



Wastewater treatment equipment, such as this system from Water Treatment Technologies that was specifically designed for the stone industry, can help stone fabrication companies avoid butting heads with regulations established in the Clean Water Act

# Stone Fabrication and the Clean Water Act

What you don't know may cost you big bucks

By Greg Smith

**The Clean Water Act was put in place to safeguard one of the most important natural resources we have — our water. While few will argue that is not a good thing, when it comes to wastewater management, just understanding what is required can be a real headache. So, here is a primer on how stone fabrication companies fit into the regulatory procedures established by the CWA.**

“Growing public awareness and concern for controlling water pollution led to enactment of the Federal Water Pollution Control Act Amendments of 1972,” according to the U.S. Environmental Protection Agency. “As amended in 1977, this law became commonly known as the Clean Water Act. The Act established the basic structure for regulating discharges of pollutants into the waters of the United States. It gave the EPA the authority to implement pollution control programs such as setting wastewater standards for industry. The Clean Water Act also continued requirements to set water quality standards for all contaminants in surface waters. The Act made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. It also funded the construction of sewage treatment plants under the construction grants program and recognized the need for planning to address the critical problems posed by nonpoint source pollution.”

Generally, the discharge water from stone cutting operations could contain regulated pollutants such as residue and sediment from the stone itself and lubricants or any other chemicals associated with use of the cutting equipment. The quantity of such discharges can be substantial in some operations, as much as 100,000 gal. per day or more.

Stone cutting operations that discharge pollutants into regulated waterways, whether directly or indirectly, require permits under the Clean Water Act. It is unlawful for a point source to discharge wastewater except in compliance with a permit. (CWA § 301(a)). “Discharge” is defined in the Act as “any addition of any pollutant to navigable waters from any point source.” (CWA § 502(12)). Any discreet conveyance constitutes a regulated point source even if the discharge does not directly enter a waterway. Thus, discharges from mining mineral cutting or processing operation, among other source categories, are covered under the Act. In many instances, discharges into municipal wastewater systems require Clean Water Act permits, as do on-site treatment systems that discharge into waterways or the municipal system.

Regulated pollutants include industrial waste, minerals, rock, sand, dirt and their constituents. The Act broadly construes the term pollutant to include just about any substance that can affect water quality — even if such substances are naturally occurring.

The waters into which a discharge is regulated include lakes, rivers, seas, wetlands and can include isolated water bodies such as small lakes, ponds and wetlands. Approval to discharge into such waters requires issuance of a permit under the National

Pollutant Discharge Elimination System (NPDES). Every permit is required to contain restrictions on the “quantities, rates, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources into navigable waters,” states the court case *S. Florida Water Mgmt Dist v. Miccosukee Tribe of Indians*, 541 U.S. 95 (2004).

The limits can vary based on the water quality classification and designated uses of the receiving waterway. The limits are technology based, using technology standards that vary depending on the type of pollutant involved, the type of discharge involved and whether the point source involved is new or preexisting.

Permits generally contain stringent requirements for monitoring and analyzing regulated constituents in discharges. The Clean Water Act and NPDES permits issued thereunder may be enforced by EPA, states and citizens. Penalties of up to \$25,000 per day are authorized for violations of discharge limits. ■

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*More information on the Clean Water Act is available through the U.S. Environmental Protection Agency's Office of Water at 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460, [www.epa.gov](http://www.epa.gov).*