

Seven Factors (Supreme Court, *Maui*)

- (1) transit time
- (2) distance traveled
- (3) the nature of the material through which the pollutant travels
- (4) the extent to which the pollutant is diluted or chemically changed as it travels
- (5) the amount of pollutant entering the navigable waters relative to the amount of the pollutant that leaves the point source
- (6) the manner by or area in which the pollutant enters the navigable waters, and
- (7) the degree to which the pollution (at that point) has maintained its specific identity

The Court explained that the “functional equivalent” analysis can be further refined through court decisions in individual cases – the traditional common-law method – and through EPA administrative actions or guidance.