

ACTIVITY	PROJECTED	SCHEDULE DESCRIPTION	ACWA STAFF
Rulemakings			
Office of Wastewater Management (OWM)			
NPDES CAFO Reporting Rule	Propose: Oct 2011 ACWA Comments: Jan. 2012 Proposed Rule Withdrawn: July 2012	In response to settlement of 2008 CAFO rule issues with environmental plaintiffs. Settlement agreement listed 14 items of information that EPA should request all CAFOs to submit. EPA proposed the rule in Oct. 2011 and reduced the request to 5 items. EPA is continuing to review comments and has not yet decided if/when they will move forward. The proposed rule was <u>ultimately withdrawn in July 2012.</u>	Sean Rolland
SSO Rule	Met with stakeholders in July 2011 No date set for making revisions	EPA is considering revising its NPDES permitting process to address SSOs and expand permitting to cover municipal satellite collection systems. EPA held a workshop in July 2011 to allow stakeholders to discuss issues in greater detail. At this point, it appears an SSO rule is unlikely given the new focus on <u>integrated permitting.</u>	Alexandra Dunn
Stormwater Rule	Propose: June 2013 Finale: Dec. 2014 (originally, EPA was supposed to propose by Dec. 2011 & promulgated by Apr. 2012)	Revision to NPDES Stormwater regulations to address post-construction discharges, informed by recommendations from the National Research Council stormwater study. This rule is part of EPA's legal settlement with the Chesapeake Bay Foundation. The rule proposal has been delayed. A Report to Congress under Section 401(p)(5) is anticipated before proposal.	Sean Rolland
NPDES Application and Regulation Update Rule	Propose: Spring-Summer 2012 Final: Fall/Winter 2012	Revisions to update the NPDES regulations in order to eliminate inconsistencies between regulations and application forms, improve permit documentation and transparency and provide clarifications to the existing <u>regulations.</u>	Sean Rolland
NPDES Offsets - Modifications to CFR 122.4(i)	Propose: Sept. 2012	EPA will define and set conditions regarding the appropriate use of offsets to meet water-quality based effluent limitations and protect water quality <u>standards.</u>	Sean Rolland
CAFO Regulation Revision Updates Rule	Propose: June 2012 Final: Spring 2014	Previously described as the Chesapeake Bay CAFO Rule. The regional (Chesapeake Bay) component will still focus on creating more stringent permits and next generation NMPs. The national focus areas will include expanding the universe by refining the "designation" process and possibly the criteria. EPA may also consider addressing manure transfer, although <u>implementation would be phased in over several years.</u>	Sean Rolland
Sufficiently Sensitive Methods Rule	Propose: June 23, 2010 Final: Winter 2011 (Date to finalize has been further delayed) Sent to OMB: Aug. 2011	Revisions to NPDES regulations to clarify that only sufficiently sensitive analytical test methods are appropriate for use when completing an NPDES permit application and permit monitoring.	Sara Vinson
Pesticide General Permit	Final: Oct. 31, 2011	Effort to permit a new type of dischargers in the NPDES program is in <u>response to 6th Circuit ruling in <i>National Cotton Council v. EPA</i></u>	Sean Rolland
Construction General Permit	Propose: Apr. 2011 Final: Feb. 2012	The revised CGP will incorporate the new Construction and Development Effluent Guideline. Proposed CGP includes monitoring and reporting requirements and refers to turbidity limit in C&D Guideline. If the C&D turbidity limit is revised in time, the final CGP will include the final turbidity <u>limit.</u>	Sean Rolland
Vessel General Permit	Propose: Dec. 2011 ACWA Comments: Mar. 2012 Final: Nov/Dec. 2012	The revised VGP will reflect lessons learned during development of the first VGP. EPA signed a settlement agreement agreeing to propose the next draft VGP by November 30, 2011. The Agency will be seeking 401 certification from the States promptly after proposal, and plans to give States six months to provide their certifications. EPA is also contemplating possible approaches for permitting small vessels currently covered by an NPDES permitting moratorium, which is set to expire on December 18, 2013.	Susan Kirsch
5th Circuit CAFO Updates Rule	Direct to Final: TBD (Originally was to be proposed Feb. 2012)	This rulemaking will correct existing CAFO application requirements in response to the 5th Circuit's decision in <i>National Pork Producers, et al. v. EPA</i> . EPA will basically redline out the text that the court indicated should be removed. This will allow for the "direct to final rulemaking" route (no proposed rule) when there are no additions and interpretive statements included. Straightforward modification to eliminate the "proposed to <u>discharge</u> " concepts.	Sean Rolland

