

303(d) Program Vision

OVERVIEW OF FIRST VISION PERIOD AND PREPARING FOR VISION 2

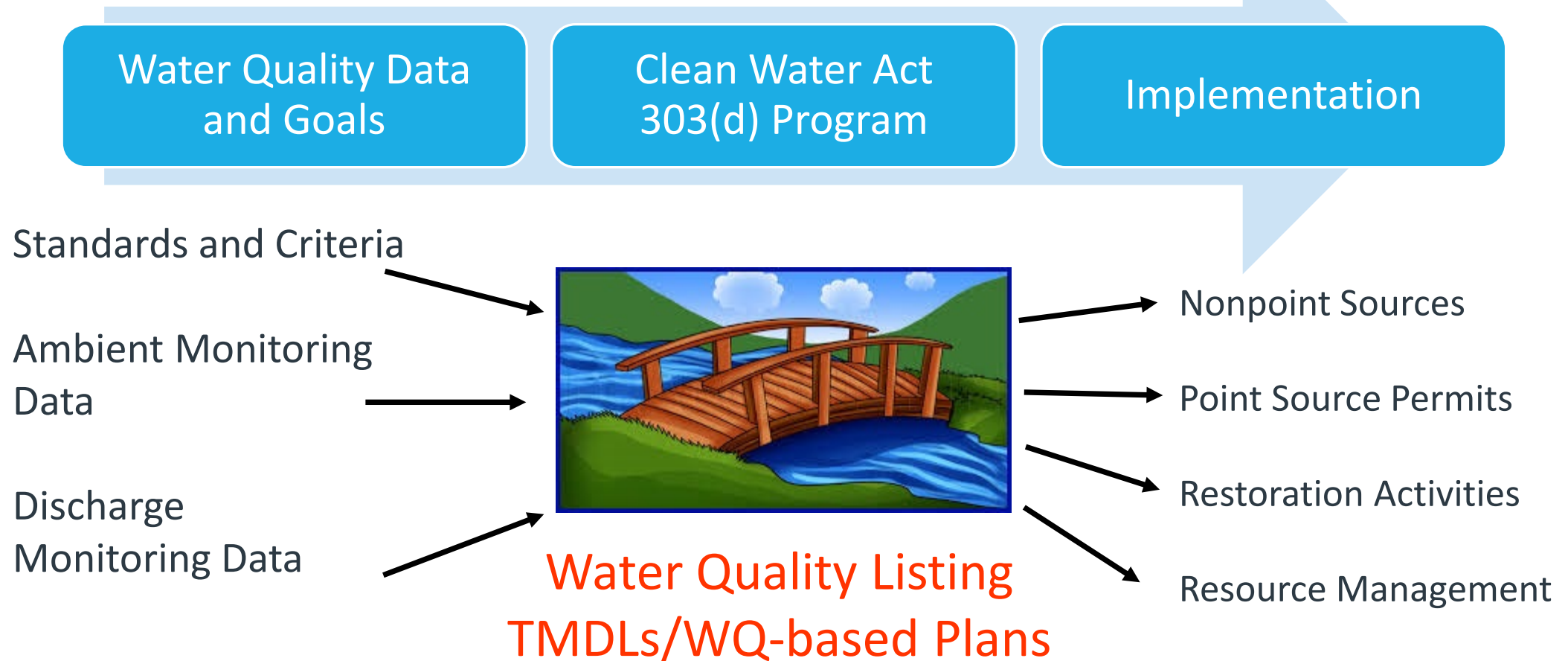
Presentation Overview

- Recap of 303(d) Vision 1 (2012-2022)
- Preparation for 303(d) Vision 2 (2022 – 2032)
- Program Metrics
- Program Framework: Supporting Elements
 - ATTAINS
 - How's My Waterway
- 303(d) To Do List

CWA SECTION 303(d) VISION 1.0

2022 ACWA ANNUAL MEETING

CWA 303(d) Program: Bridging Water Quality Goals and the Actions Through Planning Development



You have to know the past to understand the present – Carl Sagan

- Late 1990s/early 2000s: “Constructive submission” lawsuits filed against EPA in >30 states yield 27 court order, consent decrees & settlement agreements to develop TMDLs
- Consent decree settlements drive 303(d) program to focus on pace of TMDL development
- 2007: Inspector General report suggests a disconnect between WQ plans & implementation activities
- As states began to complete court-related requirements, States & EPA recognize that changes are needed for the 303(d) Program



Improving the 303(d) Program



- 2011: Collaboration initiated between EPA and States for updated approach to achieve WQ goals under 303(d)
- Focus on flexibility, adaptive management and innovation while staying within existing regulatory framework
- Discussions at National TMDL Meetings & ACWA Watersheds Committee calls

303d Vision Statement & Goals

Effective integration of Implementation efforts

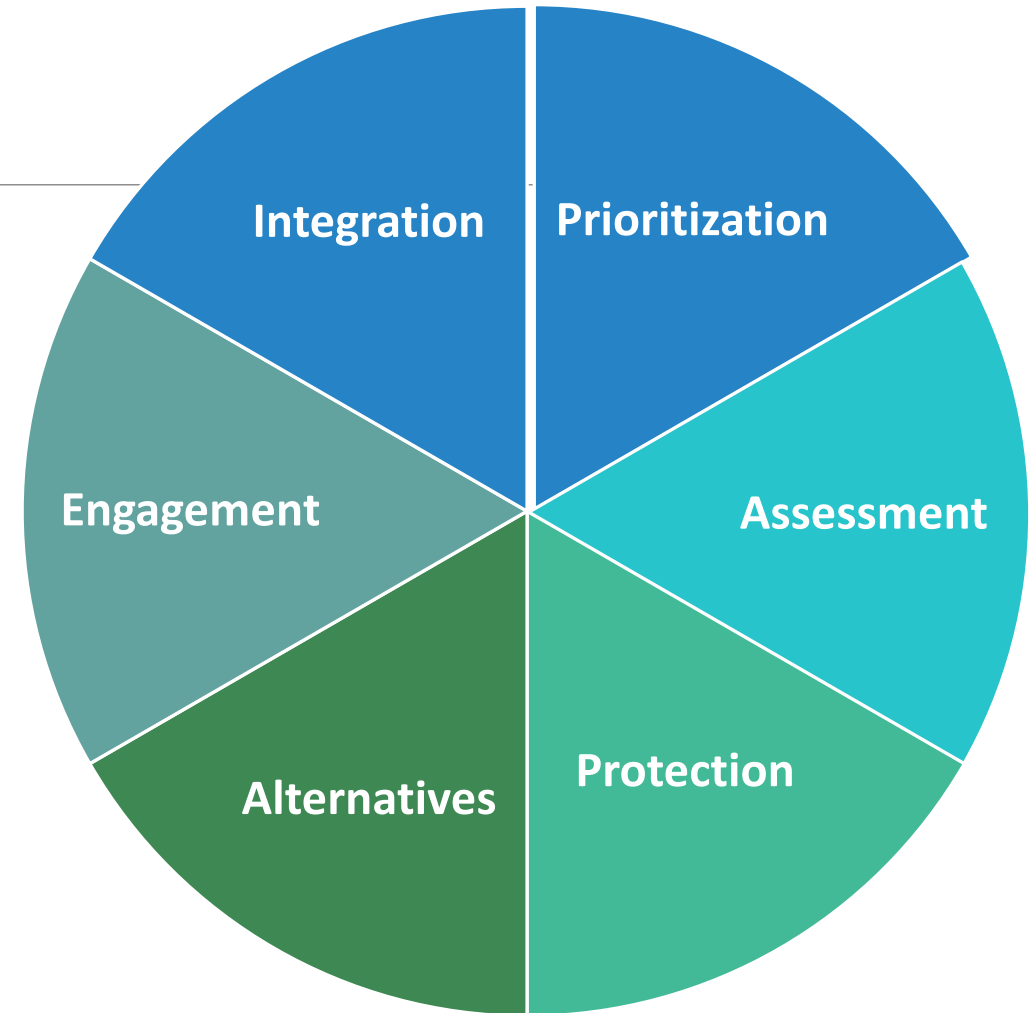
Water quality restoration and protection

