

Straight TALK

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Time to Celebrate...or Not?

In 1968, water pollution was causing the annual loss of \$3 million to the fishing industry of the Chesapeake Bay. In 1969, over 41 million fish were reported being killed by pollution in the nation's waters. That same year, the Cuyahoga River in Ohio caught on fire. In 1970, 30 percent of the samples tested from our nation's drinking water supplies were found to contain chemicals that exceeded public health protection limits. In 1971, 87 percent of Swordfish samples had mercury levels that were unfit for human consumption. In 1972, ⅓ of our nation's waters were unsafe for fishing or swimming (PBS 2002). Our nation was in a water pollution crisis, and something had to be done.

I often say that we have more waters to fish today than when I was a child. I have been extremely fortunate to have been part of a generation that has contributed to improving the quality of Penns Waters and the health of our fisheries. I have been privileged to work closely with the likes of Ralph Abele, Bob Ging, Pete Duncan, John Childe, Dennis Guise, Bud Byron, Ken Sink, Paul Swanson, Ed Bellis and so many other champions for our public natural resources—the white hats. These are men of high integrity and conviction. Our story is part of the larger story of successes that can be told from across our nation because of the priorities our society has given to controlling water pollution. I believe that there is one single action, a turning point so-to-speak, that is responsible for moving society from an age of pollution to an age of restoration.

Although it began as the Federal Water Pollution Control Act (FWPCA) in 1948, it was completely revised by the 92nd Congress in a series of amendments in 1972. The 1972 act was vetoed by President Richard Nixon on October 17, 1972, which was overridden by the Senate and House and became law on October 18, 2017. The 1972 act was a commitment to restore and maintain the chemical, physical and biological integrity of the nation's waters. It called for zero discharge of pollutants into navigable waters by 1985 and having all waters fishable and swimmable by 1983.

The U.S. Environmental Protection Agency, in coordination with the states, is responsible for the administration of the Act and implementation of its intent through regulations contained in 40 Code of Federal Regulations. While the Act has been further amended over time to include the Clean Water Act of



Marcellus Shale drilling releases trapped acid mine drainage into Semiconon Run, Butler County.

1977 and the Water Quality Act of 1987, I believe that the 1972 amendments are the primary reason for the progress we have made in the treatment of point and non-point source pollution. There is little doubt that the enforcement of the provisions of the 1972 Act has produced the improvements that we have seen in the water quality of Pennsylvania's 86,000 miles of streams and rivers, over 4,000 lakes and reservoirs and the waters of the United States including the territorial seas.

One of the most important tenets of the 1972 Act was when Congress required the states to implement a permitting system to effectively control pollution. The National Pollutant Discharge Elimination System (NPDES) permit required industry (manufacturing, mining, oil and gas extraction, etc.), government (sewage treatment plants and Pennsylvania Fish & Boat Commission hatcheries) and some agricultural facilities (animal feedlots) to obtain a permit for point source discharges into waters of the United States. Additionally, the 1972 Act prescribed specific methods about how to control point source pollution. Certain industries were required to use technology-based standards that are based on the available methods to reduce pollution at a reasonable cost (Best Available Technology). However, despite the requirement of technology-based standards, Congress re-emphasized that one cannot impact the public's use of a receiving waterbody and reaffirmed previous acts that included a water quality-based regulatory approach. The two primary protected uses are water supply and aquatic life. The regulatory approach included the development of water quality standards including



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four fundamental parts: 1) Designated uses; 2) Water quality criteria; 3) Antidegradation policy and 4) General policies. The Pennsylvania Department of Environmental Protection (PA DEP) is responsible for insuring that the uses of our Commonwealth waters are protected as explained in our Commonwealth's water quality standards, which can be found in 25 PA Code Chapter 93.

The procedures defined in the 1972 Act continue to be the foundation of our water quality protection programs. Therefore, we should celebrate the 45th Anniversary of the 1972 Act since it is principally responsible for the cleanup of thousands of miles of polluted water in Pennsylvania and tens of thousands of miles around our nation. Unfortunately, we have fallen far short in meeting the zero discharge and fishable/swimmable goals. The PA DEP currently reports 20,149 (23%) miles of impaired streams and rivers and 36,000 acres (40%) of lakes in Pennsylvania fail to meet protected use designations (PA DEP 2016).

Our Commonwealth's Environmental Rights Amendment, Article 1 Section 27 of the Pennsylvania Constitution, was recently redefined by the Pennsylvania Supreme Court, which should help guide us into the future to insure our air, water and public natural resources will be protected today and for future generations (PEDF v. Commonwealth). However, at the same time, we are now seeing attempts at weakening environmental protection at both the federal and state levels.

The discussion about Waters of the United States at the federal level and the environmental riders inserted in the current state budget bill are troubling and are steps backward in time. In the meantime, it may be wise to heed the advice of **Aldo Leopold** (1887-1948), regarded as the nation's father of wildlife ecology. Leopold wrote in his famous book, *A Sand County Almanac*, "Rest! Cries the chief sawyer, and we pause for breath." So, let's take a pause and celebrate the successes we have achieved and then get back to the work of meeting the challenges that our forefathers set for us in 1972.

Your Director,

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Public Broadcasting Service (PBS). 2002. *A Brief History of the Clean Water Act*. www.pbs.org/now/science/cleanwater.html

PA Department of Environmental Protection. 2016. *PA Integrated Water Quality Monitoring Report*. www.dep.pa.gov/Business/Water/CleanWater/WaterQuality/Integrated%20Water%20Quality%20Report-2016/Pages/default.aspx



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