

Clean Water Act: 50+ Years Later

Conditions before the Clean Water Act

- Paint ran into Hudson daily from General Motors in Tarrytown
- Raw sewage floating in River, with chemical and oil slicks commonplace
- In 1969, the heavily polluted **Cuyahoga River** caught fire near Cleveland and the [Santa Barbara oil spill](#) occurred.
- **Storm King Case:** Scenic Hudson opposed pumped storage facility; with Clearwater's support.



Early Legislation

- **Rivers and Harbors Appropriations Act of 1899** made it a misdemeanor to discharge “refuse” in the waters of the United States without a permit. Through 1940’s, water pollution was thought to be a matter of STATE LAW, and primarily dealt with thru the **COMMON LAW REMEDY OF NUISANCE**, which imposed a high burden on citizens and states in their attempts to abate pollution. RHAA was resurrected in 1970, and is the basis for the enactment and structure of the **1970 CWA legislation**
- The **Depression** shifted emphasis, followed by **rapid industrialization** using waterways as sewers. Hudson and other rivers were no longer usable for recreational purposes much less a source of drinking water.
- **The first version of the CWA was enacted in 1948** provided some funding to States and Federal oversight.
- **Water Quality Act of 1965** required states to plan and set standards for water quality, and authorized Federal enforcement, followed by the **Federal Water Pollution Control Act Amendments of 1972 = CWA.**

