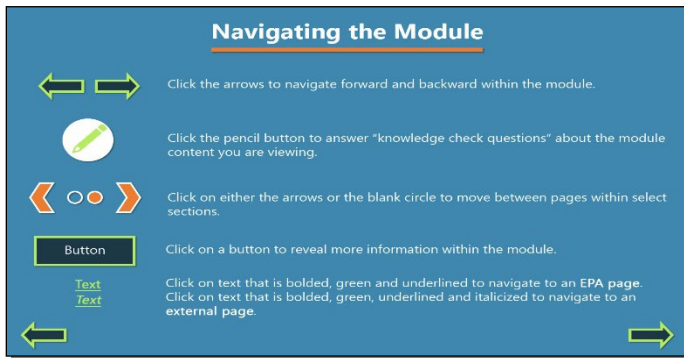




Protecting and Restoring Our Waters:

The *Clean Water Act* Through an Environmental Justice Lens

Click to Begin



Navigating the Module

Click the arrows to navigate forward and backward within the module.

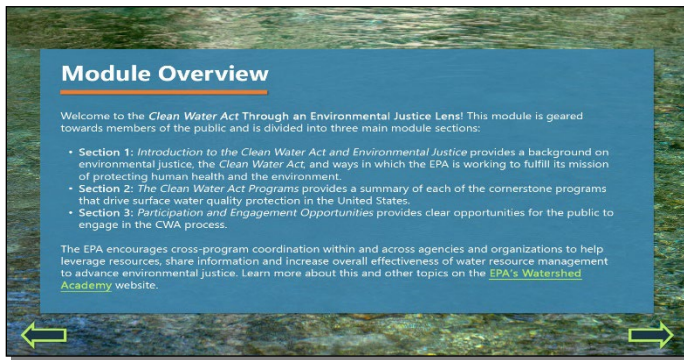
Click the pencil button to answer "knowledge check questions" about the module content you are viewing.

Click on either the arrows or the blank circle to move between pages within select sections.

Click on a button to reveal more information within the module.

Click on text that is bolded, green and underlined to navigate to an EPA page.

Click on text that is bolded, green, underlined and italicized to navigate to an external page.



Module Overview

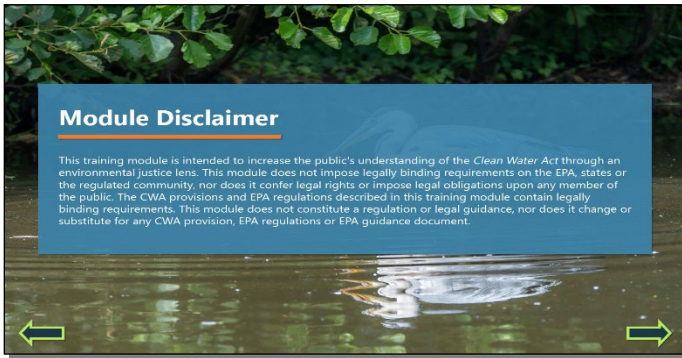
Welcome to the *Clean Water Act* Through an Environmental Justice Lens! This module is geared towards members of the public and is divided into three main module sections:

Section 1: *Introduction to the Clean Water Act* and Environmental Justice provides a background on environmental justice, the Clean Water Act, and ways in which the EPA is working to fulfill its mission of protecting human health and the environment.

Section 2: *The Clean Water Act Programs* provides a summary of each of the cornerstone programs that drive surface water quality protection in the United States.

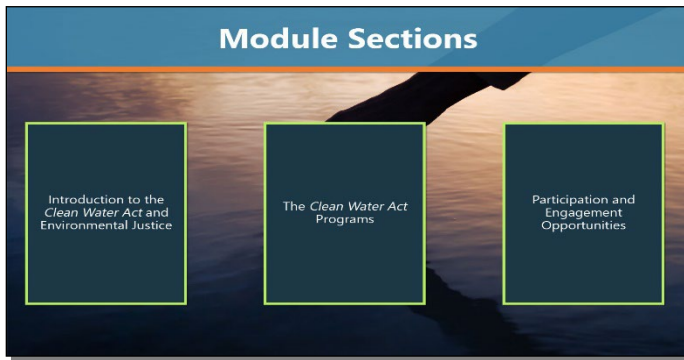
Section 3: *Participation and Engagement Opportunities* provides clear opportunities for the public to engage in the CWA process.

The EPA encourages cross-program coordination within and across agencies and organizations to help leverage resources, share information and increase overall effectiveness of water resource management to advance environmental justice. Learn more about this and other topics on the EPA's Watershed Academy website (<https://www.epa.gov/watershedacademy>).



Module Disclaimer

This training module is intended to increase the public's understanding of the *Clean Water Act* through an environmental justice lens. This module does not impose legally binding requirements on the EPA, states or the regulated community, nor does it confer legal rights or impose legal obligations upon any member of the public. The CWA provisions and EPA regulations described in this training module contain legally binding requirements. This module does not constitute a regulation or legal guidance, nor does it change or substitute for any CWA provision, EPA regulations or EPA guidance document.



Module Sections

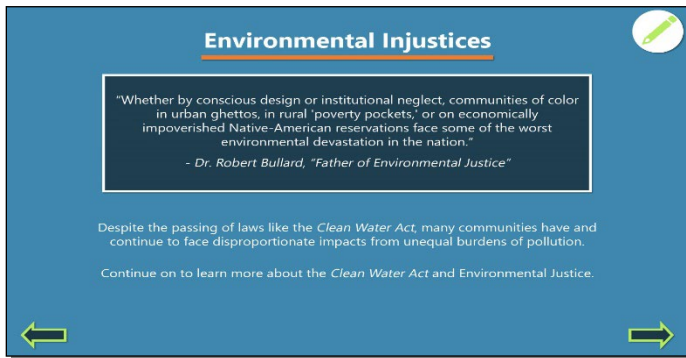
Introduction to the *Clean Water Act* and Environmental Justice

The *Clean Water Act* Programs

Participation and Engagement Opportunities



Introduction to the *Clean Water Act* and Environmental Justice



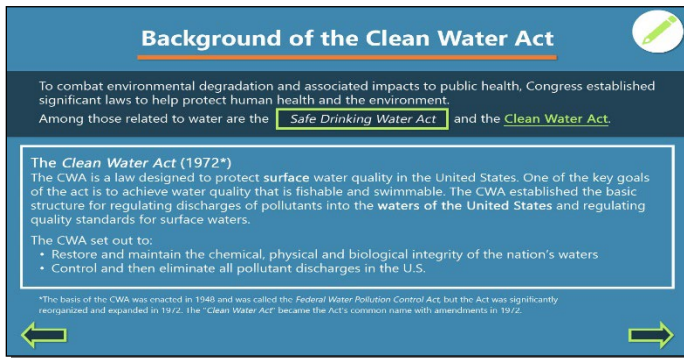
Environmental Injustices

"Whether by conscious design or institutional neglect, communities of color in urban ghettos, in rural 'poverty pockets,' or on economically impoverished Native-American reservations face some of the worst environmental devastation in the nation."

- Dr. Robert Bullard, "Father of Environmental Justice"

Despite the passing of laws like the *Clean Water Act*, many communities have and continue to face disproportionate impacts from unequal burdens of pollution.

Continue on to learn more about the *Clean Water Act* and Environmental Justice.



Background of the *Clean Water Act*

To combat environmental degradation and associated impacts to public health, Congress established significant laws to help protect human health and the environment.

Among those related to water are the *Safe Drinking Water Act* and the *Clean Water Act* (<https://www.epa.gov/laws-regulations/summary-clean-water-act>).

The *Clean Water Act* (1972*)

The CWA is a law designed to protect surface water quality in the United States. One of the key goals of the act is to achieve water quality that is fishable and swimmable. The CWA established the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.

The CWA set out to:

- Restore and maintain the chemical, physical and biological integrity of the nation’s waters
- Control and then eliminate all pollutant discharges in the U.S.

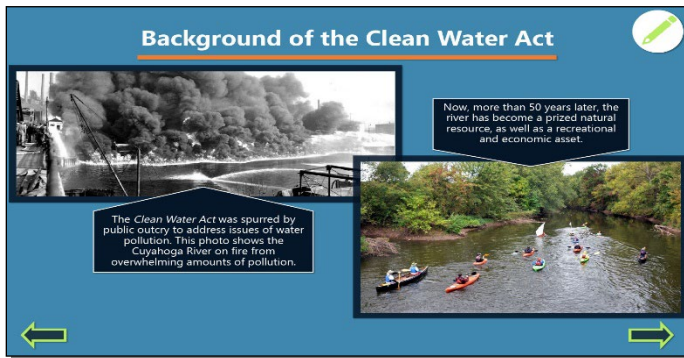
*The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. The "*Clean Water Act*" became the Act's common name with amendments in 1972.

The *Safe Drinking Water Act*

While access to safe drinking water is an environmental justice concern, drinking water and protection of drinking water sources is not part of this module. However, there are available resources on how the *Clean Water Act* and *Safe Drinking Water Act* (<https://www.epa.gov/sdwa>) can be used in coordination to advance water quality goals.

Clean Water Act and *Safe Drinking Water Act* Coordination Resources

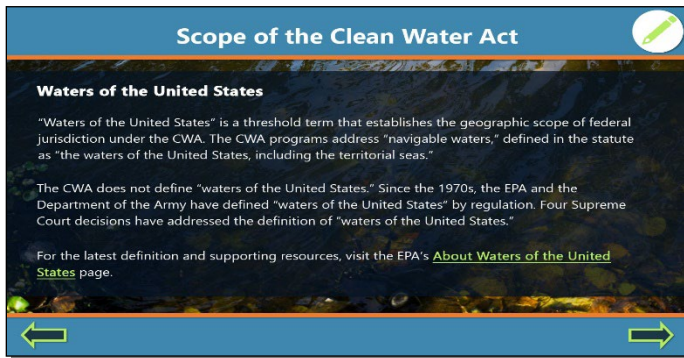
(<https://www.epa.gov/sourcewaterprotection/source-water-protection-practices>)



Background of the *Clean Water Act*

The *Clean Water Act* was spurred by public outcry to address issues of water pollution. This photo shows the Cuyahoga River on fire from overwhelming amounts of pollution.

Now, more than 50 years later, the river has become a prized natural resource, as well as a recreational and economic asset.



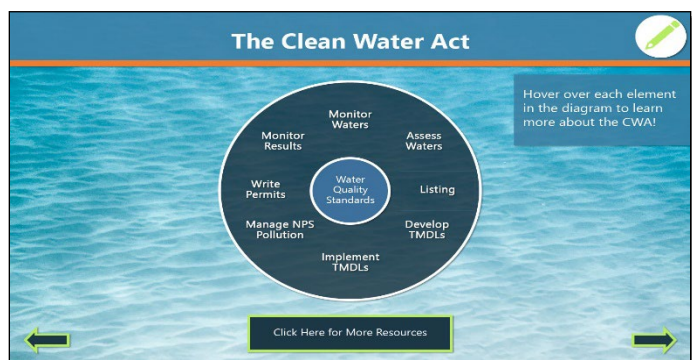
Scope of the *Clean Water Act*

Waters of the United States

"Waters of the United States" is a threshold term that establishes the geographic scope of federal jurisdiction under the CWA. The CWA programs address "navigable waters," defined in the statute as "the waters of the United States, including the territorial seas."

The CWA does not define "waters of the United States." Since the 1970s, the EPA and the Department of the Army have defined "waters of the United States" by regulation. Four Supreme Court decisions have addressed the definition of "waters of the United States."

For the latest definition and supporting resources, visit the EPA's About Waters of the United States page (<https://www.epa.gov/wotus/about-waters-united-states>).



The Clean Water Act

Hover over each element in the diagram to learn more about the CWA!

Water Quality Standards

The Water Quality Standards program acts as a road map for achieving the goals of the CWA by designating uses of each waterbody, establishing criteria to protect those uses and protecting levels of water quality in waters that already meet their designated uses.

Monitor Waters

Under the CWA, states, territories and authorized Tribes have the primary responsibility for monitoring and assessing their waters and reporting on water quality. Different monitoring approaches are necessary to make scientifically defensible statements about the condition of waters, track changes and manage water quality protection and restoration at multiple geographic scales.

Assess Waters & Listing

Section 303(d) of the CWA requires states to assemble and evaluate all available water quality-related information to develop a list of waters that do not meet or are not expected to meet the CWA Water Quality Standards.

Develop TMDLs

A Total Maximum Daily Load is the calculation of the maximum amount of a pollutant that a waterbody can receive from all sources and still meet water quality standards.

Implement TMDLs

TMDLs are not self-implementing. Hence, other authorities and programs must be used to implement the pollutant reductions called for by a TMDL or other strategy to achieve water quality standards. There are several programs that support the implementation of the TMDLs and the CWA. The implementation programs covered in this module include: the Nonpoint Source Management Program, Permits, Partnership Programs (Urban Waters, National Estuary Program) and the CWA State Revolving Fund.

Manage NPS Pollution

Section 319 of the CWA was established in 1987 and provides a framework and federal funding for state, territory and Tribal nonpoint source pollution management efforts. Under Section 319, states, territories and eligible Tribes develop NPS assessment reports and NPS management plans that are tailored to the NPS management issues

and priorities in their area. Having a current management plan allows the states, territories and Tribes to be eligible for 319(h) grant funds. Section 319 grant funds are used to address a wide variety of types of NPS (agriculture and urban runoff, abandoned mine drainage, hydromodification, etc.) and are used to implement on the ground best management practices to address NPS issues and to conduct planning, outreach and education, and support staff time in accordance with the approved NPS management plan.

Write Permits

There are multiple permitting programs under the CWA. The National Pollutant Discharge Elimination System permit program requires permits for the discharge of pollutants, which the statute defines as “any addition of any pollutant to navigable waters from any point source” (CWA Section 502). Section 404 permits regulate the discharge of dredged or fill materials into “waters of the United States.” Under Section 401 of the CWA, a federal agency may not issue a permit or license to conduct any activity that may result in a discharge into “waters of the United States” unless a Section 401 water quality certification is issued or certification is waived.

Monitor Results

After implementing these strategies, waterbody conditions are again measured and compared to ambient water quality standards. If standards are now met, only occasional monitoring is needed. If standards are still not being met, then a revised strategy is developed and implemented, followed by more ambient monitoring. This iterative process must be repeated until standards are met. In addition to these water quality-based activities, a technology-based floor is also part of the CWA scheme. For example, the EPA publishes regulations, called “effluent guidelines,” which lay out performance standards for different types of facilities within major industrial categories.

[Click Here for More Resources](#)

For more information on the *Clean Water Act* programs and water resource management in general, please visit the Watershed Academy home page (<https://www.epa.gov/watershedacademy>).

Defining Environmental Justice

Environmental justice means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation or disability, in agency decision-making and other federal activities that affect human health and the environment so that people:

- Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens and the legacy of racism or other structural or systemic barriers
- Have equitable access to a healthy, sustainable and resilient environment in which to live, play, work, learn, grow, worship and engage in cultural and subsistence practices

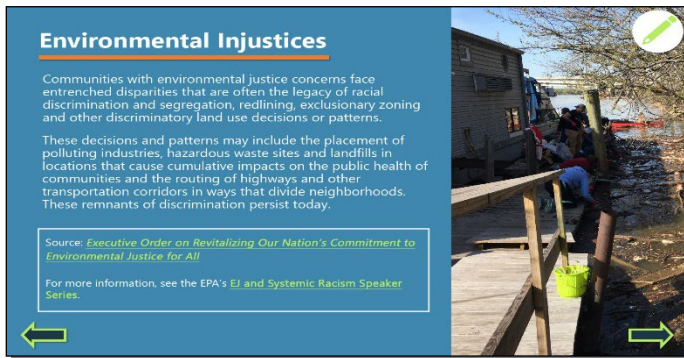
Source: Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All

Defining Environmental Justice

Environmental justice means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation or disability, in agency decision-making and other federal activities that affect human health and the environment so that people:

- Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens and the legacy of racism or other structural or systemic barriers
- Have equitable access to a healthy, sustainable and resilient environment in which to live, play, work, learn, grow, worship and engage in cultural and subsistence practices

Source: Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All (<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>)



Environmental Injustices

Communities with environmental justice concerns face entrenched disparities that are often the legacy of racial discrimination and segregation, redlining, exclusionary zoning and other discriminatory land use decisions or patterns.

These decisions and patterns may include the placement of polluting industries, hazardous waste sites and landfills in locations that cause cumulative impacts on the public health of communities and the routing of highways and other transportation corridors in ways that divide neighborhoods. These remnants of discrimination persist today.

Source: *Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All*

For more information, see the EPA's *EJ and Systemic Racism Speaker Series*.

The slide features a photograph of a person in a blue shirt and dark pants walking on a wooden walkway or bridge. The person is carrying a yellow bucket. The background shows a residential area with houses and trees. There are navigation arrows: a green arrow pointing up in the top right corner, a green arrow pointing left in the bottom left corner, and a green arrow pointing right in the bottom right corner.

Environmental Injustices

Communities with environmental justice concerns face entrenched disparities that are often the legacy of racial discrimination and segregation, redlining, exclusionary zoning and other discriminatory land use decisions or patterns.

These decisions and patterns may include the placement of polluting industries, hazardous waste sites and landfills in locations that cause cumulative impacts on the public health of communities and the routing of highways and other transportation corridors in ways that divide neighborhoods. These remnants of discrimination persist today.

Source: Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All (<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>)

For more information, see the EPA's EJ and Systemic Racism Speaker Series (<https://www.epa.gov/environmentaljustice/environmental-justice-systemic-racism-speaker-series>).



Communities with Environmental Justice Concerns

A core understanding of environmental justice is that communities and Tribes speak for themselves and they determine what they think is or is not an environmental justice issue.

Communities with environmental justice concerns exist in all areas of the country, including urban and rural areas and areas within the boundaries of Tribal Nations and United States territories.

Such communities may be found in geographic locations that have a significant proportion of people who have low incomes or are otherwise adversely affected by persistent poverty or inequality.

Such communities may also be found in places with a significant proportion of people of color, including individuals who are Black, Latino, Indigenous, Native American, Asian American, Native Hawaiian and Pacific Islander.

Communities with environmental justice concerns may also include geographically dispersed and mobile populations, such as migrant farmworkers.

Communities with environmental justice concerns experience disproportionate and adverse human health or environmental burdens.

These burdens can arise from a number of causes, including inequitable access to clean water, clean air, natural places and resources for other basic human health and environmental needs; the concentration of pollution, hazardous waste and toxic exposures; and underinvestment in affordable and safe housing and services to support such housing, including safe drinking water and effective sewage management.

The cumulative impacts of exposure to those types of burdens and other stressors, including those related to climate change and the environment, further disadvantage communities with environmental justice concerns.

Source: Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All (<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>)



Examples of Communities with Environmental Justice Concerns

Click on each image to learn more!

Fence-line communities where neighborhoods are in close proximity to industrial facilities

Fence-line communities that are near industrial facilities may be disproportionately exposed to chemicals over long periods of time.

Communities facing increased risk of damages from hazards and climate change impacts

According to the Fifth National Climate Assessment (<https://nca2023.globalchange.gov/>), some communities are at higher risk of negative impacts from climate change due to social and economic inequities caused by ongoing systemic discrimination, exclusion and under- or disinvestment. Climate change worsens these long-standing inequities, contributing to persistent disparities in the resources needed to prepare for, respond to and recover from climate impacts.

For additional information, read the EPA's social vulnerability report entitled, "Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts" (<https://www.epa.gov/cira/social-vulnerability-report>).

Communities experiencing enhanced exposure through food consumption

Communities of color, low-income communities, Tribes and other indigenous peoples depend on healthy aquatic ecosystems and the fish, aquatic plants and wildlife that these ecosystems support (https://www.epa.gov/sites/default/files/2015-02/documents/fish-consump-report_1102.pdf). While there are important differences among these various affected groups, their members generally depend on the fish, aquatic plants and wildlife to a greater extent and in different ways than does the general population. These resources are consumed and used to meet nutritional and economic needs. For some groups, they are also consumed or used for cultural, traditional or religious purposes.

Disproportionate and Cumulative Impacts

The terms disproportionate and cumulative are distinct but closely linked.

Disproportionate impacts describe situations of concern where higher and more adverse health and/or environmental effects exist for minority populations, low-income populations or indigenous peoples.

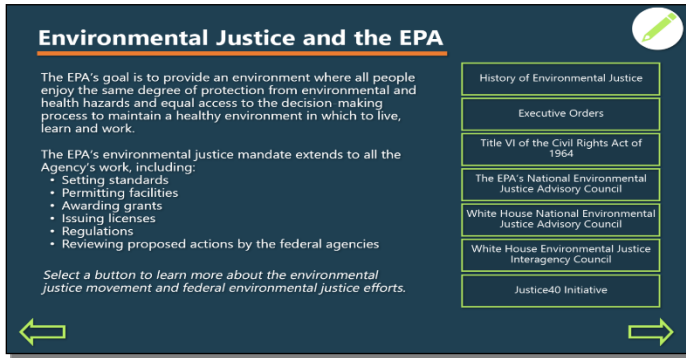
Cumulative impacts are the combined exposure of a community to two or more negative health, environmental, social, cultural, economic and political conditions. This definition was developed in accordance with the *National Environmental Policy Act* and work pioneered by the state of California to address environmental justice considerations in public health decisions.

Disproportionate and Cumulative Impacts

The terms disproportionate and cumulative are distinct but closely linked.

Disproportionate impacts describe situations of concern where higher and more adverse health and/or environmental effects exist for minority populations, low-income populations or indigenous peoples.

Cumulative impacts are the combined exposure of a community to two or more negative health, environmental, social, cultural, economic and political conditions. This definition was developed in accordance with the *National Environmental Policy Act* and work pioneered by the state of California to address environmental justice considerations in public health decisions.



Environmental Justice and the EPA

The EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn and work.

The EPA's environmental justice mandate extends to all the Agency's work, including:

- Setting standards
- Permitting facilities
- Awarding grants
- Issuing licenses
- Regulations
- Reviewing proposed actions by the federal agencies

Select a button to learn more about the environmental justice movement and federal environmental justice efforts.

History of Environmental Justice

The environmental justice movement was started by individuals, primarily people of color, who sought to address the inequity of environmental protection in their communities.

See the extensive timeline of the Environmental Justice Movement (<https://www.epa.gov/environmentaljustice/environmental-justice-timeline>).

Executive Orders

Select the buttons below to learn more about the executive orders related to the environmental justice movement and federal environmental justice efforts.

Executive Order: Revitalizing Our Nation's Commitment to Environmental Justice for All

In April 2023, President Joe Biden signed Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All. This action is meant to build upon and strengthen the federal government's commitment to deliver environmental justice to all communities across America.

Read the Executive Order (<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>).

Executive Order: Further Advancing Racial Equity and Support for Underserved Communities through the Federal Government

In February 2023, President Joe Biden signed Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities through the Federal Government. This order extends and strengthens equity-advancing requirements for agencies and it positions agencies to deliver better outcomes for the American people.

Read the Executive Order (<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>).

Executive Order: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

In February 1994, President Bill Clinton signed Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This action was made to focus federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities.

Read the Executive Order (<https://www.federalregister.gov/documents/1994/02/16/94-3685/federal-actions-to-address-environmental-justice-in-minority-populations-and-low-income-populations>).

Title VI of the *Civil Rights Act of 1964*

In accordance with Title VI of the *Civil Rights Act* (<https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice>) of 1964, each federal agency shall ensure that all programs or activities receiving federal financial assistance that affect human health or the environment do not directly or through contractual or other arrangements, use criteria, methods or practices that discriminate on the basis of race, color or national origin.

The EPA's National Environmental Justice Advisory Council

The National Environmental Justice Advisory Council, or NEJAC, is a federal advisory committee to the EPA that was established September 30, 1993. The Council provides advice and recommendations about broad, cross-cutting issues related to environmental justice, from all stakeholders involved in the environmental justice dialogue. In addition, the National Environmental Justice Advisory Council provides a valuable forum for discussions about integrating environmental justice with the EPA's other priorities and initiatives.

Learn more about NEJAC (<https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>).

White House Environmental Justice Advisory Council

The White House Environmental Justice Advisory Council (<https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>) advises on how to increase the federal government's efforts to address current and historic environmental injustice through strengthening environmental justice monitoring and enforcement. The duties of the White House Environmental Justice Advisory Council are to provide advice and recommendations to the White House Environmental Justice Interagency Council and the Chair of the Council on Environmental Quality on a whole-of-government approach to environmental justice.

White House Environmental Justice Interagency Council

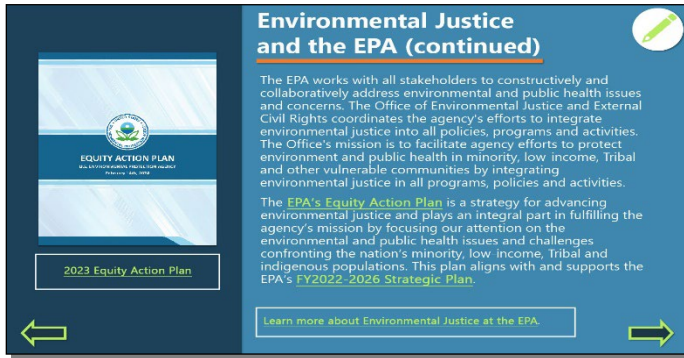
Executive Order 14008 charges the Interagency Council with developing “a strategy to address current and historic environmental injustice by consulting with the White House Environmental Justice Advisory Council and with local environmental justice leaders.”

Learn more about the Interagency Council (<https://www.whitehouse.gov/environmentaljustice/white-house-environmental-justice-interagency-council/>).

