303(d) State of the States 2024

Checking in on 303(d) Programs

ACWA Watersheds Committee reached out to 303(d) programs nationally through conversations and questionnaires to develop an overview of how things are going within the program.

This is the third "State of the States" effort

Vision 1:	2012 - 2022
Bridge Period:	2022 – 2024
Vision 2:	2022 - 2032

Goals

Planning and Prioritization

Data and Analysis

Protection

Restoration

Partnerships: Integration and Engagement

Focus Areas

Environmental Justice **Climate Change**

Tribal Water Quality and Program Development **Program Capacity Building**

Topics Discussed

Core Questions:

	Priorities	Plan Types	Parameters
Collaboration	CWA Program Integration	Talents & Challenges	Program Needs

Special Topics:

Funding	Narrative Criteria	Stormwater	EJ & Climate

303(d) Programs Embrace Ability to Set Priorities that Make Sense for Their State

Nutrients

TSS / Stormwater

Program Rebuilding

Chloride

Human Health

Protection

Tribal Coordination

Flexible Approaches

Update Existing Plans

Climate

Lakes

Bacteria

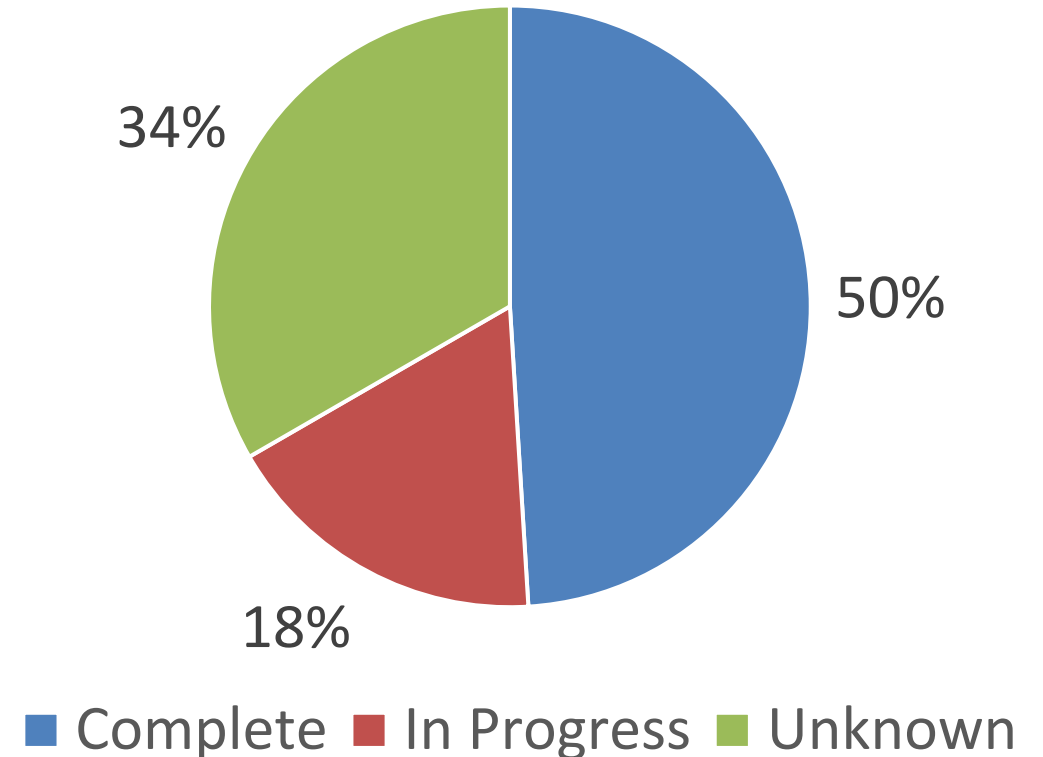Restoration

Environmental Justice
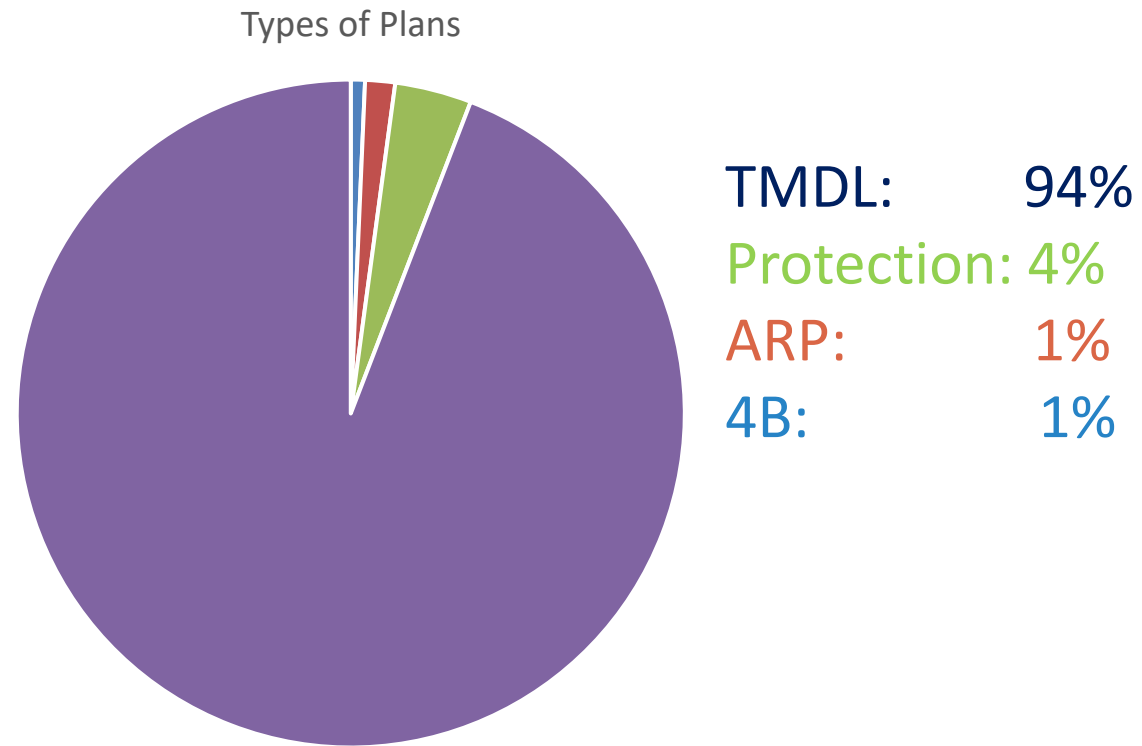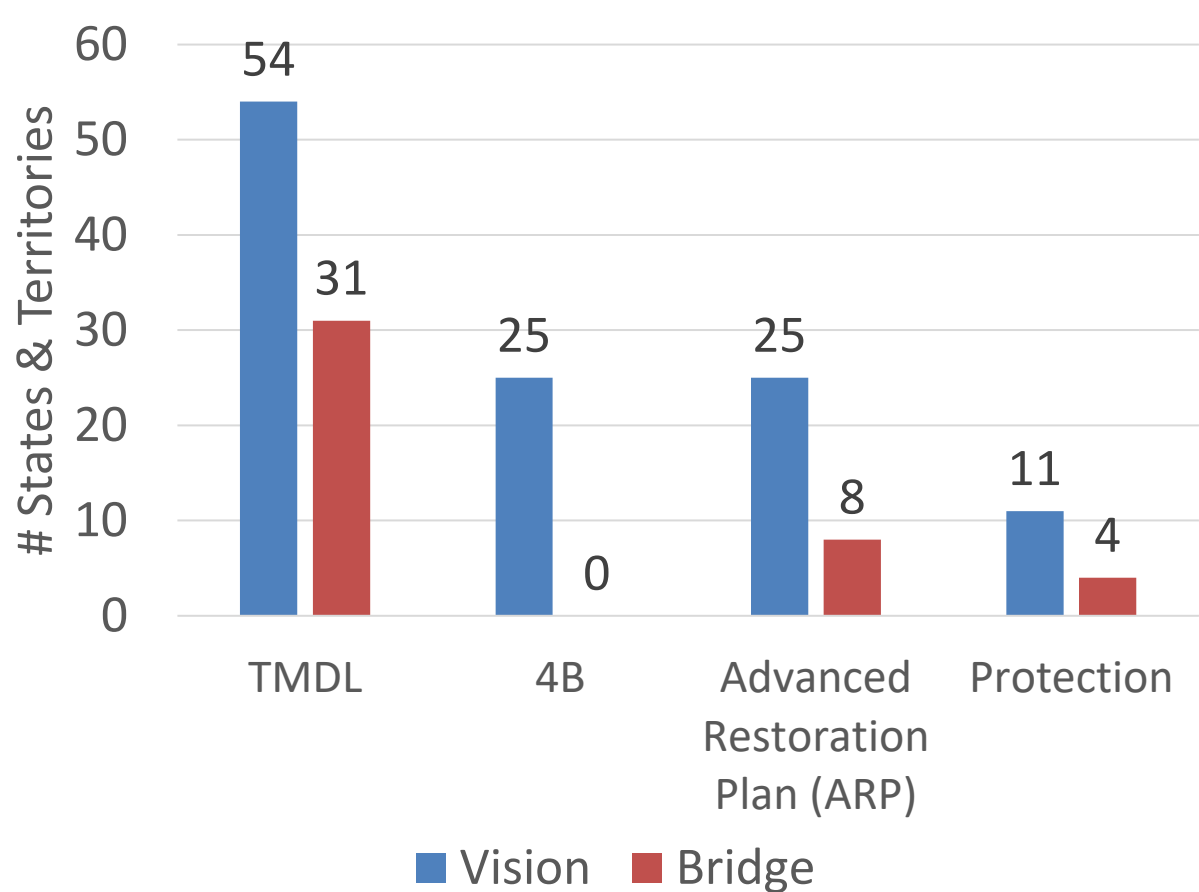
Toxics

Developing Prioritization Frameworks

- Build on previous priorities OR Start Over
- Focus on the Basics
- Improve the Program
- Stretch to consider new focus areas or topics as possible
- Thoughtful and Introspective

