

US EPA ARCHIVE DOCUMENT

EPA
Public Session I: Water Quality Standards Regulatory Changes
Moderator: Grace Robiou
August 24, 2010
1:00 p.m. EDT

Operator: Good afternoon, my name is Andrea and I will be your conference operator today. At this time, I would like to welcome everyone to the Water Quality Standards Regulatory Changes Conference Call.

All lines have been placed on mute to prevent any background noise. After the speakers remarks there will be a question-and-answer session. If you would like to ask a question during this time simply press star then the number 1 on your telephone keypad. If you would like to withdraw your question, press the pound key. Thank you.

Miss Robiou, you may begin your conference.

Grace Robiou: Thank you. Hello, I'm Grace Robiou, and I am located at EPA headquarters in Washington, DC. I want to welcome you to this session on EPA's proposal making to revise the water quality standards regulation. We are at an early stage in this effort and that's why we're holding these informal opportunities to gather your ideas.

What we hear from you and others in these sessions can help us in formulating our proposal. There will be other opportunities next year for more formal comments after we actually publish the details of a proposal in the *Federal Register*. As you will learn in a few minutes, we've been taking a close look at the EPA regulation which governs water quality standards to see if we can improve its effectiveness in helping restore and maintain the integrity of the nation's waters.

We have come up with a targeted set of changes to the regulation, and we've outlined those in the *Federal Register* notice a few weeks ago. This is the start of the rulemaking effort that should result in a formal proposal in the *Federal Register* in the summer of 2011.

For the next 20 minutes, we will be using the briefing document that was posted on our website to describe our thinking. If you have that briefing in front of you, we will lead you through it slide by slide. We're now on slide number 1. If you don't have the briefing, that's also OK. We will cover the important points verbally, and the slides will still be on our website for future reference.

I'm turning now to slide number two, our purpose today is to solicit your views on the specific positions EPA is considering for this rulemaking. We will begin by providing a short overview of our proposal and why we think changes to the regulation might be appropriate. But we want to try to keep it short so that most of the call can be devoted to hearing your views.

Slide number three shows our schedule. As you can see we are at an early stage in our rulemaking. EPA has not made any final decisions on the contents of the proposal; those decisions will be made after we talk with you as well as we have similar sessions with states, tribes and other stakeholders.

As you can see on this slide after we published the proposed rule in the summer of next year there will be a 60-day formal public comment period. I'm turning now to slide number four, now to give you more information on the proposal, I'd like to introduce Christina Christensen, Christina.

Christina Christensen: Thank you, Grace. Slide four provides an outline of what I'll be discussing today. I will begin with some background on what water quality standards are and why we're considering revising our national water quality standards regulation. I will then give some detail that each of the six areas we're considering for revision which are listed on slide four.

OK, we're turning to slide five, what are water quality standards? Under the Clean Water Act, water quality standards are provisions the state, tribal, or federal law approved by EPA that describe the desired condition of a

waterbody or the level of protection. Standards are the foundation for other programs of the act such as discharge permits that impose enforceable water quality based control.

And standards consist of three major components; designated uses, water quality criteria, and antidegradation policies and can include optional general policies such as variances or mixing zones.

Slide number six shows that the Clean Water Act gives states and authorized tribes the primary role to set standards. Authorized tribes are federally recognized Indian tribes that EPA has found eligible to run standard programs, and this is known a treatment in a manner similar to a state or TAS. And as of today 45 tribes have been approved for TAS.

The Clean Water Act requires states and tribes to review their standards every three years. If they decide new or revised standards are needed they must adopt these amendments and submit them to EPA for review. The Clean Water Act calls on EPA to review and approve standards within 60 days of submission or disapprove within 90 days.

If EPA approves the standards, they can then be used for all purposes under the Clean Water Act including setting permit limits, or developing total maximum daily loads. The Clean Water Act also authorizes the EPA Administrator to determine that federal water quality standards are needed to replace or augment state and tribal standards and to promulgate them as binding standards.

Now let's consider the national standards regulation on slide number seven. The regulation simply adds details to what the Clean Water Act says on designated uses, water quality criteria, and antidegradation. It requires states and tribes to engage the public before revising their standards and it specifies the roles of states tribes and EPA for administering standards.

Please turn to slide number eight now. So why is the EPA considering revising this regulation? Well, the main parts of EPA's regulation have been in place since 1983. They've provided a solid foundation for controlling water quality. But there are practical reasons for initiating this rulemaking.

As we've implemented the 1983 regulation, some important issues have come up again and again that the regulation does not explicitly address. This can waste time and resources, and we'd like to improve that situation.

Slide number nine lists some of the work we did before settling on the specific areas we'd like to improve. In 2008 EPA developed a list of over 40 potential regulatory revisions that might help provide clarity and national consistency and lead to environmental improvements. In developing this list, we considered recurring policy issues as well as case law from the past 25 years.

We also reviewed our 1998 advance notice of proposed rulemaking, and we considered the comments we received on it. In addition, we held preliminary consultations with several state water quality standards managers, and we consulted with EPA regional experts to get a sense of where regulatory revisions were most needed.

To narrow the field of over 40-plus potential revisions, EPA managers also considered how well the current regulation addressed recurring issues, whether it was well equipped to handle emerging issues, and whether sufficient flexibility is provided to states and tribes when needed.

Based on our view, we've narrowed our focus to six specific areas, and I will take you through each of these in turn.

We're now on slide number 10. Slide number 10 summarizes our six targeted areas, and I will take you through each of them in more detail. When I'm done, we'll be asking for your views on what we've presented today.

You might want to make a note of any comments you have as we go along and save them for the feedback part of this conference call. And of course we're very welcome to views that support our ideas, but we'd also be very interested in hearing your views and any possible unintended consequences of changing the regulation in a specific area. We also welcome any specific suggestions for changes that you do or do not wish to see in this proposal.

Please turn to slide number 11 on antidegradation. Our current regulations sets the national policy of protecting existing uses and preventing the lowering

of high water quality, unless necessary, to accommodate important economic or social development. It also specifies that states and authorized tribes must adopt specific antidegradation policies. All states and tribes have adopted policies in accordance with the regulation and we do not need to see any of the changes this.

We are concerned, however, with the implementation of these policies. Although many states have done a good job of implementation, some states have not even identified antidegradation implementation methods, despite the regulation's requirement to do so. We recognize that the current regulation does not specify what the implementation method must include but only requires them to be consistent with the antidegradation policy.

