

## Progress since the Clean Water Act

Before the Clean Water Act, only about a third of U.S. water was safe for swimming or fishing; the rest was fouled by sewage, oil, pesticides and heavy metals. The country was losing up to 500,000 acres of wetlands per year, and 30 percent of tap water samples exceeded federal limits for certain chemicals.

Today waterways are clearer. In a study of lakes from the 1970s to 2007, water quality improved. Half the lakes saw less nutrient concentrations (forming green sludge) and a quarter saw improved trophic status. Additionally, more than 2,000 water bodies identified as impaired in 2002 now meet water quality standards.



There is still room for more progress. An estimated 35 percent of U.S. waters are still unfit for fishing or swimming in 2012.

## Any Questions or Concerns?

**Contact the Tribal  
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## The Clean Water Act



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## Background

Although there were some laws to protect water quality in place since the start of the 20<sup>th</sup> century, no comprehensive national law existed that was somewhat easy to implement. Things like fish die offs and rivers catching on fire brought the need for greater protection of water in the 60s and 70s. Originally enacted in 1948 to control water pollution primarily based on state and local efforts, the Federal Water Pollution Control Act, or Clean Water Act (CWA), was totally revised in 1972 to give the Act its current shape. The CWA set a new national goal “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”, with interim goals that all waters be fishable and swimmable where possible. The Act embodied a new federal-state partnership, where federal guidelines, objectives and limits were to be set under the authority of the U.S. Environmental Protection Agency, while states, territories and authorized tribes would largely administer and enforce the CWA programs, with significant federal technical and financial assistance.



## The Basics

### Establishing the Standards to Measure Success

Water quality standards are the foundation of the CWA's programs. These standards are used to determine which waters must be cleaned up, how much pollution can be discharged, and what is needed for protection. To help achieve these targets, EPA reviews and approves state and tribal standards; develops replacement standards where needed, and provides technical and scientific support.

### Identifying Polluted Waters and Developing Plans to Restore Them

Every two years states are required to assess the condition of surface waters and submit lists of those that are too polluted to meet water quality standards. The Act requires that states address these impaired waters by developing Total Maximum Daily Loads. TMDLs identify pollutant limits necessary to clean up the water to meet water quality standards and then quantify a pollutant "budget" for different sources of pollutants.

### Permitting Discharges of Pollutants from Point Sources

The National Pollutant Discharge Elimination System (NPDES) is one of the key regulatory tools available in the CWA. It requires that any point source that discharges polluted wastewater into a body of water must first obtain a permit after the operator of the facility shows that they are using the best available technology to reduce pollutants from their discharges.

### Addressing diffuse, nonpoint sources of pollution

Section 319 provides money for the development of programs to reduce pollution from unregulated, diffuse sources, such as agriculture. EPA grants are used to identify impaired waters, help implement best management practices to reduce runoff, and monitor and evaluate progress to restore waters.

### Protecting Wetlands

The CWA regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. Activities regulated include fill for development, water resource projects, infrastructure development and mining projects.

### Protecting Coastal Waters through the National Estuary Program

The National Estuary Program (NEP) is a community-based program designed to restore and maintain the water quality and ecological integrity of 28 estuaries of national significance. The NEP uses a watershed-based ecosystem planning approach to connect upstream pollution sources with downstream impacts.

### Protecting Large Aquatic Ecosystems

EPA administers programs for 10 large aquatic ecosystems, such as the Gulf of Mexico and Pacific Islands. These programs involve stakeholders to address problems, such as loss of habitat and invasive species. Activities include water quality monitoring, working with states to negotiate pollution controls, and educating citizens regarding the causes and cures for these environmental problems.