

**FEDERAL WATER QUALITY COALITION
ACTIVE PRIORITY PROJECTS AS OF 2/19/17**

	PROJECT	DESCRIPTION	STATUS	TASKS/DEADLINES
STANDARDS ISSUES				
1	Chloride Criteria	EPA developing recommended aquatic life criteria for chloride	<ul style="list-style-type: none"> • EPA developing new criteria guidance for chloride, which are expected to be similar to Iowa standards, sulfate and hardness-dependent • Not determined when EPA will issue draft criteria for comment 	<ul style="list-style-type: none"> • Review draft guidance when issued and consider drafting comments • Consider whether to recommend to EPA that it move ahead to issue this guidance for comment
2	Revisions to Selenium Criteria	EPA developing new recommended aquatic life criteria for selenium, and implementation guidance	<ul style="list-style-type: none"> • EPA issued new draft criteria document on 5/14/14 – http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2004-0019-0247 • FWQC filed comments on 6/13/14 - http://fwqc.org/members/DocumentLibrary/FWQC%20Comments%20on%20Selenium%20Criteria.htm • New draft criteria issued for comment 7/27/15 – http://www.epa.gov/wqc/aquatic-life-criterion-selenium • FWQC comments submitted 10/13/15 – http://fwqc.org/members/DocumentLibrary/fwqcseleiumcomments101315.pdf • Supplemental FWQC comments submitted 10/30/15 – http://fwqc.org/members/DocumentLibrary/fwqcseleiumsupplementalcomments103015.pdf • Final criteria issued 7/13/16 - https://www.gpo.gov/fdsys/pkg/FR-2016-07-13/pdf/2016-16585.pdf • Draft implementation guidance issued for comment 10/13/16 - https://www.epa.gov/wqc/draft-technical-support-materials-epas-aquatic-life-ambient-water-quality-criterion-selenium • FWQC comments submitted 2/10/17 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Selenium%20Guidance.htm 	<ul style="list-style-type: none"> • Set up meeting with EPA staff regarding comments on draft implementation guidance • Consider whether to recommend to EPA that it not issue the final guidance, or that it withdraw the draft guidance and make substantial revisions, then issue new draft for comment

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3	Human Health Exposure Assessment Guidelines	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"> • EPA issued draft update of human exposure assessment guidelines on 1/7/16- http://www.epa.gov/osa/guidelines-human-exposure-assessment • FWQC filed comments on 3/22/16 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Exposure%20Assessment%20Guidelines.htm • FWQC met with EPA staff on 6/27/16 to discuss comments 	<ul style="list-style-type: none"> • Review final guidance when issued, and consider next steps
4	Aluminum Criteria	EPA working on draft revisions to its aquatic life water quality criteria for aluminum	<ul style="list-style-type: none"> • Draft aluminum criteria, based on impacts to freshwater mussels, expected to be issued for public comment - schedule not determined 	<ul style="list-style-type: none"> • Review draft criteria document when issued, and plan to develop and submit comments • Consider whether to recommend to EPA that it not proceed with issuance of draft criteria
5	Conductivity Standards	EPA developing stringent recommended water quality criteria for conductivity, for application nationally	<ul style="list-style-type: none"> • On 4/12/10, EPA issued notice asking for comment on draft technical report concerning conductivity aquatic life benchmark for Appalachian region • FWQC comments submitted 9/3/10 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Conductivity%20Comments.htm • SAB review issued on 3/25/11 - http://yosemite.epa.gov/sab/sabproduct.nsf/c91996cd39a82f648525742400690127/EEDF20B88AD4C6388525785E007331F3/\$File/EPA-SAB-11-006-unsigned.pdf • Final EPA report issued 5/27/11 - http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=233809 • On 7/31/12, Federal district court for DC ruled that EPA action in issuing Appalachian conductivity guidance violated the CWA - http://www.cnsenvironmentallaw.com/2012/08/02/show_public_doc.pdf; decision was appealed to D.C. Circuit • 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 - https://www.cadc.uscourts.gov/internet/opinions.nsf/D5A1E3CCCB95AABC85257D12004EF5D9/\$file/12-5310-1502014.pdf • On 12/23/16, EPA issued draft national conductivity guidance - https://www.epa.gov/wqc/draft-field-based-methods-developing-aquatic-life-criteria-specific-conductivity • Comment period has been extended to 4/24/17 	<ul style="list-style-type: none"> • Developing comments on draft national guidance • Scheduling meeting with EPA staff for after comments submitted

