

TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 26--WATER POLLUTION PREVENTION AND CONTROL

SUBCHAPTER V--GENERAL PROVISIONS

Sec. 1370. State authority

Except as expressly provided in this chapter, nothing in this chapter shall (1) preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce (A) any standard or limitation respecting discharges of pollutants, or (B) any requirement respecting control or abatement of pollution; except that if an effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance is in effect under this chapter, such State or political subdivision or interstate agency may not adopt or enforce any effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance which is less stringent than the effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, or standard of performance under this chapter; or

The "standard of performance" under this chapter, section 1316 requires "a standard for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction".... "where practical (which means where "possible"), a standard permitting no discharge of pollutants" to be applied at any source of discharge and enforced by the State. This effluent standard is possible and available for implementation "everywhere" now and as such is required by the State authority.

TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 26--WATER POLLUTION PREVENTION AND CONTROL

SUBCHAPTER III--STANDARDS AND ENFORCEMENT

Sec. 1316. National standards of performance

(a) Definitions

For purposes of this section:

(1) The term "standard of performance" means a standard for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.