Based on assessment information

Planning objectives are evaluated and prioritized

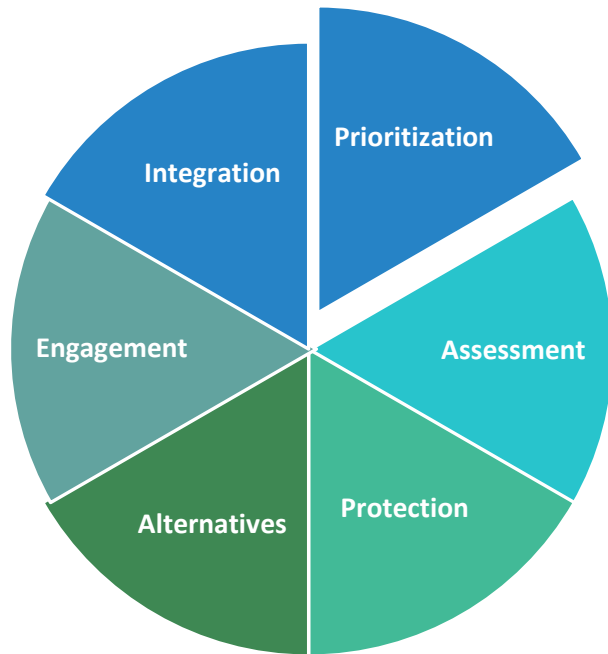
TMDLs and other approaches used to achieve
WQ goals

Improved collaboration between States, federal
agencies, tribes, stakeholders, and the public



Prioritization

Cornerstone of Vision effort: Switch from pace of TMDL development to developing plans that best serve state-specific WQ priorities



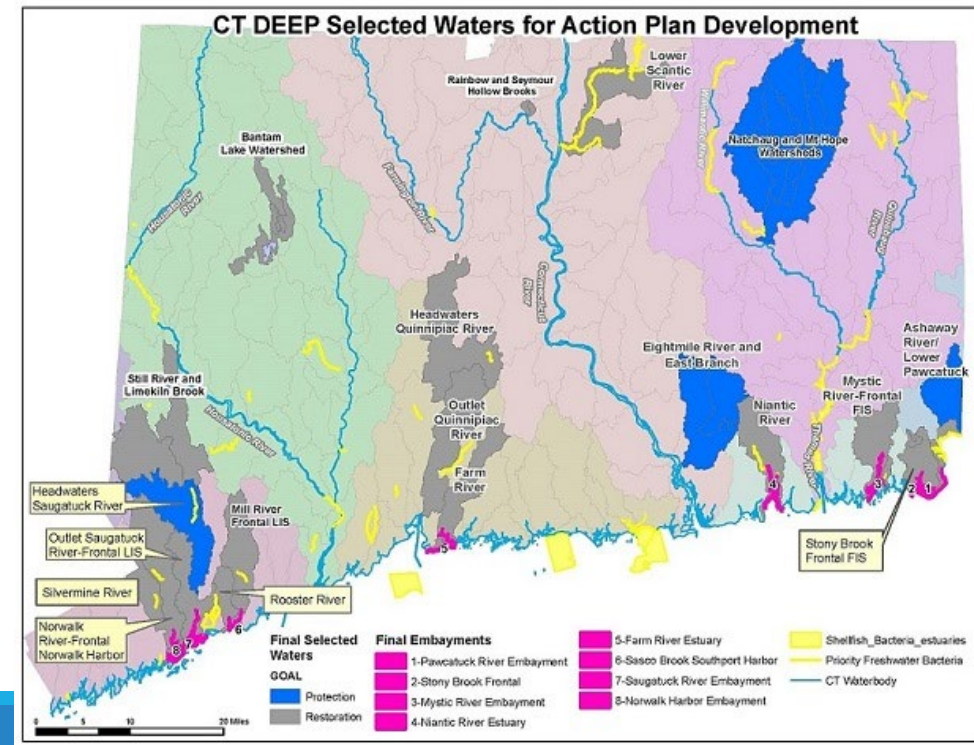
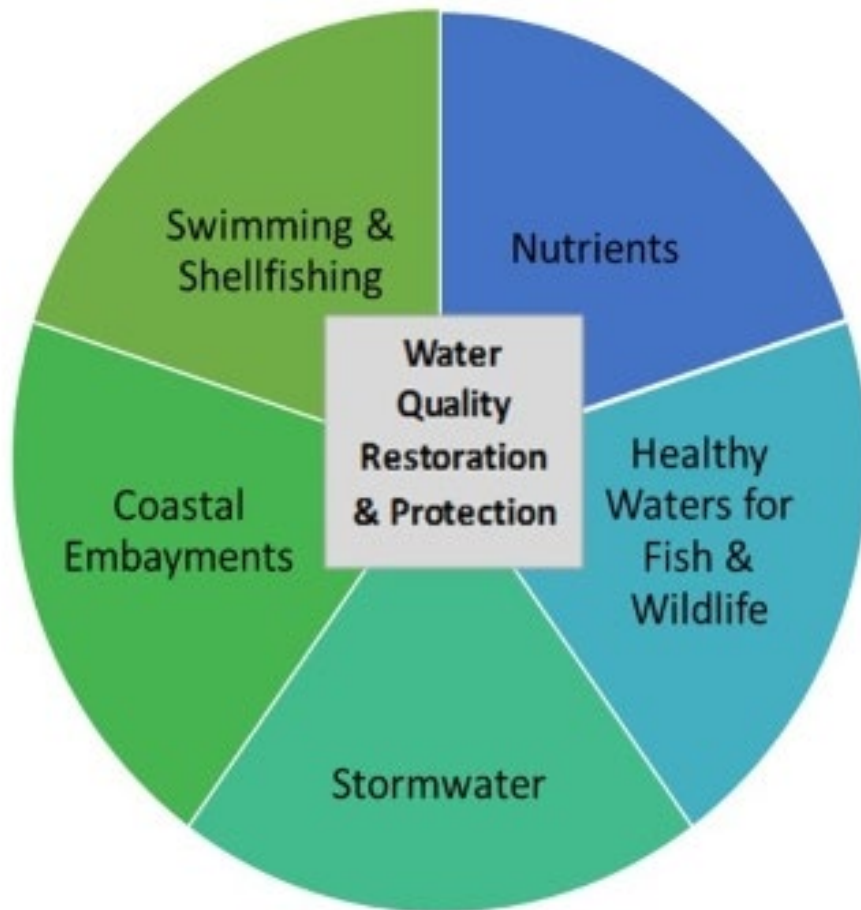
State systematically prioritizes watersheds or waters for restoration and protection

