

**Consultation with Tribes on Proposed Rulemaking
for Clean Water Act Section 303(d) Listing and TMDL Program**

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Instructors:

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Slide: Rulemaking to Provide More Opportunities for Tribes to Engage in the Clean Water Act Impaired Water Listing and Total Maximum Daily Load Program

Rosaura Conde:

Good afternoon, everyone, and welcome to today's tribes-only webinar titled, "Consultation with Tribes on Proposed Rulemaking for Clean Water Act Section 303(d) Listing and TMDL Program." This webinar sponsored by EPA's Office of Wetlands, Oceans, and Watersheds, also known as OWOW. I am Rosaura Conde with EPA's Assessment and Watershed Protection Division and I will be moderating today's tribes-only webinar along with Matthew Richardson, EPA's Office of Water Acting Tribal Coordinator.

Slide: Webinar Logistics

Thank you all for joining us today. We will start by going over a few housekeeping items. First, I would like to briefly summarize some of the features of today's webinar. We hope you have lots of questions. Type your questions in the "Questions" box on your control panel and click "Send." If your control panel is not working, simply click on the small orange box with the white arrow to expand it. Also, we will open the phone line after the presentation and have time for questions and dialogue with our audience, speaker, and moderators. If you have any problems viewing the broadcast, just let us know in the "Questions" box and we will post an answer in the same box.

Slide: Overview of Today's Webinar

The webinar will be archived for later viewing on EPA's TMDL website at EPA.gov/OWOW/TMDL. A PDF copy of the slides is also posted on the TMDL website. As a reminder, members of the press should direct their questions to Julia Ortiz at the Press Office. Her number there is 202-564-1931.

Slide: Overview of Today's Webinar

Now that we have completed the discussion of housekeeping items, let's kick off our webinar today. Today's webinar concerns EPA's proposed rulemaking to provide more opportunities to fully engage tribes in the Clean Water Act Section 303(d) impaired water listing and TMDL program. This action will clarify the process for tribes to obtain "treatment in a similar manner as a state" authority over the program. The proposed rule will provide a process for eligible tribes to assume the Clean Water Act 303(d) and TMDL portion of the Water Pollution Control Program

and more fully engage in restoring, maintaining, and protecting tribal waters. We will cover the rulemaking itself and then have time for tribal participants to ask questions or provide comments.

Without further delay, let me introduce our speakers. First, is Sarah Furtak, she is an environmental protection specialist in EPA's Watershed branch in the Office in Wetlands, Oceans, and Watersheds. Sarah has worked on impaired waters listing and TMDL issues for number of years, including strategic planning, working as a liaison to the EPA Regional I Office in Boston, coordinating with state and local governments, addressing polychlorinated biphenyls and other biocumulative pollutants, collaborating with the Superfund program and working with tribes. Sarah is the lead for developing the proposed rule to provide more opportunities to fully engage tribes in the Clean Water Act Section 303(d) Impaired Waters Listing and TMDL program.

Matthew Richardson serves as EPA's acting tribal coordinator for the Office of Water. He is charged with initiating, coordinating, and facilitating special projects and the review and analysis of policies, regulations, and programs relating to clean water, drinking water, groundwater, wetlands protections protection, marine and estuaries protection and other water related programs under the Clean Water Act and Safe Drinking Water Act. He represents the Office of Water before tribal leaders, tribal councils and tribal representatives, and at significant EPA meetings. Mr. Richardson is the principal leader, coordinator, and facilitator of a multi-agency tribal water infrastructure task force, which aims to improve access to safe drinking water and basic sanitation in Indian Country. Since 2008, Mr. Richardson has also led both the Alaska Native Villages and the Clean Water Indians SRS Set Aside Grant programs that build water infrastructure for tribal communities.

One final note, we will try to answer as many questions as possible throughout this webcast. However, due to time constraints not all questions will be answered so please do contact the speakers after the webcast. The speakers contact information is on our final slide.

And with that, we will begin our presentation. I will now turn it to Sarah Furtak. Sarah, the floor is yours. Take it away.

Sarah Furtak:

Thank you, Rosaura. Today's presentation is overviewed here on the slide. First, we will cover the issue and purpose of today's presentation, some introductory information about the impaired water listing and Total Maximum Daily Load or TMDL program, our consultation and coordination with tribes for the impaired water listing and TMDL program, some examples of valuable tribal input during this consultation, and finally, a proposed working timeline of the project.

