

WATER QUALITY

**Some of the regulatory summaries referenced from U.S. Northern Review publication.

STATE

FINAL:

2016 TRIENNIAL REVIEW OF WATER QUALITY STANDARDS The Maryland Department of the Environment (MDE) has [released](#) the 2016 Triennial Review of Water Quality Standards. The federal Clean Water Act (CWA) requires states to review their water quality standards every three years and revise the standards as necessary. MDE is soliciting stakeholder input on proposed amendments concerning designated uses, water quality criteria, and antidegradation. Based on comments received, MDE plans to formally propose new and/or revised regulations by fall 2016.

FEDERAL

FINAL:

DRINKING WATER ALTERNATIVE TEST METHODS USEPA has issued a final rule approving alternative test methods for use in measuring contaminant levels to determine compliance with national primary drinking water regulations ([81 FR 46839](#)). The final rule makes 16 additional methods available for analyzing drinking water samples. The final rule became effective on 19 JUL 16.

FRESH WATER QUALITY CRITERIA FOR SELENIUM USEPA has released the final updated CWA Section 304(a) recommended national chronic aquatic life criterion for selenium in fresh water ([81 FR 45285](#)). The criterion supersedes the agency's 1999 recommended national acute and chronic aquatic life criteria for selenium.

ESTUARINE/MARINE WATER QUALITY CRITERIA FOR COPPER USEPA has issued an update to the aquatic life ambient water quality criteria for copper in estuarine/marine waters ([81 FR 49982](#)). The updated recommended criteria will be used in the development of water quality standards to protect aquatic life in and around coastal harbors and marinas, where antifouling paints and coatings on vessels and marine structures represent one of the most commonly identified sources of copper to the estuarine/marine environment.

PROPOSED:

Federal Flood Risk Management Standard (FFRMS) Federal Emergency Management Agency (FEMA) announced a proposed rulemaking revising 44 CFR part 9, *Floodplain Management and Protection of Wetlands*, to implement the Federal Flood Risk Management Standard (FFRMS) ([81 FR 57402](#)). Major changes include: changes to the definition of a floodplain, distinction between FEMA Federally Funded projects and other FEMA actions in Step 1 of the 8 Step Process, and the incorporation of nature based approaches in the development of alternatives for actions proposed in a floodplain. FEMA is also proposing a supplementary policy (FEMA Policy: 078-3) that would further clarify how FEMA applies the FFRMS to establish the floodplain for FEMA Federally Funded Projects. This includes actions involving the use of FEMA funds for new construction, substantial improvement, or to address substantial damage to structures or facilities. The policy would select the use of the FFRMS-Freeboard Value Approach (FVA) to establish the elevation and FFRMS floodplain for FEMA Federally Funded Projects that are **non-critical** actions. This **would require the addition of a freeboard of two feet to the current base flood elevation (BFE)**. For FEMA Federally Funded Projects that are **critical** actions, the policy would select the use of the FFRMS-FVA to establish the minimum FFRMS elevation and floodplain. This **would require the addition of a freeboard of three feet to the current BFE** to establish the vertical flood elevation and corresponding FFRMS-FVA floodplain. The policy would also allow the optional use of the FFRMS-Climate-Informed Science Approach (CISA) to establish the elevation and FFRMS floodplain for critical actions, but only if the elevation established under the FFRMS-CISA is higher than the elevation established under the FFRMS-Freeboard Value Approach. AASHTO is currently working with State DOTs to develop a Comment Letter for submittal by the October 21, 2016 docket deadline.

NATIONAL HANDBOOK OF CONSERVATION PRACTICES. The Natural Resources Conservation Service (NRCS) has proposed to issue a series of revised conservation practice standards in the National Handbook of Conservation

WATER QUALITY

Practices ([81 FR 56579](#)). Standards being revised include: (1) Compost Facility (Code 317); (2) Constructed Wetland (Code 656); (3) Critical Area Planting (Code 342); (4) Drainage Water Management (Code 554); and (5) Stream Habitat Improvement (Code 395). NRCS state conservationists who choose to adopt the standards for use within their states will incorporate them into section IV of their respective electronic Field Office Technical Guide. The standards may be used in conservation systems that treat highly erodible land (HEL) or on land determined to be a wetland.

OTHER:

GUIDE FOR CONSIDERING CLIMATE CHANGE IN COASTAL CONSERVATION The National Oceanic and Atmospheric Administration (NOAA) released a [new guide](#) providing a step-by-step approach for incorporating climate change information into new or existing conservation plans. The guide's six steps draw from existing strategic conservation planning frameworks but focus on climate considerations and key resources specifically relevant to the coastal environment, including coastal watersheds.

WATER QUALITY

ARCHIVED

STATE

FINAL:

SB 141 (HB 602) AUTHORIZATION FOR ANNE ARUNDEL COUNTY TO EXPAND WATER OR WASTEWATER SERVICES

SB 141 (Public Act: 353) authorizes Anne Arundel County to establish, modify, or abolish special taxing districts for the purpose of providing or expanding water or wastewater services. A notice of the bill's introduction was published in the February 2016 Northern Review. The bill was signed by the governor on 10 MAY 16 and becomes effective on 1 JUL 16.

