

Clean Water Act

Agencies: U.S. Environmental Protection Agency

Citation: [33 U.S.C §§ 1251 et seq.](#)

Enacted as: the “Federal Water Pollution Control Act”, on June 30, 1948 (Clean Water Act became the common name with the 1972 amendments)

Summary:

The [Clean Water Act \(CWA or Act\)](#) establishes the basic structure for regulating discharges of pollutants into U.S. waters and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. “Clean Water Act” became the Act’s common name through amendments in 1977. The CWA’s goal is to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters. The Act regulates both the direct and indirect discharge of pollutants into the Nation’s waters. Section 301 of the Act (33 U.S.C. § 1311) prohibits the discharge into navigable waters of any pollutant by any person from a point source unless it is in compliance with a [National Pollutant Discharge Elimination System \(NPDES\)](#) permit.

Section 311 of the CWA (33 U.S.C. § 1321) regulates the discharge of oil and other hazardous substances into navigable waters and waters of the contiguous zone, as well as onto adjoining shorelines, that may be harmful to the public or to natural resources (section 311(b)(1)). The Act allows the federal government to remove the substance and assess the removal costs against the responsible party (section 311(c)). The CWA defines removal costs to include costs for the restoration or replacement of natural resources damaged or destroyed as a result of a discharge of oil or a hazardous substance (section 311(f)(4)).

CWA section 313 (33 U.S.C. § 1323) provides that federal facilities and covered activities shall be subject to, and comply with, all federal, state, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity including the payment of reasonable service charges.

Section 404 (33 U.S.C. § 1344) of the Act authorizes the U.S. Army Corps of Engineers to issue permits, after notice and opportunity for public hearings, for the disposal of dredged material into navigable waters. Generally, projects which move material in or out of waters or wetlands require section 404 permits. Section 401 of the Act provides that projects that involve discharge or fill to wetlands or navigable waters must obtain certification of compliance with state water quality standards (33 U.S.C. § 1341(a)(1)).

Source: [33 U.S.C §§ 1251 et seq.](#) and <http://www.epa.gov/lawsregs/laws/cwa.html>

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