Slide: Issue

So the issue at hand today is that there is tribal interest in obtaining treatment in a similar manner as a state or TAS for the Clean Water Act Section 303(d) Impaired Water Listing and TMDL Program. Existing regulations do not explicitly address TAS for the 303(d) program. The purpose of meeting with you here today in this tribes-only webinar is to consult with tribes about a proposed rule to provide more opportunities for tribes to fully engage in the Clean Water Act Section 303(d) Impaired Water Listing and TMDL Program. First, to clarify the process for tribes to obtain TAS authority for the program, to inform and coordinate with tribes during the

rulemaking, which is now in development, and to engage tribes to increase the understanding of the listing and the TMDL program.

Slide: Clean Water Act Framework for Restoring Polluted Waters

Which brings us to the next slide, the Clean Water Act framework for restoring polluted waters. This diagram shows the process of restoring polluted waters through various programs beginning at the top of the slide with Section 303(c) of the Clean Water Act, Water Quality Standards Program. States, territories, and authorized tribes establish water quality standards. EPA reviews and approves these standards.

Under Section 305(b) and 303(d) of the Clean Water Act, states, territories and authorized tribes provide EPA reports every two years which include a synopsis of water quality within their boundaries and a list of impaired waters or waters not meeting water quality standards and needing TMDLs. TMDLs are developed for these waters and then as we implement the TMDL, regulatory permits and voluntary controls help turn written TMDLs into action.

Slide: What is the Impaired Waters Listing and TMDL Program?

What is the Impaired Water Listing and TMDL Program? As just mentioned, under the Clean Water Act Section 303(d) states, territories, and authorized tribes solicit and compile existing and readily available information on water quality and develop lists of impaired waters every two years. For example, 2012, 2014, 2016 and establish TMDLs for waters on the list.

Slide: Developing a 303(d) List of Impaired and Threatened Waters

Developing a list of impaired waters and threatened waters. As mentioned, states, territories, and authorized tribes assess all readily existing and available information ensuring data accuracy that data are of good quality and direct important decisions and develop assessment methodology that explains how the water quality data and the applicable water quality standards will be used to make listing decisions. The entities establish priority rankings of all listed waters and identify specific waters targeted for TMDL development over the next two years. And requesting and responding to public comments. So in submitting the final impaired and threatened waters list to EPA for approval on the two-year cycle, there is also the requesting and responding to public comments aspect.

Slide: The National Picture

This slide shows an overall national picture. The map here has colors, but the colors are not indicative of any particular scale or whatnot, just for differentiation among states and territories. Nationally, about 42,000 waters are listed as impaired. And the top five or so causes of impairments include pathogens, those are bacteria, metals, nutrients such as nitrogen and phosphorus, low dissolved oxygen, and sediment.

Slide: What is a TMDL?

Moving into what is a TMDL. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, an allocation of that amount for the pollutant sources, and a margin of safety. And the TMDL comes in the form of a technical

document or a plan. Some people may think of the TMDL as a pollutant budget or a pollutant diet, so to speak.

Slide: Developing TMDLs

TMDLs are established according to 303(d) list priority ranking for each water body, pollutant combination. Some priority factors for that ranking may include public health concern or a relatively low initial cost. TMDLs often address multiple impairments within a watershed. And TMDLs and supporting documents typically include things like data summary and analysis, pollutant source assessments, pollutant loading targets, calculations for loading capacity, waste load allocation, and that is the point source aspect of the TMDL, things like wastewater treatment plants, load allocation, that is the non-point source part of the TMDL -- for example, farm field runoff -- and the margin of safety, as well as a summary of and response to public comments. TMDLs may also be accompanied by an implementation plan designed to meet water quality standards and restore water quality.

Slide: Developing TMDLs, Cont.

Developing TMDLs. States, territories, and authorized tribes, as we mentioned, develop TMDLs for waters on the 303(d) list and in accordance with priority ranking. According to EPA guidance, EPA provides an 8-13 year time frame to complete the development of a TMDL once the water body has been listed. So for example, for a water body listed in 2016, the state or authorized tribe develops a schedule for establishing the TMDL within 8-13 years. So typically a TMDL could take a year or two to develop, or more if it's very complex, but EPA guidance provides an 8-13 year time frame to complete development of a TMDL once a water body has been listed. And TMDL alternatives may exist in some circumstances. For example, where there are non-point source-only pollutants.

Slide: How is a TMDL Used to Reduce Water Pollution?

