



Campaign to Safeguard America's Waters (C-SAW)

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C-SAW and 80 State and National Organizations Call on EPA to End the Dilution-Solution!

Today we celebrate the 30th anniversary of the Clean Water Act (CWA), passed by Congressional override of a Presidential veto by Richard Nixon in 1972. Three decades have passed since the Cayuhoga River caught fire, yet the CWA's preeminent objectives remain unfulfilled – many U.S. waterbodies are not fishable and swimmable, we have failed to eliminate the discharge of wastes into public waters, and we release toxic chemicals in toxic amounts into our streams, rivers, lakes, and coastal waters every day.

Much of this pollution results from a one-sentence federal regulation authorizing states to adopt "mixing zone" policies. Mixing zones – the *dilution-solution* – allow dischargers of polluted wastes to circumvent the foundation of all CWA protections, the scientifically derived pollutant limits established to protect human health and aquatic life known as state Water Quality Standards (WQS.)

"Few people are aware that tens of thousands of dischargers across the country are not required to meet health-based pollution limits at the 'end of the pipe'", states Gershon Cohen Ph.D., C-SAW Project Director, "...polluters routinely use public waters to dilute their wastes, supposedly "meeting" the WQS somewhere downstream – often miles from the point of release." To close this loophole and help put the CWA back on course, C-SAW is formally petitioning the EPA under the Administrative Procedures Act to change the federal mixing zone rule to require states to establish the following minimum standards:

1. All waters must meet the CWA's "fishable/swimmable" standard.
2. Risks to people and aquatic life must be communicated to the public prior to mixing zone approval.
3. Mixing zones must be prohibited in impaired waters or waters containing threatened or endangered species.
4. No mixing zones should be authorized for pollutants that persist or bioaccumulate in the food chain.
5. Mixing zone boundaries must be monitored to ensure that uses are protected.
6. States must fully evaluate and report mixing zone practices and impacts to EPA and the public.
7. All mixing zone locations must be posted to describe a mixing zone's location and what is being diluted, and the risks the mixing zone represents to local communities and the environment.
8. Procedures must be adopted for reducing the number and size of mixing zones and setting a timetable to ultimately phase out mixing zone use.

C-SAW is also publishing today the first state-by-state survey of mixing zone application. This national mixing zone survey has documented that: every state allows discharges into mixing zones to exceed chronic aquatic life criteria and at least 45 states allow discharges into mixing zones to exceed acute aquatic life criteria; only 3 states evaluate the risks to people where mixing zones exceed human health criteria; mixing zones are allowed in nearly all waters for nearly every type of pollutant; mixing zones are rarely monitored and are almost never posted on site; and no state has a plan to eliminate mixing zone use. According to Dr. Cohen, "The routine authorization and renewal of mixing zones removes any incentive for polluters to clean up their act, and shifts the cost of treatment from today's polluters to tomorrow's taxpayers. **Dilution is not the solution to pollution.**"

For more information on mixing zones and copies of the Petition and Survey, contact C-SAW or visit the Earth Island Institute website at www.earthisland.org or the Clean Water Network website at www.cwn.org.