The Clean Water Act
Fact Sheet

Today the rivers of this country serve as little more than sewers to the seas. Wastes from cities and towns, from farms and forests, from mining and manufacturing, foul the streams, poison the estuaries, threaten the life of the ocean depths.

SENATOR EDWIN MUSKIE UPON INTRODUCTION OF THE CWA IN 1971

BEFORE THE 1972 CLEAN WATER ACT, our nation's waters were severely contaminated by sewage, trash, oil, and toxic industrial pollution. Large and small waters across the county were unsafe for human contact, water supplies, or fish consumption.

- An estimated two-thirds of lakes, rivers, and coastal waters were unsafe for fishing and swimming.
- Only 85 million Americans were served by sewage treatment plants and untreated sewage was dumped directly into rivers and lakes.
- The Potomac River was so polluted that Arlington, Virginia residents were advised to seek immediate medical attention if they had prolonged exposure to the water.

The 1972 Clean Water Act – A Visionary Solution

Control Pollution at its Source to Restore and Protect All of the Nation's Interconnected Waters

- **Objective:** Restore and maintain the chemical, physical, and biological integrity of the Nation's waters.
- **Goal:** Eliminate the discharge of pollutants to the nation's waters by 1985.
- **Protected:** Rivers, lakes, streams, coastal waters, reservoirs, wetlands, and other waters across the country are protected.
- **Responsibilities:** Implemented primarily by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) in cooperative partnership with states, tribal and local governments to meet or exceed national water quality protection requirements.

Core Clean Water Act Provisions:

- **Discharge Elimination Permits:** Prohibits corporations, sewer plants, and others from using pipes, ditches, and similar conveyances to dump dangerous wastes, chemicals, and other pollution into water without a permit
- (Section 402 Permits – led primarily by states and tribes).
- **Dredge and Fill Permits:** Prohibits dredging and filling of waters for mining, pipelines, and other development without a permit (Section 404 Permits – led primarily by the Corps).
- **State and Tribal Backstops:** Allows states and tribes to evaluate federal permits involving pollution discharges to ensure they protect water quality (Section 401 Certification).
- **Technology Forcing and Water Quality Based Pollution Standards:** Requires permits to include pollution controls, limits, and monitoring that protect public health and water quality needed for drinking water, fisheries, swimming, wildlife, shellfish, farming, and other uses. (Water Quality Standards and Effluent Limits).

Clean Water Act Strategies, Resources, and Tools for Waterkeepers and the Public:

- **Water Quality Assessment and Restoration:** EPA, states, and tribes are required to assess water quality and take action to restore polluted waters (Assessment and Restoration).
- **Citizen Rights and Enforcement:** The law provides citizens with robust rights to information and

participation in water quality decision-making and permitting, including the right to enforce the Clean Water Act in federal court when governments or polluters violate the law.

- **Supportive Resource, Funding, and Programs:** Includes many programs to protect and restore watersheds through public-private partnerships, infrastructure supports, grant programs, and scientific, technical, and educational resources. (Healthy Watersheds)

50 YEARS LATER

The Clean Water Act has dramatically reduced pollution and improved water quality across the country, but progress is threatened by deregulation, lack of enforcement, and other serious problems.

Pollution Reduction:

- Each year, national technology-forcing standards eliminate 700 billion tons of toxic pollution from 40,000 facilities that discharge directly to water, 129,000 facilities that discharge to municipal wastewater treatment systems, and discharges from certain construction sites.
- It is no longer common to dump untreated sewage directly into water. As of 2012, 234 million people (74% of the U.S. population) were being served by secondary treatment or better wastewater treatment systems subject to Clean Water Act pollution limits.
- A nationwide review of 50 million water quality measurements by researchers at UC Berkeley and Iowa State University found that the Clean Water Act has "driven significant improvements in U.S. water quality" and that "most of 25 water pollution measures showed improvement, including an increase in dissolved oxygen concentrations and a decrease in fecal coliform bacteria. The share of rivers safe for fishing increased by 12% between 1972 and 2001."

MANY WATERS ACROSS THE COUNTRY REMAIN POLLUTED DUE TO GOVERNMENTAL FAILURES TO IMPLEMENT AND ENFORCE THE CLEAN WATER ACT

The majority of the nation's waters are not monitored for pollution assessments under the Clean Water Act due to lack of funding, prioritization, and other resources.

- For example, only 31% of the nation's rivers and streams and 45% of lakes and reservoirs have been assessed in the most recent reports from EPA.
- However, where water quality monitoring and assessment has been completed the majority of the waters have been found to be polluted and unsafe for swimming, drinking, fishing, or other uses.
  - According to EPA, mercury (primarily in fish tissue), pathogens, nutrients, PCBs, sediment, and organic enrichment/ oxygen depletion were all cited by the states as leading causes of impairment in assessed waters.
  - Agricultural activities, including Concentrated Animal Feeding Operations, or CAFOs, remain one of the leading sources of unaddressed pollution.

THE GOVERNMENT MUST TAKE URGENT ACTION TO PROTECT AND RESTORE CLEAN WATER:

- Federal Agencies and the States Must Fully Implement and Enforce the Clean Water Act
- EPA and the Corps Must Restore Protections to Broad Categories of Protected Waters
- EPA, USDA, and the States Must Clean Up Industrialized Animal Agriculture Pollution
- Federal Agencies and the States Must Prevent Pollution from Urban and Agricultural Runoff, Stormwater, and Sewage Overflows
- EPA Must Adopt Science-Based Pollution Controls for New Kinds of Toxic Pollutants and Plastics

Source: Waterkeeper Alliance