

United States Code Annotated

Title 33. Navigation and Navigable Waters (Refs & Annos)

Chapter 26. Water Pollution Prevention and Control (Refs & Annos)

Subchapter III. Standards and Enforcement (Refs & Annos)

33 U.S.C.A. § 1312

§ 1312. Water quality related effluent limitations

[Currentness](#)

**(a) Establishment**

Whenever, in the judgment of the Administrator or as identified under [section 1314\(l\)](#) of this title, discharges of pollutants from a point source or group of point sources, with the application of effluent limitations required under [section 1311\(b\)\(2\)](#) of this title, would interfere with the attainment or maintenance of that water quality in a specific portion of the navigable waters which shall assure protection of public health, public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water, effluent limitations (including alternative effluent control strategies) for such point source or sources shall be established which can reasonably be expected to contribute to the attainment or maintenance of such water quality.

**(b) Modifications of effluent limitations**

**(1) Notice and hearing**

Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the Administrator shall publish such proposed limitation and within 90 days of such publication hold a public hearing.

**(2) Permits**

**(A) No reasonable relationship**

The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for pollutants other than toxic pollutants if the applicant demonstrates at such hearing that (whether or not technology or other alternative control strategies are available) there is no reasonable relationship between the economic and social costs and the benefits to be obtained (including attainment of the objective of this chapter) from achieving such limitation.

**(B) Reasonable progress**

The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for toxic pollutants for a single period not to exceed 5 years if the applicant demonstrates to the satisfaction of the Administrator that such modified requirements (i) will represent the maximum degree of control

within the economic capability of the owner and operator of the source, and (ii) will result in reasonable further progress beyond the requirements of [section 1311\(b\)\(2\)](#) of this title toward the requirements of subsection (a) of this section.

**(c) Delay in application of other limitations**

The establishment of effluent limitations under this section shall not operate to delay the application of any effluent limitation established under [section 1311](#) of this title.

**CREDIT(S)**

(June 30, 1948, c. 758, Title III, § 302, as added [Pub.L. 92-500](#), § 2, Oct. 18, 1972, 86 Stat. 846; amended [Pub.L. 100-4, Title III, § 308\(e\)](#), Feb. 4, 1987, 101 Stat. 39.)

33 U.S.C.A. § 1312, 33 USCA § 1312

Current through PL 117-51.

---

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.