As a possible change, EPA is considering modifying the regulation to specify that antidegradation implementation methods must meet specific minimum requirements. To do this, EPA is considering adding a paragraph that would specify minimum implementation elements to be included in state or tribal standards.

A minimum element, for example, could be the state or tribe process for identifying high quality water. EPA is also considering requiring an antidegradation implementation method be adopted in the state and tribal water quality standards rather than simply being identified. The methods would thus be subject to EPA review and approval.

Our current thinking is that these changes would bring more consistent application, clarity, and transparency to the protection of high quality water. Further EPA's oversight role would be more clearly defined.

The second area, on slide 12, concerns the discretionary determination the EPA administrator can make that a revised or new standard is necessary to meet the requirements of the act. This provision is in section 303(c)(4)(b) of the Clean Water Act. If such a determination is made, EPA must promptly propose a federal standard and promulgate a standard within 90 days of proposal.

Over the years, there have been recurring instances of confusion or misunderstanding about what actually constitutes an EPA Administrator's determination. For example, in some cases EPA staff people have sent routine letters suggesting priorities for states to consider when revising their water quality standards.

Some courts have construed these kinds of communications to states as official EPA Administrator determination that obliged EPA to promulgate water quality standards. EPA is considering clarifying in the water quality standards regulation that an [EPA] Administrator's determination must be signed by the [EPA] Administrator or someone he or she specifically authorizes. And must include a statement that the document constitutes a determination under section 303(c)(4)(b) of the Clean Water Act.

EPA's current thinking is that this type of change could ensure that it is clear when EPA has or has not made one of these determinations. This kind of change would allow EPA to continue to provide routine written suggestions to states and tribes without triggering any need for immediate federal action.

On slide 13 we'll turn to the topic of designated uses. Section 101(a)(2) of the Clean Water Act establishes a national goal whenever attainable of water quality that provides for the protection and propagation of fish, shell fish, and wild life and recreation in and on the water. If a state or tribe wants to remove one of these goal uses our regulation requires that to demonstrate that obtaining the designated use is not feasible for one of six specific factors.

The state or tribe must also submit a use attainability analysis, or structured scientific assessments of factors effecting attainment of designated uses. The regulation does not, however, specify which uses, if any, must be adopted to replace the use that is being removed. Furthermore, EPA's long standing interpretation of the Act and regulation is that Section 101(a)(2) uses are attainable unless the state or tribe demonstrates otherwise.

This interruption is essential to our water qualities standards program, however, it's not articulated explicitly in the regulation. EPA is considering clarifying that designated uses reflecting the goals of the Clean Water Act are

attainable unless otherwise demonstrated. States and authorized tribes must designate such uses unless they have conducted a use attainability analysis to support a lesser designated use and EPA has approved said action.

EPA is also considering clarifying that the highest attainable uses closest to a 101(a)(2) goal must be adopted if such a goal itself is not attainable.

On slide 14, we discuss variances or temporary changes to water quality standards. The current regulation allows states and authorized tribes to adopt variances as general policies for applying and implementing their water quality standards. And this is specified in Section 131.13 of the regulation. We would retain the state and tribal discretion, but the current regulation does not provide any specificity on how to use variances.

So as a result, there's a lack of clarity on the proper use of variances. Furthermore, variances are sometimes repeatedly renewed without achieving environmental improvements in a waterbody.

EPA is considering establishing explicit provisions to guide the use of variances. For example, EPA is considering a provision that requires all variances to have an expiration date. Such a change could provide regulatory clarity on what is an acceptable variance versus what is not.

Slide number 15 addresses the reviews required every three years by the Clean Water Act, or triennial reviews as we call them. The current regulation does not call for involving the public when states and tribes determine what they will focus on in their triennial reviews. This can have the effect of narrowing public input to those portions of standards that the state or tribe chooses to review.

A second concern is that, despite the availability of new scientific information, some states or tribes may not consider it in a timely fashion and thus may not always evaluate whether their current criteria continue to protect designated uses. EPA is considering revising its requirements to specify that states and authorized tribes must solicit and consider public comments in determining the scope of each triennial review.

EPA is also considering establishing a new triennial requirement that states and authorized tribes must evaluate whether their current water criteria continue to be protective of designated uses, taking into consideration any new information that's become available since state or tribal criteria were adopted or last revised.

This will clarify that states and tribes would need to consider EPA's most recent national recommended water quality criteria published under section 304(a). EPA's current thinking is that these changes will increase transparency by ensuring that stakeholders have input on the scope of triennial reviews. They could offer strength and oversight of whether state and tribal water quality criteria are being kept up to date and whether they continue to protect designated uses.

Slide number 16 refers to three court decisions handed down since the regulation was last revised. The complete legal citations for these cases are available in EPA's *Federal Register* notice. EPA is considering codifying the results of these decisions and the regulations. First EPA is considering revising the definition of water quality standards that appears in the regulation to reflect the results of a 2004 court case concerning Florida's Impaired Waters Rule.

In this case some binding provisions and state law had the effect of changing water quality standards without EPA approval. The court decisions and EPA's response to it more clearly define which kind of provisions actually constitute water quality standards requiring EPA's review.

Second EPA is considering specifying that provisions which authorize compliance schedules are considered water quality standards and therefore must be submitted to EPA for review and approval. Compliance schedules govern the timing of water quality-based effluent limits in NPDES permits. This change will codify the results of a 1990 Environmental Appeals Board decision involving Star-Kist Caribe Incorporated.

Note that we're authorizing provisions to be considered water quality standards compliance schedules themselves are not, they are permeating

provisions. The EPA is considering clarifying that states and authorized tribes must submit to EPA records of public participation that have occurred in reviewing and adopting standards. These records would include public comments and a state or tribes responses to the comments.

This change would codify the results of the 1996 decision involving standards affecting the City of Albuquerque. Codifying these three positions and regulation will help eliminate confusion and could minimize future mitigation on these topics.

This concludes our presentation of the proposal that EPA is developing. Slide 17 gives you several EPA websites for more information. They provide more information about these listening sessions and water quality standards in general. They also show where we'll be posting the transcripts and recordings of these sessions and how you can provide your views and comments in writing if you want to add to your views expressed today.

Please note again that these are just listening sessions at an early stage of the rulemaking process. There will still be a formal 60 day public comment period after the proposal is published in the summer of 2011.

Thanks for your attention; I will now turn it back to Grace Robiou.

