

**TECHNICAL FACT SHEET**  
**DRAFT Guidance On Implementing The Water Quality-based**  
**Provisions in the CSO Control Policy**

*The U.S. Environmental Protection Agency (EPA) is publishing draft Guidance On Implementing The Water Quality-based Provisions in the CSO Control Policy. The guidance is designed to address questions raised since the publication of the CSO Control Policy in 1994 on integrating the long-term control plan (LTCP) development process with water quality standards reviews. As outlined in the guidance, EPA will continue to implement the CSO Control Policy through its existing statutory and regulatory authorities. The guidance cannot impose legally binding requirements on EPA, States, Tribes, or the regulated community. It cannot substitute for Clean Water Act (CWA) requirements, EPA's regulations, or the obligations imposed by consent decrees or enforcement orders.*

**Background**

EPA issued the Combined Sewer Overflow (CSO) Control Policy in April 1994 (59 FR 18688). To date, EPA has released seven guidance documents and worked with stakeholders to foster implementation of the Policy. The CSO Control Policy calls for the development of a long-term control plan (LTCP), which includes measures that provide for compliance with the Clean Water Act including attainment of water quality standards. The CSO Control Policy provides that the LTCP should be coordinated with the review and revision, as appropriate, of water quality standards and implementation procedures on CSO-impacted receiving waters. This process is intended to ensure that the long-term controls will be sufficient to meet water quality standards (59 FR 18694).

As part of EPA's FY 1999 Appropriation, Congress directed EPA to develop guidance on the conduct of water quality standards and designated use reviews for CSO-receiving waters, and urged EPA to provide technical and financial assistance to States and EPA Regions to conduct these reviews. In response, EPA hosted three stakeholder listening sessions in the Spring of 1999 and an experts workshop on September 24, 1999. The purpose of these meetings was to obtain participants' views on the impediments to implementing the water quality-based provisions in the CSO Control Policy. The guidance addresses many of these concerns, and recommends actions that EPA, State and Interstate Water Pollution Control Directors, and CSO communities can take to overcome these concerns.

**Guidance on Implementing the Water Quality Based Provisions in the CSO Policy**

The objective of this guidance is to lay a strong foundation for integrating CSO long-term control planning with water quality standards reviews. Integrating CSO long-term control planning with water quality standards reviews requires extensive coordination among CSO communities, States, EPA, and the public. Although this coordination is an intensive iterative process, it provides greater assurance that CSO communities will implement affordable CSO control programs that support the attainment of appropriate water quality standards. The guidance describes a process for integrating LTCP development and implementation with water quality standards reviews. This process is the essence of EPA's renewed commitment to assure that both

communities with combined sewer systems and States participate in implementing the water quality-based provisions in the CSO Control Policy. The CSO Control Policy anticipates the “review and revision, as appropriate, of water quality standards and their implementation procedures when developing CSO control plans to reflect site-specific wet weather impacts of CSOs.”

The flow chart in Figure 1 lays out a series of steps which provides greater assurance that affordable, well-designed and operated LTCPs support the attainment of appropriate water quality standards. Figure 1 and the accompanying narrative are intended to expand upon and explain, but not to replace, the process described in the *Combined Sewer Overflow Guidance for Long-Term Control Plan* (EPA 832-B-95-002). The steps are summarized as follows:

**Step 1 - The NPDES Authority issues a permit requiring NMCs and LTCP.** The NPDES authority issues a permit or other enforceable mechanism that requires the CSO community to implement the nine minimum controls (NMCs) and develop a LTCP. The permit or enforceable order should require that the CSO community immediately proceeds with the implementation of the NMCs.

