CSG Supports Cases Related to Clean Water Act

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The Council of State Governments recently joined briefs supporting state and local government in two cases heading to the U.S. Supreme Court. The briefs, filed by the State and Local Legal Center, both involve the interpretation of the Clean Water Act.

In Decker v. Northwestern Environmental Defense Center, a dispute arose over how to handle storm water runoff from logging roads in a state forest in Oregon. Lower courts had ruled that federal permits were required for the storm water discharge, even though the EPA disagreed.

In the brief joined by CSG, The State and Local Legal Center argued that not only was the lower court wrong in its decision, but also that requiring loggers to obtain federal permits would be costly to state and local governments, and these areas are typically regulated under state, not federal, law.

The second case, LA County v. Natural Resources Defense Council, is about Los Angeles County discharging polluted storm water runoff into four rivers regulated by the Clean Water Act. The lower courts considered this to be a violation of the county’s federal permits.

CSG’s brief makes several arguments; among them, that the county should not be solely responsible for pollution from storm water runoff it has little control over and that state laws adequately address pollution concerns from this type of discharge.

Both LA County and Decker are scheduled for oral arguments before the Supreme Court this term. For more information on the cases and the State and Local Legal Center, please visit: