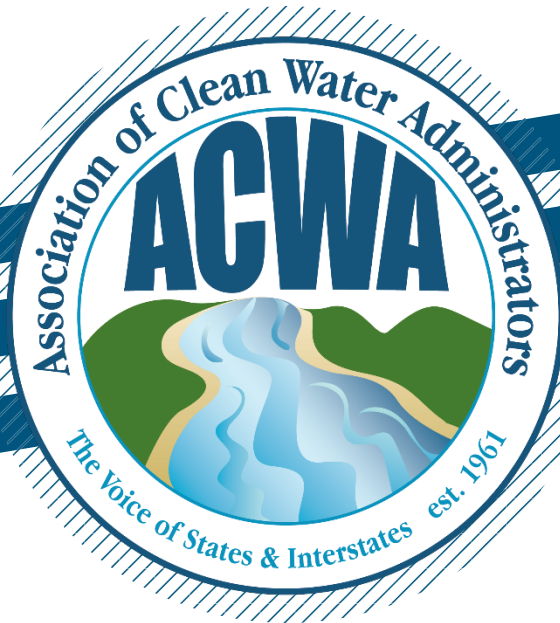


**Comments on the Draft ACWA  
Recommendations for Updating the  
2013 Long-Term Vision for the CWA  
303(d) Program**



*Association of Clean Water Administrators*

## Contents

Purpose .....	3
Background .....	3
Development of the 2013 Vision .....	3
Vision Post 2022 – Recommended Updates from States .....	4
Changing from Goal Statements to Elements.....	4
10 year time frame.....	5
Timelines and Deadlines in Vision Statements .....	5
Environmental Justice and Climate Change.....	6
Prioritization .....	8
Approaches Used by Programs to Establish Priorities .....	8
Open Window .....	9
<b>Recovery Potential Tool</b> .....	11
Alternatives Goal/ Adaptive Resource Management Element.....	12
Addressing 4B and 4C approaches.....	12
Clarity / Minimum Elements .....	13
Requirement for Development of 9 Element Plans.....	15
Name of Alternative Approaches.....	15
Listing Categories .....	17
Protection .....	18
Legacy Protection.....	18
Programmatic Protection.....	19
Assessment Goal / Evaluation Element .....	20
Engagement & Integration Goals / Engagement & Partnership Element .....	22
Program Measures.....	23
ATTAINS.....	27
Need for Information Quality Review .....	28
Additional Suggestions.....	28

## Purpose

- The Purpose Section contains a narrative of events that will not be shared by all readers nor does it accurately depict Wisconsin's experience with the Vision 1.0 process. While it is often important to understand where we have been to help inform where we are going, the text in this section will likely create more of an inflammatory response than a contemplative response. This may have the unintended consequence of turning-off readers before they get to the important sections that include the recommendations. We strongly recommend moving much of this section to Appendix A.
- Overall, we believe that the document serves as an excellent summary of the history and lessons learned from the original Vision. The document presents excellent recommendations. Florida DEP supports most of the recommendations.
  - *Response: Edits were made to qualify some of the language in this section. The section was kept to provide context for the document.*

## Background

- **Consent Decrees** - Page 4: This origin story is not applicable to Wisconsin or other states in Region 5. This statement implies that the consent decree was widespread. How many states were under actual consent decrees?
  - *Response: Language was added to this section to further qualify the text to indicate that a subset of States were subject to 303d program related consent decrees. Similar to states in Region 5, there are states in other EPA Regions that were not operating under Consent Decrees.*

## Development of the 2013 Vision

- We strongly disagree with the use of "aspirational" as the appropriate description; it contradicts the statement above about progress. Our prioritization framework was not "aspirational" – We fully intended to complete the TMDLs we placed in our vision document as part of our measures. By definition, "aspirational" means *having or characterized by aspirations to achieve social prestige and material success*. Aspire means "direct one's hopes or ambitions towards achieving something." To imply, as the text in the Section does, that EPA was not going to have some sort of requirement of measurement or progress metric is inconsistent with our experience. We recommend revising the language: "Rather than being prescriptive, the Vision set a blueprint for Programs to base their development, counting on the ingenuity of Program managers and the flexibility of EPA for results."
  - *Response: The term "aspirational" was retained. States and EPA came together in the hope and with the ambition of changing the implementation of the 303d program within the context of existing law. The outcome of that effort was the 303d Program Vision. The success or failure of that effort can only now be measured in hindsight. At the time, we aspired to make changes to improve the program. Similarly, the changes focusing on establishing program-specific priorities was aspirational. We were taking a step away from a pace-driven approach to one based on program-specific prioritization. Additionally, through the Vision process, Programs identified priorities which they aspired to complete by 2022. This process was undertaken in different ways by different*

*programs and was communicated differently by the various EPA Regions. From the outset, it was understood that programs would work to complete priority plans to the best of their abilities by 2022, but that in some cases programs would fall short of that objective for a variety of reasons. The majority of programs fully intended to complete their plans by 2022, similar to Wisconsin, but approaches to setting priorities, the number of priorities established and other considerations, were expected to intervene. Failure to complete some of the priority plans was an option that was widely discussed during the development of the Vision, leading in part to the original measure WQ-28, that would allow states to communicate about program activities, providing status on priority projects and information on others. Priority setting was and remains aspirational, with the intent to complete the commitment but with the understanding that some portion may fall short of that goal for various reasons. Please take note of comments from other Programs that acknowledge the aspirational aspects of Vision for their Programs.*

- An explanation or an example should be provided that explains these “less than optimal outcomes.” What were some of the less than optimal outcomes and how did the inclusion of measures precipitate these negative outcomes? The text implies just negative outcomes and does not discuss the success many states had under Vision 1.0. To be a complete document, both challenges and successes need to be addressed and supported with examples.
  - *Response: The document includes a section that discusses the current Program measures, associated challenges and recommendations for revision.*

#### Vision Post 2022 – Recommended Updates from States

- You mention elements being aspirational. I would use the term inspirational, as well, when rethinking how our program engages with others to reach restoration goals.
  - *Response: Thank you for your comments.*

#### Changing from Goal Statements to Elements

- Changing from goals to elements is a good idea. Great ideas and improvements to the vision.
  - *Response: Thank you for the supportive comments.*
- I concede the need to convert the original goals to elements, allowing for each state to “plug and play” what is applicable for their situation. Except prioritization – that was the flagship of the original Vision and it should be the same for 2.0. Prioritization should not be diminished by relegating it as an element; it should remain the aspirational goal.
  - *Response: As evidenced both other comments pertaining to priority setting and program measurements, it is clear that Programs set their priorities as goals to be accomplished. The document was revised to retain Prioritization as a goal while keeping the other Vision aspects as elements.*
- Page 8 it also recommends “Goal statements contained in the 2013 Vision document helped Programs understand the purpose and aspirational nature of each goal. As part of an update to the Vision as an operational framework, we recommend restructuring the “Goals” from the 2013 Vision into Program “Elements” in a revised Vision.” Without further explanation of the intention here, we are concerned that element will translate to requirement. The aspirational,

flexible nature of the Vision must be maintained, and this leaves it vulnerable to reinterpretation.