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6	EPA Human Health Criteria Guidance	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"> • FWQC has submitted issue papers to EPA regarding human health criteria issues - http://fwqc.org/members/DocumentLibrary/%20Details%20on%20Feb.%207%20Meeting%20with%20EPA%20on%20Fish%20Consumption%20Rates.htm • EPA issued draft revised human health criteria guidance on 5/13/14 – http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2014-0135-0007 • FWQC submitted comments on 8/13/14 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Human%20Health%20Criteria%20Proposal.htm • EPA issued final guidance on 6/29/15 - http://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table 	<ul style="list-style-type: none"> • Monitor State and EPA actions on human health standards, and consider filing FWQC comments when appropriate • Continue discussions with ACWA and State agencies about cooperation in addressing concerns re fish consumption standards
7	State Human Health Standards	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"> • In several States, including Maine, Washington and Idaho, EPA has indicated that the State’s human health standards are not stringent enough - http://fwqc.org/members/DocumentLibrary/State%20Fish%20Consumption%20Standards%20-%20Need%20for%20Call.htm and http://fwqc.org/members/DocumentLibrary/idahoepaletter052915.pdf • On 6/19/15, FWQC met with EPA staff to discuss concerns about EPA approach on human health standards – summary of meeting at http://fwqc.org/members/DocumentLibrary/Summary%20of%20Meeting%20with%20EPA%20on%20Human%20Health%20Standards%20-%20and%20July%202%20Call.htm • On 7/7/15, FWQC sent letter to EPA following up on issues discussed at 6/19/15 meeting - http://fwqc.org/members/DocumentLibrary/Final%20Letter%20to%20EPA%20re%20Human%20Health%20Standards.htm • Further activities listed below for EPA actions in specific States 	<ul style="list-style-type: none"> • 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

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8	EPA Fish Consumption Survey Guidance	EPA developing guidance on how States should conduct fish consumption surveys in development of human health standards	<ul style="list-style-type: none"> • Draft guidance issued 7/21/16 - http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Guidance%20on%20Fish%20Consumption%20-%20and%20Suppression%20Effect.htm • FWQC submitted comments 9/13/16 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Guidance%20on%20Fish%20Consumption%20-%20and%20Suppression%20Effect.htm • FWQC met with EPA staff on 10/14/16 - http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%2014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm • Final guidance issued 12/20/16 - https://www.epa.gov/fish-tech/epa-guidance-developing-fish-advisories 	<ul style="list-style-type: none"> • Consider possible next steps as to final guidance
9	Human Health Standards for Washington State	EPA and State agency developing new human health standards for use in WA State	<ul style="list-style-type: none"> • EPA issued proposed criteria for Washington State on 9/14/15 – http://www.gpo.gov/fdsys/pkg/FR-2015-09-14/pdf/2015-22592.pdf • FWQC comments on EPA WA proposal submitted 12/28/15 - http://fwqc.org/members/DocumentLibrary/fwqcwashcomments122815.pdf and (with other organizations) - http://fwqc.org/members/DocumentLibrary/groupwashcomments122815.pdf • WA State issued its own proposed human health standards on 2/1/16 - http://lawfilesexternal.wa.gov/law/wsr/2016/05/16-04-092.htm • FWQC comments on WA State proposal submitted 4/22/16 - http://fwqc.org/members/DocumentLibrary/fwcqwashecologyfishcomments0422156.pdf • This issue was included in FWQC meeting with EPA on 10/14/16 regarding fish consumption issues - http://fwqc.org/members/DocumentLibrary/Final%20Slides%20and%20MeetingCall%20Details%20for%20Oct.%2014%20EPA%20Meeting%20on%20Fish%20Consumption%20Standards.htm • FWQC sent letter to EPA (with Northwest Pulp & Paper Association) on 11/10/16 - http://fwqc.org/members/DocumentLibrary/washstateepaletter111016.pdf • EPA issued final standards for WA State on 11/28/16 - https://www.regulations.gov/document?D=EPA-HQ-OW-2015-0174-0292 	<ul style="list-style-type: none"> • Consider possible responses to final EPA standards for WA, including recommending to EPA that it reconsider decision

