



### Water Pollution Control Legislation and Rangelands

#### **A. Federal Water Pollution Control Act (Clean Water Act) — 1972**

First enacted in 1972, with the most recent re-authorization in 1987 (re-authorization now being considered). The act covers water pollution and water quality from many angles including point and nonpoint source, groundwater, surface waters (lakes, rivers, streams, estuaries, urban runoff), wetlands, beneficial uses, and water quality standards. Point sources from urban areas, industry, and confined animal facilities have received the most attention during the past 20 years and operate under permit systems. Nonpoint sources are receiving increased attention.

**Section 208 (1972).** Directs the states to develop programs on nonpoint source pollution which include: 1) an assessment of nonpoint source pollution and 2) a program to control nonpoint source pollution. In developing and implementing nonpoint source pollution programs, Best Management Practices are identified as means for pollution control.

**Section 303.** Requires states to establish water quality standards that identify beneficial designated use or uses of a water body and the water quality criteria necessary to protect the use(s) of that water body.

**Section 304.** Directs EPA to provide criteria to the states to help establish their water quality standards.

**Section 305(b).** Establishes a process for developing information on the quality of the Nation's water resources and reporting this information to EPA, the US Congress, and the citizens of this country. Each state, territory, and Interstate Commission must do this every two years.

**Section 319 (1987).** Reflects the increasing recognition of the importance of nonpoint source pollution, and emphasizes the mandate that states implement effective management programs. EPA considers agricultural runoff as the major cause of nonpoint source pollution. EPA has also shifted the emphasis from "direct threat to human health or safety" to a "threat to ecosystems and habitat." Sediment, nutrients, pathogens, and chemicals, in descending order of importance, are considered the "pollutants" from agriculture. All states now have approved (or portions of approved) nonpoint source management programs and are currently receiving grants authorized in this section to assist in implementing approved programs.

**Section 404 (1987).** Includes wetlands of any size and location as "waters of the US," and authorizes EPA and US Army Corps of Engineers to regulate activities that affect wetlands.

#### **B. California Porter-Cologne Act — 1969**

Actually enacted prior to the Clean Water Act (CWA), designated the State Water Resources Control Board as the statewide water quality

planning agency and also gave authority to nine semi-autonomous Regional Water Quality Control Boards which were established 20 years earlier. Beyond establishing the state framework, this act is now revised to comply with the Federal Clean Water Act.

The State Board is responsible for developing statewide water quality plans (i.e., Inland Surfaces Plan), while the Regional Boards are responsible for developing Regional Water Quality Control Plans (usually called River Basin Plans) which in turn are approved by the State Water Quality Control Board and the Environmental Protection Agency. Within these plans are water quality objectives, a list of beneficial uses, and implementation mechanisms. These plans, both statewide and basin, include identification of beneficial uses, water quality objectives, and an implementation plan for surface water and groundwater bodies. Regional Boards have the primary responsibility for implementing the provisions in both statewide and basin plans. The state structure implements the federal legislation.

### **C. Coastal Zone Management Act (CZMA) — 1972**

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This was re-authorized with the passage of the Coastal Zone Act Re-authorization Amendments of 1990. The act involves both the Environmental Protection Agency and the National Oceanic and Atmospheric Administration (NOAA).

**Section 306.** Requires states to develop a coastal zone management plan.

**Section 6217.** Entitled “Protecting Coastal Waters,” requires states with approved coastal zone management programs to develop and implement Coastal Nonpoint Pollution Control Programs. These programs must:

- 1) Comply with sections 208, 303, 319, and 320 of the CWA and the state coastal zone management programs.
- 2) Provide for the implementation of management measures conforming with the guidelines to protect coastal waters.
- 3) Provide for the addition of additional management measures if needed.
- 4) Provide for technical and other assistance to local governments and the public to implement management measures.
- 5) Provide for public participation.
- 6) Establish mechanisms to improve agency communications and permitting processes.
- 7) Propose to modify state coastal zone boundaries as necessary to meet NOAA recommendations.

This section also requires NOAA and EPA to develop guidance and implementation documents—“Proposed Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters” and “Coastal Nonpoint Pollution Control Program—Program Development and Approval Guidance.”

### **D. California Coastal Act — 1976**

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Formally authorizes the California Coastal Commission after being established by an initiative in 1972.

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