- *Response: Clarifying language was added. The intent was to maintain the aspirational and flexible nature of the Vision but recognize the some of the elements of the Vision, while still optional, have been integrated into standard Program practices, on a national basis.*
- Page 8 it recommends “...it remains imperative to embrace that spirit of aspirational achievement by acknowledging new and yet-to-be explored aspects of the 303(d) program, incorporated as stretch goals and future research projects. We recommend consideration of a revised Vision document as an operational framework for the 303(d) program.” While this is supported, emphasis needs to be on an operational framework that promotes flexibility. That is the intended purpose of the Vision. Furthermore, the first sentence subscribes “stretch goals” to new and yet-to-be explored aspects of the program. These stretch goals and other aspirational intentions should also apply to existing goals (e.g., prioritization).
  - *Response: Agreed. Text throughout the document recognizes that the overall Vision approach to the 303d program is aspirational.*

#### 10 year time frame

- We are in agreement with the 10-year timeframe for Vision 2.0.
- 10 years is a long planning horizon. Typical staff retention operates on much shorter cycles (~5yrs). We recommend a shorter timeframe, perhaps similar to the 6 year window actually incurred with Vision 1.0. That said, if a 10-year timeframe is chosen, this puts a heightened emphasis on the need to divorce measures from long-term priorities if they are to be calculated similarly to Vision 1.0. If we had a hard time meeting priorities (i.e., 100%) for a 6-year cycle, it will be that much harder to meet priorities for a 10-year cycle.
  - *Response: The 10-year timeframe is retained. As noted in the comment, improvements are needed in recognizing the differing approaches that Programs take for establishing priorities and in implementing the Program Measures. These concepts have been expanded in the revised document.*

#### Timelines and Deadlines in Vision Statements

- We do not concur that timelines and milestones for TMDL development should be eliminated or not included. States should be prepared to make commitments to what can be reasonably be achieved in the planning horizon. At this point in program implementation, states should have a good feel for what can be accomplished within 5-10 years.
  - Response: *The timelines and milestones referenced in the document were the timelines and milestones in the original Vision document and do not pertain to any timelines or milestones necessary to complete the development of TMDLs or other plans identified through a Program’s prioritization process.*
- No due dates except for priority element is a good idea.
  - *Response: Thank you for the supportive comment.*

## Environmental Justice and Climate Change

- We appreciate this acknowledgement and the acknowledgement that programs will find their ways to address these focus areas. It must be stressed however, that many programs are looking to other programs for examples of how to tackle these complex and difficult topics.
- On page 9, we agree and support the concept that programs can address climate change, Environmental Justice and other critical issues in the revised vision, whether this is through identifying priority watersheds or other considerations. We support including opportunities for future discussions on these topics throughout revisions of the 303(d) Program Framework.
  - *Response: Thank you for your comments. The recommendation to consider Environmental Justice and Climate Changes as part of the Vision was retained.*
- Accounting for climate change in TMDLs or the listing process can be linked directly back to meeting water quality criteria and standards due to the impact that climate change has on them both directly and indirectly. If others question the inclusion of Environmental Justice, does EPA have some authority under the CWA to help encourage states pursue environmental justice? Having a clear and articulated linkage will strengthen any future discussions on these topics and their inclusion in Vision 2.0 as either voluntary or mandatory components.
  - *Response: At this time, the recommendation to consider environmental justice and climate change was not challenged, so justification was not added to the document.*
- Environmental justice and climate change are missing in the recommendations for the priorities and are two resource need areas for states. There should be recommendations for EPA to develop tools to assist states in: 1) addressing disproportionate impacts to EJ communities through 303(d) programs, 2) developing engagement strategies for meaningful engagement in EJ communities, 3) identifying climate change vulnerable communities or watersheds (perhaps with RPS), 4) developing TMDLs with allocations based on climate change projections, and 5) evaluating existing TMDLs in lieu of climate change. Both of these topics are points of interest for many states. However, the primary hurdle is the technical process and resources necessary for meeting these interests.
- On page 39 there is no mention of modeling climate change in TMDLs/ARMS. As this is a new and increasing demand, there should be dedicated recommendation(s) for this topic.
- On page 44, it may also be useful to add a recommendation re: piloting environmental justice engagement in TMDL development. This is a big topic, but like many things from Vision 1.0, everyone is waiting for examples, and thus it is hard for most Programs to take a first stab. EPA has plenty of resources on this front and could partner with program(s) to pilot different EJ engagement strategies regarding TMDL/ARMS development. This would build the program experience and lessons learned, leading to more states trying out the learned strategies.
  - *Response: Thank you for the suggestions. Additional detail on how to incorporate environmental justice or climate change considerations into the Program Vision was not included at this time. The intent was to identify these topics for further discussion as the next iteration of Vision is developed.*

- We support the continuation of the RPST. It would be helpful if the EPA would consider developing more datasets at a national level that could be incorporated into the next update. As Environmental Justice is gaining more notice, it would be very helpful if various U.S. Census level datasets were available to add as social indicators to help identify potential areas for EJ consideration. Data for median income, poverty levels, etc.. would be very helpful. The EPA could coordinate with Census staff to ensure the data are expressed appropriately to help identify EJ areas or also importantly, areas that are not EJ limited. It would be helpful to also add climate change stressors to RPST as well but not sure what those would look like.
  - *Response: Language was added within the recommendations section for Prioritization to indicate that having data layers related to environmental justice and climate change would be helpful to Programs using the Recovery Potential Tool.*

## Prioritization

### Approaches Used by Programs to Establish Priorities

- The Department appreciates how the prioritization section is written. On Page 12, the text seems to get to the heart of one of the issues resulting from the lack of clear and defined direction from EPA HQ. EPA Regions appear to have interpreted requirements differently and conveyed different instructions to their respective states. This is likely the source of many of the challenges experienced by states and ACWA needs to stress that a consistent and uniform message needs to be utilized in the roll-out of Vision 2.0.
- I like that they emphasize "State-Specific Considerations", as different states have different regulatory frameworks and different resources and budgets at their disposal that may make it difficult for them to enact some parts of this vision.
  - *Response: Thank you for your supporting comments.*
- States needed to take control of their 303d process, stop the counterproductive obedience to Pace and set down real priorities for their 303d process to address. Those priorities should reflect the overall aquatic environmental priorities of their respective agencies; as we see, many states viewed nutrients as such a priority, and in some cases, TMDLs (or alternatives) became the vehicle to set the stage on addressing those priorities.
  - *Response: Text was added to the Prioritization discussion in the document to address these concepts.*
- There was a minority of States that set priorities and stuck with them to the end. This document essentially diminishes that effort as overly restrictive. There were always two schools of thought on prioritization: Open Windows and Committed Strategy, and that was fine. The problem came when EPA tried to tie metrics to the Vision effort and some States look bad because their priorities shift. While that's something that has to be worked out, don't swing the pendulum to unconstrained biennial adjustments. That will lead to a renewed emphasis on pace.
  - *Response: Language was added to better reflect these two broad approaches to prioritization and to make sure that they are treated with equal weight within the document.*
- Our 303(d) program identified vision "priority" watersheds and hoped to piggyback on potential BMP restoration activities in the 319 program. Several 5-Alt reports were developed that documented the on the ground BMP work that was done to improve water quality. However, the important aspect here is that this work was considered aspirational and not integrated as a core function to the TN 303(d) program. Vision 2.0 should find a way to express the relationship more clearly between core two year commitments for TMDLs and IR reporting and the long term aspirational (10 year) Vision priorities.
  - *Response: We received written comments and had discussions with various Program representatives that underscored the need to better discuss the development of Program priorities and the connection with Program Metrics. Additional text was added to both sections to provide further clarification on prioritization approaches and the subsequent connection with measures.*



