Love That Dirty Water…

Why We Are Losing the Fight for Clean Water…
and How to Win It

Dear PEER Supporter:

In the towns engulfed by Mississippi flooding, residents were warned about the danger from debris, snakes, alligators and even feral pigs. A greater danger was the water itself – not just the amount but its toxicity. Alerts warn people not to go into the flood water without protective gear and to seek immediate medical care if the water comes into contact with a cut or abrasion.

Why? The waters had off-the-charts levels of pesticides, fecal matter and industrial chemicals. Our mightiest river has become a raging sewer.

Even without flooding, the Mississippi has become steadily more polluted, as have most U.S. rivers and lakes. The reason is a systemic breakdown in basic pollution protections. Countering this trend by restoring America’s waters has become a daily occupation at PEER.

After the Cuyahoga River famously caught on fire, the Clean Water Act was signed into law in 1972, ushering in a generation of improving water quality. Our waters stopped getting cleaner in the mid-90s and have become dirtier since. Consider –

- The volume of pollutants dumped into our rivers and lakes has increased significantly since 2000. As many as 60,000 different chemicals enter our waterways but only 91 are subject to Safe Drinking Water Act standards;

- One in 10 Americans is exposed to drinking water that exceeds federal health guidelines. The tap water provided to approximately 50 million of us has

(Over, please)
contained illegally high levels of chemicals like arsenic, dangerous bacteria and even radioactive substances; and

- As a result, nearly 20 million Americans fall ill each year from drinking contaminated water. One study estimated that 4 million Californians contract diseases from swimming in water with excess levels of untreated sewage.

America used to have drinking water among the cleanest anywhere, but our water quality is trending toward conditions found in the Third World. The reason is that the Clean Water Act is rarely enforced. This decline in water pollution enforcement corresponds to the decline in our water quality. According to EPA statistics –

- Violations of the Clean Water Act are on the rise, with approximately a half-million violations in the last five years, the majority of which are classified as “significant noncompliance”;

- Less than 3% of water polluters can expect any fine or measurable punishment from state officials, who have primary enforcement responsibility in all but four states. Even at EPA, judicial enforcement of the Clean Water Act has fallen by half in the past few years; and

- Fiscally stressed states are cutting back on inspections; “streamlining” permit reviews and abandoning enforcement precisely when the need for strong enforcement has grown most acute.

The federal Clean Water Act was passed because states could not be uniformly counted on to protect waters, particularly rivers flowing beyond their boundaries. Yet, the act is largely administered by the states through delegation from EPA. If states enforce federal standards they receive federal funds. However, EPA is loath to pressure lagging state programs, due in part to political pushback from those states’ congressional delegations.

Without tough EPA oversight, water quality will regress. As William Reilly, who ran EPA under President George H.W. Bush, said, “Unless EPA is pushing state regulators, a culture of transgression and apathy sets in.” Unfortunately, that is precisely what has happened.

Fortunately, enforcement of existing laws is our specialty at PEER. We work on behalf of frustrated state enforcers whose hands are tied at work. We network with EPA clean water staffers who need the right horror stories to goose their timid offices into action. Inside experts also guide us to the loopholes and coverage gaps which need to be closed to protect public health.

Our work at the state level is undertaken principally by our PEER Field Directors, the majority of whom are former agency clean water specialists. Here are some examples:

- Sewage Treatment: Sewage systems are the nation’s most frequent violators of the Clean Water Act. Working with frustrated municipal utility employees, Florida PEER Director Jerry Phillips, a former state water pollution enforcement attorney, has exposed conditions where Boca Raton drinking water has been routinely contaminated

(Next page, please)
with sewage and prompted investigations that promise to clean out corrupt management; 

• **Chemical Dumping:** One of our main watchdogs on industrial wastewater is our New England Director Kyla Bennett, a scientist and attorney who formerly worked for EPA. Kyla has stopped Massachusetts from rolling back already weak controls on chemical dumping into municipal treatment systems which cannot filter out the chemicals; and

