



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAR - 7 1986

MEMORANDUM

SUBJECT: Answers to Questions on Nonpoint Sources and WQS

FROM: Lawrence J. Jensen, Assistant Administrator
for Water

Larry Jensen

TO: Robert Burd, Water Division Director
Region

On March 6, 1986, you asked two questions regarding nonpoint sources of pollution and requested guidance on each.

The antidegradation policy applies to both point and nonpoint sources of pollution. This is expressly stated in the water quality standards regulation section 131.12 and in question number 14 of Questions and Answers on Antidegradation. Specifically, section 131.12(a)(1) of the regulation, which requires existing uses and the level of water quality necessary to protect the existing uses be maintained and protected, clearly requires the imposition of appropriate point and nonpoint source controls (see also §131.10(d)).

Cost-effective and reasonable best management practices for nonpoint source controls are to be designed to meet water quality standards. Consistent with our policy, first issued on Nov. 14, 1978, if experience demonstrates that applicable water quality standards are not met, revised or additional best management practices should be applied in an iterative process for developing, implementing, and evaluating BMP systems. Where appropriate, further requirements in the management system and a review of water quality standards following the criteria listed in section 131.10(g) may be needed. The preamble to the water quality management regulation (50 FR 1774, at 1775) reiterates the requirements that both technology-based and NPS controls are the tools to ensure compliance with water quality standards.

The Agency is updating the policy statement on nonpoint sources, however, we expect to make no change in these basic principles. While it is true that the Act does not establish a regulatory program for nonpoint sources, it clearly intends that the BMPs developed and approved under sections 205(j), 208 and 303(e) be aggressively implemented by the States to meet water quality standards.