

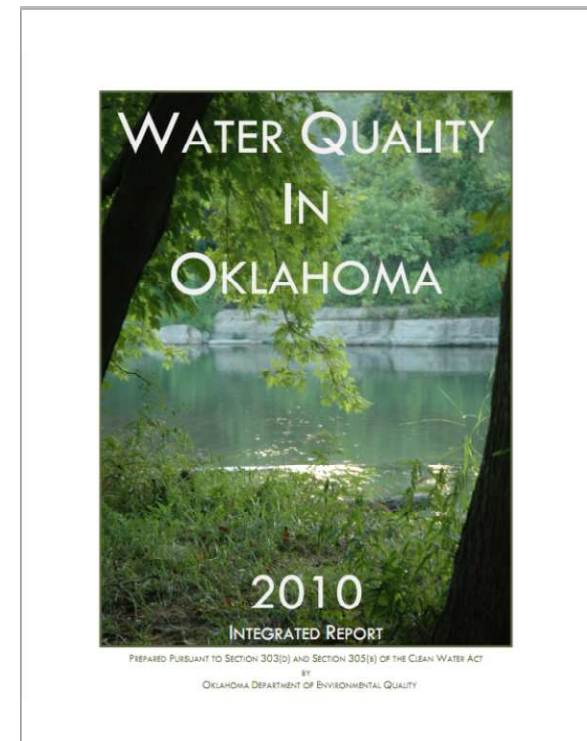


PILOT VS TAP: WHAT NOW?

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 ≥ 1 BU, TMDL complete
(b) Not attaining ≥ 1 BU, TMDL not required due to use of other pollution control requirements
(c) Not attaining ≥ 1 BU, TMDL not required, issue is not caused by pollutant
- Category 5 (a,b,c) – Not attaining ≥ 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

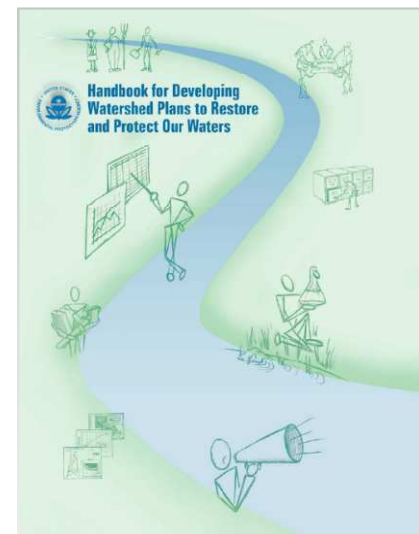
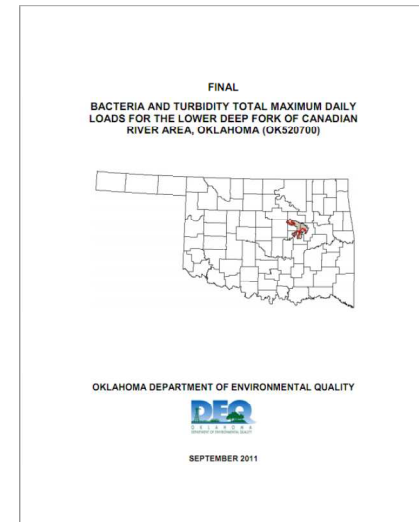
TMDL and WBP – WTH?

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.



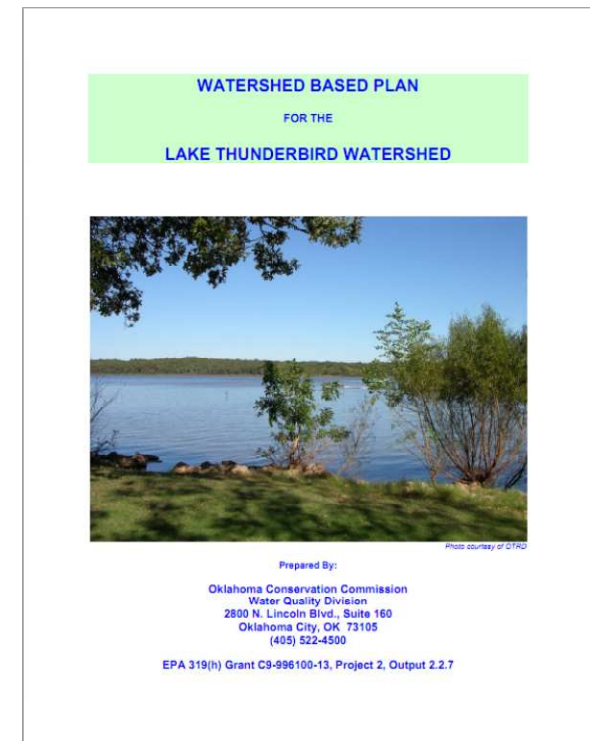
More on Traditional WBPs

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
 - <http://www.ok.gov/conservation/documents/WQ%20Tbird%20WBP%202008.7.15.pdf>
- 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!