Groundwater: Where Regulations Intersect

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Laws

- Safe Drinking Water Act
- Clean Water Act
- State Specific
Programs

• Underground Injection Control
• National Pollutant Discharge Elimination System
• Permitting
• Compliance
• Enforcement
Traditional Intersection

• Source Water Protection
  – Nutrients
  – Sediment
  – HABs

• Water Quantity

• Use, Reuse, Disposal
“New” Legal Intersections

- Injection well ➔ navigable water
- Impoundment/pond ➔ ground water or surface water
- Pipeline ➔ surface water or ground water
- Landfill leachate ➔ ground water or surface water
- Sewer Overflows ➔ ground water to navigable water
Key Questions

• Is the activity already regulated?
• Is the activity being conducted in accordance with other state and federal regulations?
• Is the discharge a planned, authorized activity or is it an illicit activity?
• What is the role of permitting vs enforcement discretion?
Late Breaking News

• Supreme Court has agreed to take up the cases that caused the split in the circuit courts
• EPA expected to take action in “spring”
  – Over 50,000 comments received
  – Supreme Court has already asked for the government’s opinion