

Clean Water Act

The Clean Water Act was established to restore and maintain the chemical, physical, and biological integrity of the nation's waters; to, wherever attainable, provide for an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provide for recreation in and on the nation's waters; and that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner to enable the goals of the act to be met through the control of both point and nonpoint sources of pollution.

Section 303 paragraph d, Section 305 paragraph b, and Section 319 are of importance to the Department of Environmental Quality, Water Quality Division, Watershed Management Program because they establish assessments and criteria for establishing the health of water bodies within the state.

The 305b requires that a report be prepared on a biennial basis that describes the water quality of all navigable waters of the state. From the 305b report and other sources of information, a 303d list is prepared, also on a biennial basis, that lists those streams that are impaired or threatened from meeting assigned beneficial uses.

The 303d list is prioritized and plans are developed and implemented to restore the listed water bodies to beneficial uses. The CWA describes those water bodies on the 303d list as water bodies in need of a Total Maximum Daily Load (TMDL) calculation for pollutants of concern. The TMDL is an assessment of the loading of a particular pollutant that a stream can sustain and still provide for assigned beneficial uses. The TMDL plan is a plan that describes what the point and nonpoint contributions can be to the water body after natural background and a margin of safety have been determined. For point source pollution contributions to a water body, a National Pollution Discharge Elimination Systems (NPDES) permit is issued based on technology and water quality-based criteria. The nonpoint source part of a TMDL describes pollution contributions for sources other than point sources to a water body and is remediated by implementation of Best Management Practices (BMPs) on a voluntary basis.

The current 303d list contains 63 water bodies in need of a TMDL. Fourteen water bodies are targeted for preparation of a TMDL within the plan period of the 1998 303d list. However, assessment information and awarding of 319 projects on two of the water bodies have pushed out the date for developing a TMDL for at least four years. Restoration efforts begun by other entities has changed the completion date for two other water bodies. Those water bodies where development and enforcement of a point source NPDES permit will ensure restoration of water quality total 30. One of which was on the original list of 14 targeted water bodies. There are 20 water bodies that have some project occurring in some degree or fashion and will have a plan developed within the next five to ten years. Of the 15 original water bodies, there are now eight that require a TMDL or watershed plan be written within two years.

Rather than writing stand alone TMDLs, it is envisioned that locally led groups will step forward and develop a watershed plan which will have practices embodied within it to improve the water quality of the entire watershed, not just the listed impaired segment.

The 1996 303(d) list contained 366 stream segments. The 1998 list consists of the following:

- 14 water bodies with credible data indicating impairment
- 29 water bodies which have permits with wasteload allocations due for renewal
- 20 water bodies with credible nonpoint source threats
- 33 water bodies with credible data to delist—they are meeting their beneficial uses
- 335 water bodies about which there is insufficient credible data to know whether they should be listed or not.

If you have any questions, call Chuck Harnish at DEQ, 307-777-6372.