

# What are the consequences of violating the Clean Water Act regarding groundwater quality

Violating the Clean Water Act (CWA) in relation to groundwater quality carries significant legal, financial, and environmental consequences. Below is a breakdown of the implications based on current regulations and judicial interpretations:

## Legal and Criminal Penalties

### 1. Civil and Criminal Fines:

- **Negligent violations** (e.g., discharging pollutants without a permit) can result in fines of **\$2,500–\$25,000 per day**, escalating to **\$50,000 per day** for repeat offenses<sup>[1][2]</sup>.
- **Knowing violations** (intentional disregard of regulations) may lead to fines of **\$5,000–\$50,000 per day**, with subsequent convictions reaching **\$100,000 per day**<sup>[1][2]</sup>.

### 2. Imprisonment:

- Individuals responsible for **knowing endangerment** (e.g., discharging hazardous substances that risk human health) face up to **15 years in federal prison**<sup>[2]</sup>.

### 3. Functional Equivalent Doctrine:

- The Supreme Court's 2020 ruling in *County of Maui v. Hawaii Wildlife Fund* expanded CWA jurisdiction to include **indirect discharges** into groundwater that are the "*functional equivalent*" of direct surface water pollution<sup>[3]</sup>. Courts evaluate factors like:
  - Time and distance traveled by pollutants.
  - Nature of the material through which pollutants move.
  - Degree of pollutant dilution or chemical change<sup>[3]</sup>.

## Environmental and Health Impacts

### 1. Groundwater Contamination:

- Pollutants like PFAS and 1,4-Dioxane can infiltrate drinking water supplies, causing **cancer, organ damage, and hormonal disruptions** in humans<sup>[4]</sup>.
- Contamination harms ecosystems, disrupting wildlife and reducing biodiversity<sup>[5][4]</sup>.

### 2. Public Water System Violations:

- Discharges into Publicly Owned Treatment Works (POTWs) that cause permit violations may trigger liability for **property damage or personal injury**<sup>[1]</sup>.

## Financial and Operational Risks

### 1. Municipal Costs:

- Cities face **litigation expenses** (e.g., Snohomish County's \$100K+ spent on CARA code appeals) and potential **remediation costs** for contaminated sites<sup>[4]</sup>.
- Non-compliance risks federal grants and permits being revoked<sup>[6]</sup>.

### 2. Regulatory Scrutiny:

- The EPA's 2023 draft guidance emphasizes stricter enforcement of the *County of Maui* ruling, requiring municipalities to evaluate groundwater discharges under the CWA's "functional equivalence" test<sup>[3]</sup>.

## Key Legal Precedents

- **County of Maui v. Hawaii Wildlife Fund (2020)**: Established that groundwater discharges *indirectly* reaching surface waters can violate the CWA<sup>[3]</sup>.
- **Drummond Co. Case (2022)**: A federal court ruled pollutants traveling 10–100 feet via groundwater to a river constituted a CWA violation due to minimal dilution and short transit time<sup>[3]</sup>.
- **Stone v. High Mountain Mining (2024)**: Highlighted the need for **conclusive evidence** of pollutant impact, as insufficient data led to dismissal of a functional equivalence claim<sup>[3]</sup>.

## Conclusion

Violating the CWA in groundwater management risks severe penalties, long-term health hazards, and operational disruptions. Proactive measures—such as prohibiting UIC wells in sensitive areas like CARAs—align with federal standards and mitigate legal exposure. Courts increasingly apply the *functional equivalence* test, making municipalities liable even for indirect pollution pathways. Addressing these issues promptly is critical to avoiding escalating fines and safeguarding public health.

<https://www.epa.gov/enforcement/criminal-provisions-water-pollution>

<https://lawshelf.com/shortvideoscontentview/the-clean-water-act>

<https://nationalaglawcenter.org/epa-weighs-in-on-supreme-court-decision-regarding-groundwater-and-the-cwa/>

<https://www.slenvironment.com/blog/groundwater-contamination-causes-consequences-and-solutions>

<https://www.freedomgpt.com/wiki/enforcement-of-laws-related-to-groundwater-quality>

<https://www.epa.gov/enforcement/clean-water-act-cwa-and-federal-facilities>