

**FEDERAL WATER QUALITY COALITION  
ACTIVE PRIORITY PROJECTS AS OF 5/14/18**

	PROJECT	DESCRIPTION	STATUS	TASKS/DEADLINES
<b>STANDARDS ISSUES</b>				
<b>1</b>	<b>Revisions to Selenium Criteria</b>	EPA developing new recommended aquatic life criteria for selenium, and implementation guidance	<ul style="list-style-type: none"> <li>• EPA issued new draft criteria document on 5/14/14 – <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2004-0019-0247">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2004-0019-0247</a></li> <li>• FWQC filed comments on 6/13/14 - <a href="http://fwqc.org/members/DocumentLibrary/FWQC%20Comments%20on%20Selenium%20Criteria.htm">http://fwqc.org/members/DocumentLibrary/FWQC%20Comments%20on%20Selenium%20Criteria.htm</a></li> <li>• New draft criteria issued for comment 7/27/15 – <a href="http://www.epa.gov/wqc/aquatic-life-criterion-selenium">http://www.epa.gov/wqc/aquatic-life-criterion-selenium</a></li> <li>• FWQC comments submitted 10/13/15 – <a href="http://fwqc.org/members/DocumentLibrary/fwqcseleiumcomments101315.pdf">http://fwqc.org/members/DocumentLibrary/fwqcseleiumcomments101315.pdf</a></li> <li>• Supplemental FWQC comments submitted 10/30/15 – <a href="http://fwqc.org/members/DocumentLibrary/fwqcseleiumsupplementalcomments103015.pdf">http://fwqc.org/members/DocumentLibrary/fwqcseleiumsupplementalcomments103015.pdf</a></li> <li>• Final criteria issued 7/13/16 - <a href="https://www.gpo.gov/fdsys/pkg/FR-2016-07-13/pdf/2016-16585.pdf">https://www.gpo.gov/fdsys/pkg/FR-2016-07-13/pdf/2016-16585.pdf</a></li> <li>• Draft implementation guidance issued for comment 10/13/16 - <a href="https://www.epa.gov/wqc/draft-technical-support-materials-epas-aquatic-life-ambient-water-quality-criterion-selenium">https://www.epa.gov/wqc/draft-technical-support-materials-epas-aquatic-life-ambient-water-quality-criterion-selenium</a></li> <li>• FWQC comments submitted 2/10/17 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Selenium%20Guidance.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Selenium%20Guidance.htm</a></li> <li>• FWQC met with EPA staff on 3/22/17 to discuss comments</li> <li>• FWQC developed proposed permitting flow charts for new and existing discharges, and presented those in a meeting with EPA staff on 12/13/17 - <a href="http://fwqc.org/members/DocumentLibrary/Details%20for%20Dec.%202013%20EPA%20Meeting%20re%20Selenium%20Permitting%20%20Issues.htm">http://fwqc.org/members/DocumentLibrary/Details%20for%20Dec.%202013%20EPA%20Meeting%20re%20Selenium%20Permitting%20%20Issues.htm</a></li> <li>• FWQC flow charts have been distributed to members, for use in dealing with State agencies on selenium permitting issues</li> <li>• EPA has indicated that finalizing selenium guidance is not a high priority, and is unlikely to occur in near future</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA activity on selenium guidance</li> <li>• Assess State activity on selenium permitting issues, and determine if action needed beyond use of FWQC flow charts by members</li> </ul>

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2	<b>Human Health Exposure Assessment Guidelines</b>	EPA is updating its Guidelines for Human Exposure Assessment, which affect how EPA develops human health water quality standards	<ul style="list-style-type: none"> <li>• EPA issued draft update of human exposure assessment guidelines on 1/7/16- <a href="http://www.epa.gov/osa/guidelines-human-exposure-assessment">http://www.epa.gov/osa/guidelines-human-exposure-assessment</a></li> <li>• FWQC filed comments on 3/22/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Exposure%20Assessment%20Guidelines.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Exposure%20Assessment%20Guidelines.htm</a></li> <li>• FWQC met with EPA staff on 6/27/16 to discuss comments</li> </ul>	<ul style="list-style-type: none"> <li>• Review final guidance when issued, and consider next steps</li> </ul>
3	<b>Aluminum Criteria</b>	EPA working on draft revisions to its aquatic life water quality criteria for aluminum	<ul style="list-style-type: none"> <li>• Draft aluminum criteria issued on 7/28/17 - <a href="http://fwqc.org/members/DocumentLibrary/aluminumfedregnotice092817.pdf">http://fwqc.org/members/DocumentLibrary/aluminumfedregnotice092817.pdf</a></li> <li>• FWQC comments filed on 10/26/17- <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20New%20EPA%20Aluminum%20Criteria.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20New%20EPA%20Aluminum%20Criteria.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA activity; assess final criteria if and when issued</li> </ul>
4	<b>Revisions to Water Quality Standard Regulation</b>	EPA considering changes to Federal rules governing development of State water quality standards	<ul style="list-style-type: none"> <li>• EPA proposed rule issued on 9/4/13 – <a href="http://www.gpo.gov/fdsys/pkg/FR-2013-09-04/pdf/2013-21140.pdf">http://www.gpo.gov/fdsys/pkg/FR-2013-09-04/pdf/2013-21140.pdf</a></li> <li>• FWQC filed comments on 1/2/14 - <a href="http://fwqc.org/members/DocumentLibrary/fwqcwaterqualitystandardscomments010214.pdf">http://fwqc.org/members/DocumentLibrary/fwqcwaterqualitystandardscomments010214.pdf</a></li> <li>• Final rule issued 8/21/15 - <a href="http://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation">http://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation</a></li> </ul>	<ul style="list-style-type: none"> <li>• Consider possible responses to final rule</li> <li>• Monitor implementation of final rule in State standards actions</li> </ul>
5	<b>Cadmium Criteria</b>	EPA developing revised aquatic life criteria recommendations for cadmium	<ul style="list-style-type: none"> <li>• EPA draft revised cadmium criteria issued 12/1/15 - <a href="https://www.federalregister.gov/articles/2015/12/01/2015-30493/request-for-scientific-views-on-the-draft-recommended-aquatic-life-ambient-water-quality-criteria">https://www.federalregister.gov/articles/2015/12/01/2015-30493/request-for-scientific-views-on-the-draft-recommended-aquatic-life-ambient-water-quality-criteria</a></li> <li>• Final criteria issued 4/4/16 - <a href="https://www.epa.gov/wqc/aquatic-life-criteria-cadmium#2016">https://www.epa.gov/wqc/aquatic-life-criteria-cadmium#2016</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor State actions adopting criteria, and possible NGO challenges to criteria based on ESA grounds</li> </ul>
6	<b>Biotic Ligand Model Guidance</b>	EPA developing guidance as to default values to use in Biotic Ligand Model to develop water quality standards for metals if data on some parameters not available	<ul style="list-style-type: none"> <li>• Draft guidance issued 2/16/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Notice%20on%20Draft%20Guidance%20for%20Use%20of%20Biotic%20Ligand%20Model.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Notice%20on%20Draft%20Guidance%20for%20Use%20of%20Biotic%20Ligand%20Model.htm</a></li> <li>• FWQC filed comments on 4/18/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Biotic%20Ligand%20Guidance.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Biotic%20Ligand%20Guidance.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Review final guidance when issued, and consider next steps</li> </ul>