Justice40 Initiative

In January 2021, President Biden’s Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>) announced Justice40, which set the goal for 40 percent of the overall benefits of certain federal investments flow to disadvantaged communities. Justice40 is a whole-of-government approach and is jointly led by the Council on Environmental Quality (<https://www.whitehouse.gov/ceq/>), Office of Management and Budget (<https://www.whitehouse.gov/omb/>), and the White House Office of Domestic Climate Policy (<https://www.whitehouse.gov/cpo/>), along with the White House Environmental Justice Interagency Council that is convened by the Council on Environmental Quality.

Learn more about the Biden-Harris Administration’s Justice40 Initiative (<https://www.whitehouse.gov/environmentaljustice/justice40/>).



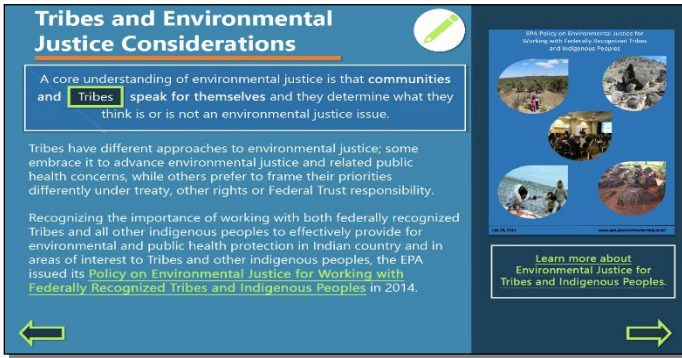
Environmental Justice and the EPA (continued)

The EPA works with all stakeholders to constructively and collaboratively address environmental and public health issues and concerns. The Office of Environmental Justice and External Civil Rights coordinates the agency's efforts to integrate environmental justice into all policies, programs and activities. The Office's mission is to facilitate agency efforts to protect environment and public health in minority, low-income, Tribal and other vulnerable communities by integrating environmental justice in all programs, policies and activities.

The EPA's Equity Action Plan (<https://www.epa.gov/environmentaljustice/equity-action-plan>) is a strategy for advancing environmental justice and plays an integral part in fulfilling the agency's mission by focusing our attention on the environmental and public health issues and challenges confronting the nation's minority, low-income, Tribal and indigenous populations. This plan aligns with and supports the EPA's FY2022-2026 Strategic Plan (<https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan.pdf>).

2023 Equity Action Plan (<https://www.epa.gov/system/files/documents/2024-02/epa-2023-equity-action-plan.pdf>)

Learn more about Environmental Justice at the EPA (<https://www.epa.gov/environmentaljustice>).



Tribes and Environmental Justice Considerations

A core understanding of environmental justice is that communities and Tribes speak for themselves and they determine what they think is or is not an environmental justice issue.

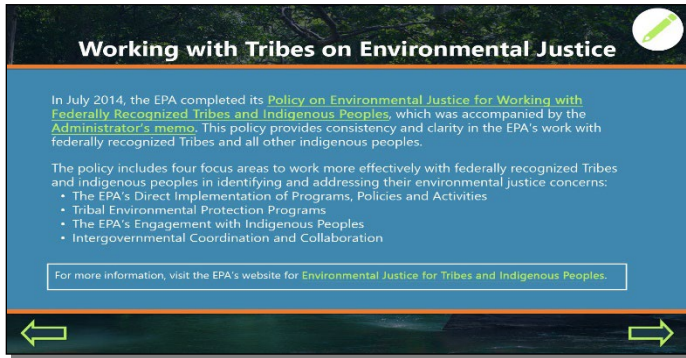
Tribes have different approaches to environmental justice; some embrace it to advance environmental justice and related public health concerns, while others prefer to frame their priorities differently under treaty, other rights or Federal Trust responsibility.

Recognizing the importance of working with both federally recognized Tribes and all other indigenous peoples to effectively provide for environmental and public health protection in Indian country and in areas of interest to Tribes and other indigenous peoples, the EPA issued its Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples (<https://www.epa.gov/environmentaljustice/epa-policy-environmental-justice-working-federally-recognized-tribes-and>) in 2014.

Learn more about Environmental Justice for Tribes and Indigenous Peoples (<https://www.epa.gov/environmentaljustice/environmental-justice-tribes-and-indigenous-peoples>).

Unique Status of Federally Recognized Tribes:

Federally recognized Tribes are different than communities. Tribes have a unique political status in the United States, through the U.S. Constitution, treaties, statutes, Executive Orders and court decisions. Tribes are identified as "domestic dependent nations," with federal protection through a trust relationship, with certain inherent powers of self-government. No other group in the United States has a similar legal status. Federally recognized Tribes are not community groups nor minority or racial groups or communities.



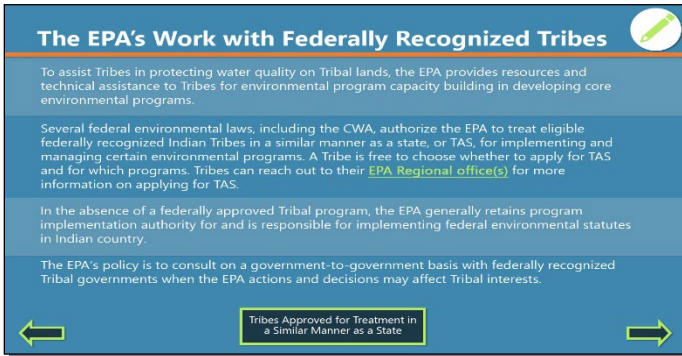
Working with Tribes on Environmental Justice

In July 2014, the EPA completed its Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples (<https://www.epa.gov/environmentaljustice/epa-policy-environmental-justice-working-federally-recognized-tribes-and>), which was accompanied by the Administrator's memo. This policy provides consistency and clarity in the EPA's work with federally recognized Tribes and all other indigenous peoples.

The policy includes four focus areas to work more effectively with federally recognized Tribes and indigenous peoples in identifying and addressing their environmental justice concerns:

- The EPA's Direct Implementation of Programs, Policies and Activities
- Tribal Environmental Protection Programs
- The EPA's Engagement with Indigenous Peoples
- Intergovernmental Coordination and Collaboration

For more information, visit the EPA's website for Environmental Justice for Tribes and Indigenous Peoples (<https://www.epa.gov/environmentaljustice/environmental-justice-tribes-and-indigenous-peoples>).



The EPA's Work with Federally Recognized Tribes

To assist Tribes in protecting water quality on Tribal lands, the EPA provides resources and technical assistance to Tribes for environmental program capacity building in developing core environmental programs.

Several federal environmental laws, including the CWA, authorize the EPA to treat eligible federally recognized Indian Tribes in a similar manner as a state, or TAS, for implementing and managing certain environmental programs. A Tribe is free to choose whether to apply for TAS and for which programs. Tribes can reach out to their EPA Regional office(s) (<https://www.epa.gov/aboutepa/regional-and-geographic-offices>) for more information on applying for TAS.

In the absence of a federally approved Tribal program, the EPA generally retains program implementation authority for and is responsible for implementing federal environmental statutes in Indian country.

The EPA's policy is to consult on a government-to-government basis with federally recognized Tribal governments when the EPA actions and decisions may affect Tribal interests.

Tribes Approved for Treatment in a Similar Manner as a State

[Click the links below for the TAS resources:](#)

Tribes Approved for Treatment as a State (<https://www.epa.gov/tribal/tribes-approved-treatment-state-tas>)

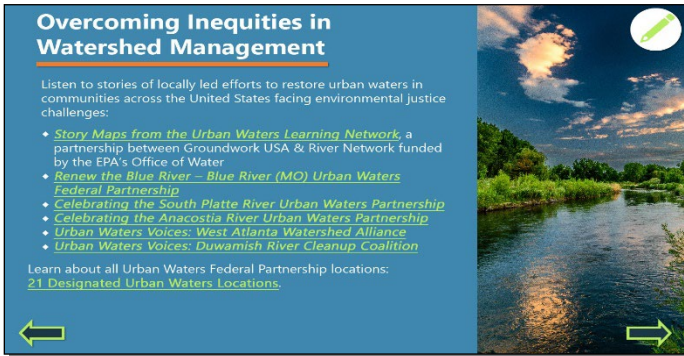
Clean Water Section 106 Tribal Guidance (<https://www.epa.gov/water-pollution-control-section-106-grants/clean-water-act-section-106-tribal-guidance>)

TAS Application for CWA 303(d)/TMDL Program (<https://www.epa.gov/tmdl/tas-application-template-cwa-section-303d-impaired-water-listing-and-tmdl-program-working>)

Tribal CWA 319 Nonpoint Source Program (<https://www.epa.gov/nps/tribal-nonpoint-source-program>)

Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs (https://www.epa.gov/sites/default/files/2015-09/documents/2010_02_19_nps_tribal_pdf_tribal_handbook2010.pdf)

Tribes and Water Quality Standards (WQS) (<https://www.epa.gov/wqs-tech/tribes-and-water-quality-standards>)



Overcoming Inequities in Watershed Management

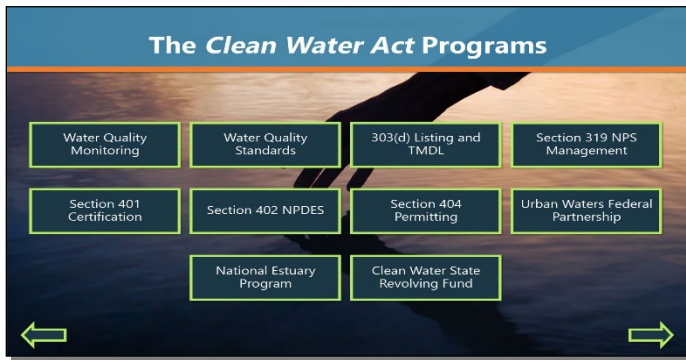
Listen to stories of locally led efforts to restore urban waters in communities across the United States facing environmental justice challenges:

- Story Maps from the Urban Waters Learning Network, a partnership between Groundwork USA & River Network funded by the EPA's Office of Water (<https://urbanwaterslearningnetwork.org/story-maps/>)
- Renew the Blue River – Blue River (MO) Urban Waters Federal Partnership (<https://storymaps.arcgis.com/stories/d7a813bae6d3432a80393daf88e2a635>)
- Celebrating the South Platte River Urban Waters Partnership (https://www.youtube.com/watch?v=DN_5cDmy25M)
- Celebrating the Anacostia River Urban Waters Partnership (<https://www.youtube.com/watch?v=s-MFPAfTAvk>)
- Urban Waters Voices: West Atlanta Watershed Alliance (<https://www.youtube.com/watch?v=pHjVdHeLqKU>)
- Urban Waters Voices: Duwamish River Cleanup Coalition (<https://www.youtube.com/watch?v=M5GFEmvmEMY>)

Learn about all Urban Waters Federal Partnership locations: 21 Designated Urban Waters Locations (<https://www.epa.gov/urbanwaterspartners/21-designated-urban-waters-locations>).



The Clean Water Act Programs



The Clean Water Act Programs

Water Quality Monitoring

Water Quality Standards

303(d) Listing and TMDL

Section 319 NPS Management

Section 401 Certification

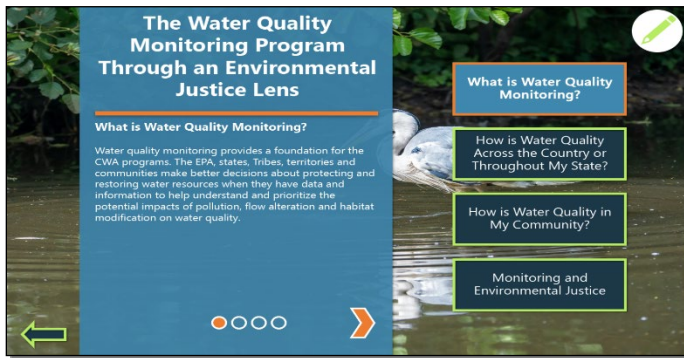
Section 402 NPDES

Section 404 Permitting

Urban Waters Federal Partnership

National Estuary Program

Clean Water State Revolving Fund



The Water Quality Monitoring Program Through an Environmental Justice Lens

What is Water Quality Monitoring?

Water quality monitoring provides a foundation for the CWA programs. The EPA, states, Tribes, territories and communities make better decisions about protecting and restoring water resources when they have data and information to help understand and prioritize the potential impacts of pollution, flow alteration and habitat modification on water quality.

Monitoring helps answer key questions like:

- Are waters safe to drink?
- Are they safe for swimming and other recreational activities like boating and fishing?
- Are fish safe to eat?
- Do waters support healthy aquatic life, including fish, shellfish and wildlife that depend on water?

Monitoring helps the CWA programs:

- Inform water quality standards that protect aquatic life and human health
- Prioritize high quality waters for protection
- Identify local waterways in need of restoration to meet water quality standards
- Develop restoration plans, like TMDL plans and watershed plans, that reduce pollution
- Issue permits with water quality-based discharge limits
- Target compliance and enforcement actions
- Track overall water quality conditions, changes over time and effectiveness of the CWA

Monitoring data come from federal, state, territorial, Tribal, local and volunteer organizations. Under the CWA, the EPA, states, territories and authorized Tribes have the primary responsibility for reporting on the condition of the nation's waters and answering key questions like how much of our waters support healthy populations of aquatic life, how many lakes are safe for swimming, etc.

This is a big task. In just the lower 48 states there are over 1,500,000 miles of perennial rivers and streams; 220,000 lakes; 95,000,000 acres of wetlands; 27,000 estuarine square miles and 7,000 Great Lakes nearshore square miles. Many people are working together to help deliver water quality data and information to address decision needs from the local to national level.

Monitoring the chemical, physical and biological condition of water resources is fundamental to tracking progress toward achieving the CWA goals.

How is Water Quality Across the Country or Throughout My State?

Does water quality meet the CWA goals? The CWA begins with overarching water quality goals including:

- Restore and maintain the chemical, physical and biological integrity of the Nation's waters
- Ensure water quality provides for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water

The EPA, state and Tribal National Aquatic Resource Surveys, or NARS, use a stratified, randomized design to provide unbiased estimates of the condition of the Nation's Waters. These nationally consistent surveys, conducted on a five-year cycle, report on the extent of waters that meet the CWA goals of supporting healthy aquatic life and safe recreation.

NARS also examines the prevalence of physical and chemical stressors (i.e., causes of water quality problems). Samples from approximately 1,000 sites each cycle are used to estimate water quality for that water body type across the country (e.g., all estuarine waters, Great Lake nearshore waters, lakes and reservoirs, rivers and streams and wetlands). This helps set priorities for water resource protection and restoration.

See NARS Results and Data (<https://www.epa.gov/national-aquatic-resource-surveys>).

How is Water Quality in My Community?

Think about your goals for the waters you care about, near your community or across the country:

- Do they meet your vision for healthy and safe water?
- Can they be used for recreation like wading, swimming, boating or fishing?
- Do they support wildlife, like frogs and fish and birds?
- Are they surrounded by natural areas, like trees or shrubs?
- What stressors and potential sources of pollution are nearby?
- Are they accessible for the enjoyment of the greater community, including communities with environmental justice concerns?

Most monitoring activities and resources are targeted to address localized or site-specific data and information needs. Examples include targeting waters used for recreation or subsistence fishing; examining waters receiving industrial, municipal or stormwater discharges; monitoring to assess water quality and develop local pollution control goals for TMDLs or watershed plans aimed at protecting or restoring local waterways. The EPA's How's My Waterway website (<https://www.epa.gov/waterdata/how-s-my-waterway>) can provide local information on water quality monitoring and conditions.

Together the sample survey approach of the NARS and the targeted monitoring approach of local efforts provide data and information important to understanding and managing water quality.

For more information, explore these resources:

- National Aquatic Resource Surveys reports and interactive dashboards on the condition of the nation's waters (<https://www.epa.gov/national-aquatic-resource-surveys>).
- Explore How's My Waterway, a website that serves information at the community level, as well as state, Tribal and national level information (<https://www.epa.gov/waterdata/how-s-my-waterway>).

- Learn how to report an algal bloom using the EPA's bloomWatch app and the cyanos monitoring program (<https://cyanos.org/bloomwatch/>).
- Information from the EPA's Participatory Science Program geared to volunteer and community monitoring (<https://www.epa.gov/participatory-science>).

Monitoring and Environmental Justice – Are Limited Monitoring Resources Applied Equitably?

How are monitoring locations selected?

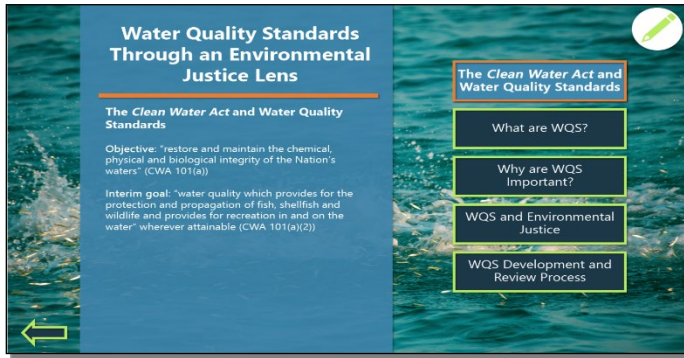
- Proximity to potential sources of pollution, like municipal and industrial discharges
- Proximity to public uses, like swimming and fishing
- Varies by monitoring questions and resource availability

How are pollutants and other parameters selected?

- Routine indicators related to chemical measurements, physical characteristics and biological conditions
- Potential sources of pollution or degradation, like sanitary/stormwater overflow
- Potential exposure pathways, like swimming and fish consumption
- Availability of laboratory methods and benchmarks or criteria for determining health and environmental risks
- Constrained by resources for sample collection and laboratory analysis

How are the needs of communities with environmental justice concerns identified?

- Consider data gaps
- Consider cultural uses of waterbodies
- Consider fish consumption for subsistence
- Seek input from community practitioners and organizations



Water Quality Standards Through an Environmental Justice Lens

The *Clean Water Act* and Water Quality Standards

Objective: “restore and maintain the chemical, physical and biological integrity of the Nation’s waters” (CWA 101(a))

Interim goal: “water quality which provides for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water” wherever attainable (CWA 101(a)(2))

What are WQS?

WQS define the water quality goals for a waterbody.

WQS consist of 3 core components:

1. Designated uses (sometimes known as “beneficial uses”)
2. Criteria to protect those uses
3. Antidegradation requirements

An important function of WQS is to provide a regulatory basis for the water quality management activities authorized under the CWA.

State and authorized Tribal WQS establish water quality goals for a waterbody and provide a regulatory basis for pollutant controls.

State:

“State” refers to a state, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

“Authorized Tribe” refers to those federally recognized Indian Tribes with authority to administer a CWA WQS program.

Why are Water Quality Standards Important?

As specified in the CWA Section 303(c), WQS protect public health or welfare, enhance the quality of the water, and serve the purposes of the CWA.

WQS provide a regulatory basis for many actions, such as:

- Reporting on water quality conditions and status

- Developing water quality-based effluent limits in NPDES permits for point sources
- Setting targets for Total Maximum Daily Loads

To learn more about WQS, go to the Watershed Academy WQS Module (<https://www.epa.gov/watershedacademy/clean-water-act-module-part-1>).

Water Quality Standards and Environmental Justice

Public engagement and participation in the development, establishment and review of WQS are vital to achieve the same degree of protection from environmental and health hazards (i.e., fair treatment) and equal access to the decision-making process (i.e., meaningful engagement) to have a healthy environment in which to live, learn and work for all people.

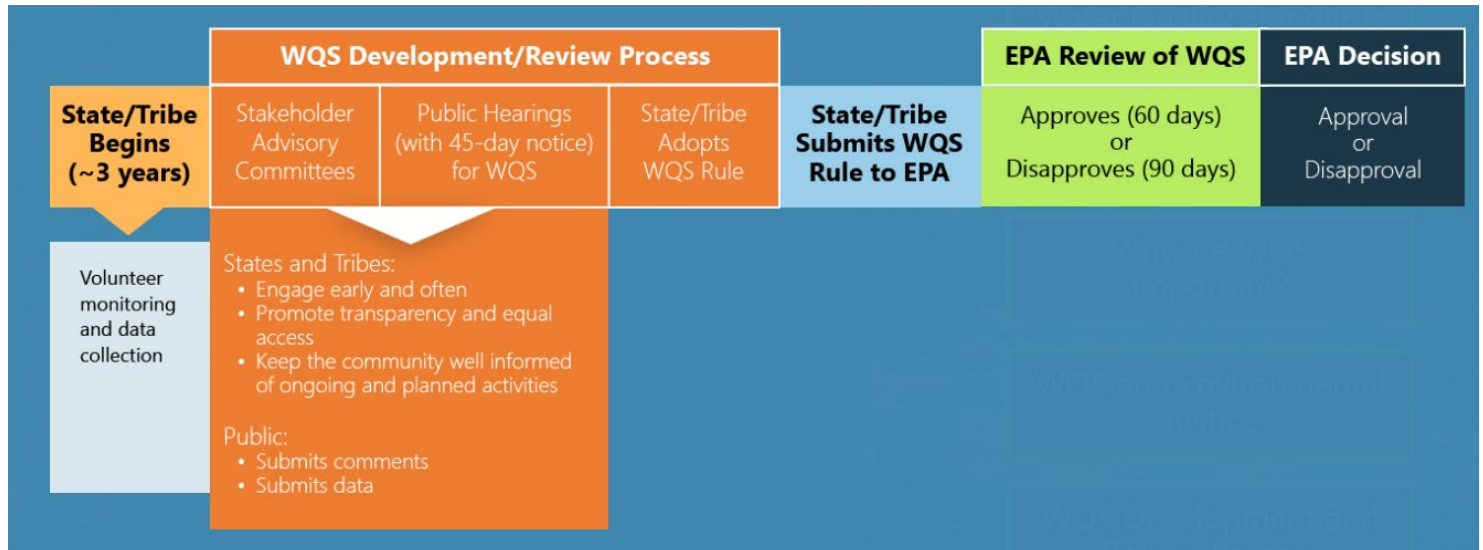
Overview of the WQS Development and Review Process

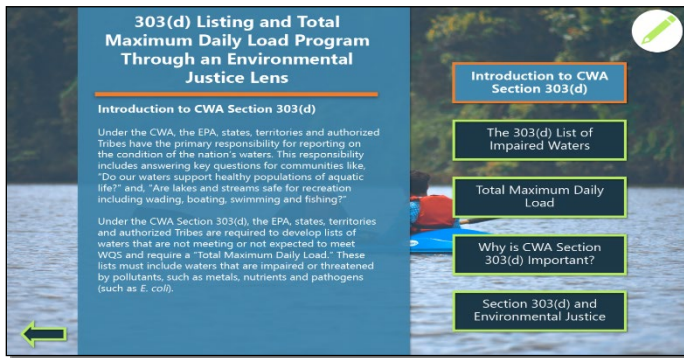
The best opportunities to influence decision-making are during the WQS development and review process. While states and authorized Tribes may review and revise their WQS at any time, Section 303(c)(1) of the CWA and the EPA’s implementing regulations at 40 C.F.R. 131.20 require that states and authorized Tribes, from time to time, but at least once every three years, hold public hearings to review applicable WQS and, as appropriate, modify and adopt WQS.

Community members can inform the WQS development and review process by advocating for their communities, providing data and feedback and sharing concerns with the state or Tribe.

When community members and advocates engage early, often, and meaningfully, WQS decisions will best reflect the variables and needs of the local community, which will benefit the public and the implementing agency.

WQS Development and Review Process Graphic:





303(d) Listing and Total Maximum Daily Load Program Through an Environmental Justice Lens

Introduction to CWA Section 303(d)

Under the CWA Section 303(d), the EPA, states, territories and authorized Tribes are required to develop lists of waters that are not meeting or not expected to meet WQS and require a "Total Maximum Daily Load." These lists must include waters that are impaired or threatened by pollutants, such as metals, nutrients and pathogens (such as *E. coli*).

Under the CWA, the EPA, states, territories and authorized Tribes have the primary responsibility for reporting on the condition of the nation's waters. This responsibility includes answering key questions for communities like, "Do our waters support healthy populations of aquatic life?" and, "Are lakes and streams safe for recreation including wading, boating, swimming and fishing?"

The 303(d) List of Impaired Waters

Waters on the "303(d) list" are not meeting, or not expected to meet, water quality standards. To help inform this 303(d) list, water quality data and information is collected and then used to describe the health of a waterbody (e.g., stream, river, lake, estuary) by determining whether these waters are meeting water quality standards and supporting uses (drinking water, recreation, aquatic life, etc.).

States, territories and authorized Tribes must assemble and evaluate all existing and readily available water quality data and information in developing their 303(d) lists (40 C.F.R. 130.7(b)(5))

([https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-130/section-130.7#p-130.7\(b\)\(5\)](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-130/section-130.7#p-130.7(b)(5))). The EPA's regulations contain a nonexclusive list of information that must be assembled and evaluated. States, territories and authorized Tribes must provide "a rationale for any decision to not use any existing and readily available data and information," (40 C.F.R. 130.7(b)(6)(iii)) ([https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-130/section-130.7#p-130.7\(b\)\(6\)\(iii\)](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-130/section-130.7#p-130.7(b)(6)(iii))).

Additionally, states and territories submit information on the health of all waters, known as the 305(b) report. 303(d) lists and 305(b) reports are typically combined into a single Integrated Report and submitted to the EPA biennially on April 1st of every even year. Once submitted, the EPA must either approve or disapprove the 303(d) list.

For each water on the 303(d) list, the state, territory or authorized Tribe identifies the pollutant causing the impairment, when known. In addition, the state, territory or authorized Tribe assigns a priority for the development of a TMDL (sometimes described as a "pollution budget") based on the severity of the pollution and

the sensitivity of the uses for that waterbody (40 C.F.R. 130.7(b)(4)) ([https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-130/section-130.7#p-130.7\(b\)\(4\)](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-130/section-130.7#p-130.7(b)(4))).

