



What does the Clean Water Act (CWA) do?

- Signed into law in 1972, the Clean Water Act is the primary legislation regulating water pollution, designed to make all of America's waters fishable, swimmable, and drinkable.
- The law charges the Environmental Protection Agency (EPA) with monitoring water quality, creating standards, and issuing and enforcing permits.

What are the threats to the Clean Water Act?

- In the last ten years, two extremely complex polluter-backed Supreme Court decisions¹ have raised ambiguity over which waterways should be protected under the CWA.
- Protections for many wetlands, headwaters, and seasonal tributaries in Missouri and across the country have been thrown into question by the new loopholes.
- Up to 62 percent of the streams in Missouri may no longer be protected. These streams feed our great rivers and the drinking water systems for over 2.4 million Missourians.
- The loopholes have created legal and regulatory confusion, leaving the EPA to decide on a case-by-case basis which waterways are legally protected. In the last 5 years, more than 1,500 of EPA's major water pollution investigations were shelved or discontinued.

What can be done to restore the Clean Water Act?

- In April 2011, the EPA proposed new guidelines that would place many of these waters back under Clean Water Act protection, providing clarity for both the government and business sector, and clearly stating which waterways are covered under the CWA.
- In order to provide long-lasting protections for Missouri's waters, the EPA must now finalize these guidelines and issue a formal rule.
- The new guidelines would not apply to currently exempted waters (e.g., artificial lakes and ponds, agricultural and roadside ditches, etc.).

¹ *Solid Waste Agency of North Cook County (SWANCC) v. United States Army Corps of Engineers* (2001) and *Rapanos v. United States* (2006)

Who supports these protections?

- There is overwhelming public support for clean water protections. Over 1,000 Missourians have sent comments to the EPA on this issue, joining more than 170,000 citizens nationwide.
- Dozens of sportsmen groups, local elected officials, recreational business and local environmental groups are taking action to restore protections to our waterways.
- In Missouri, State Senators and Representatives, Mayors, City and County Council members, and other local elected officials have already shown their support by signing a clean water letter to the Obama administration.

Who opposes these protections?

- Major polluters from the oil industry, industrial agriculture and developers want to continue polluting our waterways at the public's expense.

Will the guidance cost local and state governments money?

- Unless the city itself is a polluter and needs a permit, this won't cost them anything.
- The guidance could actually ease water utilities' ability to process the water they intake because the water itself could be less polluted.
- Restoring protections to our waterways would return the Clean Water Act to the way it worked ten years ago, prior to the bad court decisions. Regulated entities that pollute into a protected waterway would need a permit.

Shouldn't the states be dealing with this, and not EPA?

- Because rivers, streams and other waters frequently cross state lines, protections in one state can be undermined by a lack of protections in a neighboring state, so protection across state boundaries is essential.
- If not, Missourians may end up with contaminated waters as a result of pollution in upstream states like Iowa, Nebraska, the Dakotas, and Illinois.



Environment Missouri is a statewide, grassroots environmental advocacy organization working for clean air, clean water, and open space. www.EnvironmentMissouri.org.