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SEWERAGE AGENCIES

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 OUR CHILDREN'S EARTH  
FOUNDATION and ECOLOGICAL  
15 RIGHTS FOUNDATION,

16 Plaintiff,

17 vs.

18 UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY and MICHAEL  
19 LEAVITT, as Administrator of the United  
States Environmental Protection Agency,

20 Defendant.  
21

Case No. C 04-2132 PJH

**DECLARATION OF ALEXANDRA  
DAPOLITO DUNN IN SUPPORT OF  
ASSOCIATION OF METROPOLITAN  
SEWERAGE AGENCIES' REPLY IN  
SUPPORT OF NOTICE OF MOTION AND  
MOTION TO INTERVENE**

Date: September 29, 2004

Time: 9:00 a.m.

Judge: Honorable Phyllis J. Hamilton  
Courtroom 3, 17th Floor

**CLEAN WATER ACT CASE**

**E-FILING**

22  
23 I, Alexandra Dapolito Dunn, hereby declare and state as follows:

24 1. I am General Counsel for the Association of Metropolitan Sewerage Agencies  
25 ("AMSA"), which is headquartered in Washington, D.C.

26 2. I am over the age of 18 years and am fully competent to make this declaration. I  
27 have personal knowledge of all the facts stated herein.  
28

1           3.       AMSA is a national, non-profit trade association, acting on behalf of its members,  
2 which own and operate publicly operated treatment works (“POTWs) throughout the United  
3 States. AMSA’s member agencies hold National Pollutant Discharge Elimination System  
4 (NPDES) permits pursuant to Clean Water Act § 402(a), 33 U.S.C. § 1342(a), authorizing the  
5 discharge of municipal treated sewage and other treated wastewater – much of which comes from  
6 industrial sources covered by Effluent Limitations Guidelines (“ELGs”) – to the waters of the  
7 United States. AMSA member agencies develop and implement approved pretreatment programs  
8 to regulate and enforce against industries discharging to the public sewer system.

9           4.       The United States Environmental Protection Agency (“EPA”) historically has  
10 developed the standards for direct dischargers (industries not using the sewer system but instead  
11 discharging “directly” to U.S. waters) and for indirect dischargers (those industries using the  
12 sewer system) simultaneously. EPA approaches ELGs and limitations for direct and indirect  
13 dischargers as two elements contributing to the implementation of a single CWA strategy to  
14 control the discharge of industrial pollutants and protect water quality.

15           5.       As an association of POTWs AMSA has directly participated in the ELG program  
16 since its inception.

17           6.       AMSA has provided data to EPA to support its development of numerous ELGs,  
18 including recent efforts regarding ELGs for industrial laundries, centralized waste treatment  
19 facilities, metal products and machinery operations, and meat and poultry products. EPA finalized  
20 ELGs for these point source categories on August 18, 1999 (industrial laundries), May 13, 2003  
21 (metal products and machinery operations), December 22, 2003 (centralized waste treatment  
22 facilities) and September 8, 2004 (meat and poultry products).

23           7.       AMSA member agencies have provided significant input to the ELG task force, a  
24 Federal Advisory Committee tasked with reviewing and revising existing ELGs both for direct and  
25 indirect dischargers.

26           8.       As in past decades, AMSA member agencies remain today a key source of  
27 information for the ELG program. EPA recently announced it will begin work on two new ELGs.  
28 AMSA will meet shortly with EPA officials responsible for the new ELGs to discuss AMSA’s

1 contribution to data collection efforts.

2 I declare under penalty of perjury under the laws of the United States of America that the  
3 foregoing is true and correct.

4

5 Dated: September 15, 2004

Respectfully submitted,

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DULY SIGNED ORIGINAL ON FILE AT  
THE OFFICES OF SQUIRE, SANDERS &  
DEMPSEY L.L.P.

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/s/ Alexandra Dapolito Dunn  
Alexandra Dapolito Dunn

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