Integrated Report:

303(d) list (impaired/threatened waters) + 305(b) report (overall health of waters) = Integrated Report:

- Since the early 2000s, the EPA has encouraged states and territories to submit the information previously contained in separate 305(b) and 303(d) reports in one consolidated format.
- The consolidated format, or Integrated Report, includes but is not limited to, information on all assessed waters, those that are supporting standards, and the impaired waters. Waters generally are placed in one of five categories to increase awareness of each water's condition.

Total Maximum Daily Load

If a waterbody fails to meet water quality standards and is on the CWA Section 303(d) list, then the state, territory or authorized Tribe is required to develop a pollution reduction plan for that pollutant, known as a TMDL. A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive from all sources and still meet water quality standards.

Informed by water quality reports (e.g., Integrated Reports), the state, territory or authorized Tribe assigns a priority ranking for development of these TMDLs as part of its Section 303(d) list. This ranking takes into account the severity of the pollution and the waterbody's uses and may also account for additional factors.

Developing a TMDL involves determining an appropriate pollutant target, studying where a pollutant is coming from and figuring out how to allocate and reduce pollutant loadings so that applicable standards can be met.

Sources of pollution are characterized in a TMDL as either point sources (such as permitted facilities discharging pollutants through a pipe) or nonpoint sources (such as runoff – rain or snow, that carries pollutants into waterbodies). Within the TMDL, point sources receive waste load allocations and nonpoint sources of pollution receive load allocations to achieve pollutant reductions.

The TMDL process is an important part of identifying water quality issues and finding solutions to restore and protect waterbodies. TMDLs often result in recommendations and pollutant load allocations that lead to on-the-ground projects and efforts that help restore and maintain water quality.

Click to view TMDL process and equation.

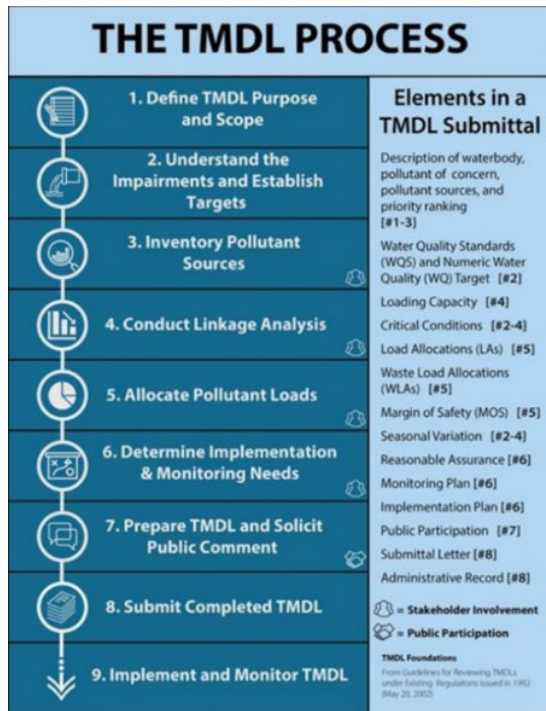
Total Maximum Daily Load:

A Total Maximum Daily Load is a calculation of the maximum amount of a pollutant that a waterbody can receive from all sources and still meet water quality standards.

A Total Maximum Daily Load is expressed by the equation: $TMDL = \Sigma WLA + \Sigma LA + MOS$

Where: ΣWLA is the sum of the wasteload allocation(s) (point sources) and ΣLA is the sum of the load allocation(s) (nonpoint sources) and natural background. Total Maximum Daily Load development must include a margin of safety, or MOS, which can be explicitly incorporated into the above equation. Alternatively, the MOS can be implicit in the Total Maximum Daily Load or take a hybrid approach.

The TMDL Process:



Why is CWA Section 303(d) Important?

The CWA Section 303(d) program bridges water quality goals and the actions needed for restoration and protection of water quality. Water quality restoration and protection in the United States is based on assessing waters and taking actions to restore or protect them. Goals are set, water samples are taken, data is evaluated, calculations are made and measures are developed to return the water to, or maintain, its original health.

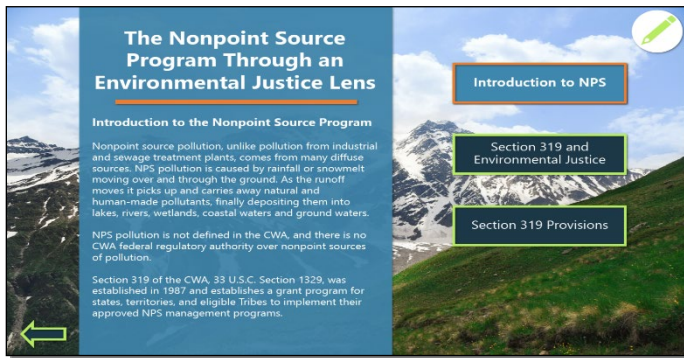
Thousands of communities and individuals can benefit from the CWA Section 303(d) implementation through the work of state, territorial and authorized Tribal programs. The CWA Section 303(d) program and related processes include the following programmatic stages of how impaired waters are restored: assessment and listing of impaired waters, planning, implementing, improving and recovery.

Section 303(d) and Environmental Justice

Advancing environmental justice in the context of Integrated Reporting may encompass monitoring, assessment, listing, reporting and prioritization of actions that protect and restore water quality.

See the 2024 Integrated Reporting Memo (https://www.epa.gov/system/files/documents/2023-03/2024IRmemo_032923.pdf) for more on environmental justice and participatory science as it relates to the CWA Section 303(d) program.

The CWA Section 303(d) program also involves engaging with communities to develop plans for restoring and protecting water quality.



The Nonpoint Source Program Through an Environmental Justice Lens

Introduction to the Nonpoint Source Program

Nonpoint source pollution, 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 ground waters.

NPS pollution is not defined in the CWA, and there is no CWA federal regulatory authority over nonpoint sources of pollution.

Section 319 of the CWA, 33 U.S.C. Section 1329, was established in 1987 and establishes a grant program for states, territories, and eligible Tribes to implement their approved NPS management programs.

Section 319 and Environmental Justice

The national NPS program recognizes the importance of environmental justice and is working with Grantees, identifying barriers and taking actions to address those barriers. The program also analyzes what actions to take in order to address those barriers and how the program may expand investments for pollution reduction projects that ensure fair and equitable access to improved water quality.

The program is making strides to:

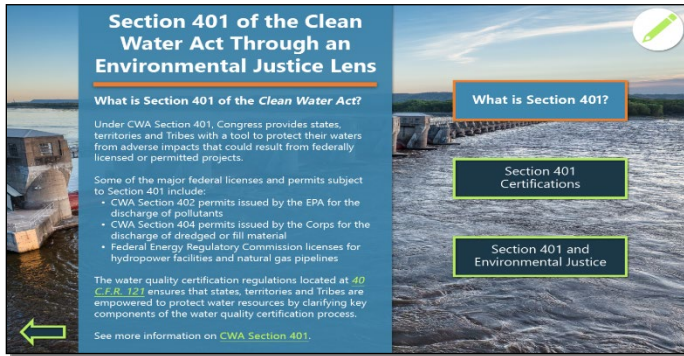
- Understand how past benefits have been distributed across the landscape;
- Address challenges that disadvantaged communities are facing in the CWA Section 319 grant process; and
- Bring historically silenced voices to the conversation about water quality benefits.

CWA Section 319 is considered covered by the Justice40 Initiative that was introduced with Executive Order 14008. Learn more about equity and environmental justice in the NPS program (<https://www.epa.gov/nps/equity-resources>).

Section 319 Provisions

- Under Section 319(b), Congress directed each state to adopt a state NPS Management Program to control NPS pollution and submit it to the EPA for approval. These programs articulate each state's strategy to reduce nonpoint sources and to achieve/maintain water quality standards.
- Section 319(b)(4) emphasizes that states should, as much as possible, develop and implement their Programs on a watershed basis.

- Section 319(h) provides authorization for the EPA to implement a NPS grant program. Having a current management plan allows states, territories, and authorized Tribes to be eligible for Section 319 grant funding. Congress appropriates funds for the program, and the EPA allocates those funds to grantees. The grant funds are provided to states, territories and eligible Tribes to implement their approved NPS management plan.
- States and territories follow Section 319 grant guidelines (<https://www.epa.gov/nps/cwa-ss319-grant-current-guidance>) in addition to the requirements in the CWA. For example, each state must use a minimum 50 percent of Section 319 grant funds to support on-the-ground projects watershed projects that implement the state's approved NPS management plan. Grant funds may also be put toward NPS program watershed planning work and staff. The CWA Section 319(h) requires state grantees to provide a 40 percent nonfederal match. Tribal programs (<https://www.epa.gov/nps/tribal-nonpoint-source-program>) follow a separate funding and award process than states and territories.



Section 401 of the *Clean Water Act* Through an Environmental Justice Lens

What is Section 401 of the *Clean Water Act*?

Under CWA Section 401, Congress provides states, territories and Tribes with a tool to protect their waters from adverse impacts that could result from federally licensed or permitted projects.

Some of the major federal licenses and permits subject to Section 401 include:

- CWA Section 402 permits issued by the EPA for the discharge of pollutants
- CWA Section 404 permits issued by the Corps for the discharge of dredged or fill material
- Federal Energy Regulatory Commission licenses for hydropower facilities and natural gas pipelines

The water quality certification regulations located at 40 C.F.R. 121 (<https://www.ecfr.gov/current/title-40/chapter-l/subchapter-D/part-121>) ensures that states, territories and Tribes are empowered to protect water resources by clarifying key components of the water quality certification process.

See more information on CWA Section 401 (<https://www.epa.gov/cwa-401>).

Section 401 Certifications

A state, territory or authorized Tribe receives a "request for certification" from a project proponent and may act on the request in one of the following four ways:

1. Granting certification if determined the activity will comply with water quality requirements;
2. Granting certification with conditions if determined that the activity will comply with water quality requirements, but only if certain conditions are met;
3. Denying certification if not able to certify that the activity will comply with water quality requirements; or
4. Waiving certification expressly (i.e., in a written statement) or through inaction in the set period to act.

The water quality certification regulations ensure that states, territories and authorized Tribes have the information they need to complete their review of requests for certification as it relates to protecting their water quality.

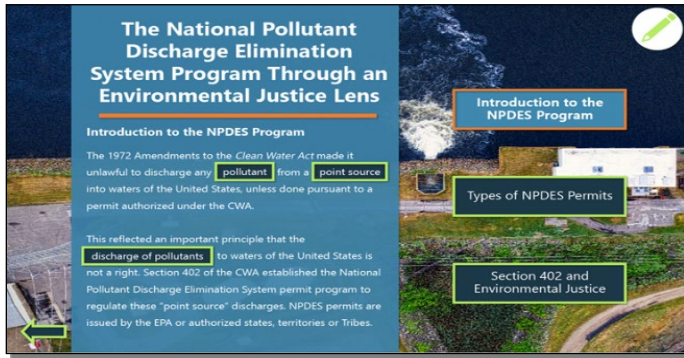
Section 401 and Environmental Justice

The water quality certification regulations provide communities with environmental justice concerns greater autonomy and influence over the quality of waters in their area. These provisions and opportunities during the certification process include, but are not limited to:

- Providing states, territories and authorized Tribes opportunities for early engagement with project proponents and federal agencies to receive project details, allowing for better informed certification decisions;
- Ensuring states, territories and authorized Tribes can access the information necessary to complete their review of requests for certification as it relates to protecting their water quality;
- Providing states, territories and authorized Tribes with a role in determining the amount of time needed to review water quality-related impacts; and
- Allowing states, territories and authorized Tribes to evaluate requests for certification for adverse water quality-related impacts from the activity subject to the certification.

The water quality certification regulations include additional provisions and opportunities beyond the certification process, such as:

- Providing flexibility to modify grants of certification with or without conditions to respond to changing circumstances during projects;
- Affirming the EPA's ability to provide technical assistance as requested;
- Clarifying a valuable tool that allows states, territories and authorized Tribes to participate in the federal licensing or permitting process where EPA has determined that a proposed project subject to Section 401 certification in another jurisdiction may affect their water quality; and
- New opportunities for Tribes to obtain Treatment in a Similar Manner as a State for CWA Sections 401 and/or 401(a)(2)



The National Pollutant Discharge Elimination System Program Through an Environmental Justice Lens

Introduction to the NPDES Program

The 1972 Amendments to the *Clean Water Act* made it unlawful to discharge any pollutant from a point source into waters of the United States, unless done pursuant to a permit authorized under the CWA.

This reflected an important principle that the discharge of pollutants to waters of the United States is not a right. Section 402 of the CWA established the National Pollutant Discharge Elimination System permit program to regulate these “point source” discharges. NPDES permits are issued by the EPA or authorized states, territories or Tribes.

Pollutant:

“The term ‘pollutant’ means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.” Generally, any substance introduced into the environment that adversely affects the usefulness of a resource or the health of humans, animals, or ecosystems.

Learn more about CWA Section 502 definitions (<https://www.epa.gov/cwa-404/clean-water-act-section-502-general-definitions>).

Point Source:

“The term ‘point source’ means 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, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.”

Learn more about CWA Section 502 definitions (<https://www.epa.gov/cwa-404/clean-water-act-section-502-general-definitions>).

Discharge of Pollutants:

“The term ‘discharge of a pollutant’ means:

- (a) Any addition of any pollutant or combination of pollutants to waters of the United States from any point source, or

(b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.”

Learn more about CWA Section 502 definitions (<https://www.epa.gov/cwa-404/clean-water-act-section-502-general-definitions>).

Types of NPDES Permits

There are two types of NPDES permits:

- Individual Permit: a permit specifically tailored to an individual facility. The permitting authority develops a permit for that facility on the basis of information from the permit application and other sources (e.g., previous permit requirements, discharge monitoring reports, technology and water quality standards, total maximum daily loads, ambient water quality data and special studies).
- General Permit: a permit that covers a group of dischargers with similar operations and discharges within a common geographic area. The NPDES permitting authority issues the general permit and individual dischargers generally seek coverage under the general permit by submitting a Notice of Intent to be covered.

The permits will contain permittee information and effluent limitations for each pollutant based upon technology and water quality standards, monitoring and reporting requirements, and other provisions to ensure that the discharge does not adversely impact water quality or people’s health. Every permit is issued with standard conditions that ensure consistent actions and reporting by the permittee.

Effluent Limitations:

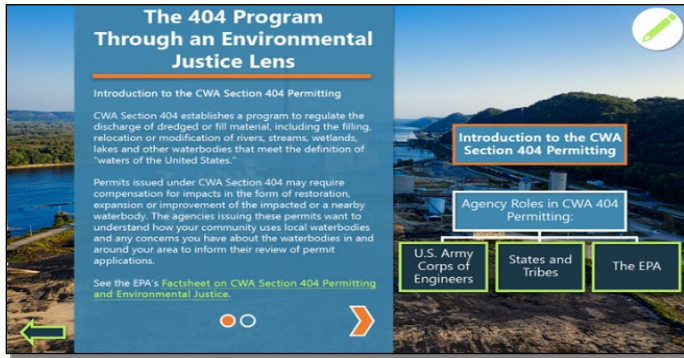
“The term ‘effluent limitation’ means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.”

Learn more about CWA Section 502 definitions (<https://www.epa.gov/cwa-404/clean-water-act-section-502-general-definitions>).

Section 402 and Environmental Justice

The EPA’s NPDES program policy on environmental justice outlines the aims to use of existing CWA authorities and discretion, and encourages, where appropriate, the use of other applicable federal laws, including federal civil rights laws, to help mitigate potential adverse and disproportionate effects of a permitting action where the EPA is the permitting authority or where the EPA is supporting a state, territory or authorized Tribe in issuing a NPDES permit.

The program policy encourages public engagement of potentially affected communities during the permitting process and further encourages taking actions that may address barriers to meaningful participation. The goals for engaging these communities early are to identify their concerns regarding the potential effects of the permitting action and provide opportunities to provide input throughout the permit issuance process which can include submitting comments, requesting public hearings, and filing a suit to address the potential violations.



The 404 Program Through an Environmental Justice Lens

Introduction to the CWA Section 404 Permitting

CWA Section 404 establishes a program to regulate the discharge of dredged or fill material, including the filling, relocation or modification of rivers, streams, wetlands, lakes and other waterbodies that meet the definition of "waters of the United States."

Permits issued under CWA Section 404 may require compensation for impacts in the form of restoration, expansion or improvement of the impacted or a nearby waterbody. The agencies issuing these permits want to understand how your community uses local waterbodies and any concerns you have about the waterbodies in and around your area to inform their review of permit applications.

See the EPA's Factsheet on CWA Section 404 Permitting and Environmental Justice (https://www.epa.gov/system/files/documents/2024-04/ejincwa404_factsheet_2024.pdf).

CWA Section 404 permits issued by the Corps of must comply with the 404(b)(1) Guidelines and not be contrary to the Public Interest. Three main authorities are:

- CWA Section 404(b)(1) Guidelines
- Corps Public Interest Review
- *National Environmental Policy Act*

Agency Roles in CWA 404 Permitting: U.S. Army Corps of Engineers

Responsible for day-to-day administration of the CWA Section 404 program in conjunction with the EPA:

- Permit decisions (individual and general permits)
- Conducts or verifies jurisdictional determinations (https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/juris_info/)
- Develops policy and guidance (<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Guidance-Letters/>)

The Corps Permitting Authority

(<https://www.lrl.usace.army.mil/Portals/64/docs/regulatory/Permitting/PermittingProcessInformation.pdf>)

The Corps is organized into 8 Divisions and 38 Districts

(<https://www.arcgis.com/home/item.html?id=6ee2ca5befe54d768988a55b7a1e984f>) covering the country. Some

District boundaries align with state boundaries, but some states are divided up among multiple Districts. In states with multiple Districts, a lead District has been designated.

Individual and General Permits:

For most discharges that will have only minimal adverse effects, individually and cumulatively, a general permit may be suitable. General permits are issued on a nationwide, regional or state basis for discharges from particular categories of activities. The general permit process reduces or eliminates individual review and allows certain activities to proceed with little or no delay, provided that the conditions for the general permit are met. However, in some cases the Corps may add project specific conditions. Activities that can be considered for a general permit include, minor road activities, utility line backfill, bank stabilization, stormwater management facilities, etc. The full list of Nationwide General Permits (<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>) is available, but individual Corps District Websites must be visited to find Regional and State Programmatic General Permits. An individual permit is required when the anticipated impacts are more than minimal – individually or cumulatively.

Agency Roles in CWA 404 Permitting: States and Tribes

The CWA specifies that the Secretary of the Army acts through the Chief of Engineers. Thus, the Corps generally administers the day-to-day permitting program under Section 404, except where states, territories or Tribes have assumed this authority (<https://www.epa.gov/cwa404g/basic-information-about-assumption-under-cwa-section-404>) and administer a program approved by the EPA as consistent with Section 404 and no less stringent than the federal program. As of July 2024, only two states have assumed the program – Michigan and New Jersey. This module focuses on the Corps' permitting program, which may not reflect how Michigan (<https://www.michigan.gov/egle/about/Organization/Water-Resources/Wetlands/permits>) and New Jersey (<https://dep.nj.gov/wlm/the-permit-process/>) implement their programs.

If the Corps is issuing a permit that may result in any discharge into waters of the U.S. that originates within their jurisdiction, the state or Tribe provides Water Quality Certification review under CWA Section 401 (<https://www.epa.gov/cwa-401/overview-cwa-section-401-certification>).

Agency Roles in CWA 404 Permitting: The EPA

Develops and interprets policy, guidance and environmental criteria (<https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>) used in evaluating permit applications

Determines scope of geographic jurisdiction (<https://www.epa.gov/wotus/about-waters-united-states>) and applicability of statutory exemptions (<https://www.epa.gov/cwa-404/exemptions-permit-requirements-under-cwa-section-404>)

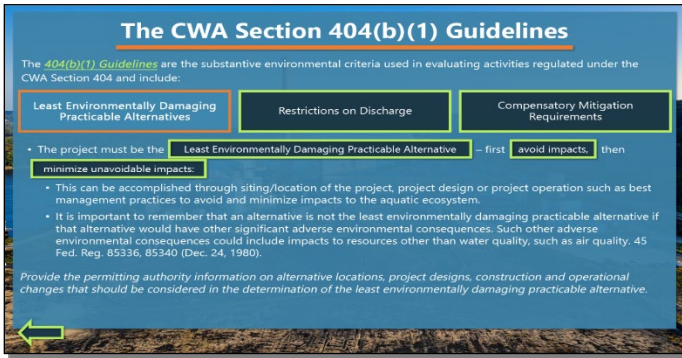
Reviews and comments on public notices and permit applications

Can elevate specific Corps or state permit applications and issues for inter-agency dispute resolution (<https://www.epa.gov/cwa-404/issue-resolution-under-cwa-section-404g>)

Has authority to prohibit, deny or restrict use of (<https://www.epa.gov/cwa-404/restriction-disposal-sites-under-cwa-section-404c>) any defined area as a disposal site where the EPA finds unacceptable impacts to wildlife, municipal water supply, fisheries or shellfisheries or recreation under the CWA Section 404(c)

Any Defined Area:

This authority applies to all permits issued under CWA Section 404 and Civil Works projects implemented by the Corps.



The CWA Section 404(b)(1) Guidelines

The 404(b)(1) Guidelines (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-H/part-230#>) are the substantive environmental criteria used in evaluating activities regulated under the CWA Section 404 and include:

- Least Environmentally Damaging Practicable Alternatives
- Restrictions on Discharge
- Compensatory Mitigation Requirements

Least Environmentally Damaging Practicable Alternatives

The project must be the Least Environmentally Damaging Practicable Alternative – first avoid impacts, then minimize unavoidable impacts:

- This can be accomplished through siting/location of the project, project design or project operation such as best management practices to avoid and minimize impacts to the aquatic ecosystem.
- It is important to remember that an alternative is not the least environmentally damaging practicable alternative if that alternative would have other significant adverse environmental consequences. Such other adverse environmental consequences could include impacts to resources other than water quality, such as air quality. 45 Fed. Reg. 85336, 85340 (Dec. 24, 1980).

Provide the permitting authority information on alternative locations, project designs, construction and operational changes that should be considered in the determination of the least environmentally damaging practicable alternative.

Least Environmentally Damaging Practicable Alternative:

The CWA Section 404(b)(1) Guidelines provide that no permit shall be issued if: (1) there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem so long as the alternative does not have other significant adverse environmental consequences and (2) unless all appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem. 40 C.F.R. Section 230.10.

Avoid Impacts:

Avoiding impacts by locating the project on another site that would have less impacts or changing the design of the project to have less impacts.

Minimize Unavoidable Impacts:

Minimize impacts by redesigning the project on site to have less impacts including changing the size or removing features or using Low Impact Development practices and green infrastructure (<https://www.epa.gov/green-infrastructure>) tools.

Restrictions on Discharge

No permit shall be issued if the discharge would:

- Violate water quality standards (including, where applicable, antidegradation and whether the waterbody would remain fishable, swimmable or available for recreation)
- Jeopardize threatened or endangered species
- Cause or contribute to significant degradation to the aquatic ecosystem

Let the Permitting Authority know if:

- The community depends on an impacted waterbody for fishing or as a source of drinking water
- The waterbody provides the community with an important source of recreation, such as swimming or boating
- The waterbody provide for traditional cultural uses, such as food or medicinal plants

The Guidelines ask if there be significant adverse effects to human health, including effects to municipal water supplies, fish and shellfish. 40 C.F.R. Section 230.10(c). The Guidelines consideration of the "Human Use" effects of the discharge include effects on municipal and private water supplies, recreational and commercial fisheries, water-related recreation, aesthetics, and parks and other preserves. 40 C.F.R. Sections 230.50-54.

Significant Degradation:

40 C.F.R. 230.10(c) "...no discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States. Findings of significant degradation related to the proposed discharge shall be based upon appropriate factual determinations, evaluations and tests required by subparts B and G, after consideration of subparts C through F, with special emphasis on the persistence and permanence of the effects outlined in those subparts. Under these Guidelines, effects contributing to significant degradation considered individually or collectively, include:

- (1) Significantly adverse effects of the discharge of pollutants on human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife and special aquatic sites.
- (2) Significantly adverse effects of the discharge of pollutants on life stages of aquatic life and other wildlife dependent on aquatic ecosystems, including the transfer, concentration and spread of pollutants or their byproducts outside of the disposal site through biological, physical and chemical processes;
- (3) Significantly adverse effects of the discharge of pollutants on aquatic ecosystem diversity, productivity and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water or reduce wave energy; or
- (4) Significantly adverse effects of discharge of pollutants on recreational, aesthetic and economic values."

Compensatory Mitigation Requirements

Lastly, remaining unavoidable impacts may require Compensatory Mitigation (https://www.epa.gov/sites/default/files/2015-08/documents/compensatory_mitigation_factsheet.pdf), where

appropriate and practicable, to ensure compliance with the 404(b)(1) Guidelines, including to ensure that the discharges do not cause or contribute to significant degradation. Compensatory mitigation may take the form of aquatic resource Restoration, Establishment, Enhancement or Preservation (<https://www.epa.gov/cwa-404/what-does-compensatory-mitigation-mean-under-cwa-section-404>) and in general is located within the same watershed as the impact, located where most likely to replace lost aquatic resources and be ecologically successful and self-sustaining.

Should all or any of the compensation occur within the community with environmental justice concerns?

Lost Aquatic Resources:

Among other things, the regulations on compensatory mitigation direct permittees and the Corps to take a watershed approach to identifying appropriate compensatory mitigation. The ultimate goal of the watershed approach is to maintain and improve the quality and quantity of aquatic resources within watersheds through strategic selection of compensatory mitigation sites. 40 C.F.R. 230.93(c)(2).

