

NPS POLICY – FIVE KEY ELEMENTS

The Policy for Implementation and Enforcement of the Nonpoint Source (NPS) Pollution Control Program (NPS Policy)¹ is a State Board regulation requiring all regional boards to regulate nonpoint sources of pollution, including agricultural discharges. The NPS Policy states that implementation programs for NPS pollution control must include five key elements:

1. “KEY ELEMENT 1: An NPS control implementation program’s ultimate purpose shall be explicitly stated. Implementation programs must, at a minimum, address NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.”
2. “KEY ELEMENT 2: An NPS control implementation program shall include a description of the MPs [management practices] and other program elements that are expected to be implemented to ensure attainment of the implementation program’s stated purpose(s), the process to be used to select or develop MPs, and the process to be used to ensure and verify proper MP implementation. The RWQCB must be able to determine that there is a high likelihood that the program will attain water quality requirements. This will include consideration of the management practices to be used and the process for ensuring their proper implementation.”
3. “KEY ELEMENT 3: Where the RWQCB determines it is necessary to allow time to achieve water quality requirements the NPS control implementation program shall include a specific time schedule, and corresponding quantifiable milestones designed to measure progress toward reaching the specified requirements.”
4. “KEY ELEMENT 4: An NPS control implementation program shall include sufficient feedback mechanisms so that the RWQCB, dischargers, and the public can determine whether the program is achieving its stated purpose(s) or whether additional or different MPs or other actions are required.”
5. “KEY ELEMENT 5: Each RWQCB shall make clear, in advance, the potential consequences for failure to achieve an NPS control implementation program’s stated purposes.”

¹ The Nonpoint Source Policy can be found online at https://www.waterboards.ca.gov/water_issues/programs/nps/docs/plans_policies/nps_iepolicy.pdf