

Landmark Legislation

The Clean Water and Safe Drinking Water Acts

By **Bill Swichtenberg**

When the Cuyahoga River, flowing through Cleveland, Ohio, caught fire in 1969 as a result of years of industrial pollution, public awareness regarding the quality of our nation's water resources intensified. Pollution was readily observable in many of the nation's rivers, lakes and streams.

With a mandate for a more effective way to protect and clean the nation's water resources, the federal government responded with the 1972 passage of the Federal Water Pollution Control Act Amendments, better known as the Clean Water Act (CWA).

While the original Act was established in 1948, the 1972 amendments totally revised it. The mission was to "restore and maintain the chemical, physical and biological integrity of the nation's waters." The Clean Water Act established as a national priority the ending of discharge pollutants into waterways.

The Act consists of two major parts, one being the provisions that authorize federal financial assistance for municipal treatment plant construction. The other part is regulatory requirements that apply to industrial and municipal dischargers.

An important step taken in the CWA was the statement; "the discharge of any pollutant by any person shall be unlawful." While this was an unreachable goal, the effect was not to outlaw all pollution, but to require that all discharges of pollutants be done under a federal permit administered under the National Pollution Discharge Elimination System (NPDES).

At the foundation of the NPDES permitting process are specific standards set by the federal and state governments. The Act uses both water quality standards and technology-based effluent limitations to protect water quality. Technology-based standards

are specific numerical limitations established by EPA and placed on certain pollutants from certain sources. Water quality standards consist of the designated use or uses of a waterbody (recreation, water supply, industrial, etc.), plus a numerical or narrative statement identifying maximum concentrations of pollutants that would not interfere with the designated use.

SDWA

In 1974, the Safe Drinking Water Act (SDWA) created the first mandatory national program to protect public health through drinking water safety.

The SDWA requires EPA to regulate contaminants that present health risks in public drinking water supplies. For each contaminant requiring federal regula-

tion, EPA sets a maximum contaminant level goal. EPA is then required to establish an enforceable limit, or maximum contaminant level (MCL). This level is as close to the goal as technologically feasible, taking costs into consideration.

These regulations not only included MCLs but also established requirements for monitoring and analyzing regulated contaminants in drinking water, reporting analytical results, record keeping and notifying the public when a water system fails to meet federal standards. The SDWA also gave EPA the authority to delegate the primary responsibility for enforcing drinking water regulations to states, territories or tribes.

There has been a three-time increase in the number of contaminants regulated under SDWA since its passage. Many of these new regulations occurred in 1986 when the act was reauthorized. Amendments to SDWA in 1996 enhanced the existing law by recognizing source water protection, operator training funding for water system improvements and public information as important components of safe drinking water.

Despite litigation and controversy throughout their existence, the CWA and SDWA were groundbreaking and remain a centerpiece for U.S. environmental policy.

About the Author:

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What Was Said

"The 1972 Clean Water Act attempts to restore environmental balance by protecting aquatic ecosystems, which are the basic elements of a food chain involving man. The Act not only requires stringent steps toward the elimination of pollution but also requires that the cost of doing so be borne by those causing the problem."

- **Senator Edmund S. Muskie** - August 1974 - *Water & Sewage Works*

"In selecting the single, most significant facet of the Clean Water Act, one stands out among the others. It is the challenge of cooperation. The 1972 Act challenges us at every level of government and industry. If the challenge is met through united effort, we will succeed and our Nation's waters will be clean."

- **Russell E. Train, Administrator EPA** - July 1974 - *Water & Sewage Works*