

Know the difference between the Clean Water Rule and the Clean Water Act

- **The Clean Water Act is the Law**
- **The Clean Water Rule defines which waters are protected against unregulated discharges of pollution under the Clean Water Act**

Clean Water Act (CWA): Enacted by Congress in 1972, the Clean Water Act (CWA) established the basic structure for regulating pollutant discharges into the “**waters of the United States**”. The goal of the CWA was to reduce pollution in all U.S. waters to "restore and maintain the chemical, physical, and biological integrity of our nation's waters." The law called for "zero discharge of pollutants into navigable waters by 1985, and fishable and swimmable waters by 1983."¹

The CWA was itself amended in 1977 to regulate the discharge of untreated wastewater from municipalities, industries, and businesses into rivers, lakes, and coastal waters. The CWA was also amended to address specific environmental issues such as wetlands protection and **Great Lakes water quality**².

Prior to 1987, CWA programs were primarily directed at “point source” pollution, that is, wastes discharged by industrial and municipal facilities from discrete sources such as pipes and outfalls. Amendments to the law in that year authorized measures to address “nonpoint source” pollution (runoff from farm lands, forests, construction sites, and urban areas), which is estimated to represent more than 50% of the nation’s remaining water pollution problems. *Source: USEPA and Congressional Research Service, October 2016.*

Clean Water Rule (or Waters of the United States [WOTUS]): Created in 2015, the Rule was published by the EPA and the Army Corps of Engineers and intended to help clarify what “**waters of the United States**” fell under the jurisdiction of the Clean Water Act and all of its amendments. The regulation looked to consistently define the scope of federal water protection specifically for streams and wetlands which have a “significant hydrological and ecological connection” to traditional navigable waters, interstate waters, and territorial seas.

Several key provisions in the 2015 Rule included: protection of headwaters; waterways that can impact the chemical, physical and biological integrity of neighboring waters; maintaining the exemptions of agricultural, ranching, and silviculture activities; and afforded protections for “US regional water treasures that can impact downstream waterways.” *Source: USEPA and Congressional Research Service, October 2016.*

¹ <https://www.epa.gov/sites/production/files/2017-08/documents/federal-water-pollution-control-act-508full.pdf>

² Title I of the Great Lakes Critical Programs Act of 1990, for example, put into place parts of the Great Lakes Water Quality Agreement of 1978, signed by the U.S. and Canada, where the two nations agreed to reduce certain toxic pollutants in the Great Lakes. That law required EPA to establish water quality criteria for the Great Lakes addressing 29 toxic pollutants with maximum levels that are safe for humans, wildlife, and aquatic life. It also required EPA to help the States implement the criteria on a specific schedule. *Source: USEPA*