



SAVE OUR STREAMS

IZAACK WALTON LEAGUE OF AMERICA

CLEAN WATER LAW AND POLICY



THE CLEAN WATER ACT

The backbone of clean water protection in the United States is the **Clean Water Act**. Passed in 1972, the Clean Water Act (CWA) gives the U.S. Environmental Protection Agency (EPA) the authority to set and enforce water quality standards and regulate pollutants that are discharged into waterways. Although states and local governments have the authority to develop more stringent water quality regulations than those outlined by the federal government, in many cases the CWA may be the only legislation that a community or a state has to improve or protect their water quality.

Goals of the Clean Water Act

When the CWA was passed, the main goals of the legislation were:

- To make all U.S. waters fishable and swimmable by 1983
- To prevent, reduce, and eliminate pollution in the nation's water in order to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters"

There have certainly been many improvements in the protection of our nation's waters since 1972, but the fact remains that approximately 40% of rivers are still not fishable & swimmable. Clearly, there is still work to be done.



THE CLEAN WATER ACT

How the Clean Water Act Works

The CWA directs states and tribes to establish water quality standards for every stream, river, pond, and lake within their borders. These standards include **designated uses**, **water quality criteria**, and **antidegradation requirements**.



Designated uses include current and desired uses of the water body that require good water quality, like fishing, swimming, or boating.



Water quality criteria describe the chemical, physical, and biological conditions needed to support the designated uses.



The antidegradation policy prohibits activities that would pollute these waterways and prevent these designated uses.

States are required to report on their water quality every two years to the EPA, which then provides a national report to Congress. This is called the 305(b) report, as required under section 305(b) of the Clean Water Act. The reports help determine priorities at the state and federal levels for pollution control and management. The reports are available to the public and provide the most current information on water quality.



POLLUTION AND THE CWA

Water pollution sources are categorized as either **point source** or **nonpoint source**.



Point Source Pollution comes from a single recognizable source that you can “point” to, like a factory or a broken pipe. It can be regulated more easily through permits or fines under the CWA. Although some kinds of point source pollution are allowed to enter waterways, special permits limit this amount. This system allows state agencies and the EPA to prevent single polluters from seriously damaging the health of our streams and rivers.

If you notice a permit violation or an illegal discharge without a permit, document the problem and report it to your state’s water quality agency. A failure to comply with permit requirements is a violation of the Clean Water Act and is subject to enforcement and fines. If the state agency or the EPA does not enforce permits when they are violated, individuals or groups may sue the polluters directly.



Nonpoint Source Pollution comes from a wide area or landscape, without a single source you can “point” to, like cities or agricultural areas. No one actor can be held responsible or regulated by an agency. To try and control nonpoint source pollution, states must develop a “Total Maximum Daily Load” plan to try and ensure pollution levels in a waterbody don’t exceed a certain level. These plans can be difficult to implement, however, especially without cooperation of local stakeholders. **Reducing nonpoint source pollution takes an entire community addressing many different factors that affect water quality, from road salt to lawn fertilizer and new developments.**



WATERS OF THE UNITED STATES

What waterways are protected under the Clean Water Act? The answer is complicated.

The Clean Water Act only protects what the law refers to as “**Waters of the United States**” (or WOTUS). In general, WOTUS includes traditional navigable waters, their tributaries with a significant nexus, and certain adjacent waters. The exact definition of WOTUS has been the subject of much scrutiny and many legal battles since the CWA’s enactment in 1972. It has been expanded and rolled back many times in response to changing administrations and public sentiment.

The latest evolution in the definition of WOTUS came in the summer of 2023 with the Supreme Court decision in *Sackett v. Environmental Protection Agency*. This decision significantly narrowed the definition of WOTUS, leaving many wetlands and smaller waterways unprotected.



To find out more about the Clean Water Act and current legislation, visit www.iwla.org/cleanwateract. Stay up to date with policy development and proposals by [signing up for IWLA Action Alerts!](#)



SAFE DRINKING WATER ACT

Another federal law that protects your water is the **Safe Drinking Water Act (SDWA)**. This law, enacted in 1974, regulates public drinking water systems to make sure the water is safe for human consumption. There are more than 90 contaminants listed under the Act which are legally limited in drinking water.

While the SDWA outlines a long list of regulated contaminants, this list is not necessarily complete. As we become aware of new contaminants, it is crucial to advocate for their inclusion on the SDWA's list of contaminants.

It is important to note that the SDWA does not regulate drinking water obtained from private groundwater wells. Approximately 43 million Americans - that's roughly 15% of the US population - rely on groundwater as their primary drinking water source. The quality and safety of well water is the responsibility of the well owner. Individuals who drink well water are encouraged to test their water regularly to detect contaminants.





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