

Exxon Valdez Oil Spill

Alaska, 1989



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Valdez, Alaska  
July 14, 2008



# The Clean Water Act: Stagnant Waters

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# The Clean Water Act (1972)

## (Abridged)

1. States set water quality standards (designated uses + water quality criteria = WQS), which need EPA approval
2. Point source dischargers obtain NPDES permits with effluent limitations that meet WQS
3. U. S. waters become fishable and swimmable, and we all live happily ever after

# Stagnant Waters

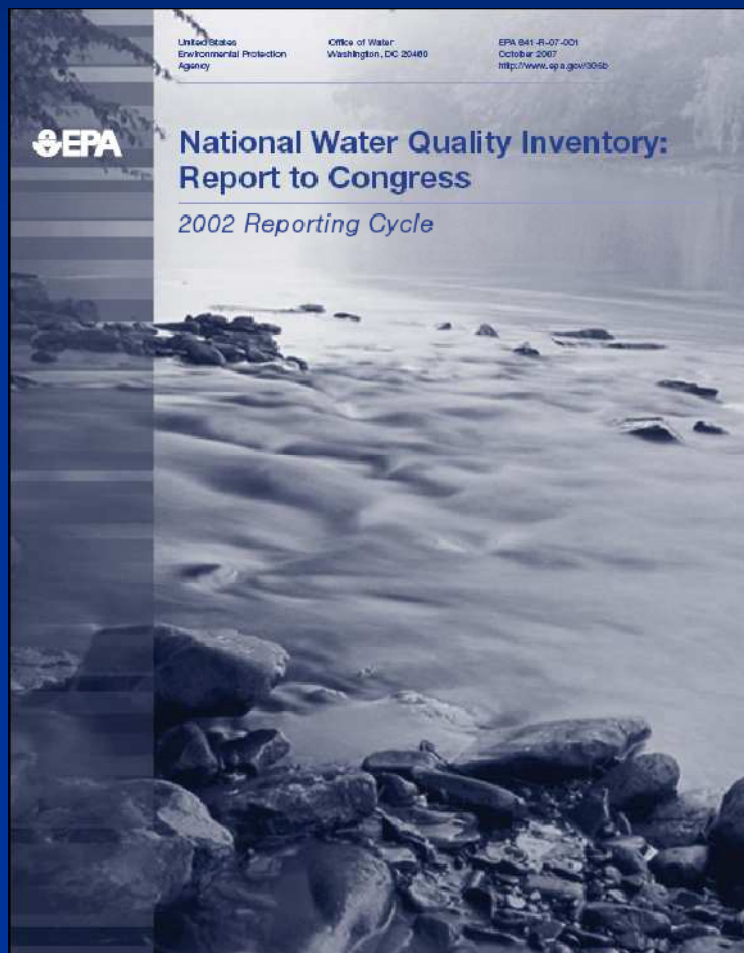
- The Federal Water Pollution Control Act Amendments (1972)
  - NPDES Permit Program
  - Section 404
  - Pretreatment Program
  - National Estuary Program
  - Stormwater Permitting
  - Biosolids Requirements
  - CSO Policy
  - TMDLs
  - Nonpoint source grants

# EPA's 1992 Water Quality Report to Congress (1990-1991 Reporting Cycle)

- Water quality in assessed river and stream miles
- 642,881 river and stream miles
- 56% fully support their designated uses
- 38% of the assessed river miles failed to meet water quality standards
- 6% good but threatened



# EPA's October 2007 Water Quality Report to Congress (2002 Reporting Cycle)



**Water quality in assessed  
river and stream miles**

**Total Stream Miles  
3,692,830**

**Stream Miles Assessed  
695,540 (19% )**

**51% Good**

**45% Impaired**

**4% Good but Threatened**



# Successes of the CWA?

- 1992 Report – 56% Fully Supported Designated Uses
- 2002 Report – 51% Good
- 1992 Report – 38% Failed to Meet Designated Uses
- 2002 Report - 45% Impaired
- 1992 Report – 6% Threatened
- 2002 Report – 4% Threatened



# Unregulated Sources

- Nonpoint source pollution - #1
- Air deposition
- Physical Alteration

# Stagnant Waters . . . But Cleaner Air

- 1990 Clean Air Act Amendments
- Today - Latest Findings on National Air Quality Status and Trends Through 2006 (EPA 2008)
- Levels of six principal pollutants have declined
- Air toxics monitoring expands, benzene levels have dropped
- Acid rain and haze declining
- More improvements anticipated



# A Watershed Approach:

- Is hydrologically defined
  - geographically focused
  - includes all stressors (air and water)
- Involves all stakeholders
  - includes public (federal, state, local) and private sector
  - is community based
  - includes a coordinating framework
- Strategically addresses priority water resource goals (e.g. water quality, habitat)
  - integrates multiple programs (regulatory and voluntary)
  - based on sound science
  - aided by strategic watershed plans
  - uses adaptive management

In Spite of the Work of over 40,000 dischargers .

..