States develop & submit a Prioritization Framework to EPA (2013)

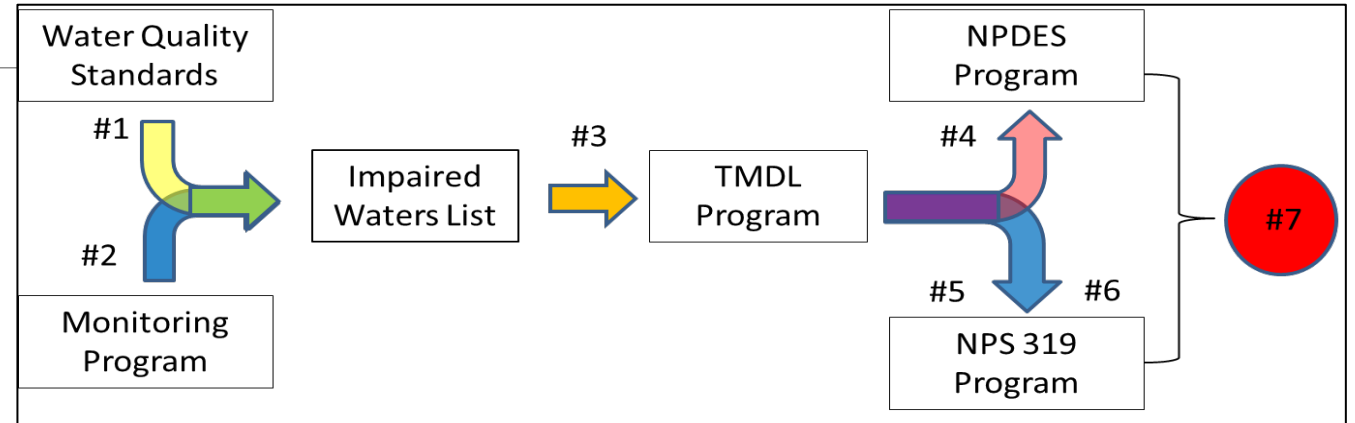
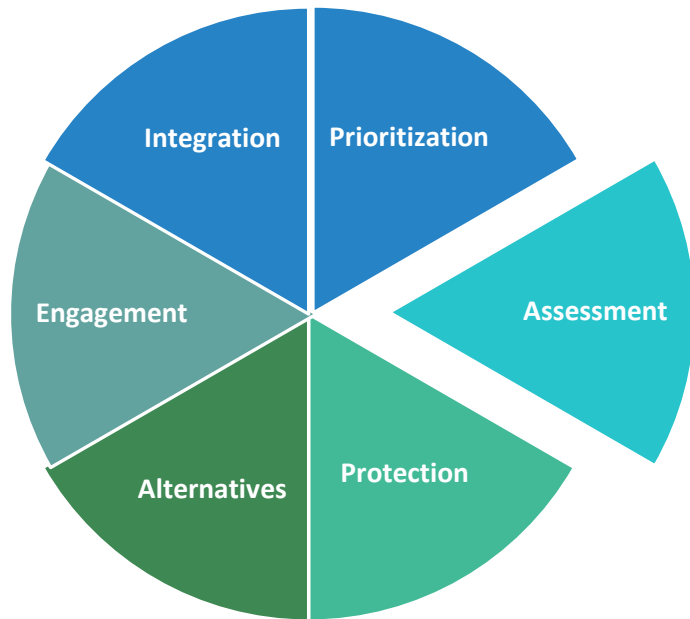
- Identifies Program priority focus areas
- States can be aspirational in priority setting, choosing stretch goals, knowing that goal is to complete as much as possible
- Identifies waters for plan development during Vision period (2013-2022)
- In practice, states had priorities expressed on both short- and long-term time periods
- Vision 1 metrics didn't work very well for both prioritization approaches (long- and short-term planning)
- Vision 1 Prioritization Framework Documents: [State and Territorial Prioritization Frameworks | Environmental Law Institute \(eli.org\)](#)

Example: 303(d) Priority Setting in CT

Priorities set based on collaboration within CTDEEP, with other Agencies, Stakeholders and Public, including a public process



Assessment



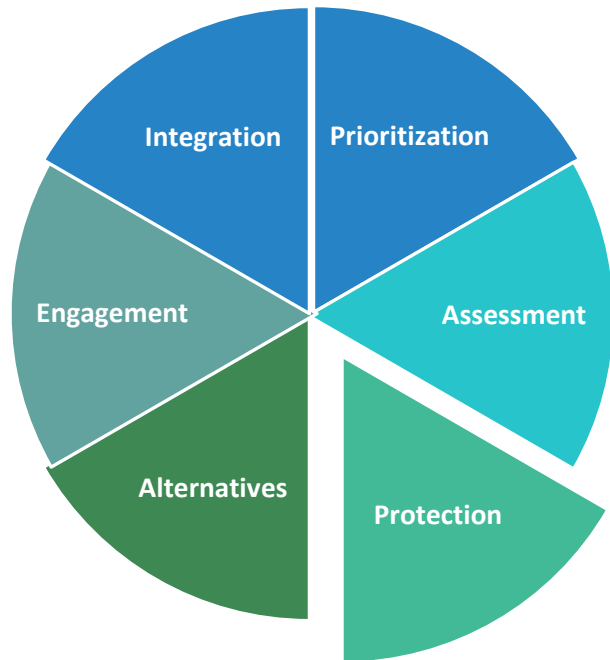
1. Validation Monitoring
2. Baseline Monitoring
3. Monitoring for Plan Development
4. Compliance Monitoring
5. Implementation Monitoring
6. Project Monitoring
7. Effectiveness Monitoring

Implementation:

Recognizes the roles of multiple data types in supporting 303(d) programs. Name presents a challenge as it seems to limit focus.

