

WATER QUALITY

**Some of the below regulatory summaries were referenced from the U.S. Northern Review publications and Fedcenter.gov.

STATE

FINAL:

GENERAL PERMIT FOR DISCHARGES OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY. The Maryland Department of the Environment [issued](#) (page 31) a final determination for a modification to the General Permit for Discharges of Stormwater Associated With Industrial Activity ([No. 12-SW-A](#)). The modifications update restoration requirements, and include: (1) addition of language that excludes a municipal separate storm sewer system (MS4) from generating credits under the permit; (2) removal of language related to extending the deadline for restoration; and (3) amendments to reporting requirements. General Permit 12-SW-A was set to expire 31 DEC 18. The modifications became effective 7 DEC 18.

PROPOSED:

MUNICIPAL SEPARATE STORM SEWER PERMIT. The Maryland Department of the Environment (MDE) [issued a tentative determination](#) (page 49) to modify the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit issued to Prince George's County to control storm drain system pollutant discharges. The permit modifications are designed to comply with federal regulations and allow Prince George's County to use Maryland's newly authorized nutrient trading program as an option to meet its 20 percent impervious surface restoration requirement.

FEDERAL

FINAL:

REVISION OF STATE PUBLIC WATER SYSTEM SUPERVISION PROGRAM. EPA has issued a notice announcing the approval of revisions to the state of Maryland's approved Public Water System Supervision Program ([83 FR 49379](#)). Maryland adopted drinking water regulations for RTCR. EPA has determined that Maryland's RTCR meets all minimum federal requirements, and that it is no less stringent than the corresponding federal regulation. Barring adverse comment the approval became effective 31 OCT 18.

[S. 3760](#)—**DEFENSE OF ENVIRONMENT AND PROPERTY ACT OF 2018.** The bill narrowly defines which wetlands and waterways are covered by the CWA. It defines “waters of the U.S.” as only waters that are “navigable in fact” or have permanent, standing, or continuously flowing water. The bill was referred to the Environment and Public Works Committee.

AMERICA'S WATER INFRASTRUCTURE ACT OF 2018 EXPANDS MONITORING FOR UNREGULATED CONTAMINANTS. America's Water Infrastructure Act of 2018, Senate Bill [S. 3021](#), amends the Safe Drinking Water Act by expanding the universe of drinking water systems that are required to monitor for emerging, unregulated contaminants.

ALTERNATIVE TEST PROCEDURES FOR DRINKING WATER COMPLIANCE. EPA has issued a final rule approving 100 additional alternative test methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations ([83 FR 51636](#)). The new methods are listed along with other methods similarly approved through previous expedited actions in [40 CFR Part 141](#), Appendix A to subpart C and on the EPA's drinking water methods [website](#). The final rule became effective 12 OCT 18. On 31 OCT 18, EPA issued a correction to this final rule ([83 FR 54676](#)).

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WATER QUALITY CRITERIA—ALUMINUM. EPA announced the availability of final updated Aquatic Life Ambient Water Quality Criteria for Aluminum in Freshwater ([83 FR 65663](#)). Water quality criteria are used by states and authorized tribes to establish water quality standards for specific water bodies under authority of the CWA. The recommended criteria concentrations for aluminum in freshwater to protect aquatic life depends on a site's water chemistry parameters.

WATERS OF THE U.S. RULE REVIVED IN 26 STATES. A federal judge in South Carolina issued a nationwide [injunction](#) on the Trump administration's delay of the 2015 Clean Water Rule, also known as the Waters of the U.S. (WOTUS) Rule. The decision in the U.S. District Court for the District of South Carolina means the Clean Water Rule is now the law in 26 states where district court judges have not stayed the regulation. The regulation redefined which wetlands and small waterways are covered by the Clean Water Act (CWA), but was delayed by the Trump administration rule in February 2018. In the Northern Region, the WOTUS rule is in effect in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia. A map showing where the rule is in effect is available [here](#).