So how is a TMDL used to reduce water pollution? The National Pollutant Discharge Elimination System, or NPDES permit, must include numerical limits consistent with a TMDL's waste load allocation. The non-point sources are not directly regulated under the Clean Water Act. Therefore, TMDL's load allocation for non-point sources provide guidance to inform federal, state, or tribal action under other authorities. For example, certain states have regulations for non-point sources. One example is California.

Slide: Graph 1 – Over 65,000 TMDLs Completed

Over 65,000 TMDLs have been completed and this graphic shows the annual TMDL development in yellow and the cumulative TMDL development in orange. About 197 TMDLs for Indian Country waters have been established and those are in EPA region 10, the states of Idaho, Oregon, and Washington.

Slide: TAS Background

Now that we have looked at some of the basics of the 303(d) program, let's shift gears to look at achieving in a similar manner as a state for this program. The consultation and the coordination aspects of getting this rule making in place. As the background, there are 566 federally recognized tribes. About 266 tribes have TAS or the 106 Program. 48 tribes have TAS for the

Water Quality Standards Program, none for listing in TMDLs, none for the permitting, and the non-point source, or 319 program, has 180 tribes and counting with TAS.

Slide: TAS Background

Under the Clean Water Act, specifically Section 518(e), EPA shall, in consultation with Indian Tribes, promulgate final regulations, which specify how Indian Tribes shall be treated similar to a state for purposes of the act. Other Clean Water Act programs, for example, the 106 Program, the 303(c) Water Quality Standards Program, Non-Point Source Program 319, and permitting programs have promulgated final TAS regulations. Existing regulations do not explicitly address steps to take for obtaining TAS for 303(d).

Slide: 303(d) TAS Tribal Consultation and Coordination

So through a rulemaking, EPA will propose a process for tribes to apply to EPA for TAS eligibility to establish lists of impaired waters and TMDLs pursuant to Section 303(d) of the Clean Water Act. Rulemaking is a process for developing and issuing regulations, sometimes called rules. EPA will work with tribes to propose this rule. And as we know, tribal consultation is underway through May 22nd. Webinar, outreach, and coordination efforts beginning this year will help tribal EPA coordination on this project.

Slide: 303(d) TAS Tribal Consultation and Coordination, Cont. (1)

So you may ask, who is interested in this rule making? You may be interested in this rulemaking if your tribe is one of over 60 tribes found eligible for or seeking eligibility for TAS for the Water Quality Standards Program under the Clean Water Act and is interested in submitting an application for TAS for Clean Water Act Section 303(d) Impaired Water Listing and TMDL Program. Also, you may be interested if you are submitting a joint application for water quality standards and interested in submitting a joint application for water quality standards and the Impaired Water Listing and TMDL Program or if you are interested in developing impaired water lists and TMDLs, or if you have an interest in an impaired water listing and TMDLs in other areas. For example, in an adjacent state.

Slide: 303(d) TAS Tribal Consultation and Coordination, Cont. (2)

Some policy process and resource considerations for this rulemaking may include things like the importance of EPA approved or EPA promulgated water quality standards as a practical prerequisite for issuing 303(d) lists and TMDLs, streamlining and/or combining TAS applications for the 303(c) Water Quality Standards Program and the 303(d) listing and TMDL Program into a single application, and support for tribes as tribes take on additional responsibilities under the Clean Water Act.

Slide: Additional Reasons for Rulemaking

Some additional reasons for the rulemaking aside from the Clean Water Act we pointed out earlier. The National Tribal Water Council would like to know more about and be involved in discussions with EPA regarding the development of a 303(d) TAS process, following our sharing of the 303(d) long-term vision with the council. As mentioned, there are 48 tribes that have TAS for water quality standards. And we see these tribes as perhaps standing on the doorstep of 303(d) TAS.

According to the 1984 Indian Policy, EPA will assist tribes to build capacity for environmental programs and commit EPA to assist tribes in assuming regulatory and program management responsibilities and remove any barriers to working with tribes.

Slide: EPA Values All Tribal Input, Including

Some examples of valuable -- especially valuable input from tribes include these listed here. Input from the 48 tribes that have undergone water quality standard TAS process, input from tribes regarding experiences that tribes have had in protecting, restoring, and maintaining water quality, and reasons why a tribe may or may not be interested in seeking TAS authority for the Impaired Water Listing and TMDL Program.

