

PORTS STORMWATER COMPLIANCE Lawyer's Perspective

ITS ALL ABOUT COMPLIANCE AND RISKS

- **Federal Enforcement of CWA**
- **State CWA Enforcement, Federal Delegation**
- **Citizen Suits Under CWA**
- **RCRA and CERCLA Actions**
- **State Stormwater Compliance Laws**
- **Damage and Equitable Actions Under State Common Law (Riparian, Nuisance)**

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EVALUATING RISKS FOR LIABILITY

- **Fed/State Enforcement Priorities In Jurisdiction**
- **Sensitivities of Receiving Waters (TMDLs)**
- **Gang of Ten Activities (Sierra Club, Greenpeace, etc.)**
- **Local Citizen Groups and Waterkeepers**
- **Political and Economic Climate**

PORTS STORMWATER COMPLIANCE

Lawyer's Perspective

WHAT THE COURTS ARE SAYING

- **NPDES Enforcement By EPA and Delegated States**
- **Citizen Suits Under CWA**
- **Standing To Sue By Citizens**
- **Suits Specifically Against Ports**
- **Analogous Suits Against Dockside Industry**

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ILLUSTRATIVE REPORTED CASES

- ***NRDC v. Southwest Marine*, 236 F.3d 985 (9th Cir. 2000)**
- ***Santa Monica Baykeeper v. Kramer Metals*, 619 F. Supp 2d 914 (C.D. Cal. 2009)**
- ***Santa Monica Baykeepers v. Int'l Metals Ecko*, 619 F. Supp 2d 936 (C.D. Cal 2009)**
- ***BUILD v. Maryland Ports Adm. and Honeywell*, Civ. Action No. MJG-07-724 (N.D. Md 2007)**
- ***Service Oil, Inc. v. EPA*, 590 F.3d 545 (8th Cir. 2009)**
- ***Envtl. Prot. Info. Ctr. v. Pacific Lumber Co.*, 469 F. Supp 2d 803 (N.D. Cal. 2007)**