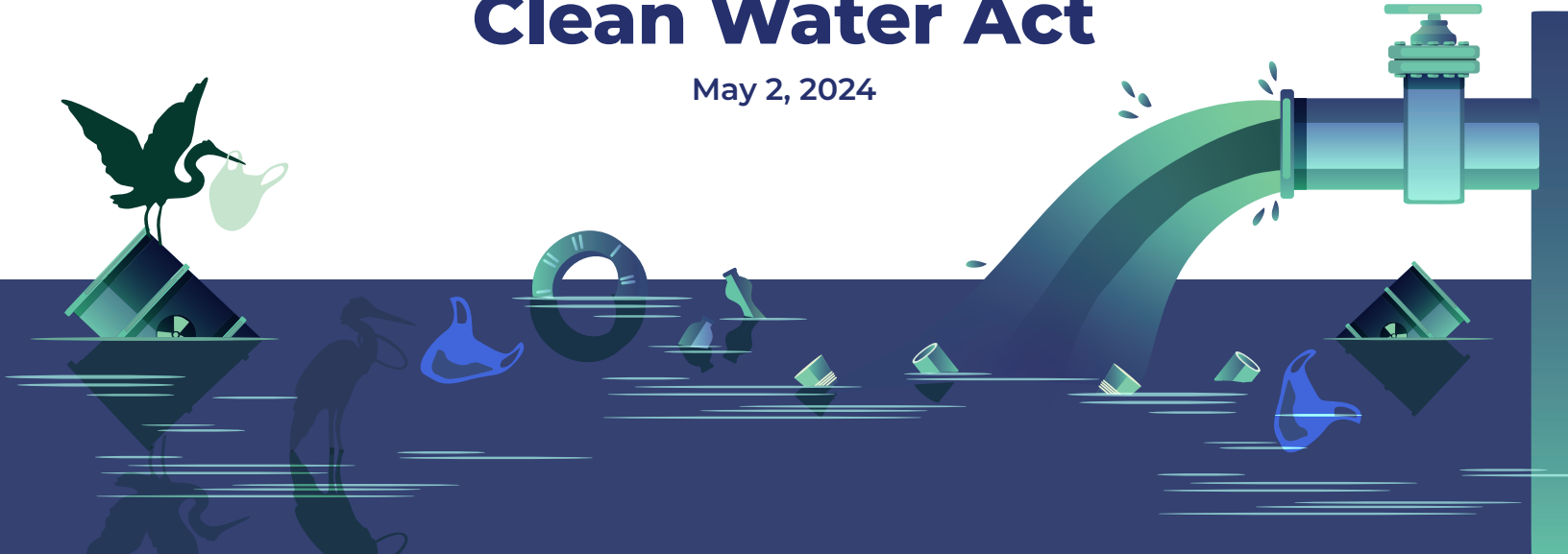


How EPA is Failing Its Obligations Under the Clean Water Act

May 2, 2024

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- An illustration of a polluted waterway. On the right, a blue pipe with a valve discharges a stream of blue water into a dark blue body of water. The water is filled with various pieces of trash, including a blue plastic bottle, a white cup, a green can, and a blue bag. On the left, a white bird stands on a small island, holding a white plastic bag. The background is a dark blue gradient with white motion lines suggesting water flow.
- The 1972 Clean Water Act requires EPA to report on the condition of America's streams, rivers, lakes and estuaries at least once every two years. But EPA's last national water quality report was released **seven years ago**, in 2017.
 - Based on the [most recent state reports available](#), **51 percent of river and stream miles** that have been assessed are so polluted they are "impaired" — meaning unsafe for fishing, swimming, or the other public uses the Clean Water Act was enacted to protect. So are 55 percent of assessed lake acres, and 26 percent of estuaries.
 - Many other U.S. waterways have not even been assessed, including 73 percent of river and stream miles, 49 percent of lake acres, and 24 percent of estuary miles.
 - The Clean Water Act requires EPA to limit industrial discharges of pollutants based on the best available pollution-control technologies. EPA must review the guidelines for these technologies at least once every **five years** and update them as pollution treatment technologies improve.
 - Despite this mandate to keep pace with advances in technology, the discharge limits for **almost two thirds** of the industries subject to these standards are between **30 and 50 years old**.
 - Some of the most outdated pollution limits are for Inorganic Chemicals (1982), Petroleum Refining (1985), Fertilizer Manufacturing (1986), and the makers of Organic Chemicals, Plastics, and Synthetic Fibers (1994) (See list on next page.)
 - At the current pace, **it may be a century** before EPA decides whether industrial discharge limits that date back to the 1970s and 1980s – in the era before common use of desktop computers and cell phones – reflect technology that is "up to date."

Age of Some Federal Technology-Based Water Pollution Limits

The Clean Water Act requires EPA to review Effluent Limitation Guidelines (or ELG's) at least once every five years and update them as pollution treatment technologies improve.

Industrial Category for Guidelines	Year of Promulgation	Year of Last Revision	Years Since Revision
Rubber Manufacturing	1974	Never Revised	50
Asbestos Manufacturing	1974	1975	49
Seafood Processing	1974	1975	49
Dairy Products Processing	1974	1975	49
Paving and Roofing Materials (Tars and Asphalt)	1975	Never Revised	49
Soap and Detergent Manufacturing	1974	1975	49
Explosives Manufacturing	1976	Never Revised	48
Cement Manufacturing	1974	1977	47
Mineral Mining and Processing	1975	1979	45
Timber Products Processing	1974	1981	43
Textile Mills	1974	1982	42
Inorganic Chemicals	1974	1984	40
Plastics Molding and Forming	1984	Never Revised	40
Metal Foundries	1985	Never Revised	39
Petroleum Refining	1974	1985	39
Battery Manufacturing	1984	1986	38
Copper Forming	1983	1986	38
Fertilizer Manufacturing	1974	1986	38
Metal Finishing	1983	1986	38
Phosphate Manufacturing	1974	1986	38
Aluminum Forming	1983	1988	36
Hard Rock Mining	1975	1988	36
Nonferrous Metals Manufacturing	1976	1990	34
Organic Chemicals and Plastics	1987	1993	31
Leather Tanning and Finishing	1982	1996	28
Pesticide Chemicals	1978	1998	26
Landfills	2000	Never Revised	24
Waste Combustors	2000	Never Revised	24
Coal Mining	1975	2002	22
Metal Products and Machinery	2003	Never Revised	21
Drug Manufacturing	1976	2003	21
Iron and Steel Manufacturing	1974	2005	19
Pulp and Paper	1974	2007	17
Construction and Development	2009	2014	10
Oil and Gas Extraction	1975	2016	8
Meat and Poultry Products*	1974	2004	N/A
Steam Electric Power Generating**	1974	2015	N/A

Note: this list does not include all industrial categories. * Consent decree requires promulgation of MPP revisions by summer 2025.

** Final revision expected later in 2024