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HEADLINE: As Clean Water Act turns 30, much was done; more remains

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Many fear changes to law will weaken efforts to clean up

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Thirty years ago yesterday, the nation embarked on an unprecedented effort to stop the destruction of the nation's wetlands and streams and the wholesale degradation of the Hudson River and other major waterways.

The passage of the 1972 Clean Water Act over the veto of then-President Richard Nixon was intended to make every water body in the nation safe for swimming, drinking and fishing. The newly created federal Environmental Protection Agency began working with the states to end the unfettered dumping of raw and undertreated sewage and commercial wastes. The act also launched a new attempt to control land use, construction, and agricultural and industrial practices that created toxic runoffs into pristine waterways.

In many respects, the act has been a great success. It has led to the revitalization of many waterways once considered dead, such as Lake Erie and parts of the Hudson River. It launched a regulatory process requiring an environmental analysis for construction and dumping projects. And it has ended much of the dumping of raw sewage that made 75 percent of the nation's rivers and lakes unfit for bathing or drinking.

"The waters of this country are cleaner and safer now, thanks to the Clean Water Act," said Jane Kenney, EPA regional administrator for the New York area. "Thirty years ago, there was a crisis. Lakes were dying, and the water was too dirty for swimming. Now, we are developing more innovative solutions to water quality challenges."

But after three decades of effort, the drive for cleaner waters has failed to reach many of its primary goals, achieved uneven results in major problem areas, and become the subject of contention between the Bush administration and environmental groups, who disagree on the best way to address continuing issues.

EPA officials say the administration is holding up some enforcement rules and reviewing key provisions of the act in an effort to make it more effective in

protecting the nation's water. Critics, including New York state officials and a coalition of more than 1,000 environmental organizations, contend the administration appears to be weakening the act to make it easier for businesses to resume polluting the nation's waterways.

"The Bush administration is systematically dismantling the tools that brought us this far: cleaning up raw sewage, protecting wetlands, and defining those rivers and lakes eligible for protection, said Betsy Otto, co-chair of the Clean Water Network.

Benjamin Grumbles, the EPA's deputy assistant administrator for water, said the contention that the administration intends to gut or weaken the act "is a mischaracterization of what we are planning to propose." He said it was unfair for the environmental community make such criticisms before any action has been taken.

There is "confusion," Grumbles said, as to what waters should be covered by the act, "and we plan to clarify it. We don't know where we will come out on this issue, but we recognize the value and importance of wetlands. The only question is, to what extent do we offer protection?"

The act called for people to be able to swim in all waterways by 1983 and for the elimination of toxic discharges by 1985.

In 1972, more than 75 percent of the nation's waterways were unfit for drinking, swimming or fishing. By 1988, a biannual EPA report showed that figure had dropped to just under 40 percent. It has held at that level for several years, but the agency's 2002 report shows that 45 percent of the nation's waters are now unfit for public use.

The primary causes of the increased contamination are sewage overflows from aged sewage and stormwater systems, and pollution caused by runoff. The latter has increased as more and more open land is covered by hard surfaces from roads and developments, eliminating the natural filtering by the earth.

"Every seven months," said Kenney of the EPA, "the oil we spill from our cars that washes into our waterways amounts to more than the oil spilled by the Exxon Valdez."

Water pollution has turned out to be far more difficult to eliminate than was envisioned when the ambitious act was passed 30 years ago. The development of treatment programs to reduce sewage in the river and the curtailing of industrial discharges restored much of the Hudson River's vitality, for example, but they were only a partial success.

"The act was responsible for helping us to restore the Hudson from an open sewer to a river that is being visited by record numbers of people, and where you can now swim for the first time in decades," said Alex Matthiessen, director of the Garrison-based environmental group Riverkeeper. "But there are still serious problems with cities like New York and Albany, where they have combined sanitation and sewage systems, and every time there is a big rain you get an overflow and untreated sewage in the river. You cannot swim near New York City for a couple of days after a rain because of raw sewage in the Hudson."

In the past five years, there were 261 untreated discharges by sewer systems in

Westchester County, according to an analysis of state and federal records by the Citizens Campaign for the Environment in White Plains. As a result of those discharges and surface runoff, nine of the reservoirs in Westchester and Putnam counties are considered "impaired" and not fit for drinking without treatment, said Jim Tierney, the state's watershed inspector general.

While some environmentalists remain highly critical of the act's results - John Cronin, resident scholar in environmental studies at Pace University, called it "an abysmal failure" - others acknowledge there have been successes. "The act accomplished a great deal," said Andy Mele, director of the Poughkeepsie-based environmental group Clearwater, which spearheaded the drive for the 1972 law. "Its crowning achievement was in the management of wastewater. It opened the door for the state and federal funds to combine and build sewage treatment plants."

Yet, all are united in their concern for the future. There is a fear that continued efforts to clean the rivers and waterways may be curtailed if there are significant changes in the Clean Water Act's major provisions, according to the Clean Water Network, a coalition of more than 1,000 environmental organizations. The concern stems from testimony by EPA officials before the Senate Environmental Committee earlier this month that the agency intends to redefine what waters are covered by the act.

Local environmental groups, joined by the state League of Women Voters, yesterday called on Gov. George Pataki and state agencies to enforce the act in New York and renew their commitment to upholding the law in the Hudson River Valley and the New York City watershed.

Grumbles said the EPA would have public hearings on the appropriate scope of the act. He said he believed it would involve tributaries and certain types of isolated and adjacent waters.

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