PCB TMDL FOR BUSH RIVER WATERSHED IN HARFORD COUNTY MDE has released the total maximum daily load (TMDL) of polychlorinated biphenyls in the Bush River, Oligohaline Chesapeake Bay Tidal Segment, Harford County, Maryland. MDE has identified the waters of the Bush River on the state's 2014 Integrated Report as impaired by nitrogen, phosphorus, and PCBs in fish tissue. Once final, the TMDL will be submitted to USEPA for review and approval. The approved TMDL will support measures needed to attain water quality standards in the Bush River watershed. The comment period closed on 10 MAR 2016.

PROPOSED:

REDUCTION OF FEES ASSESSED BY BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS The Maryland Department of the Environment (MDE) has proposed amendments to Regulation .07 under COMAR 26.06.01, Payment of Fees. The amendments reduce the fees assessed by the Maryland Board of Waterworks and Waste Systems Operators for items and services provided.

ADOPTION OF FEDERAL REVISED TOTAL COLIFORM RULE MDE proposed amendments to COMAR 26.04.01, Quality of Drinking Water in Maryland. The amendments incorporate federal regulations under the Safe Drinking Water Act (SDWA) for the Revised Total Coliform Rule (RTCR), and adopt a minor revision to the Stage 2 Disinfection Byproduct Rule monitoring requirements.

FEDERAL

FINAL:

FOREST ROAD STORMWATER PERMITTING USEPA issued a decision that no additional regulations are needed to address stormwater discharges from forest roads under the federal Clean Water Act (CWA). The determination recognizes the success and continual improvement of state best management practices programs, which are proven to be effective in protecting water quality. Click [here](#) to read more by the National Association of State Foresters.

STORMWATER MANAGEMENT IN RESPONSE TO CLIMATE CHANGE IMPACTS: LESSONS FROM CHESAPEAKE BAY AND GREAT LAKES REGIONS USEPA announced the availability of the final report, [Stormwater Management in Response to Climate Change Impacts: Lessons from the Chesapeake Bay and Great Lakes Regions'](#) (81 FR 31633), which describes insights from USEPA and National Oceanic and Atmospheric Administration (NOAA) sponsored workshops with communities in the Chesapeake Bay and Great Lakes regions to address climate change in stormwater adaptation efforts.

NATIONAL RIVERS AND STREAMS ASSESSMENT USEPA released its final report on the National Rivers and Streams Assessment (NRSA) 2008/2009 ([81 FR 15100](#)). The NRSA describes the results of the nationwide

WATER QUALITY

probabilistic survey conducted in the summers of 2008 and 2009 by USEPA and its state, tribal, and federal partners. For more information, click [here](#).

OBAMA VETOES RESOLUTION SEEKING TO OVERTURN CLEAN WATER RULE President Obama vetoed a congressional resolution that would have overturned the USEPA/USACE Clean Water Rule (definition of Waters of the United States).

PUBLIC-PRIVATE INNOVATION STRATEGY TO BUILD A SUSTAINABLE WATER FUTURE The Obama Administration announced a public-private water innovation strategy which includes a two-part approach to address the impacts of climate change on the use and supply of the nation's water resources and calls help significantly scale up research and investment in water efficiency solutions. The administration released a new report that lays out the water innovation strategy in greater detail and proposes strategies for addressing challenges in the decades ahead; and launched a new Center for Natural Resources Investment at the U.S. Department of the Interior (DOI).

EMERGING REGULATIONS TO ADDRESS POTENTIAL HAZARDOUS SUBSTANCES RELEASES On 16 FEB 16, USEPA entered into a consent decree that requires it to issue proposed regulations "establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of hazardous-substances from onshore facilities, and to contain such discharges" under authority of the Clean Water Act (CWA). Regulations required under the consent decree will likely affect entities that handle, store, transport, or process hazardous substances.

DRINKING WATER CONTAMINANT CANDIDATE LIST - USEPA CONSIDERING WHETHER TO REGULATE STRONTIUM USEPA issued final regulatory determinations not to issue national primary drinking water regulations for four contaminants (dimethoate; 1,3-dinitrobenzene; terbufos; and terbufos sulfone) of the 116 contaminants listed on the Third Contaminant Candidate List (81 FR 13). USEPA is considering whether to begin the process to propose and promulgate a national primary drinking water regulation for the unregulated contaminant strontium.

PROPOSED:

NPDES APPLICATIONS AND PROGRAM UPDATES USEPA extended the public comment period to 2 Aug 16 for its May 2016 proposal to update and streamline its existing NPDES regulations (81 FR 41507). The amendments cover 15 topics in the major categories of permit applications, water quality-based permitting, permit objection, documentation and process efficiencies, vessels exclusion, and CWA Section 401 certification process. For more information, click [here](#).

