



Nonpoint Source Subcommittee

August 29, 2010

Whitefield, New Hampshire

Draft Meeting Notes

Welcome – Commissioner Justin Johnson (VT), Chair and Director Richard Opper (MT), Vice Chair

Featured Speaker – Bill Holman, Duke University, *Tomorrow's Clean Water Act and Nonpoint Source Pollution*

- Reform of Clean Water Act (CWA) was theme of Johnson Foundation/WEF/Nicholas Institute meeting in Sept 2009
- EPA's *Coming Together for Clean Water Forum* addressed CWA reform in early 2010
- Point sources have been addressed very well
- What approach should we take on nonpoint source (NPS) policy?
- Not ready to take comprehensive approach to Congress; activity currently is at the state/regional level (e.g. Chesapeake Bay; individual state initiatives)
- Still looking to document effective state strategies
- Congressional reauthorization of farm bill and highway bill due in 2012 - opportunity for NPS discussion
- Where in the spectrum of environmental issues does NPS fall for the ECOS Water Committee?
- Needs to be an understanding of the need for a watershed approach that involves all stakeholders, allows for flexibility at the local level and takes a performance-based approach
- On the science side, tools are getting better to monitor and evaluate problems; awareness of the value of watershed protection is increasing
- Water quantity is rising quickly as an issue in business, industry, utilities and states [since the Subcommittee meeting, new report released....see: <http://www.johnsonfdn.org/chartingnewwaters>]
- The value of water also is rising

State Discussion

- OH – watershed summer in his state is producing algal blooms in large recreational lakes for the first time. State may need regulations to restrict manure application for the three months out of the year when nothing is on the ground (no permitting required).
- OK – with hot, dry weather, people forget about the attention paid to nonpoint source during the wet years
- VT – Any thoughts or current debates regarding the thousands of TMDLs that will be developed, but that will be unenforceable?
- OH - Efficacy of farm conservation programs to achieving environment health/goals
- Holman – Could we spend the federal conservation dollars more wisely?

Review of Subcommittee's Nonpoint Source Pollution Issue List

Chair Justin Johnson (VT)

- Over the past several months, the Subcommittee developed and agreed to an initial list of NPS issues that are important to states.

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- Now the list must be prioritized to help focus the Subcommittee's work
- The Subcommittee also developed a new resolution that will be taken up in the Water Committee meeting

State Discussion of List

- NE – the NRCS-related issues in the Agriculture section of the list should be one of the priorities. Currently match up EQIP dollars with CWA 319 monies to achieve results. The USDA needs a culture change. Should a working group of ECOS and NRCS reps be formed?
- IA – state similarly coordinates their EQIP money. In the agriculture community, the application of nutrients and the understanding of the environmental results have grown immensely. The TMDL process is befuddling.
- Is there anything being done in the Chesapeake Bay program that is worth copying? The results may not be what policymakers hoped for. No one knows how to really get it done yet. The whole idea of monitoring and measurement also is under debate.
- SC – should bring the state Ag guys and ECOS together to identify a few watersheds and try to make it work through these two groups. Spend some real time in a smaller watershed as opposed to the Chesapeake Bay, which is huge in size.
- OK – CWA §319 was supposed to be the demonstration program. These projects are working. We have shown it can be done through monitoring. The success stories are not documented or they don't necessarily resonate elsewhere. You'd think there would be a stampede to reproduce successful 319 projects.
- NE – without the cost-share of the 319 program, those practices cannot be implemented
- IA – uses 319 funds to pay a guy to sell people on conservation practices, targeting the 20 percent of the people that cause 80 percent of the problem
- KY – shares success stories among all farms above 10 acres in size
- IN – have practices that work on small farms but then you have wet weather events, surface waters receive excess nutrients in addition to excess water. Need to develop a different mindset where we think about developing systems to catch the runoff, i.e. engineered solutions like with CAFOs.
- MA – proposes septic systems be redefined as point sources subject to a NPDES permit; septic systems are legal but many don't work
- MA – what do we do with TMDLs? Tool for loading/modeling to see where contributions are – and can find exactly where they are. But enforceability is questionable – what's the next step?
- ? – pre-permitting for type of soil, capacity to receive, technology needed. Challenge also is offsets.
- IN – add issue to the list: over-fertilization of lawns; pet poop scooping; parking lot runoff

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- NH – wet and dry air deposition; need a better understanding between water and air issues as well as better data and better science
- VT – the 319(g) conference was held to address air deposition in water in the form of mercury. EPA will have to figure out to deal with the air-water pollution problem.
- VT – prodded by the courts, stormwater in VT is under residual designation authority, will reissue MS4 permits with increased effort to deal with phosphorous. Residual Designation Authority (RDA) is in the Clean Water Act and kicks in when there is no other authority to use.
- MA – MA and VT are two of four non-delegated states. ?? On Charles River, 340 + MS4s in MA?..worth looking at EPA's approach – this is a working pilot/model

Closing Remarks

Chair Justin Johnson – Nonpoint Source Subcommittee will invite the NRCS to participate in the spring meeting of the Subcommittee in Alexandria, VA.