



United States Department of Agriculture
Natural Resources Conservation Service

Special Environmental Resource Concerns

Clean Air Act
Criteria Pollutants

Clean Air Act
Regional Visibility
Degradation

Clean Water Act

Coastal Zone
Management
Areas

Coral Reefs

Cultural
Resources

Endangered
and Threatened
Species

Environmental
Justice

Essential Fish
Habitat

Floodplain
Management

Invasive
Species

Migratory Birds

Prime and
Unique
Farmlands

Riparian Areas

Wetlands

Wild and Scenic
Rivers

Clean Water Act

Clean Water Act and Waters of the U.S.

The Federal Water Pollution Control Act of 1972 is today known as the Clean Water Act (CWA). The U.S. Army Corps of Engineers (Corps) and the States administer the various sections of the CWA with the oversight of the Environmental Protection Agency (EPA).

What is it?

The CWA established several programs to regulate and reduce discharges of pollutants into waters of the United States (including wetlands). Although the list of pollutants is long, those most frequently associated with the term include fill material, sediment, excess nutrients, and harmful bacteria. Although the landowner is responsible for obtaining appropriate permits prior to project implementation, NRCS often assists to expedite the coordination process.

Why is it important?

Section 404 of the CWA is the section that most often affects NRCS activities, although consideration must also be given to Sections 401, 402, and 303. Close coordination throughout the planning process can prevent significant delays in processing the permit application.

Section 404: Established a permit program to regulate the discharge of dredged and fill material into waters of the U.S. Discharge of dredged or fill material into waters of the U.S. is prohibited unless the action is exempted or is authorized by a permit issue by the Corps or by the State.

Section 401: Requires that before a 404 permit can be issued for an activity, the State (or Tribe) in which the activity will occur must certify that the activity will not violate State water quality standards (Section 401 State Water Quality Certification)

Section 402: Establishes the National Pollutant Discharge Elimination System (NPDES) Program, which the States also administer. This requires a permit for sewer discharges and storm water discharges from developments, construction sites, or other areas of soil disturbance.

Section 303: Requires States, territories, and Tribes to identify "impaired waters" and to establish total maximum daily loads (TMDLs).

What can be done about it?

To effectively fulfill our Section 404 responsibilities to the CWA and to prevent project delays, coordination with the Corps, EPA and/or appropriate State agencies is essential. Along with ensuring that the landowner obtains appropriate permits, NRCS should also consider impacts of proposed actions on streams included on States' 303(d) lists and plan accordingly.

Clean Water Act and Waters of the U.S. at a Glance

Problems / Indicators - Potential discharges of pollutants into waters of the U.S.	
Causes	Solutions
<ul style="list-style-type: none"> • Ground disturbing activities near U.S. Waters • Riparian and/or In-stream/aquatic activities • Wetland conversions/alterations/land clearing • Water or waste discharges 	<ul style="list-style-type: none"> • Maintain adequate surface cover/residue • Follow permitting guidance and procedures • Consultation with USFWS and/or NMFS • Nutrient and pest management, other mitigation practices

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