Slide: Proposed 303(d) Rule Timeline

This is our proposed 303(d) rule timeline, which is subject to change, but now through mid-2014 EPA begins to draft preamble, rule, and supporting documents. Again, concurrent tribal consultation taking place from April 8th through May 22nd, 2014. And then later in 2014, publishing a proposed rule in the Federal Register for a 60 day public comment period. And we look to reopen tribal consultation concurrent with that publication and public comment period. In late 2014 to mid-2015, reviewing and responding to comments and making any revisions to the preamble and rule. And then looking outward toward late 2015, publishing the final rule and doing outreach, training, and other coordination with tribes.

Slide: Questions

Rosaura Conde:

All right, thank you, Sarah, for your excellent presentation. And we will have time now for questions for Sarah and Matt Richardson will pose some questions from the audience.

Matthew Richardson:

Okay, great. Hello, everybody, this is Matthew Richardson. We've received some excellent questions from some of the attendees and there is kind of one that is sort of a theme but one, it is about funding and how tribes might be able to access Clean Water Act Section 604(b) funds.

Sarah Furtak:

Thank you for that question. We did hear from the National Tribal Water Council last week an interest in exploring 604(b) funds so that is something we will be exploring. So thank you for that.

One question that may come up is whether any additional funding will be available for tribes who want to come in for TAS for 303(d). And no grant funding is available under 303(d) as exists with, for example, the 319 Non-Point Source Program. For 106, that is something we are also exploring. My understanding is that impairment does not impact how tribal funds are allocated nationally. But certainly as we look to do this proposed rulemaking funding is something that is a policy and a resource consideration.

Matthew Richardson:

Okay, thanks, Sarah. Another question that came in was about the nature of this presentation. The question was: please clarify that this is a technical presentation and not a government to government consultation when in fact, that is not quite an accurate statement. We are looking at

this as our government to government consultation. If your organization would like an individual meeting with EPA, that can be arranged. Please contact the people -- the contact names at the end of this presentation about that.

And another question came in, Sarah -- maybe, what are the requirements that tribes must meet to be considered eligible TAS status?

Sarah Furtak:

I'm going to assume that is TAS status for 303(d) listing and TMDL program. So EPA -- that's a great question -- EPA is exploring this question as part of the proposed rulemaking. We are expecting that the applications for the water quality standard TAS applications and the 303(d) Impaired Water Listing and TMDL applications would be very similar. As folks may know, we set it up in terms of TAS applications such that tribes only need to submit what would be different. So that is something to think about that we are looking to streamline the application process as much as possible. Clean Water Act Section 518(e) has three criteria and the criteria that may be slightly different for the criterion that may be slightly different for 303(d) as compared to 303(c) water quality standards is the capability criterion. And my understanding is that that should not be a very tall bar or a high bar, but the bottom line is this is a great question that we are exploring in the proposed rulemaking process.

Matthew Richardson:

Okay. Thanks, Sarah. Another question came in about workload. And I guess this example in the region they've had some challenges with the regions reviewing standards in a timely manner and they are expressing concern that with this new authority, how would we support the technical assistance required by tribes to create these. So I am not sure if we have a response to that.

Sarah Furtak:

Well in terms of the workload, in situations where tribes do not yet have the 303(d) TAS eligibility, we are looking to work cooperatively with tribes and states on listing and TMDL issues with EPA staff and grant support. And we look forward to increasing our coordination with tribes, especially over the coming months of providing opportunities to more fully engage tribes in listing TMDL programs. And as mentioned during the presentation, we acknowledge that one resource and policy consideration is resources for the tribes and what resources will be available as tribes take on this additional work within the Clean Water Act.

Matthew Richardson:

Okay, thank you. There is a question about: for existing TMDLs on tribal lands, were they only done in cooperative agreements with states?

Sarah Furtak:

So as we touched on in the presentation with the TMDL developed specifically in region 10, EPA has developed TMDLs for Indian Country and in certain circumstances EPA has developed TMDLs for waters in Indian Country. EPA continues to explore its ability to do so, especially in the absence of applicable water quality standards or where tribes lack water quality standards. In the example of region 10, the tribes, the state, and EPA have worked out cooperative approaches in which there has been agreement among the entities. And specifically, on a water body by water body approach through an MOU, Memorandum of Understanding approach,

parties have agreed that state standards where appropriate, as a baseline to consider impairment. So I am not sure if -- okay. I'm not sure if my region 10 counterpart joined us on the line, Dave Croxton. But I would encourage Dave to say a few words if he would like to as well. Dave?

Dave Croxton:

Yes, hi. This is Dave. Can you hear me okay?

Sarah Furtak:

Perfectly.

