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Region 4 Florida Nutrient Ruling: Federal Site-Specific Alternative Criteria (SSAC) Procedures

Tuesday, March 8, 2011
10:00 AM - 12:00 PM EST

Objectives of the Webinar

- Provide background on the Federal SSAC provision
- Describe when a SSAC is appropriate
- Summarize the procedural steps, the necessary components for an application, and EPA's expectations for SSAC submissions
- Provide clarification on how TMDLs fit into the SSAC process

Background: Federal SSAC Provision

- 12/6/2010 Federal Register Notice included SSAC provision
 - 40 CFR 131.43(e), Effective Date 2/4/2011
- SSAC may apply to specific surface waters in lieu of the criteria established in the 2010 Final Rule.
- A SSAC request should include a supporting rationale suitable to meet the needs for EPA's technical support document.

Federal SSAC Provision - continued

- There will be public notice and an opportunity for comment on EPA's proposed determination.
- A technical support document addressing the SSAC and the justification for each proposed determination will also be provided by EPA.
- The Regional Administrator shall maintain and make available to the public an updated list of its determinations.

General Background

- SSAC can be developed for TN, TP, (in the case of lakes) chlorophyll a, and (in the case of springs) nitrate+nitrite.
- SSAC can be applicable to any length of a water body or watershed.
- SSAC can be more or less stringent than the generally applicable criteria.

General Background - continued

- Any entity may submit a request for a SSAC.
- All SSAC must be accompanied by scientific justification documenting that the criteria are protective of the designated use(s) of the waterbody.

Scientific Justification

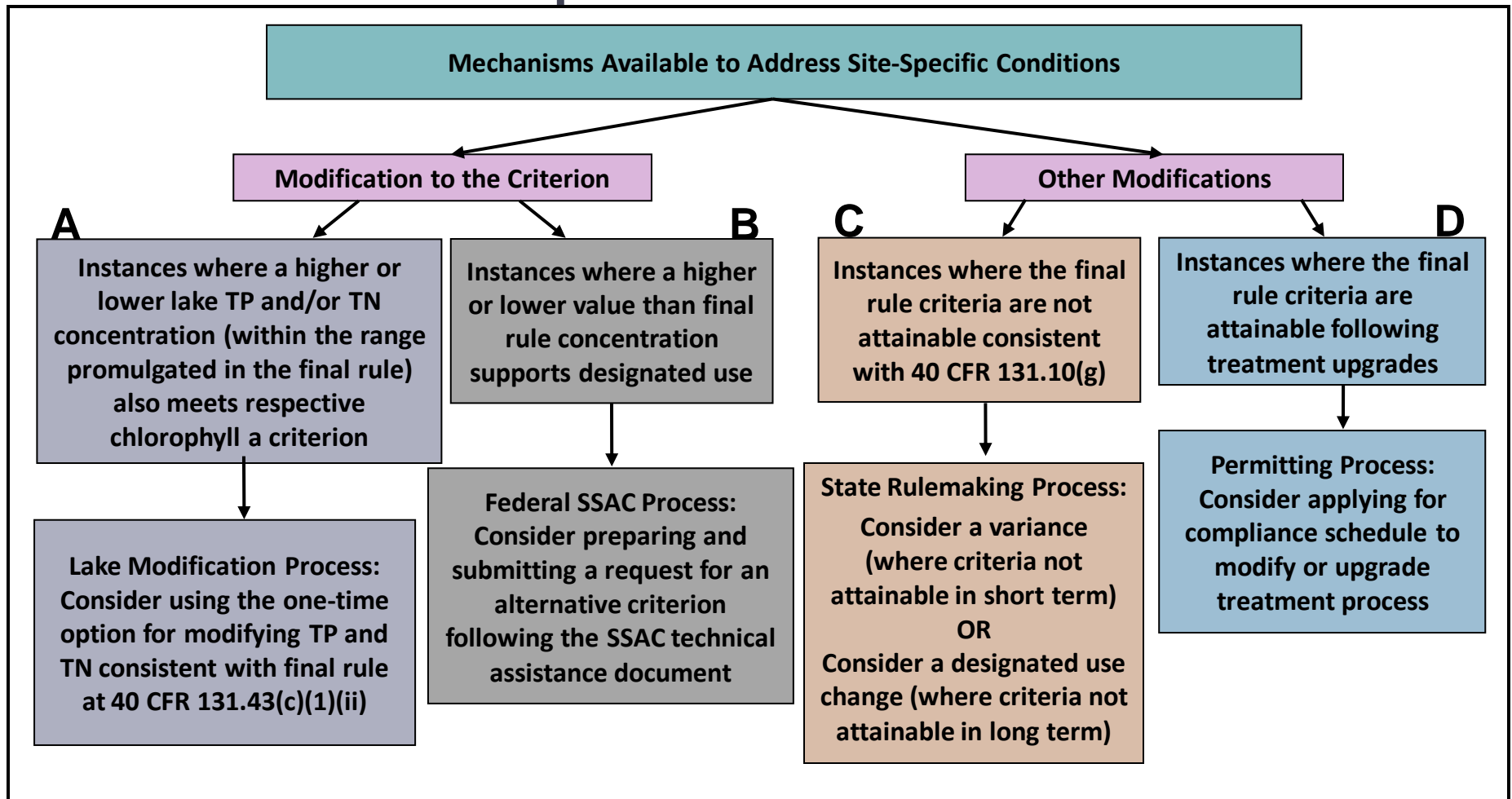
Site-specific alternative criteria may be based on one or more of the following approaches.

