



New Tools for Communities are Needed if NPS Regulation is to Succeed

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Agencies and programs concerned with nonpoint source pollution (NPS) have not, as a group, fully embraced the ramifications of the suburbanizing of America. If we are to succeed in reducing the impacts of poorly planned development on our water resources, providing educational assistance and practical tools to the nation's communities must become a major focus of NPS programs.

In recent decades, natural resource management has been moving out of agency offices and farmers' kitchens into town hall. With the dawn of the NPS era came a realization that our critical environmental issues are diffuse and incremental, making them a poor fit for traditional "command and control" regulatory solutions. However, the first wave of NPS programs had an advantage of sorts, in that it focused largely on a well-defined land use (agriculture) controlled by an easily-identified group (farmers). Now, as American suburbanizes, there is the realization that the majority of our landscape is no longer primarily controlled by individuals owning large swaths of farm or forest land. In urban and suburban American, communities, rather than individuals, assume the role of the predominant land use decision maker.

How do we respond to the new challenges inherent in this evolution of our landscape and understanding? Seeking new answers to the seemingly intractable problem of nonpoint source control in urban and urbanizing areas, water resource agencies are returning to regulatory approaches such as the NPDES Stormwater Phase II, Total Maximum Daily Load (TMDL) and Source Water Assessment (SWAP) programs. Bringing NPS pollution under the regulatory umbrella, however, is at best a "back-door" approach to influencing land use, the root cause of the problem. These new programs, while not directly regulating land use, will have an impact on development decisions—but will it be the intended, positive impact?

Assuming that an increase in regulatory pressure will automatically result in huge improvements is a leap of faith. It seems safe to predict that community leaders and developers under pressure will embrace any strategy out there that will satisfy their state regulators. At the moment, what's "out there" is still dominated by structural stormwater practices, which have several inherent limitations. First, the literature tells us that the pollutant removal capability of such practices are modest, particularly when compared to preventive approaches involving watershed planning and better site design. Second, by

addressing NPS pollution at only the site level, the impacts of poorly-planned development on community character, long-term economic health, and overall watershed health—concerns that have made “smart growth,” “liveable communities” and “sprawl” common terms in today’s lexicon—are not always adequately addressed.

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A new focus is needed. We must put much more emphasis on providing communities with the education and technical assistance that they need to improve their overall land use planning, and implement development design that is more protective of water resources. Comprehensive planning, watershed planning, open space planning, farmland protection, natural resource inventories, innovative subdivision design, green roofs, pervious parking, bioretention—all of these techniques and more must be made viable options to communities seeking to do a better job of growing the right way.

The Nonpoint Education for Municipal Officials (NEMO) Program and the Center for Watershed Protection (CWP) are two organizations attempting to assist communities through education and development of new tools. NEMO, with its strengths in land use planning, and CWP, with its strengths in design and stormwater management practices, share many topical emphases and methods, but perhaps the most important thing we share is the commitment to *directly working with community-level decision makers*.

Both efforts are now confronting the challenge of disseminating our information and methods beyond the ability of our immediate staff to meet the escalating needs of America’s communities. The National NEMO Network, comprised of a diverse group of educational projects currently encompassing 32 states (as of 2005), is an attempt to magnify both the geographic scope and topical coverage of on-the-ground land use education programs. NEMO is also engaged in research partnerships with NASA and NOAA, aimed at making remotely sensed data truly useful and accessible by local officials. CWP is working on providing new tools for growing communities, such as their www.stormwatercenter.net website, which contains practical information and tools for communities facing Phase II and other regulatory requirements.

NEMO and CWP have agreed to work together toward the long-term goal of providing quality education and practical technical tools to the thousands of communities that will be affected by the new wave of stormwater regulation—and beyond that, to the many smaller and larger communities in need of assistance. A big job, and one that will require more effort, more resources, more people and organizations willing to “get their hands dirty” at the local level.

Despite the very real gains of the past 20 years in understanding and controlling NPS pollution, the NPS community as a whole needs to admit that we have yet to evolve beyond the old “end of the pipe” mentality. It’s well past time for that evolution to occur. Let’s roll up our sleeves and make a real commitment to focus on land use, the “beginning of the pipe.”

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