- On page 12, there is a discussion on near and long term priorities. We are concerned that there may be confusion regarding the development of TMDLs versus the implementation of TMDLs. It should be made clear that developing the TMDLs and implementing them are different issues, and most implementation is going to be longer than 2 years out, and probably longer, even than 5-10 years out, depending on permit renewal schedules, etc. Is there a way to make that distinction moving forward?
  - *Response: The Vision provided a longer time period for plan development but did not speak to the timeframe for implementing the plans, which is outside of the scope of the 303d program. The timeframe for implementation can be related to potential alternative approaches to plan development, but again, the Vision is focused on plan development, not the timeframe for implementing the plans.*
  
- The document does not explain why contributing waters upstream waters do not need to have allocations assigned to them. How can a state program ensure that downstream waters will meet water quality standards if contributing upstream waters are not addressed? The adoption of numeric nutrient criteria somewhat makes this moot because all waterbodies must meet criteria and allocations cannot result in local violations of water quality so the upstream segments would need to have allocations.
  - *Response: The document is silent on whether or not waters within the contributing watershed to the segment for which a plan is being developed should receive allocations within the plan. That decision should be made by the Program developing the plan and the specifics of the situation and water quality issue being addressed.*

## Open Window

- This is fine. We like the updating option every two years.
- On page 16, there is a discussion on EPA establishing a predictable schedule for open window periods that would coincide with the submittal of the new Integrated Report. Colorado supports the idea of a predictable open window schedule.
- Establish Open Window linked with submittal of new Integrated Reports – this will be useful to be able to keep our priority list aligned with our TMDL list.
- Consistent Schedule Communication about open window periods to update priorities could have been handled better. Sometimes I heard about the open window and sometimes I did not. I have heard a suggestion that the open window should occur when states submit their IRs (I am not sure if this means the target date of April 1 or when States actually manage to submit their IRs). Either way a fixed time would be helpful.
- We support this recommendation entirely. The predictable nature of this submittal allows for good planning. Furthermore, we support the recommendation that it coincide with IR submittal as opposed to the CWA specified submittal of April on every even year. In the past when open seasons occurred in April and our IR submission occurred at other times, we had to review and revise (for delists and new impairments) the priorities list in order to keep it up to date. That led to multiple, time consuming, administrative reviews. Keeping this to a predictable and flexible schedule that accompanies the IR submission is logical and maximizes the states opportunity to review and plan accordingly.
- Consistent Schedule and Clarity The lack of clear direction noted above resulted in the need to provide opportunities for updating priorities, so called “Open Season”. As noted, the

circumstances and timing around which updates could be made was poorly defined by EPA. The integrity of Vision 2.0 will require both transparency and accountability. Defined times should be provided for making updates and acceptable circumstances should be outlined otherwise similar challenges experienced by some states during Vision 1.0 could simply repeat themselves.

- *Response: Thank you for your comments. The text was updated to reflect the desire for a consistent and clearly identified timeframe for allowing programs to make adjustments, if needed, to their priority commitments, indicating that states remain open to either a schedule coincident with the IR process or some other, pre-defined and clearly messaged schedule. Having a consistent, well defined opportunity to adjust priorities as needed is the common thread among the comments received.*
  
- Dealing with delistings- On page 13, there is a discussion regarding open season. We agree and support the concept of an open season, or window, for updating priorities, but we are concerned with how these will be done in the future and what the requirements will be. For example, if a priority waterbody is delisted, will EPA require a "protection plan"? This was implied during the last open season. Will there be an opportunity to reduce the universe? In our State, the 303(d) list and segmentation changes faster than TMDLs can be developed. We want to make sure this is accounted for as we are readjusting priorities in open season.
  - *Response: Language was added to the document to recommend that if a priority waterbody is delisted priority to plan development, that either the waterbody be identified as "plan no longer needed" or be removed from the list of Program priorities. Additionally, that a protection plan would not need to be created in lieu of a previous commitment to develop a restoration-based plan.*
  
- It would be useful to understand the acceptable rules for changing priorities prior to the open window period. In past discussions with EPA during open season, EPA was very helpful, but the direction received changed across multiple discussions. The process could be more efficient if there were clear instructions of the changes allowed throughout the next vision. In the past advice varied from recommendations that a 1:1 area swap for TMDL catchments was acceptable, other times it was recommended we consider a 1:1 effort swap, and in the end anything was acceptable as long as there was a justification for the change. It would be beneficial to have clear statements of what can be changed. It would be useful to know if changes can be based on pollutants, segments, catchments or if there is flexibility for states to choose.
  - *Response: An additional recommendation for the development of upfront guidance pertained to implementation of the Open Window period was added to the list of recommended changes.*
  
- Suggest that open window is a workflow or process and not a tool. Suggest that states like the prioritization process spell out how changes will be made to priorities during open season. Make the prioritization process move Aus around in the wq27. rerun the process every two years with the only disqualifier for level of effort to be " we are already working on this."
  - *Response: Creating a requirement for Programs to re-run the prioritization process every two years would be a substantial burden on Programs, especially those that have developed a substantial outreach process to develop priorities or for that that have opted to create one long-term set of priorities to work on over the entire Vision period. This suggestion was not incorporated into the document.*

- **Open Window – Public Participation** - This is an admirable goal and anything that reduces public confusion and increases public engagement and buy-in will help improve the effectiveness of the program.
  - *Response: Thank you for your support of the Open Window period.*

### Recovery Potential Tool

- On page 12, there is a discussion of the recovery potential screening tool and how it can be used to shape priorities. We have used this tool in the past but has had some staffing changes and would benefit from additional training/assistance from EPA on using the tool and interpreting results.
  - *Response: A request for EPA to periodically provide training on the Recovery Potential Tool was added to the document.*

