



Position Statement on Nutrient Management Adopted – July 2017

The National Association of Clean Water Agencies (NACWA) recognizes that nutrient pollution remains a substantial challenge to the water resources of the United States. NACWA's recent consultations with experts from around the country, as well as multiple reports and data analyses, clearly document the continued public health and environmental impacts directly linked to nutrients. These challenges include: eutrophic conditions; harmful algal blooms (HABs); nitrate contamination of drinking water supplies; and other impacts.

NACWA agrees fully with the predominant sentiment of the experts we have consulted that, although contributors of nutrients to the water environment have made important progress – including significant accomplishments made by the clean water community – our nation's current approach to and framework for controlling nutrients are failing to achieve the levels of management and control needed to meet current water quality goals. Deficiencies in the federal regulatory and policy framework, the lack of adequate technical assistance to support certain nutrient sources, and the lack and inflexibility of financial resources have constrained needed progress. These factors are driving a strong interest across nutrient management stakeholders in developing and implementing alternative nutrient management approaches.

Throughout the country, NACWA is seeing examples where the full range of nutrient sources and key stakeholders, including drinking water utilities, have successfully collaborated at a watershed scale to advance nutrient management. Furthermore, we have noted a greater willingness by our membership and members of the agricultural sector to find common ground at the national, regional, and local levels. NACWA recognizes that this range of positive developments provides a strong foundation for building trust among the stakeholders to continue to expand successful collaborative engagements. NACWA seeks to build on this momentum to scale up the collaborative approach with the objective of making progress in the near-term, while recognizing that the scope of engagement by our partners will inform and influence our approach over the longer-term.

Additionally, NACWA sees more examples of flexible interpretations and applications of the Clean Water Act (CWA) and its regulatory framework that have supported improved water quality at a lower cost than the more conventional approaches historically used by federal and state regulators. At the state level, examples of new, watershed-based implementation frameworks offer further support that improved nutrient source collaboration and better targeting of available resources corresponds to the highest nutrient reduction value. These approaches offer models for broader application and replication and the promotion of more productive, collaborative, and flexible approaches to nutrient management.

In taking a leading role to advance the nation's efforts to address the nutrient challenges, NACWA intends to focus its efforts on achieving six specific outcomes. We believe these efforts will 1) promote greater overall collaboration with and engagement by the key non-point nutrient sources (in particular the agricultural sector), and 2) address critical aspects of the CWA regulatory and policy framework to ensure smarter and more effective outcomes for our membership and the communities they serve.

Outcome 1: Increased and more meaningful engagement by all nutrient sources with balanced accountability for nutrient management actions. Efforts in this area will include seeking to collaborate with the agricultural sector on the upcoming Farm Bill, as well as seeking to foster watershed-level opportunities for joint learning and targeted investments across nutrient sources.

Outcome 2: Greater utilization of existing CWA flexibilities. In support of this outcome, NACWA will continue to pursue EPA policy support for greater use of existing CWA tools (such as variances, alternative limits, bubble mechanisms, and watershed permits), engage EPA on its efforts to pursue optimization at wastewater treatment plants, seek opportunities to highlight/feature case examples where nutrient-related CWA compliance has been achieved through non-traditional means, and work at the federal and state levels to ensure clean water utilities are allowed to implement innovative technologies and treatment systems designed to address site-specific needs.

Outcome 3: More widespread adoption and increased scale of coverage for collaborative watershed nutrient management approaches. In support of this outcome, NACWA will seek to draw on lessons learned from existing local water quality partnerships and nutrient trading efforts to inform the need for policy revision/formulation to reduce transaction costs and provide greater certainty to the regulated community, as well as inform potential state-level model legislation in support of collaborative watershed approaches and how best to create and encourage the additional technical capacity needed to make continued progress.

Outcome 4: Acceptance and adoption of mid-to-long-term adaptive management (or similar) model as an alternative to the current Water Quality Based Standards (WQBS) point source-focused approach. Our efforts in this area will focus on evaluating the use of the Integrated Planning Framework (or similar approaches) to support a more strategic, long-term approach to nutrient management that responds to local conditions while providing clear and measurable interim milestones to drive and ensure on-going and sustained progress, and provides clarity and certainty to the regulated community.

Outcome 5: Increase the amount and flexibility of funding to better support “at scale” nutrient management efforts, direct funds to the most productive investments, and address the shortfall of support for off field agricultural investments. NACWA’s efforts in this area will combine a near-term emphasis on collaboration with the agricultural sector on the Farm Bill reauthorization, with a longer-term emphasis on exploring the desirability and feasibility of watershed or state-wide organizational arrangements with the capability to generate broad-based funding and the flexibility to direct those resources to the most cost-effective nutrient reduction opportunities.

Outcome 6: Enhance monitoring that provides a basis for broader nutrient source accountability and supports adaptive management as an alternative nutrient management approach. NACWA will support efforts to improve both performance monitoring (including soil testing) and in-stream water quality monitoring that can provide the specific data needed to more confidently invest in nutrient management strategies, provide quantified benefits beyond environmental impacts (e.g., positive economic outcomes), better understand the nutrient levels necessary to support the range of uses for a waterbody, and provide an enhanced ability to implement longer-term, adaptive-management approaches.