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7	<b>Conductivity Standards</b>	EPA developing stringent recommended water quality criteria for conductivity, for application nationally	<ul style="list-style-type: none"> <li>• On 4/12/10, EPA issued notice asking for comment on draft technical report concerning conductivity aquatic life benchmark for Appalachian region</li> <li>• FWQC comments submitted 9/3/10 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm</a></li> <li>• SAB review issued on 3/25/11 - <a href="http://yosemite.epa.gov/sab/sabproduct.nsf/c91996cd39a82f648525742400690127/EEDF20B88AD4C6388525785E007331F3/\$File/EPA-SAB-11-006-unsigned.pdf">http://yosemite.epa.gov/sab/sabproduct.nsf/c91996cd39a82f648525742400690127/EEDF20B88AD4C6388525785E007331F3/\$File/EPA-SAB-11-006-unsigned.pdf</a></li> <li>• Final EPA report issued 5/27/11 - <a href="http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=233809">http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=233809</a></li> <li>• On 7/31/12, Federal district court for DC ruled that EPA action in issuing Appalachian conductivity guidance violated the CWA - <a href="http://www.csenvironmentallaw.com/2012/08/02/show_public_doc.pdf">http://www.csenvironmentallaw.com/2012/08/02/show_public_doc.pdf</a> ; decision was appealed to D.C. Circuit</li> <li>• On 7/11/14, D.C. Circuit ruled that the EPA guidance was not final agency action, so it overturned initial decision and dismissed industry challenge to that guidance - <a href="https://www.cadc.uscourts.gov/internet/opinions.nsf/D5A1E3CCCB95AABC85257D12004EF5D9/\$file/12-5310-1502014.pdf">https://www.cadc.uscourts.gov/internet/opinions.nsf/D5A1E3CCCB95AABC85257D12004EF5D9/\$file/12-5310-1502014.pdf</a></li> <li>• On 12/23/16, EPA issued draft national conductivity guidance - <a href="https://www.epa.gov/wqc/draft-field-based-methods-developing-aquatic-life-criteria-specific-conductivity">https://www.epa.gov/wqc/draft-field-based-methods-developing-aquatic-life-criteria-specific-conductivity</a></li> <li>• FWQC comments submitted on 4/25/17 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm</a></li> <li>• EPA has indicated that taking further action on conductivity guidance is a low priority, and that no action is expected in near future</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor activity at EPA and in States on conductivity issues, including on water quality standards, TMDLs and permits</li> </ul>
8	<b>Chloride Criteria</b>	EPA developing recommended aquatic life criteria for chloride	<ul style="list-style-type: none"> <li>• EPA developing new criteria guidance for chloride, which are expected to be similar to Iowa standards, sulfate and hardness-dependent</li> <li>• Not determined when EPA will issue draft criteria for comment</li> </ul>	<ul style="list-style-type: none"> <li>• Review draft guidance when issued and consider drafting comments</li> <li>• Consider whether to recommend to EPA that it move ahead to issue this guidance for comment</li> </ul>

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9	<b>EPA Human Health Criteria Guidance</b>	EPA developing revised criteria guidance for use by States in developing human health water quality standards based on fish consumptions	<ul style="list-style-type: none"> <li>• FWQC has submitted issue papers to EPA regarding human health criteria issues - <a href="http://fwqc.org/members/DocumentLibrary/%20Details%20on%20Feb.%207%20Meeting%20with%20EPA%20on%20Fish%20Consumption%20Rates.htm">http://fwqc.org/members/DocumentLibrary/%20Details%20on%20Feb.%207%20Meeting%20with%20EPA%20on%20Fish%20Consumption%20Rates.htm</a></li> <li>• EPA issued draft revised human health criteria guidance on 5/13/14 – <a href="http://www.regulations.gov#!documentDetail;D=EPA-HQ-OW-2014-0135-0007">http://www.regulations.gov#!documentDetail;D=EPA-HQ-OW-2014-0135-0007</a></li> <li>• FWQC submitted comments on 8/13/14 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Health%20Criteria%20Proposal.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Health%20Criteria%20Proposal.htm</a></li> <li>• EPA issued final guidance on 6/29/15 - <a href="http://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table">http://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor State and EPA actions on human health standards, and consider filing FWQC comments when appropriate</li> <li>• Continue discussions with ACWA and State agencies about cooperation in addressing concerns re fish consumption standards</li> </ul>
10	<b>State Human Health Standards</b>	States developing revised human health water quality standards based on fish consumption; EPA reviewing State proposals to determine if they will be approved or disapproved under CWA	<ul style="list-style-type: none"> <li>• In several States, including Maine, Washington and Idaho, EPA has indicated that the State’s human health standards are not stringent enough - <a href="http://fwqc.org/members/DocumentLibrary/State%20Fish%20Consumption%20Standards%20-%20Need%20for%20Call.htm">http://fwqc.org/members/DocumentLibrary/State%20Fish%20Consumption%20Standards%20-%20Need%20for%20Call.htm</a> and <a href="http://fwqc.org/members/DocumentLibrary/idahoepaletter052915.pdf">http://fwqc.org/members/DocumentLibrary/idahoepaletter052915.pdf</a></li> <li>• On 6/19/15, FWQC met with EPA staff to discuss concerns about EPA approach on human health standards – summary of meeting at <a href="http://fwqc.org/members/DocumentLibrary/Summary%20of%20Meeting%20with%20EPA%20on%20Human%20Health%20Standards%20-%20and%20July%202%20Call.htm">http://fwqc.org/members/DocumentLibrary/Summary%20of%20Meeting%20with%20EPA%20on%20Human%20Health%20Standards%20-%20and%20July%202%20Call.htm</a></li> <li>• On 7/7/15, FWQC sent letter to EPA following up on issues discussed at 6/19/15 meeting - <a href="http://fwqc.org/members/DocumentLibrary/Final%20Letter%20to%20EPA%20re%20Human%20Health%20Standards.htm">http://fwqc.org/members/DocumentLibrary/Final%20Letter%20to%20EPA%20re%20Human%20Health%20Standards.htm</a></li> <li>• Further activities listed below for EPA actions in specific States</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to monitor State actions on proposed human health standards and EPA actions to approve or disapprove; file comments and consider other actions as appropriate</li> </ul>
11	<b>Guidance on Variances</b>	EPA is developing guidance on issuance of multi-discharger variances based on economic groups	<ul style="list-style-type: none"> <li>• EPA has convened a panel of economic experts, to provide assistance in developing guidance on economic variances issued for multiple discharges - <a href="http://fwqc.org/members/DocumentLibrary/ExtendedExpanded%20Opportunity%20for%20FWQC%20Input%20into%20EPA%20Guidance%20on%20Economic%20Variances.htm">http://fwqc.org/members/DocumentLibrary/ExtendedExpanded%20Opportunity%20for%20FWQC%20Input%20into%20EPA%20Guidance%20on%20Economic%20Variances.htm</a></li> <li>• On 11/3/16, the FWQC economic work group had a conference call with the EPA expert panel to provide input on variance challenges for dischargers</li> </ul>	<ul style="list-style-type: none"> <li>• Review draft guidance if and when issued, and develop comments</li> </ul>

