MACA ISSUE REVIEW MATRIX

June 2011

Issue	Overview	Status	Action
NPDES legislation	HR 872	This bill amends the Clean Water Act and FIFRA to clarify that CWA point source permits are not required for FIFRA-compliant aquatic pesticide applications.	Passed the US House and the Senate Ag Committee
Nutrient Criteria Guidance		3-16-01 EPA issued guidance on a recommended framework for nutrient reductions in the states http://water.epa.gov/scitech/swguidance/standards/criteria/nutrients/upload/memo_nitrogen_framework.pdf	Hearing on the impact of this nutrient framework guidance will occur.
Florida	In response to a lawsuit EPA has taken upon itself to issue nutrient and phosphorous numeric standards.	Florida would be the first state to be subjected to federal water mandates. The Florida Water Environment Association Utility Council study and other information can be found at http://www.fweauc.org/Positions.asp The proposed standards can be found at http://www.epa.gov/waterscience/standards/rules/florida/ EPA has created SAB to review the draft EPA approach	Lawsuits have been filed challenging this rule.
Chesapeake Bay	After 25 years of working to clean up the bay, the project has come under scrutiny and concern about the lack of progress that this federal/state program has achieved.	EPA has requested $35.1m to address the issue by: 1) establishing strict pollution caps (TMDL) and air regulation that will assist in water quality of the bay. EPA states they will review the progress in 2 years and that there will be severe consequences for any lack of performance. Aggressive action is promised from the Administration. EPA Secretary has announced tough standards will be implemented to clean up the water. S.1816 has been introduced and would set TMDL's for the Bay. The bill would establish a "no net increase in nitrogen, phosphorous and sediment" standard. EPA Strategy http://executiveorder.chesapeakebay.net/file.axd?file=2010%2f5%fChesapeake+EO+Strategy%20.pdf. Final TMDL issued 12-29-10 http://www.epa.gov/chesapeakebaytmdl/	Monitor the litigation challenging TMDL
Numeric		Conflicting information has been given to various states and regions whether numeric criteria is a "must have"	Work with

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Criteria		for nitrogen and phosphorous	stakeholders and EPA
EPA Clean Water Strategy	New Strategy to address water quality	Final Strategy for Achieving Clean Water can be found at http://blog.epa.gov/waterforum	
Kansas	Friends of the Kaw issued NOI in July	This is like Florida lawsuit claiming lack of numeric standards. KARA, KCC, KLA, LKM, NCGA filed letter objecting to the lawsuit. Have had a meeting with state agency stakeholders. State has had a meeting with FOK and Ephraim King.	No lawsuit filed yet.
Great Lakes	The Great Lakes Water Quality Agreement is being revised by US and Canada and one of the key issues is how to handle "emerging chemicals of concern" should be handled. The Council of Great Lakes Industries monitors these issues and arranges for conference calls and meetings to occur with the various members.	President Obama has requested $475m to assist in the restoration of the Great Lakes including non-point invasive species and contaminated sediment Some of the scarier proposed changes being proposed by Canada are: • Require manufacturers to show that new chemicals are safe if released from the wastewater • Amend NAFTA to include a Binational ecosystem • Precautionary approach • Producers to be responsible for the collection and end of life chemicals • Enactment of laws at the state and national level regarding these issues – this could mean that what starts out as a Great Lakes issue could spread throughout the country by a change in DC so even if you or your company is not doing business in the Great Lakes Region you will want to keep an eye on this issue.	EPA should be releasing a list of approved proposals that will focus on 5 priority areas: habitat and wildlife protection, invasive species, near shore health and nonpoint source pollution, toxic substances and areas of concern
Hypoxia in the Gulf	EPA is working on ways to address hypoxia and the dead zones in the Gulf. EPA has pointed a finger at nitrogen and animal nutrients as a major force behind the hypoxia issue.	The following link will take you to a research report done by Dr. James McLaren for the National Corn Growers Association. McLaren states that data does not support the concern that the hypoxia is a permanent condition caused by nitrogen, cattle or other ag related sources. Instead McLaren states there are not huge dead zones but there may be seasonal localized effects. http://www.ncga.com/files/pdf/2009HypoxiaJune16.pdf	
Waters of the US		EPA issued a draft guidance for comments on 5-2-11 http://water.epa.gov/lawsregs/guidance/wetlands/upload/wous_guida	Comments due 7-1-11.

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		nce_4-2011.pdf Definition and interpretation of what constitutes "waters of the US" would impact NPDES permits, water quality standards, TMDLs. EPA estimates cost of implementing guidance to be $87-171 million	Request for extension of comment period has been filed.
Watershed Approach v. TMDL	The National Association of Clean Water Agencies Watershed Task Force is seeking legislation for EPA to do watershed assessments instead of TMDL's. The group claims that 90% of the water today is impaired by nonpoint sources and thus other agencies and other approaches need to be taken to address these contaminants.	MACA is monitoring this issue and working with the FWQC on this issue. The EPA document regarding this can be found at: http://www.epa.gov/owow/tmdl/pdf/tmdl-sw_permits11172008.pdf	Watershed Approach v. TMDL
EPA review of Regulation	EPA is reviewing which regulations should be possibly revised pursuant to an Executive Order	Regulatory review Plan http://www.epa.gov/improvingregulations/index.html FWQC issued comments on this guidance document	EPA has sent a list of regulations to be reviewed to the White House and OMB but have not released the list to the public

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