



August 2, 2002

Governor Christine Todd Whitman
Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Governor Whitman:

The Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) strongly encourages USEPA to present for public comment the Agency's Proposed Revisions to the Federal Total Maximum Daily Load (TMDL) Regulations (the 2002 Rule). While all State and Interstate agencies may not fully agree on all the details of the proposal, the Association believes that the basic concepts embodied in the 2002 Rule are sound and merit broad stakeholder review to improve the role of TMDLs in protecting and improving water quality. These key concepts include:

1. An integrated approach to watershed protection.
2. A 4-year 303(d) listing cycle with a unified national framework for State monitoring, assessment and reporting.
3. A TMDL structure that enables States to:
 - Evaluate point and nonpoint source contributions and establish the allocations needed to protect watersheds,
 - Develop a workable process for point and nonpoint source TMDL implementation,
 - Employ multi-pollutant approaches,
 - Develop pollution abatement trading programs and
 - Utilize adaptive management approach.
4. A water quality management process that is transparent to the public, which will improve the opportunity for effective public involvement in the program and assure more accountability for environmental results.

5. A listing approach that provides a sound scientific basis for assessment and management of the program and responds to the recommendations of the National Academy of Sciences.

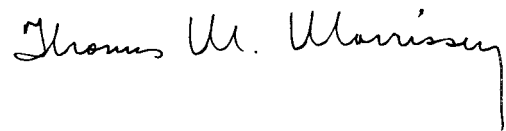
The Association does not feel that the alternative – continuing to operate under the 1992 rule is a viable option because the 1992 rule:

1. Is antiquated and does not provide a useful framework to resolve the next generation of water quality problems, which must be more holistically addressed at the watershed level.
2. Is open-ended, with no schedule for developing TMDLs and no focus on the ultimate goal -- TMDL implementation.
3. Leaves future TMDL program directions uncertain. It will be very difficult for States to manage the program and achieve environmental results with such a moving target. Stakeholders are becoming discouraged. They question whether it is worth committing their time and effort, when we, as co-regulators, have no clear vision.
4. Forces States to increasingly rely on their own rulemaking to put the necessary framework in place. This is not only inefficient and redundant, but will delay the Water Quality Program implementation and will lead to disparate approaches nationwide.
5. Fails to address the program's legal vulnerabilities that led to the plethora of recent TMDL litigation. And, as we discussed with you at ASIWPCA's Mid-year Meeting, the program cannot succeed if managed by courts.

ASIWPCA members are seeking a TMDL rule that provides a workable framework for solving watershed problems, holds States accountable for progress, and continues to include a strong oversight role for USEPA. Under the 1992 rule, we do not believe the achievement of these objectives is possible.

ASIWPCA and its State and Interstate members are committed to improving the TMDL program in order to protect and improve water quality. The 2002 Watershed Rule was developed by the Agency after investment of extensive time and resources. Input was received from thousands of thoughtful stakeholders who took time out of their busy lives to share their expertise and advise. We strongly urge you to move forward with a public comment period on the 2002 Rule and we will stand united with you in support of that decision. If ASIWPCA can be of assistance in addressing this most important issue, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Thomas M. Morrissey". The signature is written in a cursive style with a long, vertical tail on the final letter.

Thomas Morrissey, President

Cc: ASIWPCA Membership
Robbi Savage, Executive Director
Linda Fisher, USEPA
Tracy Mehan, USEPA
Bob Wayland, USEPA
Diane Shea, NGA
Steve Brown, ECOS