

Ensuring Stronger Stormwater Protections

NATURAL RESOURCES DEFENSE COUNCIL (NRDC) AND ENVIRONMENTAL DEFENSE CENTER (EDC) FILE LAWSUIT TARGETING URBAN AND FOREST ROAD RUNOFF

NRDC and EDC have joined forces to file a lawsuit challenging the failure of the Environmental Protection Agency (EPA) to comply with a court order on stormwater pollution, issued more than ten years ago. The original court order was the result of a lawsuit that the same organizations won in 2003. This suit, like the last one, seeks to strengthen standards to prevent pollution from stormwater, one of the nation's most widespread forms of water pollution. In particular, the lawsuit targets stormwater pollution from small municipalities (serving populations under 100,000) and forest roads.

As the Court in the 2003 order noted, stormwater "is one of the most significant sources of water pollution in the nation, at times comparable to, if not greater than, contamination from industrial and sewage sources."

URBAN RUNOFF

- In urban areas, small municipal separate storm sewer systems (MS4s) collect stormwater from developed areas and discharge it to nearby streams, rivers, lakes, and coastal waters.
- Stormwater picks up contaminants, including metals, algae-promoting nutrients, used motor oil, bacteria, pesticides, and trash, that flow untreated through municipal storm sewer pipes directly into our waterways.
- Urban runoff is the prime cause of beach closings around the country, and is responsible for fouling tens of thousands of miles of streams and hundreds of thousands of acres of lakes, ponds, and reservoirs.
- Stormwater causes countless illnesses in swimmers each year.



Photo courtesy of Santa Barbara City Creeks Division.

FOREST ROAD RUNOFF

- Forest roads—many of them dirt or gravel—are used for logging, oil and gas drilling, recreation, fire protection, or other purposes.
- EPA has concluded that forest roads are a "major source of erosion from forested lands, contributing up to 90 percent of the total sediment production from forestry operations."
- Sediment pollution from forest roads can damage aquatic habitats by smothering benthic organisms, increasing turbidity, reducing light penetration, and reducing dissolved oxygen.



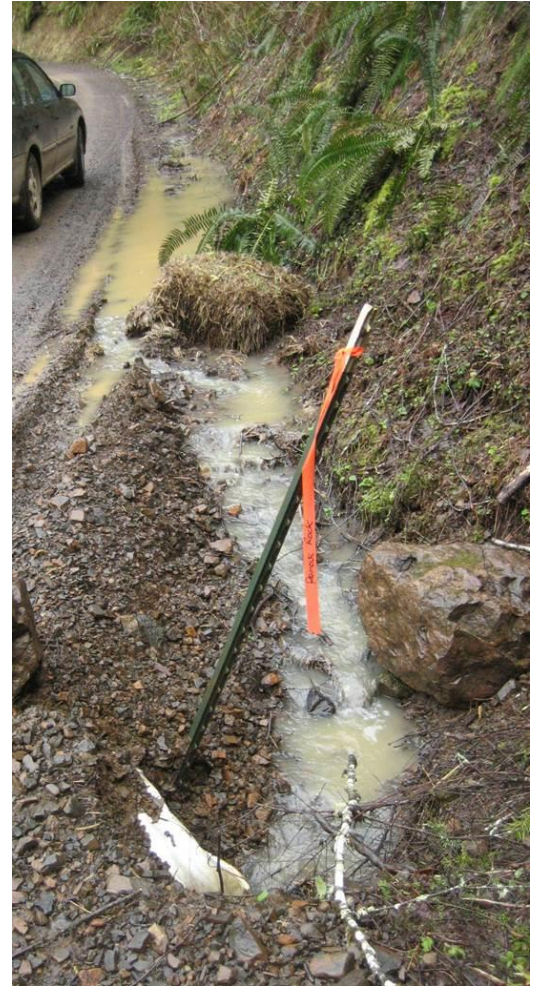
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- Forest road stormwater contaminates drinking water supplies: approximately 60 million people rely on National Forest lands as the primary source of their drinking water.

ENFORCEMENT OF EPA OBLIGATIONS UNDER EDC v. EPA

NRDC and EDC initially challenged EPA's 1999 stormwater regulations for failure to meet Clean Water Act requirements concerning state and federal oversight of small municipal storm sewer systems and public participation in the permitting process for those systems, as well as the failure to address a critical source of water pollution, forest road runoff. In 2003, the 9th Circuit Court of Appeals ordered EPA to strengthen and correct rules for urban runoff that flows through small municipal storm sewer systems, and examine the evidence on forest road runoff to determine whether it is necessary to regulate that water pollution source.

More than a decade later, EPA has failed to comply with the Court's order on both issues. NRDC and EDC have filed a petition in the same Court that issued this order to enforce the duties it imposed on EPA. The goal of the lawsuit is to protect our oceans, lakes, rivers, and streams so that they are safe for drinking water, recreation, and wildlife.



To learn more about the case and these issues, read the [Legal Filing](#) or [Larry Levine's Blog](#), or contact NRDC Senior Attorney, Larry Levine, (212) 727-4548, or EDC Staff Attorney, Maggie Hall, (805) 963-1622.

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 1.4 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. Visit us at www.nrdc.org and follow us on Twitter [@NRDC](#).

The Environmental Defense Center, a non-profit law firm, protects and enhances the local environment through education, advocacy, and legal action and works primarily within Ventura, Santa Barbara, and San Luis Obispo Counties. EDC represents itself and other organizations to advance environmental protection. Learn more at www.EnvironmentalDefenseCenter.org.