PROPOSED:

STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES. All 10 EPA Regional Offices have proposed to modify the 2017 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities, also referred to as the 2017 Construction General Permit (CGP) or 2017 CGP ([83 FR 63858](#)). The modifications are intended to clarify the intent of several requirements and ensure consistency with the Construction and Development Effluent Limitations Guidelines and New Source Performance Standards. Visit the website for [Stormwater Discharges from Construction Activities](#) to learn more or to view the draft proposed permit modifications.

WATERS OF THE U.S. EPA and U.S. Army Corps of Engineers have [released](#) the text of a proposed rule to clarify the scope of waters federally regulated under the Clean Water Act (CWA). The proposed rule would replace the 2015 definition of Waters of the United States; i.e., those waters subject to the CWA, with a narrower definition, based on navigable waters. Under the proposed rule, ephemeral streams, which only flow after rain or snow, and wetlands without continuous surface water connections to waters would not be considered waters of the U.S. The agencies will take public comment on the proposal for 60 days following publication in the Federal Register. For more information, click [here](#).

WATERS OF THE UNITED STATES DEFINITION. EPA and USACE clarify, supplement, and seek additional comment on a proposal to repeal the Clean Water Rule, Definition of “Waters of the United States” ([83 FR 32227](#)). The agencies propose to repeal the [rule](#), established in 2015, and restore the regulatory text that existed prior to the 2015 rule, as informed by guidance in effect at that time. If this proposal is finalized, regulations defining the scope of federal Clean Water Act (CWA) jurisdiction would be as they existed before the amendments promulgated in the 2015 rule. Those regulatory definitions are the ones that the agencies are currently implementing in light of the agencies' [final rule](#) published 6 FEB 18, adding a 6 FEB 20 applicability date to the 2015 rule, as well as judicial decisions enjoining and staying the 2015 rule.

REPORT ON FEDERAL ROLE IN GROUNDWATER SUPPLY. The Congressional Research Service released a report for Congress that provides an overview of the federal role in groundwater supply and recent federal legislation in the 115th Congress ([R45259](#)). According to the report, Congress generally has deferred management of U.S. groundwater resources to the states, and that practice appears likely to continue. However, Congress, various states, and other stakeholders recently have focused on the potential for using surface water to recharge aquifers and the ability to recover stored groundwater when needed.

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OTHER:

EPA TEST FOR PFAS IN DRINKING WATER MODIFIED TO INCLUDE FOUR ADDITIONAL COMPOUNDS. EPA has updated drinking water Method 537, first published in 2009, to include four additional PFAS compounds in addition to the original 14 PFAS compounds. The new compounds include the GenX chemical HFPO-DA, as well as three additional PFAS: 11-chloroeicosafluoro-3-oxaundecane-1-sulfonic acid , 9-chlorohexadecafluoro-3-oxanone-1-sulfonic acid , and 4,8-dioxa-3H-perfluorononanoic acid. More information about the validated EPA Method 537.1 is available [here](#).

BUILDING CODE FOR WATER USE EFFICIENCY AND WATER QUALITY. The National Institute of Standards and Technology (NIST) intends to study the design of building interior plumbing (premise plumbing) to inform the development of future code revisions, green building standards, and guidance documents ([83 FR 50897](#)). NIST is requesting input and comment to support a long-term research agenda to develop the codes, standards, and guidance to advance building water use efficiency and water quality.

NEW GUIDANCE ON STORMWATER BEST MANAGEMENT PRACTICES. In October, ITRC [released](#) a [guidance document](#) on best management practices (BMPs) for stormwater management. The guidance offers details on post-construction BMP lifecycle processes. It also addresses long-term technology- and performance-based operational strategies, such as routine and non-routine maintenance. Data and information from existing publicly available BMP performance programs has been incorporated into an online [BMP Screening Tool](#). The guidance also includes a suite of [Stormwater BMP videos](#).