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10	Human Health Standards for Idaho	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"> • Draft Idaho criteria issued by State DEQ on 10/7/15 – Proposed Rule and Notice • FWQC comments on Idaho proposal submitted 11/6/15 – http://fwqc.org/members/DocumentLibrary/fwqcidahocomments110615.pdf • Final Idaho rule adopted, and submitted to EPA 12/13/16 – http://www.deq.idaho.gov/58-0102-1201 • EPA issues letter stating concerns regarding Idaho rule 1/19/17 - http://fwqc.org/members/DocumentLibrary/idahohumanhealthletterepa011917.pdf • 	<ul style="list-style-type: none"> •
11	Human Health Standards for Maine	EPA developing new human health standards for use in Maine	<ul style="list-style-type: none"> • EPA issued proposed criteria for Maine on 4/20/16 - 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&utm_medium=email&utm_source=federalregister.gov • FWQC comments on proposed Maine standards submitted 6/20/16 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Proposed%20Fish%20Consumption%20Standards%20for%20Maine.htm • On 12/19/16, EPA issued final Maine standards: https://www.epa.gov/wqs-tech/promulgation-certain-federal-water-quality-standards-applicable-maine • Litigation pending as to earlier EPA action to disapprove standards proposed by State of Maine – State Attorney General has filed suit 	<ul style="list-style-type: none"> • Consider next steps as to final EPA standards and as to participation as amicus party in suit by Maine AG

