

How Does the Clean Water Act and the EPA Play a Role?

Water Quality Integrated Reporting

Every two years states generate an Integrated Report to share the conditions of their waters under Section 303(d) and 305(b) of the Clean Water Act. States assign each waterbody a category to represent the available information about the status of water quality attainment. A state's impaired waters list may categorize a water as impaired by hydrologic alteration, such as dams or other control structures.

Permitting

Section 404 of the Clean Water Act requires a permit before the discharge of dredge or fill material into waters of the United States from the US Army Corps of Engineers or state program (Michigan and New Jersey). Dam removal or construction requires a permit and generally compensatory mitigation will not be required for dam removal projects. If there is reason to believe contamination is present a sediment evaluation may be required. In some cases dam removal may serve as compensatory mitigation for other impacts.

Water Quality Certification

Section 401 of the Clean Water Act requires any applicant proposing an activity that "may result in any discharge" into navigable waters to obtain a certification from the state or Tribe in which the discharge originates. The certification can include conditions to ensure that the permit will comply with water quality standards and other conditions such as monitoring, revegetation and quality assurance plans.

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EPA Related Funding

The following funding sources can be used to support dam removal activities

- Clean Water Act Section 319(h) grants (the Nonpoint Source Program)
- Five Star and Urban Water Restoration Grant Program
- Clean Water State Revolving Fund

For more information, refer to the Frequently Asked Questions on the Removal of Obsolete Dams (see link below) and Overview of Clean Water State Revolving Fund Eligibilities (http://www.epa.gov/sites/default/files/2016-07/documents/overview_of_cwsrf_eligibilities_may_2016.pdf).

Want to learn more? Check out these additional resources.



The EPA's **Frequently Asked Questions on the Removal of Obsolete Dams** provides more information on the dam removal impacts to water quality, Clean Water Act permitting requirements and EPA-related funding (https://www.epa.gov/cwa-404/frequent-questions-removal-obsolete-dams).

For compensatory mitigation proposals involving the removal of obsolete dams see Determination of Compensatory Mitigation Credits for the Removal of Obsolete Dams and Other Structures from Rivers and Streams (https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll9/id/1473).



Dam removal can result in water quality improvements and water body delisting! Check out the **Success Stories** webpage to find dam removal projects funded with Section 319 support (https://www.epa.gov/nps/success-stories-about-restoring-water-bodies-impaired-nonpoint-source-pollution).



The EPA works with other federal agencies to support dam removal projects and aquatic connectivity. Check out the **Federal Interagency Fish Passage Portal** for resources, funding and technical assistance related to aquatic connectivity projects

(https://www.epa.gov/system/files/documents/2021-12/cwsrf-nps-best-practices-guide.pdf).