State priorities are diversifying over time

2024 Prioritization Frameworks

34%

50%

18%

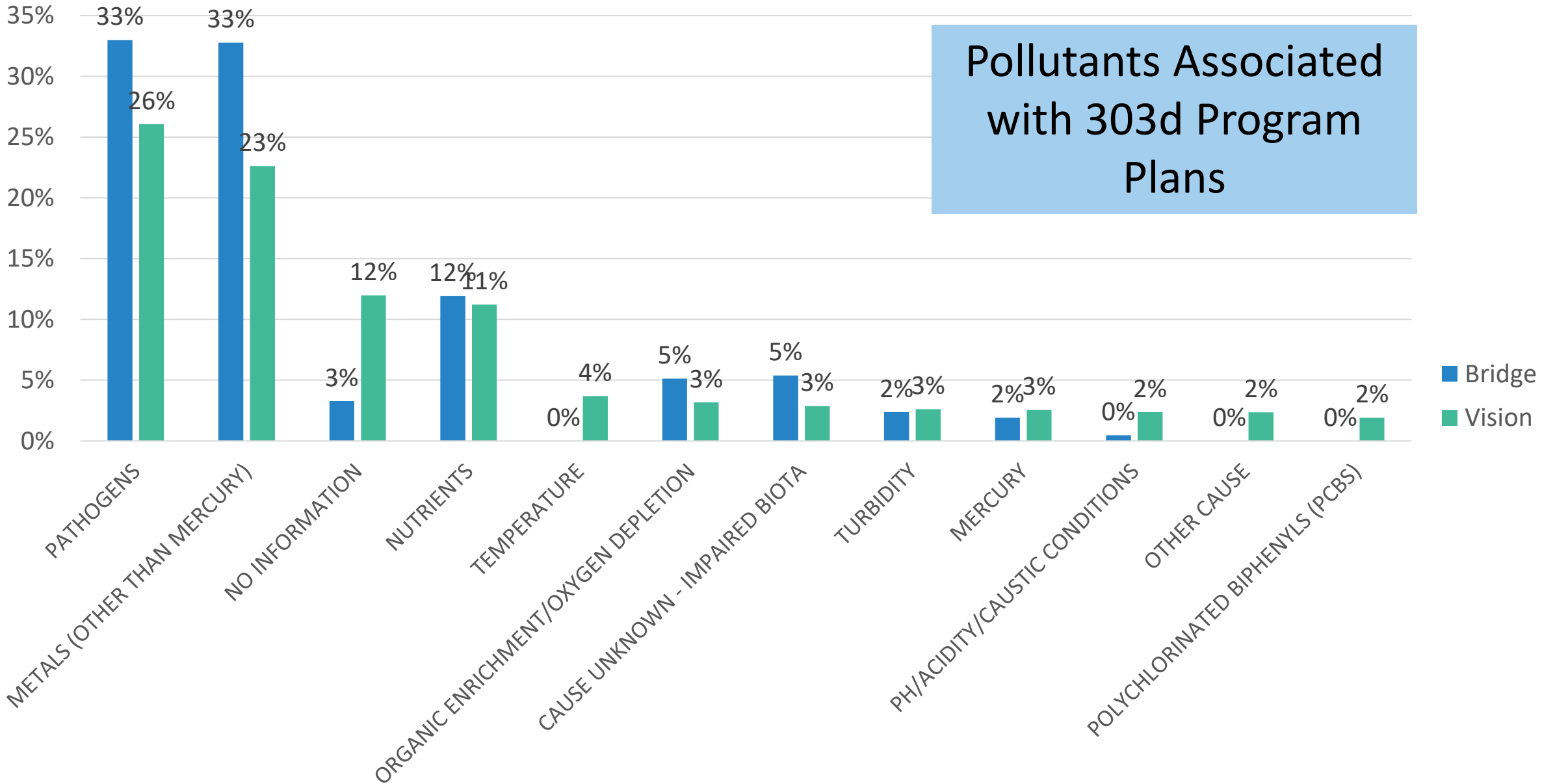■ Complete ■ In Progress ■ Unknown

Plans Approved/Accepted by EPA

Data From ATTAINS: 2012 – July 2024

Pollutants Associated with 303d Program Plans

Collaboration Across CWA Programs

- 303(d) Programs continue to work well across programs

- Facilitated by State staff having multiple program responsibilities or being in close proximity to other states

