

Snooze!!

It's not exciting, but technical policy affects your river experience.

By Margaret Janes

For many years important provisions of the Clean Water Act have been ignored by federal and state governments. River clean up plans (TMDLs), clean stream protections (antidegradation), protective discharge permits and appropriate water quality standards remained on the shelf as vague possibilities, unenforced – collecting dust. Polluters supported this approach. It allowed them to shift the cost of their pollution onto the public so citizens and taxpayers would either suffer the consequences of the pollution or pay to clean it up. Politically weak and underfunded state and federal environmental agencies were simply content with the status quo.

With the onset of numerous successful environmental lawsuits in the 1990s regulators were forced to begin addressing these shortcomings. Early lawsuits forced agencies to act in some areas, but left a myriad of regulations and technical details to be negotiated and fought over. For the last several years, West Virginia Rivers Coalition (WVRC) has taken on the fight to fully implement the Clean Water Act in West Virginia and the devilish details of water policy.

WVRC is up against the well-tuned lawyers of the coal industry, Chamber of Commerce, and friends. Needless to say polluters are unhappy about the resurrection of long ignored Clean Water Act provisions and strive to undermine reasonable attempts at balanced policy. Many of these same entities make it their business to short change state environmental budgets – starving enforcement while “streamlining” the method and speed at which permits allowing pollution are issued. Since most West Virginia environmental laws (and for that matter budgets) must be approved by the state legislature, opportunities for secret deals abound behind legislative doors.

In the past, WVRC could look to the EPA for at least some help in the fight. The Clinton administration took little known stances that made important differences in the way Clean Water Act laws were implemented and enforced. But the Bush administration has a very different face. If you've heard about Bush's stance on arsenic in drinking water, air pollution, mercury, cleaning up polluted streams, mining issues and cuts in EPA budgets – they are only the headlines. Nearly as important, are the daily decisions and policy initiatives that place environmental protection more in the hands of large corporations than the hands of the public.

Recently *Headwaters* has focused on the technical and legal provisions of the Clean Water Act called water quality standards. They include antidegradation and numeric and narrative limits on how much pollution is allowed in our rivers and streams. This doesn't make a particularly glamorous fight for clean water, but hearken back to the article on page __, “In states where water quality standards are strong, they act as a powerful force for pollution prevention and water quality improvement. In states where they are weak, they may offer little or no defense at all.” WVRC has stood at the national

forefront of these issues – especially in the protection of high quality streams that is provided by antidegradation.

While the world of water quality standards and the legal provisions of state and federal law are a long way from a canoe, a raft or a fishing pole, they are one of a small handful of ways to protect the wild and wonderful water resources that are so important to West Virginia. And though the Bush administration has made the battle a lot tougher, WVRC will continue its fight to protect the rivers and streams we all rely on.