

Stormwater Permit MANUAL

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EPA Seeks Comments on Numerical Effluent Limitations Guidance

The U.S. Environmental Protection Agency (EPA) announced March 17 that it will accept comments on the November 2010 memorandum, which revises stormwater rules to include numeric effluent limitations, until May 16, 2011. While state and municipal water officials have generally opposed numeric nutrient standards, EPA cites not only the feasibility but also the utility of implementing numeric effluent limitations to address key water quality issues. An initial framework for reducing two particular nutrients, phosphorous and nitrogen, was released March 16, as a planning tool for states and stakeholders. After considering stakeholder response, EPA will decide by Aug. 15 whether to retain, reissue or withdraw the memo. EPA had intended to propose the rule in September and have it finalized by May 2012. *Page 2*

Federal District Court Denies Unopposed Consent Decree Request

The U.S. District Court for the Northern District of Ohio rejected a U.S. Department of Justice (DOJ) request to enter into a consent decree with Akron, Ohio, to resolve Clean Water Act violations. Judge John Adams' March 17 ruling followed a two-day "fairness hearing" in January and marked an unusual outcome to an unopposed request. The court noted that, based on EPA guidance, a decree of approximately 10 years would be appropriate. The rejected decree would have granted Akron nearly 19 years to ameliorate its combined sewer overflows. Parties must now participate in a three-part civil trial before Judge Adams beginning May 31. Cheri B. Cunningham, director of law for Akron, said that the city will appeal the order to the U.S. Court of Appeals for the Sixth Circuit. *Page 3*

EPA Taps into Technology for Reporting, Regulating CWA Actions

In an effort to pursue the agenda of the Office of Enforcement and Compliance Assurance's Clean Water Act Action Plan, the U.S. Environmental Protection Agency (EPA) has turned to technology. On March 24, EPA released the National Clean Water Act Trends Map, an online, interactive mapping tool, along with updated data from the 2009 Annual Noncompliance Report, which together enable the public to track water quality over the past two years. EPA also plans to implement an electronic reporting rule that will require all facilities with CWA discharge permits to file periodic discharge monitoring reports and other information electronically. Deemed an enforcement and compliance priority, EPA anticipates that the electronic recording rule will lead to an improvement in water quality and enforcement. *Page 4*

Also In This Issue

New York City announced a waterfront sustainability plan that includes: \$650 million to improve combined sewer overflows; \$180 million to manage stormwater runoff; and \$140 million to aid drainage. 5

The Washington State Department of Transportation was found liable for response costs, estimated at \$6.8 million, associated with the release of stormwater from the Tacoma Spur roadway and its drainage system into two waterways. 6

Los Angeles County Flood Control District was held liable for contaminated discharges that passed through monitoring stations in the Los Angeles River and the San Gabriel River of its storm sewer system. 6

The Department of Justice released a memorandum opinion that federal agencies may use their general lump-sum appropriations to pay for stormwater assessments. 7

The National Academy of Sciences will conduct a study to determine the cost of implementing EPA's numeric nutrient criteria in Florida. 7

Seven municipalities in the East Bay Municipal Utility District agreed to settle Clean Water Act violations in the San Francisco Bay area by updating their sewage infrastructure and collection systems. 8

In The Update

- Updates to the Missouri program pages in Tab 800 of the *Manual*.

Contact Us

Customer Service: (800) 677-3789

Online: www.thompson.com

Editorial: (202) 872-4000