

Enforcement. The states, upon approval by the EPA, become the primary enforcement body. In the event a state fails to act, the federal government enforces the Clean Water Act provisions.

Operators of point sources are required to: maintain operational records, make reports, install, use, and maintain certain monitoring equipment or methods, and take samples. As may be required by the enforcement agency, those enforcing this Act have the right to enter and inspect any point source operation. The enforcement officials have the option to bring a civil suit against a violator or issue an order to seek compliance. Civil fines can range up to \$10,000 per day for a willful or negligent violation. Fines range from \$2,500 to \$25,000 per day plus up to one year imprisonment. The courts also have the right to halt immediately any operations which cause pollutants to be illegally discharged.⁹

Non-point source.

A non-point source is an operation which discharges pollutants into waterways without having an identifiable "point" of discharge.¹⁰ For example, all agricultural activities producing run-off entering into waterways are non-point sources. A farmer who sprays his fields with a pesticide will be operating a non-point source of pollution, if when it rains, run-off containing pesticide residue enters a stream, creek, river or lake.

At this time, however, there are no federal standards controlling the discharge of pollutants by these sources, nor are there applicable national performance standards if the pollutant discharges are not considered to be toxic. Exceptions may exist within the states, and the reader is encouraged to consult appropriate state laws.

Certain pollutants are designated as toxic by the EPA. The standards applicable to toxic pollutant discharge are more stringent than those applicable to non-toxic substances. A list of all substances currently designated as toxic are listed in the Code of Federal Regulations.¹¹