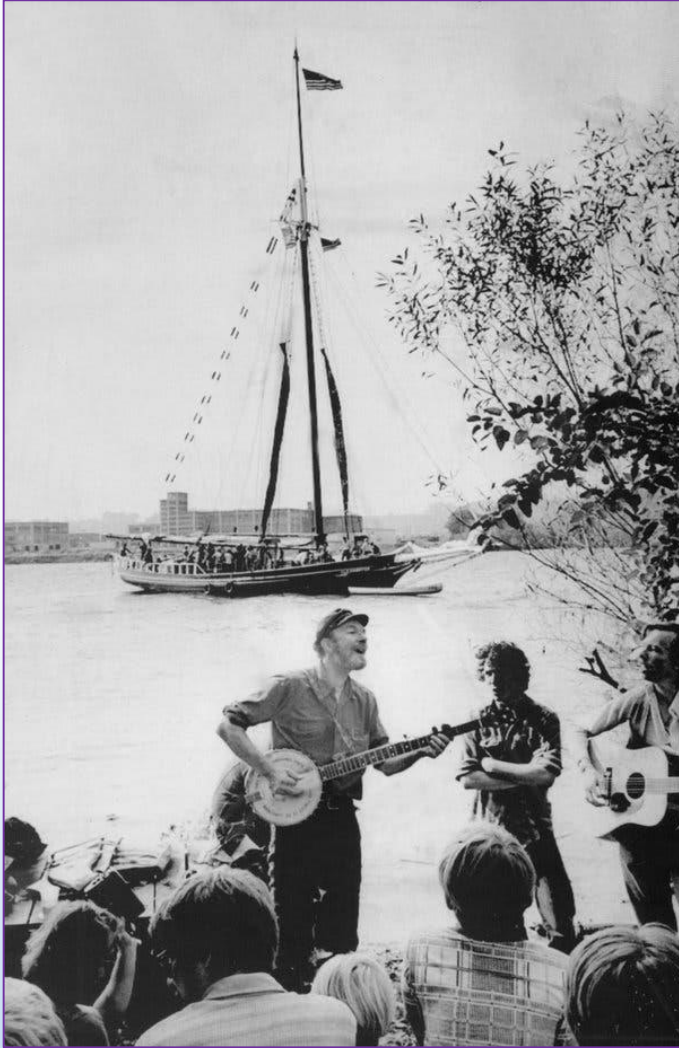


Clearwater's Role

- **Rachel Carson's "Silent Spring"** published in the New Yorker in 1962
- **The Sloop *Clearwater* was launched 1969** by the Hudson River Sloop Restoration, which was incorporated in 1966; the crew and volunteers sailed up and down the river offering musical gatherings and collected thousands of signatures calling for Federal legislation to protect and restore our nation's waterways.
- The Clean Water Act emerged following an **era of social change and activism** amid the anti-war movement, the Civil Rights Movement, the women's movement, and a wave of environmental activism. The **Environmental Protection Agency (EPA)** was created by President Nixon in 1970.
- **In 1972 Pete Seeger and the Clearwater crew sailed the sloop to Washington, DC** while Congress was debating the Clean Water Act. Pete Seeger personally delivered a petition with hundreds of thousands of signatures to Congress and then proceeded to hold a spontaneous concert in the halls of Congress.



The Power of Song



Pete Seeger and Hudson River Sloop Clearwater played an important role in the passage of laws to clean up the nation's waters. In 1972 Seeger and the Clearwater crew sailed the sloop to Washington, DC while Congress was debating the Clean Water Act. A few weeks later the Federal Water Pollution Control Act was passed in 1972 over then President Richard Nixon's veto.

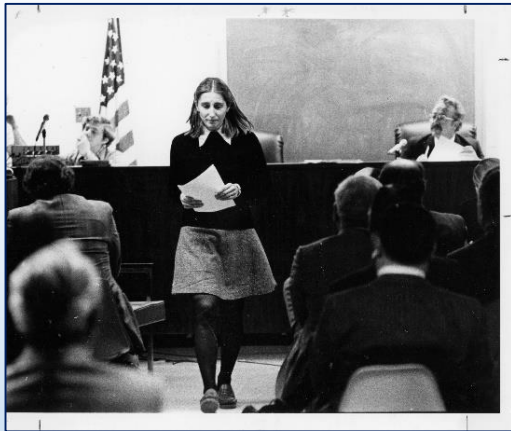
https://www.huffpost.com/entry/pete-seeger-and-the-power_b_4716610#:~:text=In%201972%20Seeger%20and%20the,in%20the%20halls%20of%20Congress

< *For Seeger, Years of Singing and Sailing to Save His Hudson River:* Pete Seeger in 1975, protesting the dumping of PCBs into the Hudson River, sang to a group of children as the sloop Clearwater rode at anchor. Credit: Associated Press

<https://www.nytimes.com/2014/01/29/nyregion/the-man-up-the-hill-in-his-log-cabin-who-sang-and-sailed-to-save-his-river.html>



Swim at your own risk. Photo of Pete taken by Dan Budnik in spring of 1969.



Andra Sramek (then Piraseau) delivering testimony about fish impingement at Indian Point Nuclear Power Plant. She described what it was like to be a "dead fish counter."



Feb. 1977. L to R: Andra Pariseau (Clearwater staff member, aka Andra Sramek), Jim Cronin (Bronx Zoo animal attendant), John Cronin (Clearwater Environmental Director) and Dave Seymour (CW board member, National Audubon Society)) suited up to clean waterfowl after the barge "Ethel H" ran aground in the Hudson River on Con Hook Rock (north of Bear Mountain), spilling 420,000 gallons of "heavy" oil into the river. To this day, it is the largest single crude oil spill to occur in the river north of New York Harbor. An emergency bird cleaning center was set up at a highway department building at Stony Point, and for 10 days, a round-the-clock effort by volunteers and professionals cared for captured birds. Photo credit:



John Cronin collecting a water sample in support of the work of the People's Pipewatch. In the 1970s, Clearwater was the only organization with full-time staff working on the Hudson River and its tributaries, investigating polluters, opposing nuclear power, and more." Thanks to the work of John and other PPW volunteers, **Clearwater was able to bring the first successful suit in New York State against a polluter (Tuck Tape of Beacon, NY) under the Federal Clean Water Act.**

Photos Courtesy of Captain Betsy Garthwaite

TOSHI & PETER SEEGER

Dictated December 4, 1986

Before we talked last week

Dear Modest John,

I really enjoyed the article about you in the Hudson Valley Magazine, not to speak of other magazines. I think it is great, all this publicity you're getting. Hooray! You've heard me say it. The price of liberty is eternal publicity.

