

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, DC 20250

DEPARTMENTAL REGULATION	NUMBER: DR 9500-007
SUBJECT: USDA Nonpoint Source Water Quality	DATE: December 16, 2020
OPI: Natural Resources Conservation Service	EXPIRATION DATE: December 16, 2025

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1. PURPOSE

This Departmental Regulation (DR) provides United States Department of Agriculture (USDA) policy regarding nonpoint source water quality activities and programs.

2. SPECIAL INSTRUCTIONS/CANCELLATIONS

- a. This revision supersedes DR 9500-007, *USDA Nonpoint Source Water Quality Policy*, dated December 5, 1986.
- b. This policy is effective immediately and remains in effect until it is superseded or expires.

3. SCOPE

This DR applies to USDA Mission Areas, agencies, and personnel responsible for activities related to the nonpoint source water quality.

4. BACKGROUND

Many federal laws deal with water quality. National water quality goals were established by the [*Federal Water Pollution Control Act*](#) (*Clean Water Act*) and its amendments (33 U.S.C. 1251 *et seq.*). The objectives of this Act are the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's surface waters. Similar goals for groundwater were established by the [*Safe Drinking Water Act*](#) and its amendments (42 U.S.C. 311f *et seq.*).

The Department has long been involved in management programs directed toward conservation of the Nation's soil and water resources that serve national, state, and local water quality goals. Conservation practices and conservation management systems have been developed and implemented under various authorities on both private and public lands. On private lands, practices have been instituted through educational, technical, and financial assistance programs.

Initial governmental water pollution control efforts were directed toward "point sources" (pollution from well-defined and discrete sources) through extensive federal funding of the construction grants program for publicly owned treatment works. As progress was made in control of point sources, it became evident that additional emphasis was needed for "nonpoint sources" (pollution from not well-defined and diffuse sources) control programs. Effective control programs for point sources have been developed based on treatment and controlled release of effluents; nonpoint source programs have been developed based on design and implementation of preventive conservation management practices that recognize competing resource needs.

Agriculture production, livestock grazing, and silviculture occurs on approximately 40% of the nonfederal land in the United States. By virtue of their size and distribution, agricultural activities have widespread potential as a source of nonpoint pollutants. Fortunately, only a fraction of the potential degradation occurs. Unfortunately, because of the scale of American agriculture, that fraction is significant. Silvicultural activities are a much smaller potential source of nonpoint pollutants because of the less intensive use and smaller spatial extent. Agriculture, livestock grazing, and silviculture are not the only sources of nonpoint source pollution. Other sources include acid rain and runoff from mining operations, construction sites, roads, urban areas, and industrial areas.

4. POLICY

With the need to continue the prudent and sustained use of the nation's renewable natural resources, it is the policy of USDA to help minimize the impacts from nonpoint sources of pollution from agriculture, grazing, and silviculture lands.

Accordingly, USDA will:

- a. Promote the improvement, protection, restoration, and the maintenance of water quality to support beneficial uses.
- b. Provide the opportunity for public involvement in decisions potentially affecting water quality.
- c. Support continued emphasis on voluntary actions by landowners in preventing and correcting nonpoint problems.
- d. Encourage the use of Best Management Practices (BMPs), conservation practices, and conservation management systems as mechanisms to meet federal, state, and local water quality requirements for agricultural, grazing, and silvicultural lands. Conservation management systems are composed of a combination of BMPs and other conservation practices which recognize site-specific conditions, natural background, and variability of nonpoint sources, and include consideration of social, economic, and technical feasibility.
- e. Continue to use an established process to control, to the extent feasible, nonpoint sources on USDA administered lands.
- f. Support programs addressing nonpoint source problems that are site-specific, technology-based, and flexible in the application of BMPs and other conservation practices.
- g. Use nonpoint source management strategies that contribute to the achievement of defined state water quality objectives over realistic timeframes through using BMPs and other conservation practices within defined drainage areas or groundwater basins.
- h. Acknowledge that the states have the lead in developing and implementing nonpoint source management on private lands and USDA nonpoint source control activities will be coordinated with state and local agencies.
- i. Use state water quality standards, where applicable, as a basis for attaining or maintaining designated uses of surface water and groundwater resources. State water quality standards shall take into consideration the needs of beneficial uses including public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes.

