

The NPDES permits impose two types of limitations on point-source polluters:

- Technology-Based Effluent Limitations, or limits upon the contents of the effluent based upon the available treatment technology, and
- Water-Quality-Based Effluent Limitations, which depend upon the standards established for the quality of the water body (including groundwater bodies) into which the discharge takes place.

What about dredge and fill?

The Clean Water Act requires separate permits for the discharge of dredge and fill material into navigable waters or wetlands. Dredge and fill permits are issued by the Corps of Engineers, but the EPA has a veto power over Corps issued permits. The EPA may enforce permits issued by the Corps or when delegated to a state.

What about oil and hazardous substances?

The Act also prohibits discharges of oil or specified hazardous substances. It further requires that all spills be reported immediately if the amount spilled is greater than the individual "reportable quantities" which the EPA has specified for each of some 300 designated "hazardous substances." Reporting spills to the National Response Center (see Appendix for phone number) quickly insulates the offender from criminal prosecution, but not from civil liability. It also provides for the clean-up of oil spills through a revolving fund managed by the U.S. Coast Guard.

What are the penalties?

Extent of criminal liability under the Act depends primarily on whether the violator is simply negligent (with fines up to \$25,000 per day and one year in prison), knowing of his violation (\$50,000 per day and three years), or knowingly places others in serious, imminent danger (\$250,000 and 15 years). All these penalties may be doubled for subsequent violations and some may be greater for corporations.

The Act also provides for civil and administrative penalties of up to \$25,000 per day for each violation of the Act or an NPDES permit. Injunctive relief (which forces violators to cease polluting) or other court-ordered relief is also available.

Source: 33 U.S.C. § 1251 to 1387.

Resource Conservation and Recovery Act (RCRA)

Overview

The RCRA is intended as a comprehensive authority for all aspects of managing hazardous wastes, and creates separate requirements for its categories of generators, transporters, and facilities for treatment, storage or disposal of hazardous waste. These requirements, which include permitting for many facilities and exhaustive record keeping for all phases of management, are intended to track the movement and handling of the waste until it reaches its final point of disposal. This is known as the "cradle to grave" approach to monitoring wastes.

The Act also sets out standards for the disposal of solid wastes which includes

- trash, garbage and sludge; and
- liquid, semi-solid waste and contained gases.