## Alternatives Goal/ Adaptive Resource Management Element

- The new goal language is better than the old.
- We are very supportive of the Alternatives goal in the Vision. This flexibility by EPA is greatly appreciated and does allow for better potential partnerships with other programs and agencies.
- We are also very supportive of how Vision 1.0 spelled out the use of Alternatives as not limited to just “priority” watersheds. This is a great example of how the Vision is a 303(d) program modernization update and not a new program design. It provides clarification and encourages new approaches within the program.
- On page 25, it recommends a number of additional items. We support these recommendations.
- We support the sentence about collaborating with EPA on such projects.
  - *Response: Thank you for your comments in support of this element.*
- Page 25: We concur with the list of recommendations; however, we think that they should be prioritized. The first one – identify accepted ARMS– places no real work on EPA and honestly is their normal operational mode of “we will know what we want when we see it”. While this is important, a higher priority should be placed on identifying minimum elements. Recommended prioritization:
  - 1. Identify Minimum Elements for Accepted ARMS
  - 2. Deliver a workshop on ARMS: this could allow some adjustments to the elements prior to finalizing the “guidance”.
  - 3. Improve Consistency for Categories 4B and 4C: this could be concurrent with steps 1 and 2 above.
  - 4. Identify Accepted ARMS
  - 5. Create Database
- *Response: Recommendations for this topic or others are not listed in priority order. Different recommendations are more or less important to each Program, so are offered in general, without further emphasis.*

## Addressing 4B and 4C approaches

- Page 19.. Include 4b and 4c in the text and diagram. Delistings are the same rigor. ARMS are more likely to evolve into 4b demos and could include TMDL like information to guide the ARMS without having to have an approved TMDL. The TMDL is then almost ready but need not be deployed as the delisting mechanism.
- Page 19. always keep 4b with TMDLs they are not alternatives to each other. Also 4b can work more like an ARMS in that it can address all WR issues both current and future via a strong protection component in the 4b that a TMDL does not have. There is still much emphasis on the TMDL as the final solution. The final solution is restored water quality. We refer to TMDLs which are IR Category 4a. We need a consistent crosswalk between IR categories and a common or functional name. Again Impaired waters require a 4a 4b or 4c plan or we start a 5 alt to attempt delisting.
  - 4a- TMDL Pollutant Reduction Plan- 1a Protection TMDL
  - 4b- Assured WR Restoration Plan or Locally implemented Restoration Plan- 1b Assured Protection Plan committed WR restoration plan

- 4c- Hydromodification or pollution (not pollutant) reduction plan PRP. We have workflow for this with American Rivers
  - 5r- ARMs
- In its 2006 Integrated Report guidance, EPA describes Category 4b plans as an alternative to TMDLs. That guidance does not suggest that Category 4b plans replace TMDLs, but rather that such plans "may obviate the need for a TMDL" by ensuring attainment of standards before a TMDL would be developed. In contrast, the Vision states, "For purposes of Program conversations under Vision, 4B projects, given the category change and rigor of reasonable assurance that distinguishes them, did not constitute an alternative approach, but rather a TMDL-like tool to handle water quality issues of a specific nature." (p. 18). This statement seems inconsistent with EPA's presentation of Category 4b Plans.
- On page 18 it notes that Category 4B and 4C projects are not considered alternatives. While this distinction can be made by a narrowed definition of alternatives, we think it is important to keep a broad definition of alternatives since the goal is to use different strategies than a TMDL whenever a TMDL is not the appropriate tool. Carving these out without recommending their inclusion will leave a potentially large swath of options off the table as "Vision" plans.
  - *Response: Additional language was added to the document indicating that in a broad view, plans developed under 4B and 4C also provide an alternative to TMDLs. This is consistent with the original Vision document which recognized that long-standing tools, such as plans developed under 4B, would be used in addition to new approaches that are developed within the Programs.*

### Clarity / Minimum Elements

- This section could benefit from an expanded discussion of how we want TMDL alternatives to be structured. And explanation of the differences between direction given by EPA regions to better support any recommendations.
  - *Response: A structure or format for ARMS was not suggested within this document as a recommendation was made, instead, for Programs and EPA to collaborate on the minimum elements to be considered in the development of ARMS.*
- We agree that minimal expectations are valuable, it must be done in a manner that does not remove useful flexibility or that might discourage innovative restoration strategies. (FL)
- While establishing minimum elements for ARMS has good potential to clear up expectations, it also has the ability to limit what is possible. It might be better to go with "minimum guidelines" with an emphasis that novel approaches or approaches that do not meet those minimum guidelines are still capable of receiving EPA acceptance.
  - *Response: Language was modified and additional language added to the recommendation relating to minimum expectations, to emphasize that the minimum elements should be recommendations and that they should not impede the ability of Programs to develop novel approaches.*

- On page 25 the proposed language element seems to be missing any mention of the potential benefits of the ARMS, discussed on pages 18 and 19, that may accrue before a TMDL is in place. If there is no downside to utilizing ARMS before a TMDL, and if a TMDL will be required in any case if the ARMS fail to achieve water quality goals, should ARMS not be encouraged everywhere? Alternatively, should their use be solely limited to areas where they are expected to achieve water quality goals more efficiently than the development of traditional TMDLs?
  - *Response: A modification of the element description was made to recognize that ARMS could be considered where they may be more beneficial to attainment of water quality goals. This change, combined with a discussion of the element itself will hopefully better highlight the potential for benefit from using ARMS in certain circumstances.*
  
- Page 20: Providing additional detail to this list could provide better guidance and consistency on the use of ARMS. This appears to be a good list; however, these categories may not be equally understood by everyone and as such definitions or descriptions should accompany each item.
  - *The list was based on information from the ELI Compendium of alternative approaches for water quality restoration, referenced in the preceding paragraph. That compendium should be consulted for additional information on the examples identified in the list. The document, however, does recommend that EPA provide information to the Programs on an on-going basis regarding acceptance of ARMS submitted to EPA. Having this information should provide additional information to Programs interested in pursuing ARMS in the future. Although it should be noted that Programs should be encouraged to develop new approaches as appropriate for their specific situation.*
  
- We are not supportive of this description for alternatives. It is too open-ended allowing entities to avoid a TMDL and effectively do little to nothing until a TMDL is forced upon. Perhaps we should recommend that there be an Alternatives category AND an Adaptive Management category. They are different things, in our view.
  - *Response: Alternatives are not an open-ended means to avoid developing TMDLs. Rather they provide programs with the ability to develop alternative approaches to restoring water quality, using a restoration approach that best matches the water quality challenge that is occurring. Additionally, in the original Vision document, the connection between the Alternatives Goal and adaptive management was acknowledged as follows: “another major focus of this Goal is to further explore and identify how principles of adaptive management can most effectively be applied to improve water quality whichever restoration tool is chosen. Adaptive management will help the program incorporate new data and information, identify opportunities and actions to pursue under the Integration Goal of the Vision, and iteratively adjust and integrate subsequent implementation actions to meet water quality standards.” No changes were made to the document in response to this comment.*

- On page 19 it recommends Alternatives be called “ARMS” and further clarifies that these are commonly referred to as “straight to implementation.” While we welcome the highlighting of straight to implementation strategies, that term can be misleading to some. It would be helpful to further elaborate that “straight to implementation” can include projects with plans and without plans (i.e., BMP implementation in targeted areas).
  - *The term “straight to implementation” was deleted from this paragraph as the concept is included in the following paragraph that highlights a variety of approaches to and reasons for the development of ARMS.*
- We agree that a restoration approaches database would be a beneficial resource for EPA, states, and stakeholders. Our only concern is that the list or database should only be treated as examples and it should be clear that other approaches that may also be acceptable if they are expected to lead to “cleaner water, faster”.
  - *Response: Agreed. Language was added to make this clarification.*

