
OFFICE OF GOVERNOR RONNIE MUSGROVE
INTEROFFICE MEMORANDUM

TO: GOVERNOR
FROM: BOYD
SUBJECT: NONPOINT SOURCE POLLUTION AND S. 2417
DATE: 5/3/2000
CC: BUTTROSS
COLE
SIMMONS

Jeane Carter, NGA Water Quality Specialist, called to provide an update regarding federal legislation on environmental issues. In our discussion, Carter sought your position on federal grants to study nonpoint source pollution under the Central Zone Management Act. NGA currently has not positions on nonpoint source pollution.

According to Carter, S. 2417 will require states to participate in nonpoint source pollution grants and provides enhanced federal funding. Carter is "hearing" that Senator Lott opposes making these grants and its regulations mandatory on the states, but he may be supportive of continuing the optional nature of the program. **Carter is seeking your position regarding this conundrum to determine NGA's approach to this matter.** Following the recommendation is a brief summary of nonpoint source pollution and some policy considerations.

Policy Recommendation: The state should be actively involved in preventing nonpoint source pollution. As the Department of Marine Resources administers this federally funded program, it is in our state's best interest to see continued federal support for this grant program.

NONPOINT SOURCE POLLUTION

The Environmental Protection Agency considers Nonpoint source (NPS) pollution as the nation's largest water quality problem. NPS, unlike pollution from industrial and sewage treatment plants, comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water. These pollutants include:

- Excess fertilizers, herbicides, and insecticides from agricultural lands and residential areas;
- Oil, grease, and toxic chemicals from urban runoff and energy production;
- Sediment from improperly managed construction sites, crop and forest lands, and eroding stream banks;
- Salt from irrigation practices and acid drainage from abandoned mines; and,

- Bacteria and nutrients from livestock, pet wastes, and faulty septic systems.

The EPA claims that NPS is the main reason that approximately 40 percent of our surveyed rivers, lakes, and estuaries are not clean enough to meet basic uses such as fishing or swimming. The most recent *National Water Quality Inventory* reports that agricultural NPS pollution is the leading source of water quality impacts to surveyed rivers and lakes, the third largest source of impairments to surveyed estuaries, and also a major contributor to ground water contamination and wetlands degradation.

Agricultural activities that cause NPS pollution include confined animal facilities, grazing, plowing, pesticide spraying, irrigation, fertilizing, planting, and harvesting. The major agricultural NPS pollutants that result from these activities are sediment, nutrients, pathogens, pesticides, and salts. Agricultural activities also can damage habitat and stream channels. Agricultural impacts on surface water and ground water can be minimized by properly managing activities that can cause NPS pollution.

COASTAL ZONE MANAGEMENT ACT

In an effort to encourage states to better manage coastal areas, Congress enacted the Coastal Zone Management Act (CZMA) in 1972. CZMA provides grants to states that develop and implement Federally approved coastal zone management plans. It also allows states with approved plans the right to review Federal actions to ensure they are consistent with those plans, and it authorizes the National Estuarine Research Reserve System.

In 1990, Congress passed the Coastal Zone Act Reauthorization Amendments (CZARA) to tackle the nonpoint source pollution problem in coastal waters. Section 6217 of CZARA requires the 29 states and territories with approved Coastal Zone Management Programs to develop coastal nonpoint pollution control programs. (The National Oceanic and Atmospheric Administration—NOAA—administers this program.) The Coastal Zone Management Act was last reviewed in the 104th Congress, and is now authorized until September 30, 1999.

U.S. Senate Bill 2417 (2000), Water Pollution Program Enhancement Act of 2000, is the Republican version seeking to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs.

CONSIDERATIONS FOR MISSISSIPPI

In 1995, coastal states, including Mississippi, and territories submitted their coastal nonpoint programs to EPA and NOAA for review and approval. States and territories are scheduled to implement the first phase of their approved program by 2004 and, if necessary, the second phase by 2009.

According to Dept. Environmental Quality (DEQ) staff, nonpoint source pollution in Mississippi is generally attributable to commercial construction activities, agriculture, urban run-off, and septic tank usage. Mississippi has two nonpoint source pollution control programs. DEQ administers the EPA's NPS program and Dept. of Marine Resources administers NOAA's CZMA program. DEQ is in the process of updating its management plan and assessment reports to reflect its new strategy for handling NPS pollution.

DEQ'S NONPOINT SOURCE POLLUTION PROGRAM

DEQ has divided the state into five drainage groupings to better educate the public on responsible methods for controlling and preventing NPC pollution. These drainage districts will allow DEQ to take a

more focused approach to reducing NPS pollution throughout Mississippi. The department's activities are expected to increase public involvement through town meetings and educational sessions.

DMR'S NONPOINT SOURCE POLLUTION PROGRAM

Dept. of Marine Resources administers the a nonpoint source pollution as a small portion of the Coastal Management Plan. This federal appropriations for this portion is less than \$300,000. DMR's focus on NPS is based on the

POLICY PERSPECTIVES

Lionel J. (Bo) Beaulieu, Southern Rural Development Center Director (MSU), notes that since the 1970s, water quality problems attributable to agriculture have best been handled by voluntary rather than regulatory approaches. Agricultural interests certainly favor this approach, and environmental agencies seem to agree because the task of regulating agricultural nonpoint sources would be formidable. Most of these demonstration projects have had only modest success without a real threat of regulation or a clear economic incentive.