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October 9, 2012

Ms. Nancy Stoner  
Acting Assistant Administrator  
Office of Water  
U.S. Environmental Protection Agency  
Mail Code 4101M  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

*Via email* to [stoner.nancy@epa.gov](mailto:stoner.nancy@epa.gov)

Dear Acting Assistant Administrator Stoner,

The Association of Clean Water Administrators (hereinafter “the Association” or “States”) would like to take this opportunity to offer our support for the ongoing collaborative and open process that the Office of Water undertook with States to develop a *Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program* (hereinafter “the Vision”).

Development of the Vision began over a year ago, with States and the Office of Water engaging in informal discussions at ACWA’s 50th Annual Meeting in August 2011. These discussions were spurred by the realization of both parties that – having learned much over the past two decades – the 303(d) program was ripe for reform and evolution. In fall 2011, states compiled a wish list, setting forth thoughts on what they would like to see the 303(d) program become over the next decade. This list was consolidated by the Office of Water into a working draft 10-year vision statement and related issue threads.

From February to May 2012, the States, through ACWA’s TMDLs & Watersheds and Monitoring, Standards, & Assessment Committees, and the Office of Water, engaged in a rigorous workgroup process to dissect the issue threads and, consequently, develop goal statements, holding calls every other week, with over half of the States participating on each call. Between each workgroup call, a small group consisting of Office of Water staff and ACWA Committee co-chairs would meet by phone for an initial assessment of each goal, as well as to consider comments received during prior calls.

Since workgroup calls ended in May, States and your staff have continued to work towards finalizing the Vision and its goals, with the Agency providing states and other stakeholders additional opportunities for input. A plenary session at ACWA’s 2012 Annual Meeting on August 15 was devoted to discussing how to measure 303(d) program

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success over the next 10 years resulting from Vision implementation. In the aftermath of the session, several states expressed a desire to continue working with the Office of Water to improve the Vision and its goals, and to establish measures of success.

The Vision goals incorporate the concept of adaptive management, placing an emphasis on the need for States to take ownership and set their own priorities, including allowing flexibility for States to emphasize water resource protection efforts if, and how, they see fit. Further, the Vision promotes goals relating to the scope of future assessment, enhanced public engagement in the 303(d) process and integrated implementation among programs of the Clean Water Act, other statutory EPA programs, and programs of other Federal, State and local agencies. It embraces using alternative approaches to TMDLs for certain water quality restoration efforts, recognizing TMDLs may not be appropriate in every situation.

While this is a non-regulatory effort and does not impose requirements on states or EPA, we believe continuing this effort will improve the state/EPA relationship on the 303(d) program in the future. There may not be complete consensus among states on the text of the Vision or its goal statements, but there is a strong sense of commitment to build on the collaborative process used to develop the Vision.

As we move toward Vision implementation for the 303(d) program, we encourage EPA to maintain its flexible, inclusive and accessible approach to working with its State coregulators. We are ready to begin the next steps with you.

Sincerely yours,



Steven H. Gunderson  
Director, Water Quality Control Division  
Colorado Department of Public Health & Environment  
ACWA President

Cc: Office of Wetlands, Oceans, and Watersheds, Office of Water, USEPA:  
Denise Keehner, Director  
Tom Wall, Director, Assessment & Protection Division  
John Goodin, Acting Associate Director, Oceans & Coastal Protection Division  
Eric Monschein, Acting Chief, Watershed Branch