### Requirement for Development of 9 Element Plans

- All TMDLs in our state are required to have an Implementation Plan that meets the USEPA - Nine Minimum Element of a WBP. How is this different from the ARMS mentioned here?
- Within the scope of the Vision, EPA needs to be flexible on their acceptance criteria in order to allow more simple alternatives to be accepted. It would benefit the programs for EPA to accept (note, still not approving) more alternatives in good faith, than to limit their production. The states undertake these initiatives not to pass off credit, but instead to find the best tool to address the issue. Right now, states are effectively limited and not able to learn how to develop alternatives. They are just asked to develop 9-element plans, which we already know how to do.
  - *Response: The alternatives discussed in this document do not presuppose the type of plan to be developed in lieu of a TMDL nor should states be limited to the use of 9-element plans as alternative to TMDL. Language to address this was added to the document. Additionally, in the proposed updated language for this element, language from the previous goal that referenced nonpoint sources of pollution was removed which emphasizes that this element extends beyond traditional planning to address non-regulated pollution sources.*

### Name of Alternative Approaches

- One comment from my TMDL staff and I is in regards to the proposed re-naming of “alternatives”. We do agree that the label “TMDL alternative” has caused some issues in communication for us in that it implies “instead of” a TMDL. However, we are concerned the proposed new name “Adaptive Resource Management Strategy” and a new acronym “ARMS” steers too far towards jargon, which is something we are expressly trying to avoid in the vision strategy. We are concerned that this phrasing may not be intuitive understood by stakeholders, potential partners, and managers, and we wondered if something simpler like “adaptive

strategy” gets at the meaning well enough. “Pre-TMDL adaptive strategy”? Something we can say over and over in the same breath as TMDL, which is already a mouthful.

- *Response: We concur that creating a “name” for an alternative to a TMDL, does create another term which may be confusing to the public. The intent was to create a name for an alternative approach to a TMDL that would recognize the intent of using a different approach and provide a easy form of communication between Programs and EPA. Much like the public is often confused by the term “TMDL”, using a programmatic term for an alternative when communicating with the public may be confusing. Programs can communicate with the public regarding ARMS or any aspect of the 303d program using terms and phrases that make the most sense for the target audience. In some cases, Programs may choose to use “jargon” or “programmatic” language, but are not required to do so. These terms are more to make sure that Programs and EPA are communicating clearly. How concepts get translated to the public should be up to the Program engaging the stakeholders.*
- We do not support utilizing “adaptive” for the “A” in ARMS. These are alternatives to TMDLs and thus should be called what they are. The “A” in ARMS should represent what these plans are, alternatives to TMDLs. The use of adaptive adds confusion. We prefer the use of “alternative” in ARMS.
  - *Response: The use of the term “adaptive” is retained as this term is consistent with the intent of the original Alternatives Goal in the Vision. When the Alternatives Goal was first developed there were substantial discussions between Programs and EPA regarding the value of utilizing an adaptive management approach to addressing water quality concerns.*
- While going through comments, the acronym ARMS needs the ‘S’ for strategy/strategies, but sounds and reads awkwardly if referencing a single ARMS.
  - *Response: The change has been made.*
- The 303(d) program may not need another acronym for these alternatives. While not necessarily opposed to ARMS, it seems like 5-Alt is generally accepted and even incorporated into ATTAINS already. If a new name is warranted, how about “Alternative Restoration Plan” (ARP). This term has been used EPA staff in past Vision discussions.
  - *Response: 5-Alt is a listing category, not a name of a type of plan. The term “Alternative Restoration Plan” limits the focus of an alternative approach to water quality restoration. The description of the original Alternative Goal in the Vision, focuses on adaptive management approaches to meeting water quality goals. It doesn’t mention a limitation or focus on water quality restoration. While many such plans will likely be developed for restoration, there is the opportunity to use alternative approaches for the development of protection plans. We have retained the recommendation to name alternative approaches based on the adaptive management characteristics of the approach and have kept the term ARMS.*



## Listing Categories

- **5-ALT Name Change** - While we do not have a position on this, we had adopted, along with other states, the subcategory 5R (“restoration”) prior to EPA’s designation of the 5-alt subcategory. As such we recommend that the different subcategory designation be acknowledged in public and interagency communication materials. (VA)
- **5-ALT Name Change** - I think someone reading this might think "ALT" stands for "Alternative," not “ARMS Listing Tag.” Suggest a different phrasing?
  - *Response: Language was added to 1) identify that the name of the listing category is not as important as the description of the intent of that category 2) recognize that there are several currently used designations for subcategories within Category 5 relating to ARMS and 3) identify that additional listing categories related to ARMS may be needed, for example, if ARMS resulted in water quality attainment or were used for protection approaches. A recommendation was added for Programs and EPA to discuss the development of subcategories within Category 5 and beyond to better implement this program element.*
- We want to avoid a scenario where EPA is reviewing and accepting the ARMS twice; that is, both the TMDL and 303(d) listing programs. Ideally, the 303(d) program would just look to EPA TMDL acceptance of the ARMS as justification for a 4e (5 Alt) categorization, but that doesn't match our experience with coordination and cooperation between divisions at Region 4.
  - *Response: Agreed. If the TMDL and listing programs are managed separately within a Program or at EPA, ideally both units would be using the same guidance and approach to accomplish the same tasks, so that there would not be a double effort when addressing the disposition of waters subject to ARMS. Language and a new recommendation has been added to encourage dialogue between Programs and EPA to refine and improve the listing strategies associated with ARMS.*

## Protection

- We are very supportive of employing the Protection goal in the Vision.
- We support the proposed language for the new protection element description.
  - *Response: Thank you for your support of this program element.*
- We think that the protection element should go beyond “TMDL protections for waters that lack enough information.” Specifically **we recommend adding “or other strategies.”**
  - *Response: Changes were made to the Element description.*
- If states choose to prioritize protection plans, deadlines should be established if they will be counted as a possible measure. The timeline for development of a protection plan is not all that different from a TMDL; both are waterbody specific. The document does not make a complying argument to remove deadlines.
  - *Response: Agreed. The intent to develop protection plans as part of a Program’s priority commitments would confer the intent to develop those plans within the timeframe associated with the Vision period. This is addressed in the Prioritization Goal.*
- This may be splitting hairs, but in our state, we designate everything as HQW – In regards to adding a tier 2.5. (“Some states” may adequately address this).
  - *Response: The suggested language was included.*
- Up until now the we have largely focused reacting to impairments, not preventing them. We would need to develop a way to implement preventative TMDLs.
  - *Response: Hopefully the information in this document and the documents referenced will provide some useful resources should your Program chose to pursue protection approaches.*
- Implementing preventative TMDLs or TMDLs for the sake of completeness in addition to standard TMDLs would take time and resources. States with smaller TMDL staff and/or smaller budgets might not be able to manage this.
  - *Response: Developing plans specifically to address water quality protection is optional. Programs can chose to pursue development of protection plans or not based on program priorities or resources.*

## Legacy Protection

- The map Figure 14 (p. 29) indicates that our state has programmatic and legacy protection, implying that we establish TMDLs for segments that are not yet impaired and/or that it leaves TMDLs in place despite attainment of standards. In its 2022 303(d) List, We have proposed formally recognizing segments for which TMDLs have been approved but that currently attain standards. We support tracking these segments to help ensure that they continue to attain standards in the future.
- Page 27: The concept of Legacy Protection is interesting. Is it envisioned that a TMDL would no longer be applicable once water quality criteria are achieved? We see no mechanism under

federal law, or for our state under state law, that would remove a TMDL since allocations have already been placed in permits.

