

Publications

USEPA Finalizes Post-Maui Indirect Discharge Guidance

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Nathaniel B. Morse

Mark A. Norman

Kristin L. Watt

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On January 20, 2021, USEPA issued its Final Guidance Memorandum on how permitting authorities should apply the United States Supreme Court's recent decision in *County of Maui v. Hawaii Wildlife Fund* within the NPDES permitting process. USEPA also published a six-page response to public comments on the draft guidance first published on December 10, 2020. The comment period for the draft guidance memorandum closed on January 11, 2021.

Overall, the Final Guidance Memorandum^[1] is nearly the same as the Draft Guidance Memorandum issued in December.^[2] USEPA made minor changes to the Draft Guidance Memorandum, but did not change the substance of the rule or how it would be applied.

If you have questions about this guidance, please reach out to Nat Morse, Kristin Watt, Mark Norman, or your Vorys attorney.

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^[1] Available at <https://www.regulations.gov/document?D=EPA-HQ-OW-2020-0673-0126>

^[2] For a full analysis of the Draft Guidance Memorandum, see this earlier blog article at [publications-2819.html](#)