- Strong connections to NPS, Permitting and Monitoring/Assessment

- Collaboration requires more effort when programs are under different units within the state structure

- Helpful practices include
  - Regular meetings between programs
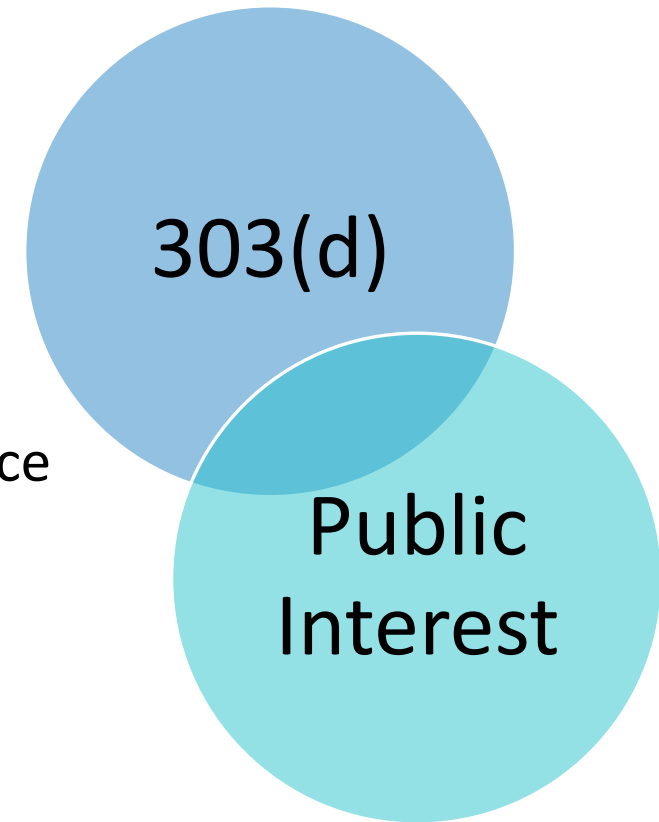 - Setting Up Project Teams that span multiple programs

EPA ACWA Cross Program Workshop is very helpful to find ways to improve collaboration
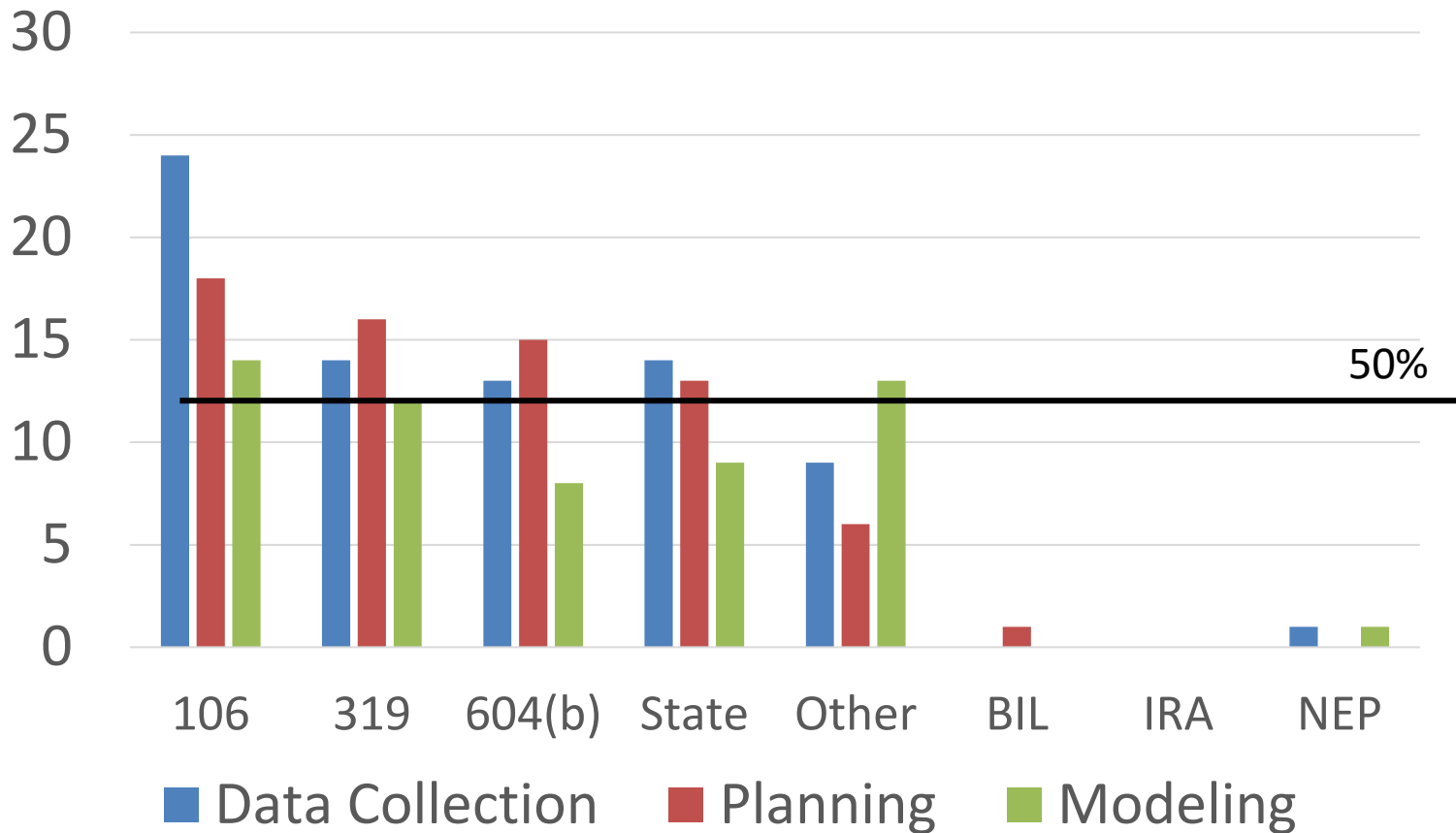
Outreach to Stakeholders