- *Response: This is currently part of the implementation of the 303d program. When water quality improves and is documented to attain goals, the water is moved to Category 2. This may occur for some waters that were not yet subject to TMDL development and for some that were. The TMDL is not eliminated when water quality is attained. It remains in place providing that protection moving forward. Some confusion regarding this concept may be associated with the limitations of the existing listing framework. It would be clearer, to Programs, EPA and the public, if a subcategory within Category 2 were established to recognize waters that are attaining water quality goals but for which TMDLS or other plans are in place. Additional language and recommendations have been added to the document to address this concept.*

### Programmatic Protection

- On page 27, it describes a “Programmatic Protection” approach as one where there lacks enough information to determine impairment status. We support this category and would like to expand the option beyond developing a TMDL, since those cannot be approved without an impairment. Moreover, we support the development of protection plans/strategies that address areas where information is lacking, but a need is present. For example, we developed a Salt Management Strategy for the one region in a process that was more collaborative, extensive, and detailed than any TMDL or TMDL alternative we develop (not including the CB TMDL). This tailored and stakeholder supported approach has no place in the 303(d) Vision, which would appear antithetical to its purpose. Regardless, this approach will bring real water quality benefits to an area where we have evidence winter salt related impacts are widespread, but we do not have chloride impaired waters and we didn’t develop a 9-element plan. Expanding this category of protection plans would create a space for this and other important approaches to clean water.
  - *Response: Language was added within the ARMS element to recognize that ARMS may be used to address both water quality restoration and protection.*

## Assessment Goal / Evaluation Element

- Wisconsin concurs with the recommendations contained in this section and for this element. (WI)
- On page 38, the document makes a recommendation to consider the continuum of information gathering: “We recommend renaming this element to the Evaluation Element, as it includes a continuum of information gathering through various techniques over the course of evaluating initial water quality conditions, evaluating watershed and source conditions to support the development of a water quality plan and the evaluation of the efficacy of that plan.” This proposed naming change makes sense.
  - *Response: Thank you for your support of this element.*
- Still too much emphasis on TMDLs always add 4b, but really like the patience and creativity in this element --really like it
  - *Response: This element is intended to pertain to development of water quality-based plans, not matter the type. The updated description of this element references plans in general and doesn't specifically cite TMDLs, 4B or other types of plans.*
- Our state addresses the information gathering for assessment, TMDL development, and effectiveness monitoring within different groups in the program. We look forward to any technical assistance or tools that may be available, such as modeling or geospatial techniques, that may support that continuum in a seamless manner.
- Modeling section does not mention HSPF, our bedrock model.
  - *Response: The document discusses modeling in general and doesn't mention specific models since different Programs choose different models and we didn't want to indicate a preference for any particular modeling platform.*
- While having access to high-quality models is important, one also needs adequate sampling data to fill-out those models. While we agree on the importance of utilizing WQ modeling to help run CWA programs, several states have limited resources making it difficult to achieve.
  - *Response: The choice to use models or not is left to each program based on their needs and resources.*
- Looking for confirmation that the NC tools will be made available to other states.
  - *Response: Yes. The tools will be made available to other Programs.*
- WIPS not defined.
  - *Response: WIPS stands for Watershed Improvement PlanS. This name has been added to the document.*
- Assessment/Evaluation Training ACWA offers additional recommendations on page 39. One is related to training. More important than in-person/virtual trainings, **it would be great if there were more hands-on and interactive trainings**. Webinars are not always the best format for learning models. Some of the models are intimidating, but learning the interfaces go a long way. In addition, establishing prerequisites for certain courses would be helpful, especially if the

courses are in person. It is not always clear what the expectations might be for certain skills/programs (i.e. BASINS). We agree that training on data visualization using the Microsoft platform is useful, but we also think that training on data interpretation is equally important.

- *Response: Language was added to include hand-on trainings in the recommendations.*

## Engagement & Integration Goals / Engagement & Partnership Element

- We support the comments by ACWA for Vision 2.0 in this section.
- We concur with the recommendations contained in this section and for this element.
- On page 43, the revised Partnership Element Description is great!
- Combining goals/elements from 6 to 5 also a good idea.
- The success of TMDL programs depends heavily on community buy-in, so any effort to help the community understand the issue, and/or help us communicate with the public more clearly, is much appreciated.
  - *Response: Thank you for your support of this element.*
- This customization aspect is important, as different states have different laws, regulation, needs and resources at their disposal. While watershed protection should be promoted in general terms, we should make state-specific resources and information available too.
  - *Response: This is a good suggestion. Hopefully Programs will take advantage of various opportunities through trainings, meetings or ACWA Watersheds Committee calls to share information and approaches.*
- Training is always generally a good idea, but it should also be noted that individual states may have different approaches to their TMDL programs. whatever material is presented in the Academy should be as broadly applicable as possible.
  - *Response: Agreed. Program staff attending national trainings may find some information useful and other information not as useful. The Vision provides the flexibility for Programs to develop unique approaches to addressing water quality issues.*
- One note, however, is that “inclusive...communication” doesn’t make as much sense as “inclusive engagement.” Perhaps, “inclusive” should be moved to the first part of that sentence (e.g., “Programs actively and inclusively engage...”).
  - *Response: The term “engagement” was added to the description of the program element.*

