

How Maine Evolved with the Clean Water Act

Matthew Scott

Maine has a motto, *Dirigo*, meaning “I direct.” This was the leadership position that United States Senator Edmund S. Muskie (Figure 1) took when he helped author amendments to the Federal Water Pollution Control Act of 1948, and then shepherded the amendments through the U.S. Senate in 1972, as the bill’s lead sponsor. In supporting statements and debate on the bill, Muskie stated “This country was once famous for its rivers. In songs and poems and stories, Americans gloried in the now-quiet, now-roaring reaches of the river waters. A vigorous people, following their rivers to the oceans and beyond, built along the riverbanks a strong and productive economy. But today, the rivers of this country serve as little more than sewers to the seas. Wastes from cities and towns, from farms and forests, from mining and manufacturing, foul the streams, poison the estuaries, threaten the life of the ocean depths. The danger to health, the environmental damage, the economic loss can be anywhere.”

Muskie knew what he was talking about. He grew up in the town of Rumford, on the banks of the Androscoggin River in Maine. Maine, along with much of the United States, has a lot of dirty water in its history, especially in our river systems that were serving as open sewers for all wastes being generated by our consuming populous. The Androscoggin River was one of the ten most dirty rivers in the United States. At one time the river had 16 pulp and paper processing mills discharging untreated wastes into the river. Muskie saw, smelled, and felt the ravages of pollution and always considered knowledge and data to be valuable for making good decisions. Maine’s four major rivers have served as



Figure 1. A photo of Edmund S. Muskie, former governor of the State of Maine, U.S. Senator, and U.S. Secretary of State. Graduate of Bates College and Cornell University.

industrial working rivers like other rivers in the United States.

Thus, the need to clean up our wastes was proposed via the Clean Water Act (CWA). This created a level playing field for all polluters, industrial and municipal, with no exceptions. The act had some unique features that were incorporated into law, including that we have swimmable and fishable water and that a national pollution discharge elimination system (NPDES) be established.

Fishable waters

Fishable waters are of interest to me as a former practicing fisheries biologist. Not only were fishable waters to be reclaimed under the CWA, the fisheries that were present were to be edible. Thus, consumption advisories were to be established.

The CWA has also been valuable for fisheries and dam removals where water quality is impacted or not meeting standards. Prior to the CWA there was a prominent Attorney from Waterville, Maine named Jerome Daviau, who authored a significant book titled *Maine’s Life Blood*. He was ahead of his time as he advocated for fish passage and talked about the facts regarding the impact dams have made on our migratory fisheries in Maine. His focus was on dams of the Kennebec and Penobscot rivers. Hydro dams were present without fish passage. Daviau was a thorn in the side of Ed Muskie, then governor, and Roland Cobb, Commissioner of Inland Fisheries and Game Department in 1957. The focus on dams and how Maine’s waterways are the lifeblood was his message. The very first dam on the Kennebec at Augusta was built in 1837 without fish passage. It set the pattern of dams for the future.

Daviau talked about the art of public deception and how the industrial lobby-controlled government, and the use of Maine’s waterways with dams for hydropower and without fish passage. He specifically singled out the two largest producers of electricity in Maine at the time. He then focused on the polluters and water quality issues, often with references to Governor Muskie and Commissioner Cobb. His book makes for a good read.

Discharges into rivers in Maine

Author John Graham, in *Maine Heritage Magazine*, recorded his concerns of discharges into Prestile Stream and how it was impacted by a potato processor in Maine. The Prestile became a highly political issue regarding its water quality and use, degradation, and how it became an international issue for a short time. The situation of the potato farmer involved

their discharge of processed potato and sugar beet waste into the Prestile. The Maine Water Improvement Commission staff pointed out that the Prestile had very little assimilative capacity to accept production waste being discharged to it. The farmer continued to court the local legislators and political figures to the point that the declassification of the Prestile was necessary by our legislature so that its waste stream could continue emptying to Class D waters, the lowest water quality, a virtual sewer.

