

February 26, 2013

News Release

For Immediate Release

EPA, City to Jointly Revise Water Quality Mandates

The U.S. Environmental Protection Agency (EPA) last week agreed to work with the City of Springfield on redeveloping Clean Water Act mandates, after agreeing to reconsider the mandates challenged by the City.

The EPA filed a motion "respectfully mov(ing) the Court to vacate the agency actions challenged by the Plaintiff" (the City of Springfield), stating they would like to 'reconsider the challenged TMDLs in light of Plaintiff's complaint...".

The City of Springfield filed a lawsuit in September 2011, asserting that the EPA went beyond its authority under the Clean Water Act, when it established rules governing Total Maximum Daily Load (TMDL) limits of pollutants into Wilson's, Jordan and Pearson Creeks. TMDL rules are designed to limit the amount of pollutants that flow into a stream. EPA is charged with identifying the pollutant to be controlled.

Instead of identifying and addressing pollutants, EPA issued rules mandating a reduction of the flow of storm water into the three creeks by approximately 40% of an average 2" rain event. City officials said the proposed TMDL limits were unattainable, and asserted this approach exceeded EPA's authority by failing to identify or address a pollutant.

"The rules would have required the City to spend millions of dollars to reduce the flow of runoff in Springfield and restrict development, without sound and scientific evidence of water quality improvement," said City Manager Greg Burris. Also, the rules could have actually worsened a pollutant problem.

City Council and the City's environmental experts believed Springfield had an obligation to other local businesses, and entities, as well as other municipalities, to ensure enacted regulations are fair, attainable and environmentally sound.

In a recent Virginia federal court case, the judge determined the EPA's attempt to make storm water a pollutant exceeded the agency's authority under the Clean Water Act. "We believe this was part of the reason EPA determined to withdraw the TMDL following Springfield's challenge," Burris said.

Burris hopes City experts can work together with the EPA to redevelop new TMDLs. Because of that, the City did not oppose the EPA's court motion, and asked the agency to consider four steps during the TMDL redevelopment process:

1. An initial briefing with the City of Springfield on EPA's technical approach to redeveloping the TMDLs.
2. Access to the data EPA collects and/or will use to support the revised TMDLs at reasonable times during the TMDL redevelopment period.
3. Quarterly technical conference call updates, at the City's request, on the TMDL redevelopment status.
4. A briefing on the pre-publication draft of the TMDLs.

The EPA agreed.

"We felt these were modest steps as part of good inter-governmental coordination and should facilitate the development of regulations that are based on sound science and data and that truly address water quality issues," Burris said.

The City continues to move ahead with its storm water programs, including work underway by a Citizens' Stormwater Task Force. The Public Works Stormwater Engineering Division also continues to proceed with innovative green infrastructure programs, water quality testing and further updates of the City's storm water infrastructure.

Background

City Sues EPA to Challenge Stormwater Regulations

The City of Springfield filed a lawsuit against the Environmental Protection Agency challenging new federal rules related to stormwater runoff ([pdf](#)).

The suit was filed in September 2011 in U.S. District Court for the Western District of Missouri, Southern Division.

The City of Columbia filed a similar lawsuit earlier that year in relation to Nixon Creek.

The City of Springfield has demonstrated a strong and unwavering commitment to water quality and environmental stewardship during the last three decades. This record includes more than \$158 million in wastewater system improvements and \$60 million in storm water system improvements. Springfield has been recognized time and again at the state and national level for its outstanding water quality facilities, staff and programs.

The City and Greene County have worked together during the last five years to improve storm water quality by devoting fully half (or 1/8-cent) of the 2006 1/4-cent Countywide Parks Sales Tax to storm water projects. This tax was allowed to sunset in 2012.

The City established a new Environmental Services Department (created from the Sanitary Services Division of the Public Works Department) in July 2011, in part, to elevate the status of this function within the City and the community, and to deal with increasingly complex state and federal regulations.

"We are absolutely committed to not only maintaining, but improving, water quality in Springfield and the Ozarks," said Steve Meyer, Director of Environmental Services. "But we feel any improvements must be done on a realistic and attainable scale."

For more information, contact Cora Scott at 417-380-3352. City Manager Greg Burris is available for interviews Tuesday.