

TMDLs (Total Maximum Daily Loads): Regulatory Impacts Beyond the Clean Water Act

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USEPA's Environmental Research Center
Classroom 1
86 Alexander Drive
Research Triangle Park, NC

ABSTRACT

As the TMDL (Total Maximum Daily Load) provisions of the Clean Water Act (CWA) are implemented, increasing focus will be placed upon control of nonpoint sources, which are responsible wholly or in part for approximately 90% of the waters listed nationwide as "impaired." The cited causes of impairment in waterbodies are often from sources that are not managed under CWA programs. These include sources such as atmospheric emissions, discharges of groundwater contaminated by past waste disposal practices, surface runoff from inadequately controlled landfills, historically contaminated in-place sediments, and the legal application of pesticides and herbicides. Pollutants from these sources have been regulated under statutes other than the CWA. Thus, the possibility exists for overlap or conflict between the TMDL regulations and statutes such as the Clean Air Act (CAA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Additional complications arise when comparing the provisions of the Safe Drinking Water Act (SDWA) and the Endangered Species Act (ESA) with the CWA.

The scientific and technical issues posed by implementation of the TMDL provisions of the CWA are recognized to be significant. However, the regulatory issues are also challenging. To date, TMDLs have had a role in reopening Superfund sites; in establishing NPDES permit limits of "zero" for a pollutant that enters the system almost entirely through atmospheric deposition; and in requiring an NPDES permit to apply a registered pesticide. These examples, as well as others involving the SDWA and ESA, illustrate the potentially overlapping and conflicting provisions of the TMDL regulations with other statutes and programs.

Directions to USEPA's Environmental Resource Center:

The ERC is at 86 Alexander Drive, just at the corner of Alexander and NC 54, in Research Triangle Park. If coming from the West, take the NC 55 exit and proceed on NC 55 southbound about one block, until the intersection with NC 54. Turn left on route 54, proceed to Alexander Dr., where you should turn left at the light, and make the first left turn into the ERC driveway. Park in the visitors' parking lot, and sign in at the receptionist desk. Classroom 2 is not far from the entrance.

If coming from the East on I-40, take the Alexander Dr. exit (stay in the left lane as you approach the Durham Freeway exit, then quickly move to the right lane for the Alexander Dr. exit). You will then be on the southernmost quarter mile of the Durham freeway. At the stop light, turn right. You will be heading south on Alexander Dr. Cross NC 54 at the stop light, and take the first left into the ERC parking lot.