

President
Paul Pinault
Executive Director
Narragansett Bay Commission
Providence, RI

Vice President
Thomas R. "Buddy" Morgan
General Manager
Water Works & Sanitary
Sewer Board
Montgomery, AL

Treasurer
William B. Schatz
General Counsel
Northeast Ohio Regional
Sewer District
Cleveland, OH

Secretary
Donnie R. Wheeler
General Manager
Hampton Roads Sanitation
District
Virginia Beach, VA

Executive Director
Ken Kirk

Association of
Metropolitan
Sewerage Agencies

August 20, 2002

G. Tracy Mehan, III
Assistant Administrator for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
7th Floor, ICC Building, Mail Code: 4203M
Washington, DC 20460

RE: SANITARY SEWER OVERFLOW PROPOSED RULE

Dear Tracy:

On behalf of the Association of Metropolitan Sewerage Agencies (AMSA), I would like to thank you for the opportunity to meet last week to discuss the status of the sanitary sewer overflow (SSO) rule proposal. We were pleased to learn that the Office of Water is committed to sending a draft proposed rule to the Office of Management & Budget (OMB) for review in the next few months, and to keeping the proposal a comprehensive package. AMSA supports the development of a comprehensive SSO rule that recognizes the unique role of collection systems and establishes achievable performance standards for Clean Water Act compliance.

AMSA believes that the foundation for such a proposal already exists in the January 2001 draft's provisions on satellite system permits, management, operation and maintenance (MOM) programs, and capacity assurance plans. When part of an overall, comprehensive regulatory structure, implementation of MOM programs and the inclusion of previously unregulated satellite systems will go far towards minimizing SSOs. And, where necessary to combat repeated wet weather overflows, capacity enhancement measures, such as infiltration and inflow reduction, sewer replacements, and in-line storage and treatment, will result in further significant reductions. The draft SSO rule, however, lacks an achievable technology-based standard for SSOs. Without such a standard, the proposal is fatally flawed and implementation will be handicapped by the absence of an achievable compliance endpoint.

AMSA continues to oppose the imposition of a zero discharge standard for SSOs. The Agency itself acknowledges that a zero discharge standard is unachievable even in the best-run systems. AMSA recommends instead that the Agency consider proposing a standard for SSO reduction based on the implementation of MOM programs and capacity assurance plans, consistent with our letter to the Administrator on June 8, 2001 (see attached). Widespread support exists within the wastewater treatment community for adopting such approaches. A standard for MOM programs could be based on minimum measures which embody the current operation and maintenance requirements of the draft proposal. AMSA has previously suggested the following as minimum measures:

- Proper operation and regular maintenance programs for the collection system;
- Effective use of the collection system to maximize flow to the POTW for treatment;
- Elimination of recurring dry weather overflows;
- Mitigation of the impact of sanitary sewer overflow occurrences;
- Development and utilization of appropriate legal authorities to regulate discharges to and protect the integrity of the sanitary sewer collection system;
- Program measurement and performance evaluation to effectively characterize SSO impacts and the efficacy of SSO controls;
- Public notification to ensure that the public receives adequate notification of sanitary sewer overflow (SSO) occurrences and SSO impacts; and
- Public education and participation.

The required implementation of these minimum measures by all collection system permittees would be well-suited to the site-specific nature of the MOM program. In addition, where capacity enhancements are necessary to address recurring wet weather overflows, EPA should propose an accompanying standard which requires permittees to conduct and implement system evaluations and capacity assurance plans. The standard should be sufficiently flexible to allow permittees to carry out capacity measures over a realistic time frame, and which are tailored to the specific constraints of the local system and the receiving water body. AMSA is currently working on a proposed site-specific, capacity-setting process for EPA's and other stakeholders' consideration.

AMSA is supportive of an SSO rule that combats the root causes of overflows and minimizes such discharges wherever feasible and environmentally beneficial. At the same time, it is critical to our members, who dedicate each and every day to the conveyance and treatment of the nation's wastewater, that the ultimate SSO regulation imposes requirements and objectives that are achievable.

August 20, 2002

Page 3

We look forward to working with you in the coming months following the completion of a draft rule. I would be happy to meet with you to discuss these issues further. Please feel free to contact me directly at 202/833-4653.

Sincerely,

A handwritten signature in black ink, appearing to be the name 'Ken Kirk'.

Ken Kirk

Executive Director

cc: Benjamin Grumbles
Diane Regas
James Hanlon