Run-off from agricultural operations is a major source of water pollution, but remains essentially unregulated by the federal Clean Water Act. States have the legal authority to regulate agricultural pollution, but may be hampered by the lack clear models for doing so, as well as by political opposition. A new report from the Environmental Law and Policy Center, a Chicago-based environmental advocacy group, should at least help on the information side.

The report, Cultivating Clean Water, describes and evaluates state regulatory programs across the country, and highlights best management practices for reducing agricultural nitrogen and phosphorous pollution. From the Executive Summary:

> We are encouraged to find that a number of states have adopted regulations that require comprehensive pollution management planning and implementation of applicable best management practices. Some states have developed regulations with helpful elements, such as provisions that allow citizens to make official complaints or even bring suit to encourage compliance. However, this progress is tempered by a number of common problems that undermine the effectiveness of the regulations.

> All states fall short on enforcement and monitoring, largely as a result of limited financial and staff resources and political resistance to the idea of regulating agriculture. Some states additionally suffer from vague regulatory requirements; others have not created an adequate system of spot-checking compliance; still others are unable to adequately identify operations that must comply with the regulations. A “poison pill” that is almost certain to cripple implementation of the program is the requirement that cost-funds be provided by the state in order to make the terms of the regulation enforceable.

> This report provides a snapshot of what is currently a fragmented and poorly-implemented system of state based regulation of nonpoint pollution. But the story this snapshot tells is not one of failure; rather it is a story of unrealized potential. As states adopt and amend nonpoint pollution regulations, they can build upon lessons learned and develop programs that can be more effectively implemented and enforced.

Meanwhile, environmental groups are also pushing EPA to do more to pressure states into dealing with phosphorous and nitrogen pollution. According to BNA's Environment Reporter (subscription required), environmental advocates met with EPA officials in March to urge the agency to set numeric water quality standards for nitrogen and phosphorous where the states have failed to do so.