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12	<b>Human Health Standards for Washington State</b>	EPA and State agency developing new human health standards for use in WA State	<ul style="list-style-type: none"> <li>• EPA issued proposed criteria for Washington State on 9/14/15 – <a href="http://www.gpo.gov/fdsys/pkg/FR-2015-09-14/pdf/2015-22592.pdf">http://www.gpo.gov/fdsys/pkg/FR-2015-09-14/pdf/2015-22592.pdf</a></li> <li>• FWQC comments on EPA WA proposal submitted 12/28/15 - <a href="http://fwqc.org/members/DocumentLibrary/fwqcwashcomments122815.pdf">http://fwqc.org/members/DocumentLibrary/fwqcwashcomments122815.pdf</a> and (with other organizations) - <a href="http://fwqc.org/members/DocumentLibrary/groupwashcomments122815.pdf">http://fwqc.org/members/DocumentLibrary/groupwashcomments122815.pdf</a></li> <li>• WA State issued its own proposed human health standards on 2/1/16 - <a href="http://lawfilesext.leg.wa.gov/law/wsr/2016/05/16-04-092.htm">http://lawfilesext.leg.wa.gov/law/wsr/2016/05/16-04-092.htm</a></li> <li>• FWQC comments on WA State proposal submitted 4/22/16 - <a href="http://fwqc.org/members/DocumentLibrary/fwcqwashecologyfishcomments0422156.pdf">http://fwqc.org/members/DocumentLibrary/fwcqwashecologyfishcomments0422156.pdf</a></li> <li>• This issue was included in FWQC meeting with EPA on 10/14/16 regarding fish consumption issues - <a href="http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%202014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm">http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%202014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm</a></li> <li>• FWQC sent letter to EPA (with Northwest Pulp &amp; Paper Association) on 11/10/16 - <a href="http://fwqc.org/members/DocumentLibrary/washstateepaletter111016.pdf">http://fwqc.org/members/DocumentLibrary/washstateepaletter111016.pdf</a></li> <li>• EPA issued final standards for WA State on 11/28/16 - <a href="https://www.regulations.gov/document?D=EPA-HQ-OW-2015-0174-0292">https://www.regulations.gov/document?D=EPA-HQ-OW-2015-0174-0292</a></li> <li>• Affected parties in WA State have asked EPA to reconsider decision</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA activity with regard to petition for reconsideration</li> </ul>
13	<b>Human Health Standards for Idaho</b>	State agency developing new human health standards for use in Idaho, and EPA reviewing standards for approval or disapproval	<ul style="list-style-type: none"> <li>• Draft Idaho criteria issued by State DEQ on 10/7/15 – <a href="#">Proposed Rule and Notice</a></li> <li>• FWQC comments on Idaho proposal submitted 11/6/15 – <a href="http://fwqc.org/members/DocumentLibrary/fwqcidahocomments110615.pdf">http://fwqc.org/members/DocumentLibrary/fwqcidahocomments110615.pdf</a></li> <li>• Final Idaho rule adopted, and submitted to EPA 12/13/16 – <a href="http://www.deq.idaho.gov/58-0102-1201">http://www.deq.idaho.gov/58-0102-1201</a></li> <li>• EPA issues letter stating concerns regarding Idaho rule 1/19/17 - <a href="http://fwqc.org/members/DocumentLibrary/idahohumanhealthletterepa011917.pdf">http://fwqc.org/members/DocumentLibrary/idahohumanhealthletterepa011917.pdf</a></li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA activity as to approval of Idaho standards; consider next steps as needed</li> </ul>

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14	<b>Human Health Standards for Maine</b>	EPA developing new human health standards for use in Maine	<ul style="list-style-type: none"> <li>• EPA issued proposed criteria for Maine on 4/20/16 - <a href="https://www.federalregister.gov/articles/2016/04/20/2016-09025/proposal-of-certain-federal-water-quality-standards-applicable-to-maine?utm_campaign=subscription+mailing+list&amp;utm_medium=email&amp;utm_source=federalregister.gov">https://www.federalregister.gov/articles/2016/04/20/2016-09025/proposal-of-certain-federal-water-quality-standards-applicable-to-maine?utm_campaign=subscription+mailing+list&amp;utm_medium=email&amp;utm_source=federalregister.gov</a></li> <li>• FWQC comments on proposed Maine standards submitted 6/20/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Proposed%20Fish%20Consumption%20Standards%20for%20Maine.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Proposed%20Fish%20Consumption%20Standards%20for%20Maine.htm</a></li> <li>• On 12/19/16, EPA issued final Maine standards: <a href="https://www.epa.gov/wqs-tech/promulgation-certain-federal-water-quality-standards-applicable-maine">https://www.epa.gov/wqs-tech/promulgation-certain-federal-water-quality-standards-applicable-maine</a></li> <li>• Maine Attorney General filed case challenging EPA disapproval of Maine standards, and FWQC has filed an amicus brief supporting State - <a href="http://fwqc.org/members/DocumentLibrary/fwqcmaineamicusbrief030218.pdf">http://fwqc.org/members/DocumentLibrary/fwqcmaineamicusbrief030218.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor court action as to State litigation; consider next steps</li> </ul>
15	<b>EPA Fish Consumption Survey Guidance</b>	EPA developing guidance on how States should conduct fish consumption surveys in development of human health standards	<ul style="list-style-type: none"> <li>• Draft guidance issued 7/21/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Guidance%20on%20Fish%20Consumption%20and%20Suppression%20Effect.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Guidance%20on%20Fish%20Consumption%20and%20Suppression%20Effect.htm</a></li> <li>• FWQC submitted comments 9/13/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Guidance%20on%20Fish%20Consumption%20and%20Suppression%20Effect.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Guidance%20on%20Fish%20Consumption%20and%20Suppression%20Effect.htm</a></li> <li>• FWQC met with EPA staff on 10/14/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%202014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm">http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%202014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm</a></li> <li>• Final guidance issued 12/20/16 - <a href="https://www.epa.gov/fish-tech/epa-guidance-developing-fish-advisories">https://www.epa.gov/fish-tech/epa-guidance-developing-fish-advisories</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor EPA and State activity as to fish consumption issues and use of EPA guidance; assess possible next steps</li> </ul>
16	<b>Copper Criteria for Estuarine/Marine Waters</b>	EPA revising copper aquatic life criteria for estuarine and marine waters	<ul style="list-style-type: none"> <li>• Draft criteria issued 8/11/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm</a></li> <li>• FWQC comments submitted 9/27/16- <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Review final criteria when issued and consider possible responses</li> </ul>

