

By Robert Gray

TMDL Rule Found "Unworkable"

The controversial July 2000 final rule on Total Maximum Daily Loads (TMDLs) is being withdrawn by the Environmental Protection Agency.

The agency said it had determined, on the basis of "thousands of (public) comments" and some two dozen court challenges, that the rule is "unworkable."

Issued in the late stages of the Clinton administration, the regulation generated so much opposition that Congress passed a law prohibiting its implementation. A subsequent review by the National Research Council of the National Academy of Sciences produced extensive recommendations for revising not only the rule but the underlying TMDL program, which was established in the Clean Water Act.

EPA Administrator Christie Whitman said that an effective national program for elimination of water pollution requires the active participation and support of all levels of government but, "Unfortunately, the 2000 rule....fell short of that goal and others."

She added that EPA would continue to seek ways to improve the TMDL program and that, in the meantime, the existing TMDL regulations would continue in force and the withdrawal of the July 2000 rule "will not stop ongoing implementation of that program, development of water quality standards [and] issuance of permits."

New Requirements Set for CAFOs

A new rule controlling runoff from large animal-feeding operations has been developed by EPA in cooperation with the U.S. Department of Agriculture.

The regulation will require that all large Concentrated Animal Feeding Operations (CAFOs) obtain permits, submit annual reports, and develop and follow a plan for handling manure and wastewater. It also limits land use of manure and wastewater.

When fully effective in 2006, the regulation will apply to some 15,500 livestock operations throughout the country, compared with 4,500 under the present law.

EPA said that the new regulation will increase protection of the nation's waters from nutrient enrichment and eutrophication and reduce pathogens in drinking water. Estimates call for reductions of 56 million pounds of phosphorous released to the atmosphere, 100 million pounds of nitrogen, 1 million pounds of metals and 100 million pounds of sediments.

The agency said the rule "will replace 25-year-old technology requirements and permitting regulations that did not address today's environmental needs and did not keep pace with growth in the industry."

Big Water District Takes Big Hit

A continuing dispute among water agencies in southern California has resulted in a U.S. Interior Department action that will cut by half the amount of water that has been available from the Colorado River to the state's major water supplier.

The Metropolitan Water District (MWD) of Southern California, which serves an area containing 17 million people, lost the allocation in a disagreement among four water agencies in the southern sector of the state over Colorado River allocations.

MWD said it had sufficient reserves to supply customers for two years, during which time it plans conservation and other steps to offset the shortfall.

Efforts to resolve the impasse were continuing in both the state and in Washington.

EPA Establishes Watershed Council

A Watershed Management Council has been created at EPA to intensify efforts to base water-policy strategy on watersheds.

G. Tracy Meehan III, assistant administrator for water, said in announcing the formation of the new panel: "Although a decade of effort has resulted in general awareness of the watershed approach within the agency, recent events show substantial gaps in actual implementation."

The watershed approach, he added, "should not be seen as merely a special initiative," but it should be "the fulcrum of our protection and restoration efforts."

Meehan described the creation of the Watershed Management Council as a reaffirmation of EPA's commitment to "advancing the watershed approach."

Members will represent the agency's headquarters and regional offices.

Meehan said that "failure to fully incorporate the watershed approach into program implementation will result in failure to achieve our environmental objectives in many of our nation's waters."

Arsenic-Removal Techniques Being Developed

Cost-effective techniques for removing arsenic from drinking water are being developed by eight small companies under EPA contracts totaling \$800,000. The finding will help smaller systems in particular meet the new arsenic standard, the agency said. Details on the individual techniques are available online at http://es.epa.gov/ncer/sbir/awards/2003_water.html.



*More Washington News is available at our website:
www.waterinfocenter.com.*

Robert Gray works out of Locust Grove, Virginia; (540) 972-8326