Grace Robiou: Thank you, Christina. We're now going to turn to the heart of today's conference call. The feedback session. We're going to dedicate between 10 and 15 minutes to answer any clarifying questions you may have about anything you have heard in this presentation that leaves you puzzled. We would appreciate it if you would keep those initial questions short and limit them to questions of fact or clarification of what you've heard.

After that we are going to turn to taking your comments and views on the targeted regulatory revisions EPA is considering. Operator, we're now going to turn to clarifying questions.

Operator: Yes, if you would like to ask a clarifying question you may do so by pressing star then the number 1 on your telephone keypad. Your first question comes from the line Albert Ettinger.

Albert Ettinger: Hello.

Grace Robiou: Hi, Albert.

Albert Ettinger: OK, great. Do I understand correctly that we've got until September 3 to comment on this and then we won't have another opportunity to comment formally, at least, until you guys selected what you're going to propose changes are?

Christina Christensen: Yes, that is correct. If you look at slide number 19, which I think is the last slide in our presentation, we have just made a note that if anyone is not able to make a comment today, and we do have over 300 people on this call, we would encourage you to provide your comments to us by September 3. You can either send them by e-mail or mail a hard copy. And we did just ask for September 3 so people have time after these sessions and that gives us time to consider them as we move forward.

And then your next chance after that will be during the formal 60 day public comment period next summer.

Operator: And your next question comes from the line of Jon Tack.

Jon Tack: Hi, this is Jon Tack from Iowa, just one clarifying question, am I understanding correctly that you're saying that antidegradation implementation procedures are not currently required to be reviewed and approved?

Christina Christensen: Yes that is correct. Our regulation currently specifies that they must be identified, but it does not actually say that they are required, so therefore they don't need to be reviewed and approved by EPA.

Jon Tack: OK, thank you.

Operator: Your next question comes from the line of Don Parrish. Mr. Parrish your line is open.

Don Parrish: Yes. Thank you very much. I have two questions. The first relates to the first question or the part about the rulemaking that occurred or the advanced notice of proposed rulemaking in 1998—here can we find EPA’s response to those comments?

And then number two, has EPA in their *Federal Register* notice made any attempt to justify the shift that they're trying to make with the antidegradation requirements? Taking it from what it is now, requiring a listing of those procedures versus incorporating them into the permit, or into the standard. Thank you.

Christina Christensen: OK, with regard to your first question on the ANPRM. The ANPRM was published back in 1998, and it was an advanced notice of proposed rulemaking, and then we never finalized that rulemaking. So while I think we received comments we never prepared a formal response to those comments since we never formalized that rulemaking.

With regard to your second question, right now we’re still in the information gathering portion of this rulemaking so while the changes I outlined for integration are changes that we’re considering making, we haven’t made any final decisions. In our proposed rulemaking we’ll be sure to outline or justify our rationale and our thinking behind making those changes.

Operator: And your next question comes from the line of Henri Bartholomew.

Henri Bartholomew : Hi, it’s Henri Bartholomew. I've looked at the website where the briefing slides were supposed to be, but I’m not finding them there. Could you give us an address where we can find the slides that you were using today?

Christina Christensen: Yes we can. The address that you want to look at is http://water.epa.gov/lawsregs/lawsguidance/wqs_listening.cfm so let me just repeat that one more time I know it’s a really long Web address http://water.epa.gov/lawsregs/lawsguidance/wqs_listening.cfm. And that is our Website for our rulemaking and these listening sessions, and it will give you all sorts of information including our PowerPoint presentation and as well how you can submit additional written comments.

Henri Bartholomew: Thank you.

Operator: And your next question comes from the line of Greg Goblick.

Greg Goblick: Hello, I have a question on slide 13, pertaining to section 101(a)(2) of the Clean Water Act. I was wondering has there been any consideration towards expanding this definition to include agricultural uses? In particular water that may be used for wash water for vegetables or fruit or irrigation for ready to eat crops?

And the thinking or understanding is we're all familiar with many of the outbreaks that have occurred in the past five or six years associated with produce in (inaudible) and spinach for example in California in 2006 and things of that nature. And I was wondering has any thought been given to address some of those issues?

Christina Christensen: Thank you for that question, and I think the short answer is no. The Clean Water Act defines section 101(a)(2) goal uses and at this time our proposal making won't be proposing any changes to the language of the Clean Water Act.

Greg Goblick: OK.

Operator: And your next question comes from the line of Daniel Myers.

Daniel Myers: In California, the North Coast region is indicating that they will not be filing or doing a triennial review this year. I wondered about whether that is considered an optional thing. We also have gotten guidance on the completion of TMDL action plans, or implementation plans. I wonder if the regulations are going to formalize a rational time frame for the states to do their implementation plans, thank you.

Christina Christensen: Thank you. In response to your first question about the triennial reviews being optional, according to the Clean Water Act and our regulation triennial reviews should be held at least every three years. So that's the requirement outlined in our regulation.

And can you just repeat your second question for me?

Daniel Myers: Yes, we've received guidance that implementation plans for TMDLs should be completed within seven to nine years, something like that. But I'm not seeing that as a formal requirement. It seems like it's simply guidance and not in the regulations. I think it should be in the regulations if it's not.

Grace Robiou: The scope of this rulemaking is limited to the regulations that govern water quality standards. I believe that your question would fall in the context of the TMDL or total maximum daily loads regulations which is outside the scope of this action.

Daniel Myers: OK, thank you.

Operator: Your next question comes from the line of Donna Long.

Donna Long: I concede, my questions been answered.

Operator: OK, your next question comes from the line (Gemit Ahmed).

(Gemit Ahmed): (Gemit Ahmed) and I have a question about your triennial reviews. Can you clarify how you envision to schedule triennial reviews? Should the reevaluation be limited to the new information based on the EPA's most recent water quality criteria or is it open to any new information that is developed by the scientific community as a whole?

Grace Robiou: The idea here is to require that states and tribes take into consideration any new information including EPA's recommended water quality criteria recommendations.

(Gemit Ahmed): So how do we (inaudible) the information? Are they then going to provide the guidance to what type of new information would be acceptable to consider? Because there's always all kinds of new information available and it would be nice to have some kind of guidance to determine what can be considered and what should be left until it's further developed.

Grace Robiou: I think you've made a very good comment, and we'll take note of how we will handle that in rulemaking if we move forward with that, particular revision.

(Gemit Ahmed): Thank you.

