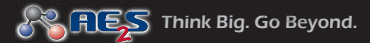


# The Update

January 2009



## **New USEPA Administrator Nomination Announced**

**P**resident-elect, Barack Obama, has selected Lisa Jackson as his intended nomination for the United States Environmental Protection Agency (USEPA) Administrator. Jackson is currently the Chief of Staff to Governor Jon Corzine and is the former Commissioner of Environmental Protection for the State of New Jersey. Her resume includes 16 years at the USEPA in Washington and New York. During her career, Jackson has worked to pass mandatory reductions in greenhouse gases, reform New Jersey's cleanup of contaminated sites, and establish a scientific advisory board to review agency decisions. ■

## **NPDES Voluntary Permit Incentive**

**U**nder the Clean Water Act (CWA) Section 106, the USEPA is authorized to provide programs to prevent, reduce, and eliminate water pollution. The current system allows for an allotment to states based on the extent of the water pollution problem. The CWA law generally prohibits the discharge of pollutants from a point source with the exception of a National Pollutant Discharge Elimination System (NPDES) permit. State water quality programs are funded with federal and state dollars. However, with budget shortfalls, implementing a fee program for these permits could offset some of the costs. The rule would amend the state allotment formula to incorporate financial incentives for states to utilize a fee program when implementing an authorized NPDES permit program.

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**T**he State of Minnesota is working on a Water Quality Standards revision to incorporate a Tiered Aquatic Life Use (TALU) framework for rivers and streams. This revision is significant to the Water Quality Standards of the State's aquatic life use classification if approved. The revision would allow the ability to identify stressors and develop effective ways to improve and maintain the quality of Minnesota waters. The Clean Water Act (CWA) requires states to

## **Tiered Aquatic Life Use Revision to Minnesota Water Quality Standards**

assign beneficial uses to waterbodies and to establish water quality standards to protect those uses. Most surface waters in Minnesota are protected for aquatic life and recreation, which means they must be "fishable and swimmable". The current system of beneficial uses and water quality standards has been sufficient in the past; however, advances in the fields of biological assessment and stream ecology have led to the realization that all waters are not the same and that there is a variance of the waterbody types. Within rivers and streams, for example, factors like waterbody size, location, hydrology, water temperature, and stream gradient influence chemical, physical, and biological makeup.

The primary goal of TALU is to set biological and chemical goals that are protective, yet attainable. The TALU framework complies with CWA requirements, which allow for the establishment of subcategories of the uses and meet the increasingly complex challenges of protecting Minnesota's water, as long as existing uses are protected. At the same time, it allows the Minnesota Pollution Control Agency (MPCA) to utilize the latest scientific knowledge to develop appropriate standards, uses, and resources.

TALU framework relies on biological, physical, and chemical monitoring to recognize probable water quality issues that are usually followed up with additional sampling to spot stressors in the watershed. The TALU framework takes into account natural variation through proper water body classification and relies on a satisfactory bioassessment program to measure aquatic life directly. Physical and chemical measures are used in their proper role as an indicator of potential stress. The bioassessment monitoring framework included in TALU is combined with numeric biological standards, which offer a direct measure of the beneficial use that is being protected. The TALU framework also produces a systematic procedure with a monitoring and assessment program to obtain and evaluate data. The reported outcome is the identification of effective standards that result in the protection of designated uses.

The process of developing a plan of action to facilitate the transition into a TALU framework has been initiated by the MPCA. Through this implementation plan, the MPCA is interested in receiving feedback from stakeholders to examine how

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## (NPDES Permits from first page)

The USEPA will allot the state agencies grant funds if the fee collection is greater than the previous year fiscal year level. More information can be found at <http://www.epa.gov/owm/cwfinance/npdes-permit-fee.htm>. ■

## USEPA Treatment Guidance Manual Released

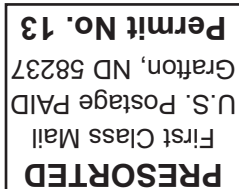
The USEPA has released a guidance manual to provide States, tribes, and other primacy agencies an overview of treatment techniques required by the Ground Water Rule. It includes correcting significant deficiencies, eliminating the source of the contamination, providing customers an alternative source for potable water, and installing corrective treatment to address water deficiencies. The manual can be found at <http://www.epa.gov/safewater/disinfection/gwr/compliancehelp.html>. ■

## (Tiered Aquatic Life Use from first page)

the proposed TALU framework will impact other programs within and outside of the MPCA. In addition, the MPCA is continuing to develop the technical elements that will shape the foundation of the TALU framework. The MPCA will launch the TALU framework into rule once the implementation plan and technical elements are finished. It is anticipated that rule finalization will occur during the 2010-2012 timeframe.

Five initial meetings were held at MPCA offices in January to provide stakeholders an introduction to TALU and offer a forum for input into the implementation of TALU. Additional meetings to be held later this winter are being planned for specific stakeholder groups. The additional meetings will be discussed at the five state-wide meetings. For more information on these meetings and about the Tiered Aquatic Life framework please visit the Minnesota Pollution Control Agency website at <http://www.pca.state.mn.us/water/talu.html>. ■

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