Me, I wish I could get out of the limelight. I get too many letters and too many people think I can help them, and I don't have time to help them all. As you may have heard, I'm going to quit singing quite so much and stick closer to home; but when I saw this picture, I thought of you and wanted to let you know how much I appreciated what you're doing. I feel very proud I may have been one of the influences in getting you to settle along the Hudson, and I'll never forget that day we spent hammering nails into the old Beacon ferry dock about 13 years ago.

Best,

PK
Pete Seeger

1b
Enclosure



Exxon Tanker and Hudson Riverkeeper, Port Ewen, NY, October 19, 1983
Credit: Screen capture, NBC Nightly News

Tracking Exxon tanker off Hyde Park.

<https://www.youtube.com/watch?v=6AXAICbAlfg&authuser=1>



"Clearwater Youth Specialist" Jeff Edwards fishing a shopping cart out of the Fallkill Creek, Poughkeepsie.

Photo by Charles Porter >



Thank you letter from Pete to John Cronin
"The price of Liberty is eternal publicity!"

Goals: Fishable, Swimmable & Drinkable

Federal Water Pollution Control Act Amendments of 1972,
commonly referred to as the **CLEAN WATER ACT**

Goal: Fishable, swimmable, drinkable – The 1972 legislation declared as its objective the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters.



Two goals also were established:

- **Zero discharge of pollutants by 1985**, and
- As an interim goal and where possible, **water quality that is both “fishable” and “swimmable” by mid-1983**.

While those dates have passed, the goals remain, and efforts to attain them continue.

In 2023 health advisories against eating most Hudson River fish are still in place and needed.

The CWA aims to prevent, reduce, and eliminate pollution in the nation's water in order to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters", as described in CWA section 101(a). Jan 20, 2022

Key elements of the Clean Water Act?

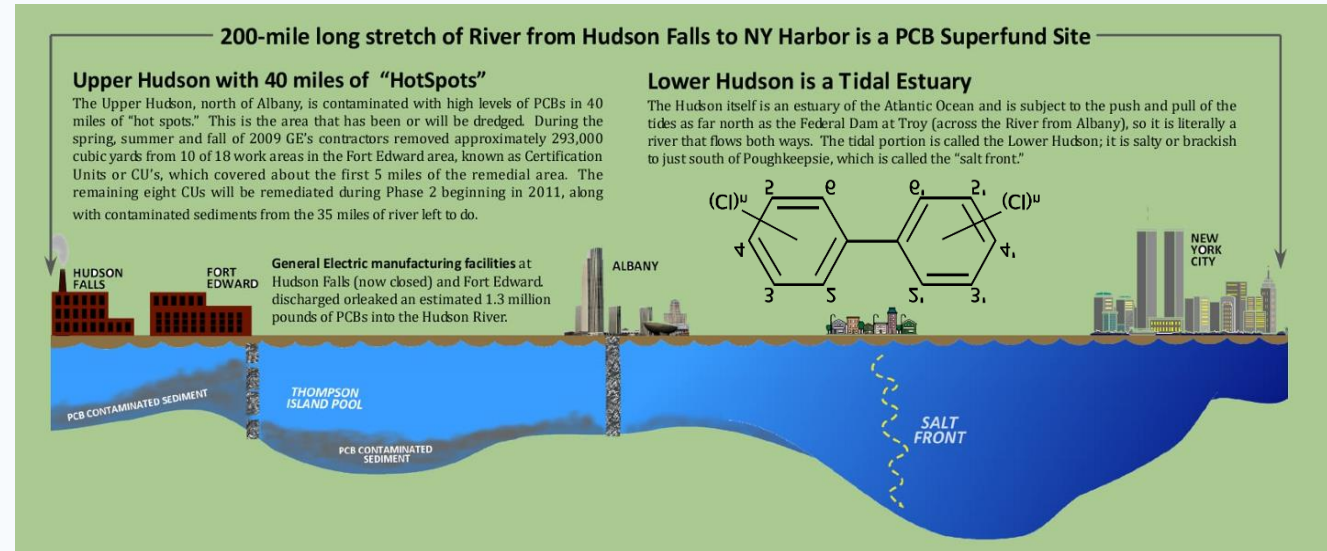
- **Provisions which authorize federal financial assistance for municipal sewage treatment plant construction.**
 - **POTW'S Secondary Treatment by 1988**
 - Requirements that apply to industrial and municipal dischargers**
- **Imposed standards on all point source discharges, so called “action forcing” standards**
 - **Best Practical technology or BPT by 1977**
 - **Best Available Technology or BAT by 1989**
- Significantly the **CWA regulated releases of point sources** such as a release from a pipe or ditch or “discrete fissure”. **It did not regulate** surface runoff from streets, lawns, agriculture or similar “**non-point**” sources, which was left to the states.