- (i) Replicate the process for developing the stream or lake criteria contained in the Final Rule.
- (ii) Conduct a biological, chemical, and physical assessment of waterbody conditions.
- (iii) Use another scientifically defensible approach protective of the designated use.

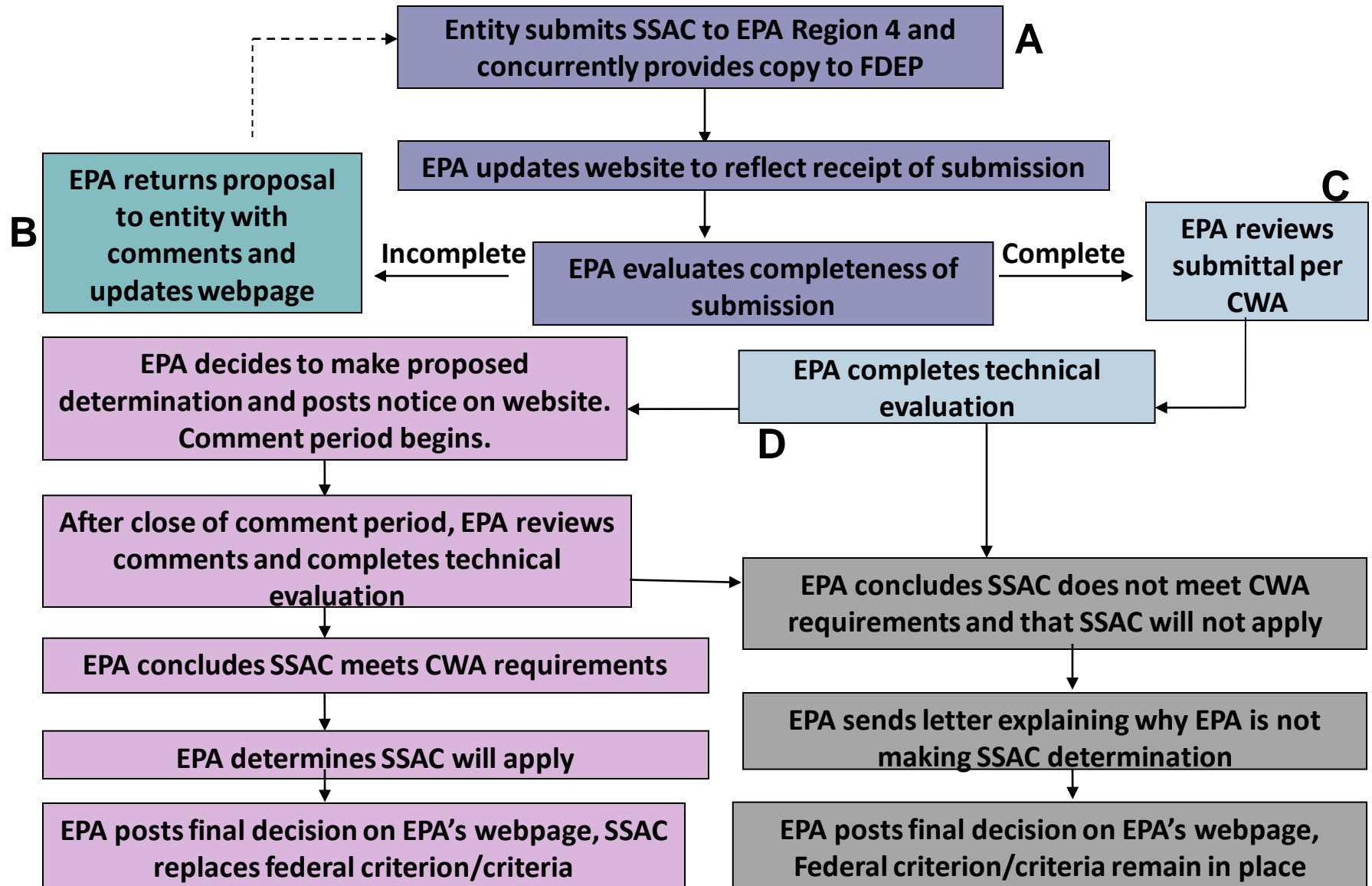
Is a SSAC appropriate?