It's all about relationships…… and relationships take time and effort

- Attend community meetings
- Leverage support from other programs that have established relationships, often NPS programs
- New opportunities for engagement through State Environmental Justice Offices
- Build relationships through data collection / Volunteer Monitoring efforts
- Continue to use established communication methods: Websites, Fact Sheets, Meetings
- Take advantage of new interactive communication tools

303(d)

Public Interest

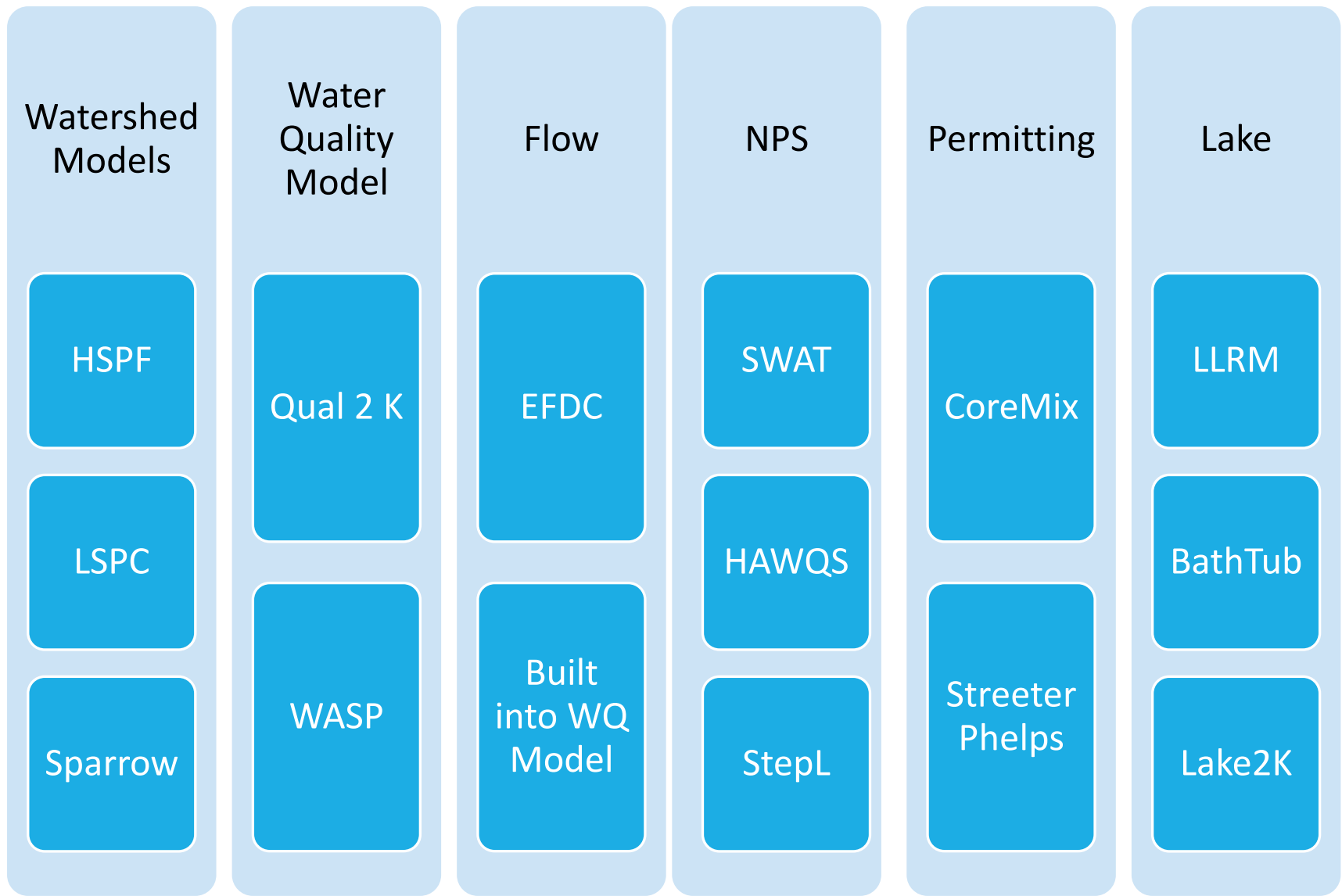# Funding Sources Used for 303(d) Activities

Most states use a combination of funding sources

Examples of Additional Sources:
- Permit fees or data collected through the permitting process
- Other PPG Funds
- State Water Plan
- SRF Source Water Protection Set Aside
- Dept of Energy Grants
- Corrective Action/Enforcement Funds
- Special State Environmental Funds
- Other

ATTAINS & How's My Waterway

- Many States refer the public to How's My Waterway for information on their waterbodies

- States find the updated ATTAINS platform to be useful and helpful.