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17	<b>Nutrient Criteria &amp; Guidance</b>	EPA working with States in development of aquatic life criteria for nutrients	<ul style="list-style-type: none"> <li>• EPA has issued guidance on a recommended framework for State nutrient reductions (initially issued in March 2011, updated in Sept 2016) - <a href="https://www.epa.gov/nutrient-policy-data/working-partnership-states-address-phosphorus-and-nitrogen-pollution-through">https://www.epa.gov/nutrient-policy-data/working-partnership-states-address-phosphorus-and-nitrogen-pollution-through</a></li> <li>• In Sept 2013, EPA issued guidance on an approach to numeric nutrient criteria that integrates causal and response parameters - <a href="http://www2.epa.gov/sites/production/files/2013-09/documents/guiding-principles.pdf">http://www2.epa.gov/sites/production/files/2013-09/documents/guiding-principles.pdf</a></li> <li>• EPA has issued toolkit of resources to be used by States in developing numeric nutrient criteria - <a href="http://www2.epa.gov/nutrient-policy-data/toolkit-resources-provide-states-flexibility-adopting-and-implementing-numeric">http://www2.epa.gov/nutrient-policy-data/toolkit-resources-provide-states-flexibility-adopting-and-implementing-numeric</a></li> <li>• Association of Clean Water Administrators (ACWA) has also issued toolkit of nutrient criteria resources - <a href="http://www.acwa-us.org/#!nutrients-toolkit">http://www.acwa-us.org/#!nutrients-toolkit</a></li> <li>• FLORIDA: EPA has approved Florida DEP's numeric nutrient standards for some waters - <a href="http://www.dep.state.fl.us/water/wqssp/nutrients/">http://www.dep.state.fl.us/water/wqssp/nutrients/</a>; State and EPA actions have been challenged in court and upheld; appeals pending</li> <li>• MONTANA: State developed a nutrient standards rulemaking package that includes state-wide nutrient variances – <a href="http://deq.mt.gov/Water/WQPB/standards/numericnutrientcriteria">http://deq.mt.gov/Water/WQPB/standards/numericnutrientcriteria</a> ; On 2/26/15 , EPA issued a letter to Montana approving the State actions - <a href="http://deq.mt.gov/Portals/112/Water/WQPB/Standards/PDF/MT_NutrientRulesActionLTR.pdf">http://deq.mt.gov/Portals/112/Water/WQPB/Standards/PDF/MT_NutrientRulesActionLTR.pdf</a> ; NGOs have filed suit challenging EPA approval - <a href="http://www.uppermissouriwaterkeeper.org/lawsuit-challenges-epa-approval-of-weak-montana-pollution-rule/#.WKsKh2eQzIU">http://www.uppermissouriwaterkeeper.org/lawsuit-challenges-epa-approval-of-weak-montana-pollution-rule/#.WKsKh2eQzIU</a></li> <li>• IOWA: On 5/29/13, Iowa DNR issued a final Nutrient Reduction Strategy - <a href="http://www.nutrientstrategy.iastate.edu/">http://www.nutrientstrategy.iastate.edu/</a></li> <li>• OHIO: State has developed Nutrient Strategy, and has formed a Technical Advisory Group to assist in develop water quality standards - <a href="http://epa.ohio.gov/dsw/wqs/NutrientReduction.aspx">http://epa.ohio.gov/dsw/wqs/NutrientReduction.aspx</a></li> <li>• CONNECTICUT: State has convened group to look at phosphorus issues - <a href="http://www.ct.gov/deep/cwp/view.asp?a=2719&amp;q=474130&amp;deepNav_GID=1654">http://www.ct.gov/deep/cwp/view.asp?a=2719&amp;q=474130&amp;deepNav_GID=1654</a> ; group had report prepared by independent science group, Connecticut Academy of Science and Engineering - <a href="http://www.ctcase.org/reports/phosphorus/phosphorus.pdf">http://www.ctcase.org/reports/phosphorus/phosphorus.pdf</a></li> <li>• ILLINOIS: Illinois EPA has issued a final Nutrient Reduction Strategy: <a href="http://www.epa.illinois.gov/topics/water-quality/watershed-management/excess-nutrients/nutrient-loss-reduction-strategy/index">http://www.epa.illinois.gov/topics/water-quality/watershed-management/excess-nutrients/nutrient-loss-reduction-strategy/index</a>; NGOs filing comment letters as to permits, requesting stringent phosphorus limits</li> </ul>	<ul style="list-style-type: none"> <li>• Continue monitoring EPA and State activities on nutrient issues</li> <li>• Assess need for FWQC comments or other steps as appropriate</li> </ul>
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18	<b>Gulf of Mexico / Mississippi River Basin Numeric Nutrient Criteria</b>	Environmental groups seeking to have EPA impose numeric nutrient standards for Gulf of Mexico and Mississippi River basin	<ul style="list-style-type: none"> <li>• On 7/29/11, EPA denied petition by environmental groups requesting Federal nutrient water quality standards and TMDLs for Mississippi River basin and Gulf of Mexico - <a href="http://fwqc.org/members/DocumentLibrary/missnutrientsepaletter072911.pdf">http://fwqc.org/members/DocumentLibrary/missnutrientsepaletter072911.pdf</a></li> <li>• Environmental groups filed suit challenging EPA denial of petition as to setting of nutrient standards; FWQC and other groups intervened in support of EPA</li> <li>• On 9/20/13, court issued decision - <a href="http://fwqc.org/members/DocumentLibrary/gulfnutrientdecision092013.pdf">http://fwqc.org/members/DocumentLibrary/gulfnutrientdecision092013.pdf</a></li> <li>• Court held that EPA has to make a “necessity” determination, but that EPA can base that decision on a broad range of factors; gave EPA 180 days to issue determination</li> <li>• EPA appealed the decision, and on 4/7/15, the Fifth Circuit ruled - <a href="http://fwqc.org/members/DocumentLibrary/gulfnutrientappealsdecision040715.pdf">http://fwqc.org/members/DocumentLibrary/gulfnutrientappealsdecision040715.pdf</a></li> <li>• The Fifth Circuit held that “EPA may decline to make a necessity determination if it provides an adequate explanation, grounded in the statute, for why it has elected not to do so.” The Court of Appeals then remanded the case to the lower court, so that court could decide if EPA has provided that “adequate explanation.”</li> <li>• On 12/15/16, District Court rejected the NGO claims and dismissed the case - <a href="http://fwqc.org/members/DocumentLibrary/Victory%20-%20Finally!%20%20Court%20Dismisses%20NGO%20Claims%20as%20to%20GulfMississippi%20Nutrient%20Criteria.htm">http://fwqc.org/members/DocumentLibrary/Victory%20-%20Finally!%20%20Court%20Dismisses%20NGO%20Claims%20as%20to%20GulfMississippi%20Nutrient%20Criteria.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor developments, to see if NGOs file another petition or suit regarding Gulf/Mississippi nutrient issues</li> </ul>
19	<b>Revisions to Ammonia Criteria</b>	EPA revising ammonia aquatic life criteria to address impacts to freshwater mussels	<ul style="list-style-type: none"> <li>• EPA issued draft revised criteria document on 12/30/09 – <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0001">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0001</a></li> <li>• FWQC filed comments on 4/1/10 - <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0044">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0044</a></li> <li>• Final criteria issued on 8/22/13, along with implementation guidance - <a href="http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/ammonia/index.cfm">http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/ammonia/index.cfm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor activity in States, to determine whether further FWQC action on ammonia issues needed</li> </ul>