Dave Croxton:

Great. Sarah, you have that correct, we have done TMDLs jointly with tribes and in those cases we have come to an agreement with the tribes in terms of applying the state standard. In each case we do not necessarily have a cooperative agreement with the state, but we have some kind of an agreement with the tribe for those.

Sarah Furtak:

Thank you, Dave.

Matthew Richardson:

Okay. Another question came in related to water quality standards. It says: if the tribe has water quality standards, can a tribe request that the U.S. EPA lists the water body as impaired for the tribe and request that EPA develop the TMDL?

Sarah Furtak:

So that is a great question. Similar to the previous question, in certain circumstances, EPA has listed waters in Indian Country. EPA continues to explore its ability to do so, especially in the absence of applicable water quality standards or where tribes lack water quality standards. States are not allowed to list waters in Indian Country but in the event that a state lists Indian Country waters on its 303(d) list submitted to EPA for review and approval, EPA may use language in its decision or approval documents excluding those Indian Country waters from the approval. So again, this is a great example of where we are exploring in this pre-proposal process what we will do for listing waters in Indian Country.

Matthew Richardson:

Okay, I have another type of funding type of question. I think it's something we've unfortunately been seeing throughout EPA and the federal government to some extent, but the person posted about how 319 funds over the years have decreased and adding this TMDL component takes lots of resources and is kind of quizzing us on if it's not working for the states, how will this lead to effective restoration on tribal country. So I think the idea with this new authority is to give the tribes the ability to develop their own program rather than relying on the states.

Sarah Furtak:

Correct. So I think again, the funding question is a good one. And that is something that we are exploring. Because again, our program is not like the 319 program where we don't have a dedicated grant or funding source for the 303(d) program, but we are looking into that. And

hopefully -- you know, hopefully we will have some ideas through this consultation process what tribes need and how to better engage given that we are in this pre-proposal process.

Matthew Richardson:

Okay, thanks. Once or twice in your presentation, Sarah, you mentioned the National Tribal Water Council. Maybe you could provide a quick summary of what that organization is and how EPA works with the Water Council.

Sarah Furtak:

Right, and Matt feel free to chime because we've all been working closely with the National Tribal Water Council, most recently last week in the face-to-face visit from the Council. But the Council is an Environmental Protection Agency, a funded project. It has its own website. Its purpose according to its bylaws is to advocate for the best interest of federally recognized Indian and Alaskan Native tribes and tribally authorized organizations in matters pertaining to water. It is the intent of the National Tribal Water Council to advocate for the health and sustainability of clean and safe water and for the productive use of water for the health and well-being of Indian Country, Indian communities, Alaska Native tribes and Alaskan Native villages. And membership is about 15 or so tribes, if I'm not mistaken.

Matthew Richardson:

Yes.

And maybe one last question about: does this consultation period close on May 22nd or does it continue?

Sarah Furtak:

So that is a great question. The consultation period does close on May 22nd so that we can continue to pull together the preamble and the rulemaking -- proposed rulemaking material. We do expect to restart tribal consultation coordination in late 2014 in tandem with the Federal Register notice and the public comment process. So we do anticipate reopening the tribal consultation process in the late-summer to late-2014 timeframe.

Slide: For More Information

Rosaura Conde:

All right, well thank you, Sarah, for those excellent answers to some of the questions submitted in writing. At this time we will open the phone lines and have time for more questions and dialogue with our audience and with Sarah and Matt. Also, as time permits, Matt will pose some additional questions to Sarah that are submitted in writing from the audience.

Rosaura Conde:

I will just remind everyone you can use the question box from the webinar link and I'm also displaying the contact information now for both Sarah and Matt so that if you do have follow-up questions or would like to continue the discussion, those are your resources. And there's a few other references there as well that we talked about in the presentation and Sarah referred to in her slides, so you might want to look through some of those as well and I will turn it to Matt to see if there any other questions that are coming in.

Matthew Richardson:

I guess, yes there is one question, just a tech question about the difference between a point source and a non-point source.

Sarah Furtak:

Great, so in terms of a point source that was mentioned in the description of what a TMDL is and the components of a TMD, a point source is a pollutant load that is discharged at a specific location, for example, from pipes or from out falls or from a conveyance channel from either a municipal wastewater treatment plant or an industrial waste treatment facility. And then a nonpoint source is a pollutant load that is not released through pipe, but rather originates from multiple sources over relatively wide or large areas. And nonpoint sources can be divided into source activities related to either land or water use including failing septic tanks, improper animal keeping practices, forestry practices, and urban or rural runoff.

