ECOS

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As certified by
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Executive Director

IMPROVING COOPERATIVE MANAGEMENT OF PROGRAMS TO REDUCE NONPOINT SOURCE POLLUTION

WHEREAS, water quality has improved significantly since passage of the Clean Water Act (CWA) of 1972; and

WHEREAS, the 1987 amendments to the CWA established the Section 319 Nonpoint Source (NPS) Management Program; and

WHEREAS, state environmental agencies are responsible for managing nonpoint source pollution among many other responsibilities to ensure benefits to public health and the environment; and

WHEREAS, water quality has improved as a result of successfully controlling point source discharges through state permit programs; and

WHEREAS, while progress on addressing nonpoint source pollution has been made across the United States, continued state and federal attention to both wastewater and nonpoint source pollution is important to effectively and holistically address impaired water quality; and

WHEREAS, impairments in many of the nation's waters are dominated by nonpoint sources, yet Total Maximum Daily Load (TMDL) implementation plans necessarily place significant load reduction obligations on wastewater treatment facilities and municipal stormwater systems; and

WHEREAS, adequate federal resources and funding, technical support, and support for states, territories, and the District of Columbia, (hereinafter referred to as "states") are needed to determine and establish appropriate accountability mechanisms directed at nonpoint sources; otherwise point source dischargers

across the country will continue to bear a disproportionate share of the cost and compliance burden for water quality improvements they alone cannot achieve; and

WHEREAS, CWA Section 319 provides money to states for programs to reduce pollution from nonpoint sources, with a focus on local partnerships including agricultural entities to reduce water pollution, such as excessive nitrogen and phosphorous; and

WHEREAS, previous U.S. Government Accountability Office and other studies have concluded that nonpoint sources are responsible for the great majority of impairments nationwide, funding for nonpoint management remains a small fraction of total federal water quality improvement funding; and

WHEREAS, U.S. Congressional appropriations for CWA Section 319 work has remained roughly steady for at least the last two decades, the costs to support nonpoint source management staff at the state level have steadily increased, yielding a steady reduction in states' effective power to address nonpoint source impairments; and

WHEREAS, continued economic growth of the United States includes continued population growth, which has been linked to continued increases in nonpoint source degradation of surface waters; and

WHEREAS, more frequent extreme weather increases the magnitude of nonpoint source contributions to water quality impairments; and

WHEREAS, according to the American Flood Coalition, eight dollars in watershed investment is typically derived from every federal dollar when Section 319 funds are leveraged within U.S. Department of Agriculture (USDA) programs; and

WHEREAS, the USDA, in collaboration with U.S. EPA and state water quality agencies, launched the National Water Quality Initiative (NWQI) in 2012, and expanded it in 2018, to reduce in selected high-priority watersheds in each state nonpoint sources of nutrients, sediment, and pathogens related to agriculture by using dedicated financial assistance to accelerate voluntary, private land conservation investments; and

WHEREAS, runoff in the built environment, including chloride and other metals, is an increasing pollutant in watersheds in the United States that will result in long-term damage if not effectively addressed; and

WHEREAS, U.S. EPA has worked with states and federal agencies to issue reforms to the Section 319 program to reduce administrative burden and ensure grant monies are dispersed quickly to improve environmental outcomes and accelerate water quality improvement; and

WHEREAS, program reforms include grant guidelines for states and territories that provide updated program direction, an increased emphasis on watershed project implementation in watersheds with impaired waters, and increased accountability measures; and

WHEREAS, in 2005 U.S. EPA began publicly documenting Section 319 success stories about primarily nonpoint source-impaired water bodies where restoration efforts have led to documented water quality improvements, and it continues to do so on the U.S. EPA website; and

WHEREAS, reductions in total phosphorus, total nitrogen, and total suspended solids realized from the implementation of Section 319 funded projects over the past twenty years have been tracked by states in

U.S. EPA's Grants Reporting and Tracking System, which is the primary tool for management and oversight of U.S. EPA's NPS Pollution Control Program; and

WHEREAS, water quality can continue to be substantially improved by successful coordination among state, federal, and local entities through agreement on water quality priorities, nonpoint source control strategies, and financial assistance program utilization.

NOW, THEREFORE, BE IT RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES (ECOS):

Supports increased funding of the CWA Section 319 grants program to better reflect that nonpoint source pollution is the leading cause of impairment nationwide;

Encourages U.S. EPA to evaluate ways to minimize hardship on states and CWA Section 319 grant recipients in determining what can be considered match and reducing the required 40% state match, to better support and accelerate state efforts to reduce nutrients and other forms of nonpoint source pollution to waters of the U.S.;

Encourages U.S. EPA to consider loosening the fifty-fifty program or pass-through split to accommodate steadily increasing costs of state NPS staffing;

Believes the federal government should continue to: work collaboratively with states to keep federal programs aligned with state water quality priorities, better focus technical and financial assistance, support flexibility in national program guidance, and continue to support, and streamline processes to track program implementation water quality improvement by, for example, providing technologies for measuring and addressing urban runoff and/or advanced measurement techniques for quantifying water quality impacts;

Agrees with U.S. EPA that addressing nonpoint sources of pollution is a high priority for the agency and the states, and therefore supports continued collaboration between states and U.S. EPA's Section 319 program to develop and implement effective nonpoint source pollution control strategies that account for water quality improvements and the protection of high quality waters;

Acknowledges progress made through collaboration of federal agencies, like the U.S. EPA and USDA partnership on NWQI and encourages documentation of how these efforts continue to connect with state water quality priorities;

Encourages U.S. EPA within current legal authority to reexamine how nonpoint source pollution is addressed within the TMDL planning framework nationwide, including by providing technical and financial resources for state-led nonpoint source reduction, supporting and improving state-led accountability and tracking mechanisms for nonpoint source implementation plans, and ensuring that future TMDLs and their implementation plans more equitably reflect the respective contributions and responsibilities of point and nonpoint sources to water quality impairment;

Advocates for adaptive land use management practices on federal lands that encourage and achieve reductions in nonpoint source pollution;

Asks that U.S. EPA ensures that 319 funds are made available for the full range of practices to achieve resilient watersheds, including not only restoration but also protection;

Supports forward-thinking restoration, protection, and management practices that increase resiliency of watersheds to drought, wildfires, flooding, or extreme weather;

Recognizes the beneficial effects and promotes the role of wetlands and riparian ecosystems in reducing nonpoint source pollution;

Encourages continued partnerships among federal agencies including, but not limited to, U.S. EPA, the USDA, U.S. Department of Transportation, U.S. Department of Homeland Security, and the U.S. Department of Interior (including the Bureau of Reclamation and the National Park Service), to create and coordinate effective strategies to reduce nonpoint source pollution in watersheds, and requests that these partners continue to consult with states on their efforts before finalization and implementation to ensure optimal results on the ground;

Encourages the U.S. Geological Survey to continue supporting monitoring and water quality assessment throughout the United States;

Supports efforts to highlight success within the nonpoint source program and allow flexibility for creative alternative measures beyond the traditional Section 319 success stories;

Calls for continued coordination of federal technical and financial assistance to states to implement nonpoint source control strategies; and

Calls for continued evaluation of ways that U.S. EPA and states can work together to streamline the Section 319 grant application and award process to encourage timely awards of annual grant funds to states.