Operator: And your next question comes from line of Bill Payne.

Bill Payne: Hello, I was wondering if the water quality standard regulation was going to be open to other issues, basically anything in the standards other than those six that you've listed?

Christina Christensen: Right now the only changes we are considering making are in the specific six areas outlined in today's presentation.

Bill Payne: OK, thank you.

Operator: Your next question comes from the line of Pam Homer.

Pam Homer: Yes this is Pam Homer New Mexico, our antidegradation implementation procedure is probably 40 pages long, and so I'm wondering how a requirement to include antidegradation implementation in this water quality standard regulation jives with the Florida decision about kind of a more restricted view of what constitutes a water quality standard which I understand to be magnitude frequency duration? How do those ideas fit together?

Christina Christensen: I think that's a really good comment. I think that's something that we'll definitely think about and talk about on our end, so thank you for sharing that?

Operator: Your next question comes from the line of Ann Heil.

Ann Heil: Hi, I wanted to ask a follow-up question to the first caller's question about the deadlines for comments. The briefing says September 3 but on August 20 I received an e-mail from Thomas Gardner that indicated that the cutoff date was September 10, and anything included by that date would be included in the docket. I'm working with some of the statewide groups in California to prepare comments and we had timed the preparation of the comments for the September 10 deadline.

So, I guess the question is, will you take them through September 10?

Christina Christensen: Yes we will take them through September 10. I think we encourage everyone to submit any written comments as soon as you can. If you can get them in by September 3 that would be great, but we will accept them through September 10.

Ann Heil: Great, thank you.

Christina Christensen: I just want to add that people can provide comments any time, it's not a formal comment period, comments will go to the docket. But in order to help make those comments the most useful to us going forward, to have discussions with the senior decision makers at EPA, the mid-September time frame, whether its September 3 or 10, is the most helpful to us in preparing for those discussions. But comments can be sent in any time again since it's not a formal comment period.

Operator: And your next question comes from the line Sandy Gruzesky.

(Randy Patting): This is (Randy Patting). I had a question backing up to variances and this part of that discussion. Are they to be included under the consideration in formal kind of review and then in (Re) specifically?

Grace Robiou: Are you asking whether variances would be now considered part of our reg, our water quality standards?

(Randy Patting): Yes, part of the same process.

Grace Robiou: Well, variances are currently described in the existing regulations as an optional element of water quality standards. So I think that the revisions that we are contemplating regarding variances have more to do with how variances are applied, in what circumstances they're appropriate.

(Randy Patting): OK. Thank you.

Operator: Your next question comes from the line of Lois Rellergert.

Lois Rellergert: Hi, my question goes back to the answer about the ANPRM. Even though EPA did not provide a formal response to those comments, is there a place

where the comments were collected and that they could be distributed to the public?

Christina Christensen: Thank you. Before I answer I just want to indicate that we'll have time for one more clarifying question before we move on. And in response to that, no, we did not have a place where we collected all those responses, comments. I think we received over 3,000 comments to the ANPRM, and we don't have a contemplation of those.

We'll take one more clarifying question.

Operator: Your next clarifying question comes from the line of Scott Thomas.

Scott Thomas: Hi, my question's on designated uses on slide 13. You discussed that the concept is that you require that the highest attainable use closest to the goal must be adopted. I'm wondering, are you assuming that you'll just rely on the state to define the hierarchy of uses and the tiers or do you envision some sort of federal mandate on how you tier uses?

Christina Christensen: We will plan to provide some sort of guidance or discussion in our proposal about what it is we intend by the concept of the highest attainable use. We intend to think of the highest attainable use as the use closest to the 101 (a)(2) goal uses of the Clean Water Act. But we'll take a note of that, and we'll add a discussion in our proposal on that. Thank you.

Grace Robiou: We're now going to turn to comments regarding the content of the proposed rulemaking. I want to maybe go back to something Christina said, where she made a point of wanting to hear about any concerns that you may have about our unintended consequences of our proposal, and for specific revisions that you would like to see or would not like to see in our proposal.

Operator I'm turning now to you on those kinds of comments.

Operator: If you want to make a comment please press star then the number 1 on your telephone keypad. Your first comment comes from the line of Matt Rota.

Matt Rota: Hey this is Matt Rota down in New Orleans, and I probably won't get to all of my questions. I have some comments on the tier two antidegradation. First of all, I encourage you all to make sure that antidegradation tier two is applied to the majority of waters in the states, if you could put that in the regs. Because several states are basically trying to get away with having as few tier two waters as possible.

And one way to encourage covering most of the waterbodies is using a perimeter-by-perimeter approach. Also I know some of the states are struggling with how to apply tier two antidegradation to general permits and also 401 certifications. I would request that in this rulemaking that those two things are specifically addressed with ways that EPA says it needs to be done.

And another question that I have is about the triennial review, and you say that states need to solicit and consider public comments. I would request that that's made a little more strong in that they make sure that not only are they soliciting them but that they're being taken seriously and not just explained away.

So some way to make sure that public comments are not only solicited but taken seriously and some sort of ramifications if they aren't taken seriously. Thanks.

Operator: Your next comment comes from the line of Steve Brown. Mr. Brown, your line is open. Your next comment comes from the line of Gerald Greene.

Gerald Greene: Hi, this is Gerry. On your slide 16 I had a question or a statement regarding submitting public comments. It seems odd that we speak in terms of having to submit both to the state as well as EPA on these things for the record. In that it seems that there would be a high probability the record would then potentially get out of conformity between the two regulatory agencies.

It seems best that you should keep it going in one direction, i.e. local commenting to the state and then a copy goes to the feds rather than this being conflicting records.

Christina Christensen: OK thank you, and just to clarify, our intention is that they would submit them to the state and then the state would submit them to EPA.

Gerald Greene: OK.

Christina Christensen: There wouldn't be a double set.

Operator: And your next comment comes from the line of Carter Strickland.

Carter Strickland: Yes I had a clarifying question, but we'll rephrase it for this part of the proposal. Our question related to slide 13 designated uses and whether EPA was considering how it would apply it to its existing state designations that aren't in the 101 (a)(2) list. I guess the way for you to consider it in terms of unintended consequences is that you should consider the impact on state agency resources and whether they'll have the ability to work through a backlog if that's what you intend, of UAA determinations.

Operator: Your next comment comes from the line of Linda Shead.