## Program Measures

- The proposed changes to the program measures will be very helpful for us in better understanding our commitments and our progress on measures.
  - Evaluate and Revise the Relationship between Prioritization and Program Measures
  - Clarify Program Measure Expectations Up Front
  - Refine Calculation of Program Measures
  - Correct Measures Calculations to Remove Requirements for Plan Development for Delisted Waters
  - Provide Updated Scenario Tool to Track Progress
- We concur with recommendations on “Evaluate and Revise the Relationship Between Prioritization and Program Measures” and concur that expectations need to be clearly defined understood, and consistently applied by EPA Regions. Much of the criticisms of Vision 1.0 stem from a lack of a clear and defined relationship between prioritization and measures. Expectations need to be defined up front.
- On page 47, there are a series of recommendations. We support all of these recommendations with a few amendments. While we agree it is important to set expectations up front for how priorities and measures will interact, we are already developing our priorities. With no guidance and a number of questions, we chose to develop our priorities in a way that makes the most sense to us. In an ideal world, Vision 2.0 would embrace and allow for this, however we do run the risk of being blindsided by new and rigid guidelines. As such, we want to emphasize the need to accommodate short-term and long-term priorities with measures that do not limit (i.e., “accomplish 100% of long-term priorities”) flexibility. Furthermore, we support the recommendation that the measures need to account for delistings. In an ideal world that would measure a form of tacit credit since delistings are the goal of our program. Furthermore, that would allow space for “alternatives to TMDLs” that may not fit the acceptability criteria of an ARMS or 4B plan. This is important because the current system disincentivizes strategies that take program resources, have a good chance of delisting the water, but do not meet EPA acceptability criteria. Specifically, the straight to implementation approaches with no plan other than BMP funding are off the table with the current measures structure. Incorporating delistings would allow for more flexibility in water quality restoration.
- We recognize that there are still quite a few issues with the program measures but appreciate the move away from the pace metrics to something more meaningful. We support including a recognition that plans may address sources in a larger watershed without establishing water quality targets for those intervening waterbodies. This could be important for addressing impaired reservoirs and upstream sources contributing to the impairment.
- On page 46-47, there is a discussion over short term (2-yr) versus long-term (Vision cycle) priorities. We support this point and encourages the utilization of this framework in the Vision 2.0. While we did not employ this framework for our Vision 1.0 priorities, we intend to implement a version of it in Vision 2.0 as it provides the necessary planning flexibility.
  - *Response: Thank you for your support of the element.*
- We originally had a couple of watersheds (HUC 8’s) on our priority list for nutrients. These priorities were eventually removed from our priority list because from what we understand ATTAINS could not track the priorities as HUCs. We needed to have specific Assessment Units assigned and we did not want to create assessment units solely for the purpose of tracking

priorities. We could have just decided to link the priority to all existing Assessment Units within these HUC 8's, but we did not think doing so would represent the scope of protection plan. It would be useful to know if other States have found a way around this or to explore with EPA whether there would be a way to track Priorities other than through Assessment Units.

- *Response: This experience has been shared by other Programs. A recommendation is included to address this issue.*
  
- Page 45: It is not clear what is meant by “for Programs to help troubleshoot.” Troubleshoot what?
  - *Response: Language was added to provide additional clarity.*
  
- Regarding measures, we have also had some concern that the way the measures are calculated by using catchments around an assessment unit can make it look like our TMDLs only impact that small area when they can really provide protection for a much larger watershed. It would be good to explore being able to upload GIS coverages of watershed areas impacted by a TMDL or other Plan. However, some things need to be considered:
  - Would this only apply to a Program’s priority waters or could/should Programs upload GIS coverages for all their TMDLs/Plans?
  - While there could certainly be a benefit to uploading GIS coverages of watershed areas impacted by all TMDLs/Plans, this would also be a huge work effort that some Programs may not want to pursue.
    - To that end, uploading watershed areas should remain optional as some Programs may find it a burden or have other reasons not to want to upload this type of coverage.
  - If these watershed areas are shown on How’s My Waterway, there would need to be a way to let the public know that while TMDL/Plan watershed areas are available for some TMDLs/Plans, it is not available for others or the public could get confused when looking at the maps.
- *Response: Recommendations have been included in the document to request consideration of the actual area or contributing watershed within measures in place of catchments.*
  
- We understand the need for numeric tracking measures, but can there be some recognition for areas prioritized or of high risk? Could some successes be qualitative (i.e. a TMDL written that had environmental justice implications that would not get much credit under the current system if it has a small catchment area).
  - *Response: Thank you for the suggestion. It is something we should explore as we work to identify how environmental justice can be incorporated into the 303d Program activities.*
  
- We agree that the measure system needs to recognize the possibility to remove waters that no longer need a TMDL. We do not agree with a requirement to write a protection plan for waters now meeting standards. It takes away a lot of time and resources from staff that should be focusing on TMDLs.
  - *Response: The choice to develop a protection plan for a waterbody should be made by the Program. EPA should not impose a requirement to develop a protection plan for*



*waters identified for restoration plan development when water quality is restored in advance of plan development. A recommendation is included in the document for the removal of delisted waters from Program priority lists in the even that water quality improves in advance of plan development. Additional language to clarify this concern has been added to the document.*

- We recognize the need to measure and account for work that is done in the 303(d) program. However, measures could be a very slippery slope. Just as the 303(d) list has unintentionally evolved in importance from a list of impaired waters in need of a TMDL to a guide for various water quality decisions, grant qualifications, project prioritization, permit conditions, etc., these measures could take on a life of their own. We have no intention to do 303(d) program work in a manner built to “chase” these measures to improve scores or rankings. These need to be a simple tracking of effort and work and not tied to any other program initiatives or ratings. As such, EPA regional staff should not be held responsible for how a state is doing in this accounting. The accounting should be used as guidance for EPA regional staff to understand how a program is meeting its 303(d) goals and if more assistance is needed. EPA staff can’t be responsible for work that the state program does or does not complete.
  - *Response: Thank you for sharing these thoughts. It is in the spirit of this comment, and others, that we have recommended that prioritization remain an aspirational goal instead of a program element. Programs will work to their best ability to complete their commitments but that is not always possible. This concept, as you identify, also translates to measures.*
  
- We agree with these critiques of the process. While we developed a priorities list we intended to complete, we also acknowledged them as priorities, not commitments. We made annual commitments, which was a feasible schedule for committing to completion, whereas our priorities were planning goals for a 6 year period. Thinking about a possible 10 year vision cycle, there is absolutely no way that we could plan to meet all of our priorities in a 10 year window without only committing to waters we can address in the first two or so years. This proposed scaling up in the priorities/Vision period puts emphasis on the fact that the measures should not be tied to the long-term cycle. If they are, then they should not be based on commitments, but instead solely function as an after the fact calculation of accomplishment. The Vision is supposed to promote flexibility, but when commitments are tied to planning priorities, it perversely incentivizes under-committing, rushing projects, and an overall sacrifice of the other Vision goals.
  - *Response: Your comment highlights the need for consideration between two different approaches for management Program priorities. As for your Program, the choice was made to prioritize in small increments, selecting from a larger pool of candidate waters. On the other hand, other Programs were comfortable in identifying priorities for the longer period, did not establish a candidate pool and do not want to identify priorities within short term increments. The recommendations within the document were intended to allow for both approaches to be supported. Additional clarifying language was added to address this concept, both in the measures section and within in the section on prioritization.*

- **Revisions/Double Counting** Measures - On page 17, there is a recognition that revisions to existing TMDLs can be used for consideration of priority setting. It has been unclear on how the development of additional TMDLs for new pollutants for an area for which TMDLs already existed are counted and considered. In the past there have been issues of "not wanting to double count" areas.
  - *Response: Adding to an existing TMDL to consider a new pollutant or impaired use would be "counted" in the same manner as the original TMDL. The waterbody/pollutant combination would represent a new TMDL and would be given credit as such. The existing other pollutant/waterbody combinations that had been previously approved would not be a factor in approving or recognizing the new work.*

## ATTAINS

- We are looking forward to using ATTAINS in order to track our progress completing our TMDL vision priorities. We also would like to be able to use the data and information to help explain our watershed programs for our watershed partners, including state, local and citizens. (MN)
- We are very supportive of ATTAINS and is extremely pleased with the development of this tool.
  - *Response: Thank you for your support of ATTAINS.*
- We are unsure of the direction this section means to take. In all the other sections the collaborative efforts are highlighted, yet here the it is written that EPA ‘independently initiated’ database redesign, but completely omits that there were many, many workgroups with many states to get ATTAINS started. Yes, ATTAINS needs improving, but being an iteratively built database system (database is used before all aspects have been developed), that was always going to be the case. We knew this going into using ATTAINS. This iterative process has allowed states and tribes (“Programs” in the draft document) to have a say in how pieces of the database are built, what is most useful for all, and what tools are still needed to fulfill CWA reporting requirements.

