



Variations and Compliance Schedules for Nutrients in a TMDL Environment

Jasper Hobbs and Richard Friesner

NEIWPCC

jhobbs@neiwpc.org | rfriesner@neiwpc.org



NEIWPCCC Overview

- History
- Mission/Vision
- Structure
 - Commissioners
 - Executive Committee
 - Commission Staff
- Connection between NEIWPCCC Executive Committee and Workgroups



NEIWPCC: Who, What, When, Where, and Why???

- Compact Member States: New England States and New York
- Congressionally Authorized Interstate Commission
- Formed in 1947 and still going strong!
- Lowell, MA...the Northeast...the Nation...
- Interstate Coordination is essential to successful implementation of Clean Water Act goals



Types of Workgroups

- NEIWPC Programmatic Workgroups
 - Nonpoint Source, Wetlands, Stormwater, HABs, Monitoring, Nutrients, TMDL, Water Quality Standards, NAB, Onsite Wastewater, Tanks, etc.
- Project Specific Task Forces and Workgroups
 - TR-16, Long Island Sound TMDL
- Advisory Committees and Boards
 - Mass. Wastewater Training, JETCC, NBEP, LCBP, PEP, LISS, etc.



Role of Workgroups

- Help NEIWPCC meet its mission of serving and assisting our member states
- Carry out tasks requested by NEIWPCC Executive Committee and Commission
- Opportunity for states/EPA to communicate issues, concerns to NEIWPCC staff
- Inform development of NEIWPCC's annual workplans
- Allows NEIWPCC to develop interesting, challenging and fun program opportunities



Benefits of NEIWPCCC Workgroups

1. Projects and Products
2. Conferences
3. Joint Workgroup Efforts
4. Networking/Information Exchange



NEIWPC 2017 Variance Workshop

Attendees

- EPA R1
- EPA R2
- CT DEEP
- MassDEP
- NHDES
- NYSDEC
- RIDEM
- NEIWPC

Workshop Takeaways

- States were more in favor of a compliance schedule.
- Variances language was more restrictive and could hamper integrated planning efforts.
- Waterbodies with multiple impairments, a variance would essentially cause a municipality to focus on one over the others.



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- The implementation of a variance often requires more effort and time to achieve a similar or lesser outcome when compared to a compliance schedule.
- Northeast states did not see a need to use variances
 - States remain interested in updates at the national level.



To Variance...or not to Variance

PRO	CON
Incremental progress is better than no progress	Public perception will most likely be negative (looks like 'get out of jail free')
Able to meet standards when no pollutant controls can be identified	Lengthy process to prove a variance is necessary, in some cases, but EPA review and approval is necessary in all cases.
Re-evaluate every 5 years and can change the Highest Attainable Condition	Can lead to more monitoring requirements for municipalities
	Different for every state (may be part of WQS)
	Possible litigation (depending on the state)

Workshop Key Takeaway

Try Compliance Schedule first! Then look at a Variance over a UAA. The ultimate goal is improved Water Quality! Incremental improvement is better than no improvement at all.



Now for some examples...

- Wisconsin Variances – Emma Lorenzen
- Massachusetts Compliance Schedules – Susannah King

