

Ecology's Thoughts on Development of Implementation Tools

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WHAT ARE IMPLEMENTATION TOOLS?

- Implementation tools are administrative mechanisms to implement Clean Water Act criteria.
- Implementation tools are regulatory tools contained in the water quality standards (WQS) that provide a compliance pathway while activities to meet WQS are ongoing.

WHY DO WE NEED REVISED AND NEW IMPLEMENTATION TOOLS?

- Ecology recognizes the need to modernize the compliance and implementation tools available for dischargers to effectively address increasingly smaller concentration limits for contaminants.
- New human health criteria may result in revised discharge permit limits for industries and municipalities. They may be challenging to achieve in the short term because technology has not yet caught up with the science.

WHAT PROCESS ARE WE USING TO REVISE IMPLEMENTATION TOOLS?

- Recognizing the potential for revised discharge permit limits and the need to modernize available implementation tools for dischargers, Ecology initiated a concurrent rule process to create advanced regulatory tools for regulated permit dischargers.
- This process will allow them to remain in compliance as they effectively work toward improving technology that will meet new permit limits and control sources of pollutants.

WHAT ARE SOME LIMITATIONS OF THE IMPLEMENTATION TOOLS WE USE NOW?

- Current tools are limited to 5 and 10-year time frames.
- Some permitting situations may result in permit-required control activities requiring more than 10 years to attain compliance with WQS (e.g., nutrient controls, temperature and toxics controls).
- Ecology needs tools to address situations where permittees are actively working on toxic reduction but technology and other factors limit the ability of the permittee to meet criteria in 10 years.

- Revised Implementation Tools may focus on the following:
 - variances,
 - compliance schedules, and
 - intake credits

WHAT IS ECOLOGY LOOKING FOR IN NEW IMPLEMENTATION TOOLS?

New and revised tools:

- Are legally defensible.
- Will result in measurable toxic reduction.
- Will result in facility being able to stay in compliance while they work on toxic reduction activities.
- Are able to be issued and administered in a timely way without over-burdensome administrative costs.
- Have opportunities to include new science.

Other Thoughts? Questions?