Linda Shead: Yes, thank you. This is also related to the designated uses on slide 13. My concern is that there's a perception that the state is using use attainability analysis as a way to remove streams from the 303(d) list because they have so many and they're trying to find a way to trim that down. And I understand the workload issue. On the other hand the goal is clean water, so I have a question about how you are deeming a stream as being a use of being unattainable and secondly that you are ensuring that there's some kind of oversight that it is not being used as a way to just trim down the 303(d) list instead of trying to achieve water quality. Thank you.

Grace Robiou: Operator, I just want to acknowledge that we are taking good notes on the comments that are being provided despite the fact that we're not responding, because this is more of a comment session. So I want to make sure that people know that we are listening.

Operator: Thank you ma'am. And your next comment comes from the line of Bud Hart.

Bud Hart: Hello yes this is Bud Hart in Colorado. Has EPA given any consideration to the conflicts between the Safe Drinking Water Act and the Clean Water Act and those compliance schedules for emerging contaminants?

Christina Christensen: Thank you that's a concern that we will consider as we move ahead with our rulemaking.

Bud Hart: Thank you.

Operator: Your next comment comes from the line of Lincholin Loehr.

Lincholin Loehr: Howdy, I just had a question on the antidegradation or something to consider for antidegradation implementation. I'd like you to consider how that program will work in the context of general permits.

Christina Christensen: Yes, thank you, we have heard that, and it is something we will consider when we move ahead.

Operator: Your next question comes from the line of Jerry Black.

Jerry Black: Hi, this is Jerry Black from Oklahoma. First of all, I think that all implementation methods should be reviewed and approved by EPA. In addition several states have several state agencies which are specific to industries and or activities that they regulate. The implementation methods for Oklahoma differs depending upon activities that they regulate.

In addition, some of these implementation methods are not adequate to prevent antidegradation of surface waters for both numerical and narrative water quality criteria. And analytical methods that neutralize and verify in the surface water for meeting the water quality criteria should be methods that are approved by EPA, not only approved but also reviewed.

That some of these areas are narrative standard and for example for oil (inaudible) they should maintain to prevent visible sheens of oil or gobs of oil and grease in and over the waters. In addition there's another narrative standard that solids that are not natural sources such as iron that would come

out of the discharge not be existing and I think that those standards should be held to prevent antidegradation for implementation methods.

Thank you and have a good day.

Operator: Your next comment comes from the line of Samantha Brown.

(Mike Afgard): Hello this is (Mike Afgard) speaking on Samantha's behalf. This is with respect to antidegradation. If streams haven't been properly tested they automatically are listed as high quality streams. And I think that's going to create a problem just simply with respect to your desire for implementation.

I suspect that that's why a lot of these implementation plans have not been carried out because it's a very liberal list of high quality streams because there has not been enough money or effort placed in properly testing the streams to identify their intended use.

Operator: Your next comment comes from the line of Bill Payne.

Bill Payne: Hello I understand that the regulations are not going to be changed on other than the six areas. However I would like for EPA to consider the possibility of how to address water quality standard applicability in assembled and/or fed water streams because quite often they don't apply, there's no way to correctly apply them, and therefore they're basically applied incorrectly.

And I know that's been a concern at conferences I've been to where EPA's been present so I would like to hope that EPA would give that some consideration. Thank you.

Christina Christensen: Thank you.

Operator: Your next comment comes from the line of (Betty Steffenger).

(Betty Steffenger): Yes. Hello and thank you. I guess my comment is this. In California we have a very strong state water board with a very extensive permitting process, waiver process, things like that, and I heard the comments during the presentation when we're going through the slides on antidegradation that

some states are not implementing and following that EPA standards and there's some confusion about the implementation.

It sounds like that portion of this whole rule package that deals with antidegradation is to get everybody on the same page, and I guess my comment and my fear is that in states that have already met or exceeded the EPA standards that when it sees a fall out and a promulgation of more states standards that may not be necessary as a result of this.

What we'd like to see of course is that those states that are not being current or not following standards work with EPA to go ahead and get up to those standards. But the states that are meeting or exceeding those standards, we see this portion of the proposed rules as not being necessary.

Operator: Your next comment comes from the line of Jon Tack.

Jon Tack: I have a few questions, and I think I can keep them pretty quick. The first is on Administrator's determinations. If a rule is going to be adopted, clarifying this it's important that any disapproval of a water quality standard meet that criteria and that it's clear that it moves us toward the process of promulgation, or down that road and it would satisfy the requirements to get there.

If EPA would like to clarify the procedure for variances, I would just point to the federal standards for Canada and Puerto Rico, which contain a variance procedure that calls for the variance to go into the permit rather than be adopted though a separate water quality standard. I think that EPA got it right there, and any future rule should conform to what you've done in the past.

I guess lastly, the core decision on public comment says that public comments are required to be part of the package to show that public participation was received and considered. I think there needs to be clarification as to how that public comment is treated at the EPA review level.

Whether the state is expected to disprove all comments or mainly consider all comments, in whether EPA is going to revisit those issues and make up their own individual determination or just review it for the purposes of determining whether the state has considered the comment.

That's all I have.

Operator: Your next comment comes from the line of Rachel Conn.

Rachel Conn: Yes, I was hoping that there would be some clarity provided by EPA as to guiding states on requiring public participation in the antidegradation process in tier two, it would be used specifically. And as part of that, to require states to have written antidegradation analysis that could be reviewed by members of the public.

Operator: Your next comment comes from the line of Greg Goblick. Sir if you've placed your phone on mute please unmute your phone at this time. Your next comment comes from the line of Lee Garrigan.

Steve Brown: Hi, this is Steve Brown. I'm going to try to do this this time without cutting myself off. I'm on Lee's phone right now. The question I wanted to ask a minute ago is whether there is anything in the uses portion of EPA's rule that was intended to allow states to change their designated uses?

Christina Christensen: I just want to respond to that. We currently have ways in which states can evaluate their uses and refine them as needed through the UAA process or through adopting a new sub category. None of those components will change. So those tools will still be available.

Operator: Your next comment comes from the line of John Royal.

(Bosic McClair): This is (Bosic McClair). We've got some situation with our MS4 system and MPDS Primitive system which currently the regulations that are being promulgated both at the state and the federal level appear to be requiring us to meet the designated uses in RMS4 system such as roadside ditches, storm water, ponds, that sort of thing, which I find hard to believe that that's the intent of EPA since these systems are intended to transport storm water to treatment systems that will remove the pollutants.