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12	Nutrient Water Quality Criteria & Guidance	EPA working with States on development of aquatic life criteria for nutrients	<ul style="list-style-type: none"> • EPA has issued guidance on a recommended framework for State nutrient reductions (initially issued in March 2011, updated in Sept 2016) - https://www.epa.gov/nutrient-policy-data/working-partnership-states-address-phosphorus-and-nitrogen-pollution-through • In Sept 2013, EPA issued guidance on an approach to numeric nutrient criteria that integrates causal and response parameters - http://www2.epa.gov/sites/production/files/2013-09/documents/guiding-principles.pdf • EPA has issued toolkit of resources to be used by States in developing numeric nutrient criteria - http://www2.epa.gov/nutrient-policy-data/toolkit-resources-provide-states-flexibility-adopting-and-implementing-numeric • Association of Clean Water Administrators (ACWA) has also issued toolkit of nutrient criteria resources - http://www.acwa-us.org/#!_nnc-toolkit • FLORIDA: EPA has approved Florida DEP's numeric nutrient standards for some waters - http://www.dep.state.fl.us/water/wqssp/nutrients/; State and EPA actions have been challenged in court and upheld; appeals pending • MONTANA: State developed a nutrient standards rulemaking package that includes state-wide nutrient variances – http://deq.mt.gov/Water/WQPB/standards/numericnutrientcriteria ; On 2/26/15 , EPA issued a letter to Montana approving the State actions - http://deq.mt.gov/Portals/112/Water/WQPB/Standards/PDF/MT_NutrientRulesActionLTR.pdf ; NGOs have filed suit challenging EPA approval - http://www.uppermissouriwaterkeeper.org/lawsuit-challenges-epa-approval-of-weak-montana-pollution-rule/#.WKsKh2eQzIU • IOWA: On 5/29/13, Iowa DNR issued a final Nutrient Reduction Strategy - http://www.nutrientstrategy.iastate.edu/ • OHIO: State has developed Nutrient Strategy, and has formed a Technical Advisory Group to assist in develop water quality standards - http://epa.ohio.gov/dsw/wqs/NutrientReduction.aspx • CONNECTICUT: State has convened stakeholder group to assess options for phosphorus reductions to attain aquatic uses - http://www.ct.gov/deep/cwp/view.asp?a=2719&q=474130&deepNav_GID=1654 ; group had science report prepared by independent group, Connecticut Academy of Science and Engineering - http://www.ctcase.org/reports/phosphorus/phosphorus.pdf • ILLINOIS: Illinois EPA has issued a final Nutrient Reduction Strategy: http://www.epa.illinois.gov/topics/water-quality/watershed-management/excess-nutrients/nutrient-loss-reduction-strategy/index; NGOs have been filing comment letters as to draft POTW permits, requesting more stringent limits for phosphorus 	<ul style="list-style-type: none"> • Continue monitoring EPA and State activities on nutrient issues • Assess need for FWQC comments or other involvement as appropriate
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13	Gulf of Mexico / Mississippi River Basin Numeric Nutrient Criteria	Environmental groups seeking to have EPA impose numeric nutrient standards for Gulf of Mexico and Mississippi River basin	<ul style="list-style-type: none"> • 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 - http://fwqc.org/members/DocumentLibrary/missnutrientsepaletter072911.pdf • Environmental groups filed suit challenging EPA denial of petition as to setting of nutrient standards; FWQC and other groups intervened in support of EPA • On 9/20/13, court issued decision - http://fwqc.org/members/DocumentLibrary/gulfnutrientdecision092013.pdf • 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 • EPA appealed the decision, and on 4/7/15, the Fifth Circuit ruled - http://fwqc.org/members/DocumentLibrary/gulfnutrientappealsdecision040715.pdf • 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.” • On 12/15/16, District Court rejected the NGO claims and dismissed the case - http://fwqc.org/members/DocumentLibrary/Victory%20-%20Finally!%20%20Court%20Dismisses%20NGO%20Claims%20as%20t%20GulfMississippi%20Nutrient%20Criteria.htm 	<ul style="list-style-type: none"> • Monitor developments, to see if NGOs appeal District Court dismissal, or possible file another petition or suit regarding Gulf/Mississippi nutrient issues
14	Revisions to Water Quality Standard Regulation	EPA considering changes to Federal rules governing development of State water quality standards	<ul style="list-style-type: none"> • EPA proposed rule issued on 9/4/13 – http://www.gpo.gov/fdsys/pkg/FR-2013-09-04/pdf/2013-21140.pdf • FWQC filed comments on 1/2/14 - http://fwqc.org/members/DocumentLibrary/fwqcwaterqualitystandardscomments010214.pdf • Final rule issued 8/21/15 - http://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation 	<ul style="list-style-type: none"> • Consider possible responses to final rule • Monitor implementation of final rule in State standards actions
15	Cadmium Criteria	EPA developing revised aquatic life criteria recommendations for cadmium	<ul style="list-style-type: none"> • EPA draft revised cadmium criteria issued 12/1/15 - https://www.federalregister.gov/articles/2015/12/01/2015-30493/request-for-scientific-views-on-the-draft-recommended-aquatic-life-ambient-water-quality-criteria • Final criteria issued 4/4/16 - https://www.epa.gov/wqc/aquatic-life-criteria-cadmium#2016 	<ul style="list-style-type: none"> • Monitor State actions adopting criteria, and possible NGO challenges to criteria based on ESA grounds

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16	Biotic Ligand Model Guidance	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"> • Draft guidance issued 2/16/16 - http://fwqc.org/members/DocumentLibrary/EPA%20Notice%20on%20Draft%20Guidance%20for%20Use%20of%20Biotic%20Ligand%20Model.htm • FWQC filed comments on 4/18/16 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Biotic%20Ligand%20Guidance.htm 	<ul style="list-style-type: none"> • Review final guidance when issued, and consider next steps
17	Revisions to Ammonia Criteria	EPA revising ammonia aquatic life criteria to address impacts to freshwater mussels	<ul style="list-style-type: none"> • EPA issued draft revised criteria document on 12/30/09 – http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0001 • FWQC filed comments on 4/1/10 - http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OW-2009-0921-0044 • Final criteria issued on 8/22/13, along with implementation guidance - http://water.epa.gov/scitech/swguidance/standards/criteria/aqlife/ammonia/index.cfm 	<ul style="list-style-type: none"> • Review final criteria document and consider possible responses • FWQC convening small group to assess EPA responses to FWQC comments and to develop recommendations for FWQC to consider as to next steps
18	Copper Criteria for Estuarine/Marine Waters	EPA revising copper aquatic life criteria for estuarine and marine waters	<ul style="list-style-type: none"> • Draft criteria issued 8/11/16 - http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Draft%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm • FWQC comments submitted 9/27/16- http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Copper%20Criteria%20for%20EstuarineMarine%20Waters.htm 	<ul style="list-style-type: none"> • Review final criteria when issued and consider possible responses
19	Guidance on Variances	EPA is developing guidance on issuance of multi-discharger variances based on economic groups	<ul style="list-style-type: none"> • EPA has convened a panel of economic experts, to provide assistance in developing guidance on economic variances issued for multiple discharges - http://fwqc.org/members/DocumentLibrary/ExtendedExpanded%20Opportunity%20for%20FWQC%20Input%20into%20EPA%20Guidance%20on%20Economic%20Variances.htm • 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 	<ul style="list-style-type: none"> • Review draft guidance when issued, and develop comments