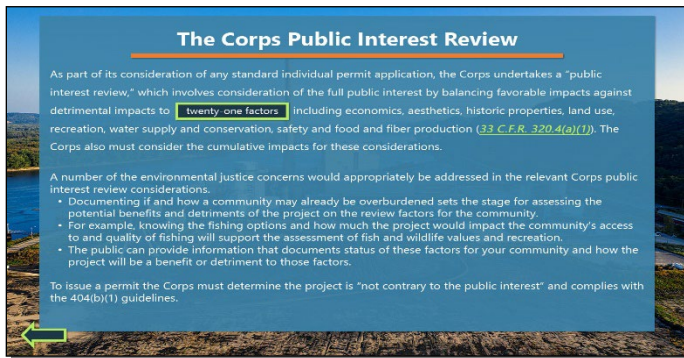
"A watershed approach to compensatory mitigation should include, to the extent practicable, inventories of historic and existing aquatic resources, including identification of degraded aquatic resources and identification of immediate and long-term aquatic resource needs within watersheds that can be met through permittee-responsible mitigation projects, mitigation banks or in-lieu fee programs. Planning efforts should identify and prioritize aquatic resource restoration, establishment and enhancement activities and preservation of existing aquatic resources that are important for maintaining or improving ecological functions of the watershed. The identification and prioritization of resource needs should be as specific as possible, to enhance the usefulness of the approach in determining compensatory mitigation requirements." 40 C.F.R. Section 230.93(c)(2)(iv).

The watershed approach considers a range of factors, including "chronic environmental problems such as flooding or poor water quality." 40 C.F.R. Section 230.93(c)(3)(i).

Environmental Justice & Compensation:

Addressed in the preamble to the compensatory mitigation rule (73 Federal Register / Vol. 73, No. 70 Thursday, April 10, 2008: Page 19629)

"We recognize that aquatic resources in urban settings can provide important functions and services and we believe it is important that urban areas not become devoid of aquatic resources simply because it is more difficult to successfully restore or establish aquatic habitat in developed areas. Compensatory mitigation required by district engineers will be located in areas where it is appropriate and practicable to conduct successful aquatic resource restoration, establishment and enhancement activities. In some cases, this will result in compensatory mitigation for impacts in urban areas to be conducted in more remote locations; in other cases, it may be appropriate to replace certain aquatic resources in urban areas. Site selection is a primary consideration for compensatory mitigation projects and district engineers will evaluate proposed mitigation projects, including mitigation banks, using the watershed approach to ensure that they contribute to the functions and sustainability of aquatic resources within a watershed. As discussed above, the use of a combination of on-site and off-site compensatory mitigation can be effective in retaining aquatic resource functions and services in urban areas."



The Corps Public Interest Review

As part of its consideration of any standard individual permit application, the Corps undertakes a “public interest review,” which involves consideration of the full public interest by balancing favorable impacts against detrimental impacts to **twenty-one fact** including economics, aesthetics, historic properties, land use, recreation, water supply and conservation, safety and food and fiber production (33 C.F.R. 320.4(a)(1) (<https://www.ecfr.gov/current/title-33/chapter-II/part-320/section-320.4>)). The Corps also must consider the cumulative impacts for these considerations.

A number of the environmental justice concerns would appropriately be addressed in the relevant Corps public interest review considerations.

Documenting if and how a community may already be overburdened sets the stage for assessing the potential benefits and detriments of the project on the review factors for the community.

For example, knowing the fishing options and how much the project would impact the community’s access to and quality of fishing will support the assessment of fish and wildlife values and recreation.

The public can provide information that documents status of these factors for your community and how the project will be a benefit or detriment to those factors.

To issue a permit the Corps must determine the project is “not contrary to the public interest” and complies with the 404(b)(1) guidelines.

Twenty-one factors:

1. Conservation
2. Economics
3. Aesthetics
4. General environmental concerns
5. Wetlands
6. Historic properties
7. Fish and wildlife values
8. Flood hazards
9. Floodplain values
10. Land use
11. Navigation

12. Shore erosion and accretion
13. Recreation
14. Water supply and conservation
15. Water quality
16. Energy needs
17. Safety
18. Food and fiber production
19. Mineral needs
20. Considerations of property ownership
21. The needs and welfare of the people



National Environmental Policy Act

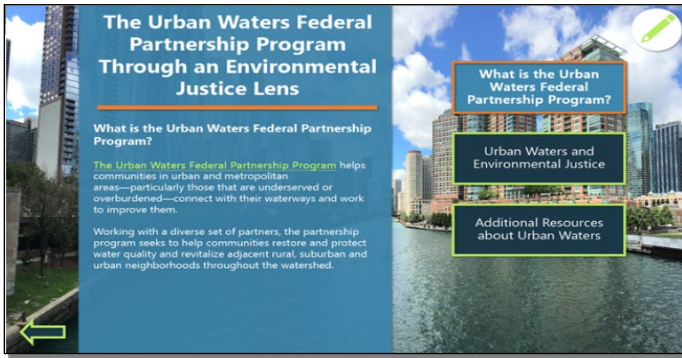
NEPA applies broadly to federal actions, including projects authorized by a CWA Section 404 permit.

The NEPA review process documents the effects on the quality of the human environment, including impacts on the natural or physical environment and interrelated health, social, cultural and economic effects of the proposed action and alternatives to the proposed action. The Corps generally prepares an environmental assessment during the review of standard individual permit actions.

The Corps' procedures for implementing NEPA in connection with its regulatory program are located at 33 C.F.R. Part 325, Appendix B (<https://www.ecfr.gov/current/title-33/chapter-II/part-325/appendix-Appendix%20B%20to%20Part%20325>).

Section 404 Permit:

For general permits this occurs during the development of the general permit, for individual permits this occurs with processing of the individual permit application. The Corps generally prepares its environmental assessment after close of the public comment period for the permit in order to consider public comments as part of the environmental assessment. 33 C.F.R. Part 325, Appendix B. Considerations related to environmental justice concerns can be included in public comments on the permit application. In some instances, the impacts from the proposed project could be so significant even after mitigation that the Corps or other agencies with permit applications for the same project may decide to prepare an environmental impact statement. When the Corps or another agency leads the preparation of an environmental impact statement, there will be additional opportunities for public comment as it relates to all of the federal actions.



The Urban Waters Federal Partnership Program Through an Environmental Justice Lens

What is the Urban Waters Federal Partnership Program?

The Urban Waters Federal Partnership Program (https://www.epa.gov/sites/default/files/2021-03/documents/urban_waters_fact_sheet_2021_final.pdf) helps communities in urban and metropolitan areas—particularly those that are underserved or overburdened—connect with their waterways and work to improve them.

Working with a diverse set of partners, the partnership program seeks to help communities restore and protect water quality and revitalize adjacent rural, suburban and urban neighborhoods throughout the watershed.

Urban Waters and Environmental Justice

The Urban Waters Federal Partnership program consists of 21 designated watersheds across the continental United States and Puerto Rico where partners develop a collaborative workplan to improve water quality and lift up local priorities for community revitalization and engagement with water resources.

Environmental justice is central to the mission of the Urban Waters Federal Partnership. The Urban Waters approach to partnership building prioritizes the needs of communities with environmental justice concerns by:

- Consistently coordinating over time and across a wide range of activities that are shaped by the holistic needs of the local community;
- Engaging key partners who bring technical expertise, garner resources and develop useful information for decision making contributes to overall capacity building of local organizations in the watershed; and
- Building trust and relationships that ensures stakeholders have a willingness to invest time and energy in the collaboration.

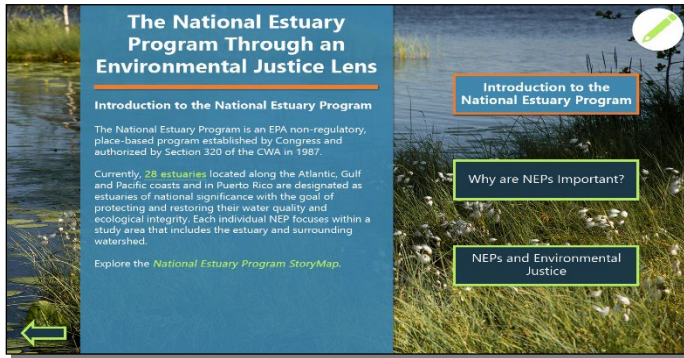
Additional Resources about Urban Waters

Read the Mission and Vision (https://www.epa.gov/sites/default/files/2018-03/documents/uw_vision_mission_principles_11-28-17_-_new_third_page_only.pdf) of the Urban Waters Federal Partnership Program.

Explore the Urban Waters Learning Network (<https://urbanwaterslearningnetwork.org/>), a peer-to-peer network for sharing practical on-the-ground experiences in order to improve urban waterways and revitalize the neighborhoods around them.

View this overview of accomplishments (https://www.epa.gov/system/files/documents/2024-05/urban-waters-2022-accomplishments-report_042224_508.pdf) from the Urban Waters locations across the country.

Read the 2021 Partner Recommitment (https://www.epa.gov/system/files/documents/2021-11/urban-waters-recommitment-report-112221_508.pdf), a recommitment of federal partners that reaffirms the Partnership's original Vision, Mission and Principles and sets a framework for future program priorities.



The National Estuary Program Through an Environmental Justice Lens

Introduction to the National Estuary Program

The National Estuary Program is an EPA non-regulatory, place-based program established by Congress and authorized by Section 320 of the CWA in 1987.

Currently, 28 estuaries (<https://www.epa.gov/nep/printable-map-national-estuary-program-study-areas>) located along the Atlantic, Gulf and Pacific coasts and in Puerto Rico are designated as estuaries of national significance with the goal of protecting and restoring their water quality and ecological integrity. Each individual NEP focuses within a study area that includes the estuary and surrounding watershed.

Explore the National Estuary Program StoryMap. (<https://storymaps.arcgis.com/collections/390829cee060467b99f391e5b916c27c>)

Why are NEPs Important?

The 28 individual NEPs develop and implement EPA Administrator approved Comprehensive Conservation and Management Plans (<https://www.epa.gov/nep/comprehensive-conservation-and-management-plans>), which are long-term plans that contain actions to address water quality and living resource challenges and priorities.

The National Estuary Program uses an inclusive decision-making process to define challenges and priorities with the help of local, city, state, federal, Tribal, private and non-profit stakeholders.

The program is an important national model for the protection and management of watersheds.

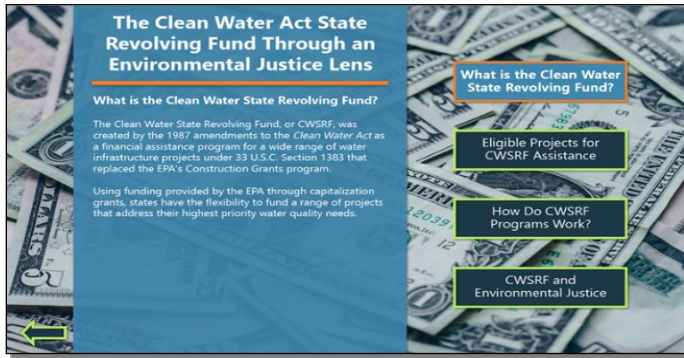
See an overview of accomplishments (<https://www.epa.gov/nep/national-estuary-program-2022-accomplishments>) from the National Estuary Program.

NEPs and Environmental Justice

The NEPs can help implement projects to address climate impacts to coastal watersheds and estuaries, including how these impacts affect the health of communities.

Each NEP is connected to a diverse network of partners throughout its study area which play a key role in workplan development and Comprehensive Conservation and Management Plan implementation via the decision-making Management Conference. By meaningfully involving in the planning process communities with environmental justice concerns, each NEP can implement projects that provide the greatest benefit to these communities. This helps each NEP build trust with these communities, improves programming and demonstrates good stewardship of water resources.

Additionally, the National Estuary Program is a covered program by the Justice40 Initiative that was established with Executive Order 14008.



The Clean Water Act State Revolving Fund Through an Environmental Justice Lens

What is the Clean Water State Revolving Fund?

The Clean Water State Revolving Fund, or CWSRF, was created by the 1987 amendments to the *Clean Water Act* as a financial assistance program for a wide range of water infrastructure projects under 33 U.S.C. Section 1383 that replaced the EPA's Construction Grants program.

Using funding provided by the EPA through capitalization grants, states have the flexibility to fund a range of projects that address their highest priority water quality needs.

Eligible Projects for CWSRF Assistance

Using a combination of federal and state funds, state CWSRF programs provide loans to eligible recipients to:

- Construct municipal wastewater facilities
- Control nonpoint sources of pollution
- Build decentralized wastewater treatment systems
- Create green infrastructure projects
- Protect estuaries
- Fund other water quality projects

Under the CWSRF, the EPA provides grants to all 50 states plus Puerto Rico to capitalize (<https://www.epa.gov/cwsrf/about-clean-water-state-revolving-fund-cwsrf#works>) state CWSRF loan programs.

The states contribute a 20 percent match to the federal grants. The EPA also provides direct grant funding for the District of Columbia, U.S. Virgin Islands, American Samoa, Guam and the Commonwealth of Northern Marianas.

Public, private or nonprofit entities may be eligible to receive CWSRF assistance for the following project types: decentralized wastewater treatment systems, stormwater, water reuse and green infrastructure.

Nonpoint Source Program (<https://www.epa.gov/nps/funding-resources-watershed-protection-and-restoration>) or National Estuary Program (<https://www.epa.gov/nep/overview-national-estuary-program>) projects are also eligible. If community members are not part of an entity that's eligible for CWSRF funds, there are still opportunities to help identify water quality issues that could be addressed with CWSRF funds.

How Do CWSRF Programs Work?

The 51 CWSRF programs function like environmental infrastructure banks by providing low interest loans or, when allowable, loans where principal is forgiven effectively mimicking a grant to eligible recipients for water

infrastructure projects. As money is paid back into the state's revolving loan fund, the state makes new loans to other recipients for high priority, water quality activities. Repayments of loan principal and interest earnings are recycled back into individual state CWSRF programs to finance new projects that allow the funds to "revolve" at the state level over time. State Revolving Funds can issue bonds to increase lending capacity if there are projects to warrant the extra need for cash.

Click to view process.

CWSRF Process Graphic:



States are responsible for the operation of their CWSRF programs. Under the CWSRF, states may provide various types of assistance including loans, refinancing, purchasing or guaranteeing local debt and purchasing bond insurance. States also set specific loan terms, including interest rates from zero percent to market rate and repayment periods of up to 30 years. States have the flexibility to target financial resources to their specific community and environmental needs.

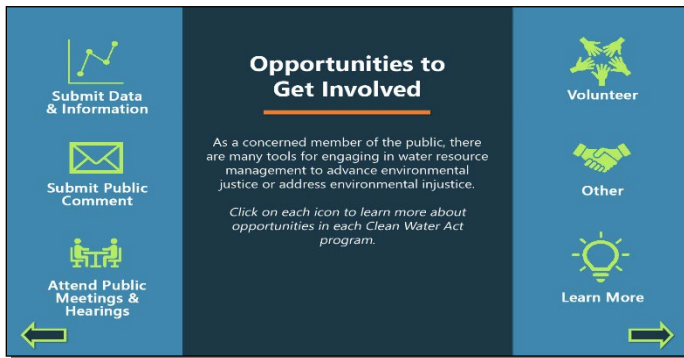
CWSRF and Environmental Justice

The CWSRF funds a range of projects that address highest priority water quality needs nationally.

By collaborating with states, the EPA can effectively identify program barriers, amplify best practices that ensure more equitable and environmental justice-friendly decisions and assist the disadvantaged communities that have long faced environmental justice and equity challenges to better compete and receive resources to fund their water infrastructure needs.



Participation and Engagement Opportunities



Opportunities to Get Involved

As a concerned member of the public, there are many tools for engaging in water resource management to advance environmental justice or address environmental injustice.

Click on each icon to learn more about opportunities in each *Clean Water Act* program.

Submit Data & Information

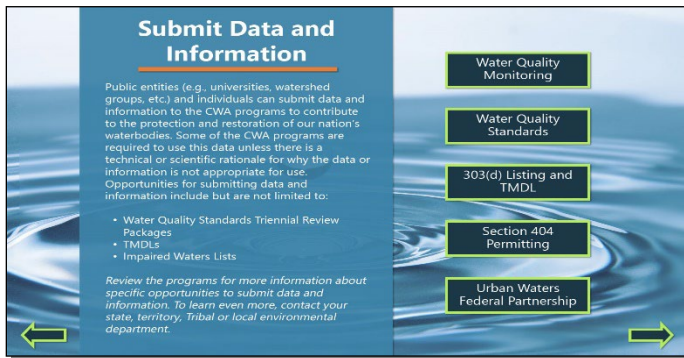
Submit Public Comment

Attend Public Meetings & Hearings

Volunteer

Other

Learn More



Submit Data and Information

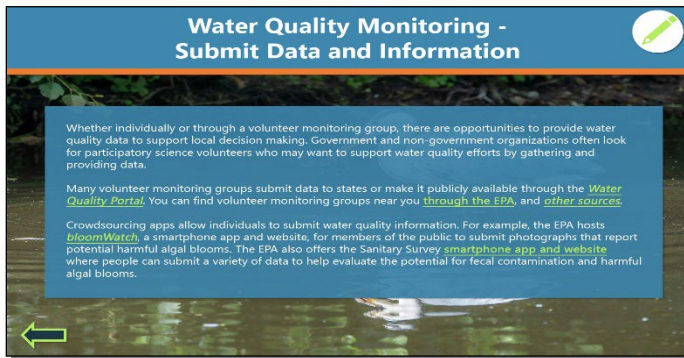
Public entities (e.g., universities, watershed groups, etc.) and individuals can submit data and information to the CWA programs to contribute to the protection and restoration of our nation's waterbodies. Some of the CWA programs are required to use this data unless there is a technical or scientific rationale for why the data or information is not appropriate for use. Opportunities for submitting data and information include but are not limited to:

- Water Quality Standards Triennial Review Packages
- TMDLs
- Impaired Waters Lists

Review the programs for more information about specific opportunities to submit data and information.

- Water Quality Monitoring
- Water Quality Standards
- 303(d) Listing and TMDL
- Section 404 Permitting
- Urban Waters Federal Partnership

To learn even more, contact your state, territory, Tribal or local environmental department.

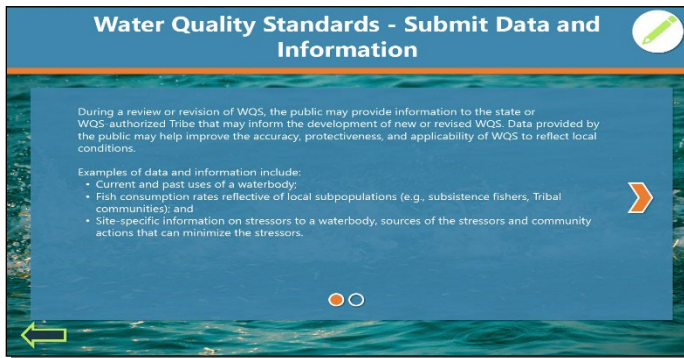


Water Quality Monitoring - Submit Data and Information

Whether individually or through a volunteer monitoring group, there are opportunities to provide water quality data to support local decision making. Government and non-government organizations often look for participatory science volunteers who may want to support water quality efforts by gathering and providing data.

Many volunteer monitoring groups submit data to states or make it publicly available through the Water Quality Portal (<https://www.waterqualitydata.us/>). You can find volunteer monitoring groups near you through the EPA (<https://www.epa.gov/awma/volunteer-monitoring>), and other sources (<http://volunteermonitoring.org/>).

Crowdsourcing apps allow individuals to submit water quality information. For example, the EPA hosts bloomWatch (<https://cyanos.org/bloomwatch/>), a smartphone app and website, for members of the public to submit photographs that report potential harmful algal blooms. The EPA also offers the Sanitary Survey smartphone app and website (<https://www.epa.gov/beaches/sanitary-surveys-recreational-waters#epa>) where people can submit a variety of data to help evaluate the potential for fecal contamination and harmful algal blooms.



Water Quality Standards - Submit Data and Information

During a review or revision of WQS, the public may provide information to the state or WQS-authorized Tribe that may inform the development of new or revised WQS. Data provided by the public may help improve the accuracy, protectiveness, and applicability of WQS to reflect local conditions.

Examples of data and information include:

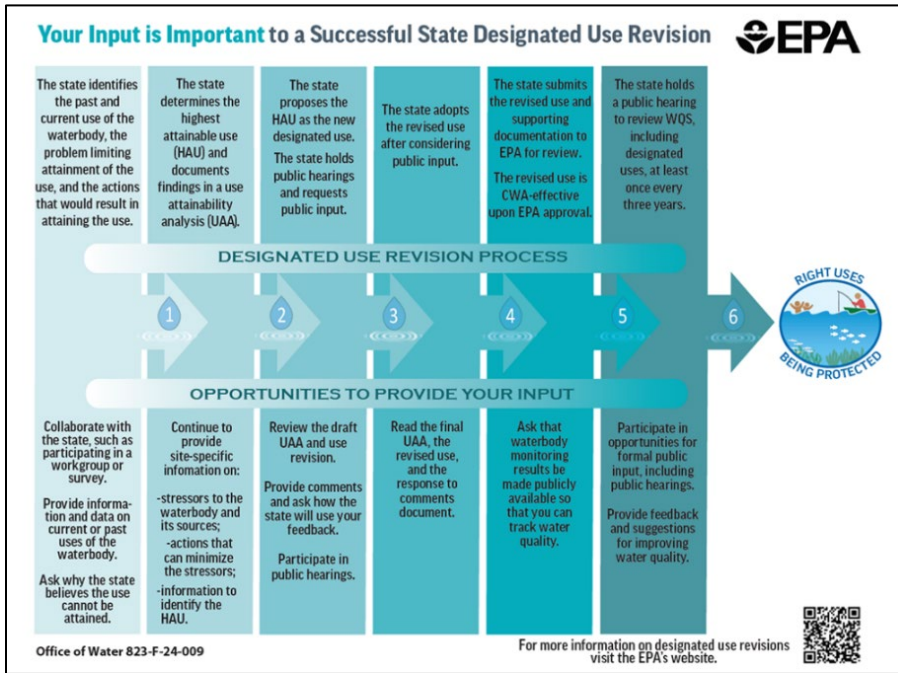
- Current and past uses of a waterbody;
- Fish consumption rates reflective of local subpopulations (e.g., subsistence fishers, Tribal communities); and
- Site-specific information on stressors to a waterbody, sources of the stressors and community actions that can minimize the stressors.

Most state and Tribal governments have websites with information about their many environmental programs, including policies and regulations. The EPA has ten Regional offices, each of which is responsible for several states and territories. Get information about your state's health and environmental agencies (<https://www.epa.gov/aboutepa/health-and-environmental-agencies-us-states-and-territories>).

- On their websites, state and Tribal governments typically:
 - Announce the initiation of a review or revision of WQS; and
 - Request data and information from the public along with instructions on how to submit that information
- State and Tribal governments may also make similar announcements and provide similar information in local newspapers or email lists

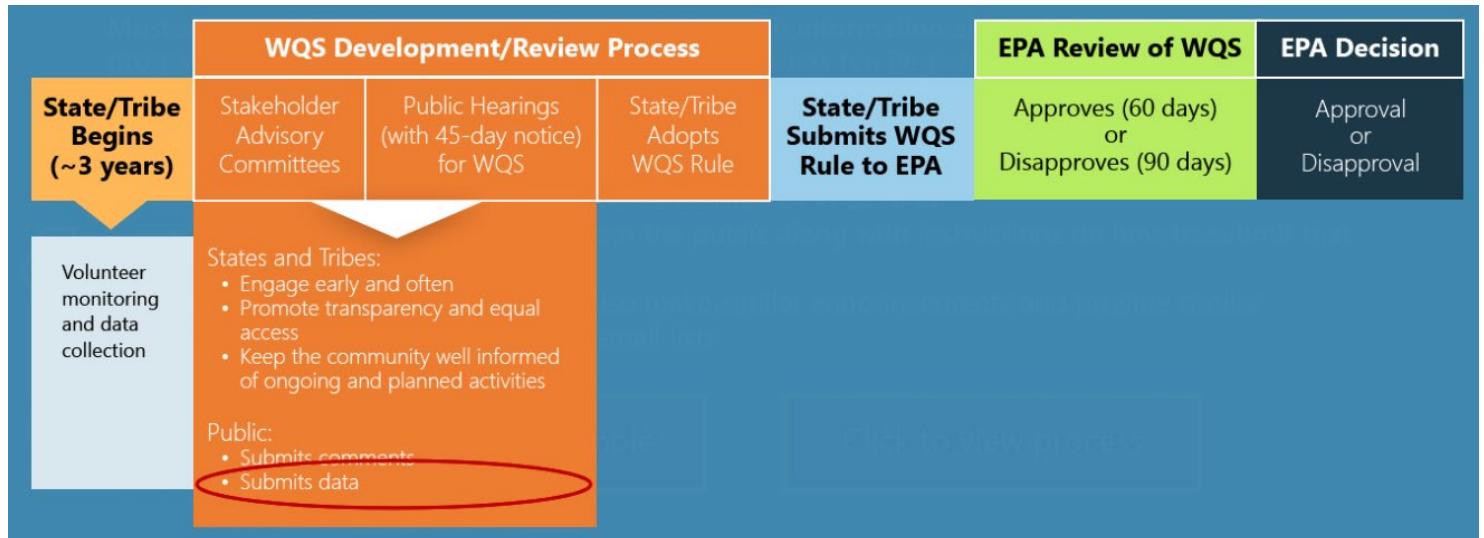
Click to view example.

