

Environment & Energy

Clean Water Act Only 'Half Kept at Half Century,' Group Charges

By Zach Bright

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- Only 50% of assessed rivers and streams are fishable, swimmable
 - Legal mandate to review discharge limits for new standards unmet
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Goals to clean up waters and a legal mandate to modernize pollutant discharge limits have “fallen far short” since the Clean Water Act’s inception 50 years ago, an environmental group said in a report released Thursday.

The landmark legislation on U.S. water governance promised to make “impaired” waters fishable, swimmable, and drinkable sources by 1983, then eliminate pollutant discharges by 1985. But a report from the Environmental Integrity Project finds that tight budgets and “toothless” cleanup plans have left that work incomplete, with 55% of lake acres, 25% of bays and estuaries, and 50% of rivers and streams assessed still impaired.

The Environmental Protection Agency has also failed to comply with a legal mandate to update pollutant discharge limits on a five-year basis. Two-thirds have not been renewed in more than 30 years, back when “modern technology meant computers with floppy disks,” added the report, titled “Promises Half Kept at the Half-Century Mark.”

Waters are notably cleaner since the 1970s, but the EPA and states lacking capacity need “more funding, stronger enforcement, and better control of farm runoff” to meet the goals, Eric Schaeffer, the project’s executive director, said in a news release on the report. The watchdog group is made up of former EPA attorneys, public interest lawyers, community organizers, and more.

An EPA spokesman said the agency will review the report’s findings.

The Supreme Court agreed to hear arguments in a case to limit the scope of the EPA’s power under the Clean Water Act.

The court is expected in *Sackett v. EPA* to narrowly define waters of the U.S., or WOTUS, possibly undermining two EPA rulemakings poised to expand those federal protections, attorneys have said.

Boost Funding, Enforcement

A lack of state capacity has been a major obstacle to cleaner waters, with state governments and environmental agencies suffering from budget cuts. States should properly fund water pollution control efforts with funds from the \$1.2 trillion infrastructure law and issue dollars for measuring water contaminant levels and carrying out cleanup plans, the report recommended.

Enforcement appears to be the second piece of the puzzle. The project urged the EPA to comply with the discharge update mandate and close agricultural runoff loopholes in the Clean Water Act. Agricultural runoff, a non-point source regulated through voluntary measures, has been a problem from farmland in Iowa to the estuaries and beaches of Louisiana and Florida.

Because the Clean Water Act relies on “‘best management practices’ and a presumption of compliance, agricultural polluters regularly exceed phosphorus runoff limits while dodging responsibility,” said Eve Samples, executive director of Friends of the Everglades.

A mix of money and meaningful enforcement could push states including California, Florida, Indiana, Delaware, and Louisiana that have lagged behind on meeting the promises of the Clean Water Act, the report said.

“Let’s give EPA and states the tools they need to finish the job—we owe that much to our children and to future generations,” Schaeffer said in a statement.

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 **Documents**

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