

Consent Decree Status Report
January 15, 2010
NRDC v. Johnson,
U.S. District Court, Central District of California
No. CV06-4843 PSG (JTLx)

Pursuant to Paragraph 9(b) of the Consent Decree in the above-referenced matter, the United States Environmental Protection Agency (“EPA” or “the Agency”) provides this status report. It includes a description of the actions taken by EPA with respect to its obligations under the Consent Decree during the preceding six-months (July 1, 2009 - December 31, 2009) and a description of the actions EPA intends to take with respect to its obligations under the Consent Decree during the following six months (January 1, 2010 – June 30, 2010).

Consent Decree (CD) ¶ 5(a): EPA shall complete an epidemiological study in marine waters impacted by urban runoff in a temperate region.

Actions Taken By EPA July 1, 2009 to December 31, 2009

EPA conducted the epidemiological field study including water quality sampling and enrolling and interviewing participants. EPA also analyzed water samples and began conducting quality assurance/quality control (QA/QC) on the epidemiological data (i.e., water quality data and interview responses).

Actions Planned By EPA from January 1, 2010 to June 30, 2010

EPA will continue to evaluate the epidemiological data (i.e., water quality data and interview responses). EPA will continue to conduct QA/QC and initiate quantitative evaluations of epidemiological data (i.e., water quality data and interview responses).

CD ¶ 5(b): EPA shall complete an epidemiological study in a tropical region.

Actions Taken By EPA July 1, 2009 to December 31, 2009

EPA conducted the epidemiological field study including water quality sampling and enrolling and interviewing participants. EPA also analyzed water samples and began conducting quality assurance/quality control (QA/QC) on the epidemiological data (i.e., water quality data and interview responses).

Actions Planned By EPA from January 1, 2010 to June 30, 2010

EPA will continue to evaluate the epidemiological data (i.e., water quality data and interview responses) and initiate data analysis. EPA will continue to conduct QA/QC and initiate quantitative evaluations of epidemiological data (i.e., water quality data and interview responses).

CD ¶ 6: No later than October 15, 2012, EPA shall sign for publication in the Federal Register a notice announcing the availability of new or revised water quality criteria for pathogens and pathogen indicators pursuant to 33 U.S.C. 1314(a)(9)(A).

Actions Taken By EPA July 1, 2009 to December 31, 2009

EPA has convened an intra-agency work group to begin discussions on approaches for criteria development.

Actions Planned By EPA from January 1, 2010 to June 30, 2010

EPA's intra-agency workgroup plans to discuss various approaches for criteria development.

CD ¶ 9(a): When it completes a study described in Paragraph 5 of this Decree, EPA will provide written notice to the other Parties, including a summary of the study and findings, and a statement that the study has been completed.

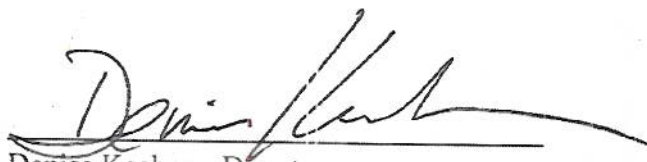
Actions Taken by EPA July 1, 2009 to December 30, 2009

The studies described in Paragraph 5 of the Consent Decree are ongoing and substantial progress is being made. However, EPA has not yet completed these studies and therefore did not provide any written notice to the parties pursuant to paragraph 9(a) of the Consent Decree.

Actions Planned By EPA from January 1, 2010 to June 30, 2010

EPA does not plan to complete either study in Paragraph 5 of the Consent Decree during this time period.

The undersigned, Denise Keehner and Charles I. Noss are, respectively, the Director, Standards and Health Protection Division, Office of Science and Technology and National Program Director for Water Quality, Office of Research and Development. The Office of Science and Technology in EPA's Office of Water and the Office of Research and Development have primary responsibility for discharging EPA's duties under the Consent Decree. This report reflects our best current information concerning the actions taken by EPA with respect to its obligations under the Consent Decree during the preceding six months (July 1, 2009-December 31, 2009) and a description of the actions EPA intends to take with respect to its obligations under the Consent Decree during the following six months (January 1, 2010 – June 30, 2010).



Denise Keehner, Director
Standards and Health Protection Division
Office of Science and Technology
Office of Water
U.S. Environmental Protection Agency

1/8/10
Date



Charles I. Noss, Sc.D.
National Program Director for Water Quality
Office of Research and Development
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1/12/10
Date