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**PERMIT ISSUES**

20	<b>Pinto Creek – Permits for New Sources Issue</b>	Ninth Circuit Court of Appeals issued stringent ruling on issuance of permits for new sources on impaired waters	<ul style="list-style-type: none"> <li>• Ninth Circuit ruling issued on 10/4/07 – <a href="http://www.ca9.uscourts.gov/datastore/opinions/2007/10/03/0570785.pdf">http://www.ca9.uscourts.gov/datastore/opinions/2007/10/03/0570785.pdf</a></li> <li>• FWQC and others filed <i>amicus</i> briefs supporting Carlota Copper’s petition for Supreme Court to take the case</li> <li>• Supreme Court denied <i>cert.</i> on 1/22/09, refusing to take case for review</li> <li>• EPA has indicated that it does not plan to revise Federal rule that was interpreted in Pinto Creek case – 40 CFR 122.4(i)</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor permit developments in States to determine how agencies are addressing permits for new sources to impaired waters</li> <li>• If need arises, consider contacts with EPA about possible proposed rule or guidance to address permitting concerns</li> </ul>
21	<b>Permitting for Discharges to Groundwater</b>	EPA has asked for comment on possible application of NPDES permit program to discharges to groundwater with hydrologic connection to surface waters	<ul style="list-style-type: none"> <li>• On 2/20/18, EPA issued request for comment on Clean Water Act coverage of “discharges of pollutants” to groundwater via a direct hydrologic connection to surface waters - <a href="https://www.gpo.gov/fdsys/pkg/FR-2018-02-20/pdf/2018-03407.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-02-20/pdf/2018-03407.pdf</a> .</li> <li>• Comments are due 5/21/18</li> </ul>	<ul style="list-style-type: none"> <li>• Submit FWQC comments, and then schedule meeting with EPA staff to discuss</li> </ul>
22	<b>Stormwater Numeric Limit Guidance</b>	EPA issued new guidance on issuance of numeric limits for stormwater discharges in NPDES permits	<ul style="list-style-type: none"> <li>• EPA issued new guidance on 11/12/10 concerning issuance of water quality-based limits in stormwater permits – <a href="http://www.epa.gov/npdes/pubs/establishingtmdlwla_revision.pdf">http://www.epa.gov/npdes/pubs/establishingtmdlwla_revision.pdf</a></li> <li>• Guidance revises elements of previous stormwater guidance issued in 2002 – instead of numeric limits being imposed “only rarely,” they should now be used “where feasible”</li> <li>• EPA decided on 3/17/11 to accept comments on guidance – <a href="http://www.epa.gov/npdes/pubs/sw_tmdlwla_comments.pdf">http://www.epa.gov/npdes/pubs/sw_tmdlwla_comments.pdf</a></li> <li>• FWQC filed comments on 5/16/11 – <a href="http://fwqc.org/members/DocumentLibrary/Stormwater%20Developments%20-%20EPA%20Numeric%20Limits%20Memo%20-%20New%20Draft%20Construction%20Permit.htm">http://fwqc.org/members/DocumentLibrary/Stormwater%20Developments%20-%20EPA%20Numeric%20Limits%20Memo%20-%20New%20Draft%20Construction%20Permit.htm</a></li> <li>• EPA issued final guidance on 11/26/14 - <a href="http://www.epa.gov/tmdl/establishing-total-maximum-daily-load-tmdl-wasteload-allocations-wlas-storm-water-sources-and">http://www.epa.gov/tmdl/establishing-total-maximum-daily-load-tmdl-wasteload-allocations-wlas-storm-water-sources-and</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor implementation of final guidance in permit actions, and consider further actions on this issue as appropriate</li> </ul>

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23	<b>NPDES Update Rule</b>	EPA making changes in procedures for issuance of NPDES permits	<ul style="list-style-type: none"> <li>• Proposed rule issued 5/18/16 - <a href="http://fwqc.org/members/DocumentLibrary/npdesupdateruleproposal051716.pdf">http://fwqc.org/members/DocumentLibrary/npdesupdateruleproposal051716.pdf</a></li> <li>• FWQC comments submitted 8/2/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Proposed%20NPDES%20Update%20Rule.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Proposed%20NPDES%20Update%20Rule.htm</a></li> <li>• FWQC met with EPA staff regarding comments on 8/30/16</li> <li>• EPA has recently indicated that final rule may be issued in several phases; provision on “veto of expired permits” is unlikely to be included</li> </ul>	<ul style="list-style-type: none"> <li>• Review final rule when issued and consider possible responses</li> </ul>
24	<b>Multi-Sector General Permit (MSGP)</b>	EPA developing next version of general permit for stormwater discharges from industrial activities	<ul style="list-style-type: none"> <li>• Draft of permit issued on 9/27/13 - <a href="http://cfpub.epa.gov/npdes/docs.cfm?document_type_id=9&amp;view=Example%20and%20General%20Permits&amp;program_id=6&amp;sort=name">http://cfpub.epa.gov/npdes/docs.cfm?document_type_id=9&amp;view=Example%20and%20General%20Permits&amp;program_id=6&amp;sort=name</a></li> <li>• FWQC filed comments on 12/26/13 - <a href="http://fwqc.org/members/DocumentLibrary/fwqcmmsgpcomments122613.pdf">http://fwqc.org/members/DocumentLibrary/fwqcmmsgpcomments122613.pdf</a></li> <li>• Final permit issued on 6/16/15- <a href="http://www.epa.gov/npdes/stormwater-discharges-industrial-activities#msgp">http://www.epa.gov/npdes/stormwater-discharges-industrial-activities#msgp</a></li> <li>• Several NGOs filed suits challenging MSGP, which were consolidated in Second Circuit Court of Appeals</li> <li>• FWQC and Federal StormWater Association (FSWA) filed motion to intervene in cases, in support of EPA, on 7/30/15 - <a href="http://fwqc.org/members/DocumentLibrary/FILED%20-%20FWQC%20FSWA%20Intervention%20-%207-30-15.pdf">http://fwqc.org/members/DocumentLibrary/FILED%20-%20FWQC%20FSWA%20Intervention%20-%207-30-15.pdf</a></li> <li>• Motion to intervene granted 8/4/15 - <a href="http://fwqc.org/members/DocumentLibrary/msgpinterventionorder.pdf">http://fwqc.org/members/DocumentLibrary/msgpinterventionorder.pdf</a></li> <li>• Parties agreed to try mediation process to resolve NGO claims</li> <li>• Parties, including FWQC/FSWA, resolved cases through Settlement Agreement on 8/16/16 - <a href="http://fwqc.org/members/DocumentLibrary/Sept.%2030%20Call%20on%20MSGP%20Settlement%20Agreement%20-%20PRIVILEGED%20AND%20CONFIDENTIAL.htm">http://fwqc.org/members/DocumentLibrary/Sept.%2030%20Call%20on%20MSGP%20Settlement%20Agreement%20-%20PRIVILEGED%20AND%20CONFIDENTIAL.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Participate in EPA activities to implement Settlement Agreement, including National Research Council stormwater study and development of draft version of 2020 MSGP permit</li> </ul>

