



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

JAN 28 2014

Mr. Ken Kirk  
Executive Director  
National Association of Clean Water Agencies  
1816 Jefferson Place, NW  
Washington, D.C. 20036-2505

OFFICE OF WATER

Dear Mr. Kirk:

Thank you for your December 12, 2013, letter to the Environmental Protection Agency regarding the stormwater petitions that the EPA Regions 1, 3, and 9 recently received and your interest in the EPA's stormwater program.

On July 10, 2013, the EPA Regions 1, 3 and 9 received petitions, pursuant to 40 CFR 122.26(f), that seek designation pursuant to Section 122.26 (a)(9)(i)(D) of certain currently unregulated stormwater discharges from commercial, industrial, and institutional sites that discharge to impaired waters.

The EPA regional offices are currently evaluating the information provided in the petitions that they received. We are giving these petitions thoughtful, deliberative consideration, given the petitions' broad geographic and categorical scope, as well as implications for states, local governments and any potentially newly regulated entities. As your letter indicates, there is no formal process for public comment on petitions seeking designation of currently unregulated stormwater discharges. The EPA appreciates the importance of public input on actions undertaken by the Agency and we expect to take public comment on any proposed designation before making a final designation and requiring a permit. This is consistent with the process followed with respect to other proposed designations, such as in the Lower Charles River Watershed in Massachusetts, Long Creek Watershed in Maine, and Guam.<sup>1</sup>

Again, thank you for your timely comments on these petitions. We appreciate your interest in the stormwater program.

Sincerely,

Nancy K. Stoner  
Acting Assistant Administrator

cc: Susan Gilson, Executive Director, National Association of Flood & Stormwater Management Agencies  
Peter King, Executive Director, American Public Works Association  
Curt Spalding, Regional Administrator, U.S. EPA Region 1  
Shawn Garvin, Regional Administrator, U.S. EPA Region 3  
Jared Blumenfeld, Regional Administrator, U.S. EPA Region 9

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<http://www.epa.gov/region1/charles/publiccomment.html>  
<http://www.epa.gov/region1/npdes/stormwater/assets/pdfs/LongCreekFRNotice.pdf>  
<http://yosemite.epa.gov/opa/admpress.nsf/2dd7f669225439b78525735900400c31/ff95ec65148dcca585257832006018371>  
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