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PERMIT ISSUES

20	Pinto Creek – Permits for New Sources Issue	Ninth Circuit Court of Appeals issued stringent ruling on issuance of permits for new sources on impaired waters	<ul style="list-style-type: none"> • Ninth Circuit ruling issued on 10/4/07 – http://www.ca9.uscourts.gov/datastore/opinions/2007/10/03/0570785.pdf • FWQC and others filed <i>amicus</i> briefs supporting Carlota Copper’s petition for Supreme Court to take the case • Supreme Court denied <i>cert.</i> on 1/22/09, refusing to take case for review • EPA has indicated that it does not plan to revise Federal rule that was interpreted in Pinto Creek case – 40 CFR 122.4(i) 	<ul style="list-style-type: none"> • Monitor permit developments in States to determine how agencies are addressing permits for new sources to impaired waters • If need arises, consider contacts with EPA about possible proposed rule or guidance to address permitting concerns
21	Stormwater Numeric Limit Guidance	EPA issued new guidance on issuance of numeric limits for stormwater discharges in NPDES permits	<ul style="list-style-type: none"> • EPA issued new guidance on 11/12/10 concerning issuance of water quality-based limits in stormwater permits – http://www.epa.gov/npdes/pubs/establishingtmdlwla_revision.pdf • 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” • EPA decided on 3/17/11 to accept comments on guidance – http://www.epa.gov/npdes/pubs/sw_tmdlwla_comments.pdf • FWQC filed comments on 5/16/11 – http://fwqc.org/members/DocumentLibrary/Stormwater%20Developments%20-%20EPA%20Numeric%20Limits%20Memo%20-%20New%20Draft%20Construction%20Permit.htm • EPA issued final guidance on 11/26/14 - http://www.epa.gov/tmdl/establishing-total-maximum-daily-load-tmdl-wasteload-allocations-wlas-storm-water-sources-and 	<ul style="list-style-type: none"> • Monitor implementation of final guidance in permit actions, and consider further actions on this issue as appropriate
22	NPDES Update Rule	EPA making changes in procedures for issuance of NPDES permits	<ul style="list-style-type: none"> • Proposed rule issued 5/18/16 - http://fwqc.org/members/DocumentLibrary/npdesupdateruleproposal051716.pdf • FWQC comments submitted 8/2/16 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Proposed%20NPDES%20Update%20Rule.htm • FWQC met with EPA staff regarding comments on 8/30/16 	<ul style="list-style-type: none"> • Review final rule when issued and consider possible responses • Consider requesting that EPA not issue final rule, or that if it issues final rule, it should delete key provisions that FWQC objects to.