- Appreciate support from Regional and HQ staff to address challenges

- Most states use the batch upload function to add data

- Legacy data quality issues and errors lead to some states undertaking large data cleaning efforts, which are time consuming

- Common challenges
  - Dealing with split or changed segments
  - How ATTAINS associates parameters with designated uses and impairments
  - Need additional reporting functions, including ways to report out on state comment fields or state developed categories

Common Models Used within 303d Programs

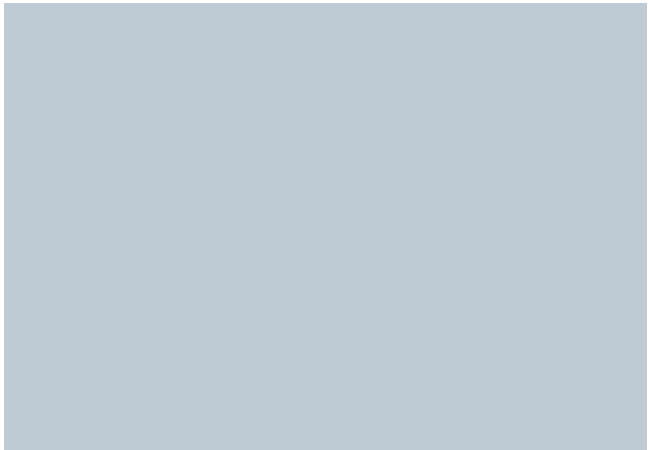| Watershed Models	Water Quality Model	Flow	NPS	Permitting	Lake
HSPF	Qual 2 K	EFDC	SWAT	CoreMix	LLRM
LSPC			HAWQS		BathTub
Sparrow	WASP	Built into WQ Model	StepL	Streeter Phelps	Lake2K

Other Models:

- Basins
- Load duration Curve
- Model My Watershed / GWLF
- Recovery Potential Screening Tool

Using Models within the 303(d) Program

- Few States have dedicated staff to develop complex models
- Contractors are commonly used by most states in some capacity.
  - State staff have to review and present this data to the public, making knowledge of these models useful.
  - Staff may need to run established models to develop TMDL scenarios
- Webinars, and Training Workshops are some of the most common requests.

Using Models within the 303(d) Program

- Challenges
  - Getting enough data to develop and validate model
  - Keeping the model current over time
  - Funding
  - Managing Contracts
- Benefits
  - Some states develop models covering entire state
  - Provides tool for broad usage. Helps staff and citizens become familiar with model and usage
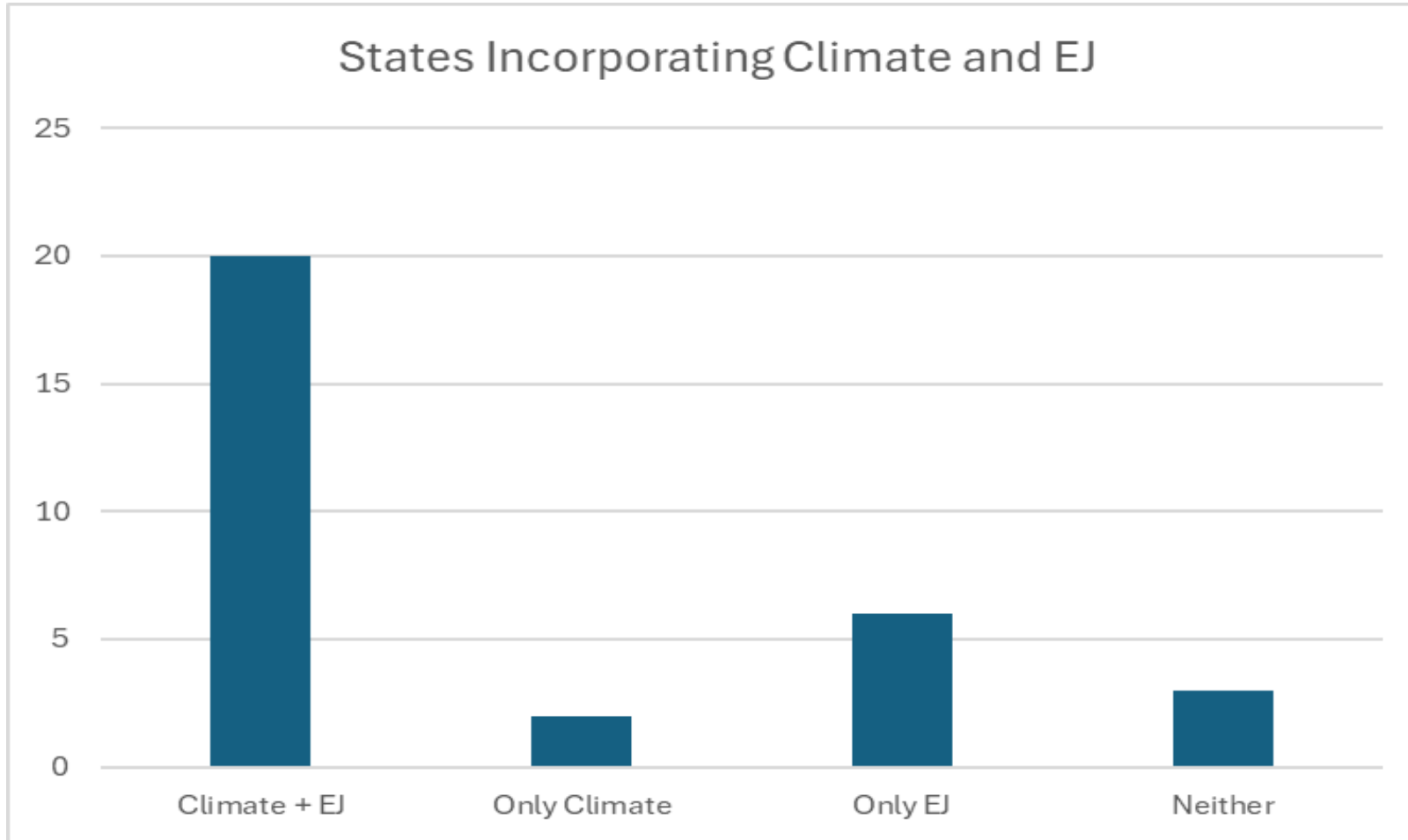
Stormwater