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25	<b>NAS Committee on Industrial Stormwater Permitting</b>	Pursuant to settlement in MSGP litigation, EPA asked National Academy of Science to convene panel to study industrial stormwater permitting program	<ul style="list-style-type: none"> <li>• NAS asked for nominations to panel - <a href="http://fwqc.org/members/DocumentLibrary/July%2019%20Call%20on%20Nominations%20for%20Science%20Panel%20on%20Stormwater%20Issue.s.htm">http://fwqc.org/members/DocumentLibrary/July%2019%20Call%20on%20Nominations%20for%20Science%20Panel%20on%20Stormwater%20Issue.s.htm</a></li> <li>• FWQC submitted list of candidates that it supports on 7/21/17 - <a href="http://fwqc.org/members/DocumentLibrary/Nominations%20from%20FWQC%20and%20FSWA%20for%20NAS%20Industrial%20Stormwater%20Committee.htm">http://fwqc.org/members/DocumentLibrary/Nominations%20from%20FWQC%20and%20FSWA%20for%20NAS%20Industrial%20Stormwater%20Committee.htm</a></li> <li>• NAS issued tentative list of panel members, with comments due by 11/6/17 - <a href="http://www8.nationalacademies.org/cp/CommitteeView.aspx?key=49896">http://www8.nationalacademies.org/cp/CommitteeView.aspx?key=49896</a></li> <li>• Final panel members listed at <a href="http://www8.nationalacademies.org/cp/CommitteeView.aspx?key=49896">http://www8.nationalacademies.org/cp/CommitteeView.aspx?key=49896</a></li> <li>• Panel has had a series of meetings – list of meetings, and summaries, at: <a href="http://www8.nationalacademies.org/cp/projectview.aspx?key=49896">http://www8.nationalacademies.org/cp/projectview.aspx?key=49896</a></li> <li>• FWQC has participated in open sessions of panel meetings, and has made several presentations regarding issues of concern to FWQC members</li> <li>• Panel is expected to issue final report by December 2018</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to participate in meetings of NAS panel</li> <li>• Review final report of panel when issued, and consider next steps</li> </ul>
26	<b>E-Reporting Rule</b>	EPA developing proposed rule that would require electronic submittal of DMRs and other reports	<ul style="list-style-type: none"> <li>• Proposed rule issued 7/30/13 – <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0097">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0097</a></li> <li>• FWQC filed comments on 12/12/13 - <a href="http://fwqc.org/members/DocumentLibrary/fwqcereportingcomments121213.pdf">http://fwqc.org/members/DocumentLibrary/fwqcereportingcomments121213.pdf</a></li> <li>• On 12/1/14, EPA issued notice asking for additional comment on issues related to the e-reporting rule - <a href="http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0374">http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0374</a></li> <li>• FWQC filed comments as to EPA notice on 1/30/15 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Notice%20re%20E-Reporting%20Rule.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Notice%20re%20E-Reporting%20Rule.htm</a></li> <li>• Final rule issued 10/22/15 - <a href="http://www.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-mpdes-electronic-reporting-rule">http://www.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-mpdes-electronic-reporting-rule</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor implementation of final rule in States and consider next steps as needed</li> </ul>

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27	<b>Whole Effluent Toxicity (WET)</b>	EPA and States including WET testing requirements and limits in permits	<ul style="list-style-type: none"> <li>• Draft WET implementation guidance issued 12/28/04 – at <a href="http://www.epa.gov/npdes/pubs/wet_draft_guidance.pdf">http://www.epa.gov/npdes/pubs/wet_draft_guidance.pdf</a></li> <li>• FWQC comments on draft guidance submitted on 3/31/05</li> <li>• EPA has issued guidance on “Test of Significant Toxicity” (TST) approach to determining if discharges have WET “reasonable potential” and therefore receive permit limits for WET - technical document at <a href="http://www.epa.gov/npdes/pubs/tst-techdoc.pdf">http://www.epa.gov/npdes/pubs/tst-techdoc.pdf</a> , implementation document at <a href="http://www.epa.gov/npdes/pubs/wet_final_tst_implementation2010.pdf">www.epa.gov/npdes/pubs/wet_final_tst_implementation2010.pdf</a></li> <li>• California State Water Resources Control Board has issued draft WET policy, applying EPA’s TST guidance – <a href="http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml">http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml</a> ; comments have been submitted, and public hearing held; TST guidance now being applied in permits, and challenges to those permits and to State WET policies are pending</li> <li>• On 5/24/12, EPA issued a WET Spreadsheet, which can be used to determine reasonable potential and to assess permit compliance - <a href="http://cfpub.epa.gov/npdes/docs.cfm?view=allprog&amp;program_id=45&amp;sort=date_published">http://cfpub.epa.gov/npdes/docs.cfm?view=allprog&amp;program_id=45&amp;sort=date_published</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor WET developments in States, and consider filing comments as appropriate</li> <li>• Assess EPA WET Spreadsheet and consider possible steps to address concerns</li> </ul>
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### TMDL ISSUES