Vision priority projects to be supported by appropriate data and modeling

Protection



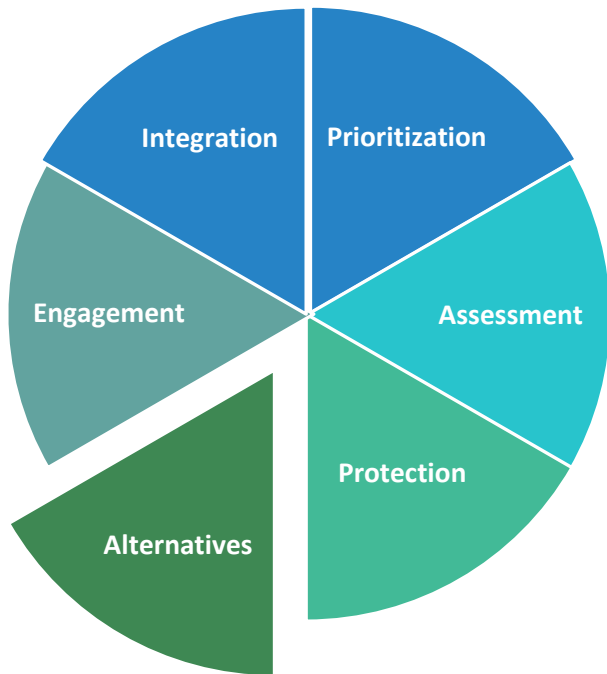
States may establish priorities based on both restoration of impaired WQ and protection of un-impaired waters

Examples of Water Quality Protection Activities under 303(d)

- Antidegradation Policy Implementation: Protection of High-Quality Waters
- Programmatic Protection: TMDL or Alternative Plan developed can be developed specifically for the purpose of protecting existing water quality
- Legacy Protection: TMDL or Alternative Plan developed for WQ restoration stays in effect once WQ objectives achieved. Provides protection against future degradation

Implementation: Development of protection-focused plans is OPTIONAL. At least 9 states have identified protection plan priorities during Vision 1.

Alternatives



Programs may use traditional TMDLs or use TMDL alternatives to address water quality priorities

Focus on improving implementation / achieving WQ goals more efficiently

Key Concepts:

- Adaptive management & Flexibility
- Accountability: TMDLs developed if other options don't work
- Approach relates to schedule to develop a TMDL

Implementation: Development of TMDL alternative plans is OPTIONAL. At least 24 states have identified use of TMDL alternative to address priorities during Vision 1.

Examples of Alternative Restoration Plan Approaches/Components

Watershed-based plans that are designed to achieve water quality

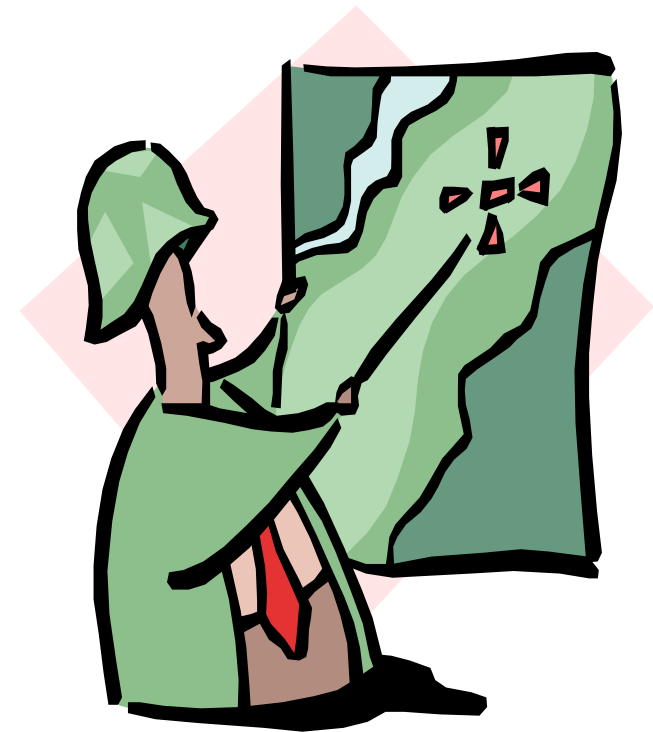
Direct to implementation without a TMDL

Cooperative agreements: Pollutant Types or Watershed

Regulatory control: Regulations, Bans or Restrictions

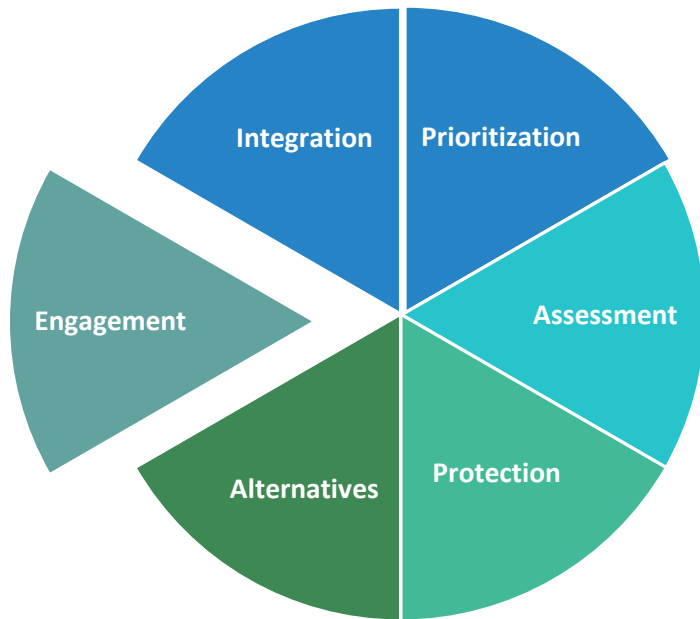
Direct to NPDES Permitting without a TMDL

Contaminated Site Remediation Plans



[EPA Website with accepted Alternative Restoration Plans](#)

Engagement



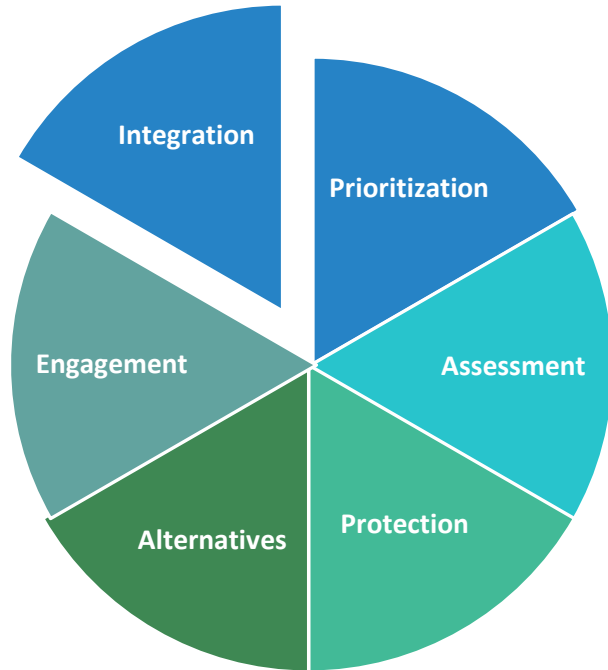
Engage the public & stakeholders on 303(d) program activities