- EPA IR memo encourages addressing stormwater through 303(d)

- Addressing NPS Stormwater through TMDL program is better understood
  - Benefit from the established approaches under the NPS program
  - Doesn't mean that it is easy

- Some states take on regulated stormwater, some do not

Stormwater

- Regulated stormwater is included as part of WLAs. Some separate WLAs from NPDES sources

- Implementing WLA for regulated stormwater
  - How to implement WLA when program is focused on BMPs
  - Few states do establish numeric WLA for regulated stormwater
  - Some states use Advanced Restoration Plans to address stormwater (PCBs, nutrients, bacteria, mercury)
  - States that have had success have staff and tools dedicated to providing assistance to stormwater permittees
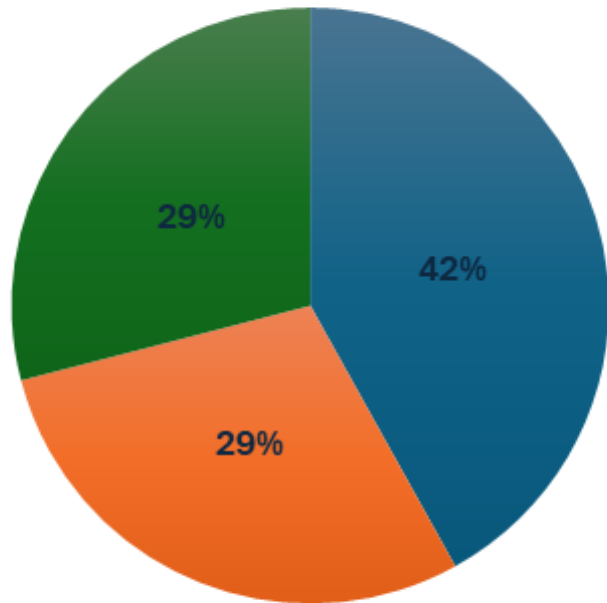
Climate & Environmental Justice

States Incorporating Climate and EJ

(Bar chart)

Category	Value
Climate + EJ	20
Only Climate	2
Only EJ	6
Neither	3

Y-axis scale: 0, 5, 10, 15, 20, 25

Many states are working to incorporate both climate change and environmental justice into their programs.

The level to which they are able depends on a variety of factors.

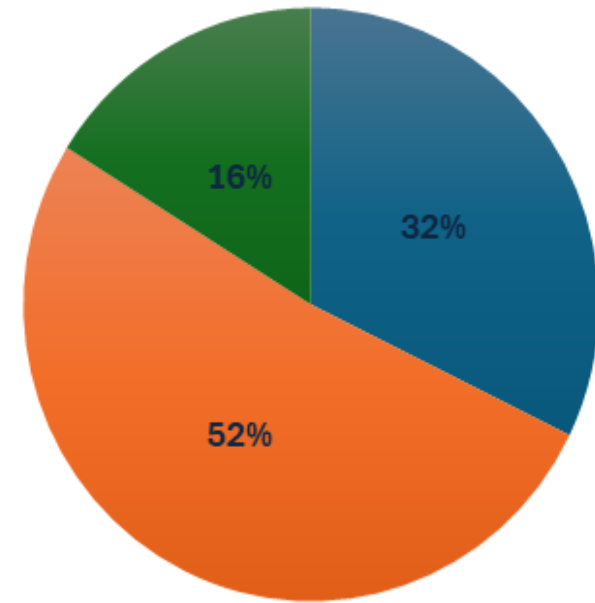**Most wish to do both, but are working to figure out the best avenues**

Climate & Environmental Justice

303 (d) Programs and Climate Change

- CC Incorporated: 42%
- CC in the Works: 29%
- No CC Efforts: 29%

303(d) Programs and EJ

- EJ Program in Place: 32%
- EJ in the Works: 52%
- No EJ Efforts: 16%

303d Approaches for Environmental Justice

Outreach and Planning and key approaches used by 303d Programs to address Environmental Justice

- Seek to engage the community on planning and implementation efforts
- Work with community to identify areas and topics of concern to the community
- Having established or establishing relationships between Agency and Community is critical
- Evaluate program activities with respect to EJ communities

- Check data coverage in EJ areas
- Target EJ areas for plan development
- Map relationships between WQ and EJ
- Recommend implementation in EJ areas first

303d & Climate Considerations

Approaches to consider climate within 303d program activities:

- Water quality and temperature
- Varying flow regimes
- Developing climate scenarios within models
- Focus on public safety and flooding
- Target work in communities affected by climate changes

Addressing Climate is challenging on many fronts.

No common approaches are being used

What States Do Well

- Data collection

- Developing trainings for new staff

- In-house BMPs and SOPs

- Streamlining efforts to be more efficient and effective

- Building relationships and partnerships, within state agencies and with the public

- Innovating, expanding state tools already in place

Challenges

- Funding

- Staff turnover / loss of program knowledge

- Public perception of TMDLs

- Difficult to add additional focus areas into the program when there are challenges implementing baseline requirements

- WOTUS and implementation into CWA programs

- Getting the data to do what we need to do

- Managing competing priorities.

- Modernizing data systems and tools

Training Requests

🏠 WQS & TMDL Academy Courses. Repeat ad expand TMDL Academy and expand to address next level topics

🖥️ Model Trainings / GIS & StoryMap Training

✏️ Permit Writer Trainings & Training on EPA Tools developed for other programs that could help 303d

