



## NAS Panel Reports to House Subcommittee

The chairman of a key congressional subcommittee on water policy says that a National Academy of Sciences (NAS) report on the proposed new Total Maximum Daily Load (TMDL) program confirms that the program “does not allow use of the best available scientific information.”

However, Rep. John Duncan, Tenn., who heads the House of Representatives’ Subcommittee on Water Resources and the Environment, added, “the good news is that the NAS report also provides us with many recommendations on how to improve the scientific basis for the TMDL program—beginning with the water quality standards that a TMDL is developed to meet.”

His comments followed testimony to his committee by the chairman of the NAS panel named under terms of congressional action that blocked implementation of a far-reaching 2000 proposal by the Clinton administration to reduce water pollution by controlling the TMDL of pollutants allowed to enter waterways.

That plan would have affected more than 20,000 bodies of water. Congressional and other critics said the program was adopted without a sufficient scientific foundation and without regard to the overall economic impact.

Duncan said the NAS panel’s finding shows that many water bodies were covered by the Clinton plan’s approach “without any water quality data showing that the waters were impaired.”

Dr. Kenneth Reckhow of Duke University, who headed the NAS panel, said, “We can improve the science used to support the TMDL program over time, and we recommend research activities to do that.”

In its recommendations, the panel addressed the current provision of the Clean Water Act that requires states to list impaired waters and a TMDL for each contributing pollutant. The NAS report suggested that these reports, known as 303(d) lists for the legislative provision requiring them, be divided into preliminary and action categories instead of a single unit to reflect the fact that many waters were listed without benefit of adequate standards or data. The NAS recommendations now will be reviewed to determine implementation.

## Water-Quality Website Launched

EPA has established a website providing access to water quality information by geographic area. It is called WATERS (Watershed Assessment, Tracking and Environmental Results).

The agency said the site includes the U.S. Geological Survey’s National Hydrographic Dataset and provides unified access to water quality information from several state and EPA databases. The latter includes the TMDL database and the new National Water Quality Standards Database.

Users can find information on waters classified by states as impaired (except for Alaska) and on the designated purpose or use of each water body (e.g., water supply, recreational, fishing). Interactive maps show the quality of specific water sources in 11 states.

EPA says it will update the site as new information becomes available and it will eventually cover all 50 states and have links to data on ambient water quality, drinking water quality, polluted runoff, fish consumption advisories, facility discharge outfalls and other information. The address for the new site is <http://epa.gov/waters>.

## Three Regional Administrators Appointed

Three new administrators for EPA regions have been appointed by agency head Christie Whitman. They are Robert W. Varney for Region 1 (New England); Donald Welsh, Region 3 (Mid-Atlantic), and Thomas Skinner, Region 5 (Midwest).

Varney has been New Hampshire’s commissioner of environmental services for more than a decade. Welsh previously held high posts in the Region 3 office and most recently was a deputy secretary in the Pennsylvania Department of Environmental Protection. Skinner has been head of the Illinois EPA.

## Construction Group Opposes ELGs

Associated General Contractors of America, a trade association for the construction industry, says erosion and sediment controls being formulated by EPA would constitute “excessive requirements that could cost [contractors] thousands of dollars each year and put a significant percentage of small firms out of business.”

“The standards now under development, effluent limitation guidelines (ELGs) eventually would become part of all federal and state permits for the discharge of storm water from construction activity,” the association said.

## EPA Reaches Settlements with Wal-Mart, AMTRAK

Two landmark agreements involving multi-state allegations of pollution have been reached by EPA and the U.S. Department of Justice with Wal-Mart and AMTRAK.

The settlement with Wal-Mart Stores, Inc., resolved federal allegations that the retailer violated the Clean Water Act at 17 locations in Texas, Oklahoma, Massachusetts and New Mexico.

Under the agreement, the company will establish a \$4.5-million environmental management plan to improve its compliance with environmental laws at each of its construction sites and minimize the impact of its building on streams and watersheds. The settlement also calls for a \$1 million civil penalty.

“This is the first federal enforcement action against a company for multi-state violations of the [Clean Water] Act’s storm-water provisions,” EPA said.

EPA also has announced a settlement with AMTRAK on federal claims that the passenger-rail operator had violated numerous requirements of the Clean Water Act at nine sites in New England. The company pledged in the settlement to conduct a nationwide audit of its facilities, undertake other environmental improvements, pay a \$500,000 civil penalty and spend \$900,000 on environmental projects in New England.