

Environmental Conservation

ARTICLE 17 WATER POLLUTION CONTROL

TITLE 14 NONPOINT SOURCE WATER POLLUTION CONTROL

- Section 17-1401. Purpose.
17-1403. Definitions.
17-1405. Inventory.
17-1407. Priority nonpoint source pollution.
17-1409. State assistance for non-agricultural nonpoint source abatement and control projects.
17-1411. Regulations.

§ 17-1401. Purpose.

It is the purpose of this title to safeguard the waters of the state from nonpoint source pollution by controlling and abating new and existing sources of nonpoint source pollution.

§ 17-1403. Definitions.

As used in this title:

1. "Best management practices" means methods, measures or practices determined to be the most practical and effective in preventing or reducing the impact of pollutants generated by nonpoint sources to a level compatible with water quality standards established pursuant to section 17-0301 of this article. Best management practices include, but are not limited to, structural and nonstructural controls and operations and maintenance procedures. Best management practices can be applied before, during or after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

2. "Municipal corporation" means a county, city, town or village or an entity designated to act on behalf of such.

3. "Nonpoint source" means any source of water pollution or pollutants which is not a discrete conveyance or point source permitted pursuant to title seven or eight of this article.

4. "Nonpoint source abatement and control program" means a program of activities and projects for the abatement and reduction of nonpoint source pollution through the implementation of best management practices.

5. "District" means a county soil and water conservation district created pursuant to section five of the soil and water conservation districts law.

§ 17-1405. Inventory.

1. Within eighteen months of the effective date of this title the commissioner, in cooperation with the state soil and water conservation committee, shall prepare a report which:

a. identifies those water bodies within the state which, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain and maintain applicable water quality standards; and

b. identifies categories or subcategories of nonpoint sources or particular nonpoint sources which add significant amounts of pollution to each water body identified above.

2. The report prepared pursuant to this section shall be revised by the commissioner in cooperation with the state soil and water conservation committee at least every five years.

§ 17-1407. Priority nonpoint source pollution.

From the inventory developed pursuant to section 17-1405 of this title the commissioner, after consultation with the state soil and water conservation committee, shall develop a prioritized list of water bodies, management of which will reduce and control nonpoint source pollution and improve water quality. In developing such list, consideration shall be given to the existing water quality of the water body, the best usage of the water body pursuant to section 17-0301 of this article and its potential for improvement.

§ 17-1409. State assistance for non-agricultural nonpoint source abatement and control projects.

1. Subject to the availability of funds appropriated therefor, a matching grant program is established to fund the costs of implementing nonpoint source abatement and control projects that meet the following criteria:

a. the project must consist of activities and projects which will significantly reduce, abate or control nonpoint source pollution originating from non-agricultural activities;

b. the project must be proposed for implementation by a municipal corporation, or by a district at the formal request of such corporation;

c. the project must be located within a water body identified by the commissioner, pursuant to section 17-1407 of this title;

d. the project must propose to implement best management practices which meet the criteria promulgated pursuant to section 17-1411 of this title; and

e. the municipal corporation must have funds available to pay for its share of the eligible project costs.

1-a. Subject to the availability of funds appropriated therefore, a matching grant program is established to fund the cost of comprehensive watershed based water quality management designed to address the reduction and control of nonpoint source pollution and the improvement of water quality in a water body or water bodies identified on the prioritized list developed pursuant to section 17-1407 of this title.

2. Applications for matching grants shall contain the following information:

a. the name and location of the water body and the nonpoint source problem to be addressed;

b. for projects described in subdivision one of this section, an identification of the best management practice to be implemented;

c. a cost estimate for the proposed project;

d. the source of funds available to pay for the non-state share of the eligible costs;

e. information sufficient to demonstrate that the criteria set forth in subdivision one of this section have been met; and

f. such other information as may be required by the commissioner through regulations.

3. In awarding grants pursuant to this section, the commissioner shall give preference to those projects located or designed to address water quality concerns for in the highest priority water bodies identified pursuant to section 17-1407 of this title.

4. Eligible costs that may be funded pursuant to this section are architectural and engineering services, plans and specifications, consultant and legal services and other direct expenses related to comprehensive watershed based water quality management and project implementation.

5. Matching grants awarded pursuant to this section shall be up to seventy-five percent of the eligible costs for any specified project.

6. Notwithstanding any other provision of law to the contrary, storm water discharges of a municipality permitted pursuant to title seven or eight of this article shall be treated as a non-agricultural nonpoint source for the purpose of qualifying for funding pursuant to this section.

§ 17-1411. Regulations.

The commissioner may promulgate regulations necessary to effectuate the purposes of section 17-1409 of this title including, but not limited to, regulations setting forth criteria for submission and processing of grant applications, components of best management practices and state standards necessary to control nonpoint source pollution.