



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

OFFICE OF
WATER

November 28, 2008

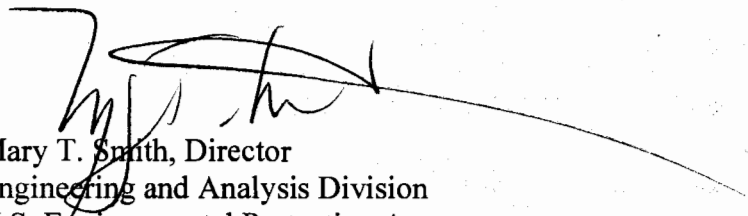
**Construction and Development Effluent Limitations Guidelines
Report on Status of Rulemaking – Due December 1, 2008**

Pursuant to the Permanent Injunction and Judgment in *Natural Resources Defense Council, et al. v. U.S. Environmental Protection Agency*, CV 04-8307-GHK (C.D. Cal.), the U.S. Environmental Protection Agency (“EPA” or “the Agency”) provides this status report concerning its actions during the period of August 2008 through November 2008 to propose and take final action with respect to effluent limitations guidelines and new source performance standards for the construction and development industry.

1. During this reporting period, EPA has continued work on activities started during the previous reporting periods and has initiated work on a number of new activities to develop final effluent limitations guidelines and new source performance standards for the construction and development industry.
 - a. EPA continued to refine the models used to estimate industry costs and pollutant loadings and refined the estimates of costs and pollutant loadings reductions for an array of technology options.
 - b. EPA continued to evaluate water quality improvements that would be realized by different technology options.

- c. EPA continued to estimate economic impacts and monetized benefits that would be associated with the different technology options.
 - d. In order to gather more information on the potential impacts of the proposed options on small businesses, EPA voluntarily convened a panel for this rulemaking on September 10, 2008 pursuant to section 609(b) of the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996. EPA held an outreach meeting with Small Entity Representatives on September 17, 2008. A summary report of this process is included in the record for the proposed rule.
 - e. EPA prepared a draft proposed rule package including drafts of the technical support documents.
 - f. Interagency Review concluded on November 18, 2008. The proposed rule was signed by the Administrator on November 19, 2008. EPA forwarded the rulemaking package on November 19, 2008 to the Office of Federal Register for publication. The proposed rule was published in the Federal Register on November 28, 2008.
2. The preceding paragraphs describe EPA's progress in meeting the December 1, 2008 milestone deadline. The proposed rule was published on November 28, 2008. The Agency has met all project milestones required to be completed to date. The next status report to the Court is to be filed by April 1, 2009.

The undersigned, Mary T. Smith, is Director of the Engineering and Analysis Division of EPA's Office of Water. The Engineering and Analysis Division has primary responsibility for discharging EPA's duties under this court order.

A handwritten signature in black ink, appearing to read 'Mary T. Smith', with a long horizontal line extending to the right.

Mary T. Smith, Director
Engineering and Analysis Division
U.S. Environmental Protection Agency