So I would hope that EPA would consider adding specific language to exempt MS4 systems, in general or, if depending on the expansion of MPDS system MPDS systems, specifically from the (midtrain) criteria. And that's it.

Operator: And your next comment ...

Grace Robiou: I want to respond to that comment. I guess I'm struggling to understand or to figure out if that's within the scope of this rulemaking and, if you think so, under what theme would it be addressed?

(Bosic McClair): Yes, it would be under the designated uses. Currently under your definitions 131.3 as of water quality standards are applied to all designated use for all the waters of the United States. And Army Corp is currently using the wet connection to go up stream through our MS4 system as any wet connection becomes a water of the United States.

Which then means that these criteria would apply to the MS4 system under that theory. We would then be expected to supply shellfish harvesting, wildlife, et cetera in every roadside ditch which isn't going to happen but proving that would be untenable. So I think the designated uses section would be a good place to make it clear what the regulation was trying to apply to.

Grace Robiou: OK, thank you, that helps.

(Bosic McClair): OK.

Operator: Your next comment comes from the line of Samantha Brown.

Samantha Brown: Yes, this is with respect to uses. There's a lot of talk about utilizing a use attainability analysis, but the problem that exists is that is obtaining permission to actually go through UAA. So I was wondering if there would be the potential of creating some type of guidance on applying for a UAA or utilization of a UAA.

Quite often the regulators won't permit it.

Operator: And again if you would like to make a comment please do so by pressing star and the number 1 on your telephone keypad.

Grace Robiou: While you think of further comments to provide to us I'd like to cover slide number 19 which is our last slide in our presentation. If you have any additional thoughts or views after this call there are a couple ways to proceed. You can communicate with us by sending us an e-mail to the e-mail address shown on the slide and for those of you that don't have the slide in front of you the e-mail address is shpdcomments@epa.gov. I repeat shpdcomments@epa.gov.

Or you could write a letter to the address shown on the slide which is Thomas J. Gardner, Office of Science and Technology, and the mail code is important. It's 4305T, Office of Water, USEPA, 1200 Pennsylvania Avenue NW, Washington, DC, 20460.

Any written comments you choose to submit would be most useful within two weeks—by September 3—although we talked about extending that a little bit but really no longer than September 10. Since these are very early listening sessions, we will not be responding in writing to your views, but they will be put on the public record in our docket. The docket is Headquarters-OW-2010-0606, and for those of you who are unfamiliar with how the EPA docket works any comments provided will be available to the public at the regulations.gov website.

So it looks like we may have a couple more comments. I'll turn it to the operator again.

Operator: Thank you ma'am. Again if you would like to make a comment please press star then the number 1 on your telephone keypad. Your next comment comes from the line of Gerald Greene.

Gerald Greene: Hi, again. In the effort of transparency we'd like to consider how moving forward on these legs could essentially provide greater input by the stakeholder community in the decisions of states and tribes. In other words, we do have a problem with some of our states and tribes not considering the comments of significant numbers of stakeholders and finding other issues that they feel are more appropriate.

In particular, both the triennial reviews and use attainability analysis we often feel that the use attainability analysis are warranted and our local regulatory agencies may not agree. There should be some provision if a significant number of the stakeholders convey this request that it should be considered at the local arena. Thank you.

Operator: And, again if you would like to make a comment please press star and the number 1 on your telephone keypad. Your next comment comes from the line of Philip Parsons.

Philip Parsons: I have a question about your comments today regarding designated uses and your explanation of slide 13. My question is this, it appears from what you said today that to retain a lower use that's been approved by EPA in Florida, where I'm from, we have a number of class four agricultural canals and they are different criteria for those canals than for the class three recreation propagation of wildlife.

And, if I understood your comments, and perhaps I didn't, your intent is to require a use attainability analysis to retain those uses. This isn't a question of lowering or raising, but retaining. Is it your intent to require a use attainability analysis if the state intends to retain the lower use?

Christina Christensen: The way our regulation is currently worded is that if a state is removing a 101 (a)(2) use, and not adopting a 101 (a)(2) use to begin with, then a use attainability analysis is required. And we're not changing that portion of the reg.

Philip Parsons: I understand, but if you want to retain, in our case a class four use, by the change in the regulation going to require going to require a use attainability now? Because you're not changing the use at all, you're just continuing the use as it now exists. Are you going to require a use attainability analysis under these changes you're contemplating?

Christina Christensen: A use attainability analysis, I don't think, would necessarily be required at that exact moment. However, our regulation would require that the state or tribe review their uses every three years, and if the use that was previously

non-attainable is now attainable, our regulation requires that designated use be revised.

Philip Parsons: OK, that's consistent with your current practice.

Christina Christensen: Yes.

Philip Parsons: Thank you.

Operator: Again, if you would like to make a comment, please press star then the number 1 on your telephone keypad. Your next comment comes from the line of Ann Coan.

Ann Coan: My question was sort of similar to the last person regarding use attainability and things like culverts under 14 lane highways. In some cases you have to wonder if it's worth the resources to have to do the study to prove that you don't have and won't have shellfish or fish or whatever.

Operator: And your next comment comes from the line of Scott Thomas.

Scott Thomas: Hi, I'm going to steal a turn here, because I don't work for the state regulatory agency or the state at all in the private sector but it strikes me that the thing that you do going forward with this proposal, you're potentially imposing some significant new obligations on the state in terms of the amount of work required to do a full blown training review.

I know at least my state, Arizona, there are pretty significant budget and personnel restraints right now at the state DEQ and probably really for a couple of years until the recession ends. I just wonder if, it's defiantly not in your proposal but I wonder if that three year cycle to do all this stuff is entirely reasonable under the circumstances.

Whether, in other words, maybe the three years should be five years if you're going to make the state go back and look at every designated use to determine whether, every water to determine whether use should be changed. Every new scientific criteria comes up in the EPA, et cetera. So I throw that out for what it's worth.

Grace Robiou: Our proposal at this juncture doesn't consider changing the requirement in our regulations that states conduct triennial reviews. So are you suggesting that we consider that, consider changing that? I don't ...

Scott Thomas: I guess I am, but I think you've been talking to the states, and if the states aren't raising that concern to you than I'm probably speaking out of school. But it seems to me that's something you ought to think about if you're going to go ahead with everything you've proposed.

Christina Christensen: I've got two thoughts; one is that the Clean Water Act actually requires triennial review in the three year cycle so that's where it would have to be changed to change that. I think probably maybe more to the heart of your comment is that what we're intending to talk about here is that they open up their scope to comment.