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23	Multi-Sector General Permit (MSGP)	EPA developing next version of general permit for stormwater discharges from industrial activities	<ul style="list-style-type: none"> • Draft of permit issued on 9/27/13 - http://cfpub.epa.gov/npdes/docs.cfm?document_type_id=9&view=Example%20and%20General%20Permits&program_id=6&sort=name • FWQC filed comments on 12/26/13 - http://fwqc.org/members/DocumentLibrary/fwqcmmsgpcomments122613.pdf • Final permit issued on 6/16/15- http://www.epa.gov/npdes/stormwater-discharges-industrial-activities#msgp • Several NGOs filed suits challenging MSGP, which were consolidated in Second Circuit Court of Appeals • FWQC and Federal StormWater Association (FSWA) filed motion to intervene in cases, in support of EPA, on 7/30/15 - http://fwqc.org/members/DocumentLibrary/FILED%20-%20FWQC%20FSWA%20Intervention%20 • Motion to intervene granted 8/4/15 - http://fwqc.org/members/DocumentLibrary/msgpinterventionorder.pdf • Parties agreed to try mediation process to resolve NGO claims • Parties, including FWQC/FSWA, resolved cases through Settlement Agreement on 8/16/16 - http://fwqc.org/members/DocumentLibrary/Sept.%2030%20Call%20on%20MSGP%20Settlement%20Agreement%20-%20PRIVILEGED%20AND%20CONFIDENTIAL.htm 	<ul style="list-style-type: none"> • Participate in EPA activities to implement Settlement Agreement, including National Research Council stormwater study and development of draft version of 2020 MSGP permit
24	E-Reporting Rule	EPA developing proposed rule that would require electronic submittal of DMRs and other reports	<ul style="list-style-type: none"> • Proposed rule issued 7/30/13 – http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0097 • FWQC filed comments on 12/12/13 - http://fwqc.org/members/DocumentLibrary/fwqcereportingcomments121213.pdf • On 12/1/14, EPA issued notice asking for additional comment on issues related to the e-reporting rule - http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OECA-2009-0274-0374 • FWQC filed comments as to EPA notice on 1/30/15 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Notice%20re%20E-Reporting%20Rule.htm • Final rule issued 10/22/15 - http://www.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-npdes-electronic-reporting-rule 	<ul style="list-style-type: none"> • Review final rule and consider possible responses • Monitor implementation of final rule in States

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25	Whole Effluent Toxicity (WET)	EPA and States including WET testing requirements and limits in permits	<ul style="list-style-type: none"> • Draft WET implementation guidance issued 12/28/04 – at http://www.epa.gov/npdes/pubs/wet_draft_guidance.pdf • FWQC comments on draft guidance submitted on 3/31/05 • 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 http://www.epa.gov/npdes/pubs/tst-techdoc.pdf , implementation document at www.epa.gov/npdes/pubs/wet_final_tst_implementation2010.pdf • California State Water Resources Control Board has issued draft WET policy, applying EPA’s TST guidance – http://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.shtml ; 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 • On 5/24/12, EPA issued a WET Spreadsheet, which can be used to determine reasonable potential and to assess permit compliance - http://cfpub.epa.gov/npdes/docs.cfm?view=allprog&program_id=45&sort=date_published 	<ul style="list-style-type: none"> • Monitor WET developments in States, and consider filing comments as appropriate • Assess EPA WET Spreadsheet and consider possible steps to address concerns
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TMDL ISSUES

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

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OTHER ISSUES

30	PCB Test Method	EPA and States are increasing use of Method 1668 to test for presence of PCBs in water discharges	<ul style="list-style-type: none"> • On 9/23/10, EPA issued notice proposing to approve Method 1668 – https://www.federalregister.gov/articles/2010/09/23/2010-20018/guidelines-establishing-test-procedures-for-the-analysis-of-pollutants-under-the-clean-water-act • FWQC comments submitted 12/22/10 – http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPA%20Approval%20of%20Test%20Method%201668C%20for%20PCBs.htm • On 5/18/12, EPA issued final rule approving other methods, which did not approve 1668 - http://www.gpo.gov/fdsys/pkg/FR-2012-05-18/pdf/2012-10210.pdf • EPA has indicated that it has no plans to issue approval of 1668 • Some States are requiring use of 1668 in permit monitoring provisions • On 5/18/12, FWQC submitted comments to NY DEC, raising concerns about requiring testing using 1668 in State permits - http://fwqc.org/members/DocumentLibrary/fwqc%20nygm%20comments%20051812.pdf • On 11/9/16, FWQC resubmitted its previous comments to NY DEC regarding a new draft permit, which required PCB testing using sensitive methods and provided 4 method options, including 1668 - http://fwqc.org/members/DocumentLibrary/Development%20of%20FWQC%20Comments%20on%20New%20Proposed%20PCB%20Testing%20Requirements%20in%20State%20Permit.htm 	<ul style="list-style-type: none"> • Monitor status of 1668 at EPA, and if Agency moves forward, engage with EPA staff • Monitor actions of States to require use of 1668 in permits, and provide support to FWQC members as appropriate
31	Methods Update Rule	EPA periodically reviews and updates its approvals of test methods for CWA use	<ul style="list-style-type: none"> • On 2/19/15, EPA issued notice proposing updates of some approved methods, addition of new approved methods, and revised Minimum Level (ML) procedure - http://water.epa.gov/scitech/methods/cwa/mur2015.cfm • FWQC submitted comments on 5/20/15 - http://fwqc.org/members/DocumentLibrary/Final%20Comments%20on%20EPA%20Methods%20Update%20Rule.htm • Final rule issued 12/15/16 - http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20(Then%20Withdraws)%20Final%20Methods%20Update%20Rule%20with%20Revised%20MDL%20Procedure.htm • Rule was sent to Federal Register, then withdrawn, due to White House memo regarding regulatory actions - https://www.epa.gov/cwa-methods/methods-update-rule-2016 	<ul style="list-style-type: none"> • Consider possible responses to final rule • Consider recommending to EPA that it reconsider and make changes to final rule

