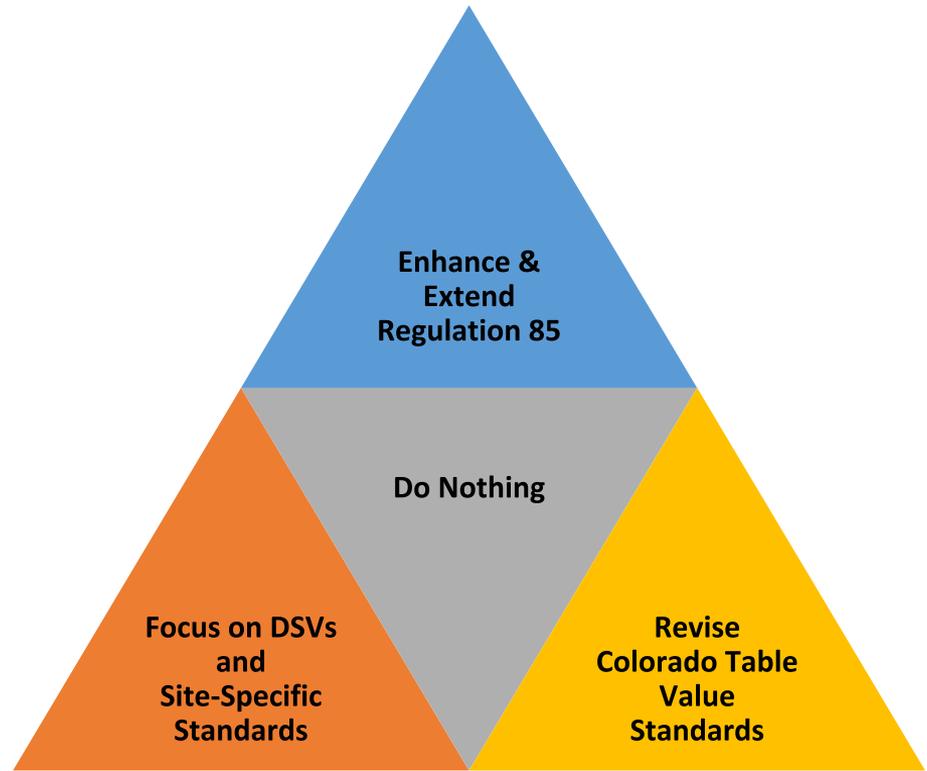


# Reg 85 Delay Subcommittee Meeting #2

December 13, 2016

DRAFT - Do not cite or quote

# Potential options for October 2017 Rulemaking and beyond



## 2017 Regulation 85 Rulemaking

- Cleanup and Corrections
- Define “Headwaters”
- Cooling Towers - potentially remove from regulation
- Monitoring requirements - what is needed to refine statewide nutrient model?
- Modify definition of “Disadvantaged Communities” to be consistent with other programs and regulations
- Address Regulation 31 Nutrient Values delayed effective dates (2017 & 2022) in commission policy
- SIC 20 considerations
- Reduce TIN effluent limitation to 10 mg/L to protect drinking water sources
- Add more facilities to the regulation

## **2021 Regulation 31 Rulemaking**

- Cleanup and Corrections
- Revise Water Supply arsenic water quality standard (may happen earlier) (may require a Technical Advisory Committee)
- Revise Aquatic Life cadmium water quality standard (may require a Technical Advisory Committee)
- Delay consideration of revised ammonia and selenium criteria to 2027
- No Regulation 31 workgroup envisioned

## **2021 or 2022 Temperature Criteria Rulemaking**

- Hold rulemaking as part of the 2021 Regulating 31 hearing, or delay to a separate rulemaking in 2021 or 2022
- Include lessons learned from basin hearings and water quality standards variance efforts (DSVs)

## **2022 Nutrient Nonpoint Source Informational Hearing**

- Commission to decide if nutrient controls are needed for nonpoint sources, specifically agricultural sources of nutrient pollution
- Begin implementing chlorophyll 'a' downstream of dischargers

## **2026 Regulation 31 Rulemaking**

- Cleanup and Corrections only
- No Regulation 31 workgroup envisioned

## **2027 Ammonia, Selenium and Nutrient Criteria Rulemaking**

- Intent is to address competing treatment challenges of ammonia, selenium, and nutrients
- Potentially work with other Region 8 states on treatment challenges
- Potentially revise temperature implementation
- Intent would be for rulemaking package to include sector based variances

## **2028 Regulation 85 Rulemaking**

- Determine future of the regulation

# Potential Derailments

- EPA Cyanobacteria Criteria for recreation use
- EPA revised criteria for arsenic goes differently than expected
- WQCD resource constraints worsen
- One really really bad summer!