- j. Consider activities undertaken as part of an EPA approved state nonpoint source management plan to be consistent with state water quality standards.
- k. Coordinate water quality data collection and research with other federal, state, and local agencies, to the extent practicable.
- l. Provide educational, technical, and other assistance to land users, states, and local governments in the context of conservation management systems.
- m. Use existing knowledge and program base information, and continue improvement of data gathering and research efforts to define and assess water quality and nonpoint source pollution problem areas.
- n. Continue to support and conduct research to identify cause-effect relationships between management practices and impacts on beneficial uses and to evaluate social costs and benefits associated with nonpoint control.

5. ROLES AND RESPONSIBILITIES

- a. The Under Secretaries will:
 - (1) Ensure that their agencies and staff offices comply with this DR;
 - (2) Ensure that applicable USDA Mission Area, agency, and staff office policies and guidance are consistent with this DR;
 - (3) Coordinate USDA efforts with other Federal departments and agencies that implement policies and procedures supportive of this policy;
 - (4) Coordinate the work of USDA agencies in carrying out provisions of this policy;
and
 - (5) Encourage, support, and provide guidance to Federal, state, and local level USDA related agencies and committees in implementing this policy.
- b. USDA Agencies and Departmental staff offices will:
 - (1) Ensure that their actions and programs on Federal and nonfederal lands will conform with the nonpoint source water quality plans adopted by state and local governments;
 - (2) Coordinate water quality activities with appropriate public and private institutions including Federal, state, and local governments;
 - (3) Integrate water quality concepts, consideration, and management techniques into

appropriate programs, research, and modes of assistance to landowners or users;

- (4) Seek state recognition as the designated management agency for lands under the administrative control of the Department. Land management agencies will seek state approval of a process which will insure proper design and implementation of conservation management systems;
- (5) Provide federal assistance in accordance with overall environmental policy and other procedural directives developed by USDA;
- (6) Train agency personnel in surface water and groundwater quality concepts to a level commensurate with their responsibility; and
- (7) Provide agency offices with copies of this policy and agency procedures necessary for its implementation.

6. INQUIRIES

Inquiries regarding this DR should be directed to the Natural Resources Conservation Service (NRCS), Ecological Sciences Division at 202-692-5307.

-END-

APPENDIX A

ACRONYMS AND ABBREVIATIONS

BMP	Best Management Practice
DR	Departmental Regulation
EPA	Environmental Protection Agency
NRCS	Natural Resources Conservation Service
U.S.C.	United States Code
USDA	United States Department of Agriculture

APPENDIX B

DEFINITIONS

Best Management Practice. A practice, including NRCS conservation practices, that is determined to be an effective and practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Conservation Management Systems. Sets of approved conservation practices which, when properly planned and applied, work in tandem to provide environmental conservation and protection for soil, water, air, plant, animal, energy, and human resources.

Conservation Practice. A specific treatment, such as a structural or vegetative measure, or management technique, commonly used to meet specific needs in planning and implementing conservation, for which standards and practice specifications have been developed. Conservation practices are contained in the NRCS *Field Office Technical Guide*, Section IV, which is based on the *National Handbook of Conservation Practices*.

Nonpoint Source Pollution. Any source of water pollution that does not meet the legal definition of point source in section 502(14) of the *Clean Water Act of 1987*. Nonpoint source pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification. Nonpoint source pollution, unlike pollution from industrial and sewage treatment plants, comes from many diffuse sources. Nonpoint source 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 groundwaters. Nonpoint source pollution can include:

- a. Excess fertilizers, herbicides and insecticides from agricultural lands and residential areas.
- b. Oil, grease and toxic chemicals from urban runoff and energy production.
- c. Sediment from improperly managed construction sites, crop and forest lands, and eroding streambanks.
- d. Salt from irrigation practices and acid drainage from abandoned mines.
- e. Bacteria and nutrients from livestock, pet wastes and faulty septic systems.
- f. Atmospheric deposition and hydromodification.

Point Source Pollution. Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants

are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

APPENDIX C

AUTHORITIES AND REFERENCES

Federal Water Pollution Control Act, ([Clean Water Act](#)), 33 U.S.C. 1251 et seq., as Amended through Public Law 107-303, November 27, 2002

*[Safe Drinking Water Act](#), Title XIV of the *Public Health Service Act*, 42 U.S.C. 311f et seq. Approved July, 1944, as Amended through Public Law 116-92, enacted December 20, 2019*

USDA, NRCS, *Field Office Technical Guide*

USDA, NRCS, *National Handbook of Conservation Practices*