



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 27 2007

**Construction and Development Effluent Limitations Guidelines
Second Report on Status of Rulemaking – due August 1, 2007**

OFFICE OF
WATER

Pursuant to the Permanent Injunction and Judgment in *Natural Resources Defense Council, et al. v. U.S. Environmental Protection Agency*, CV 04-8307-GHK (C.D. Cal.), the U.S.

Environmental Protection Agency (“EPA” or “the Agency”) provides this second status report concerning its actions during the period of April, 2007 through July, 2007 to propose and take final action with respect to effluent limitations guidelines and new source performance standards for the construction and development industry.

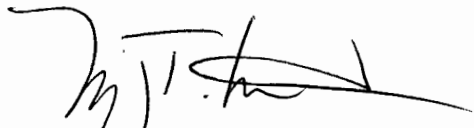
1. During this reporting period, EPA has continued work on activities started during the last reporting period and has initiated work on a number of new activities to develop final effluent limitations guidelines and new source performance standards for the construction and development industry.
 - a. EPA prepared a final analytic blueprint. An analytic blueprint is a document prepared for many EPA regulatory and non-regulatory projects. The blueprint describes the Agency’s approach for data collection, discusses potential regulatory options, and describes various legal and policy implications for various approaches, among other things.
 - b. EPA has continued to collect relevant information and data.
 - i. EPA has collected baseline information on erosion and sediment control and stormwater management requirements for each state.

- ii. EPA completed a literature search to identify recent data on the performance of stormwater runoff practices. EPA is continuing to collect literature and data on costs of stormwater management practices, environmental impacts of land development activities and environmental and economic benefits of stormwater management strategies.
 - iii. EPA has collected databases and spreadsheets containing information culled from Notices of Intent from construction stormwater permits issued by twenty-one states as well as some territories and tribes. A Notice of Intent generally informs the permitting authority of an operator's intent to be covered by a general permit and is filed with the relevant permitting authority. See 40 C.F.R. § 122.28(b)(2). EPA has begun to analyze this data to determine distributions of construction site sizes and project types nationwide.
 - iv. EPA is analyzing land use databases, including the U. S. Department of Agriculture's National Resources Inventory and the EPA/U. S. Geological Survey's National Land Cover Dataset to determine the geographic distribution of new land development activities and to characterize land development rates on various geographic scales including watersheds, states and the nation as a whole.
- c. EPA has met with stakeholders to discuss this rulemaking.
- i. EPA met with representatives of the Natural Resources Defense Council on April 30th, June 4th and June 27th to discuss the Agency's rulemaking process.

- ii. EPA met with representatives of the National Association of Local Government Environmental Professionals on May 2nd to discuss the Agency's rulemaking process.
- iii. EPA held a conference call with representatives of the Waterkeeper Alliance on May 14th to discuss stormwater benefits assessment methodologies.

2. There were no milestones during this reporting period, and the Agency is on schedule to meet all remaining project milestone deadlines described in the Court order. The next milestone is to complete data collection, identification of best options, and development of all cost-benefit models by December 1, 2007. EPA projects that the milestones in the district Court's December 1, 2006 order will be met in accordance with the schedule set forth in that order. The next status report to the Court is to be filed by December 3, 2007.

The undersigned, Mary T. Smith, is Director of the Engineering and Analysis Division of EPA's Office of Water. The Engineering and Analysis Division has primary responsibility for discharging EPA's duties under this court order.



Mary T. Smith, Director
Engineering and Analysis Division
U.S. Environmental Protection Agency