

Your Rights Under the Clean Water Act

Fact Sheet for Community Members & Coalfield Residents

The **Clean Water Act (CWA)** is one of the strongest environmental laws in the United States. It protects rivers, streams, wetlands, and drinking-water sources from pollution- and gives **you** specific rights to know about, challenge, and stop harmful discharges. This fact sheet explains what the CWA covers, what your rights are, and how you can use the law to protect your community.

What the Clean Water Act Does

The Clean Water Act:

- Limits discharges of pollutants into U.S. waters
 - Requires companies and government agencies to obtain permits for pollution
 - Protects streams, wetlands, rivers, lakes, and other waters that feed drinking-water systems
 - Requires public participation in decisions about water pollution
 - Establishes enforcement tools for citizens and regulators
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Your Rights Under the CWA

1. Your Right to Know

You have the right to:

➤ Access permits and pollution information

Under the CWA, all discharge permits (NPDES permits), monitoring reports, and compliance records must be available to the public.

You can access them through:

- **EPA's Enforcement and Compliance History Online (ECHO) database**
- **State environmental agency websites**
- **Public records requests (Right-to-Know or FOIA)**

➤ **Be notified about proposed discharges**

Any new NPDES permit, renewal, or major modification must go through:

- Public notice
- Public comment
- Possibility of a public hearing

If a proposed mine or facility could affect your water, you have the right to be informed.

2. Your Right to Participate

The Clean Water Act guarantees meaningful public participation. This includes:

➤ **Submitting comments**

You may submit written comments on new or modified pollution permits. Agencies must read and respond to all substantive comments.

➤ **Requesting a public hearing**

If you believe a permit could affect water quality, you may formally request a hearing. Agencies must consider your request and may schedule one if there is significant public interest.

➤ **Challenging weak permits**

If a permit is issued that risks harming local waters or fails to meet CWA standards, you may:

- File an administrative appeal
- Request agency reconsideration
- Seek legal assistance for judicial review

Public participation can and does change the conditions of permits.

3. Your Right to Clean Water

Under the CWA:

- Waters must meet **designated uses** (drinking water, recreation, aquatic habitat, etc.)
- States must monitor and report impaired waters
- Polluters must reduce or eliminate discharges if a waterway fails to meet standards
- Government must develop cleanup plans (TMDLs) for polluted waters

If a stream near you is unhealthy, you have the right to demand action.

4. Your Right to Report Violations

You can report water pollution concerns to:

- **State environmental agencies**
- **EPA regional offices**
- **National Response Center (for spills)**
- **Local emergency management**

This includes:

- Illegal dumping
- Discharges without a permit
- Mines polluting streams
- Sediment runoff
- Failure to meet permit limits
- Coal refuse or slurry entering waterways

Regulators *must* investigate substantial complaints.

5. Your Right to File a Citizen Suit

If regulators fail to act, you may use the CWA's **citizen suit provision** to:

- Stop illegal pollution
 - Enforce permit requirements
 - Require government agencies to fulfill their duties
- Citizen suits require a 60-day notice before filing, and many are brought with the support of nonprofit environmental organizations.
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What Waters Are Protected?

The Clean Water Act covers:

- Rivers, streams, and creeks (including many small, headwater streams)
- Wetlands
- Lakes and ponds
- Waters connected to larger navigable waters
- Groundwater *when directly connected to surface waters*
- Streams receiving mine drainage or runoff

Protection varies by state and recent court decisions. If in doubt, contact a qualified advocate or attorney.

Key Tools & Terms Under the CWA

NPDES Permits

National Pollutant Discharge Elimination System permits limit what a mine or industry can discharge into waterways.

Water Quality Standards

Rules that set limits on pollutants and protect designated uses.

TMDLs

Cleanup plans for rivers or streams that fail water quality standards.

Section 404 Permits

Permits required for dredging and filling waters and wetlands- often relevant to surface mines.

How You Can Use the Clean Water Act in Your Community

- Track NPDES permits for mines and coal facilities
- Review discharge monitoring reports (DMRs) for violations
- Document pollution (photos, water color, odors, fish kills, etc.)
- Submit public comments and testify at hearings
- Report violations
- Work with environmental groups to challenge unlawful discharges

Community oversight is one of the strongest protections for water quality.