreseeable future. These issues include those posed by nutrients, emerging contaminants, climate change, in-stream flows, responsible growth and development, etc. If the ancient paradigm of regulating one chemical a year continues such issues will never be adequately addressed.

Recommendations:

- EPA and the States should initiate a meaningful dialogue on a more comprehensive approach to criteria development and standards setting.
- States and EPA should reach consensus on how the WQS program can evolve to better address watershed implementation and management across diverse program areas.
- Collaboratively build a prioritization for developing WQS for emerging contaminants (endocrine disrupters, PPCPs, flame retardants, etc).

C. *Antidegradation – A Common Understanding for the Future***Reason for Change:**

Each State must have an antidegradation policy with procedures for implementation through the water quality management process to keep "clean waters clean." In the most basic sense, antidegradation provisions are intended to describe the conditions under which water quality may be degraded in surface waters. Specifically to protect designated uses, water quality must be maintained or improved unless lower quality is deemed necessary to allow important economic or social development. Waters can not be degraded below levels necessary to protect existing uses. Unfortunately, antidegradation is a foundational issue that has been ignored far too long. In the absence of a clear understanding of what antidegradation means and how it can be implemented, it is difficult to reach consensus and States may be unable to support future economic and population growth.

Recommendation:

- States and EPA should collaboratively develop an antidegradation approach that makes sense. Economic and social implications should be a major discussion topic as well as sharing effective programs.

D. Impairment “Thresholds” – How WQS Are Translated To Make Impairment Decisions

Reason for Change:

The CWA requires States to assess and identify waters that do not meet Standards (impaired waters). Evaluations of compliance with water quality criteria traditionally involve a “snapshot” approach. In contrast, use attainment assessment entails a more holistic approach that considers multiple lines of evidence over a period of time. Using criteria as thresholds is problematic because criteria do not consider the dynamics of water bodies as functional ecosystems. Absolute attainment (100% of the time) of criteria concentrations may not be possible or even necessary to protect water uses. As the States are responsible for determining use attainment status, developing and implementing TMDLs, it is imperative that problems truly warrant the effort and costs associated with follow-up corrective actions. The issue cannot be addressed on a “one size fits all basis” that ignores differences among individual State’s standards. Water use impairment decisions ultimately impact State water quality criteria and vice versa.

Recommendation:

- EPA and States should consider acceptable durations and frequencies of criteria violations when adopting or revising water quality criteria. In the interim, States should have the latitude to incorporate, into their Assessment and Listing Methodologies, consideration of reasonable duration and/or frequency factors when evaluating criteria violations for purposes of Integrated Reporting under provisions of § 303(d) and § 305(b) of the Clean Water Act.

NOTE: *Throughout this document reference to States also refers to Interstate Water Pollution Control Agencies.*

For more information on ASIWPCA’s Call for Change, go to www.asiwpc.org