Summary of the Coastal Nonpoint Pollution Control Program (CNPCP) or the Coastal Zone Act Reauthorization Amendment of 1990 (CZARA)

The Coastal Nonpoint Pollution Control Program was created through the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). States with approved coastal management programs are required to develop and implement comprehensive nonpoint source (NPS) water quality programs to protect coastal waters. Coastal NPS programs are to coordinate and enhance existing state programs rather than replicate them. Implementation and enforcement of CZARA is administered on the federal level by NOAA and EPA. Responsibility for developing and implementing coastal NPS programs at the state level is shared between the state's coastal zone management and water quality agencies. In Oregon these two agencies are the Department of Land Conservation (DLCD) and Department of Environmental Quality (DEQ).

CZARA Requirements

- States must be able to demonstrate implementation of 56 management measures described in EPA" "g" Guidance, which was developed in accordance with CZARA and published in 1993. The 56 management measures address six major categories of nonpoint source water pollution.
- Management measures are to be implemented through state enforceable authority or through voluntary programs that have long term assurances of success including the ability to apply regulatory enforcement where voluntary measures fail to fix water quality problems.
- Identify land uses that do or may contribute to a violation of water quality standards.
- Identifying "critical coastal areas" to which management measures in addition to those specified in the (g) Guidance are needed to address violations and potential violations of water quality standards.
- Identify and implement additional management measures as needed.
- Provide technical assistance to local governments and the public for implementing management measures (e.g. model ordinances, regulations, technical guidance, modeling, training, financial incentives, demonstration projects and other innovations);

Expanded Boundary

States are required to apply management measures in areas that contribute to the water quality of coastal waters. In Oregon, the expanded "Coastal Nonpoint Pollution Control Boundary" includes the entire Rogue and Umpqua basins.

Additional Management Measures for Oregon

With the "conditional approval" of Oregon's program in 1998 EPA and NOAA required that Oregon identify and implement additional management measures for forestry. The reasoning in part was that the Oregon Forest Practices Act met the (g) Guidance management measures for forestry, but there were documented water quality standard violations on many stream reaches on forest land within the

coastal zone. The only states where EPA and NOAA applied the additional management measures for forestry were the three west coast states because of the presence of endangered salmonids.

Challenges for Coastal States

The scope of the (g) Guidance management measures was broader than states expected based on the original legislation, and federal funding for program development and implementation has not covered the cost to the states. The six categories of pollution sources identified in the (g) Guidance included land use and development sectors over which most states have limited legal authority, such as urban stormwater and onsite septic systems. For some categories, such as agriculture and forestry, a state may have authority, but that authority does do not reside with the state agencies tasked with meeting the CZARA requirements. For non-approved states the remaining management measures are those with large political and practical hurdles.

Current Status of the CZARA Implementation

Twenty-three years after CZARA was passed by congress one third of states with approved Coastal Management Programs still do not have approved Coastal Nonpoint Pollution Control Programs. EPA and NOAA originally addressed the difficulty states had with meeting the CZARA requirements by "conditionally approving" programs to allow extra time to reach full approval; however, "conditional approval" is not a status recognized in the Act. To date, EPA and NOAA have not imposed the sanctions on states as specified in the law. The sanctions significantly reduce federal funding for both a state's Coastal Management Program and a state's Nonpoint Water Quality Program (*e.g.* DEQ's 319 program.)

Current Status in Oregon

A settlement agreement in a court case filed by the Northwest Environmental Advocates against EPA and NOAA established a November 15, 2013 deadline for a draft finding from EPA and NOAA regarding the approvability of Oregon's program. This deadline shifted to December 20 due to the October 2013 federal government shutdown. NOAA and EAPA issued their draft denial decision in the Federal Register on December 20, 2013. The court settlement also established that by May 15, 2014, NOAA and EPA need to make a final decision on the approvability of Oregon's coastal nonpoint source program. If the decision in May 2014 is to deny the program then funding cuts could occur for the OCMP in July 2014. Oregon has received approval or been given a preliminary determination of approval for 54 out of 56 the (g) Guidance management measures. An inability to demonstrate enforceable mechanisms or robust voluntary programs to achieve the two outstanding (g) Guidance management measures and the additional management measures for forestry is the basis for EPA and NOAAs recommendation to deny approval of Oregon's nonpoint pollution control program.