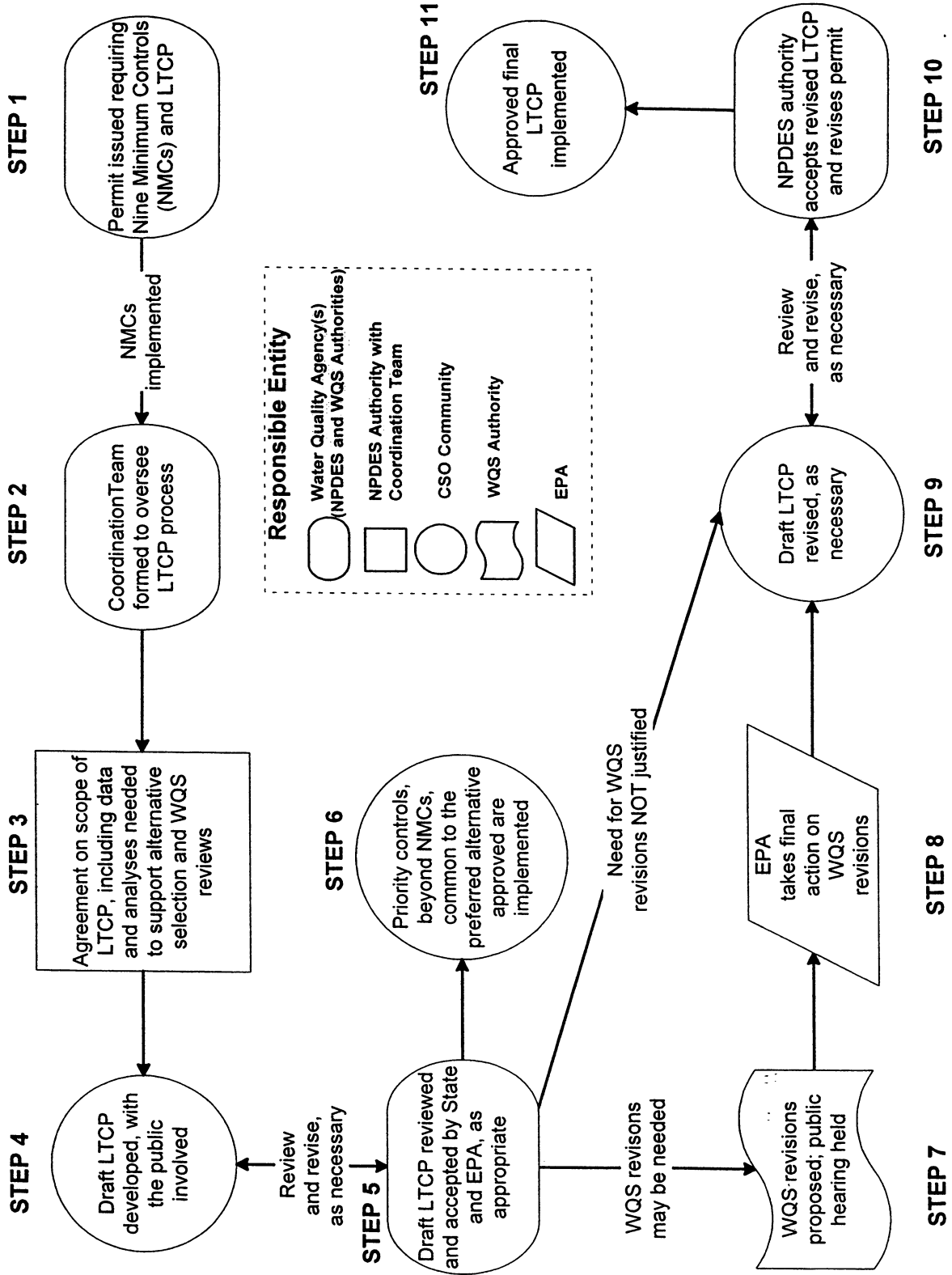
**Step 2 - The NPDES Authority forms a coordination team to oversee LTCP process.** The NPDES authority organizes a team to coordinate the development of a draft LTCP. The coordination team will promote timely discussion of issues, identify sources of information, and provide technical assistance. At a minimum, the coordination team should include decision-making representatives from the CSO community, State Water Director, including the NPDES authority and the water quality standards authority, and EPA.

**Step 3 - Coordination team agrees on process and scope of LTCP.** The objective of this step is to ensure that there is early agreement on the planned process (i.e. key milestones and dates) and scope of the LTCP (e.g., presumption or demonstration approach), including the data and analyses needed to support selection of control alternatives and review of water quality standards. The coordination team should agree on:

- The amount and type of data needed (i.e. characterization, monitoring and modeling of the sewer system and its impacts on the receiving water body and data that will be needed for post construction compliance monitoring);
- The range of alternative control levels to be evaluated, including cost and performance information for each alternative examined;
- Relevant sensitive areas; and
- A timetable for completion of key events.