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32	Waters of US Guidance	EPA developing guidance on scope of “waters of the United States” for Clean Water Act regulatory and permitting purposes	<ul style="list-style-type: none"> • EPA proposed WOTUS rule issued on 4/21/14- http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf • FWQC filed comments on proposal on 11/14/14 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20Waters%20of%20US%20Rule.htm • EPA published final rule in Federal Register on 6/29/15 - http://www2.epa.gov/cleanwaterrule/documents-related-clean-water-rule#the%20final%20rule • Numerous legal challenges to final rule filed in Courts of Appeals and District Courts throughout country • All Court of Appeals cases have been consolidated in Sixth Circuit, which has issued a nationwide stay of the rule, so rule is not currently in effect • Industry plaintiffs have appealed Sixth Circuit’s ruling that it has jurisdiction to hear challenges, and Supreme Court has accepted review of that issue – https://www.supremecourt.gov/search.aspx?filename=/docketfiles/16-299.htm • Supreme Court briefing schedule on jurisdiction issue continues through May 2017; oral argument will not occur until at least October 2017 • Briefing in Sixth Circuit case will be held in abeyance pending Supreme Court decision on which court has jurisdiction over challenges to rule 	<ul style="list-style-type: none"> • Continue to monitor developments in litigation, to keep members apprised and to assess whether FWQC involvement would be appropriate at some stage in process • Consider next steps as to rule, including recommending to EPA that it propose to withdraw and reconsider rule
33	Report on Hydrologic Alteration	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"> • Draft report issued 3/1/16 - http://fwqc.org/members/DocumentLibrary/hydroalterationfedregnotice.pdf • FWQC comments submitted 6/17/16 - http://fwqc.org/members/DocumentLibrary/Final%20FWQC%20Comments%20on%20EPAUSGS%20Hydrologic%20Alteration%20Report.htm • Final report issued 12/21/16 - http://fwqc.org/members/DocumentLibrary/EPA%20%20USGS%20Issue%20Final%20Hydrologic%20Alteration%20Report.htm 	<ul style="list-style-type: none"> • Consider next steps as to final report and other EPA actions on hydrologic alteration issues

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34	Sensitive Test Methods Notice	EPA considering requiring of “sufficiently sensitive” test methods in NPDES applications and reports	<ul style="list-style-type: none"> • On 6/23/10, EPA issued a proposed revision to NPDES rules, requiring use of “sufficiently sensitive test methods” - https://www.gpo.gov/fdsys/pkg/FR-2010-06-23/html/2010-15254.htm • FWQC submitted comments on 8/9/10 - http://fwqc.org/members/DocumentLibrary/EPA%20Issues%20Sufficiently%20Sensitive%20Method%20Rule.htm • Final rule issued by EPA on 8/19/14 - https://www.federalregister.gov/articles/2014/08/19/2014-19265/national-pollutant-discharge-elimination-system-npdes-use-of-sufficiently-sensitive-test-methods-for 	<ul style="list-style-type: none"> • Consider possible responses to final rule
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