28	<b>TMDL Vision</b>	EPA developing long-term vision for 303(d) listing and TMDL programs	<ul style="list-style-type: none"> <li>• In June 2012, EPA issued draft document setting forth long-term vision for 303(d)/TMDL program - <a href="http://fwqc.org/members/DocumentLibrary/tmdl%20vision%20document%200612.pdf">http://fwqc.org/members/DocumentLibrary/tmdl%20vision%20document%200612.pdf</a></li> <li>• FWQC comments submitted to EPA 7/22/12 - <a href="http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20vision%20comments%20072212.pdf">http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20vision%20comments%20072212.pdf</a></li> <li>• FWQC met with EPA regarding comments on 4/29/13</li> <li>• Revised draft “vision document” issued in August 2013 - <a href="http://fwqc.org/members/DocumentLibrary/tmdlvisionplandraft061813.pdf">http://fwqc.org/members/DocumentLibrary/tmdlvisionplandraft061813.pdf</a></li> <li>• Final “vision document” issued on 12/5/13 - <a href="http://www.epa.gov/tmdl/new-vision-cwa-303d-program-updated-framework-implementing-cwa-303d-program-responsibilities">http://www.epa.gov/tmdl/new-vision-cwa-303d-program-updated-framework-implementing-cwa-303d-program-responsibilities</a></li> </ul>	<ul style="list-style-type: none"> <li>• Continue contacts with EPA staff as Agency continues steps in implementing vision document</li> <li>• Schedule call with State agencies to discuss their plans for implementing new TMDL vision in their programs</li> </ul>
29	<b>Guidance on Revision and Withdrawal of TMDLs</b>	EPA developing guidance to States on revising and withdrawing TMDLs	<ul style="list-style-type: none"> <li>• Draft guidance issued by EPA on 3/22/12 – <a href="http://www.epa.gov/tmdl/draft-considerations-revising-and-withdrawing-tmdls">http://www.epa.gov/tmdl/draft-considerations-revising-and-withdrawing-tmdls</a></li> <li>• FWQC filed comments on 5/10/12 – <a href="http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20guidance%20comments%20051012.pdf">http://fwqc.org/members/DocumentLibrary/fwqc%20tmdl%20guidance%20comments%20051012.pdf</a></li> <li>• FWQC discussed comments in meeting with EPA on 4/29/13</li> </ul>	<ul style="list-style-type: none"> <li>• Continue contacts with EPA staff regarding comments</li> <li>• Review final guidance when issued, and consider next steps</li> </ul>
30	<b>Guidance on Multijurisdictional TMDLs</b>	EPA developing guidance to States on development of TMDLs that apply to multiple jurisdictions	<ul style="list-style-type: none"> <li>• Draft EPA guidance issued on 3/22/12 – <a href="http://www.epa.gov/tmdl/draft-considerations-development-multijurisdictional-tmdls">http://www.epa.gov/tmdl/draft-considerations-development-multijurisdictional-tmdls</a></li> <li>• FWQC filed comments on 6/5/12 – <a href="http://fwqc.org/members/DocumentLibrary/fwqc%20multi%20tmdl%20comments%20060512.pdf">http://fwqc.org/members/DocumentLibrary/fwqc%20multi%20tmdl%20comments%20060512.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• Continue contacts with EPA staff regarding comments</li> <li>• Review final guidance when issued, and consider next steps</li> </ul>
31	<b>Guidance on Antidegradation Listings</b>	EPA developing guidance on application of antidegradation requirements in 303(d) lists	<ul style="list-style-type: none"> <li>• On 9/3/13, EPA issued guidance to States on development of 303(d) lists of impaired waters that are due to EPA in April 2014 - <a href="http://www.epa.gov/sites/production/files/2015-10/documents/final_2014_memo_document.pdf">http://www.epa.gov/sites/production/files/2015-10/documents/final_2014_memo_document.pdf</a></li> <li>• Guidance states that Outstanding National Resource Waters (ONRWs) can be listed if there is any degradation in water quality</li> <li>• EPA is developing additional guidance on how antideg requirements should be applied in making 303(d) listing decisions</li> </ul>	<ul style="list-style-type: none"> <li>• Develop FWQC position paper on use of antideg in listing process</li> <li>• Meet with Agency staff and submit comments as appropriate</li> </ul>

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### OTHER ISSUES

32	<b>PCB Test Method</b>	EPA and States are increasing use of Method 1668 to test for presence of PCBs in water discharges	<ul style="list-style-type: none"> <li>• On 9/23/10, EPA issued notice proposing to approve Method 1668 – <a href="https://www.federalregister.gov/articles/2010/09/23/2010-20018/guidelines-establishing-test-procedures-for-the-analysis-of-pollutants-under-the-clean-water-act">https://www.federalregister.gov/articles/2010/09/23/2010-20018/guidelines-establishing-test-procedures-for-the-analysis-of-pollutants-under-the-clean-water-act</a></li> <li>• FWQC comments submitted 12/22/10 – <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Approval%20of%20Test%20Method%201668C%20for%20PCBs.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Approval%20of%20Test%20Method%201668C%20for%20PCBs.htm</a></li> <li>• On 5/18/12, EPA issued final rule approving other methods, which did not approve 1668 - <a href="http://www.gpo.gov/fdsys/pkg/FR-2012-05-18/pdf/2012-10210.pdf">http://www.gpo.gov/fdsys/pkg/FR-2012-05-18/pdf/2012-10210.pdf</a></li> <li>• EPA has indicated that it has no plans to issue approval of 1668</li> <li>• Some States are requiring use of 1668 in permit monitoring provisions</li> <li>• FWQC has submitted comments raising concerns about requiring testing using 1668 in State permits - <a href="http://fwqc.org/members/DocumentLibrary/fwqc%20nygm%20comments%20051812.pdf">http://fwqc.org/members/DocumentLibrary/fwqc%20nygm%20comments%20051812.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor status of 1668 at EPA, and if Agency moves forward, engage with EPA staff</li> <li>• Monitor actions of States to require use of 1668 in permits, and provide support to FWQC members as appropriate</li> </ul>
33	<b>Methods Update Rule</b>	EPA periodically reviews and updates its approvals of test methods for CWA use	<ul style="list-style-type: none"> <li>• On 2/19/15, EPA issued notice proposing updates of some approved methods, addition of new approved methods, and revised Minimum Level (ML) procedure - <a href="http://water.epa.gov/scitech/methods/cwa/mur2015.cfm">http://water.epa.gov/scitech/methods/cwa/mur2015.cfm</a></li> <li>• FWQC submitted comments on 5/20/15 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20Comments%20on%20EPA%20Methods%20Update%20Rule.htm">http://fwqc.org/members/DocumentLibrary/Final%20Comments%20on%20EPA%20Methods%20Update%20Rule.htm</a></li> <li>• Final rule issued 12/15/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20(Then%20Withdraws)%20Final%20Methods%20Update%20Rule%20with%20Revised%20MDL%20Procedure.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20(Then%20Withdraws)%20Final%20Methods%20Update%20Rule%20with%20Revised%20MDL%20Procedure.htm</a></li> <li>• Rule was sent to Federal Register, withdrawn, then issued again on 8/28/17 - <a href="https://www.gpo.gov/fdsys/pkg/FR-2017-08-28/pdf/2017-17271.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-08-28/pdf/2017-17271.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor implementation of final rule in permits, and consider next steps as needed</li> </ul>
34	<b>Review of Regulations</b>	EPA reviewing existing regulations to determine if repeal or modification is appropriate	<ul style="list-style-type: none"> <li>• EPA issued notice on 4/13/17 asking for comments on possible changes to, or repeal of, existing rules – <a href="http://fwqc.org/members/DocumentLibrary/regreviewfedregnotice041317.pdf">http://fwqc.org/members/DocumentLibrary/regreviewfedregnotice041317.pdf</a></li> <li>• FWQC comments submitted on 5/15/17 - <a href="http://fwqc.org/members/DocumentLibrary/fwqcregreviewcomments051517.pdf">http://fwqc.org/members/DocumentLibrary/fwqcregreviewcomments051517.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• Consider next steps in engaging with EPA re changes to CWA regulations and policies</li> </ul>

