



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

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OFFICE OF
WATER

**Construction and Development Effluent Limitations Guidelines
Report on Status of Rulemaking – Due April 2, 2007**

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 status report concerning its actions during the period of December, 2006 through March, 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 initiated a number of activities to begin work on developing final effluent limitations guidelines and new source performance standards for the construction and development industry.
 - a. EPA prepared a draft 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. The draft analytic blueprint will be finalized later in 2007.

- b. EPA has formed an Agency workgroup. The workgroup consists of representatives from the program offices at EPA's headquarters as well as representatives from EPA's regional offices. The workgroup assists in data collection, in formulation of regulatory options, and in evaluating various legal and policy implications of regulatory options. The workgroup also assists in preparing a final analytic blueprint.
 - i. The workgroup met on March 6, 2007 to discuss EPA's draft analytic blueprint and to discuss data collection strategies.
- c. EPA held internal discussions and discussions with representatives of other Federal entities regarding administrative requirements for this particular rule.
- d. EPA has started to collect relevant data.
 - i. EPA has begun to collect updated baseline information on state and municipal erosion and sediment control and stormwater management requirements.
 - ii. EPA has initiated a literature search to identify recent data on storm water Best Management Practice (BMP) costs and performance and environmental impacts of stormwater runoff.
- e. EPA has met with stakeholders to discuss this rule.
 - i. EPA met with the Natural Resources Defense Council on January 10th to discuss the Agency's rulemaking process.
 - ii. EPA met with representatives of the Maryland Department of the Environment on February 12th to review Maryland's erosion and

sediment control and stormwater management programs and to solicit input on methods to evaluate other state erosion and sediment control and storm water management requirements.

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 August 1, 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