**Step 4 - Community develops a draft LTCP, with the public involved.** The CSO community develops a draft LTCP which evaluates the constructability, costs, performance, water quality benefits, and consideration of sensitive areas for each control scenario. The CSO community also identifies other sources of pollution impacting the CSO receiving water which may preclude the attainment of water quality standards, regardless of the level of CSO control.

**FIGURE 1 - Coordination of LTCP Development and Water Quality Standards Review and Revision**



**Step 5 - Draft LTCP reviewed and accepted by State and EPA, as appropriate.** The CSO community submits the draft LTCP, to both the NPDES authority and to the State Water Director. The State Water Director and the NPDES authority (if different) need to review the draft LTCP and the information to support a water quality standards review. If the draft LTCP is insufficient, the NPDES authority returns the draft to the community for revision.

The data collected and analyses conducted by the CSO community may be sufficient to justify a water quality standards revision or may show that a water quality standards revision is not justified. If the State and EPA agree that the data and analyses support a water quality standard revision (recognizing the revision may produce more or less stringent standards), this would represent a commitment from the State to proceed with proposing water quality standards revisions.

**Step 6 - NPDES Authority approves priority controls beyond the NMCs common to the preferred alternative approved for the community to implement.** The LTCP is likely to include priority CSO control activities that are common to all control alternatives examined, such as eliminating a recurring overflow to a bathing area. The CSO community should begin to implement these controls as soon as the analysis of the alternatives has been accepted. The NPDES authority may need to revise the NPDES permit or other enforceable mechanisms to require implementation of the priority controls.

**Step 7 - The State proposes water quality standards revisions and holds a public hearing.** To reach this step, the CSO community, NPDES authority and State Water Director should have agreed that the LTCP contains adequate data and information to support the selection of CSO controls and identify needed revisions to the water quality standards. The State should proceed as expeditiously as possible to revise the water quality standards.

**Step 8 - EPA takes final action on WQS revisions.** Before the revisions in the water quality standards may be used for CWA programs, EPA must approve or disapprove the proposed revisions (see 65 FR 24641, April 27, 2000). Where there has been close coordination and cooperation through out the process, EPA's approval is more likely. EPA must approve a State's new or revised standard within 60 days or disapprove within 90 days.

**Step 9 - Draft LTCP revised, as necessary.** The public hearing process and other events leading up to this point should result in the selection of a CSO control program and agreement on the changes, if any, to water quality standards. If the water quality standards decisions differ from those that the CSO community anticipated, the community would have to revise the LTCP accordingly.

**Step 10 - NPDES authority accepts LTCP and revises permit.** The NPDES authority coordinates the review of the revisions and, if appropriate, approves the final LTCP. The NPDES authority issues a permit or administrative order or proceeds with revisions to an enforceable order requiring implementation of the approved LTCP which provides that CSO discharges do not contribute to excursions of water quality standards or non-compliance with other CWA requirements.

**Step 11 - Approved final LTCP implemented.** The CSO community implements the control measures, described in the approved LTCP and required in its NPDES permit or other enforceable mechanism. The LTCP includes a post-construction operational plan and compliance

monitoring program to ensure compliance with the requirements of the CWA. If, after implementing the controls outlined in the LTCP, the CSO community finds that they are still contributing to the non-attainment of the applicable water quality standards, the community will use the monitoring data to support adjustments in the operating plans, or in the operation and maintenance schedules, or to develop cost-effective expansion or cost-effective retrofitting of additional controls.

### **Additional Information**

EPA is issuing a *Federal Register* notice of availability for the guidance, which describes the purpose for issuing a guidance outlining the process for integrating LTCP development and implementation with the water quality standards review as described by the CSO Control Policy. The full text of the *Federal Register* notice is available at <http://www.epa.gov/own/cso.htm> on the Internet. For additional information, contact Tim Dwyer, Office of Wastewater Management, Water Permits Division, MC 4203M, 1200 Pennsylvania Avenue, NW, Washington DC 20460 (telephone: 202-564-0717).