



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

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OFFICE OF
WATER

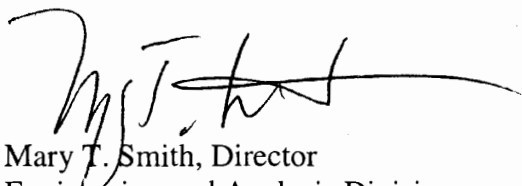
**Construction and Development Effluent Limitations Guidelines
Report on Status of Rulemaking – Due August 1, 2008**

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 April, 2008 through July, 2008 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 previous reporting periods to develop final effluent limitations guidelines and new source performance standards for the construction and development industry.
 - a. EPA has continued to refine the models used to estimate industry costs and pollutant loadings and developed estimates of costs and pollutant loadings reductions for an array of technology options.
 - b. Using the updated national water quality model, EPA has evaluated water quality improvements that would be realized by different technology options.
 - c. EPA has estimated economic impacts and monetized benefits that would be associated with the different technology options.

- d. EPA has prepared a draft rulemaking package including drafts of the technical support documents.
2. The preceding paragraph describes EPA's progress in meeting the December 1, 2008 milestone deadline. The Agency has met all project milestones required to be completed to date and expects to meet all remaining project milestone deadlines described in the Court order. Although EPA indicated in its April 1, 2008 status report that the Agency did not plan to convene an Advocacy Review Panel under the Regulatory Flexibility Act, EPA now plans to convene such a panel. Hence, the Agency no longer anticipates the possibility that it will promulgate a final rule during this calendar year. EPA currently expects to meet the requirement of the decree requiring publication of the proposed rule on or before December 1, 2008 and publication of the final ELGs and NSPS on or before December 1, 2009. The next status report to the Court is to be filed by December 1, 2008.

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