Improve outreach, communication and engagement to build effective partnerships to address shared water quality priorities

Focus on external partners

- State Environmental Agency
- Other federal and state partners
- Public
- Stakeholders
- Regulated Community

Integration



Coordinate across state & federal environmental programs

Engage implementation programs to achieve Water Quality Goals

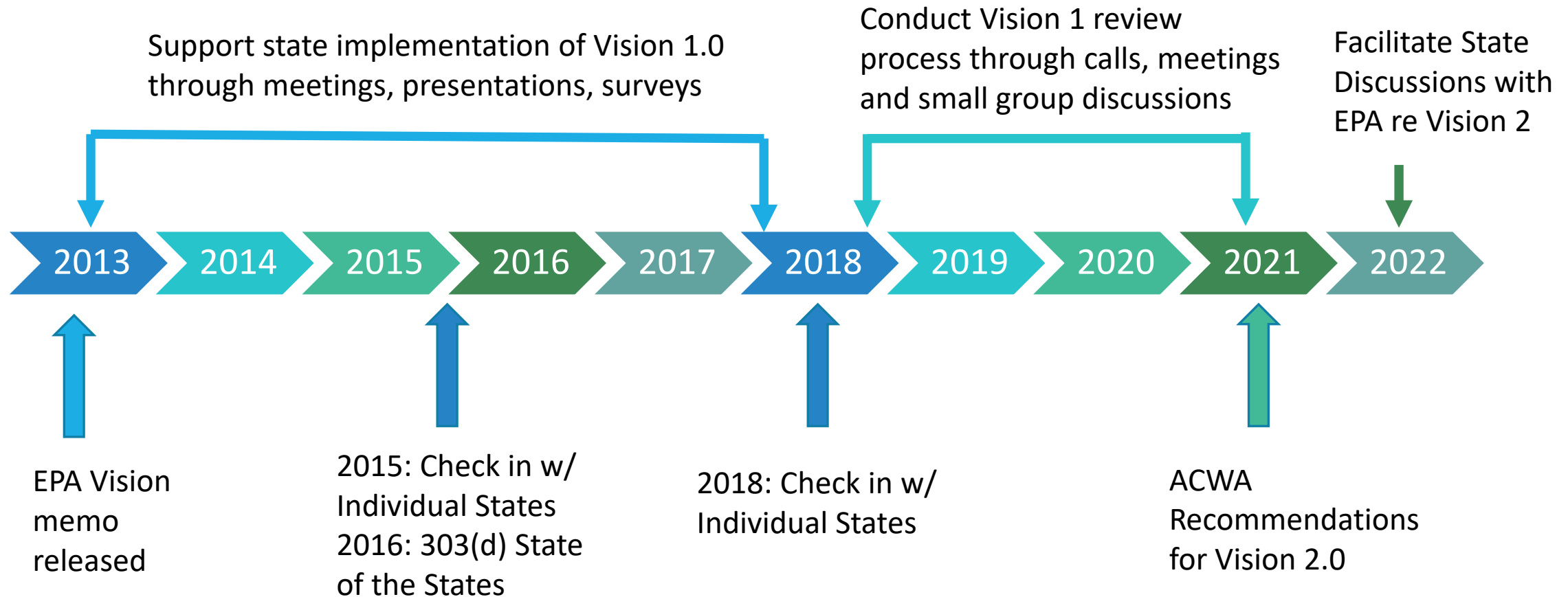
- TMDLs not self-implementing
- Other federal and state partners
 - 319 / NPS Programs
 - Other CWA Programs
 - Federal & State Programs
 - Non-government interests

Implementation : Some confusion over Engagement and Integration since these concepts are so closely related

ACWA Review of Vision 1

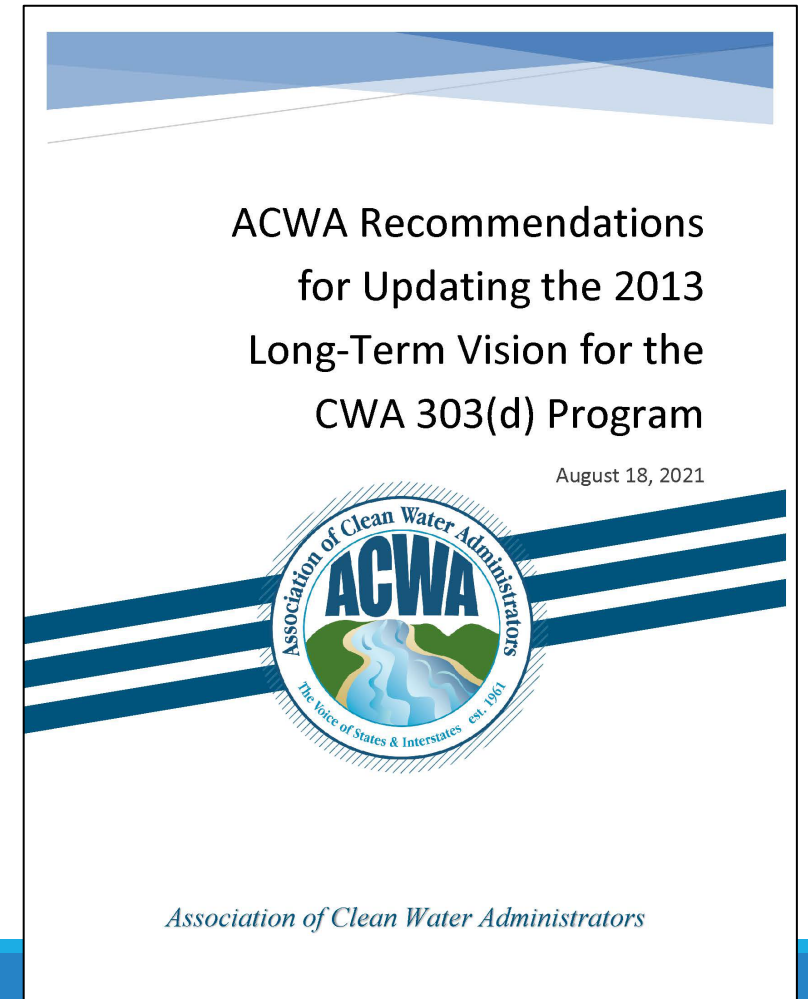
- **States strongly support the updated approaches to implementing the 303(d) Program which were provided under the 303(d) Program Vision.**
 - Ability to focus on state-specific water quality priorities instead of the pace of TMDL development
 - Providing for a longer-term planning horizon
 - Option to use the best planning tool for water quality restoration and protection, including using either TMDLs or alternative restoration approaches or development of protection plans
 - Focus on adaptive management to either update existing plans or adjust other plans
 - Updated tools and data management platforms improved task management and information tracking
 - Improved collaboration at the state and federal levels improved program implementation
 - Support for use of water quality models within the 303(d) program and new training opportunities for state and federal modelers supporting the 303(d) program

