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News Release

For Immediate Release

City Sues EPA to Challenge Stormwater Regulations

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

The suit, filed today in U.S. District Court for the Western District of Missouri, Southern Division, challenges the EPA's recently established rules governing Total Maximum Daily Load (TMDL) limits of pollutants into Wilson's, Jordan and Pearson Creeks. The City believes the proposed TMDL limits are unattainable. TMDL rules are designed to limit the amount of pollutants that flow into a stream and EPA is charged with identifying the pollutant to be controlled.

In the newly issued TMDL rules, a pollutant was not identified. The EPA has stated that because it is unable to determine a specific pollutant or how to measure specific pollutant levels in stormwater runoff, it intends to regulate overall stormwater flow as a "surrogate" measure. EPA's new stormwater rule, left unchallenged, will require the City of Springfield to sharply and substantially reduce all stormwater runoff across the city. On Jan. 28, 2011, EPA Region 7 established TMDL limits for Pearson Creek, Wilson's Creek and Jordan Creek in Springfield, and Hinkson Creek in Columbia. EPA's TMDL report for Pearson, Wilson's and Jordan Creeks indicated the target is to achieve the same pollutant level as Bryant Creek, Bull Creek, North Fork River, and Spring Creek. The most urbanized area of these four reference streams is Bull Creek, which is only 2 percent urbanized.

The City of Columbia filed a similar lawsuit earlier this year in relation to Hinkson 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 \$130 million in wastewater system improvements and \$50 million in stormwater 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 stormwater quality by devoting fully half (or 1/8-cent) of the 2006 1/4-cent Countywide Parks Sales Tax to stormwater projects. This tax will sunset in 2012. Effective July 1, 2011, the City established a new Environmental Services Department (created from the Sanitary Services Division of the Public Works Department), 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, systemic and attainable scale.”

Springfield is one of only a handful of cities in the country being targeted for this new type of storm water enforcement action, making it the “tip of the spear” on this issue. It is not known why Springfield has been selected for this new requirement. However, City Council and the City’s environmental experts believe Springfield has an obligation to other municipalities, businesses, and entities to ensure that enacted regulations are fair, attainable and environmentally sound.

The City has filed suit at this time because it must make any objections to the TMDL limits known before the Missouri Department of Natural Resources (MDNR) issues its stormwater permit to the City, which is likely to occur soon. If the City had not filed the lawsuit prior to MDNR issuing the stormwater permit, case law indicates that the City may have lost its ability to object to the unattainable TMDL limits.

The City will continue to move ahead with its stormwater programs, including the formation of a Citizens’ Stormwater Task Force to address this and other issues. The Public Works Stormwater Engineering Division will also continue to proceed with innovative green infrastructure programs, water quality testing and further updates of the City’s stormwater infrastructure.

For more information, contact: City Manager Greg Burris, (417) 864-1006; Deputy City Manager Fred Marty, (417) 864-1002; or Director of Environmental Services Steve Meyer, (417) 864-2047.