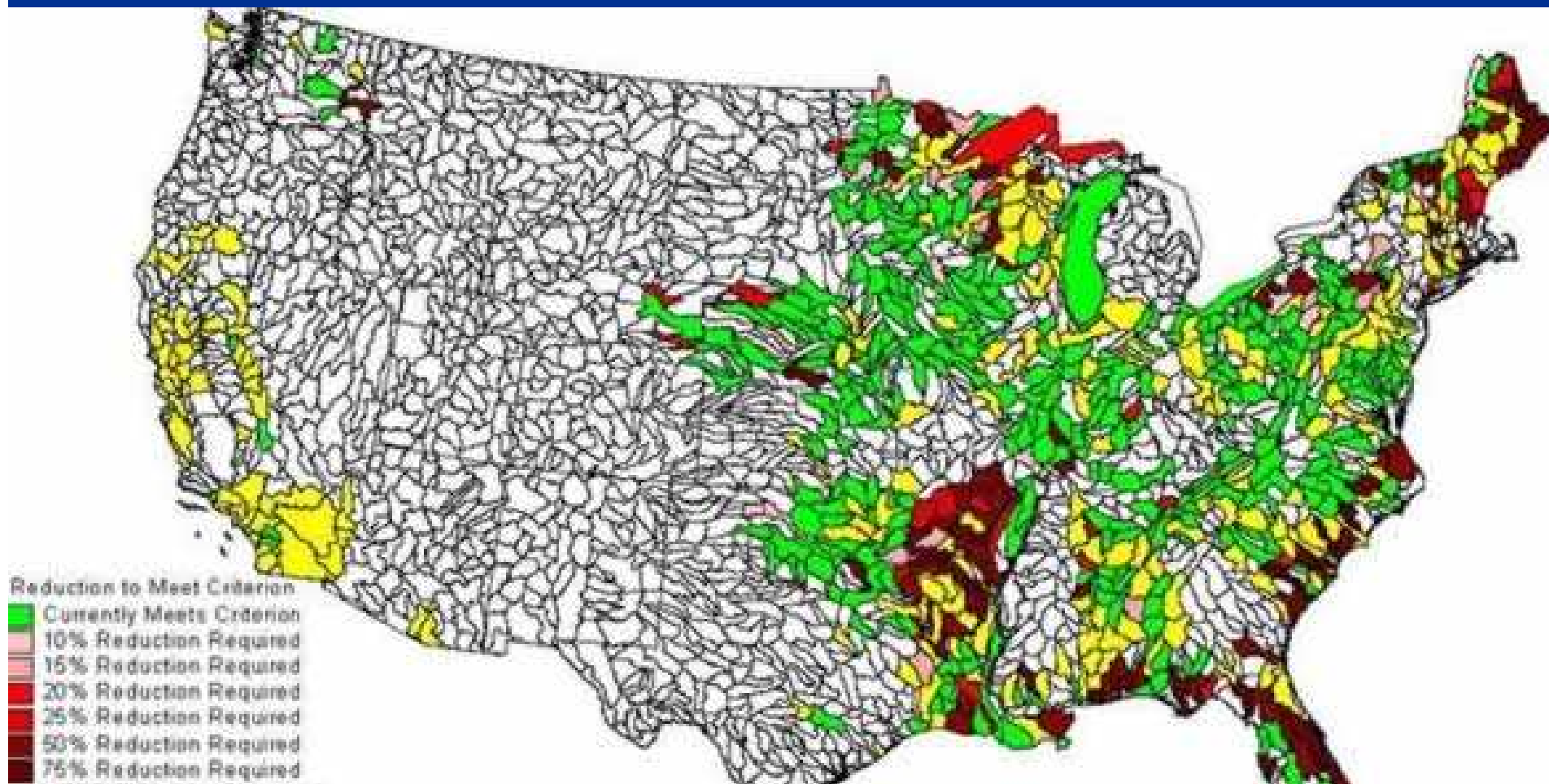
**What do water quality  
improvements and the weather  
have in common?**

# Stagnant Waters

- Water quality improvements are not being reported. Why?
  - Increased population?
  - Urban sprawl and other development?
  - Unregulated sources?
  - Water quality assessments based on data and models not useful in implementing the CWA?
  - Permits being written that do not reflect reality?
  - Lack of compliance by regulated community?

# Example - Mercury

Estimated percent reductions in air deposition load necessary\*





# Stagnant Waters: What We Have

- Unregulated nonpoint sources impairing water quality
- Ad hoc watershed focus, voluntary initiatives
- Water quality measured on “stream segment” or “lake acre” basis
- Water quality assessments based more and more on probabilistic determinations, bioassays
- Permits based on low flow conditions
- Point source regulation with limited funding

# Stagnant Waters: What We Need

- Water quality assessments based upon monitoring the entire watershed
- Watershed assessments based upon good science (predictive, measurable parameters)
- Regulation of the most significant sources of pollution
- NPDES permits limits based on reality

Why?

It's Hard

Denial!

The Devil We Know . . . .

# Twenty-first Century Watershed Act and NACWA's Watershed Task Force

- Watersheds identified using USGS maps
- Governors appoint watershed commissions, which assess, prioritize and develop Watershed Improvement Implementation Plans
- Monitoring of the watershed identifies quality of waters in the watershed – excellent, good, fair, poor, using new EPA criteria
- States must develop Statewide Watershed Improvement Implementation Plans



# Twenty-first Century Watershed Act

- Water quality within the watershed should be “excellent” within 20 years, if practicable
- States responsibilities tied to funding
- Additional funding provided to do the work
- Coordination with interstate water quality commissions
- Special provisions in urban areas spanning two watersheds

# Twenty-first Century Watershed Act

- Creates 10 year NPDES permits for dischargers using innovative or alternative processes
- Amends the Clean Air Act to take water quality impacts into account
- Requires an evaluation and accountability for Farm Bill Programs created for environmental purposes (EQIP, CRP, etc.)
- Provides for research on watershed improvement techniques and procedures

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