2022 Vision Memo Development Timeline: ACWA



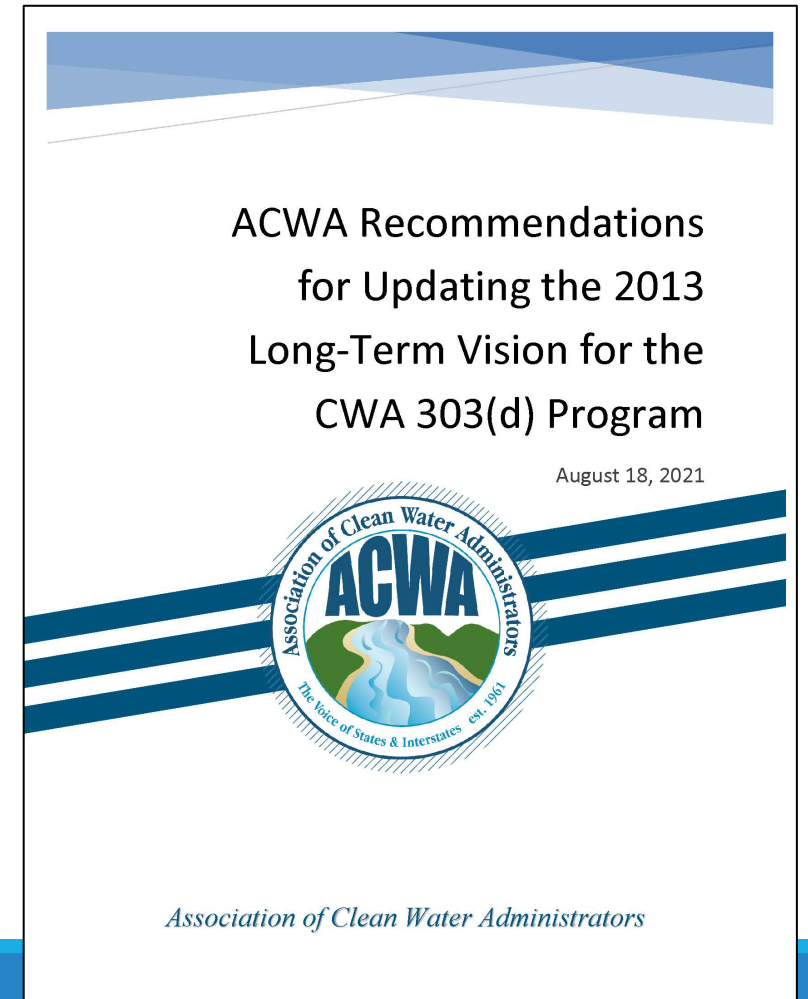
ACWA Recommendations for Vision 2.0

- States strongly support continuation of 303(d) program Vision
- Prioritization remains key component
- Vision should recognize aspirational approaches when setting priorities
- Re-focus and rename Assessment Goal to be more inclusive of all data types and activities.
- Maintain ability to develop alternative restoration plans and protection-based plans



ACWA Recommendations for Vision 2.0

- Combine the Engagement and Integration Goals into one goal focused on engagement and partnership
- Expand Vision to include consideration of Environmental Justice and Climate Change
- Continue Support of ATTAINS and How's My Waterway
- Improve program metrics to better address priority setting on both short and long time periods and consider actual area covered by plan



EPA Perspective on Vision 1 and Development of Vision 2

2022 ACWA ANNUAL MEETING

2013 Vision Successes

As part of the 2013 Vision , States and territories engaged in a long-term planning and prioritization process, through meaningful public engagement, to develop support for and address challenging priorities through integrated assessment, planning, standards, and implementation processes. States and territories developed long-term frameworks that reflect their priorities for development of TMDLs, other restoration plans, and protection approaches.

Some programs embraced the concept of developing alternative planning approaches or working on water quality protection.

States and territories are over three quarters of the way towards putting their plans in place under the 2013 Vision.

2013 Vision Successes

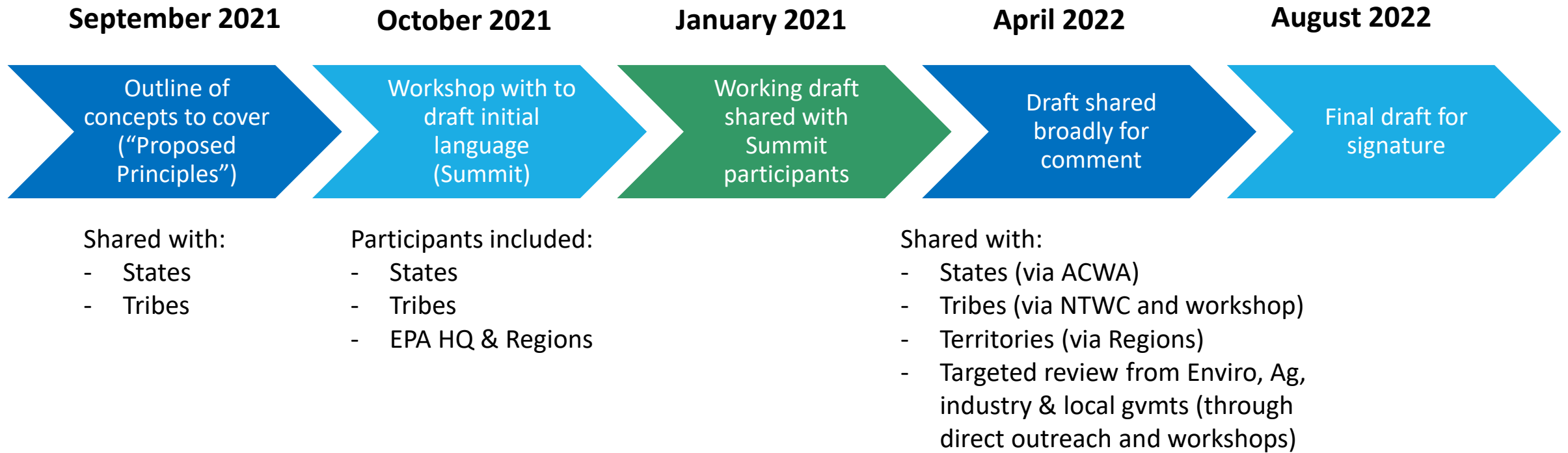
EPA has worked with various program partners to put together training workshops and supporting documents that create a robust collection of information to advance the goals of the 2013 Vision.