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ACTIVITY	PROJECTED	SCHEDULE DESCRIPTION	ACWA STAFF
Office of Wetlands, Oceans and Watersheds (OWOW)			
Waters of the US Rule	Originally was to be proposed in Mar. 2012, but as of 3/8/12, EPA has decided to finalize the guidance first.	In May 2011, EPA and Corps released for public comment draft guidance for determining whether a waterway, water body, or wetland is jurisdictional under the CWA. In Sept. 2011, EPA and Corps announced that they are currently reviewing all of the comments received while also pursuing options for rulemaking. Due to the strong interplay between state definition of "waters of the state" and the CWA's definition of "navigable waters," extensive consultation between states and EPA will be required as Agency moves into rulemaking. See related item: Waters of the US Guidance	Susan Kirsch
Office of Science and Technology (OST)			
Water Quality Standards Rule	Sent to OMB: Nov. 30, 2011 ACWA OMB Meeting: Feb. 2012	The proposed rule will provide clarity in the following six key areas: (1) antidegradation, (2) Administrator's determination, (3) uses, (4) variances, (5) triennial review scope and requirements, and (6) updating regulation to reflect court decisions.	Susan Kirsch
Recreational Water Criteria Rule	Propose: Dec. 20, 2011 ACWA Comments: Feb. 2012 Final: Oct. 2012	Designed to protect swimmers from illnesses due to exposure to pathogens in recreational waters, the existing criteria are more than 20 years old. In 2008, a lawsuit was filed against EPA regarding EPA's failure to have met statutory deadlines in the CWA, as amended by the BEACH ACT. Entered into consent decree under which EPA must conduct studies on pathogens and pathogen indicators in coastal recreational waters and public water quality criteria recommendations based on those studies.	Susan Kirsch
Effluent Limitations Guidelines for Wastewater from Shale Gas Extraction	Propose: late 2014	Recent advances in horizontal drilling and hydraulic fracturing have made extraction of natural gas from shale formations more technologically and economically feasible. Geologic pressure within the shale formation during hydrofracking forces these fracturing fluids back to the surface, where they are referred to as "produced water" or shale gas wastewater. Based on a review of available data, EPA is initiating a rulemaking to control wastewater produced by natural gas extraction from underground shale formations.	Susan Kirsch
Effluent Limitations Guidelines for Wastewater from Coalbed Methane Extraction	Propose: 2013	Based on the findings from EPA's multi-year study of the Coalbed Methane Extraction industry, EPA plans to initiate rulemaking for this industry. Decision to initiate rulemaking is largely driven by coalbed methane-produced water discharges that can impact receiving surface waters and soils.	Susan Kirsch
Effluent Limitations Guidelines for Power Plants	Propose: July 23, 2012 Finalize: Jan. 31, 2014	On March 19, 2012, US Dist. Ct. judge formally entered a 2010 settlement that EPA had struck with environmentalists to revise its 1982 ELG for powerplants. The ELG will limit toxic discharges from coal and other electricity generators.	Susan Kirsch
Effluent Guidelines for Airport Deicing Operations	Propose: Aug. 2009 OMB Review Complete: Mar. 2012 Final: May 2012	The requirements would apply to wastewater associated with the deicing of aircraft and airfield pavement at primary commercial airports. Airports that conduct aircraft deicing operations, have 1,000 or more annual jet departures, and 10,000 or more total annual departures, would be required to collect spent aircraft deicing fluid and treat the wastewater.	Susan Kirsch
Guidelines Establishing Test Procedures for the Analysis of Pollutants under the CWA	Propose: Sept. 2010 Notice of Data Availability: Dec. 2011 (comments close Feb. 2012) Final: May 22, 2012	Rule modifies the testing procedures approved for analysis and sampling under the CWA. Rule incorporates several water contaminant testing methods into its CWA regs, but deferred or rejected inclusion of other methods based on stakeholder comments & questions about the method's viability.	TBD
Cooling Water Intake Structures 316(b) Rule	Propose: Apr. 2011 ACWA Comments: July 2011 NODA to OMB: Jan. 2012 Two NODAs Signed: May & June 2012 ACWA NODA Comments: July 2012 Final: TBD	CWA Sect. 316(b) requires that the location, design, construction and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. In Nov. 2010, EPA signed a settlement agreement with Riverkeeper regarding rulemaking dates for EPA to set technology standards for cooling water intake structures for existing facilities under CWA.	Susan Kirsch

