



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

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Extension of the Revised Expedited Settlement Agreement Program Pilot for Construction Stormwater

FROM: Rosemarie A. Kelley, Director
Office of Civil Enforcement

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ROSEMARIE KELLEY
Date: 2022.03.07
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TO: Enforcement and Compliance Assurance Division Directors, Regions 1-10
Regional Counsels, Regions 1-10

By this memorandum, I am extending the Revised Expedited Settlement Agreement Program Pilot for Construction Stormwater (the ESA pilot) to address construction stormwater under the Clean Water Act for an additional year, until March 03, 2023. The ESA pilot was initially approved on September 04, 2019, for 30 months.

The pilot transmittal memorandum noted that a six-month evaluation of the program would occur after the pilot had been in effect for 24 months, allowing for two full construction seasons of data on use of the revised ESA pilot. However, the pilot was available for only six months before COVID-19 impacted EPA's ability to conduct construction stormwater inspections and utilize the pilot. As a result, there is not enough data to evaluate the effectiveness of the pilot at this time or to suggest modifications to it based on use of the revised ESA. An additional full construction season of experience with the revised ESA pilot and several months to analyze the data and obtain feedback from our regional offices will allow for a thorough evaluation and a final decision on whether to make the ESA permanent along with any modifications to it.

Please contact Bruce Fergusson (fergusson.bruce@epa.gov) at (202) 564-1261 or Ivy Koberlein (koberlein.ivy@epa.gov) at (202) 564-2549 with the Water Enforcement Division if you have any questions about the ESA or this extension.