• **Private Water Wells:** Private wells are for the most part not covered by federal laws and are left to regulation by state standards. In New Jersey, PEER uncovered that thousands of residents are being exposed to gross alpha (i.e., radiological) contaminants, many at levels in excess of 30 times the state public health standard. Yet the state is not telling the residents. “The state should not be sitting on this information. Officials need to warn affected homeowners now that they may need treatment systems or that they have the wrong systems,” stated New Jersey PEER Director Bill Wolfe, a former top state environmental policy analyst. The PEER exposé prompted the state to reevaluate state inspection and notification policies.

These are a small sample of the battles PEER is waging across the country with your support.

One key strategy we are employing is inducing EPA to back up its rhetoric about making

**TEA PARTY AND COFFEE CREEK**

This case epitomizes the state “see-no-evil” approach to corporate pollution. An Arkansas paper mill owned by Koch Industries pumps out massive amounts of pollution but does so with permission and support of the state. The outflow from the plant fouls not only local water bodies but crosses the Louisiana border, staining a designated Natural and Scenic River, which is a source of drinking water for tens of thousands.

The Georgia-Pacific mill in Crossett, Arkansas, is owned by Koch Industries, which is run by the Koch brothers--conservative activists who bankroll the Tea Party and other advocacy against government regulation, especially environmental rules. Their plant has created horrendous conditions, including –

• Discharging 45 million gallons per day of paper-mill waste, including ammonia and chloride, and metals such as zinc, copper, and mercury;

• Coffee Creek is covered with foam, scum and slime but is used by beaver, turtles, ducks, turkey and deer; and

• The discolored discharges cause nauseous odors, a source of complaints from local, largely poor, residents, for years.

Koch Industries has persuaded Arkansas to issue the mill a permit that in essence removes water quality standards for the creek, on the self-fulfilling grounds that it can never be restored to a biologically viable stream. Since the Coffee Creek pollution discharge permit contains few limits, it is almost impossible to violate.

“This Clean Water Act does not allow our streams to be turned into industrial sewers,” stated PEER Field Director Barry Sulkin, the former Chief of Enforcement and Compliance for the Tennessee Division of Water Pollution Control. “No wonder the Kochs dislike strict federal regulation. They have covered Coffee Creek with so much foam it should be called Cappuccino Creek.” Barry is leading the PEER effort to force EPA to intervene to lift the permit that is killing Coffee Creek.
clean water enforcement a priority. Without prodding, EPA’s actions have not been nearly so robust as its words.

Guided by agency enforcement staff, PEER selects cases for formal petitions for EPA intervention (called an “overfile” as EPA would file its own action on top of whatever anemic approach the state is employing). During the Clinton years, PEER overfiles were quite successful. In one year in one state alone, our overfiles generated more than a million dollars in fines and forced the largest waste handler to surrender all its permits and vacate the state.

As you know, reversing slumping water pollution enforcement is tough, labor intensive work which we could not undertake without your continuing involvement and support. So, please be generous in the knowledge that your contribution to PEER is guaranteed to provide the best eco-return on your dollar.

The Clean Water Act promised that, wherever possible, America’s waters would be swimmable and fishable – a promise that is fast eluding us. Our work is cut out for us.

Sincerely,

Jeff Ruch
Executive Director

P.S. What’s in your tap water? Follow our campaign to address growing unregulated contamination of drinking water with chemicals from pharmaceuticals and personal care products. Go to the campaign page of our website and scroll down to Pharma-Pollution.

P.P.S. Another way PEER is protecting water quality is by fighting to preserve and restore wetlands (also called “nature’s kidneys”). Check out our Yes, Net Loss campaign.

P.P.P.S. Say good-bye to paper. You can receive all communications from us electronically. To go paperless, just send an e-mail to info@peer.org.