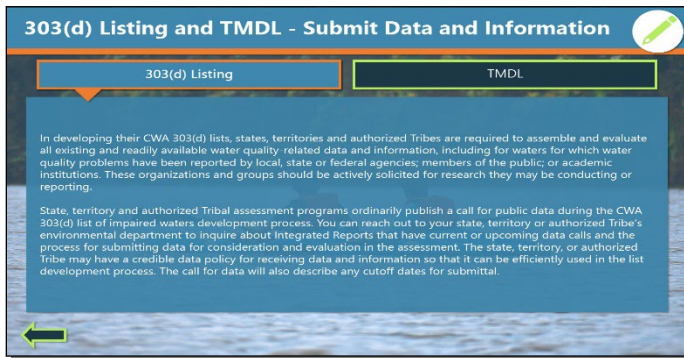
WQS Development/Review Example:



Click to view process.

WQS Development/Review Process:





303(d) Listing and TMDL - Submit Data and Information

303(d) Listing

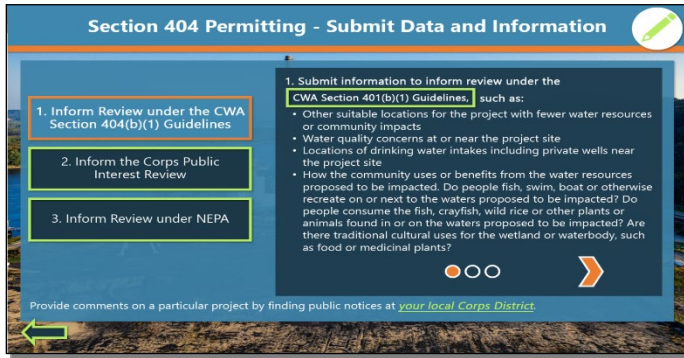
In developing their CWA 303(d) lists, states, territories and authorized Tribes are required to assemble and evaluate all existing and readily available water quality-related data and information, including for waters for which water quality problems have been reported by local, state or federal agencies; members of the public; or academic institutions. These organizations and groups should be actively solicited for research they may be conducting or reporting.

State, territory and authorized Tribal assessment programs ordinarily publish a call for public data during the CWA 303(d) list of impaired waters development process. You can reach out to your state, territory or authorized Tribe's environmental department to inquire about Integrated Reports that have current or upcoming data calls and the process for submitting data for consideration and evaluation in the assessment. The state, territory, or authorized Tribe may have a credible data policy for receiving data and information so that it can be efficiently used in the list development process. The call for data will also describe any cutoff dates for submittal.

TMDL

The CWA regulations require public involvement in TMDL development. The nature of public involvement in the TMDL process varies by state, territory or authorized Tribe. Members of the public can provide important information on the potential pollutants, sources of pollutants and extent of potential issues in your local watershed. This information can be factored into the decision-making processes for a TMDL and other water quality plans.

Reach out to the environmental department for your state, territory or authorized Tribe to learn about the process for submitting data and information for TMDLs. The EPA has ten Regional offices, each of which is responsible for several states and territories. Get information about your Region or state's environmental agency (<https://www.epa.gov/aboutepa/health-and-environmental-agencies-us-states-and-territories>).



Section 404 Permitting - Submit Data and Information

1. Inform Review under the CWA Section 404(b)(1) Guidelines
2. Inform the Corps Public Interest Review
3. Inform Review under NEPA

Provide comments on a particular project by finding public notices at your local Corps District (<https://regulatory.ops.usace.army.mil/offices/>).

1. Submit information to inform review under the CWA Section 404(b)(1) Guidelines such as:

- Other suitable locations for the project with fewer water resources or community impacts
- Water quality concerns at or near the project site
- Locations of drinking water intakes including private wells near the project site
- How the community uses or benefits from the water resources proposed to be impacted. Do people fish, swim, boat or otherwise recreate on or next to the waters proposed to be impacted? Do people consume the fish, crayfish, wild rice or other plants or animals found in or on the waters proposed to be impacted? Are there traditional cultural uses for the wetland or waterbody, such as food or medicinal plants?
- What will loss of those water resources mean for the community's ability to use or benefit from water resources in the same ways? Are there other options for those activities within the community? Are there waters in or near the community that are not currently available for these uses but could be available with some improvements to the waters or access?
- Do you have any assessments or observations of the water resources or species found on or near the project site? These could include results from participatory science monitoring, birdwatching groups, fishing or hunting reports, studies conducted by local schools or universities or other sources of information.
- Are there any waterbodies nearby that would be important to the community to restore or protect? For example:
 - Similar wetlands or streams that have suffered impacts in the past
 - Similar waterbodies that have little or no public access (fishing, boating, swimming)
 - Local opportunities to replace specific water functions impacted by the proposal (for example: flood protection, fish nursery habitat, bird habitat)

2. Submit information to inform the Corps Public Interest Review, such as:

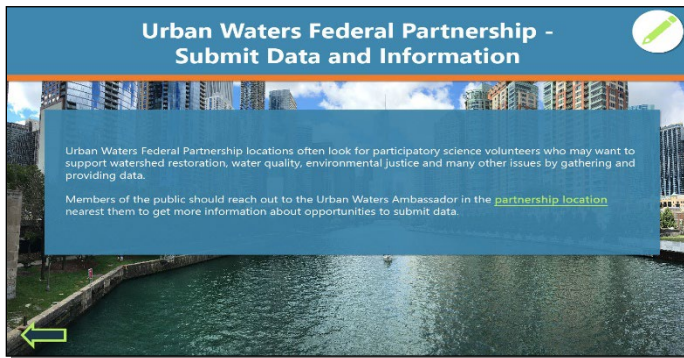
- How the community uses or benefits from the water resources proposed to be impacted and what a loss of those water resources would mean for the community's ability to use or benefit from the water resources in the same ways
- Will the benefits of the project reach the community? Or is the community bearing the burdens of a project that will benefit persons in a different community?
- Has the community already experienced adverse impacts from previous projects? How?
- Are there other impacts to the community associated with the project, such as increased air pollution, noise, traffic, etc.?
- How will the proposed impacts affect the community's interests?
- How do these effects relate to the public interest review factors?

3. Submit information to inform review under the *National Environmental Policy Act*, such as:

- Historic or culturally significant structures or properties (formerly designated or not)
- Flooding concerns near the project site
- Water quality concerns near the project site
- Locations of drinking water intakes including private wells near the project site
- Other suitable locations with fewer water resources or community impacts; these sites do not need to be currently for sale or owned by permit applicant

Consider questions, such as:

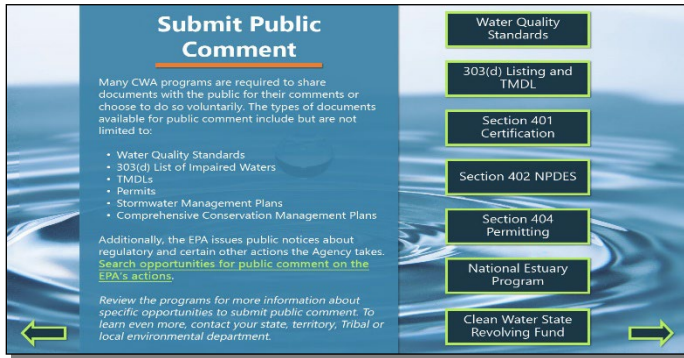
- Will benefits from the project reach the community? Or is the community bearing the burdens of a project that will benefit persons in a different community?
- Has the community already experienced adverse impacts from previous projects? How?
- Are there other types of potential impacts to the community, such as increased air pollution, noise, traffic, etc.?



Urban Waters Federal Partnership - Submit Data and Information

Urban Waters Federal Partnership locations often look for participatory science volunteers who may want to support watershed restoration, water quality, environmental justice and many other issues by gathering and providing data.

Members of the public should reach out to the Urban Waters Ambassador in the partnership location (<https://www.epa.gov/urbanwaterspartners/21-designated-urban-waters-locations>) nearest them to get more information about opportunities to submit data.



Submit Public Comment

Many CWA programs are required to share documents with the public for their comments or choose to do so voluntarily. The types of documents available for public comment include but are not limited to:

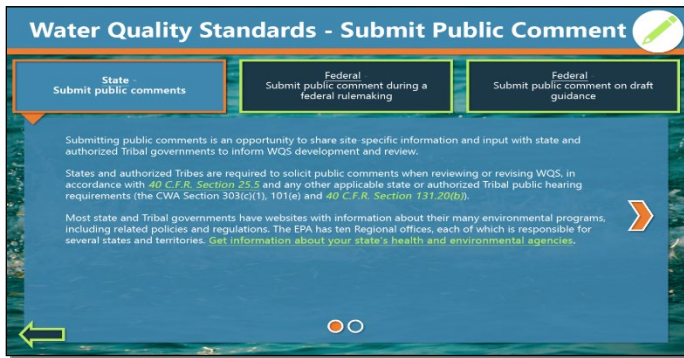
- Water Quality Standards
- 303(d) List of Impaired Waters
- TMDLs
- Permits
- Stormwater Management Plans
- Comprehensive Conservation Management Plans

Additionally, the EPA issues public notices about regulatory and certain other actions the Agency takes. Search opportunities for public comment on the EPA's actions (<https://www.epa.gov/publicnotices>).

Review the programs for more information about specific opportunities to submit public comment.

- Water Quality Standards
- 303(d) Listing and TMDL
- Section 401 Certification
- Section 402 NPDES
- Section 404 Permitting
- National Estuary Program
- Clean Water State Revolving Fund

To learn even more, contact your state, territory, Tribal or local environmental department.



Water Quality Standards - Submit Public Comment

State - Submit public comments

Submitting public comments is an opportunity to share site-specific information and input with state and authorized Tribal governments to inform WQS development and review.

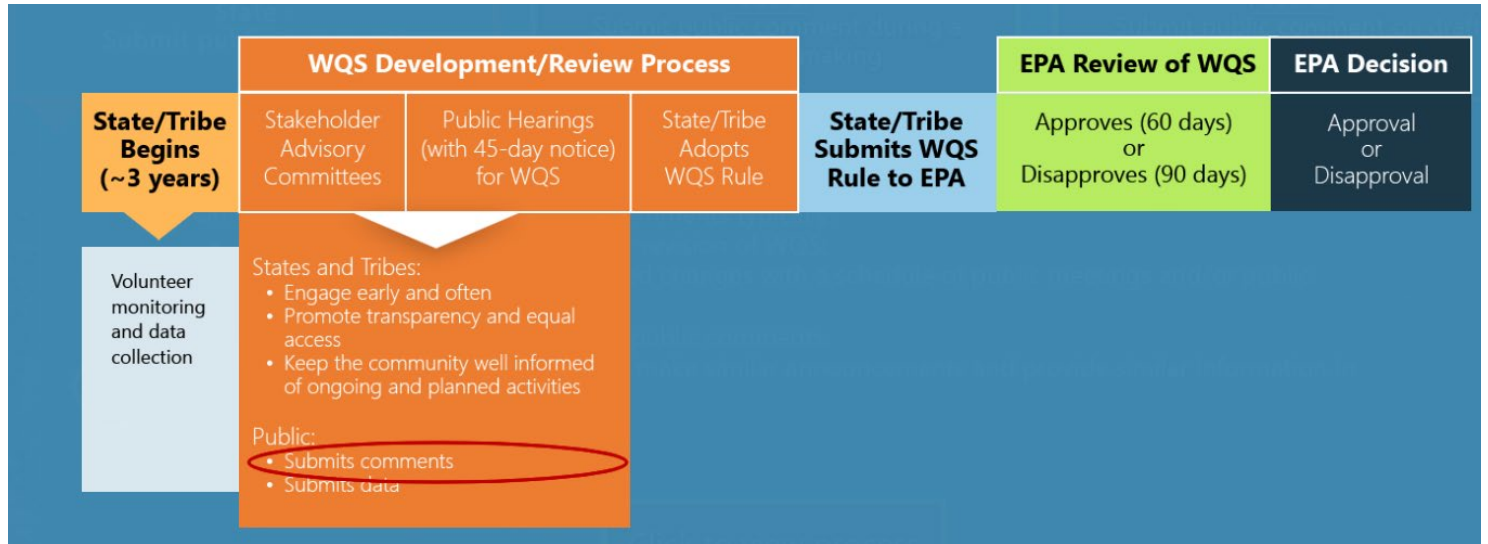
States and authorized Tribes are required to solicit public comments when reviewing or revising WQS, in accordance with 40 C.F.R. Section 25.5 (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-A/part-25/section-25.5>) and any other applicable state or authorized Tribal public hearing requirements (the CWA Section 303(c)(1), 101(e) and 40 C.F.R. Section 131.20(b) (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131/subpart-C/section-131.20>)).

Most state and Tribal governments have websites with information about their many environmental programs, including related policies and regulations. The EPA has ten Regional offices, each of which is responsible for several states and territories. Get information about your state's health and environmental agencies (<https://www.epa.gov/aboutepa/health-and-environmental-agencies-us-states-and-territories>).

- On their websites, state and Tribal governments typically:
 - announce the initiation of review or revision of WQS;
 - post information regarding proposed changes with a schedule of public meetings and/or public hearings; and
 - provide instructions for submitting public comments.
- State and Tribal governments may also make similar announcements and provide similar information in local newspapers or email lists.

Click to view process.

WQS Development/Review Process:



Federal - Submit public comment during a federal rulemaking

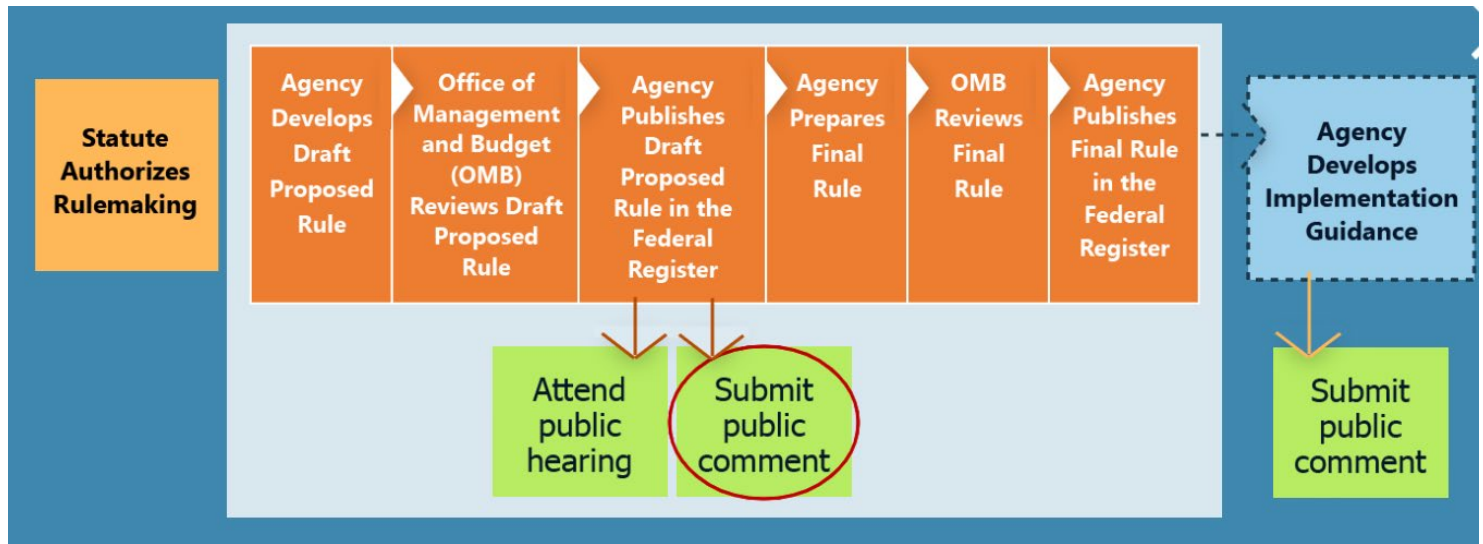
When a federal agency undertakes a significant environmental action—such as setting water quality standards for a state or Tribe—the agency must publish written materials, which range from background information to records of decisions. The resulting conclusions or actions can have far-reaching effects on individuals, communities, economies and ecosystems.

Submitting public comments is a process that allows individuals, organizations, agencies and businesses to provide written input on proposed water quality standards. For many federal-level actions, including the promulgation of new water quality standards, public notice and an opportunity to comment is required by law before the action can be finalized. The following statutes govern the EPA's requirements to engage the public on rulemakings and actions related to WQS:

- CWA Section 101(e) (33 U.S.C. 1251(e) (<https://www.govinfo.gov/content/pkg/USCODE-2022-title33/pdf/USCODE-2022-title33-chap26-subchapI-sec1251.pdf>))
- CWA Section 303(c)(1) (33 U.S.C. 1313(c)(1) (<https://www.govinfo.gov/content/pkg/USCODE-2011-title33/pdf/USCODE-2011-title33-chap26-subchapterIII-sec1313.pdf>))
- 40 C.F.R. Section 25.5 (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-A/part-25/section-25.5>)
- 40 C.F.R. Section 131.20(b) (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131/subpart-C/section-131.20>)
- 40 C.F.R. Section 131.22(c) (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131/subpart-C/section-131.22>)

Click to view process.

Federal Rulemaking Process:



See EPA regulations (<https://www.epa.gov/laws-regulations/regulations>).

- The Federal Register (<https://www.govinfo.gov/app/collection/FR/>) is the official daily publication for final rules, proposed rules and notices of federal actions.
- The multi-agency website Regulations.gov (<https://www.regulations.gov/>) serves as an online clearinghouse for materials related to EPA rulemakings and is the EPA's official on-line comment system.
- EPA Docket Centers (<https://www.epa.gov/dockets>) provide a location to access physical copies of the materials on Regulations.gov. In addition, the docket centers provide access to those pieces of information that we are unable to provide electronically.
- Regulatory Agendas and Regulatory Plans (<https://www.epa.gov/laws-regulations/regulatory-agendas-and-regulatory-plans>) are twice yearly publications of the EPA's regulatory activities.
- Proposed rulemakings and notices for public comment are published in the Federal Register and on Regulations.gov, including detailed instructions on how the EPA will accept public comments.
- The EPA's preferred method of accepting public comments is through the Federal eRulemaking Portal (<https://www.regulations.gov/>).
- Public comments may also be submitted via email, mail or hand delivered to the EPA Docket Center, depending on the instructions in the notice.

More information: Get Involved with EPA Regulations (<https://www.epa.gov/laws-regulations/get-involved-epa-regulations>).

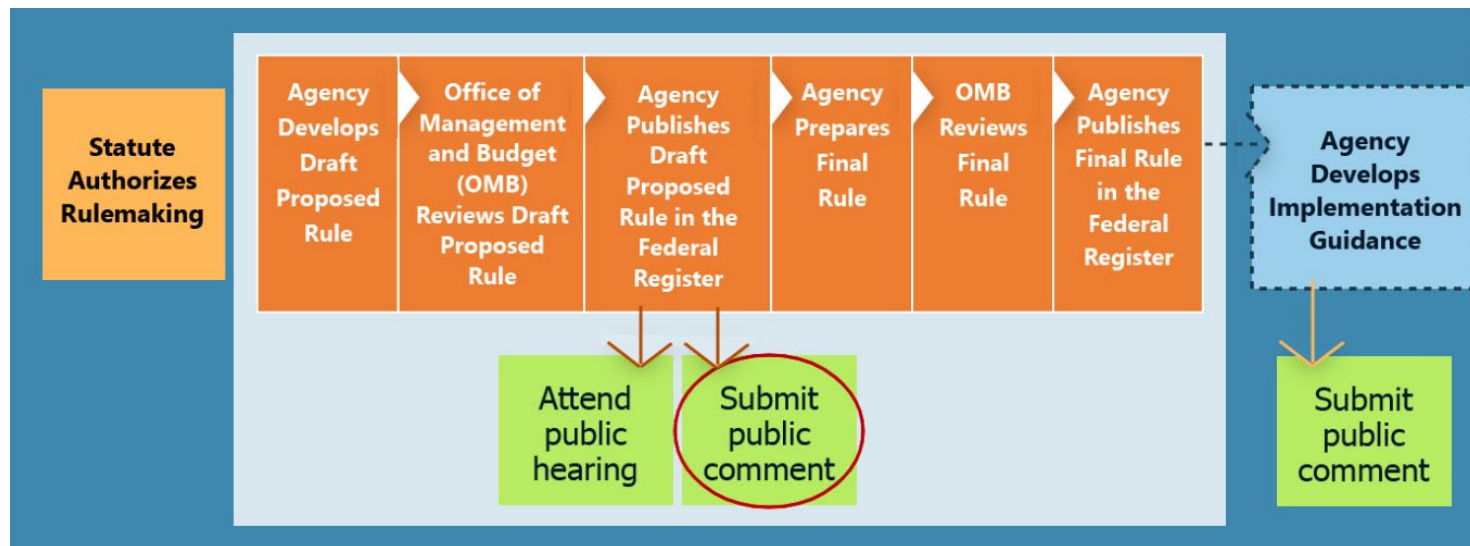
Federal - Submit public comment on draft guidance

After publication of new or revised national CWA 304(a) recommended water quality criteria, the EPA typically develops a guidance document for states and the authorized Tribes who are considering adopting the recommended criteria into their WQS regulations. These guidance documents provide information on implementation approaches for assessments, listing of impaired waters, development of water quality-based effluent limits in NPDES permits, implementation into Total Maximum Daily Loads and other programs. The EPA invites public comment on the development of this guidance.

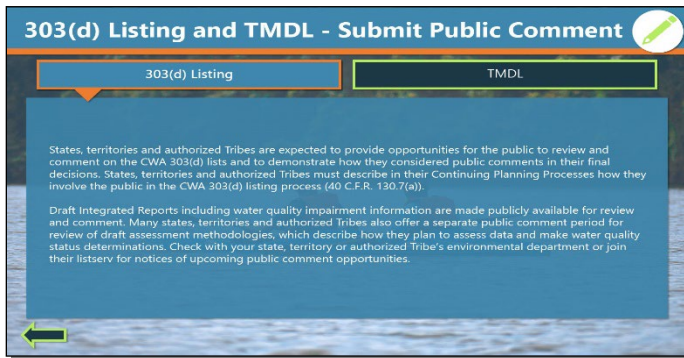
Draft guidance is typically posted on the EPA's website with directions for submitting comments.

Click to view process.

Federal Rulemaking Process:



See EPA Regulations (<https://www.epa.gov/laws-regulations/regulations>).



303(d) Listing and TMDL - Submit Public Comment

303(d) Listing

States, territories and authorized Tribes are expected to provide opportunities for the public to review and comment on the CWA 303(d) lists and to demonstrate how they considered public comments in their final decisions. States, territories and authorized Tribes must describe in their Continuing Planning Processes how they involve the public in the CWA 303(d) listing process (40 C.F.R. 130.7(a)).

Draft Integrated Reports including water quality impairment information are made publicly available for review and comment. Many states, territories and authorized Tribes also offer a separate public comment period for review of draft assessment methodologies, which describe how they plan to assess data and make water quality status determinations. Check with your state, territory or authorized Tribe's environmental department or join their listserv for notices of upcoming public comment opportunities.

TMDL

States, territories and authorized Tribes must have a clearly described process for involving the public and other stakeholders, such as affected dischargers and local governments, in establishing TMDLs. This process should provide the opportunity for full and meaningful public participation in the TMDL development process, including the opportunity to comment on draft TMDLs. In particular, calculations to establish TMDLs must be subject to public review consistent with the state's Continuing Planning Process (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-130/section-130.5>). The CWA also requires states, territories and authorized Tribes to establish priority rankings for TMDL development that take into account the severity of the pollution and the uses of the waters. These entities have considerable flexibility in deciding how best to apply these factors in prioritizing waters, so let your program know what you care about!

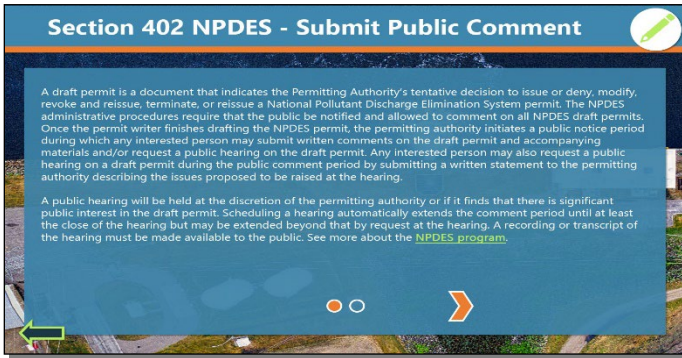
Reach out to your state, territory or authorized Tribe to inquire about upcoming public comment periods for TMDLs in development. You can also let your state, territory or authorized Tribe know where, why and how to prioritize plan development as part of the Section 303(d) impaired waters listing process. Learn what waterbodies are being prioritized for restoration and protection plans near you and provide your input.



Section 401 Certification - Submit Public Comment

Section 401 requires states, territories and authorized Tribes to establish public notice procedures for requests for certification (i.e., the document that indicates a federally licensed or permitted project is seeking Section 401 certification). Public notice provides the public an opportunity to be aware of projects and where applicable, to provide input on whether a state, territory or authorized Tribe should decide to grant (with or without conditions), deny or waive certification.

You can reach out to the certifying authority in your state, territory or authorized Tribe (e.g., state environmental department) to inquire about opportunities to provide public input on requests for certification.



Section 402 NPDES - Submit Public Comment

A draft permit is a document that indicates the Permitting Authority's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a National Pollutant Discharge Elimination System permit. The NPDES administrative procedures require that the public be notified and allowed to comment on all NPDES draft permits. Once the permit writer finishes drafting the NPDES permit, the permitting authority initiates a public notice period during which any interested person may submit written comments on the draft permit and accompanying materials and/or request a public hearing on the draft permit. Any interested person may also request a public hearing on a draft permit during the public comment period by submitting a written statement to the permitting authority describing the issues proposed to be raised at the hearing.

A public hearing will be held at the discretion of the permitting authority or if it finds that there is significant public interest in the draft permit. Scheduling a hearing automatically extends the comment period until at least the close of the hearing but may be extended beyond that by request at the hearing. A recording or transcript of the hearing must be made available to the public. See more about the NPDES program (<https://www.epa.gov/npdes/npdes-permit-basics>).

