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| <b>DEPARTMENTAL REGULATION</b>                     |  | Number:<br>9500-007 |
| SUBJECT: USDA Nonpoint Source Water Quality Policy | DATE:<br>December 5, 1986  |                     |
|  | OPI: Land Treatment Program<br>Division Soil Conservation<br>Service |                     |

1 PURPOSE

This regulation documents the Department's policy regarding nonpoint source water quality activities and programs.

2 BACKGROUND

Many federal laws deal with water quality. National water quality goals were established by the Federal Water Pollution Control Act and its amendments (33 U.S.C. 1251 et seq), commonly known as the Clean Water Act. The objectives of this Act are the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's surface waters. Similar goals for ground water were established by the Safe Drinking Water Act and its amendments (42 U.S.C. 311f et seq.).

The Clean Water Act directs states to develop water quality management plans. This planning includes a process to "identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution... and set forth procedures and methods (including land use requirements) to control the extent feasible such sources." Plans developed through this process (water quality management plans) establish the institutional framework to accomplish the Act's objective.

The Department has long been involved in management programs directed toward conservation of the Nation's soil and water resources that serve national, state, and local water quality goals. Conservation practices and resources management systems have been developed and implemented under various authorities on both private and public lands. On private lands, practices have been instituted through educational, technical, and financial assistance programs. On land administered by the Department, practices to control water pollution have been instituted under management authorities dating back to 1897.

Initial governmental water pollution control efforts were directed toward "point sources" (pollution from well defined and discrete sources) through extensive federal funding of the construction grants program for publicly owned treatment works. As progress is made in control of point sources, it is evident that additional emphasis is needed for "nonpoint sources" (pollution from ill defined and diffuse sources) control programs. In some parts of the country, ground water and surface water quality objectives cannot be met without further reduction in nonpoint sources of pollution. Effective control programs for point sources have been developed based on treatment and

controlled release of effluents; nonpoint source programs are being developed based on design and implementation of preventive resource management practices that recognize competing resource needs.

Agriculture and silviculture are among the predominant land uses in America. Agriculture production occurs on 63 percent of the nonfederal land in the United States. By virtue of their size and distribution, agricultural activities have widespread potential as a source of nonpoint pollutants. Fortunately, only a fraction of the potential degradation occurs. Unfortunately, because of the scale of American agriculture, that fraction is significant. Silvicultural activities are a much smaller potential source of nonpoint pollutants because of the less intensive use and smaller spatial extent. Agriculture and silviculture are not the only sources of nonpoint source pollution. Other sources include acid rain and runoff from mining operations, construction sites, roads, urban areas, and industrial areas.

In 1984, the Administrator of the Environmental Protection Agency (EPA) convened a federal, state, and local Nonpoint Source Task Force for the purpose of developing a federal policy to govern future nonpoint source efforts. Four separate agencies of the Department took part in these deliberations.

The Task Force was asked to develop a policy statements as a mechanism to coordinate existing programs and to guide EPA's implementation of a national nonpoint source (NPS) program. The Task Force report was submitted to the Administrator of EPA on December 12, 1985, and included a federal policy as well as strategies prepared by the participating agencies for implementation.

### 3 POLICY

a The Department subscribes to the policy developed by the Nonpoint Source Task Force. The Department agrees that:

(1) Nonpoint sources can be a significant pollution problem and agriculture, by virtue of its size and distribution, is a potential major source in some localities. Effort and emphasis are required by the Department to help achieve water quality goals.

(2) The states have the lead in developing and implementing nonpoint source management on private lands and USDA nonpoint source control activities will be coordinated with state and local agencies.

(3) All programs that affect nonpoint source problems must be flexible in the application of best management practices.

(4) Best Management Practices (BMP's) are the most effective, practical means of preventing or reducing pollutants from nonpoint sources in order to achieve water quality goals. Resources management systems (RMS) are composed of BMP's and other conservation practices

which recognize site-specific conditions, natural background and variability of nonpoint sources, and include consideration of institutional, political, social, economic, and technical feasibility.

(5) State water quality standards must reflect the needs of beneficial uses and must be flexible enough to address the impacts of time and space components of nonpoint sources, as well as naturally occurring events.

(6) Water quality data collection and research should be coordinated with other federal, state, and local agencies.

b The Department, in order to further promote the achievement of surface water and ground water quality goals, will:

(1) Promote the improvement, protection, restoration, and the maintenance of water quality to support beneficial uses.

(2) Provide the opportunity for public involvement in decisions potentially affecting water quality.

(3) Support continued emphasis on voluntary actions by landowners in preventing and correcting nonpoint problems.

(4) Encourage the use of best management practices as the mechanism to meet federal, state, and local water quality requirements for agricultural and silvicultural lands.

(5) Continue to use an established process to control the extent feasible nonpoint sources on USDA administered lands.

(6) Use nonpoint source management strategies that contribute to the achievement of defined state water quality objectives over realistic timeframes through the use of best management practices within defined drainage areas or ground water basins.

(7) Use state water quality standards as a basis for attaining or maintaining designated uses of surface and ground water resources.

(8) Consider activities undertaken as part of an EPA approved state

nonpoint source management plan to be consistent with state water quality standards unless subsequent evaluations indicate otherwise, at which time the nonpoint source management plan will be reviewed and modified as necessary. Recommendations to states for revision of state water quality standards may be appropriate in certain cases, but should be considered as a last resort.

(9) Provide educational, technical, and other assistance to land users, states, and local governments in the context of resource management systems.

(10) Use existing knowledge and program base information, and continue improvement of data gathering and research efforts to define and assess water quality and nonpoint source pollution problem areas.

(11) Continue to support and conduct research to identify cause-effect relationships between management practices and impacts on beneficial uses and to evaluate social costs and benefits associated with nonpoint control.

4 RESPONSIBILITIES

a The Office of the Secretary will:

(1) Coordinate USDA efforts with other federal departments and agencies that implement policies and procedures supportive of this policy.

(2) Resolve issues and act on recommendations raised by the Secretary's Policy and Coordination Council, Natural Resources and Environment Committee, and other Departmental Committees.

b The Natural Resources and Environment Committee will provide Departmental leadership for the implementation of this policy. The Natural Resources and Environment Committee will:

(1) Coordinate the work of USDA agencies in carrying out provisions of this policy.

(2) Monitor the implementation of this policy and inform the Secretary regarding progress and problems encountered.

(3) Encourage USDA agencies to support and conduct public information programs to create increased awareness of nonpoint source water quality problems and solutions.

(4) Encourage, support, and provide guidance to federal, state, and local level USDA related agencies and committees in implementing this policy.

c Agencies and Departmental staff offices will:

(1) Ensure that their actions and programs on federal and nonfederal lands will conform with the nonpoint source water quality plans adopted by state and local governments.

(2) Coordinate water quality activities with appropriate public and private institutions including federal, state, and local governments.

(3) Integrate water quality concepts, consideration, and management techniques into appropriate programs, research, and modes of assistance to landowners or users.

(4) Seek state recognition as the designated management agency for lands under the administrative control of the Department. Land management agencies will seek state approval of a process which will insure proper design and implementation of resource management systems.

(5) Provide federal assistance in accordance with overall environmental policy and other procedural directives developed by USDA.

(6) Train agency personnel in surface water and ground water quality concepts to a level commensurate with their responsibility.

(7) Provide agency offices with copies of this policy and agency procedures necessary for its implementation.

(8) Provide information to the Natural Resources and Environment Committee on actions and activities to implement this policy.