

Resolution 02-1

**CONCERNING THE ROLE IN THE TMDL PROGRAM OF THE
GROUND WATER CONTRIBUTION TO SURFACE WATER**

WHEREAS, ground water supplies some 50% of the United States population with drinking water; and

WHEREAS, ground water also supplies 14% to 90%, or a median of 55% of base flow to surface water; and

WHEREAS, the ground water contribution of contaminants to surface water has been consistently overlooked in waste load allocation under the Total Maximum Daily Load (TMDL) program; and

WHEREAS, certain provisions of federal law (Clean Water Act /102 (a)(1), 1251, and 1252 and Federal Water Pollution Control Act /101) directly apply to ground water; and

WHEREAS, case law (e.g., the Supreme Court's decision in *United States v. Riverside Bayview Homes*, 474 US 121, 132 (1985)) has recognized the role of ground water in maintaining the "integrity" and function of aquatic ecosystems;

NOW THEREFORE BE IT RESOLVED THAT, the Ground Water Protection council urges the United States Environmental Protection Agency to:

- investigate and address the ground water contribution of contaminants to surface waters in waste load allocation decisions;
- Support research to quantify and provide methodologies to determine what constitutes "direct hydrologic connection to surface water" for groundwater; and
- Recognizing the variability of water resources across the county, provide opportunity including funding to adequately address this issue in the development and eventual implementation for the TMDL rule currently scheduled for re-proposal in 2002 to ensure that the ground water contribution of contaminants is accounted for in the listing and delisting of impaired surface waters under /303(d) of the Clean Water Act.