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)
PORTS STORMWATER COMPLIANCE
Lawyer’s Perspective

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
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
ILLUSTRATIVE REPORTED CASES

• NRDC v. Southwest Marine, 236 F.3d 985 (9th Cir. 2000)
• Service Oil, Inc. v. EPA, 590 F.3d 545 (8th Cir. 2009)