EPA-issued general permits

For EPA-issued general permits:

Methods for submitting comments are described in the Federal Register notice of publication of the draft permit, but typically include the following methods:

- Online at regulations.gov (<https://www.regulations.gov/>) (follow online instructions for submitting comments);
- Via email to ow-docket@epa.gov; or
- Via mail to Water Docket, U.S. Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

EPA-issued individual permits

For EPA-issued individual permits:

The EPA Regional Office, as the permitting authority, initiates a public notice period during which any interested person may submit written comments on the draft permit and accompanying materials and/or request a public hearing on the draft permit. NPDES contact information for each Regional Office can be found at the EPA

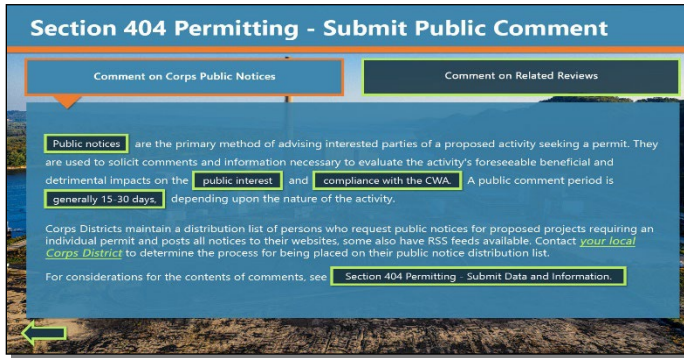
Regional Contact Information Page ([https://www.epa.gov/npdes/contact-us-general-information-about-
npdes#regional](https://www.epa.gov/npdes/contact-us-general-information-about-
npdes#regional)).

Public notice for individual permits can be provided in a number of ways, the most common being publication on an agency website or in a local newspaper. An interested person can ask to be put on a mailing list to receive notice of permitting actions for certain permits.

Permits issued by states/territories/authorized Tribes

For permits issued by states, territories, or authorized Tribes:

Methods for submitting comments are identified in the draft permit fact sheet and the public notice. In addition, the EPA NPDES website includes state program contact information as well as information on individual state NPDES programs ([https://www.epa.gov/npdes/contact-us-general-information-about-
npdes#state%20](https://www.epa.gov/npdes/contact-us-general-information-about-
npdes#state%20)).



Section 404 Permitting - Submit Public Comment

Comment on Corps Public Notices

Public notices are the primary method of advising interested parties of a proposed activity seeking a permit. They are used to solicit comments and information necessary to evaluate the activity's foreseeable beneficial and detrimental impacts on the public interest and compliance with the CWA public comment period is generally 15-30 days, depending upon the nature of the activity.

Corps Districts maintain a distribution list of persons who request public notices for proposed projects requiring an individual permit and posts all notices to their websites, some also have RSS feeds available. Contact your local Corps District (<https://regulatory.ops.usace.army.mil/offices/>) to determine the process for being placed on their public notice distribution list.

For considerations for the contents of comments, see Section 404 Permitting – Submit Data and Information.

Public Notices:

Each public notice will describe the proposed project, the location of the proposed project and the regulations with which the proposed project will need to comply.

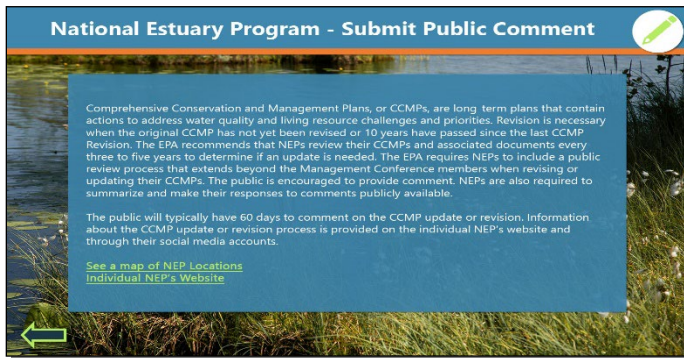
Public Comment Period:

The public comment period for most notices is generally 30 days but can be as short as 15. Comment periods may be extended 30 days for a total of 60. Comments received outside of the public comment period may not be considered during project review.

Comment on Related Reviews

Many states, territories and Tribes take public comment on their proposed actions concurrently with the Corps or use a joint public notice. For example, states and Tribes must “certify” (pursuant to CWA Section 401 (<https://www.epa.gov/cwa-401>)) that the proposed activity will comply with water quality requirements. Many states also have independent regulatory programs and permit processes that may be conducted concurrently to or jointly with the Corps permit review.

See the National Association of Wetland Managers’ summaries of state programs (<https://www.nawm.org/wetland-programs/state-program-summaries>) for more information.



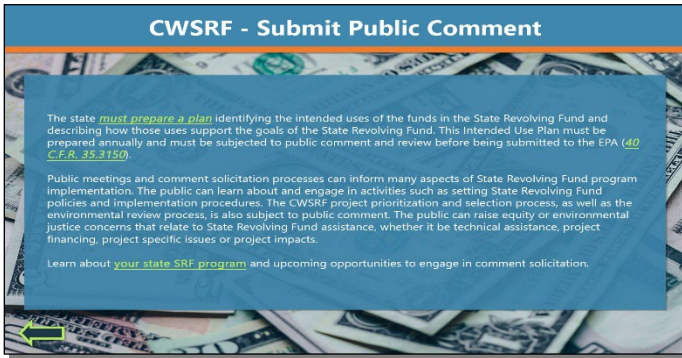
National Estuary Program - Submit Public Comment

Comprehensive Conservation and Management Plans, or CCMPs, are long-term plans that contain actions to address water quality and living resource challenges and priorities. Revision is necessary when the original CCMP has not yet been revised or 10 years have passed since the last CCMP Revision. The EPA recommends that NEPs review their CCMPs and associated documents every three to five years to determine if an update is needed. The EPA requires NEPs to include a public review process that extends beyond the Management Conference members when revising or updating their CCMPs. The public is encouraged to provide comment. NEPs are also required to summarize and make their responses to comments publicly available.

The public will typically have 60 days to comment on the CCMP update or revision. Information about the CCMP update or revision process is provided on the individual NEP's website and through their social media accounts.

See a map of NEP Locations (<https://www.epa.gov/nep/printable-map-national-estuary-program-study-areas>)

Individual NEP's Website (<https://www.epa.gov/nep/individual-estuary-program-websites>)

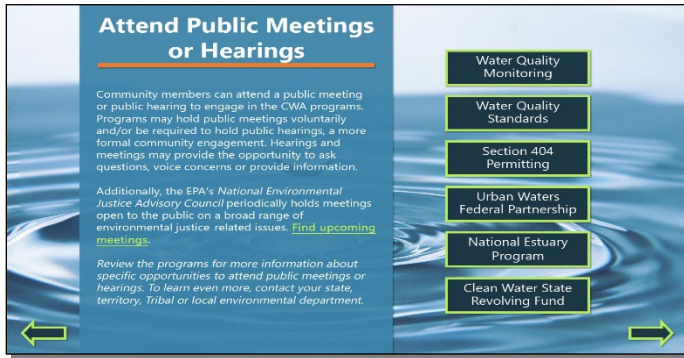


CWSRF - Submit Public Comment

The state must prepare a plan (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-K/section-35.3150>) identifying the intended uses of the funds in the State Revolving Fund and describing how those uses support the goals of the State Revolving Fund. This Intended Use Plan must be prepared annually and must be subjected to public comment and review before being submitted to the EPA (40 C.F.R. 35.3150 (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-K/section-35.3150>)).

Public meetings and comment solicitation processes can inform many aspects of State Revolving Fund program implementation. The public can learn about and engage in activities such as setting State Revolving Fund policies and implementation procedures. The CWSRF project prioritization and selection process, as well as the environmental review process, is also subject to public comment. The public can raise equity or environmental justice concerns that relate to State Revolving Fund assistance, whether it be technical assistance, project financing, project specific issues or project impacts.

Learn about your state SRF program (<https://www.epa.gov/cwsrf/state-cwsrf-program-contacts>) and upcoming opportunities to engage in comment solicitation.



Attend Public Meetings or Hearings

Community members can attend a public meeting or public hearing to engage in the CWA programs. Programs may hold public meetings voluntarily and/or be required to hold public hearings, a more formal community engagement. Hearings and meetings may provide the opportunity to ask questions, voice concerns or provide information.

Additionally, the EPA's National Environmental Justice Advisory Council periodically holds meetings open to the public on a broad range of environmental justice-related issues. Find upcoming meetings (<https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>).

Review the programs for more information about specific opportunities to attend public meetings or hearings.

- Water Quality Monitoring
- Water Quality Standards
- Section 404 Permitting
- Urban Waters Federal Partnership
- National Estuary Program
- Clean Water State Revolving Fund

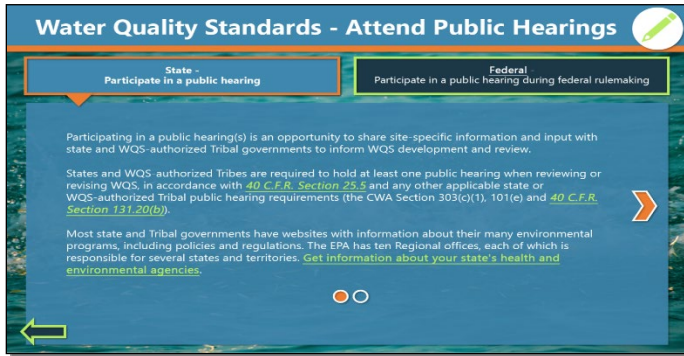
To learn even more, contact your state, territory, Tribal or local environmental department.



Water Quality Monitoring - Attend Public Meetings

State or local water quality agencies and community organizations may have public meetings and other opportunities to learn about water quality and monitoring priorities and to share where and why you think water quality monitoring needs to occur.

Visit state and local government websites to find information on public meetings and other opportunities to share your priorities for water quality monitoring efforts. These meetings may be run by the state or local environmental departments, public health departments, parks and recreation or elected officials.



Water Quality Standards - Attend Public Hearings

State - Participate in a public hearing

Participating in a public hearing(s) is an opportunity to share site-specific information and input with state and WQS-authorized Tribal governments to inform WQS development and review.

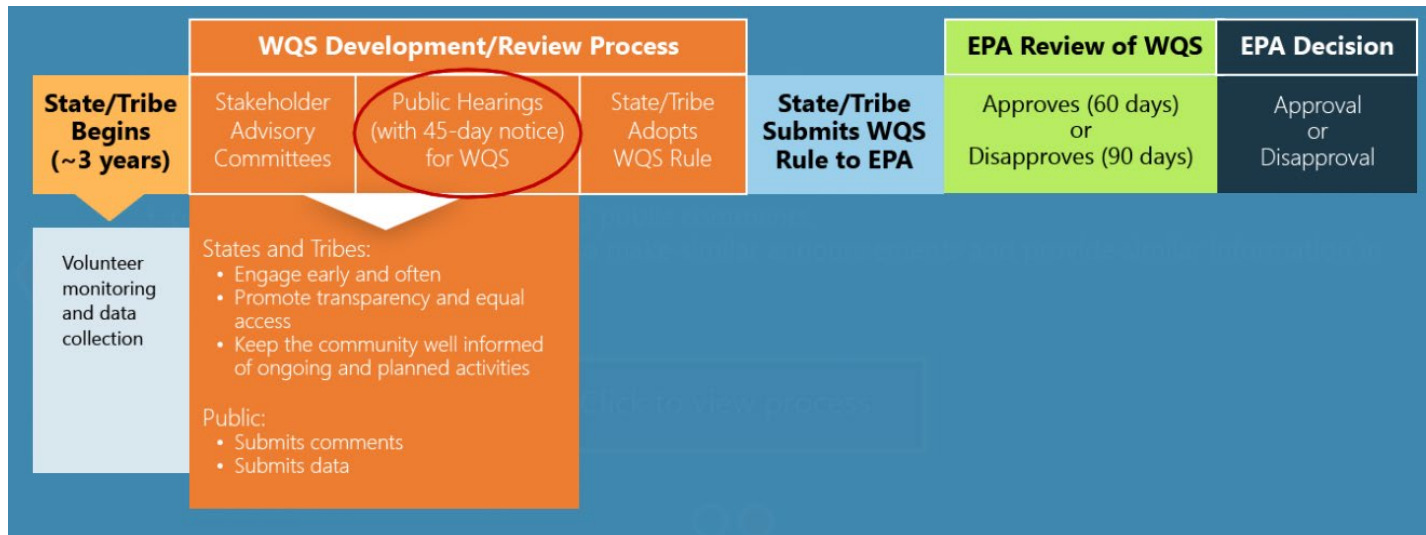
States and WQS-authorized Tribes are required to hold at least one public hearing when reviewing or revising WQS, in accordance with 40 C.F.R. Section 25.5 (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-A/part-25/section-25.5>) and any other applicable state or WQS-authorized Tribal public hearing requirements (the CWA Section 303(c)(1), 101(e) and 40 C.F.R. Section 131.20(b) (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131/subpart-C/section-131.20>)).

Most state and Tribal governments have websites with information about their many environmental programs, including policies and regulations. The EPA has ten Regional offices, each of which is responsible for several states and territories. Get information about your state's health and environmental agencies (<https://www.epa.gov/aboutepa/health-and-environmental-agencies-us-states-and-territories>).

- On their websites, state and Tribal governments typically:
 - announce the initiation of review or revision of WQS;
 - post information regarding proposed changes with a schedule of public meetings and/or public hearings; and
 - provide instructions for submitting public comments.
- State and Tribal governments may also make similar announcements and provide similar information in local newspapers or email lists.

Click to view process.

WQS Development/Review Process:



Federal - Participate in a public hearing during federal rulemaking

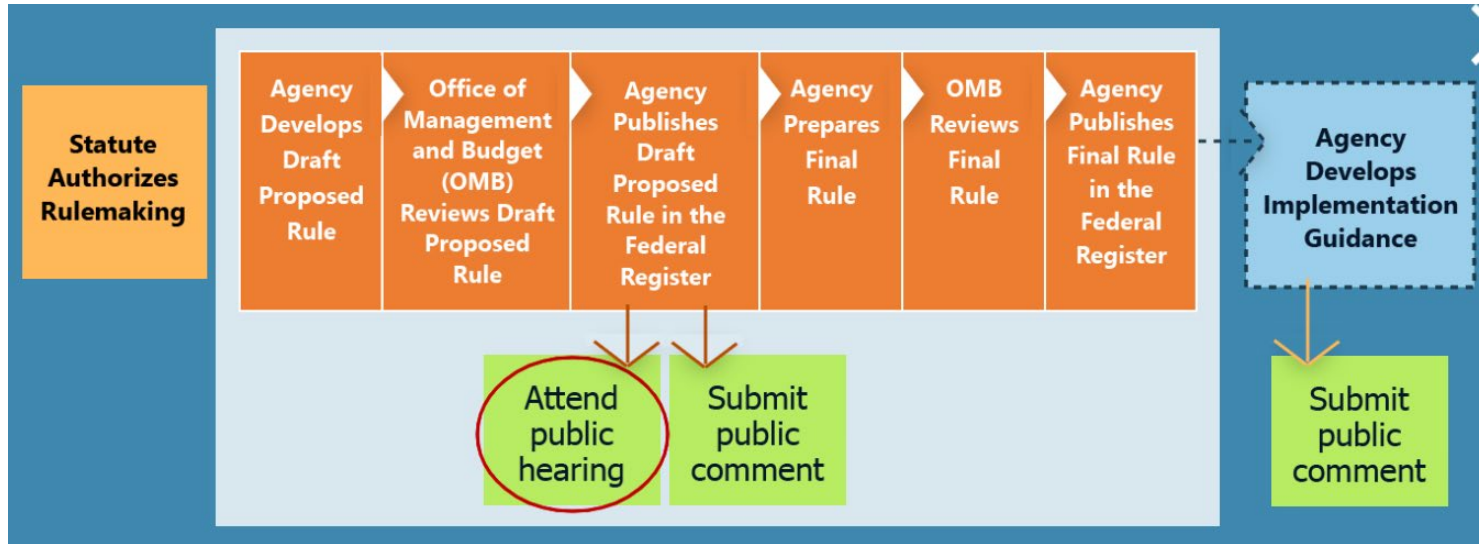
Public hearings provide a formal opportunity for the affected public to present comments and oral testimony on proposed EPA actions for the record. Non-judicial public hearings may be mandatory or discretionary and may have specific requirements. For example, states are required to hold public hearings “for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards” (33 U.S.C. 1313(c)(1)). The agency may also hold public hearings when requested by a member of the public during a public comment period or when the level of community concern warrants a formal record of communication. The agency must provide at least a 30-day advance notice for a public hearing. Note that public hearings are different from public meetings, which are typically less formal, more flexible, promote two-way communication and might not be part of the official administrative record.

The following statutes govern the EPA’s requirements to engage the public on rulemakings and actions related to WQS:

- CWA Section 101(e) (33 U.S.C. 1251(e)) (<https://www.govinfo.gov/content/pkg/USCODE-2022-title33/pdf/USCODE-2022-title33-chap26-subchapl-sec1251.pdf>)
- CWA Section 303(c)(1) (33 U.S.C. 1313(c)(1)) (<https://www.govinfo.gov/content/pkg/USCODE-2011-title33/pdf/USCODE-2011-title33-chap26-subchapterIII-sec1313.pdf>)
- 40 C.F.R. Section 25.5 (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-A/part-25/section-25.5>)
- 40 C.F.R. Section 131.20(b) (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131/subpart-C/section-131.20>)
- 40 C.F.R. Section 131.22(c) (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-131/subpart-C/section-131.22>)

Click to view process.

Federal Rulemaking Process:



- The Federal Register (<https://www.govinfo.gov/app/collection/FR/>) is the official daily publication for final rules, proposed rules, and notice of federal actions and when the agency will hold a public hearing or meeting related to a proposed rule.
- The multi-agency website Regulations.gov (<https://www.regulations.gov/>) serves as an online clearinghouse for materials related to EPA rulemakings and is the EPA's official on-line comment system. Here, the public can access rulemakings that have been published in the Federal Register, which include information about public hearings.
- The public can view all federally promulgated WQS on the EPA's Federally Promulgated Water Quality Standards for Specific States, Territories, and Tribes website (<https://www.epa.gov/wqs-tech/federally-promulgated-water-quality-standards-specific-states-territories-and-tribes>). Here you can view more information about a rule, as well as information about upcoming public hearings and transcripts of previous public hearings.
- Proposed WQS rulemakings are published in the Federal Register and on Regulations.gov and will include public hearing schedules and instructions on how to attend.
- The EPA often considers oral comments provided during hearings and will include them in the public record.

More information: Get Involved with EPA Regulations <https://www.epa.gov/laws-regulations/regulations>.



Section 404 Permitting - Attend Public Hearings

Request a Hearing

Each public notice issued by the Corps contains a statement that any person may request, in writing, that a public hearing be held to provide information for the evaluation of the permit application. On rare occasions the Corps District may announce that a public hearing will be held when the initial public notice is issued. A public hearing is held when the district engineer determines that a public hearing is necessary to make a decision on a permit application (e.g., Will new information be provided that is not otherwise available to the Corps?). A public notice is issued to announce the time and date of the public hearing.

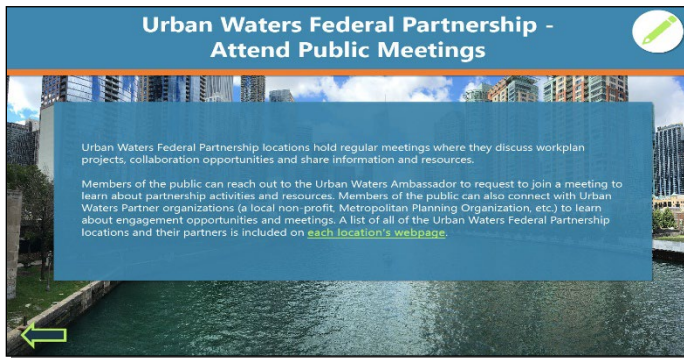
Request a public hearing for a particular project. Find your local Corps District (<https://regulatory.ops.usace.army.mil/offices/>).

Attend a Hearing

A public hearing is held when the district engineer determines that a public hearing is necessary to make a decision on a permit application. A public notice is issued to announce the time and date of the public hearing. Many state and Tribal review processes have similar opportunities for requesting a public hearing.

Corps Districts maintain a distribution list of persons who request public notices for proposed projects requiring an individual permit and posts all notices to their websites; some also have RSS feeds available. Contact the Corps District Regulatory office to determine the process for being placed on their public notice distribution list in order to keep apprised of proposed permits and public hearings in your area. Find your local Corps District (<https://regulatory.ops.usace.army.mil/offices/>).

For considerations for the contents of comments, see Section 404 Permitting - Submit Data and Information.



Urban Waters Federal Partnership - Attend Public Meetings

Urban Waters Federal Partnership locations hold regular meetings where they discuss workplan projects, collaboration opportunities and share information and resources.

Members of the public can reach out to the Urban Waters Ambassador to request to join a meeting to learn about partnership activities and resources. Members of the public can also connect with Urban Waters Partner organizations (a local non-profit, Metropolitan Planning Organization, etc.) to learn about engagement opportunities and meetings. A list of all of the Urban Waters Federal Partnership locations and their partners is included on each location's webpage (<https://www.epa.gov/urbanwaterspartners/21-designated-urban-waters-locations>).



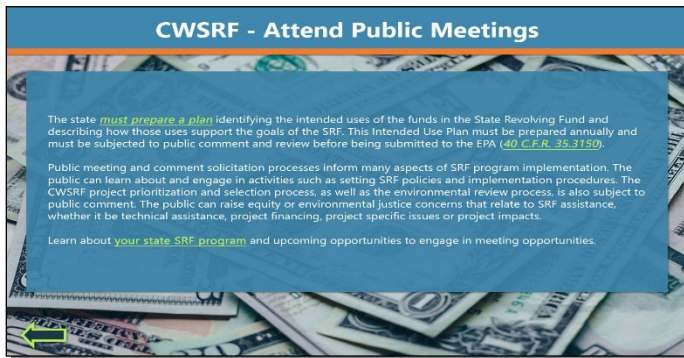
National Estuary Program - Attend Public Meetings

Each NEP has a Management Conference that consists of diverse stakeholders and uses a collaborative, consensus-building approach to implement their Comprehensive Conservation and Management Plan, or CCMP. NEPs collaborate with and coordinate among stakeholders at all levels—federal, state, county, city, Tribal, educational institutions, academic organizations, community groups, environmental organizations and industry or business groups—to help manage local issues. The process brings a variety of stakeholders to the table to work out solutions that are consensus-driven and based on sound science. Many NEPs also offer the opportunity for individuals to participate in citizen advisory committees, which bring issues of concern to the NEP's attention.

Each NEP hosts regular Management Conference meetings to ensure that the CCMP is uniquely tailored to the local environmental conditions and is based on local input, thereby supporting local priorities. Representatives of groups interested in joining the Management Conference and individuals interested in joining a citizen advisory committee should consult the map of NEP locations to find an NEP near them. NEP websites offer information on how to join a committee and where/when to join a meeting.

Map of NEP Locations (<https://www.epa.gov/nep/printable-map-national-estuary-program-study-areas>)

NEP Websites (<https://www.epa.gov/nep/individual-estuary-program-websites>)

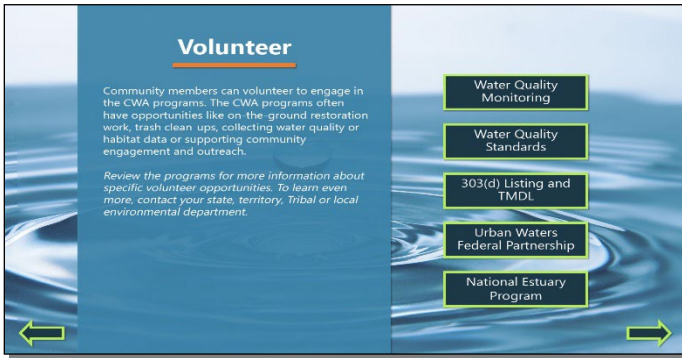


CWSRF - Attend Public Meetings

The state must prepare a plan (<https://www.govinfo.gov/content/pkg/CFR-2011-title40-vol1/pdf/CFR-2011-title40-vol1-part35-subpartK.pdf>) identifying the intended uses of the funds in the State Revolving Fund and describing how those uses support the goals of the SRF. This Intended Use Plan must be prepared annually and must be subjected to public comment and review before being submitted to the EPA (40 C.F.R. 35.3150 (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-B/part-35/subpart-K/section-35.3150>)).

Public meeting and comment solicitation processes inform many aspects of SRF program implementation. The public can learn about and engage in activities such as setting SRF policies and implementation procedures. The CWSRF project prioritization and selection process, as well as the environmental review process, is also subject to public comment. The public can raise equity or environmental justice concerns that relate to SRF assistance, whether it be technical assistance, project financing, project specific issues or project impacts.

Learn about your state SRF program (<https://www.epa.gov/cwsrf/state-cwsrf-program-contacts>) and upcoming opportunities to engage in meeting opportunities.



Volunteer

Community members can volunteer to engage in the CWA programs. The CWA programs often have opportunities like on-the-ground restoration work, trash clean-ups, collecting water quality or habitat data or supporting community engagement and outreach.

Review the programs for more information about specific volunteer opportunities.

- Water Quality Monitoring
- Water Quality Standards
- 303(d) Listing and TMDL
- Urban Waters Federal Partnership
- National Estuary Program

To learn even more, contact your state, territory, Tribal or local environmental department.



Water Quality Monitoring - Volunteer

Join a state or community volunteer monitoring group to collect samples of water quality, keep waters and nearby areas free of trash and share your vision for healthy and safe water.