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35	<b>Waters of US Rule</b>	EPA and Corps of Engineers developing regulations defining scope of “waters of the United States” for Clean Water Act regulatory and permitting purposes	<ul style="list-style-type: none"> <li>• EPA/Corps proposed WOTUS rule issued on 4/21/14- <a href="http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf">http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf</a></li> <li>• FWQC filed comments on proposal on 11/14/14 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Waters%20of%20US%20Rule.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Waters%20of%20US%20Rule.htm</a></li> <li>• EPA/Corps published final rule in Federal Register on 6/29/15 - <a href="http://www2.epa.gov/cleanwaterrule/documents-related-clean-water-rule#the%20final%20rule">http://www2.epa.gov/cleanwaterrule/documents-related-clean-water-rule#the%20final%20rule</a></li> <li>• Numerous legal challenges to final rule filed in Courts of Appeals and District Courts throughout country</li> <li>• All Court of Appeals cases were consolidated in Sixth Circuit, which issued a nationwide stay of the rule</li> <li>• Supreme Court ruled that Sixth Circuit did not have jurisdiction to hear cases – all challenges must be heard in district courts instead</li> <li>• Nationwide stay issued by Sixth Circuit is no longer in effect; stay issued by South Dakota district court is in effect, applying only to 14 States that are involved in that case</li> <li>• Courts are proceeding with these challenges to 2015 rule, but EPA has established extended applicability date for that rule (item 35 below)</li> <li>• This process will also be affected by new EPA/Corps actions (item 36 below) to repeal WOTUS rule and possibly issue a new rule to replace it</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to monitor developments in litigation</li> </ul>
36	<b>Applicability Date for 2015 WOTUS Rule</b>	EPA developed a rule establishing an applicability date for the 2015 WOTUS rule	<ul style="list-style-type: none"> <li>• EPA issued proposed rule on 11/22/17, providing that rule would not be in effect for another 2 years – <a href="https://www.regulations.gov/contentStreamer?documentId=EPA-HQ-OW-2017-0644-0001&amp;contentType=pdf">https://www.regulations.gov/contentStreamer?documentId=EPA-HQ-OW-2017-0644-0001&amp;contentType=pdf</a></li> <li>• FWQC filed comments on applicability date proposal on 12/13/17 – <a href="http://fwqc.org/members/DocumentLibrary/fwqcwotuseffectivedatecomments121317.doc">http://fwqc.org/members/DocumentLibrary/fwqcwotuseffectivedatecomments121317.doc</a></li> <li>• EPA issued final applicability date rule on 2/6/18 - <a href="https://www.epa.gov/sites/production/files/2018-02/documents/2018-02429_0.pdf">https://www.epa.gov/sites/production/files/2018-02/documents/2018-02429_0.pdf</a></li> <li>• Several legal challenges have been filed as to the applicability date action</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor developments in litigation</li> </ul>

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37	<b>Repeal and Replacement of WOTUS Rule</b>	EPA and Corps of Engineers taking action to repeal the WOTUS rule adopted in 2015 and possibly replace it with a new rule	<ul style="list-style-type: none"> <li>• On 7/27/17, EPA and Corps issued proposal to repeal 2016 WOTUS rule and recodify rule that existed previously – <a href="http://fwqc.org/members/DocumentLibrary/wotusfedregnotice072717.pdf">http://fwqc.org/members/DocumentLibrary/wotusfedregnotice072717.pdf</a></li> <li>• FWQC met with EPA staff to discuss “repeal” proposal on 9/15/17</li> <li>• FWQC filed comments on “repeal” proposal on 9/27/17 - <a href="http://fwqc.org/members/DocumentLibrary/WOTUS%20Comments%20Filed%20-%20and%20Next%20WOTUS%20Steps.htm">http://fwqc.org/members/DocumentLibrary/WOTUS%20Comments%20Filed%20-%20and%20Next%20WOTUS%20Steps.htm</a></li> <li>• EPA is expected to issue supplemental notice regarding “repeal” action in May or June of 2018</li> <li>• EPA held teleconferences with different stakeholder sectors to discuss next step (what a new WOTUS rule should look like), and asked for recommendations - <a href="https://www.epa.gov/wotus-rule/outreach-meetings">https://www.epa.gov/wotus-rule/outreach-meetings</a></li> <li>• FWQC filed its recommendations on 11/28/17 – <a href="http://fwqc.org/members/DocumentLibrary/Final%20WOTUS%20Step%202%20Comments.htm">http://fwqc.org/members/DocumentLibrary/Final%20WOTUS%20Step%202%20Comments.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Review upcoming supplemental notice regarding repeal, and develop comments</li> <li>• Review final “repeal” rule when issued and consider next steps, including as to expected litigation</li> <li>• Review proposed “replace” rule when issued, and develop comments</li> </ul>
38	<b>Report on Hydrologic Alteration</b>	EPA and USGS are developing a report on how to protect aquatic life from the effects of hydrologic alteration	<ul style="list-style-type: none"> <li>• Draft report issued 3/1/16 - <a href="http://fwqc.org/members/DocumentLibrary/hydroalterationfedregnotice.pdf">http://fwqc.org/members/DocumentLibrary/hydroalterationfedregnotice.pdf</a></li> <li>• FWQC comments submitted 6/17/16 - <a href="http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPAUSGS%20Hydrologic%20Alteration%20Report.htm">http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPAUSGS%20Hydrologic%20Alteration%20Report.htm</a></li> <li>• Final report issued 12/21/16 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20%20USGS%20Issue%20Final%20Hydrologic%20Alteration%20Report.htm">http://fwqc.org/members/DocumentLibrary/EPA%20%20USGS%20Issue%20Final%20Hydrologic%20Alteration%20Report.htm</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor further actions by EPA on hydrologic alteration issues</li> </ul>
39	<b>Sensitive Test Methods Notice</b>	EPA considering requiring of “sufficiently sensitive” test methods in NPDES applications and reports	<ul style="list-style-type: none"> <li>• On 6/23/10, EPA issued a proposed revision to NPDES rules, requiring use of “sufficiently sensitive test methods” - <a href="https://www.gpo.gov/fdsys/pkg/FR-2010-06-23/html/2010-15254.htm">https://www.gpo.gov/fdsys/pkg/FR-2010-06-23/html/2010-15254.htm</a></li> <li>• FWQC submitted comments on 8/9/10 - <a href="http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Sufficiently%20Sensitive%20Method%20Rule.htm">http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Sufficiently%20Sensitive%20Method%20Rule.htm</a></li> <li>• Final rule issued by EPA on 8/19/14 - <a href="https://www.federalregister.gov/articles/2014/08/19/2014-19265/national-pollutant-discharge-elimination-system-npdes-use-of-sufficiently-sensitive-test-methods-for">https://www.federalregister.gov/articles/2014/08/19/2014-19265/national-pollutant-discharge-elimination-system-npdes-use-of-sufficiently-sensitive-test-methods-for</a></li> </ul>	<ul style="list-style-type: none"> <li>• Monitor implementation of rule in permits, and consider further steps as needed</li> </ul>