Graham pointed out the embarrassment that it was causing for the local citizenry of Maine and New Brunswick (NB) as the Prestile crosses the international border near Centerville, NB. Our Canadian neighbors had enough, and on July 9 1968, they built an earthen dam to stop the flow of waste. This caused an international stir all the way to Augusta, Maine, Washington, DC, and Ottawa, Canada. The local folks at Centerville, NB (population 1,200), made a point and created “the most international incident imaginable.” They removed the dam the very next day, to the relief of all the politicians.

Clean water for Maine and the nation became the operative words for our future. This one-day event sent a strong signal that our border province neighbor was not tolerating potato waste from Maine. James Ezra Briggs, the local House legislator, became involved and he saw to it that wastes had to be treated to clean up the Prestile.

These two activities in Maine (Daviau and Graham) preceded the CWA and rose to support the need for change. Governor Muskie was elected to the U.S. Senate from Maine after his term as governor of Maine. He saw the light and forged ahead to help solve the impacts of water pollution. Thus, the birth of the Clean Water Act.

A half-century to celebrate the Clean Water Act of 1972

It has been a long road and will continue to be so for all of humankind. Senator Edmund Muskie was an environmental leader and champion of the 1972 CWA and before that, the 1970 Clean Air Act. He was a native of Rumford, Maine; a graduate of Bates College and earned his law degree from

Cornell University. He later was elected to the Maine legislature, House, and Senate, became governor and then onto the US Senate in 1958. He recognized pollution as a public health problem and became chairman of the Senate Subcommittee on Air and Water Pollution. He was a pioneer in creating these two environmental masterpieces. These two acts might very well or could have been called “Muskie Acts.” However, he was recognized by the Senate and many non-government organizations as the “most important environmental leader” at that time. He maintained his devotion to environmental advocacy and knew how important it was to protect people’s health and welfare from pollution. He also strongly felt that protecting the environment also protected the economy, and he retained that commitment even during his failed attempt for the presidential race in 1968. He was always prepared in his committee deliberations with Senate colleagues who became impressed with facts that Muskie knew.

Muskie wanted to solve problems by being an inclusive legislator and felt that technology could be used to reduce pollution and safeguard human health. He never felt that compromise was a dirty word and really understood the collaborative approach to reach consensus. This strong belief was so instilled with the Senate in his time that the CWA survived a Presidential veto by then-President Richard Nixon on October 17, 1972. Nixon finally signed the act into law the very next day on October 18, 1972, after congress voted 247-23 to override the veto. So may we conclude that Ed Muskie’s work in the U.S. Congress represents the best legislative behavior of

the time, and he was a giant in environmental law-making of the two fundamental acts. I am proud that he hailed from the State of Maine.

This year, on October 18, 2022, we celebrate 50 years of the CWA, which has improved and protected the quality of not only our Maine waters, but waters across the United States. The CWA is and has been a long road long lived, and a model of supreme effectiveness for all people. The road to recovery is long because environmental protection is forever. This year we continue our journey with the CWA – a cause for this 50-year celebration in this millennium. We raise our glasses in the name of the CLEAN WATER ACT. My best to all humankind and for the inarticulate organisms that cannot speak for themselves.

References

- Daviau, J.G., *Maine Life Blood*. 1959. 139 p, House of Falmouth, Inc., Portland, ME.
- Goldstein, J.K. Edmund S. Muskie 1974, The Environmental Leader and Champion, *Maine Law Review*, Vol. 67(2): 226–232.
- Graham Jr., F. That Mess on the Prestile. 1970. *American Heritage Magazine*. Vol. 21(2): 6 p.

Matthew Scott is a retired chief biologist and division director for the Maine Department of Environmental Protection. He served as NALMS President from 1988 to 1989. 🇺🇸



We’d like to hear from you!

Tell us what you think of *LakeLine*.

We welcome your comments about specific articles and about the magazine in general.

What would you like to see in *LakeLine*?

Send comments by letter or e-mail
to editor Amy Smagula
(see page 7 for contact information).