🖥️ R/Python - Open Source. Training and a way to share across states

💵 Budgeting

🗄️ Web Services / IR Database

Message from Program Practioners

Collaboration with EPA

More State to State Sharing

303d Community

Flexiblity

States benefit from EPA Partnerships with AWCA, ELI & NEIWPCC

Program **Rebuilding**

Data Challenges
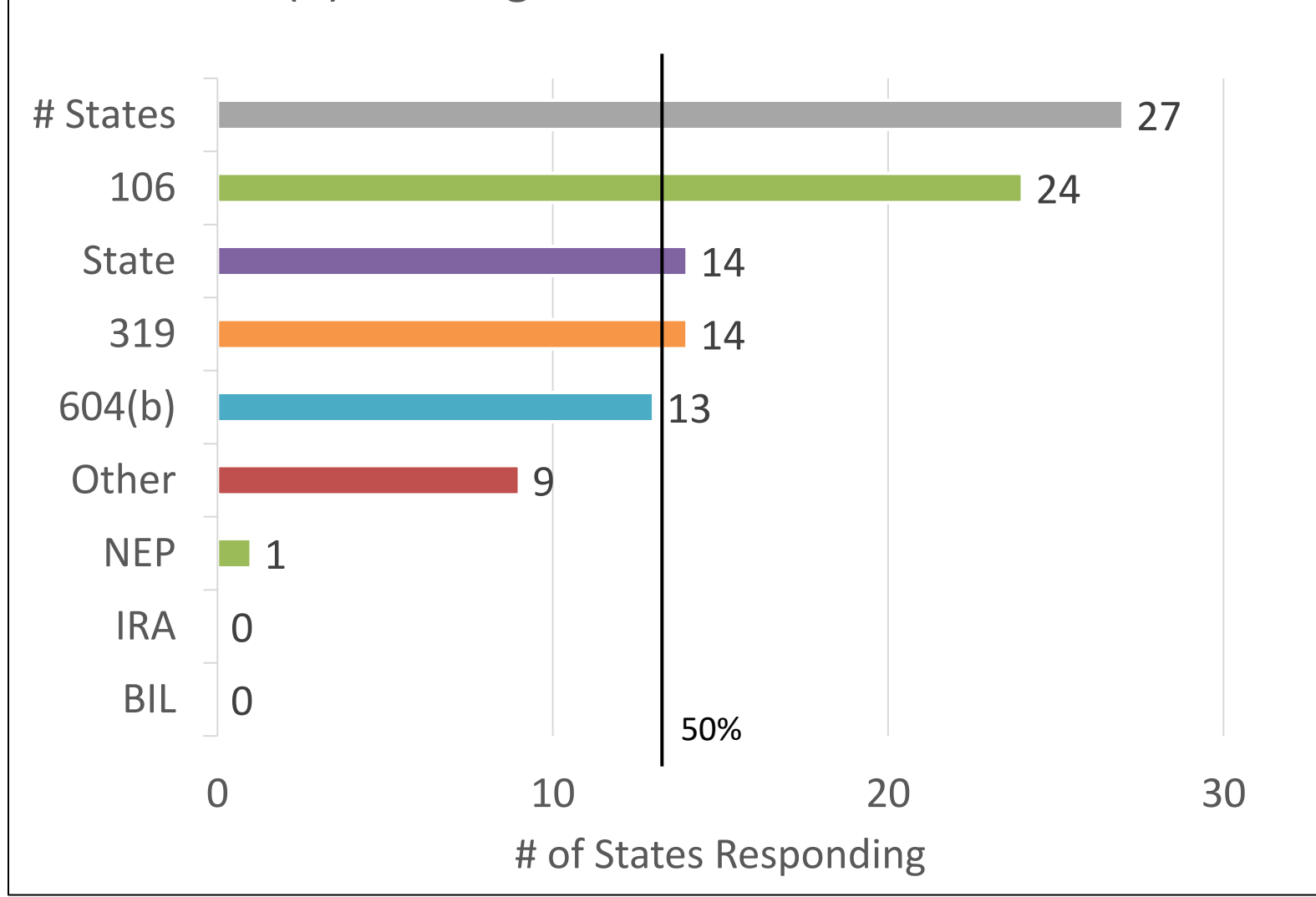
New Tools & Technologies

