



# Department of Justice



## ENVIRONMENTAL PROTECTION AGENCY

FOR IMMEDIATE RELEASE  
WEDNESDAY, MAY 10, 2006  
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ENRD  
DOJ (202) 514-2007  
EPA (214) 665-2200

### **\$3.5 MILLION SETTLEMENT WITH CITY OF DALLAS REQUIRES INCREASED CITY EFFORT TO KEEP STORMWATER SEWERS CLEAN**

WASHINGTON, D.C. – The City of Dallas, Texas has reached an agreement with the federal government requiring the City to spend in excess of \$3.5 million in a comprehensive effort to decrease the amount of pollution entering the city’s stormwater system, the Department of Justice and Environmental Protection Agency (EPA) announced today. The settlement requires the City to construct two wetlands at an estimated cost of \$1.2 million—one along the Trinity River, and one along Cedar Creek near the Dallas Zoo—and to pay a civil penalty of \$800,000.

Today’s settlement resolves allegations—first made by the federal government in an EPA order issued in February 2004—that the City failed to implement, adequately fund and adequately staff the City’s stormwater management program. Under the agreement, the City is required to fill staff positions, inspect hundreds of industrial facilities and construction sites, and improve management systems at several facilities.

“We are pleased to conclude this matter with a settlement that will result in vigorous City efforts to keep the City’s stormwater compliant with applicable law,” said Sue Ellen Wooldridge, Assistant Attorney General of the Department of Justice’s Environment and Natural Resources Division. “We expect all cities to comply with the stormwater requirements of the Clean Water Act.”

“This settlement benefits everyone in Dallas by helping to keep the City’s rivers, lakes, and streams clean. I am particularly pleased that we and the City were able to resolve this matter in a way that improves our urban environment by building water-purifying wetlands along the Trinity River and at the Zoo,” said Richard Greene, Regional Administrator of U.S. EPA Region 6 in Dallas.

The settlement requires the City to have at least 36 people working in the City’s stormwater management section, a 25% increase over the number of people on staff when EPA issued its order. The consent decree also requires the City to inspect at least 500 stormwater discharge pipes per year, 500 industrial facilities each year, and large construction sites every two weeks. Pursuant to the settlement, the City will prepare a

formal environmental management system for twelve city-run facilities, including the city's service centers, and then have a third-party auditor review the management systems. EPA plans to conduct a full audit of the stormwater system within the next one to three years.

The first wetland the City will construct will be a 60-acre or larger area along the Trinity River downstream of Sylvan Avenue, in the vicinity of the Pavaho pump station. Currently the City pumps stormwater directly from the sump to the Trinity River. This project will use the stormwater to water a wetland that will provide urban green space and filter impurities out of the stormwater before it reaches the Trinity. Before beginning construction, the City is required to submit a detailed design plan for the wetland to be reviewed by the EPA.

The second wetland will be a small wetland along Cedar Creek near the Dallas Zoo. The wetland will be the last in a series of treatment steps designed to treat runoff from a portion of the Dallas Zoo. The system will be designed so that water emerging from the wetland can be returned to the Zoo for use in drip irrigation. As with the wetland along the Trinity River, a detailed design plan must be approved by the EPA before work begins.

Richard B. Roper, U.S. Attorney for the Northern District of Texas, said, "I applaud the officials of the City of Dallas in acting with the Department of Justice and the Environmental Protection Agency to insure that the citizens of Dallas can enjoy the cleanest possible rivers, lakes, and streams."

"Stormwater, if not properly managed, is a major source of water pollution," said Granta Y. Nakayama, EPA's Assistant Administrator for the Office of Enforcement and Compliance Assurance. "By agreeing to make changes to its operations under this settlement, the City of Dallas will reduce pollution, improve the quality of its stormwater system, and have a positive impact on the environment."

City stormwater sewers carry significant amounts of pollution into urban rivers, lakes, and streams. City storm sewers can discharge annually as much lead and copper, and as many oxygen-depleting chemicals, as do city sewage treatment plants. When it comes to stream-clogging sediment, storm sewers can discharge ten times the "total suspended solids" that come from sewage treatment plants.

Discharges of stormwater from city storm sewers are regulated by the federal Clean Water Act. Municipalities must obtain permits for their stormwater discharges. The stormwater management program at issue in this settlement was drafted by the City and made part of the stormwater discharge permit issued by the EPA to the City in 1997.

The proposed consent decree lodged today is open for a 30-day public comment period. A copy of the consent decree is available on the Department of Justice website at <http://www.usdoj.gov/enrd/open.html>.

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