

2017 ACWA Variances Workshop

November 16 - 17, 2017
Washington, DC

Purpose:

- Provide a clearer understanding of the utility of WQS variances under 40 CFR 131.14,
- Increase the utilization of WQS variances to make incremental progress towards water quality goals
- Open and continue a dialogue on WQS variance practices among states

Attendees:

- State program staff involved in water quality standards and variances
- EPA Headquarter and Regional staff involved in variances
- Invited guests

Special thanks to:

United States Environmental Protection Agency, as well as the 2017 Variances Workshop Steering Committee.



Thursday, November 16

This meeting is generally “closed” and for state water quality standards employees only, except for specific sessions with invited speakers.

7:30 AM

Breakfast on Your Own

8:30 AM

Registration & Sign-In

9:00 – 9:30 AM

Welcome, Introductions, and Opening Remarks

**9:30 AM – 11:45 AM
(includes 15 min break)**

Streamlining and Improving the State/Tribal Water Quality Standards Variance Process

Participants will gain practical insights on how to improve the efficiency and effectiveness of the water quality standards (WQS) variance process. Through review of tools, templates, and case examples, participants will learn about what to include and what to avoid in state variance packages to improve the likelihood of approval and steps they can take with their EPA Regional contacts to more effectively navigate the review and approval process. States will also have the opportunity to briefly discuss their efforts to streamline their variance-related administrative processes and learn about ways to utilize virtual meeting technologies for public hearings in an effort to streamline this administrative requirement. Throughout the session, participants will be encouraged to share their own experiences and lessons learned.

11:45 – 1:00 PM

Lunch on Your Own

**1:00 – 3:15 PM
(includes 15 min break)**

WQS Variance Justification/Factors to Justify Variances

This session is focused on justifying the need for a WQS variance – demonstrating that meeting a water quality standard via compliance with water quality based effluent limits is not feasible for the discharger or a group of dischargers. After exploring whether a variance is the most appropriate option, participants will discuss how to select from among the 7 Factors to justify the WQS variance. There will be in-depth discussion of states’ experience with Factor 6 – successes and lessons learned. There will also be a brainstorming discussion of Factor 3 to explore states’ perspectives on when to use this factor and what guidance would be helpful. The overall goal of the session is to help states select the most appropriate justification for the WQS variance and ensure that these justifications are well supported.

3:15 - 3:30 PM

Break



3:30 - 5:00 PM

Determining and Documenting the Highest Attainable Condition (HAC)

Participants will explore the documentation, analysis, and justification needed to support the quantifiable expression of the highest attainable condition (HAC) for a given variance. The goal is to help participants understand what may be needed to prepare an approvable package for any of the three options for expressing the HAC (interim criterion, interim effluent condition, or optimization of current treatment and a pollutant minimization program if additional controls cannot be identified). Participants will also learn more about the practical, not just regulatory, differences between these options through a variety of case presentations.

5:00 – 5:15 PM

Wrap up and Adjourn Day 1

Friday, November 17

7:30 AM

Breakfast on Your Own

8:30 – 8:45 AM

Recap of Day 1 and Preview of Day 2

8:45 – 10:15 AM

Improving Optics and Messaging for WQS Variances

Variances can be confusing and easily misunderstood by members of the public and a variety of decision makers and stakeholders. Clear communication about the positive results that variances can facilitate is critical for avoiding these misperceptions and diffusing potential resistance. In this session, participants will explore and agree on key messages that they can use to help convey the benefits of variances and address common concerns. States will have the opportunity to share methods used to communicate these messages and identify additional tools and resources that would help them in their communication efforts. Participants will also have the opportunity to practice delivering these key messages through a role play exercise.

10:15 – 10:30 AM

Break

10:30 - 12:00 PM

The Road Ahead

Participants will be asked to consider what they have heard during the course of the meeting and engage in a brainstorming session to shape the road ahead. For example:

- What are the key follow-up conversations that need to happen to move these topics forward? How can we make these happen?
- What are some of the existing or emerging variance-related issues that didn't make the agenda but warrant additional coordination between states and EPA?
- What other tools or resources would be helpful to increase the likelihood of success of the variance process?

12:00

Workshop Adjourns