Check in with your local nature center, park, recreation center, library or Tribal organization and ask for suggestions of environmental or water quality monitoring groups in your community. Visit websites for state, Tribal, territory and local environmental departments and look at these resources to find volunteer monitoring groups (<https://www.epa.gov/awma/volunteer-monitoring>) near you.



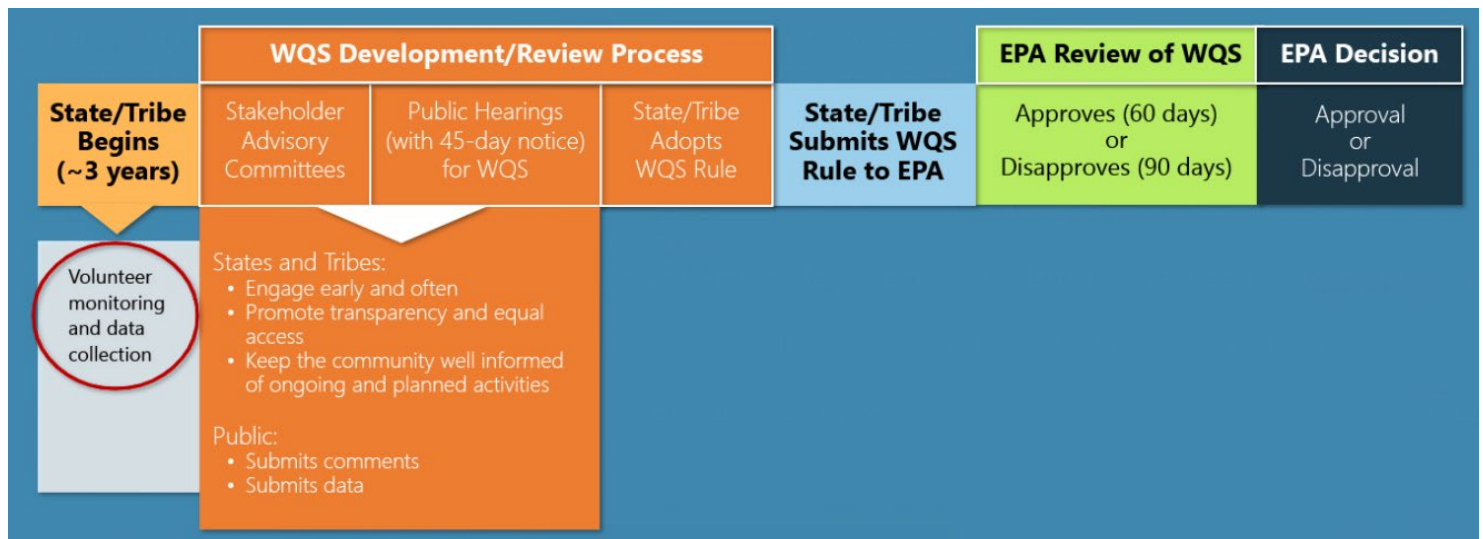
Water Quality Standards - Volunteer

Water quality monitoring is very common among participatory science activities and in communities across the U.S. who are working to investigate their local water quality concerns. Data collected from participatory science efforts—e.g., to inform local fish consumption rates, or determine historical uses of local waters—may often be shared with state and authorized Tribal governments to inform water quality standards development and review.

- Participatory science engages the public in efforts to advance scientific knowledge by formulating research questions, collecting data and interpreting results
- Participatory science is place-based and community-controlled scientific efforts that advance social learning, empowerment and collective action
- Search the internet for local organizations, extensions, colleges and universities that organize and run participatory science opportunities
- For more information, read the EPA's resources on Participatory Science: [Participatory Science for Environmental Protection](https://www.epa.gov/participatory-science) (<https://www.epa.gov/participatory-science>) and [Participatory Science Water Projects](https://www.epa.gov/participatory-science/participatory-science-water-projects) (<https://www.epa.gov/participatory-science/participatory-science-water-projects>)

Click to view process.

WQS Development/Review Process:





303(d) Listing and TMDL - Volunteer

Local watershed groups bring water professionals and community members together to find solutions to improve, restore and protect waterbodies and natural resources. TMDL implementation can involve local organizations, like watershed groups, that work with landowners and other stakeholders to complete plans and projects that restore and protect water quality and engage in monitoring to track success.

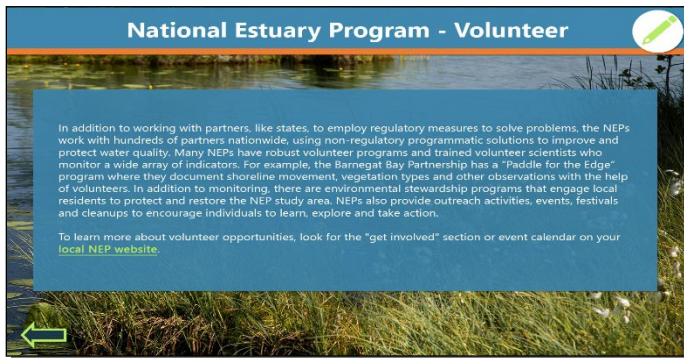
Reach out to your environmental department (<https://www.epa.gov/aboutepa/health-and-environmental-agencies-us-states-and-territories>), local watershed groups, state water and soil conservation districts and agricultural agencies to support the development of water quality implementation plans, projects and follow up monitoring. Consider participating in community advisory groups, volunteer monitoring activities or helping to complete projects on the ground.



Urban Waters Federal Partnership - Volunteer

Urban Waters Federal Partnership locations are always looking for volunteers to help with environmental education, community engagement and ecological restoration projects. Each location determines which projects are a priority and shares it with their local network. Members of the public can attend these volunteer events and participate in the restoration of their urban waterway.

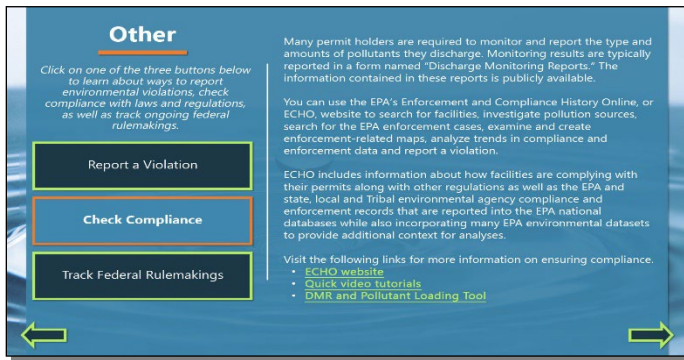
Members of the public should reach out to the Urban Waters Ambassador in the partnership location (<https://www.epa.gov/urbanwaterspartners/21-designated-urban-waters-locations>) nearest them to sign up for the partnership newsletter and learn about opportunities to join clean up and education events.



National Estuary Program - Volunteer

In addition to working with partners, like states, to employ regulatory measures to solve problems, the NEPs work with hundreds of partners nationwide, using non-regulatory programmatic solutions to improve and protect water quality. Many NEPs have robust volunteer programs and trained volunteer scientists who monitor a wide array of indicators. For example, the Barnegat Bay Partnership has a "Paddle for the Edge" program where they document shoreline movement, vegetation types and other observations with the help of volunteers. In addition to monitoring, there are environmental stewardship programs that engage local residents to protect and restore the NEP study area. NEPs also provide outreach activities, events, festivals and cleanups to encourage individuals to learn, explore and take action.

To learn more about volunteer opportunities, look for the "get involved" section or event calendar on your local NEP website (<https://www.epa.gov/nep/printable-map-national-estuary-program-study-areas>).



Other

Click on one of the three buttons below to learn about ways to report environmental violations, check compliance with laws and regulations, as well as track ongoing federal rulemakings.

- Report a Violation
- Check Compliance
- Track Federal Rulemakings

Report a Violation

Assuring compliance with the nation's environmental laws is one of the EPA's primary commitments. An effective environmental protection system requires a strong and vigorous enforcement program.

Anyone adversely affected by CWA violations may bring lawsuits against alleged violators of the Act. In cases where the citizen believes that the EPA or the state has failed to take adequate enforcement action, citizens can sue for injunctive relief (court orders prohibiting the pollution from continuing), civil penalties and attorneys' fees.

The EPA seeks help from community members to provide information about potentially harmful environmental activities in your communities and workplaces. Reports from the public have led to state and federal enforcement cases and ultimately served environmental protection well. Anyone can report a possible violation of environmental laws and regulations, such as dumping in storm drains, discharges that cause fish kills or noxious odors via the EPA's Enforcement and Compliance History Online, or ECHO, website.

The information you submit will be forwarded to the EPA enforcement personnel or to the appropriate regulatory authority for investigation. Violations of the CWA can be enforced through civil enforcement, criminal prosecution or initiation of citizen suits.

The EPA offers two ways to report possible environmental violations:

1. Online – submit a violation form (<https://echo.epa.gov/report-environmental-violations>) via the EPA's ECHO website.
2. Phone – submit a tip by phone by contacting the EPA regional office for your state, territory, or authorized Tribe.

For environmental events that may lead to an immediate threat to human health or the environment, members of the public should call 911 then report it to the National Response Center at: 1-800-424-8802.

Most states, territories and authorized Tribes have similar reporting mechanisms that can be found on the website of their NPDES regulatory agency.

Check Compliance

Many permit holders are required to monitor and report the type and amounts of pollutants they discharge. Monitoring results are typically reported in a form named "Discharge Monitoring Reports." The information contained in these reports is publicly available.

You can use the EPA's Enforcement and Compliance History Online, or ECHO, website to search for facilities, investigate pollution sources, search for the EPA enforcement cases, examine and create enforcement-related maps, analyze trends in compliance and enforcement data and report a violation.

ECHO includes information about how facilities are complying with their permits along with other regulations as well as the EPA and state, local and Tribal environmental agency compliance and enforcement records that are reported into the EPA national databases while also incorporating many EPA environmental datasets to provide additional context for analyses.

Visit the following links for more information on ensuring compliance.

- ECHO website (<https://echo.epa.gov/report-environmental-violations>)
- Quick video tutorials (<https://echo.epa.gov/help/tutorials>)
- DMR and Pollutant Loading Tool (<https://echo.epa.gov/trends/loading-tool>)

Track Federal Rulemaking

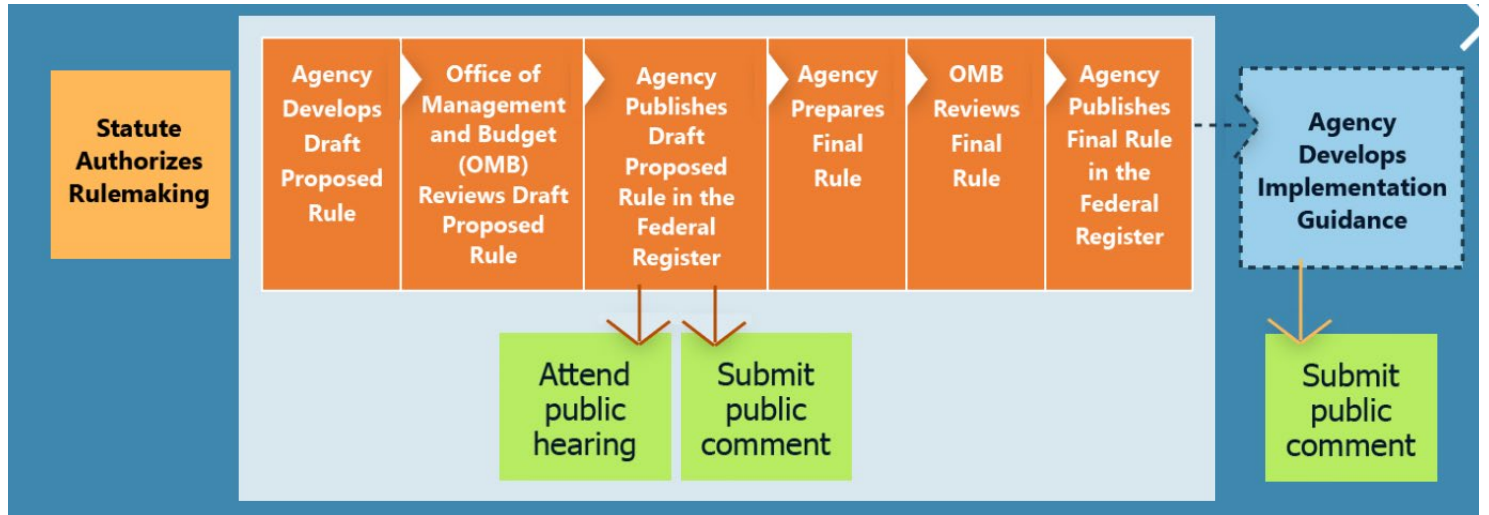
The EPA rulemakings (i.e., regulations that are under development) could impact you locally once they become final regulations. You have an opportunity to provide input on almost every regulation before it is finalized. To help you get involved in our rulemakings, here are ways you can keep track of them.

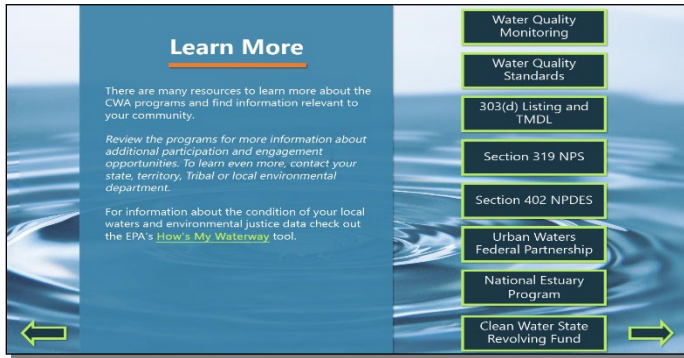
- Regulatory Agendas and Regulatory Plans (<https://www.epa.gov/laws-regulations/regulatory-agendas-and-regulatory-plans>): Download twice yearly publications of the EPA's regulatory activities.
- Regulations.gov (<https://www.regulations.gov/>): This multi-agency website serves as an online clearinghouse for materials related to the EPA rulemakings and is the EPA's official on-line comment system. Comment on regulations, and access rules that have been published in the Federal Register and related documents.
- EPA Docket Centers (<https://www.epa.gov/dockets>): The EPA docket centers provide access to the same information as Regulations.gov for those people without access to the Internet. In addition, the docket centers provide access to those pieces of information that we are unable to provide electronically. You may also submit comments to the docket centers, in addition to submitting them via regulations.gov.

Proposed rulemakings from the EPA and instructions on how to provide public comment on the proposed rule can be found in the Federal Register (<https://www.federalregister.gov/>).

Click to view process.

Federal Rulemaking Process:





Learn More

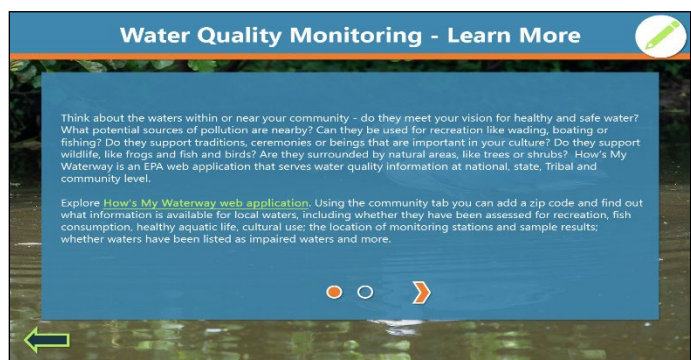
There are many resources to learn more about the CWA programs and find information relevant to your community.

Review the programs for more information about additional participation and engagement opportunities.

- Water Quality Monitoring
- Water Quality Standards
- 303(d) Listing and TMDL
- Section 319 NPS
- Section 402 NPDES
- Urban Waters Federal Partnership
- National Estuary Program
- Clean Water State Revolving Fund

To learn even more, contact your state, territory, Tribal or local environmental department.

For information about the condition of your local waters and environmental justice data check out the EPA's How's My Waterway (<https://www.epa.gov/waterdata/hows-my-waterway>) tool.



Water Quality Monitoring - Learn More

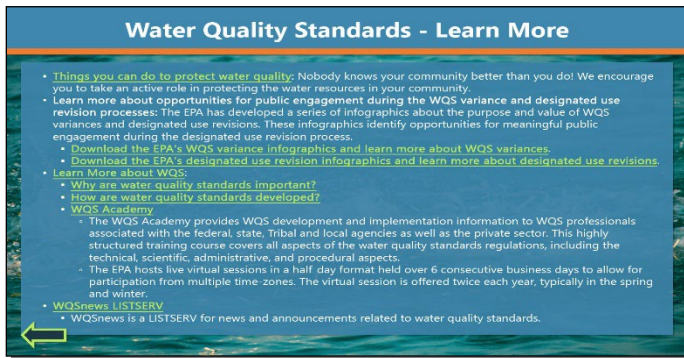
Think about the waters within or near your community - do they meet your vision for healthy and safe water? What potential sources of pollution are nearby? Can they be used for recreation like wading, boating or fishing? Do they support traditions, ceremonies or beings that are important in your culture? Do they support wildlife, like frogs and fish and birds? Are they surrounded by natural areas, like trees or shrubs? How's My Waterway is an EPA web application that serves water quality information at national, state, Tribal and community level.

Explore How's My Waterway (<https://mywaterway.epa.gov/>) web application. Using the community tab you can add a zip code and find out what information is available for local waters, including whether they have been assessed for recreation, fish consumption, healthy aquatic life, cultural use; the location of monitoring stations and sample results; whether waters have been listed as impaired waters and more.

How's My Waterway web application (<https://mywaterway.epa.gov/>) - Can be used to see where data exist and to intersect the availability of monitoring data with indicators from the EPA's Environmental Justice Screening Tool which are imbedded as geospatial layers in How's my Waterway.

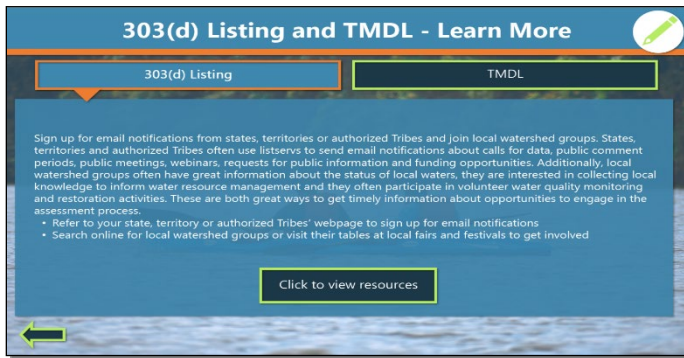
EPA Participatory Science Website (<https://www.epa.gov/participatory-science>) - Visit the EPA's participatory science website to explore resources like toolkits, funding, example projects and the EPA's Vision for participatory science.

Quality Assurance Guide for Volunteer Monitoring (<https://www.epa.gov/participatory-science/quality-assurance-handbook-and-toolkit-participatory-science-projects>) - For data generated by the public to have a meaningful impact, quality assurance during data gathering is critical. The EPA has created a Quality Assurance Toolkit to help organizations starting or growing a participatory/citizen science project.



Water Quality Standards - Learn More

- Things you can do to protect water quality (<https://www.epa.gov/wqs-tech/things-you-can-do-protect-water-quality>): Nobody knows your community better than you do! We encourage you to take an active role in protecting the water resources in your community.
- Learn more about opportunities for public engagement during the WQS variance and designated use revision processes: The EPA has developed a series of infographics about the purpose and value of WQS variances and designated use revisions. These infographics identify opportunities for meaningful public engagement during the designated use revision process.
 - Download the EPA's WQS variance infographics and learn more about WQS variances (<https://www.epa.gov/wqs-tech/water-quality-standards-variances>).
 - Download the EPA's designated use revision infographics and learn more about designated use revisions (<https://www.epa.gov/wqs-tech/designated-uses>).
- Learn More about WQS (<https://www.epa.gov/wqs-tech>):
 - Why are water quality standards important? (<https://www.epa.gov/wqs-tech/what-are-water-quality-standards>)
 - How are water quality standards developed? (<https://www.epa.gov/wqs-tech/how-are-water-quality-standards-developed>)
 - WQS Academy (<https://www.epa.gov/wqs-tech/water-quality-standards-academy>)
 - The WQS Academy provides WQS development and implementation information to WQS professionals associated with the federal, state, Tribal and local agencies as well as the private sector. This highly structured training course covers all aspects of the water quality standards regulations, including the technical, scientific, administrative, and procedural aspects.
 - The EPA hosts live virtual sessions in a half-day format held over 6 consecutive business days to allow for participation from multiple time-zones. The virtual session is offered twice each year, typically in the spring and winter.
- WQSnnews LISTSERV (<https://www.epa.gov/wqs-tech/wqsnnews-listserv-receive-alerts-about-water-quality-standards-news-and-events>)
 - WQSnnews is a LISTSERV for news and announcements related to water quality standards.



303(d) Listing and TMDL - Learn More

303(d) Listing

Sign up for email notifications from states, territories or authorized Tribes and join local watershed groups. States, territories and authorized Tribes often use listservs to send email notifications about calls for data, public comment periods, public meetings, webinars, requests for public information and funding opportunities. Additionally, local watershed groups often have great information about the status of local waters, they are interested in collecting local knowledge to inform water resource management and they often participate in volunteer water quality monitoring and restoration activities. These are both great ways to get timely information about opportunities to engage in the assessment process.

- Refer to your state, territory or authorized Tribes' webpage to sign up for email notifications
- Search online for local watershed groups or visit their tables at local fairs and festivals to get involved

Click to view resources.

303(d) Listing Resources:

- How's My Waterway (<https://www.epa.gov/waterdata/how-s-my-waterway>): Integrated water quality reports are available in How's My Waterway, a web application that includes information on water quality at the community, state, territory, Tribal and national level. The public can overlay areas of interest on the map with environmental justice demographic indicators such as percent low income, minority population and population with less than a high school education.
- Integrated Reporting Memoranda under the CWA Sections 303(d), 305(b) and 314: For more details about Section 314 see Table 2-1 page 12 in the EPA's Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 303(b) and 314 *Clean Water Act* (<https://www.epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf>). Every two years the EPA usually releases memoranda detailing key information for the development of Integrated Reports under the CWA Sections 303(d), 305(b) and 314.
- Recovery Potential Screening Tool (<https://www.epa.gov/rps>): This tool can be used to compare restorability and protection potential of waterbodies. Each state and U.S. territory has its own publicly available Recovery Potential Screening tool, most containing over 300 watershed indicators (e.g. ecological, stressor and social indicators). These indicators can be used to integrate environmental justice into water quality planning.

- Water Quality Portal (<https://www.waterqualitydata.us/>): The Water Quality Portal is the premiere source of discrete water-quality data in the United States and beyond. This cooperative service integrates publicly available water-quality data from the United States Geological Survey, the EPA and over 400 state, federal, Tribal and local agencies.

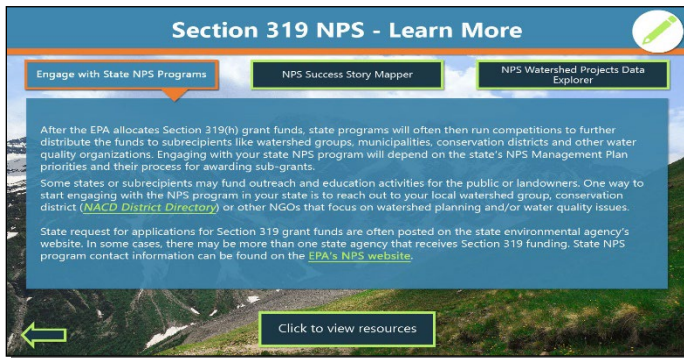
TMDL

The following websites can assist you with understanding the Total Maximum Daily Load process by providing resources to research environmental and socioeconomic data; review monitoring locations, planning documents and implementation projects in nearby watersheds; and keep you up to date on permitted facilities in your community. All of this information can help you stay informed and may be helpful in submitting public comment, especially when combined with your local knowledge of the area and water quality issues.

Click to view websites.

TMDL Resources:

- Total Maximum Daily Load Resource Documents: The EPA developed a checklist (https://www.epa.gov/sites/default/files/2015-10/documents/2002_06_04_tmdl_guidance_final52002.pdf) summarizing the TMDL process. The EPA also has a long-term Vision (<https://www.epa.gov/tmdl/Vision>) for the Section 303(d) Program.
- Environmental Justice Screening and Mapping Tool (EJScreen) (<https://www.epa.gov/ejscreen/what-ejscreen>): EJScreen is an EPA environmental justice mapping and screening tool that provides a nationally consistent dataset and approach for combining environmental and demographic socioeconomic indicators. EJScreen users can choose a geographic area, which may assist community residents in narrowing their search for environmental or demographic information to a relevant area.
- How's My Waterway (<https://www.epa.gov/waterdata/hows-my-waterway>): Planning documents, including TMDLs, are available in How's My Waterway, a web service that includes data and information on water quality at the community, state and national level. The public can overlay areas of interest on the map with environmental justice demographic indicators such as percent low income, minority population and population with less than a high school education.
- Recovery Potential Screening Tool (<https://www.epa.gov/rps>): This tool can be used to compare the restorability and protection potential of waterbodies. Each state and U.S. Territory has its own publicly available Recovery Potential Screening tool, most containing over 300 watershed indicators (e.g., ecological, stressor and social indicators). These indicators can be used to integrate environmental justice into water quality planning.
- ECHO (<https://echo.epa.gov/>): The EPA's Enforcement and Compliance History Online website can be used to assess compliance with environmental regulations in your community. You can use ECHO to: search for facilities; investigate pollution sources; search for the EPA enforcement cases; examine and create enforcement-related maps; and analyze trends in compliance and enforcement data.