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ACTIVITY	PROJECTED	SCHEDULE DESCRIPTION	ACWA STAFF
Office of Enforcement and Compliance Assurance (OECA)			
NPDES Electronic Reporting Rule	OMB: Jan. 2012 Propose: Mid-Late 2012 Final: 2013	Proposed rulemaking would require electronic submission of existing and new NPDES reporting requirements to a centralized, national data system (i.e., ICIS NPDES). Four Components of the rule - eDMR, eNOI, State Data, eProgram Reports. Appendix A will include all of the data elements by universe.	Sean Rolland
SIGNIFICANT NON-RULEMAKING EFFORTS (GUIDANCE)			
Nutrients Permit Writer's Guide	Final: Fall 2012	Guidance being considered to assist permit writers with common questions and concerns when permitting for nutrient pollution. Guidance is meant to supplement current guidance which does not address some issues associated with nutrient pollution.	Sean Rolland
Permit Writer's Guide to CAFOs	Feb. 2012	This manual will highlight best available technical knowledge on nutrient management to help regulators write water permits for CAFOs. This guide is part of EPA's broader effort to update its CAFO regulations.	Sean Rolland
2012 Implementation Guidance on CAFO Regulations: CAFOs that Discharge (Pork Producer Guidance)	Draft "Duty to Apply" Guidance: 2010 Draft Guidance (revising 2010 guidance) at OMB: Mar. 2012	Guidance is aimed at clarifying when CAFOs must apply for CWA discharge permits in the wake of the 5th Circuit ruling in <i>National Pork Producers Council et al. v. EPA</i> . This decision severely limited when the facilities must seek permits.	Sean Rolland
Permitting Guidance for Oil and Gas Hydraulic Fracturing Using Diesel Fuels	Draft: May 10, 2012 (comments originally due July 9; extended to Aug. 23)	EPA has developed draft UIC Class II permitting guidance for oil and gas hydraulic fracturing activities using diesel fuels. The guidance describes information useful in permitting and underground injection of oil and gas-related hydraulic fracturing using diesel fuels where EPA is the permitting authority. EPA's goal is to improve compliance with the Safe Drinking Water Act (SDWA) requirements and strengthen environmental protections consistent with existing law.	Susan Kirsch
Permitting Guidance for Shale Gas Extraction	Propose: Winter 2011 Final: 2012	Recently, EPA issued shale gas extraction Frequently Asked Questions (FAQs) that provide state and federal permitting authorities in the Marcellus Shale region with guidance on permitting treatment and disposal of wastewater from shale gas extraction. EPA plans to supplement these FAQs with additional guidance that will provide assistance on how to permit POTWs and CWTs and clarify existing CWA authorities and obligations.	Susan Kirsch
CSO Post-Construction Compliance Monitoring Guidance	Final: May 2012	Guidance on how to conduct effective post construction compliance monitoring, as provided in the 1994 CSO Control Policy, which established a national approach under the NPDES permit program for controlling discharges into the nation's waters from CSSs. The CSO Control Policy defines expectations for regulated communities, state WQS authorities, and NPDES authorities. One of these expectations is that regulated communities should develop Long Term CSO Control plans (LTCP), the ninth element of which is the development of a post construction compliance monitoring program adequate to verify compliance with water quality-based requirements and ascertain the effectiveness of CSO controls.	Susan Kirsch
Waters of US Guidance	Draft Guidance: May 2011 Reviewing Comments: As of September 2011 Sent to OMB: Feb. 2012	In May 2011, EPA and Army Corps of Engineers (Corps) released for public comment draft guidance for determining whether a waterway, water body, or wetland is jurisdictional under the CWA. Final guidance will replace a 2008 guidance. See related item: Waters of the US Rulemaking	Susan Kirsch
Water Quality Assessment and Reporting Guidance Updates Under CWA Sect. 303(d), 305(b), and 314 to reduce reporting burden	Draft Report: Apr.-May 2012 Final Report: July 2012	Under CWA, states are required to report on the overall quality of state waters, impaired waters and lakes. EPA is seeking to work with states to find ways to more effectively streamline these reports, consistent with the statute and regulations, and make this information available to the public.	Susan Kirsch