- [Prioritization](#)
- [Alternatives](#)
- [Protection](#)
- [Assessment](#)
- [Engagement](#)

The development and use of enhanced data systems has improved information sharing and transparency and helped gain significant efficiencies in program execution.

- The number of timely integrated reports submitted by states increased by 5 times in 2022 compared to earlier cycles, and EPA now regularly has little or no backlog in acting on submitted section 303(d) lists and TMDLs.

2022 Vision Memo Writing Process



Final memo planned for **September 2022**

303(d) Vision Content Updates and Additions

2013 LONG-TERM VISION GOALS:

- Prioritization
- Assessment
- Protection
- Alternatives
- Engagement
- Integration

2022 DRAFT MEMO GOALS AND *FOCUS AREAS*

- Planning and Prioritization
 - Data and Analysis
 - Protection
 - Restoration
- Partnerships: Integration and Engagement
- *Environmental Justice*
- *Climate Change*
- *Tribal Water Quality and Program Development*
- *Program Capacity Building*

Long-term Planning for Next Vision Period

(FY25-32 – October 1, 2024- September 30, 2032)

Long-term planning is documented in state-developed **Prioritization Framework** and informed through engagement.

- Can identify priorities in as much detail as possible.
- General strategy for implementing the Goals (e.g., data needs, collaboration with other programs) and, to the extent possible, Focus Areas.
- Share with EPA by **April 1, 2024**

Use Integrated Report and associated public process or other processes to keep the public appraised

- Progress to develop plans
- Plans for development in the next 2-year cycle

Prioritization Under Vision 2

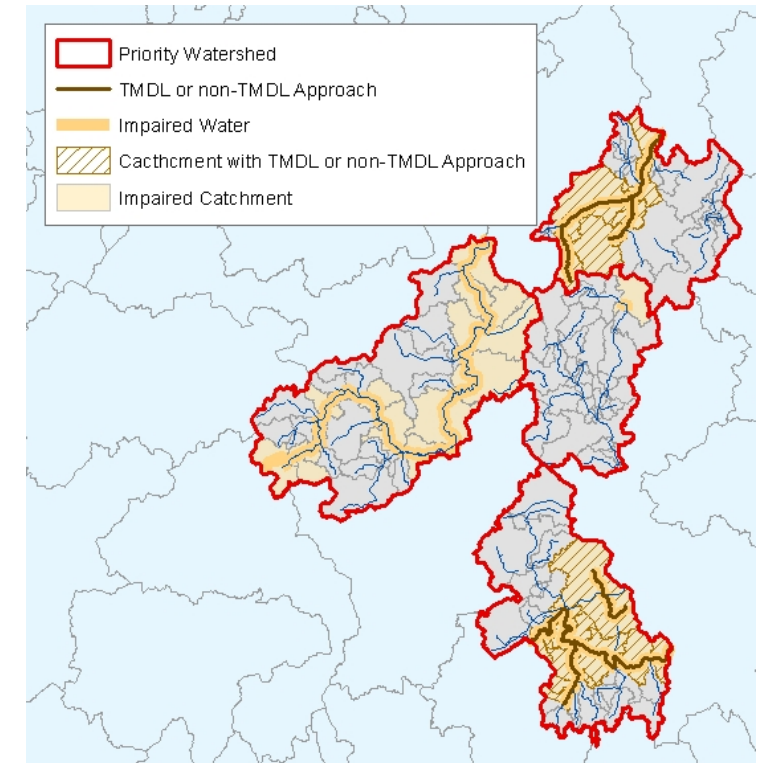
- Prioritization Framework focus on long-term priorities and process to set them
- Identifying waters within Framework is optional. This specificity will only be needed when setting Program Metric commitments (change)
- Vision 1 allowed for aspirational/stretch goals for priorities. This approach is also being used for Vision 2 (change)
- Changes to priority setting and metrics provide a new approach to balancing priorities and waterbody selection over short and long term. (change)
- Framework due April 1, 2024 either as a stand-alone document or part of IR. EPA reviews document and notes requirement as complete. Doesn't approve or reject Prioritization Frameworks
- If needed, States can update Prioritization Framework (could be concurrent with IR).

CWA SECTION 303(d) Program Metrics

2022 ACWA ANNUAL MEETING

Metrics 101: Current Program Metric WQ 27.5

- States identify priority waters
- EPA runs a GIS process to identify watershed catchments associated with priority waters. This provides a “size” calculation for each waterbody identified
- EPA calculates a total size for all priority planning areas. This is the total state commitment
- The updated ATTAINS database is used to track completion or progress on all plans for priority areas
- Using status info, EPA calculates a % completion for how much of the total state commitment has achieved



WQ 27.5: Current 303(d) Program Metric

- Vision 1 initially had 2 metrics: WQ 27 to track completed plans and WQ 28 (optional) to track progress on priorities and document other efforts that were outside of priority areas. Goal was to complete as much as possible. Metrics were developed after states had started their prioritization process.
- Metric changed to current WQ 27.5, which tracks completion of priority plan commitments over the course of Vision 1.0 period. Periodic adjustments to priorities were allowed. Starting in 2017, No tracking of state activities outside of priority commitments (other than timeliness of EPA action)
- Metric worked well for States that declared priorities to span the Vision 1.0 timeframe. Did not work well for some States that declared priorities periodically, since they did not have the same calculation of a total state commitment area

Bridge Metric

(FY2023 and 2024 - October 1st, 2022 until September 30th, 2024)

Definition: The extent of CWA Section 303(d) bridge priorities identified by each state that are covered by, or are in the process of being covered by, EPA-approved/accepted TMDLs or other restoration plans for impaired waters. Plans may also include accepted protection approaches to prevent impairments and maintain water quality.

Commitments are made up of:

- Priorities: State-identified assessment unit/parameter combinations to address using data from state's most recent IR in ATTAINS
- Estimated Progress: States indicate their estimated progress for the 2-year bridge period - Completed ("plan in place") or "in development."

Bridge Metric Notable Features

- States can articulate commitments as plans in place **and** plans in development.
- Progress will be measured in square miles.
 - *Was previously converted to a percentage*
- The final 2-year target will be .85 x the state's commitments.
 - *Was previously 100% (full completion of state priorities)*
- While this is not the “vision” metric, it helps inform reporting for the next vision period.