Main Accomplishments and Updates

- The CWA **made it unlawful to discharge any pollutant from a point source into navigable waters**, unless a permit was obtained: EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches.
- Better **wetlands** protection.
- The 1977 Act strengthened EPA's authority to **control toxic pollutants** by: requiring industry to meet best available technology (BAT) standards for specified toxic pollutants by **July 1, 1984** and States to enact and implement plans to control non-point sources of pollution.
- **Sewage treatment plants:** The nation's more than 16,000 wastewater treatment plants are functioning, on average, at 81% of their design capacities, while 15% have reached or exceeded it.
- **PCB Remediation:**
 - Upper Hudson: **5 year review of remediation** is in progress; it shows very slow progress for reduced PCBs in fish tissue. **Natural Resource Damage Assessment (NRDA)** seeks to **restore** a healthful habitat for wildlife.
 - Lower Hudson: Settlement agreement for a study of the Lower Hudson
- **Newburgh PFOS contamination of Lake Washington:** Restoration Advisory Board.

Ongoing Challenges

- **Non-Point Source Pollution**
- **Persistent Legacy Pollutants:**
PCBs: Lead Pipes
- **Aging POTWs; Combined Sewer Overflows (CSOs);** Coal Ash and Manufactured Gas Plant residual
- **Harmful Algal Blooms (HABs)**
- **Invasives:** Zebra Muscle; Round Goby; Asian Water Chestnut
- **Emerging Contaminants:** PFOS: Newburgh (SANG), Hoosick Falls, Rockland County, etc.
- **Microplastics**
- **Sea Level Rise:** NY-NJ Harbor and Tributary Study
NYS DEC Resilience Program; flooded brownfields;
rail lines; Indian Point – Dry Cask Storage
- **Radioactive Discharges**
- What else?



New Legislation and Next Action Steps



- Support Rep. Tonko's **NY-NJ Watershed Protection Act**
- Utilize the **Green Amendment** to NYS Constitution and the **Environmental Bond Act**
- Support **Rights of Rivers** Bill(s)
- **Fish Consumption Advisories:** Post signage and help inform anglers
- Adopt **Municipal Resolutions Opposing Holtec Radioactive Water Discharges from Indian Point fuel pools**
 - Westchester and Rockland Counties, Ulster County (pending); Towns of Greenburgh, Rhinebeck; City of Peekskill; Villages of Dobbs Ferry, Hastings, Mamaroneck, City of Beacon (pending).
 - **Harckham-Levenberg Bill:** www.nysenate.gov/legislation/bills/2023/S5181





Thank you!



Swimmable, Fishable, Drinkable: 50+ Years of the Clean Water Act

- **WHEN:** Friday, April 14, 9 a.m.-1 p.m. *Please join us!*
- **WHERE:** Kaplan Hall, SUNY Orange, Grand St., Newburgh, NY -- *or virtual*
- **REGISTER TO ATTEND:** <https://tinyurl.com/yppj6jt3>

Manna Jo Greene: mannajo@clearwater.org

845-807-1270

><(((o> ><(((o> ><(((o> ><(((o>