PILOT VS TAP: WHAT NOW?

A quick draw on two approaches to water quality restoration
WQ Management 101: A Flyover

• States develop water quality standards, assign beneficial uses (BUs)
• States assess waters for attainment of standards (305(b)) and note those that don’t attain and why (303(d))
• All efforts reflected in the State’s biennial Integrated Report available on ODEQ’s website
  • http://www.deq.state.ok.us/wqdnew/305b_303d/2010_draft_integrated_report_complete.pdf
WQ Management 101: A Flyover

All waters assigned to categories:

- Category 1 – All BUs attained
- Category 2 – Some BUs attained, insufficient/no data to assess others
- Category 3 – Insufficient or no data to determine BU attainment
- Category 4 – (a) Not attaining $\geq 1$ BU, TMDL complete
  (b) Not attaining $\geq 1$ BU, TMDL not required due to use of other pollution control requirements
  (c) Not attaining $\geq 1$ BU, TMDL not required, issue is not caused by pollutant
- Category 5 (a,b,c) – Not attaining $\geq 1$ BU, TMDL required; various stages

All waters placed on a schedule for TMDL development

Regulatory (ODEQ – NPDES) and non-regulatory (OCC – 319) programs incorporate TMDLs as technical basis for implementing measures to meet load reductions necessary to attain water quality standards
TMDL and WBP – WTH?

Total Maximum Daily Load (TMDL)
- document setting the maximum amount of pollutant a waterbody can receive and still meet water quality standards.
- ODEQ is the state’s lead
- reviewed and approved by EPA’s TMDL section

Watershed Based Plan (WBP)
- document detailing WQ impairments within a watershed and management strategies to restore them; nine key elements must be addressed
- can be stand alone or incorporate a TMDL as the technical basis for load reductions
- OCC is the state’s lead
- reviewed and “accepted” by EPA’s NPS Program section.
More on Traditional WBPs

WBPs – Nine Elements:

a. Identify pollution causes and sources
b. Estimate load reductions expected
c. Describe management measures and targeted areas
d. Estimate technical and financial assistance needed
e. Develop education component
f. Develop schedule
g. Describe interim, measurable milestones
h. Identify indicators to measure progress
i. Develop a monitoring component
More on Traditional WBPs

- OCC is the state’s lead for the 319 program through which $$’s are put on the ground to abate NPS pollutants
- WBPs are required to spend these monies
- OCC has developed more than 10 WBPs; seven are “accepted”, including one for the T-Bird watershed
- WBP review and “acceptance” is usually an arduous process
More on Traditional WBPs

- TMDLs are an excellent basis for WBP development, but they aren’t required to write one.
- Like TMDLs, WBPs must address all aspects of impairment causes, including PS and NPS.
- Recommends management measures and outlines $$$’s necessary to achieve them, but no money to do so.
- NPS measures are largely voluntary.
- “Living” documents.
PILOT – Plan in lieu of TMDL

• Category 4b allows for other pollution control requirements to be leveraged instead of TMDL

• Recently, some states have asked EPA to allow a WBP in lieu of TMDL (a.k.a., “PILOT”)
  
  • EPA – “while this option does not appear to be prohibited by current TMDL regulations…it does create some challenges…”

• TMDL is an action required by law, so anything else must still meet what a TMDL addresses

• Therefore, PILOT would still contain enforceable and voluntary management/control measures like a TMDL ("other pollution control measures")
PILOT – Plan in lieu of TMDL

- PILOT must “demonstrate” the OPCRs are sufficiently stringent, allowing WQS to be met.
- Necessary components:
  - Identification of segment and statement of problem causing impairment
  - Description of pollution controls necessary to achieve WQS, including the identification of point and nonpoint source loadings
  - Projection of time when WQS will be met
  - Schedule for implementing pollution controls
  - Monitoring plan to track control effectiveness
  - Commitment to revise pollution controls, as necessary
- The challenge is evaluating whether these are “requirements” (means you must know all the answers and have all the money up front)
- Much more bureaucratic red tape and time!
- TX example
TAP – Where we are now (mostly)

- We have an accepted WBP
- We (the state) are working toward an TMDL, which will be incorporated in the WBP upon completion (a.k.a., TAP)
- We maintain the flexibility in plan development and update based upon stakeholder interaction, funding, and technological development
- We maintain more control of the process and spend more of the money fixing the problem, not building a plan!