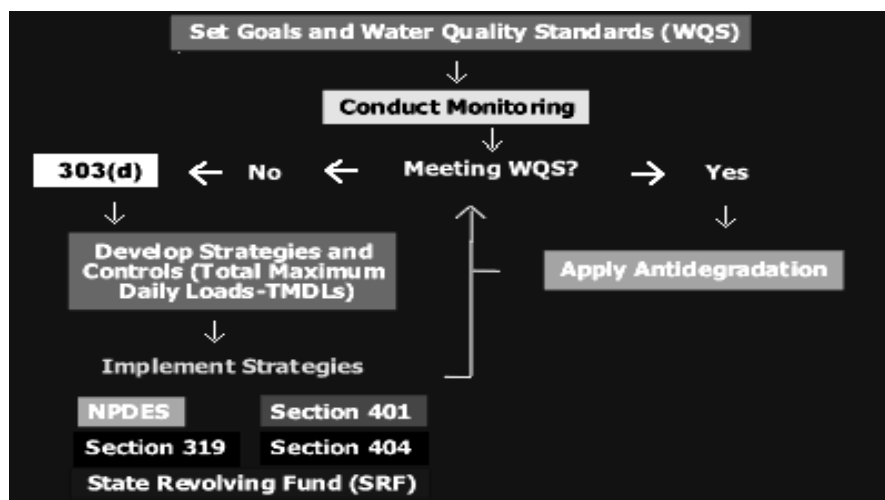


# CLEAN WATER ACT: Supplemental Authorities

The Clean Water Act:

- Governs protection of surface waters, but does not address groundwater or water quantity
- Aims to restore and maintain the chemical, physical, and biological integrity of the Nation's waters so that they can support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."
- Uses a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff.
- Addresses point source discharges and non-point source run-off

## Summary of CWA Approach



<http://www.epa.gov/watertrain/cwa/cwa1.htm>

Water quality standards (WQS) are the foundation for action. Surface waters are monitored to determine whether the WQS are met. If all WQS are met, antidegradation policies and programs are used to keep water quality at acceptable levels. Ambient monitoring is also used. If the surface water is not meeting the WQS, a strategy must be developed. The most common strategy is development of a Total Maximum Daily Load (TMDL). TMDLs are used to first determine what level of pollutants in the surface water would be consistent with meeting the WQS, and then to allocate acceptable pollutant loads among sources of the relevant pollutants. To reduce the levels of pollutants discharged, several measures authorized by the CWA can be used, including:

- **NPDES Permit Program:** Covers point sources of pollution.
- **Section 319:** Addresses non-point sources of pollution, largely through grants and plans.
- **Section 404:** Regulates the placement of dredged or fill materials into wetlands and other waters of the United States.
- **Section 401:** Requires federal agencies to obtain certification from states, territories, or Indian tribes before issuing permits that would result in increased pollutant loads to a surface water. The certification is issued only if such increased loads would not cause or contribute to violations of water quality standards.
- **State Revolving Funds:** Provide large amounts of money in the form of loans for municipal point sources, non-point sources, and other activities.

## Environmental Justice “Hooks”

**Non-Point Source (NPS) Pollution of Surface Waters:** Non-point source pollution is caused by runoff of precipitation (rain and/or snow) over or through the ground. Sources include farming and forestry operations and atmospheric deposition (i.e. pollutants discharged into the air and returned directly or indirectly to surface waters in rainfall and snow). The CWA does not provide a detailed definition of non-point sources. Rather, they are defined by exclusion, and include anything not considered a "point source" under the CWA and EPA regulations. There are many types of runoff that are treated as point sources rather than non-point sources under the CWA (e.g. stormwater associated with industrial activity, construction-related runoff, and discharges from municipal separate storm sewer systems). Pollutants commonly associated with non-point source pollution include nutrients (phosphorus and nitrogen), pathogens, clean sediments, oil and grease, salt, and pesticides.

Section 319 of the CWA addresses non-point sources of water pollution. Unlike point source discharges, they are not addressed through a regulatory approach, but instead through a federal grant program that provides money to states, tribes, and territories to develop and implement NPS management. These funds can be used to:

- develop state NPS regulatory programs
- develop and implement statewide NPS program plans or holistic watershed plans
- develop and implement TMDLs in watersheds where non-point sources substantially contribute to pollution levels causing the impairment
- support Clean Lakes program activities
- support projects aimed at protecting groundwater

A state, tribe, or territory receiving Section 319 funds must complete and update an NPS management plan every five years. Elements of the plan include: waters that are impaired or threatened by non-point sources of pollution; short and long-term goals for cleaning them up; best management practices (BMP) that will be used; a monitoring and evaluation plan, which is usually tied into the state's Section 305(b) assessment and reporting program; and strategies for working with other agencies and private entities. See also:

<http://www.epa.gov/OWOW/NPS/facts>

**Watershed Protection:** Watershed protection seeks to protect healthy waters and restore impaired ones. A watershed is an area of land that catches snow and rain, which then drains or seeps into a marsh, stream, river, lake, or groundwater. Watersheds come in all shapes and sizes: some are millions of square miles, and others are just a few acres. A *watershed plan* is a strategy for achieving water resource goals. It seeks to characterize existing conditions, prioritize causes and sources of problems, define water-quality goals and management objectives, and develop and implement protection or remediation actions to solve those problems. The plan must include these analyses, actions, and participants, as well as designate resources for development and implementation of the plan. A watershed planning approach may be used for a variety of reasons: (1) regulatory issues, which include CWA Section 303(d) requirements for the development of Total Maximum Daily Loads (TMDLs), requirements under CWA Section 319 for non-point source protection, and the National Pollutant Discharge Elimination System (NPDES) stormwater permit regulations; (2) federal, state, and local initiatives that target geographic areas (e.g. Chesapeake Bay); and (3) community-driven issues (e.g. increased development pressures). See also:

<http://www.epa.gov/owow/watershed>