- SSACs do not modify the designated use(s) of a waterbody; rather SSAC are alternatives to the otherwise applicable criteria that also protect the designated use(s) of the affected water.
- Non-SSACs mechanisms for addressing site specific conditions include:
 - Variances
 - Designated use changes
 - Compliance Schedules with permits

Mechanisms for Addressing Site-Specific Conditions



Process for Submitting Proposed SSAC



Requirements and EPA's Expectations

- The three possible approaches include:
 - Utilizing the methodologies contained in EPA's final regulation
 - Utilizing a combination of biological, chemical, and physical assessment measures
 - Utilizing other scientifically defensible approaches to modify TN, TP, nitrate+nitrite, and/or chlorophyll a.

Requirements and EPA's Expectations

- Entity's documentation should fit into one of these three approaches and demonstrate protection of the designated use(s).
- The SSAC application should also demonstrate the SSAC will ensure attainment and maintenance of WQS of downstream waters.

Requirements and EPA's Expectations

- Greater detail regarding EPA's expectations will be provided in a Technical Assistance Document that will be made available shortly on EPA's Florida nutrient criteria webpage listed below:
 - http://water.epa.gov/lawsregs/rulesregs/florida_index.cfm
- The email address for SSAC applications is:
 - R4_FL_NutrientSSAC@epa.gov

Example “Fact Sheet” to Include with Submittal

Fact Sheet: Proposed SSAC for Wet Creek	
Location Information	<p>Located in Clear Water State Park (Greene County, Florida) – SSAC will apply to Wet Creek from its headwaters to River Mile 8.5 (Lat-Long info)</p> <p>Currently WBID 7000</p> <p>Map enclosed</p>
Numeric Nutrient Criteria Comparison	<p>Wet Creek is located in the Panhandle West NWR</p> <p>Currently applicable criteria are: TP=0.06 mg/L , TN=0.67mg/L</p> <p>SSAC requested only for TP. No change proposed for TN of 0.67mg/L</p> <p>Proposed TP SSAC: TP= 0.1 mg/L</p>
Synopsis of Protection of Designated Use	<p><i>See Section III for additional details on how to document use support. Only a synopsis of this information is needed for the fact sheet.</i></p>
History of Assessment	<p>This waterbody is in Group 1 and has been determined to be fully supporting its uses (for all water quality parameters) in the last 3 reporting cycles. Therefore it has never been listed as impaired nor had a TMDL completed.</p>
Identification of Downstream Waters	<p>Identify downstream waters/segments that could be affected.</p>

Consideration of Information Contained in Existing TMDLs to Support SSAC Proposals

- The preamble of the final rule acknowledges that EPA-established or approved TMDLs may, in some cases, provide sufficient information to support a SSAC.
- In those cases, the analysis contained in the preparation of a TMDL target can be reused in preparation of the documentation for a SSAC request.

TMDLs - continued

- The SSAC technical assistance document provides several possible approaches for development of SSAC
 - Which approach utilizes the information contained in the TMDL, and other scientific information, in your specific situation?
- The SSAC technical assistance document provides further detail on the approaches that can be considered.

TMDLs - continued

- Some questions to consider include:
 - Are the original assumptions still appropriate?
 - Is there new information?
 - Does it ensure adequate protection of downstream water quality standards?
- Consideration and addressing of any new relevant information available includes, but is not limited to, the substantial analysis and data considered and made a part of the record in the final rule.

Common Questions

- Can a SSAC be based on load instead of concentration?
- Can I just submit a TMDL as a SSAC?
- Can I use less than 3 years of data to develop my SSAC?
- Does a SSAC address the parameters in the federal rule or can other parameters be used?

Common Questions

- How does an applicant demonstrate downstream use protection?
- Is it possible to develop a SSAC for an impaired water?

For more information...

- On anything related to SSAC:
 - Contact EPA @ R4_FL_NutrientSSAC@epa.gov
- On the Final Rule, webinars, or other information specific to EPA's Nutrient Criteria Inland Rule for Florida:
 - Visit http://water.epa.gov/lawsregs/rulesregs/florida_index.cfm