Vision 2 Metric (FY2025-2032) is in development

- To be based on Bridge Metric
- EPA will engage with states on final metric

Example: Tracking Short & Long Duration Plans Using Program Metrics

Plans with Short Planning Timeframe



Plans with Long Planning Timeframe



CWA SECTION ATTAINS & How's My Waterway

2022 ACWA ANNUAL MEETING

ATTAINS: Documenting State Assessment Decisions and Plans

The ATTAINS Data System streamlines water quality assessment and reporting while providing a more complete picture of the nation's water quality

■ **Thank you states for your many hours of work with EPA to transition to the new system!**

■ Moving forward, reporting burden will be greatly reduced

■ States/EPA/public are already seeing the benefit; more Integrated Reports received on April 1 than prior cycle

■ ATTAINS

- Developed with input from states
- Allows batch upload from spreadsheets
- More efficient review process

■ Contents

- Assessment Units – names, water types, sizes
- Assessment decisions
- Actions towards restoration or protection of waters (e.g., TMDL, Alternatives, Protection)
- Reports to explore data, compare with prior cycle

Integrated Reports	2020 Cycle	2022 Cycle
Submitted by April 1	4	22

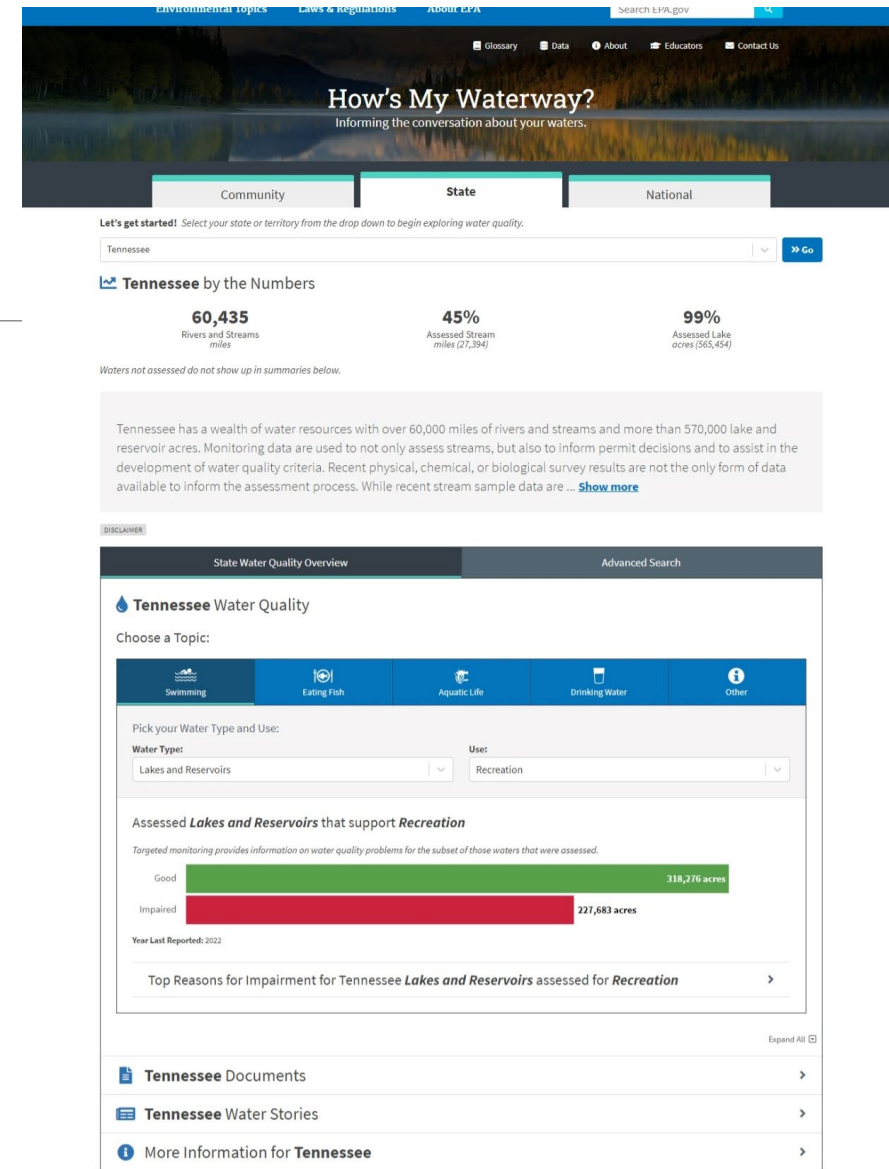
As of July 29, 2022 – EPA has received 32 lists for the 2022 cycle and acted on 29.

■ Publishing data

- Data are published in How's My Waterway approx. 2-4 weeks after a state submits the Assessment Cycle

How's My Waterway

- An EPA-developed data sharing platform for the public
- Communicates information from CWA-based programs
 - Monitoring & Assessment information
 - Listing Status for waters
 - TMDLs and other plans
 - NPDES Program Information
- Data is presented at National, State and Community Levels
- States have defined opportunities to customize information on State page
 - Some general statistics (e.g., extent of waterbodies supporting uses)
 - Links to documents (e.g, IR, assessment documentation, etc.), web pages, waterbody photos



How's My Waterway

303(d) Program Vision Check List

Finish Up Vision 1 Commitments, moving unfinished projects to the Bridge Period as appropriate (2022-2024)

Submit Bridge Period Commitments to EPA by **September 30, 2022**

- Unfinished Vision 1 Commitments, as appropriate
- Potential New Commitments
- Note: Bridge metric based on completion of 85%-100% of the commitments made by states based on either having plans “in progress” or “complete”, as specified by the state

303(d) Program Vision Check List

Start the State Prioritization Process for Vision 2.0

- Update the general approach for prioritization used by State in Vision 1
- Optional to identify waters within the document
- Consider using other Restoration Plans or Protection Plans as appropriate
- Collaborate within your Agency and with outside partners, programs, agencies, and the public while developing priorities
- Consider how to incorporate Environmental Justice and Climate Changes as possible
- Consider how to improve partnerships with Tribal Nations in your state
- Keep metric completion targets in mind when identifying waters for plan development under the 303(d) Program

Prioritization report due April 2024 either as part of IR or separate document

303(d) Program Vision Check List

ATTAINS

- Make sure your data is correct & resolve any errors
- Could affect metrics calculations or display erroneous information in How's My Waterway

How's My Waterway

- Check out your State page
- Add state-specific facts and links if you want to
 - State Metrics
 - Links to state web pages, story maps, documents
 - Add links to assessment documentation
 - Add photos for waterbodies

303(d) Program Summary

- Vision process facilitates States to customize implementation of the 303(d) program to best address state water quality needs
- EPA is a strong partner to help with program implementation, providing flexibility, options and tools

Vision 1 was a success for EPA and States. Looking forward to further success with Vision 2!

Vision 2 Program Elements

- Planning and Prioritization
 - Data and Analysis
 - Protection
 - Restoration
- Partnerships: Integration and Engagement
 - Environmental Justice
 - Tribal Water Quality and Program Development
 - Climate Change
 - Program Capacity Building

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Open Discussion / Questions