Integrated Planning Framework	Draft Framework: Jan. 2012 ACWA Comments: Feb. 2012 Final: Expected May 2012	In Oct. 2011, EPA issued a memorandum setting forth its plan to develop an integrated planning framework to allow for integrated permitting of municipal stormwater and wastewater.	Sara Vinson & Alexandra Dunn

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Policies			
TMDL 10 Year Vision	EPA/States calls & meetings on draft vision and goals: Feb. - June 2012 Draft Released for Stakeholder Review: July 2012	As the TMDL program has matured, EPA is looking towards its future. Some of the areas the Agency plans to explore are: conceptualization, evaluation, and delivery of additional/alternative CWA 303(d) program performance measures to better measure development; policies regarding the pace of TMDL development; and exploration of the implications of adopting other TMDL metrics.	Sara Vinson
Role of Bioassessment in State Water Programs	Workshop Follow-up: Jan. 2012-Mar. 2012 ACWA Report: Forthcoming	EPA and states are exploring the reliability of, and role for, biological information.	Sara Vinson & Alexandra Dunn
NNC Implementation	NNC Workgroup Barriers Discussion: Jan. - Mar. 2012 EPA/States NNC Implementation Discussion: TBD	EPA and states discussion on policies and guidance needed to support successful implementation of NNC.	Sara Vinson
EPA Memo on Allocating Stormwater Loads in TMDLs	Memo issued as Final: Nov. 2010 ACWA Comments: May 2011 Sent to OMB: Mar. 13, 2012 Final Revised Memo: TBD	Nov. 2010 Memo was designed to update aspects of EPA's Nov. 2002 Wayland & Hanlon memo on "Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs." The 2010 memo was issued as final, but due to concerns expressed, EPA accepted comments, some of which ACWA provided. In Sept. 2011, EPA held a call with ACWA members to provide some insight as to revisions made to 2010 memo. A revised final memo is expected.	Alexandra Dunn & Sara Vinson
EPA Memo on Considerations for the Development of Multijurisdictional TMDLs	Draft: Mar. 23, 2012 ACWA Comments: May 11, 2012 Final: TBD	Memorandum is intended to provide key considerations for TMDL practitioners concerning challenges specific to the development of multijurisdictional TMDLs.	Sara Vinson
EPA Memo on Considerations for Revising and Withdrawing TMDLs	Draft: Mar. 23, 2012 ACWA Comments: May 11, 2012 Final: TBD	Memorandum identifies circumstances involving withdrawing a TMDL or revising and re-submitting a TMDL to EPA, as well as those situations that would not be considered TMDL revisions.	Sara Vinson
EPA Report to OMB: A National Evaluation of the Clean Water Act Section 319 Program	ACWA input: Aug. 2011 Completed: Nov. 2011 Sent to OMB: Nov. 14, 2011	EPA committed to undertake this study to help inform collective desire to accelerate progress towards remediation of nonpoint source impaired waterbodies through improve accountability and effectiveness of the Section 319 program. Established EPA/State WGs at the management and staff levels to address findings and recommendations in the study. These discussions will help inform revisions to 319 Guidelines for use by States in FY13.	Sara Vinson
GAO's Section 319 Report to Congress	Released: July 2012	This report provides a review of the EPA's Sect. 319 Nonpoint Source Management Program, including how states are implementing their programs and how EPA oversees the program. It was requested by the House T&I Committee, Subcommittee on Water Resources and Environment.	Sara Vinson
National Water Program 2012 Strategy: Response to Climate Change	Draft: April 2, 2012 Final: TBD	Strategy describes how EPA's water-related programs plan to address the impacts of climate change and provides long-term visions, goals and strategic actions for the management of sustainable water resources for future generations.	Sara Vinson
EPA Office of Research and Development Hydraulic Fracturing Study	Interim: Fall 2012 Final: 2014	EPA ORD is developing a study on the potential environmental and human health implications of hydraulic fracturing with special emphasis on the relationship between hydraulic fracturing and drinking water resources.	Susan Kirsch
Memoranda of Agreement (MOA) Revision/Implementation	EPA/state calls on MOA draft template and revisions: Jan. 2012-Sept. 2013	OIG Report called upon EPA to revise outdated/inconsistent state CWA MOAs. Agency is working to identify which outdated MOAs need to be updated and negotiate within the 4 year Permit Quality Review-State Review Integrated Review under CWA Action Plan. All outdated MOAs to be updated by 2017.	Sean Rolland

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