# Citizen Suit Enforcement/Clean Water Act: Environmental Organizations Challenge Approval of Western Lake Eerie TMDL



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Waterkeeper Alliance, Lake Eerie Waterkeeper, and Food & Water Watch (collectively, "Waterkeeper") filed a Complaint in the United States District Court for the Northern District of Ohio ("Court") against the United States Environmental Protection Agency ("EPA") and Ohio Environmental Protection Agency ("OEPA") challenging a Clean Water Act Total Maximum Daily Load ("TMDL"). See Case No. 3:24-cv-00779.

Waterkeeper argues that EPA failed to comply with its mandatory legal duties under the Clean Water Act to establish an TMDL sufficient to remediate the phosphorus pollution impairing Ohio's Western Lake Eerie Water Basin.

The organizations further argued that the TMDL issued by the OEPA and approved by EPA fails to meet the requirements of Section 303(d) of the Clean Water Act and applicable regulations. This is alleged to include a failure to meaningfully address the point source discharges of the watershed's many concentrated animal feeding operations.

A waterbody can only assimilate a finite amount of "load" of certain pollutants before it will fail to maintain the applicable water quality standard. This pollutant loading limit is referred to as the TDML.

Section 303 of the Clean Water Act requires each state to identify those jurisdictional waters within its boundaries for which the technology-based effluent limitations required by the statute and defined by EPA are not stringent enough to attain the water quality standards. Waters so designated are known as "water quality limited segments" or "impaired waters". Each state is required to periodically submit this list of waters to EPA.

The development and implementation of TMDLs provides a link between water quality standards and effluent limitations. A TMDL quantifies the maximum allowable loading of a pollutant to a waterbody and allocates this maximum load to a contributing point and nonpoint sources. The purpose of such allocations is to ensure water quality criteria are not exceeded, thereby protecting the waterbody's designated uses.

Waterkeeper argues that the EPA approved TMDL fails to hold certain point sources accountable for discharges and asks that the Court vacate and set aside what they deem a deficient TMDL.

A copy of the Complaint can be downloaded here.