

*The Clean Water Act is intended to protect and restore our waterways, such as Puget Sound (below) and the Detroit River (right).*



# Troubled Waters

## Industrial Pollution Still Threatens American Waterways

*From January 2016 through September 2017, major industrial facilities released pollution that exceeded the levels allowed under their Clean Water Act permits more than 8,100 times. Often, these polluters faced no fines or penalties.*

### All Waterways Should Be Clean

America's waterways provide us with drinking water, places to fish and swim, and critical habitat for wildlife – when they are clean and protected. The 1972 passage of the Clean Water Act, which established systems for monitoring and reducing industrial pollution, was a turning point in America's efforts to protect and restore its rivers, lakes and coastal waters. Though the Clean Water Act has made some progress bringing our waters back to health, a closer look at compliance with and enforcement of the law reveals an overly lenient system that still allows pollution to go unpunished.



### Many Facilities Pollute Repeatedly and Severely

National data on Clean Water Act compliance show that from January 2016 through September 2017:

- The nation's major industrial facilities discharged pollution in excess of their permits at least 8,148 times.
- Roughly one-third of exceedances occurred in waters that were already too polluted for uses such as recreation, fishing or drinking water.
- Some exceedances were particularly severe, with facilities releasing multiple times the amount of pollution their permits allow for. Roughly one-fifth of major industrial facilities exceeded their permit limit by more than 100 percent at least once during the study period.

U.S. Steel recently faced a lawsuit for repeatedly polluting Lake Michigan with toxic chromium from a plant in Indiana.

# Clean Water Act Enforcement Is Often Weak

To ensure that polluters comply with the discharge limits of their Clean Water Act permits, penalties must be swift and severe, so that it does not pay to pollute. Unfortunately, weak and delayed enforcement is common across the country. Numerous studies by the EPA Inspector General and others highlight a history of lackluster Clean Water Act enforcement by state environmental agencies.

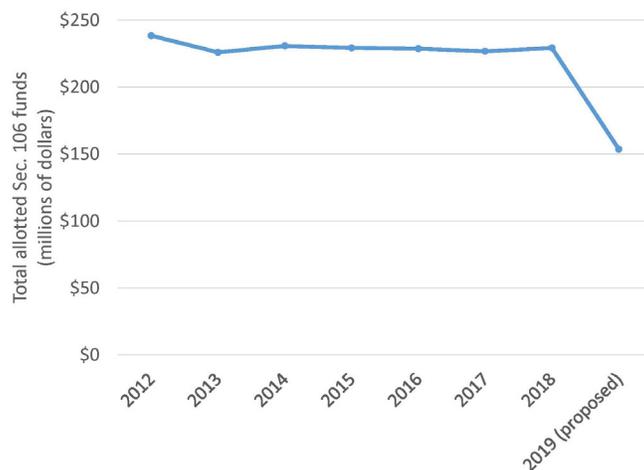
## The 10 States with the Most Exceedances Reported by Major Industrial Facilities

Rank	State	Total Exceedances
1	Texas	938
2	Pennsylvania	633
3	Arkansas	567
4	Louisiana	535
5	Ohio	491
6	New York	473
7	West Virginia	407
8	California	360
9	Missouri	348
10	Florida	270

# The Trump Administration Is Trying to Further Weaken Water Protections

The Trump administration's proposed EPA budget cuts and reduced emphasis on enforcement threaten to allow for more illegal pollution of our waterways. The administration's proposed FY2019 EPA budget cuts civil enforcement of environmental protection programs, including the Clean Water Act, by \$30.4 million. Funding for state grants to improve enforcement and permitting is slated for cuts as well.

## Funding for State Water Pollution Grants in 2012-2018 and Trump Administration Proposal for 2019



Data from EPA records of allotted Section 106 grants and the Trump administration's proposed EPA FY2019 budget.

## Improving Clean Water Act Compliance

To protect the rivers, streams and lakes that are critical for the health of our wildlife and our communities, **states and the federal government must take strong action to enforce our core environmental laws.** To strengthen compliance with clean water regulations, policymakers should:

- Strengthen permits with enforceable pollution limits that are ratcheted down over time as technology allows or water quality demands.
- Restore – and increase – funding for state and federal enforcement so that states have the resources to improve the efficacy of their clean water programs.
- Issue timely penalties that are sufficiently high to deter companies from polluting our waters.
- Boost compliance and enforcement by increasing the number of on-site inspections at major facilities.

In addition:

- States that repeatedly fail to enforce the Clean Water Act should face consequences for their inaction.
- Companies should reduce their use of toxic chemicals and adopt other innovations to minimize the generation of pollution in the first place.

*For more information and the full report,  
please visit  
[www.environmentamericacenter.org](http://www.environmentamericacenter.org)*