It's not that states would have to review everything in their water quality standards every three years. There are some states that use a rotating basin approach, and under this proposal that would still be OK as long as there was a time and a place where that was put out to the public and the public got the comment on whether there was something else outside of a particular basin, for example.

So it's not that states couldn't operate in ways to manage their resources like they do now, it's just in addition to that providing if you're not going to open the entire scope up to review providing an opportunity for comment on what else people would like to see reviewed.

Again if you would like to make a comment please press star then the number 1 on your telephone keypad.

Grace Robiou: Operator while we wait for further comments I want to remind people that this line is open until 2:30 so we will stay here and receive and obtain your comments up till that time. I would also like to remind people that we have a second listening session scheduled for this Thursday, August 26 at 1 pm Eastern Standard Time.

So if you have further questions that might be another opportunity to provide comments which may allow you to think some more about what you, between now and then, what you want to comment on. So it seems like we have another comment so I'll turn it back to the operator.

Operator: Your next comment comes from the line of Betty Yee.

Betty Yee: I have a clarifying question on slide 13. Previously you had said that (CC's) intent was only to provide revisions in these particular areas. Is the purpose of slide 13 not generally the use of the only to specify what happens in an event of a UAA for 101 (a)(2) use?

Christina Christensen: That is one area in the realm of uses that we're considering making revisions to.

Betty Yee: So your shop comments on the more general category of having EPA look at definitions of uses and how the UAA process works?

Christina Christensen: Yes if you'd like to submit a written comment or share something with us now, we'd be happy to hear that.

Betty Yee: OK, I was just trying to establish what the scope of this particular area was. Thank you.

Operator: Your next comment comes from the line of Jerry Black.

Jerry Black: This is Jerry Black again from Oklahoma. The additional comment that I'd like to have is that notice that streams have already been cleaned according to implementation standards or policies that are being used right now that these streams and water quality bodies being reexamined to make sure that they meet the new or the approved and ones that have been approved by the EPA to make sure that it's been adequately cleaned up and that discharges are not harming the official uses. Thank you.

Operator: Again if you would like to make a comment please press star then the number 1 on your telephone keypad.

Christina Christensen: Are there any clarifying questions from the earlier part of our presentation that people may not have had a chance to ask?

Operator: If you would like to ask a clarifying question you may also do so by pressing star then the number 1 on your telephone keypad. Your first question or comment comes from the line of Fred Andes:

Fred Andes: Actually I have one clarifying question, but I was also going to raise a couple of comments. The clarifying question was on variances. The statements you make about insuring proper use of variances just for the possibility of inappropriate use are very vague. I'm not really sure what's referred to. There either instances where variances have been abused, used inappropriately, and if so where are those and how specifically are the agencies thinking of directing them?

That's my clarifying question. I don't know if you want to address that then I can make my other couple of comments.

Christina Christensen: Sure, I'll address that first part right now. I think as an example of how a variance might be listed was something that I mentioned in the earlier part of the call—that variances often may be just renewed over and over again without really leading to any kind of environmental improvements in a waterbody.

That's one example of something that we would hope to address by putting some conditions on variances. Another example is that we've also seen variances in places that don't have a 303(c) water quality standards approval action associated with them.

So those are some of the situations that we would hope to improve on by putting some expectations for variances into your regulations.

Grace Robiou: Christina, I would like to add that variances are, if I'm not mistaken, a single word currently in our regulations. We would like to be able to explain them better so that they can be more used when they're appropriate to be used.

Christina Christensen: And we'd be happy to hear your views and comments on some of the boundaries you might put on variances or that you might like to see.

Fred Andes: OK. Thank you. The other comment in the final view area, one of them was the EPA was paying a lot of attention as to whether states are adequately considering comments. Would EPA governance impose any obligation on itself to consider comments in approving state water quality standards? In fact there's no opportunity for public comments when EPA approved a state water quality standard, only when it disapproved.

So one thing I think ought to be considered is what's the due process of requirements when EPA reviews and approves a state water quality standard and how can it provide adequate stakeholder input in that circumstance instead of just approving without any opportunity for people to interact with the agency.

The other thought I had on final review was that EPA chooses to be very interested in having states consider whether their criteria are protective of usage, and that's good, but that should also go the other way. The state should, if they're going to review the criteria for protective usage, also consider whether they are now more stringent than needed to protect the usage whether the criteria are more stringent than needed to protect the usage or what if the standards are non-attainable?

It's a full review they should be doing and not just in one direction only, thank you.

Christina Christensen: Thank you.

Operator: And your next comment comes from the line of Anne Coan.

Anne Coan: I'm looking at 13 also in your possible changes. If I understand this correctly, basically states will have to go back and look at every waterbody they have now or segment to determine if they are at the highest attainable use with those uses, I'm assuming being the highest attainable that you have listed propagation of shellfish, wildlife, recreation, and the others.

And therefore that the only way to put in something that's less than the goal that's stated at the top would be to expend resources to prove that a culvert or some other waterbody cannot meet the standard. And I am extremely concerned about the amount of resources that this will entail that could, in fact, be better used on water quality protection and not quality assessment.

Christina Christensen: Thank you, and I think that there's a couple options that we could possibly consider. For example, we could consider that states and tribes must look at the highest attainable use only when removing a designated use. Or we could say that the states and tribes should consider highest attainable use for all waters at all times.

These are just some of the options that we might consider, but we understand that your concern is one of resources and we'll certainly make a note of that.

Operator: Your next comment comes from the line of Linda Roeder.

Linda Roeder: Hi, I just wanted to clarify. I wanted to get the spellings of your names and your titles, please.

Grace Robiou: Sure. My name is Grace Robiou, and I'm the chief of the National Water Quality Standards Branch in the Office of Water.

Christina Christensen: My name is Christina Christensen, and I'm a staff member in the National Water Quality Standards Branch.

Linda Roeder: Thank you.

Operator: And your next question or comment comes from the line of Greg Sindt.

Greg Sindt: Hi, this is Greg Sindt from Iowa. On page 16 I have a question about the second bullet point—schedule authorizing provisions what is meant by that? What's the scope for that?

Christina Christensen: What was your question again?

Greg Sindt: On the second bullet on slide 16.

Christina Christensen: Right.

Greg Sindt: It says specifying compliance schedule authorizing provisions must be adopted, is this a procedural definition of what entails in a compliance schedule?

