



The 50th Anniversary of the Clean Water Act

In this edition of Headwaters, we're taking a look at the Clean Water Act and how we make this foundational law work to conserve and restore our waters in West Virginia.

So as we mark the 50th anniversary of this historic Act, join us as we take a dive into its role in our work, its legacy and what's ahead as we look toward the next 50 years.



FISHABLE SWIMMABLE DRINKABLE

The Clean Water Act, the landmark environmental policy that aims to make our water safe for swimming, fishing, and drinking is turning 50 this year.

The quality – and safety – of our nation's streams, lakes and coastal waters have come a long way because of the CWA.

Some folks may remember when the Cuyahoga River in Cleveland, Ohio caught on fire or when Arlington, VA residents needed to seek emergency medical attention for prolonged exposure to the contaminated waters of the Potomac.

Not only is Knapps Creek in Pocahontas County known for its trout fishing, it serves as the drinking water source for the Town of Marlinton. Photo by Marlyn Photography.

Back then, an estimated two-thirds of lakes, rivers, and coastal waters were unsafe for fishing and swimming. The dire state of the nation's waters led Congress to establish the Clean Water Act in 1972.

HOW WE MAKE THE CLEAN WATER ACT WORK FOR YOU

The Clean Water Act provides legal mechanisms to regulate and enforce water quality. What we've learned over the years is we can't sit back and assume government agencies and polluters are following the law – all too often, they're not. It requires WV Rivers to be the watchdog in West Virginia, making sure all of the tools of the CWA are working to clean up our rivers and streams, and keep them healthy for future generations to enjoy. Read on to learn more about these tools and how we use them every day to improve water quality.

PUTTING THE CLEAN WATER ACT TO WORK



Howard Creek flowing into the Greenbrier River in Summers County where contractors working for CSX illegally dumped sludge from a construction project. Photo by Jenny Harnish.

Permits to control dumping of dangerous wastes and other pollution into water. We report incidents of water pollution and make sure the responsible parties have adequate permits to properly control pollution at the source. We've trained hundreds of volunteer monitors to help identify and report problems like pollution pictured above, reported to us in the spring of 2022. We also conduct thorough technical reviews of permit applications to make sure they're in compliance with the CWA. The Mountain Valley Pipeline is a good example of our oversight putting a pause on reckless and illegal permitting.

Water quality standards to protect public health and water safety. For over 30 years, we've been on the forefront of defending against pressure from polluting industries to weaken water quality standards. These standards are the basis for setting limits on pollution to protect our health and stream life. See page 3 for what we are working on now.



Assessment and action to restore polluted waters. We are the lead organization analyzing and commenting on the state's impaired streams list. We've called out WVDEP's failure to utilize the best scientific assessment methods to determine stream health. We're holding them accountable for using a method that leaves 23% of WV streams in a "gray zone" where they are neither considered impaired nor meeting water quality standards.

The EPA agrees with us. WV must do better to meet its CWA requirement to provide polluted streams a plan for improvement. These streams would not get the help they need without our persistent involvement.



Funding and programs to protect and restore watersheds. We are the advocate urging our Congressional members to maintain and increase federal funding for programs essential to improving watershed health. Each year, we bring a contingent of West Virginians to Washington D.C. to demonstrate the success and benefits of these programs. As a result, both of our Senators have consistently supported increased funding for the Chesapeake Bay watershed restoration program, helping WV streams in the eastern part of the state. Now we're helping to develop a major restoration plan for the Ohio River watershed. Your stories and concerns for your local rivers serve as the basis of our recommendations.

WHAT'S NEXT: WATER QUALITY STANDARDS

Once every three years the state reviews its water quality standards, as required by the CWA. 2022 is one of those years and we are all in throughout the process. It's highly technical work as we review WVDEP proposals, submit recommendations and represent you. Our recommendations for updating during this review period include:

- Adoption of the remaining human health criteria included in EPA's 2015 recommended updates so that West Virginia has more comprehensive standards in place to adequately protect public health.
- Comprehensive reassessment of the state's trout waters based on the best science available and development of a clearer process to accurately update the state's trout stream lists, making included streams eligible for more protections.
- Transition from fecal coliform to E.coli as the contact recreation standard as a better way to protect public health by reducing bacteria levels in our rivers and streams.

We'll keep you updated as the review progresses. There will be opportunities for you to add your voice and we'll be here to help! Make sure you're signed up to receive updates and calls to action at WVRivers.org.

WHAT'S NEXT: UNREGULATED POLLUTANTS



Autumn takes a sample to test for PFAS from the Ohio River.

Though the CWA has made a lot of progress for the health of our waterways, there are still toxic chemicals that are not regulated. One group of these chemicals are called PFAS, shorthand for per- and polyflouroalkyl substances. These manmade toxins are commonly known as “forever chemicals”, they don't break down in the environment but they do accumulate in our bodies.

In 2020, WV Rivers was instrumental in gaining legislative support to study the presence of PFAS across West Virginia.

The study found that 67 of our drinking water systems use water supplies that contain PFAS and about half of those systems are dealing with levels of certain PFAS the EPA advises is unsafe. We are calling on the government and polluters to immediately provide treatment to remove PFAS from drinking water. Treatment alone isn't enough, these toxins must be controlled and reduced at their source. We'll need your help advocating for control of PFAS through the Clean Water Act. Get involved at wvrivers.org/pfas.

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Hot summer afternoons are made for hanging out by the river. In July, we were lucky enough to host a day along the banks of the Black Fork of the Cheat River in Tucker County. Thanks to our lovely host Roxanne Tuesing for generously opening her home up to us; Friends of the Cheat for leading a workshop on river snorkeling; the WV Mushroom Club for sharing their expertise; and yoga teacher Chrissy Beecher for the relaxing flow by the river.



Photos left: Top, yoga by the river; bottom, river snorkeling. Center: a find on the mushroom foray. Right: more discoveries from the foray; bottom, learning about the Monongahela National Forest.