

US EPA ARCHIVE DOCUMENT

# **DEVELOPING CONSTRUCTIVE PARTNERSHIPS:**

## **The Economic Benefit of Outreach**

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# Developing Partnerships

- The Needs of the Players
  - EPA Needs States to Take the Lead
  - States Need To Get The Work Done Right
  - Dischargers and Other Water Users Need To Avoid Unnecessary Costs
  - The Waters Need Good Decision Making
- All of Us Need the Program to Work
- Somewhere in There is a Partnership

# Developing Partnerships

- Listing is an “Every Two Year” Event
- Listing Requires:
  - Data
  - Analysis
- Each State responsible for:
  - Hundreds to Thousands of Stream Miles
  - Dozens to Hundreds of Stream Segments

# Developing Partnerships

- A Very Resource Intensive Program
- ASWIPCA Estimates:
  - States have only about half the resources needed
  - \$170 million shortfall, nationwide
- While the Gold Standard of Assessment Couples Exhaustive Sampling with Expert Analysis, That Simply Cannot be Accomplished on Half Rations

# Developing Partnerships

- Resource Constraints Limit Monitoring that States Can Perform
- Various Ways to Cope
  - Proper Use of 5 Listing Categories
  - Use of “Existing and Readily Available Data”
  - Rolling Monitoring Schedules
  - Biological Assessments (including listings without specification of pollutant)
  - Probabilistic Monitoring (including listings for exceedance of narrative criteria)

# Developing Partnerships

- Unfortunately, Some Coping Mechanisms Weaken the Analysis – For Example:
  - Existing Data Can be Too Few/Too Old/Too Unreliable
  - Rolling Monitoring Does Not Eliminate Obligation to Assess All Streams for Each Listing
  - Bioassessments Rely on Proper Biocriteria
  - Probabilistic Methods Compound Underlying Uncertainties with Statistical Noise

# Developing Partnerships

- A Weakened Analysis Leads To:
  - Less Confidence in Resulting Listings
  - Greater Likelihood of EPA Disapproval
  - Greater Likelihood of Discharger Challenge
  - Greater Vulnerability to Legitimate Public Criticism
- Each of These Outcomes Has Its Own Costs
- Each of Those Costs Represents a Waste of Resources



# Developing Partnerships

- Partnering with Private Sector Can Help
- Dischargers and Other Water Users Often Are Motivated to Participate:
  - Listing Creates Stigma
  - Suspect Listing Can Trigger Costly Challenges at State and Federal Levels
  - Listing Leads to Expensive TMDL Process
  - Listing Can Constrain Growth or Sale

# Developing Partnerships

- How Might The Private Sector Help?
  - Conduct or Fund Additional, Targeted Sampling Designed to Confirm or Deny Anticipated Listing
  - Perform Statistical Analysis or Modeling That May be Beyond Budget of State
  - Develop Stream-Specific Assessment Plan and Identify Data Needs to Support Traditional Empirical Listing Analysis
  - Assist With Public Outreach

# Developing Partnerships

- Impediments to Private Sector Involvement
  - Information – Deadlines for data submission pass before the private sector has notice that additional data might yield listing decisions that are less likely to face technical objections.
  - Timing – Collection of appropriate data often takes 6 to 18 months. Tight deadlines for completion of lists often precludes any meaningful private sector participation

# Developing Partnerships

- Suggested Program Enhancements to Encourage Public-Private Partnerships
  - Lengthen the listing cycle to 4 years
  - Provide early notice to stakeholders that stream segment is under consideration for listing based on factors other than traditional empirical analysis
  - Establish deadline for data submission to allow 6 to 18 months between notice and cutoff

# Developing Partnerships

- Private Sector Response Will Be Directly Proportional to Probability that Unassisted Listing Will Be Challenged
- Private Sector Participation Will
  - Result in Engagement Between State and Stakeholders
  - Help Avoid Costly Misunderstandings
- Private Sector Abstention Will Do No Harm to Process

# Developing Partnerships

- Benefits of Public/Private Partnerships
  - Monitoring and Analysis Costs Shared
  - Higher Quality Data and Analysis Possible
  - Constructive Engagement Between Parties
  - Fewer Wasteful Appeals at All Levels
  - Higher Quality Decision Making for Waters
- Risks of Public/Private Partnerships
  - None

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