



## Progress in Reclassifying Plum Creek from Category 5 to Category 4b on the 2010 Texas Integrated Report – Utilizing a WPP in lieu of a TMDL

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## Approaches to Restore Water Quality (tools for addressing magnitude of 303(d) List)

- additional monitoring demonstrates now achieving water quality standards
- conduct a UAA to change water quality standards
- develop/implement TMDL & I-Plan for adoption/approval
- develop/implement WPP

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## WPP in lieu of TMDL

- In some watersheds, development and implementation of a WPP may be a more viable approach to restoring water quality than through establishment of a TMDL
- Certain alternative pollution control measures, such as a WPP, may obviate the need for a TMDL
- Move from Category 5 to 4b on IR

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## TCEQ Definition of Category 4b

- Standard is not supported or is threatened for one or more designated uses but does not require the development of a TMDL [because] other pollution control requirements are reasonably expected to result in the attainment of the water quality standard in the near future.

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## 4b Process

- USEPA Region 6 Process for Review of Watershed-Based Plans in lieu of TMDLs (May 23, 2007)
  - Only 7 pages
  - Discusses national guidance and regulatory mechanisms governing process of reclassifying waterbodies to Category 4b
  - Discusses how this “4b option” relates to the 9 essential elements of WPPs
  - Assist States in understanding USEPA-R6’s review and evaluation process and expectations
  - [http://www.tsswcb.state.tx.us/wpp#4b\\_option](http://www.tsswcb.state.tx.us/wpp#4b_option)

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## 4b Process

- Review Process based on
  - 2006 & 2008 IR Guidance
  - 2004 Guidelines (9 elements)
- Review Guide includes
  - Overview of Regulatory Mechanisms for 4b
  - Detail on how the 9 elements relate to the 4b elements
  - Specific process USEPA-R6 will use

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### EPA's 6 elements for 4b

- 1) statement of the problem causing the impairment
- 2) description of the proposed implementation strategy & supporting pollution controls necessary to achieve water quality standards, including the identification of point & nonpoint source loadings that when implemented assure the attainment of all applicable water quality standards
- 3) estimate or projection of the time when water quality standards will be met

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### EPA's 6 elements for 4b

- 4) reasonable schedule for implementing the necessary pollution controls
- 5) description of, & schedule for, monitoring milestones for tracking & reporting progress to EPA on the implementation of the pollution controls
- 6) commitment to revise as necessary the implementation strategy & corresponding pollution controls if progress towards meeting water quality standards is not being shown

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### 4b Process

- Review is Conducted by USEPA-R6 Water Quality Protection Division Staff in
  - Ecosystems Protection Branch, Watershed Management Section
  - Ecosystems Protection Branch, Monitoring & Assessment Section
  - NPDES Permits Branch, TMDL Section
  - Assistance Programs Branch, State/Tribal Programs Section

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### Consistency Review

- USEPA Region 6 Review Guide for Watershed-Based Plans (January 20, 2010)
  - Only 9 pages
  - Assist USEPA-R6 staff in reviewing WPPs and providing constructive feedback
  - Achieve consistency in USEPA-R6 reviews of WPPs
  - Assist States in understanding USEPA-R6's expectations for the 9 elements

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### Consistency Review

- Review is conducted by either TCEQ or TSSWCB NPS staff
- Review is Conducted by USEPA-R6 Water Quality Protection Division Staff in
  - Ecosystems Protection Branch, Watershed Management Section
  - Assistance Programs Branch, State/Tribal Programs Section

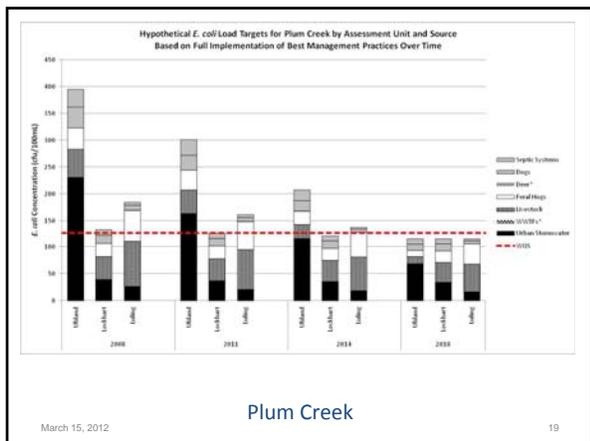
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### Plum Creek

- 52 mi stream
- 248,949 ac watershed
- Impairment
  - All 3 AUs
  - Bacteria *e. coli*; geometric means = 235, 141, 199 on 2010 303(d)
  - 1<sup>st</sup> listed in 2004
  - Category 5c on 2008 303(d)
- Concerns
  - Nitrate, ortho P, total P

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### 4b Elements

- Commitment to Revise Pollution Controls as Necessary

### Adaptive Management

- a type of natural resource management in which decisions are made as part of an ongoing science-based process
- involves testing, monitoring, and evaluating applied strategies, and incorporating new knowledge into management approaches that are based on scientific findings and the needs of society
- Results are used to modify management policy, strategies, and practices
- 65 Fed. Reg. 62566-62572 (October 18, 2000)

### EPA comments on Rationale

- WWTF permits
- WW collection system, implementation already accomplished
- Estimate of Time When WQS Will Be Met
- Commitment to Revise
- Changes in Phase MS4 and commitment to implement w/o 319
- How to secure funding to implement WPP

### EPA comments in 2010 303(d) decision

- Rationale adequately demonstrates how other pollution control requirements will lead to water quality standards attainment in a reasonable period of time
- Believes that there is a reasonable expectation that the management measures in WPP are appropriately targeted and will result in the necessary bacteria load reductions to meet water quality standards
- Believes the level of funds secured to date represent a reasonable down payment on the Partnership's commitments to implement
- 2014 IR will be key juncture at which to assess interim progress which should at least show a gradual decline in bacteria concentrations at each index station

### EPA comments in 2010 303(d) decision

- Commitment to revise pollution controls, as necessary, if progress is not being shown
- Biennial update to WPP will document implementation, collected data to ascertain interim progress, and modifications to WPP
- If inadequate progress is being made in meeting the WPP milestones, EPA will add Plum to 303(d) requiring development of TMDL



## Pros & Cons

- 1<sup>st</sup> WPP to attempt 4b in Texas – Plum Creek would continue to be a progressive, trend-setting example for other watersheds
- TMDL (federally-driven, regulatory-framed) must be developed at some time before 2017 if Plum Creek remains impaired & in Category 5
- Because moving to 4b is a TCEQ/EPA CWA 303(d) decision both agencies would essentially be “approving” WPP – this is a shift in TSSWCB philosophy
- Incentivize greater commitment to implement WPP, especially voluntary NPS strategies
- Long-term utility of 4b may be limited as EPA may shift waterbody back to 303(d) List if progress in implementing WPP & achieving water quality standards is not demonstrated

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