Matthew Richardson:

Okay, one question just came in about this proposed rulemaking. Should this proposal become a policy, would it be mandatory for tribes?

Sarah Furtak:

So that is a very important question, thank you. The proposed rulemaking is for tribes who are interested in obtaining treatment in a similar manner as a state for a 303(d) listing impaired waters and TMDL program. So if for tribes that are interested, EPA will provide through this rule making the process that tribes can obtain TAS. It is not considered or anticipated to create new requirements for tribes that are not interested in obtaining TAS for 303(d). And again, we have received comments and interest from tribes including the National Tribal Water Council regarding how tribes can obtain TAS for 303(d). It seems there is interest out there; perhaps more so for tribes that have TAS for water quality standards and have EPA approved water quality standards but nonetheless, opening the door to TAS for 303(d) may raise more interest in other tribes.

Matthew Richardson:

Okay, another question came in about currently there are some tribes with TMDLs established and apparently they are established under certain circumstances and this person is asking what were some of those circumstances.

Sarah Furtak:

Okay, that is a great question about circumstances where in certain circumstances EPA has listed waters in Indian Country and if Dave from Region 10 is on the phone, perhaps Dave could say a few words. But my understanding is that this was again, a cooperative approach. Is Dave --

Dave Croxton:

Yeah can you hear me all right again?

Sarah Furtak:

Yes.

Dave Croxton:

So particularly -- yeah in the state of Idaho, at one point based under a court order EPA actually did a listing of waters in the state and that included waters that were on tribal lands. And so as we follow through with TMDLs then we have done TMDLs for some of those listed waters. So that's kind of a particular circumstance that occurred in Idaho.

Matthew Richardson:

Sarah, are you aware of any other parts of the country where tribes have a TMDL established?

Sarah Furtak:

I am not aware. And as we showed in the graph of the TMDLs completed to date, those data are from our obtained database, which is listed on this reference page and that database is estimated TMDL tracking to implementation database includes 197 TMDLs for Indian Country and those are in the region 10 states.

Matthew Richardson:

But they're all in region 10?

Sarah Furtak:

Correct.

Dave Croxton:

I can elaborate. There are some other circumstances where we may have a water body that is both -- that is divided and it is shared between the state and the tribe. And again, that's a case where EPA's involved in development of those TMDLs both on behalf of and in cooperation with the tribe since as the state develops TMDLs for those waters it also is affecting tribal reservation waters at the same time.

Matthew Richardson:

Okay, that makes sense. Thank you.

A question came in about: will tribes need to develop anti-degradation policies along with TMDLs?

Sarah Furtak:

So that is a great question. I would open that or turn that to Fred from the Water Quality Standards Program if he is available if there are any words about that. However, that is a question that I don't have further information on and can get back to -- if Fred does not have anything to add. So Fred Leutner, are you interested in commenting at all on that question?

We do have our office of General Counsel, Jim Curtin, is here to comment on that. So thank you, Jim. Take it away.

Jim Curtin:

I would just briefly say that any degradation policy is a part of water quality standards and the proposed rule Sarah is talking about today is the process for tribes to get treatment in a similar manner as a state to be able to undertake that 303(d) listing and establish TMDLs. So it is a very different part of the Clean Water Act program or the 303(d). And I don't believe anything that

would be established here would set up a requirement that tribes establish any degradation policies. Questions about that would really relate to the tribe's TAS for establishing water quality standards and what kind of water quality standards a program is setting.

Sarah Furtak:

Thank you very much, Jim.

Matthew Richardson:

Okay, I think maybe one last question about the timeline. Is the proposed rule timeline subject to change? I think you mentioned in one of your slides rolling this out in 2015.

Sarah Furtak:

Exactly. So we are looking for this project to extend over the next year or two and it is subject to change. The proposed rule timeline, factors that may change that timeline include the number and the nature of public comments that we get through the public comment period or through the tribal consultation in parallel with that public comment period. So yes, it is subject to change, but hopefully it provides you an idea of where we are going and our way of getting there.

Rosaura Conde:

All right. Well at this time I would like to conclude today's webcast. Thank you, Sarah Furtak, talking to us today about the proposed rulemaking regarding encouraging greater involvement by tribes in the 303(d) listing and TMDL programs. And thank you to Matt Richardson for serving as our Q&A moderator. And of course, thanks to everyone that has joined us. That ends our webcast for today. Thank you, again, for joining us.

Matthew Richardson:

Goodbye. Thanks.

Sarah Furtak:

Thanks.