Grace Robiou: We don't intend it to be. I think the concept is to clarify, as part of our water quality standards regulations, that compliance schedule authorizing provisions must be adopted as part of the standard. And therefore must be reviewed and approved by EPA.

I think currently compliance schedule authorizing provisions may be reviewed and approved as standards.

Christina Christensen: Our current relation doesn't speak to them in particular, but that's the current practice.

Grace Robiou: So this is kind of codifying what we believe is our current thinking and procedure.

Operator: And your next question or comment comes from the line of Hope Taylor. Miss Taylor, your line is open. Your next question comes from the line of Lauren Kalisek.

Lauren Kalisek: Hi, this is Lauren Kalisek in Austin and I was just wondering on the antidegradation scope if you guys already had in mind what you consider to be minimum elements that you all would want to put into, or that you all would want to see in the implementation methods?

Christina Christensen: Sure I think one example of a minimum element is the process a state or tribe has in place for identifying high quality waters. Second minimum element example could be the process for a tier two review. These are the kinds of things that we would really be interested in hearing (small) views if you have any suggestions on what you'd like to see as a minimum element.

Operator: And again if you would like to ask a question or make a comment please press star then the number 1 on your telephone keypad. Your next question or comment comes from the line of Hope Taylor.

Hope Taylor: Sorry I muted myself inadvertently before. I just wanted to make a very affirming comment that especially in the area of antidegradation, variances, and triennial review, your previous scoping of obviously incorporated a lot of understanding from public advocates, probably nationally that share my view that those have been very problematic in terms of realized in the Gulf of the Clean Water Act and a lot of the sort of subsidiary comments that you've made have recognized those problems and frustrations. I just really wanted to thank you for identifying those.

And in my written comments I will give some more examples as to how that's played out on our state level. But I know many of my national colleagues have expressed the same concerns. Thanks.

Christina Christensen: Thank you.

Operator: And again if you'd like to make a comment or ask a question, please press star then the number 1 on your telephone keypad. And there are no further questions or comments at this time.

Grace Robiou: Operator I think we want to stay here until 2:30 ...

Operator: Yes ma'am.

Grace Robiou: To give people an opportunity to have other comments as they come to mind, and then we'll wrap it up.

Operator: Yes ma'am. Again if you'd like to make a comment or ask a question, please press star then the number 1 on your telephone keypad. Your next question or comment comes from the line of Don Parrish.

Don Parrish: Yes maybe a tough question. As you guys look at what you've proposed here have you determined where additional litigation may spring from final agency

action within these proposals? How much more should we expect, and how many have you done a lawsuit evaluation here?

Grace Robiou: Well, we certainly have a lot of lawsuits coming. I think it's a good comment, and we'll think about that. Thank you.

Operator: Your next comment comes from the line of Jennifer Hecker.

Jennifer Hecker: Hi, I just wanted to echo the affirming comments that were made previously. We're out of Florida, and we see this action that EPA has taken as very needed in order to uphold the antidegradation provisions, the Clean Water Act. I did want to encourage EPA to make sure that as it's reviewing Florida's proposed designated use reclassification that it's currently in review by Region 4 that they ensure that these provisions are being accounted for and addressed and whatever is approved by EPA.

Christina Christensen: Thank you.

Operator: Again if you'd like to make a comment or ask a question, please press star then the number 1 on your telephone keypad. Your next question or comment comes from the line of Bill Payne.

Bill Payne: Yes, this kind of plays off the comment a couple of comments ago about litigation. But it has to do with economic analysis. I believe an economic analysis has to be done on any new regulation if I understand it correctly. But I was wondering if you've done any yet and have a feel for how much additional cost this is going to place upon either permit fees or the states?

Christina Christensen: Thank you, I just want to say that right now we're still in the early stages of this proposal so we don't have an estimate to provide you with. But we are working to develop cost estimates, in particular the direct cost to states and tribes to implement these changes. So we'll make this available as part of the proposal.

Bill Payne: Thank you.

Operator: Again if you'd like to make a comment or ask a question, please press star then the number 1 on your telephone keypad. Your next question or comment comes from the line of Annette Feliberty.

Annette Feliberty: Good afternoon, and I'll be talking on behalf of (Alexander Theraby). We have a question regarding the compliance schedule and outside (influences). We want to try to clarify if what you meant is that, in the water quality standards regulations, we have to reference the possibility that the states try hard to include probation regarding compliance schedules and that these provisions has to be approved by EPA as part of the water quality standard regulation.

Christina Christensen: Yes that is what we're moving ahead with.

Operator: And your next question or comment comes from the line of Lee Garrigan.

Steve Brown: This is Steve Brown speaking on Lee's phone. Over the past two years or so ECOS and EPA had worked to determine the appropriate cost to include in the cost analysis as you determine what EPA's rules cost states to implement. But I'm sorry to report that we were unable to come to agreement on that. A number of factors that we believe legitimately cost the state to implement EPA rules are not being included in the rule analysis, and we're going to keep a very close eye on whether or not you include those items in your cost determination.

Christina Christensen: Thank you, and we encourage you to send us a written comment maybe outlining what you'd like to see included.

Steve Brown: OK, we will. Thank you.

Operator: Again if you'd like to make a comment or ask a question, please press star then the number 1 on your telephone keypad. Your next question or comment comes from the line of Jennifer Hecker.

Jennifer Hecker: Since we have time I thought I'd ask an additional question about this economic impact assessment. Is the EPA going to try to assess the lost tourism and waterfront real estate values that occur from degraded water quality or anything to account for the fact that there are cost endured form

poor water quality that should be weighed against any economic costs from implementing this additional regulation to improve water quality?

Christina Christensen: Well, like I said earlier we're still trying to develop our estimate of how much this might cost so if that's something you'd like us to consider we'd encourage you to send us a written comment to that effect.

Jennifer Hecker: Great, we will.

Operator: Again if you'd like to make a comment or ask a question, please press star then the number 1 on your telephone keypad.

Grace Robiou: All right. Thank you, everyone for participating in today's call. These were very valuable comments and insights into the reg provisions that we're considering for the changes to the water quality standards program. We will certainly be taking these into consideration as we proceed with these rulemaking.

We, again, as a friendly reminder we have another public listening session this Thursday at 1 pm Eastern Standard Time and I think this concludes our session today.

Thank you, everybody.

Operator: Thank you, ladies and gentlemen. This concludes today's conference call. You may now disconnect.

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