2016 EFFLUENT GUIDELINES PROGRAM PLAN USEPA released the Preliminary 2016 Effluent Guidelines Program Plan for public comment (81 FR 41535). The plan identifies new or existing industrial categories selected for effluent guidelines or pretreatment standards and provides a schedule for their development. The 2016 plan builds upon the 2015 Annual Effluent Guidelines Review Report. For more information, click [here](#). A fact sheet is available [here](#).

2017 CONSTRUCTION GENERAL PERMIT USEPA issued the draft 2017 NPDES general permit for stormwater discharges from construction activities, also referred to as the 2017 Construction General Permit (81 FR 21328) to provide permit coverage to eligible operators in all areas of the country where EPA is the NPDES permitting authority. For more information, click [here](#).

PROTECTING AQUATIC LIFE FROM EFFECTS OF HYDROLOGIC ALTERATION USEPA and the U.S. Geological Survey (USGS) issued a Notice of Availability of the draft technical report, Protecting Aquatic Life from Effects of Hydrologic Alteration (81 FR 10620). The report explores how hydrologic alteration can be a contributor to impairment of water bodies designated to support aquatic life. The report is a non-prescriptive framework with information to help states, tribes, territories, water resource managers, and other stakeholders responsible for the maintenance of hydrologic flow regime to quantify flow targets for the preservation of aquatic life and habitat.

WATER QUALITY

NPDES MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT REMAND USEPA issued a proposed rule to change the regulations governing small MS4 permits in response to a remand from the U.S. Court of Appeals for the Ninth Circuit (81 FR 415). The proposed rule revises the small MS4 regulations to ensure that the permitting authority determines the adequacy of BMPs and other requirements and provides public notice and the opportunity to request a public hearing on the requirements for each MS4. The proposal does not establish any new substantive requirements for small MS4s.

PESTICIDE GENERAL PERMIT All 10 USEPA regions have proposed the draft 2016 NPDES Pesticide General Permit (PGP) (81 FR 4289). The draft PGP covers point source discharges from the application of pesticides to waters of the United States. Once finalized, the draft 2016 PGP will replace the existing permit that expires 31 OCT 2016.

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN USEPA has issued a proposed rule to revise the National Oil and Hazardous Substances Pollution Contingency Plan (81 FR 3982).

OTHER

PERCHLORATE IN DRINKING WATER: PEER REVIEWERS USEPA has expanded the scope of its March 2016 request for nominations for peer reviewers for perchlorate in drinking water (81 FR 35760). Requested nominations are for an external peer review of the draft biologically based dose-response model and the draft model support document for perchlorate in drinking water.

LIFETIME HEALTH ADVISORIES FOR PFOA AND PFOS IN DRINKING WATER USEPA issued lifetime health advisories for PFOA and PFOS in drinking water (81 FR 33250). The advisories replace the 2009 provisional advisories, lowering the allowable concentration in drinking water from 400 to 70 parts per trillion (ppt) for PFOA, and from 200 to 70 ppt for PFOS. The advisory sets the combined limit to 70 ppt. The advisories are intended to provide information to states, agencies, and public health officials on health effects, analytical methodologies, and treatment technologies for PFOA and PFOS. To view a fact sheet on the new health advisories, click [here](#). To read more, click [here](#).

AQUATIC LIFE WATER QUALITY STANDARDS: CADMIUM USEPA released updated recommended aquatic life water quality criteria for cadmium (81 FR 19176). The criteria provide recommendations to states and tribes authorized to establish water quality standards under CWA. In adopting water quality standards, states set exposure protections for aquatic life. Cadmium enters the environment by natural and human processes; however, human sources, such as mining and urban processes, are responsible for contributing approximately 90 percent of the cadmium found in surface waters.

MUSTS FOR USTS USEPA's [Musts for USTs booklet](#) has been updated to reflect the 2015 revisions to the underground storage tank (UST) regulations. For more information, click [here](#).

DRINKING WATER MAPPING TOOL USEPA [released](#) an online tool, the Drinking Water Mapping Application to Protect Source Waters, referred to as [DWMAPS](#). The online mapping tool can be used to provide information to drinking water professionals, source water collaboratives, watershed groups, and others to update source water assessments and prioritize source water protection measures in any location or watershed in the country.

FY 2017 - 2019 NATIONAL ENFORCEMENT INITIATIVES USEPA has released its [national enforcement initiatives](#) (NEIs) for fiscal years (FY) 2017 through 2019. Every three years, USEPA selects NEIs to focus resources on national environmental problems where there is significant non-compliance with laws, and where federal enforcement efforts can make a difference.

USEPA CLIMATE CHANGE ACCOMPLISHMENTS USEPA released its [2015 Highlights of Progress: Responses to Climate Change](#) report. The report summarizes the major climate change-related USEPA accomplishments of its national and regional water programs during 2015. The report also highlights major research projects addressing climate change and water that were completed in 2015 by the USEPA Office of Research and Development. The highlights were broken down across six vision areas: Water Infrastructure, Watersheds and Wetlands, Coastal and Ocean Waters, Water Quality, Working with Tribes, and Cross-cutting Program Support.