

The Law

Federal Law

The Clean Water Act

The Clean Water Act is a 1977 amendment to the Federal Water Pollution Control Act of 1972, which set the basic structure for regulating discharges of pollutants to waters of the United States. The law gave EPA the authority to set effluent standards on an industry basis (technology-based) and continued the requirements to set water quality standards for all contaminants in surface waters. The CWA makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit (NPDES) is obtained under the Act. A 1977 amendment focused on toxic pollutants. In 1987, the CWA was reauthorized and again focused on toxic substances, authorized citizen suit provisions, and funded sewage treatment plants (POTW's) under the Construction Grants Program.

The National Environmental Policy Act

This 1969 legislation established a national policy for the environment. Its purposes are "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality."

Coastal Zone Act Reauthorization Amendments (CZARA)

Administered by the National Oceanic and Atmospheric Administration (NOAA), this program addressed nonpoint pollution problems in coastal waters. The code requires the 29 states and territories with approved Coastal Zone Management programs to develop Coastal Nonpoint Pollution Control Programs.

State Law

Pollution Measures

The federal Environmental Protection Agency (EPA) works with states to plan, set priorities, and innovate to solve environmental problems.

In California in 1999, Governor Gray Davis signed two bills (1999 AB 1004 and SB 709) requiring regulatory boards to issue fines against violators. The law requires that water polluters receive a minimum fine of \$3,000. In the past, fines had been issued at the discretion of boards, which issued fines in only 1 percent of 4,748 violations.

Permits

What Type of Permits Are Required For Wastewater Discharges?

There are three major categories of permits for wastewater discharges.

- **The Surface Water Discharge Permit Program**, also known as the National Pollutant Discharge Elimination System (NPDES_ under Federal law, regulates discharges into surface waters (either directly or through municipal *storm* sewer drainage systems or through other drainage systems such as wetlands or swales).

- **The Ground Water Discharge Permit Program** regulates discharges to ground water from any source, including but not limited to large septic systems, agricultural waste management systems and all waste landfills.
- **The Pre-treatment Permit Program** – National Pretreatment Standard regulation promulgated by the EPA in accordance with Section 307 (b) and (C) of the Clean Water Act which provides limitations on the introduction of pollutants into POTW's. This term includes the prohibited discharge standards under 40 CFR 403.5, including local limits to (40CFR 403.3 (j)).

All the local water quality control agency regulate discharges to their POTW, through municipal *sanitary sewer* drainage systems or through *combined storm and sanitary* sewer systems. All wastewaters (excluding domestic sewage) hauled or discharged directly to a POTW will require either a pretreatment permit or will be regulated under the POTW's permit. Prior to discharging wastewater to the sewer, the oil, grease, paints, suspended solids and metals must be reduced to levels acceptable to the standards set by the local POTW.

In making a decision on a permit application, the local water quality control regulators must determine the proposed discharges will not cause pollution to our nation's water. In doing this, the staff needs to review the potential for:

- 1.) Any adverse effects on existing and designated uses of the water as defined by the State Water Quality Standards and Criteria
- 2.) Any interference with or diverse effects upon the operation of the POTW
- 3.) Any systems and methodologies proposed to counteract such adverse effects and the minimize the discharge of pollutants

Who Must Apply For Permits

Any person or municipality that discharges water, substances or materials into the waters of the State is required to obtain a permit prior to commencing the discharge. Waters of the States include all surface and ground waters, sanitary and storm sewers.

Review and Processing

Upon receipt of the application package and fees, a preliminary review of the application is conducted for sufficiency and general consistency with applicable standards and criteria. A detailed technical review is conducted to determine the extent of any adverse impacts on the waters of the State, including any adverse impacts upon the operation of a POTW. This review will include consideration of any treatment systems or other control technology proposed to counteract or mitigate any adverse impacts. Upon completion of this technical review and approval, a discharge permit is issued.

Ninety (90 day Periodic Compliance Report – As part of an going monitoring process, in accordance with the terms set by our written sewer discharge permits, we are required to file reports every 90 days that documents and certifies that we are in compliance status (40CFR 403.12 (d)) We must confirm that our pretreatment process reduces the pH and amount of pollutants in our wastewater to local limits prior for acceptable sewer discharge (40 CFR 403.3 (q)).

Self-monitoring – We are required to conduct periodic sampling and analyses of our wastestreams by independent laboratory testing to ensure compliance with our permits (403.23 (b) & (g)).