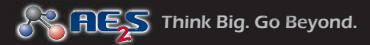


The Update

June 2011



Coming Together for Clean Water - USEPA's Strategy to Protect America's Waters

In 2010, a forum of diverse stakeholders was convened to consider "opportunities to reinvigorate the United States Environmental Protection Agency's (USEPA's) strategy for achieving clean water." *Coming Together for Clean Water* explains the outcome of these discussions related to the public participation process, describes water quality challenges facing the nation, and highlights the USEPA's priorities for achieving clean water goals.

With regard to the challenges and opportunities for protecting America's waters, the document considers:

- Human and Aquatic Ecosystem Health
- Infrastructure Needs and the Cost of Pollution
- Climate Change and the Carbon Footprint of Water
- Sustainable Use, Efficiency, and Reuse
- Public Outreach and Participation

The resulting strategy for addressing these issues focused on two themes: healthy watersheds and sustainable communities. Each strategy was developed with two objectives in mind: protecting human health and protecting and restoring watershed and aquatic ecosystems. The strategic plan outlines five areas for focused implementation efforts over the next two years and beyond, including:

- Development of a Baseline for Progress
- Increasing Protection of Healthy Waters
- Restoration of Degraded Waters
- Reducing Pollution from Discreet Sources
- Enhancing Watershed Resiliency and Revitalizing Communities.

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It is widely acknowledged that permitted (point source) dischargers to our nation's water bodies make up only a minor portion of the overall contribution of pollutants to their respective watersheds. In fact, many point source dischargers have already been implementing improvements over the years to proactively reduce loadings to their respective watersheds with little

Perspectives on Nonpoint Source Dischargers

or no measurable improvements to in stream water quality. It is therefore understandable that point source dischargers are resentful that they are facing newer and more stringent water quality regulations, specifically related to nutrients, when a large number of nonpoint sources exist throughout their watersheds. Such sources include a variety of agricultural activities, harvesting of natural resources, septic systems, animal contributions, and urban runoff that are not be required to reduce pollutant loadings.

It is certainly a unique situation in that the beneficial uses we are seeking to protect are also part of the pollutant challenge driving the need for regulation. To further complicate the issue, under current regulatory structure, there are few, if any, federally-protected legislative and legal policies for imposing discharge requirements, enforcing compliance, and revoking the right of operation within a watershed if requirements are not met by nonpoint source dischargers. As a result, regulatory agencies are finding themselves embroiled in lawsuits, unable to renew permits or allow new permits within a watershed, and in the crossfire of answering the "unanswerable question": What is fair?

It is inevitable that complying with nutrient regulations is going to be a topic of debate that persists for many years. Not only does it take years to impact water quality based on behavioral changes within a watershed, but a watershed is dynamic, constantly changing in terms of both contributors to pollution and beneficial uses. Irrespective of the existence of nonpoint source regulatory authority, many point source dischargers are facing an ultimatum - how do we become part of the solution? And, what does that mean for our community in terms of advantages and disadvantages in the future? Those utilities that have had to face this ultimatum are already recognizing the need to work together with nonpoint sources. The anticipated benefits will include increased likelihood in achieving compliance, development of the most affordable compliance approaches, and the effective management of a community's water resources into the future.

Regulatory authorities are also facing an ultimatum - how to engage nonpoint dischargers? And, what does that mean for our communities in terms of advantages and disadvantages in the future? By establishing Total Maximum Daily Loads (TMDLs) with wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources, regulatory agencies are taking the first step, which is acknowledging that the responsibility is shared and

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(Coming Together for Clean Water from first page)

Within each of the five areas identified, actions were outlined to guide USEPA efforts in "rethinking its path forward in the 21st Century." The concluding statements of Coming Together for Clean Water includes the following: "Public involvement and commitment at the community levels are essential to good governance and to building the strong partnerships that will be necessary to attain the changes identified. In many communities and watersheds throughout the nation, it is a well-informed and involved citizenry that is driving the restoration of urban waters, lakes, coasts, and the protection of pristine ecosystems through innovative partnerships with multiple stakeholders and based on collaborative actions."

The goal is to establish mechanisms wherein all groups can come to the table, find solutions specific to their watershed needs, and implement those solutions collaboratively for successful management of a watershed into the future. ■

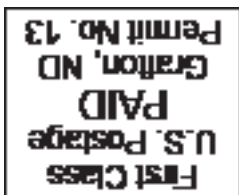
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determining who, exactly, is responsible for what. In some cases, there has even been movement towards regulation. Examples include:

- Permitting for small municipal separate storm sewer systems (MS4s) and concentrated animal feed operations (CAFOs);
- Development of nonpoint source funding programs encouraging voluntary and incentive-based compliance with protective and restorative water quality standards;
- Extensive education programs to provide nonpoint source contributors with tools to adopt Best Management Practices (BMPs) in their operations;
- The evaluation and implementation of point source to nonpoint source nutrient trading programs; and
- Recent legislation in the State of Wisconsin relating to numeric nutrient standards, resulting in the implementation of performance standards for nonpoint source agricultural practices associated with meeting phosphorus indices for various land uses.

The country continues to face the realities of heightened water quality standards, both in terms of accepting the challenge and the shift in management practices necessary to achieve sustainable compliance. To promote stakeholders working together toward a solution, the USEPA administrator, Lisa P. Jackson, convened a diverse group of stakeholders in 2010 to discuss opportunities for Clean Water Act (CWA) compliance, the outcome of which is the spring 2011 USEPA publication entitled Coming Together for Clean Water. The highlights of this document are provided in the side bar article and the complete document is available at the following link: <http://tinyurl.com/3tqskmm>. ■

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