

Quick Reference: Clean Water Act (CWA)

Codified: 33 U.S.C. §1251 et seq.

Regulations: 40 C.F.R. pts. 104-149

Date Enacted: 1972

Amendments: None

Implementing Agency: EPA

Purpose: The stated objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

Scope of Application: The Clean Water Act applies most directly to all point sources that discharge pollutants into water bodies.

Required Permit: All point source dischargers must obtain a National Pollution Discharge Elimination System (NPDES) permit before discharging any pollutant into any navigable water of the United States.

State Implementation: With the approval of the EPA, states can issue NPDES permits within the state. The EPA, however, retains the authority to veto permits that would jeopardize the objectives of the Clean Water Act and the EPA can revoke a state's permitting authority if the program is not as stringent as the federal program. State requirements may be more stringent than the federal program.

Enforcement: Federal enforcement of the Clean Water Act can be: an administrative order requiring compliance or assessing a penalty, an action for civil penalties, or an action for criminal penalties. Enforcement actions can be brought by the federal government, the states, or citizens.

Summary of the major provisions: The Clean Water Act protects and restores the waters of the United States through both effluent limitations and water quality standards. The Clean Water Act controls the end-of-pipe pollution of point source dischargers through the NPDES permitting system. Permits specify effluent limitations for each discharger. The Act supplements end-of-pipe pollution control with ambient water-quality standards. Each water body of every state must meet certain water quality standards, which vary depending on the state's designated use of the water body. Water quality standards consist of numerical and narrative criteria. Water quality standards can be incorporated into effluent discharge limitations if the discharged pollutants potentially cause or contribute to a departure above any state water quality standard. Also, when point source effluent limitations are not stringent enough to meet water quality standards, states must develop total maximum daily load (TMDL) calculations for that water body, which help identify and reduce pollution inputs from both point and nonpoint sources of pollution.

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