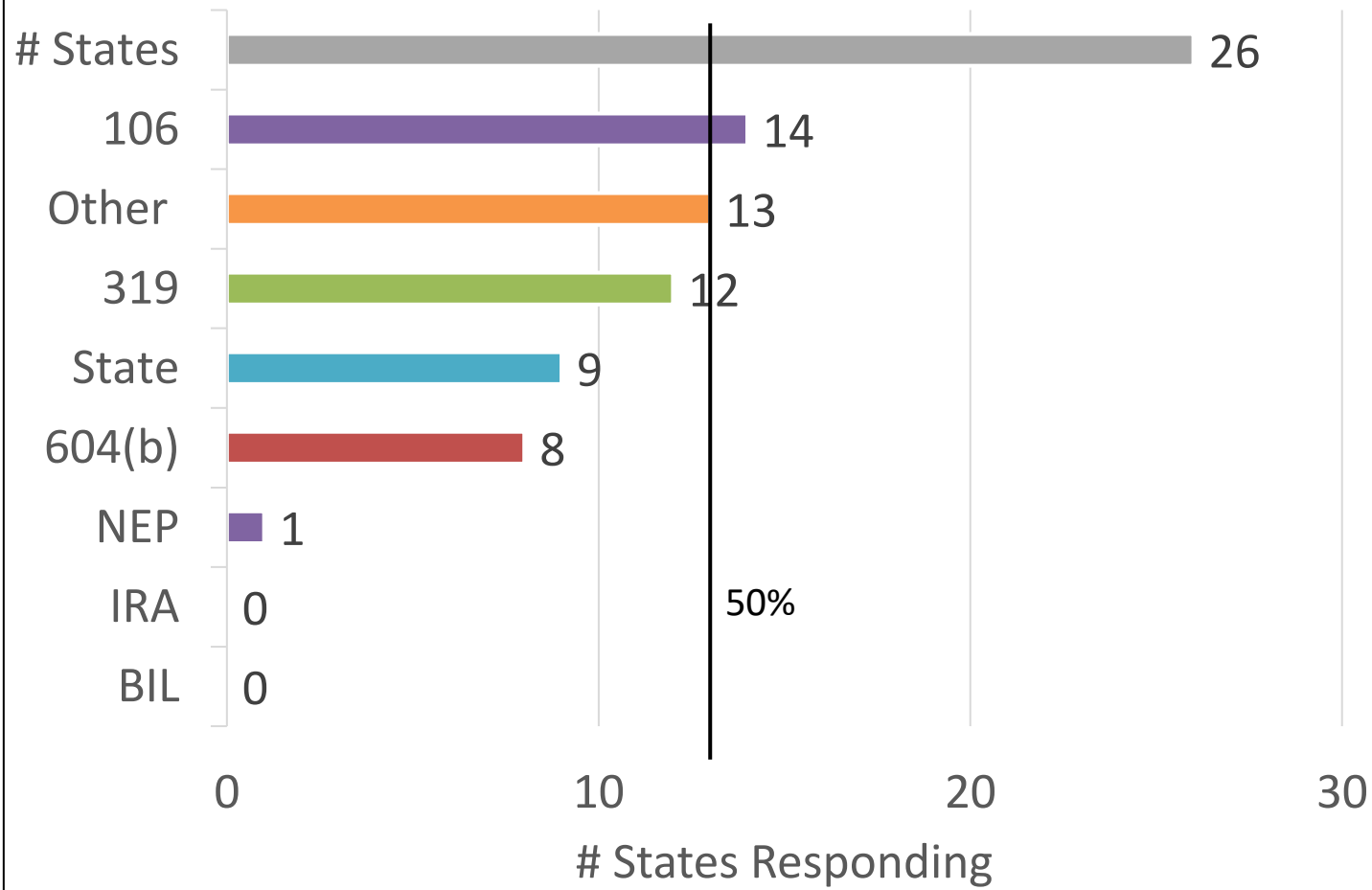# Extra Slides

303(d) Funding Sources for Data Collection

3 States report using only 106 Funds, while 2 states report using only state resources. The remaining States use multiple funding sources (2-6 different sources)

Additional Sources
- Permit fees or data collected through the permitting process
- Other PPG Funds
- State Water Plan
- SRF Source Water Protection Set Aside
- Dept of Energy Grants
- Corrective Action/Enforcement Funds
- Special State Environmental Funds
- Other

303(d) Funding Sources for Modeling

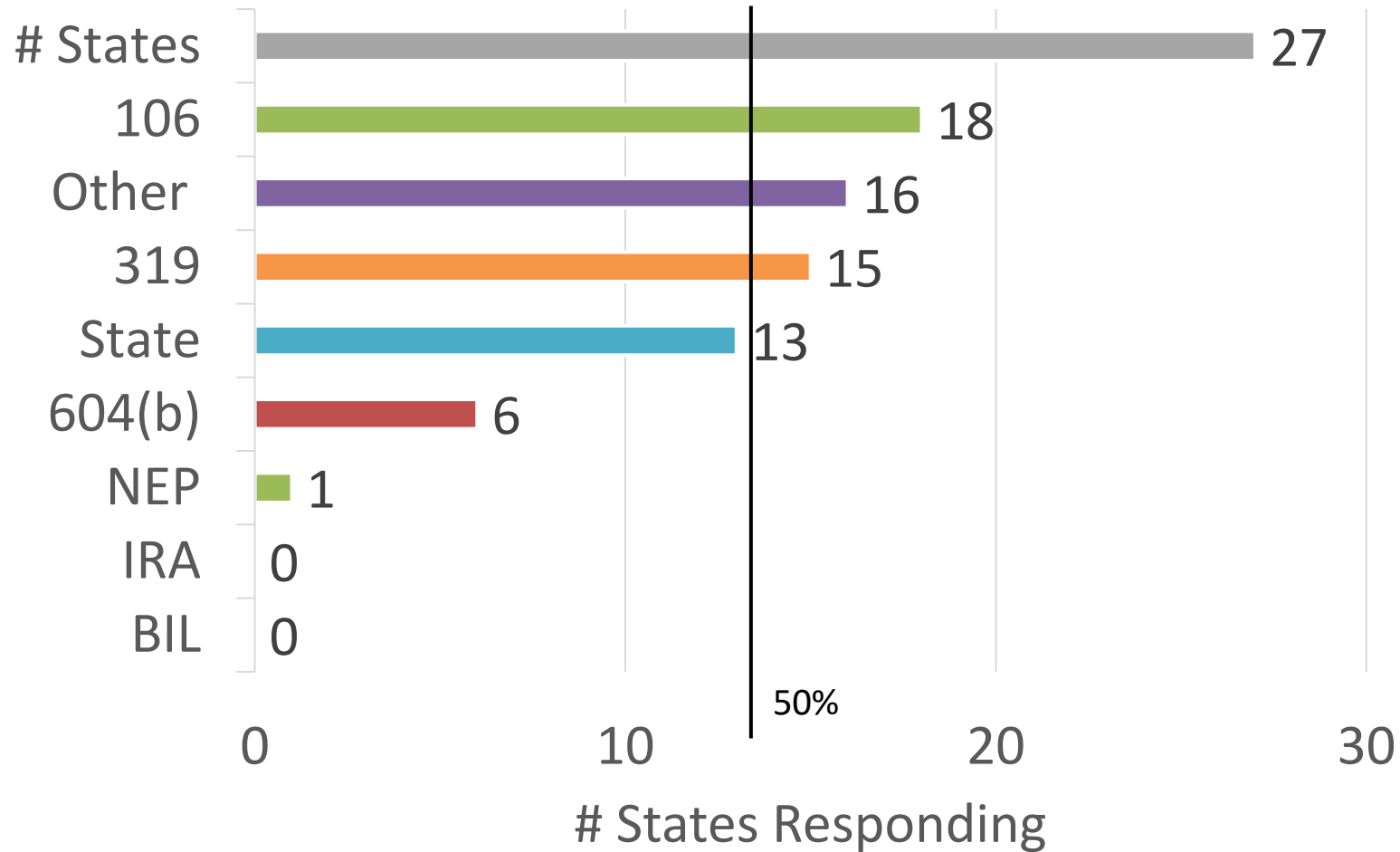| Source	# States Responding
# States	26
106	14
Other	13
319	12
State	9
604(b)	8
NEP	1
IRA	0
BIL	0

50%

States Responding

9 States report using only one source of funding, but it varies from state to state with most sources either coming from the State or federal funds (106, 319 or 604(b)), the remaining States use multiple funding sources (2-6 different sources)

Additional Sources
- Permit fees or data collected through the permitting process
- Other PPG Funds
- State Water Plan
- SRF Source Water Protection Set Aside
- Special State Environmental Funds
- Other

303(d) Funding Sources for Planning Activities

States Responding

3 States report using only one source of funding but it varies from state to state with most sources either coming from the State or federal funds (106 or 319), the remaining States use multiple funding sources (2-6 different sources)

Additional Sources
- Permit fees or data collected through the permitting process
- State Water Plan
- SRF Source Water Protection Set Aside
- Other

303(d) Plan Types