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## Rural clean water program

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### Quick Facts

The purpose of a rural clean water program is to provide incentives to control agricultural non-point source pollution.

The government is authorized to enter into cost-sharing contracts with private landowners under the provisions of the regulation.

Only privately owned lands in states or areas that have an approved agricultural portion of a 208 plan are eligible for cost-share assistance.

To be eligible for cost sharing, the pollution abatement measures must incorporate best management practices identified in the approved agricultural portion of the 208 plan.

To participate in the rural clean water program, a landowner must enter into a contract of not less than five years nor more than 10 years in which the owner agrees to accomplish a water quality plan.

The Soil Conservation Service will provide technical assistance to aid participants in developing water quality plans.

of privately owned rural lands for the purpose of facilitating the installation of measures incorporating Best Management Practices (BMPs) to control agricultural non-point source pollution for improved water quality.

Regulations pertaining to the implementation of RCWP were issued by USDA in agreement with EPA in 1978. The regulations contain the following provisions:

### Assistance

The government is authorized to enter into contracts with private landowners. The government provides up to 50 percent of the cost of the measures designed to abate non-point source agricultural pollution. That percentage amount may be varied depending on the following factors: 1) documented proof that the matching share requirement would place a financial burden on the landowner of sufficient magnitude that it probably would prevent the landowner from participating in the program, 2) a particularly severe water quality problem, 3) substantial water quality benefits that require long-term investment, 4) compatibility of rates of other cost-share programs, and 5) innovative best management practices would receive more cost-share assistance than commonly applied practices.

The total dollar amount of government cost-share assistance to any one participant is limited to \$50,000. Exceptions may be made by the administrator of the SCS when the main benefits derived are essential for meeting the water quality objectives within the project area.

### Eligibility

Only privately owned lands in states or areas that have an approved agricultural portion of a 208 plan are eligible for cost-share assistance.

Corporations whose ownership is public would be eligible for cost-share assistance if the corporation could document that installation of best management practices places an inappropriate financial burden on the corporation. To be eligible for financial

The Clean Water Act of 1977, PL 95-217, amended and expanded some of the provisions of the Water Pollution Control Act Amendments of 1972. Section 35 of the Clean Water Act amended Section 208 of the 1972 Act. A cost-sharing plan to develop a rural clean water program (RCWP) was instituted. Purpose of RCWP is to provide incentives to control agricultural non-point source pollution.

The legislation authorizes and directs the Secretary of Agriculture with the concurrence of the administrator, Environmental Protection Agency (EPA), and acting through the Soil Conservation Service (SCS) and other agencies within the U.S. Department of Agriculture (USDA) to enter into cost-sharing contracts of five to 10 years duration with owners or operators

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assistance, a proposed project area must be included in an approved agricultural portion of a 208 plan and have documented agricultural non-point source water quality problems.

Additionally, the 208 plan must list and prioritize the more severe non-point pollution problem areas and sources, and identify the best management practices to control the problems. The 208 plan must designate an agency to implement the plans for which assistance is sought and include a schedule of implementation. Rural lands that are eligible were defined as agricultural lands that include crop land, pasture land, forest land, range land and other associated lands. A project area generally must be hydrologically related units of less than 200,000 acres (8,000 hectares) with water quality problems related to agricultural pollution.

To be eligible for cost sharing, the pollution abatement measures must incorporate best management practices identified in the approved agricultural portion of the 208 plan. The measures must be consistent with the plan and must have a positive effect on water quality either by 1) preventing the pollutant from entering the stream, or 2) reducing the amount of pollutant that is applied to the land.

The following measures are ineligible for cost sharing assistance: measures that 1) have drainage as the primary purpose (subsurface drainage for irrigation water management may be eligible), 2) have flood protection (reservoirs or channel modification) as the main purpose, and 3) result primarily in bringing additional land into crop production.

With some exceptions, contracts are entered into only in project areas where an adequate level of participation is assured. An adequate level of participation is defined as where 75 percent of the critical acreage or source of the pollution problem will be under contract.

## Priorities

Congress authorized \$200 million in fiscal year 1979 and \$400 million in fiscal 1980 to carry out the provisions of RCWP. Initially, only the highest priority projects are to receive funding. The governor or a designee will make recommendations as to which project areas

should be eligible for cost assistance based first on the priorities in the approved agricultural portions of the state 208 plan and in approved agricultural portions of the areawide 208 plan.

## Terms of Participation

To participate in RCWP, a landowner must enter into a contract of not less than five years nor more than 10 years in which the owner agrees to accomplish a water quality plan. The participant's water quality plan should include appropriate measures incorporating best management practices identified in the approved agricultural portion of the 208 water quality management plan. These measures may be indirect, such as altering the application rates and methods of potential pollutants, or direct, such as employing practices that prevent potential pollutants from leaving the source area.

The Soil Conservation Service will provide technical assistance to aid participants in developing water quality plans. It is the obligation of the owner to arrange for the application of measures in accordance with the implementation schedule in the plan. Contracts may be modified if SCS determines that it is necessary to carry out the purposes of the program, facilitate the practical administration of it, or to accomplish equitable treatment with respect to other conservation, land use or water quality programs.

Similarly, the SCS may terminate the contract if the participant knowingly or negligently destroys or causes a measure incorporating BMPs to become inoperative, adopts a land use practice contrary to program purposes, fails to comply with the contract, files a fraudulent claim or misuses an authorization.

Further information may be obtained by contacting the author:

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