Section 319 NPS - Learn More

Engage with State NPS Programs

After the EPA allocates Section 319(h) grant funds, state programs will often then run competitions to further distribute the funds to subrecipients like watershed groups, municipalities, conservation districts and other water quality organizations. Engaging with your state NPS program will depend on the state's NPS Management Plan priorities and their process for awarding sub-grants.

Some states or subrecipients may fund outreach and education activities for the public or landowners. One way to start engaging with the NPS program in your state is to reach out to your local watershed group, conservation district (NACD District Directory (<https://www.nacdnet.org/general-resources/conservation-district-directory/>)) or other NGOs that focus on watershed planning and/or water quality issues.

State request for applications for Section 319 grant funds are often posted on the state environmental agency's website. In some cases, there may be more than one state agency that receives Section 319 funding. State NPS program contact information can be found on the EPA's NPS website (<https://www.epa.gov/nps/contacts-nonpoint-source-nps-pollution-programs>).

NPS Success Story Mapper

Nonpoint Source Success Stories are two-page publications that highlight NPS related water quality improvements in states and territories. To date there are over 650 published Success Stories that feature over 1,000 water quality improvements. These stories can be viewed online through the NPS Success Story Mapper (<https://ordspub.epa.gov/ords/grts/f?p=109:191::NO::#map>). Stories are organized by state and county, and viewers can search for stories by the type of NPS pollution, the pollutants addressed, whether the waterbody has a Total Maximum Daily Load associated and publication date.

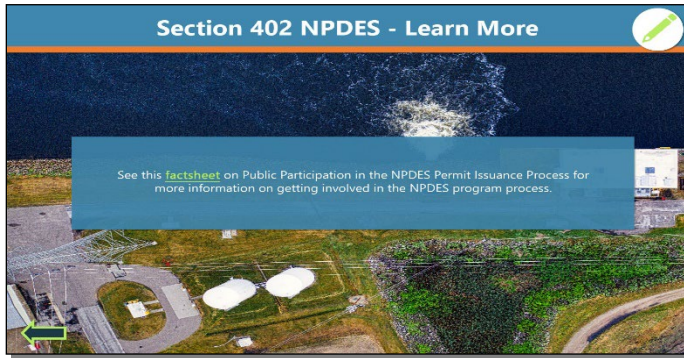
NPS Watershed Projects Data Explorer

Explore information on Section 319 grant funded projects using the Nonpoint Source (NPS) Watershed Projects Data Explorer (<https://ordspub.epa.gov/ords/grts/f?p=109:940>). This tool is an interactive map that presents all U.S. states and territories that contain NPS watershed restoration projects. The projects are summarized by state as well as various levels of watersheds: subbasins (8-digit HUCs) and subwatersheds (12-digit HUCs) at the local level. This can help you connect to past and current projects in your area.

Click to view resources

Resources:

- EPA Nonpoint Source webpage (<https://www.epa.gov/nps>)
- Learn what you can do to address Nonpoint Source pollution (<https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution#cando>)
- Contact your state or regional Nonpoint Source program (<https://www.epa.gov/nps/contacts-nonpoint-source-nps-pollution-programs#epa>)
- Take a basic Watershed Academy training module on NPS pollution (<https://www.epa.gov/watershedacademy/national-nonpoint-source-pollution-control-program-basic-training>)
- Check out NPS Technical Exchange Forum, a series of webisodes covering a broad variety of NPS topics (<https://www.epa.gov/nps/nonpoint-source-pollution-technical-exchange-webinars>)
- EPA's Equity and Environmental Justice website (<https://www.epa.gov/nps/equity-resources>)
- 2023 Tribal Training Series (<https://www.epa.gov/nps/tribal-nps-resources-and-training>)
- State Section 319 Grant Information (<https://www.epa.gov/nps/319-grant-program-states-and-territories>)
- Tribal Section 319 Grant Information (<https://www.epa.gov/nps/tribal-nonpoint-source-program>)



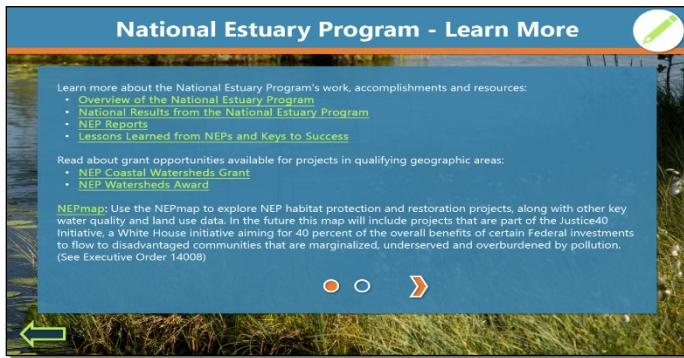
Section 402 NPDES - Learn More

See this factsheet (<https://www.epa.gov/system/files/documents/2022-06/public%20participation%20brochure%20v2.pdf>) on Public Participation in the NPDES Permit Issuance Process for more information on getting involved in the NPDES program process.



Urban Waters Federal Partnership - Learn More

Learn more about the activities of each Urban Waters Federal Partnership location (<https://www.epa.gov/urbanwaterspartners/21-designated-urban-waters-locations>).



National Estuary Program - Learn More

Learn more about the National Estuary Program's work, accomplishments and resources:

- Overview of the National Estuary Program (<https://www.epa.gov/nep/overview-national-estuary-program>)
- National Results from the National Estuary Program (<https://www.epa.gov/nep/national-results-national-estuary-program>)
- NEP Reports (<https://www.epa.gov/nep/national-estuary-program-reports>)
- Lessons Learned from NEPs and Keys to Success (<https://www.epa.gov/nep/successful-watershed-management-and-lessons-learned-epas-national-estuary-program>)

Read about grant opportunities available for projects in qualifying geographic areas:

- NEP Coastal Watersheds Grant (<https://www.epa.gov/nep/nep-coastal-watersheds-award-overview>)
- NEP Watersheds Award (<https://www.epa.gov/nep/nep-watersheds-award-overview>)

NEPmap (<https://gispub.epa.gov/NEPmap/index.html>): Use the NEPmap to explore NEP habitat protection and restoration projects, along with other key water quality and land use data. In the future this map will include projects that are part of the Justice40 Initiative, a White House initiative aiming for 40 percent of the overall benefits of certain Federal investments to flow to disadvantaged communities that are marginalized, underserved and overburdened by pollution. (See Executive Order 14008)

Check out this Interactive StoryMap

(<https://epa.maps.arcgis.com/apps/MapSeries/index.html?appid=b25d77179f1b4d4285800c1e0ce2f22c>) to learn about the 28 local NEPs, the issues they face and how partnerships coordinate local actions using the Interactive StoryMap. In the future this map will include NEP Bipartisan Infrastructure Law (<https://www.whitehouse.gov/build/>) success stories, which are also part of the Justice40 Initiative.

Other Related Resources:

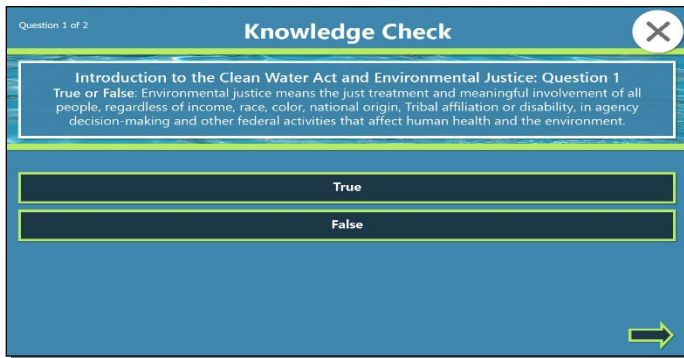
- Aprenda cómo protegemos estos recursos naturales mediante el Programa Nacional de Estuarios en Español (<https://espanol.epa.gov/espanol/vision-general-sobre-el-programa-nacional-de-estuarios>)
- Information about the Association of National Estuary Programs (<https://www.nationalestuarines.org/>)
- The EPA's Climate-Ready Estuaries (<https://www.epa.gov/cre>) provides technical guidance and assistance about climate change adaptation
- The EPA's website on Ocean and Coastal Acidification (<https://www.epa.gov/ocean-acidification>)



CWSRF - Learn More

You can visit the Clean Water State Revolving Fund program page (<https://www.epa.gov/cwsrf>) to learn more about how the CWSRF works, types of CWSRF assistance, eligible projects, outcomes of CWSRF projects and more.

If you are a person or an organization supporting a community in obtaining assistance for a clean water project, you can visit your state's SRF website for more information on the application and funding process. Visit the state (<https://www.epa.gov/cwsrf/state-cwsrf-program-contacts>) and the EPA contact page (<https://www.epa.gov/cwsrf/list-state-contacts-clean-water-state-revolving-fund-cwsrf>) to learn more about your SRF program.



Knowledge Check

Introduction to the *Clean Water Act* and Environmental Justice: Question 1

True or False: Environmental justice means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation or disability, in agency decision-making and other federal activities that affect human health and the environment.

- True
- False

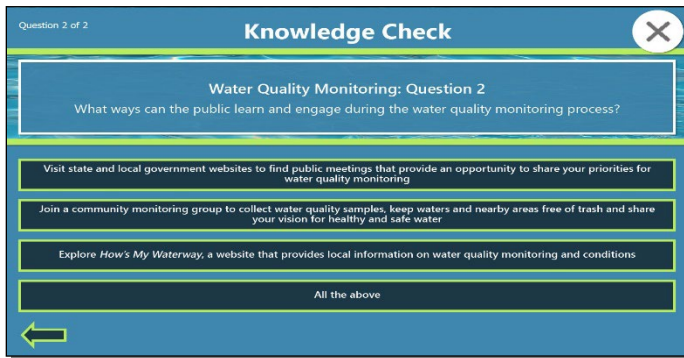
Answer: This statement is true.

Introduction to the *Clean Water Act* and Environmental Justice: Question 2

Communities with environmental justice concerns experience disproportionate and adverse human health or environmental burdens which arise from several causes including _____.

- Inequitable access to clean water, clean air, natural places and resources for other basic human health and environmental needs
- The concentration of pollution, hazardous waste and toxic exposures
- Underinvestment in affordable and safe housing and services to support such housing, including safe drinking water and effective sewage management
- All the above

Answer: All of the above statements apply.



Knowledge Check

Water Quality Monitoring: Question 1

Water quality monitoring provides a foundation for the *Clean Water Act* programs and helps _____.

- Inform water quality standards that protect aquatic life and human health
- Prioritize high quality waters for protection
- Identify local waterways in need of restoration to meet water quality standards
- Develop restoration plans, like Total Maximum Daily Load plans and watershed plans, that reduce pollution
- All the above

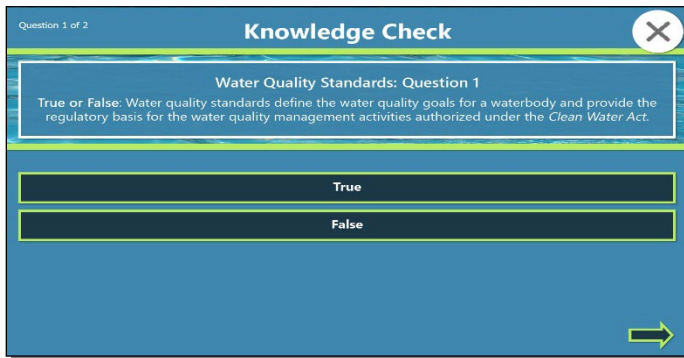
Answer: All of these statements are true.

Water Quality Monitoring: Question 2

What ways can the public learn and engage during the water quality monitoring process?

- Visit state and local government websites to find public meetings that provide an opportunity to share your priorities for water quality monitoring
- Join a community monitoring group to collect water quality samples, keep waters and nearby areas free of trash and share your vision for healthy and safe water
- Explore How's My Waterway, a website that provides local information on water quality monitoring and conditions
- All the above

Answer: All of these are ways the public can learn and participate.



Knowledge Check

Water Quality Standards: Question 1

True or False: Water quality standards define the water quality goals for a waterbody and provide the regulatory basis for the water quality management activities authorized under the Clean Water Act.

- True
- False

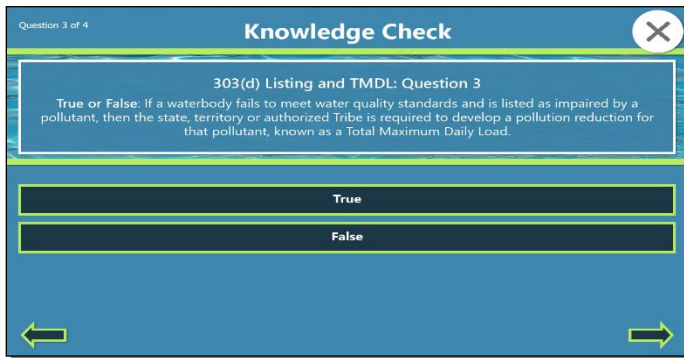
Answer: This statement is true.

Water Quality Standards: Question 2

What are examples of ways the public can participate and engage at the state and Tribal level during the WQS development and review process?

- Volunteer to monitor and collect water quality data through local organizations
- Submit public comments during a state or Tribal triennial WQS review
- Participate in a public hearing during a state or Tribal triennial WQS review
- Submit data or scientific information such as uses of a waterbody, local fish consumption rates or information on stressors on the waterbody
- All the above

Answer: All of these statements are examples of ways the public can participate.



Knowledge Check

303(d) Listing and TMDL: Question 1

Under the *Clean Water Act* Section 303(d), states, territories and authorized Tribes are required to develop lists of waters that are either threatened or impaired by pollutants such as metals, nutrients and pathogens, but do not yet have a restoration strategy called a “Total Maximum Daily Load” in place.

- True
- False

Answer: This statement is true.

303(d) Listing and TMDL: Question 2

What ways can the public participate and engage at the local, state and Tribal level during the 303(d) list development and review process?

- Contact your state, territory or authorized Tribe’s environmental departments to find out how to submit water quality data for consideration and evaluation in the assessment
- Submit public comments on CWA 303(d) lists developed by states, territories and authorized Tribes
- Access state, territory or authorized Tribes’ webpage(s) to sign up for email notifications and contact local watershed groups to get involved
- All the above

Answer: All of these statements are examples of ways the public can participate.

303(d) Listing and TMDL: Question 3

True or False: If a waterbody fails to meet water quality standards and is listed as impaired by a pollutant, then the state, territory or authorized Tribe is required to develop a pollution reduction for that pollutant, known as a Total Maximum Daily Load.

- True
- False

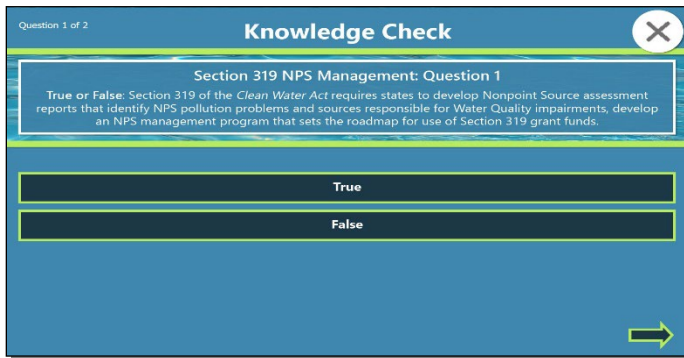
Answer: This statement is true.

303(d) Listing and TMDL: Question 4

What ways can the public participate and engage at the local, state and Tribal level during the TMDL development process?

- Volunteer with your environmental department, local watershed groups, water and soil conservation districts and agricultural agencies to support the development of water quality implementation plans, projects and follow up monitoring
- Reach out to the environmental department for your state, territory or authorized Tribe to learn about the process for submitting data and information for TMDLs including potential pollutants, sources of pollutants and extent of potential issues in your local watershed
- Submit public comments on TMDLs developed by states, territories and authorized Tribes
- All the above

Answer: All of these statements are examples of ways the public can participate.



Knowledge Check

Section 319 NPS Management: Question 1

True or False: Section 319 of the *Clean Water Act* requires states to develop Nonpoint Source assessment reports that identify NPS pollution problems and sources responsible for Water Quality impairments, develop an NPS management program that sets the roadmap for use of Section 319 grant funds.

- True
- False

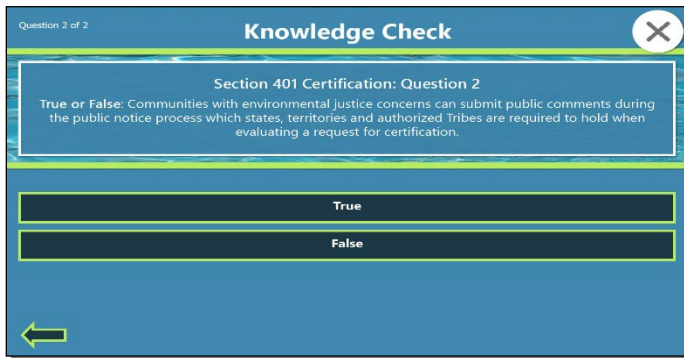
Answer: This statement is true.

Section 319 NPS Management: Question 2

What are ways the public can get involved with nonpoint source pollution prevention activities?

- Learn about state NPS programs by accessing the state environmental agency's website to learn how Section 319 grant funds are allocated to subrecipients like watershed groups, municipalities, conservation districts and other water quality organizations
- Reach out to your local watershed group, conservation district or other NGOs that focus on watershed planning and/or water quality issues
- Learn about NPS program successes by accessing the online NPS Success Story Mapper
- Explore information on Section 319 grant funded projects using the NPS Watershed Projects Data Explorer, an interactive map that presents all U.S. states and territories that contain NPS watershed restoration projects
- All the above

Answer: All of these statements are examples of ways the public can participate.



Knowledge Check

Section 401 Certification: Question 1

True or False: Under Section 401 of the CWA, states, territories and authorized Tribes have the authority to grant (with or without conditions), deny or waive certification on federally licensed or permitted activities (including the CWA 402 and 404 permits and energy producing facility licenses) that may result in a discharge into waters of the United States.

- True
- False

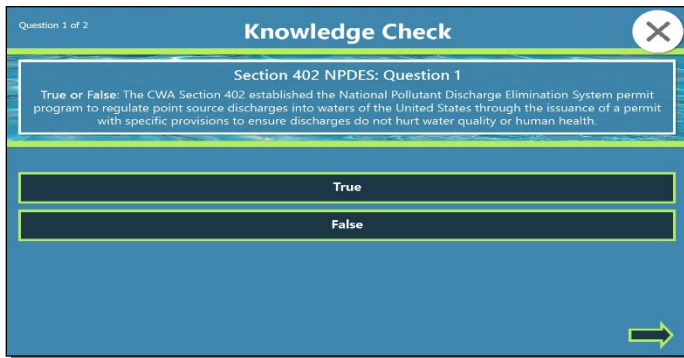
Answer: This statement is true.

Section 401 Certification: Question 2

True or False: Communities with environmental justice concerns can submit public comments during the public notice process which states, territories and authorized Tribes are required to hold when evaluating a request for certification.

- True
- False

Answer: This statement is true.



Knowledge Check

Section 402 NPDES: Question 1

True or False: The CWA Section 402 established the National Pollutant Discharge Elimination System permit program to regulate point source discharges into waters of the United States through the issuance of a permit with specific provisions to ensure discharges do not hurt water quality or human health.

- a) True
- b) False

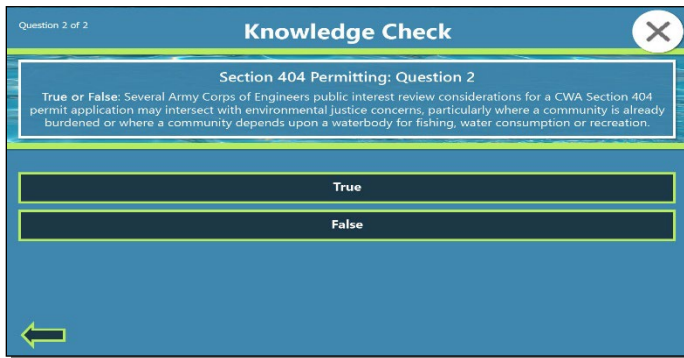
Answer: This statement is true.

Section 402 NPDES: Question 2

How can the public and communities with environmental justice concerns get involved in the NPDES permit process and assess permittee compliance in their communities?

- a) Search for facilities, investigate pollution sources, and find information about how facilities are complying with their NPDES Permits on the EPA's Enforcement and Compliance History Online website
- b) Report a possible violation of environmental laws and regulations either online using the EPA's Report Environmental Violations form or by phone by contacting the EPA regional office or state regulatory agency
- c) Submit public comments on a draft NPDES permit
- d) Attend public meetings
- e) All the above

Answer: All of these statements are examples of ways the public can participate.



Knowledge Check

Section 404 Permitting: Question 1

The CWA Section 404 administered by the Army Corps of Engineers in conjunction with the EPA, regulates the discharge of dredged and fill materials into waters of the United States associated with the construction of _____.

- Industrial and residential development
- Energy extraction and transmission lines
- Transportation infrastructure
- All the above

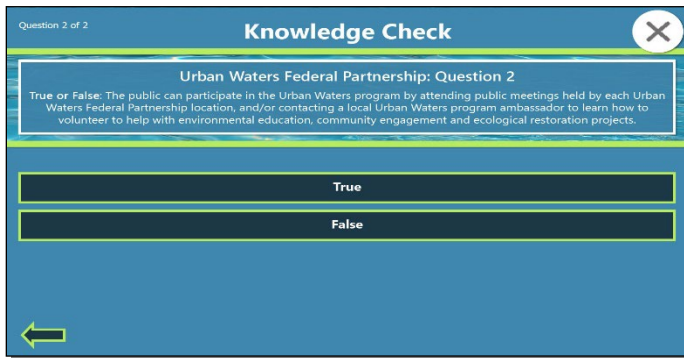
Answer: All of the above are regulated by the CWA Section 404.

Section 404 Permitting: Question 2

True or False: Several Army Corps of Engineers public interest review considerations for a CWA Section 404 permit application may intersect with environmental justice concerns, particularly where a community is already burdened or where a community depends upon a waterbody for fishing, water consumption or recreation.

- True
- False

Answer: This statement is true.



Knowledge Check

Urban Waters Federal Partnership: Question 1

Which of the following is true about the Urban Waters Federal Partnership program?

- This program helps communities in urban and metropolitan areas, particularly those that are underserved or overburdened, connect with their waterways and work to improve them
- This program works with a diverse set of partners to help communities restore and protect water quality and revitalize adjacent rural, suburban and urban neighborhoods throughout the watershed
- Through this program, communities gain economic, environmental and social benefits and collaborate with federal, state and local agencies, as well as community-led efforts, to achieve common goals
- The Urban Waters approach to partnership building prioritizes the needs of communities with environmental justice concerns by focusing on consistent coordination over time based on local community needs, community capacity building of local organizations in the watershed and building trust and relationships to ensure stakeholders have a willingness to invest time and energy in the collaboration
- All the above

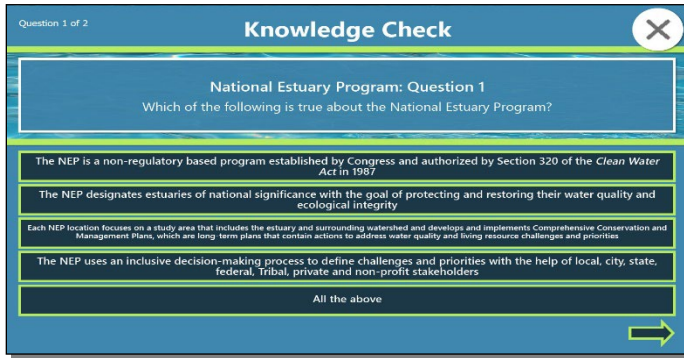
Answer: All of these statements are true.

Urban Waters Federal Partnership: Question 2

True or False: The public can participate in the Urban Waters program by attending public meetings held by each Urban Waters Federal Partnership location, and/or contacting a local Urban Waters program ambassador to learn how to volunteer to help with environmental education, community engagement and ecological restoration projects.

- True
- False

Answer: This statement is true.



Knowledge Check

National Estuary Program: Question 1

Which of the following is true about the National Estuary Program?

- The NEP is a non-regulatory based program established by Congress and authorized by Section 320 of the *Clean Water Act* in 1987
- The NEP designates estuaries of national significance with the goal of protecting and restoring their water quality and ecological integrity
- Each NEP location focuses on a study area that includes the estuary and surrounding watershed and develops and implements Comprehensive Conservation and Management Plans, which are long-term plans that contain actions to address water quality and living resource challenges and priorities
- The NEP uses an inclusive decision-making process to define challenges and priorities with the help of local, city, state, federal, Tribal, private and non-profit stakeholders
- All the above

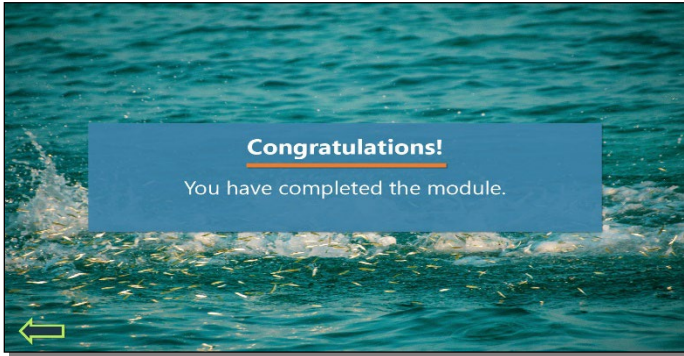
Answer: All of these statements are true.

National Estuary Program: Question 2

Communities with environmental justice concerns can participate in the NEP planning process by _____.

- Attending public meetings hosted by each NEP's management conference
- Submitting comments on a revised or updated comprehensive conservation and management plan
- Volunteering to assist in monitoring or restoration activities in a NEP study area
- All the above

Answer: All of these statements are true.



Congratulations!

You have completed the module.