It is important to note in this section that ATTAINS provides the opportunity to have consistent metrics across the entirety of the United States, a previously difficult/impossible task because methods of assessment and spatial representation vary widely between states. Aligning metrics is still a work in progress as noted in the metrics portion of the draft report, but we’re working towards a common goal.

In our experience the ATTAINS EPA staff and the contractors have been very responsive, with one of their main goals being accuracy of submitted data. Have there been instances where EPA overlooked or disregarded erroneous listing information in certain states’ final submissions? Contractors and Dwane went to great lengths to help us make sure we could enter our 2018 and 2020 cycle data correctly. We have a few missing geospatial links for TMDLs completed prior to 2010, but this is in the docket for fixing.

Overall, it feels like this section has a jaded view of ATTAINS; while the process has not been all sunshine and roses, spoken from experience, it’s leaps and bounds ahead of what we had previously at the national level. Other sections of this memo are more neutral, highlighting what worked and what needs improving. Please acknowledge the extensive work done by EPA’s ATTAINS team on the database and in working with the states and tribes, and the work done by states and tribes to use and improve ATTAINS.

- *Response: Additional language has been added to provide additional clarification of the benefits of the updated ATTAINS platform. While the recommendations are based on making further improvements, they were not meant to convey an overall dissatisfaction with the upgraded platform, only that there are issues that need to be addressed. EPA staff and management at both Headquarters and the Regions, along with their contractors, have been responsive to requests from Programs to resolve issues and concerns with ATTAINS and use of the platform.*

## Need for Information Quality Review

- Page 48 of the document states that: Additionally, the link between an established TMDL and the waterbody disappears within ATTAINS when the water moves from Category 4a to another category when it achieves water quality restoration. I have not had this experience with ATTAINS. I did with ADB. When we have a water move from Category 4a to Category 1, the TMDL information remains linked to the pollutant/parameter in ATTAINS. I do not know if this is a function of our submitting our data via the Exchange Network. We keep reference to our TMDLs in our own internal database when a water moves from Category 4a to Category 1 (or 2 or 3). The TMDL information therefore continues to flow to EPA when we submit our list via the Exchange Network. Is the experience of people entering data through the web interface (or using data upload templates) that the TMDL information is stripped out when a water moves from Category 4a. I know this happened when I used ADB.
- As a note, we spent a good deal of time trying to reconcile our TMDL information with what was in ATTAINS. There were a lot of mistakes in ATTAINS and we worked with EPA to get them fixed.
- We delayed uploading into ATTAINS initially, because we were aware of how many errors there were going to be in the historic data. We spent months of man-hours reviewing, correcting, and reformatting everything before loading, even though we had lots of pressure just to upload and work things out in later lists. We were lucky to have a good representative our Region with which to collaborate, but I suspect other states did not. I hope that as we move forward, ATTAINS and the stories told in How's My Waterway will continue to improve.
- On page 48-49, current issues with ATTAINS and recommendations are proposed. We support these recommendations and highlight the needed fix so that waters associated with TMDLs remain associated after the water is delisted. We appreciate the acknowledgement that How's My Waterway is a great tool for the public, however it is also a QAQC burden on the states. Promptly resolving issues, and sharing the burden for QAQC is vital to the accurate portrayal of our program data to the public.
  - *Response: Thank you for sharing your thoughts and experiences regarding data quality issues and resolutions related to ATTAINS. A recommendation for continued collaboration between Programs and EPA is included in the document to address issues such as the ones raised here.*

## Additional Suggestions

- **“Develop a tool”** - Are they talking about internal mechanisms within ATTAINS to track progress on the Vision? Wouldn't How's My Waterway already do this (show progress on water quality enhancement around the state?)
  - *Response: The intent of this request for the development of a tracking tool, similar to the Scenario Tool Builder, but would include waters that are not identified as priority commitments. It is generally recognized that Programs would on projects and activities in areas outside of their priority program commitments. We were asking for a means of tracking those outside activities*
- One issue that may or may not have been addressed yet is if an AU has a TMDL completed and that AU is split in a later cycle does the TMDL information get moved to the new AUIDs? When TMDLs are entered into ATTAINS, you have to put the AUID of any AUs the TMDL impacts. What

happens when the IDs change? Do the AU IDs in the TMDL section need to be updated to reflect the split?

- Microsoft vs Google - Our state government has decided to move from Microsoft 365 to Google Workspace. We are scrambling to make sure we are not paralyzed when we can no longer use Excel macros or Microsoft Access and luckily may receive a few exemptions to allow some staff to function. I know that our state is not the only state that has attempted this switch, so I am pretty sure others are aware of the limitations that we will be facing. Because you are in a position to speak broadly for states in your roles, can you possibly communicate compatibility issues that some programs may experience with Microsoft-based tools (e.g., batch uploads to ATTAINS, Scenario Builders for WQ-27)? If possibly, can these tools be prepared in Google Sheets as well? I have learned that Excel macros do not convert. I am not sure about simpler equations, though.
- It would be helpful if ATTAINS were more protection report friendly. For now, it's a bit clunky and not easily trackable. We have been developing protection goals for not assessed or fully supporting assessment units while developing TMDLs for impaired streams. Once these protection reports are added as actions to ATTAINS, the user must manipulate the data to allow linking the report to the assessment unit parameter. We use "Insufficient Information" to assess the use and parameter to allow for this action linkage in not assessed streams. EPA should develop a simpler path in ATTAINS for linking these reports and allow for an easier way to track them.
- EPA should continue to refine ATTAINS and include more areas to streamline the electronic reporting of Integrated Reports. This is another opportunity to modernize the 303(d) program reporting requirements to use technologies that are now available.
  - *Response: These are good suggestions and important topics to consider. A recommendation for continued collaboration between Programs and EPA is included in the document to address issues such as the ones raised here.*
- We support the recommendation for a tool to better tell our state stories. We recommend that How's My Waterway should include a place where states have the option to narrate their story. While some space exists currently, a Vision page, with more room to edit and tell our stories would be a great feature. This feature could pull on the recommendations offered in the last bullet.
  - *Response: Thank you for the suggestion. A recommendation for continued collaboration between Programs and EPA is included in the document to look for opportunities such as this to tell the broader Program story.*