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STORMWATER - FEDERAL ENFORCEMENT INCREASES ON EAST AND WEST COAST

Press Release

In recently announced enforcement activities related to stormwater, a railyard in Washington state, and a scrap facility in Portsmouth, New Hampshire, are facing significant penalties for improper stormwater management citations for not following the facility specific plans and/or not filing proper discharge reports.

Unlike other environmental regulatory programs, improper stormwater discharges, or not following plans and filing discharge reports, can lead to direct enforcement under the federal Clean Water Act, by federal courts. There is also a case in Pennsylvania which involves construction stormwater mismanagement with concerns that anti-degradation impacted downstream uses.

The case in Washington state, involving a railyard, constitutes a signal that stormwater management vigilance is extremely important at all commercial and industrial sites. If stormwater management plans are not followed, and discharges are not monitored as agreed to, watershed groups, including riverkeepers, soundkeepers, or baykeepers, can get the attention of a federal court, causing those who operate the facilities to be faced with penalties, which can increase daily until 100% compliance is achieved. Unfortunately, with there being common contaminants in stormwater where materials and equipment are maintained or stored outside, and with zinc being a common stormwater runoff contaminant as a result of its presence in tires, taking Stormwater permitting or Stormwater Pollution Prevention Plan elements lightly, can lead quickly to very serious environmental enforcement problems.

Here is further information available on the two cases:

- The Portsmouth New Hampshire Case [Click Here](#)
- The Burlington Northern Case [Click Here](#)

We should also mention that Saul Ewing, a Mid-Atlantic States Law Firm, has recently published an article on why it is very important for those operating commercial and industrial establishments with potentially polluting materials stored outside, or at sites that have full programs to properly train their employees for stormwater management and reporting, to see this important article, [Click Here](#).

Now is the time for environmental managers to be vigilant about proper stormwater management at their facilities. If there are stormwater treatment needs at sites, now is the time to determine what those needs are. RT has substantial experience in stormwater management engineering, permitting, and we can assist with implementing and making available StormwaterRx modular treatment technology, in the eastern United States.

We are currently working on stormwater assignments including furnishing stormwater treatment systems in New Jersey, Pennsylvania, Maryland, and Virginia, and would be glad to assist at additional sites as well.

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