



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 31 2013

OFFICE OF THE
REGIONAL ADMINISTRATOR

Jon Devine, Esq.
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005

Re: Petition for a Determination that Stormwater Discharges from Commercial, Industrial, and Institutional Sites Contribute to Water Quality Standards Violations and Require Clean Water Act Permits

Dear Mr. Devine:

This letter provides an interim response to your July 10, 2013 petition, pursuant to 40 CFR 122.26(a)(9)(i)(D), which seeks designation of currently unregulated stormwater discharges from commercial, industrial, and institutional sites that discharge non-de minimis amounts of certain pollutants to waters that are impaired by those pollutants.

We are actively evaluating the petition. Given the petition's broad geographic and categorical scope, and its implications for states, local governments, and potentially newly regulated entities, we need additional time to fully consider the petition in the context of existing approaches being implemented in Region 9 to restore these impaired waters (e.g., National Pollutant Discharge Elimination System (NPDES) permits, Total Maximum Daily Loads (TMDLs), and other control approaches). Further, coordinating across the Agency and with our Clean Water Act-authorized states will take additional time. We share your goal of improving water quality and are working towards a determination concerning the petition within the next three to four months.

If you have any questions, please contact David Smith, Manager of Region 9's NPDES Permits Office, at (415) 972-3464 or Ellen Blake of the Office of Regional Counsel at (415) 972-3496.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld

cc: Rebecca Hammer, Esq., Natural Resources Defense Council
Larry Levine, Esq., Natural Resources Defense Council
Noah Garrison, Esq., Natural Resources Defense Council