

October 24, 2005

Mr. Benjamin Grumbles
Assistant Administrator for Water
U.S. Environmental Protection Agency (EPA)
Ariel Rios Building (4101M)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: *Blending Guidance*

Dear Ben:

The Natural Resources Defense Council (NRDC) and the National Association of Clean Water Agencies (NACWA) have worked together to develop the attached proposal clarifying the standard that wastewater treatment plants have to meet in order to bypass secondary treatment during peak wet weather flows. We urge you to adopt this proposal as a replacement for the proposed EPA wastewater blending policy that was withdrawn by EPA and voted against by the House of Representatives on May 19, 2005. As you know, EPA encouraged NRDC and NACWA to work together on a compromise approach to address the questions and comments raised regarding blending. This proposal represents a good faith effort by both organizations to work together to develop a consensus resolution to a challenging issue.

The attached proposal is intended to serve as an EPA interpretive guidance. It would not create new requirements or impose new obligations on wastewater treatment plants. Instead, it would interpret existing federal regulatory requirements in light of the differing views and questions raised about how existing requirements apply to wastewater treatment bypasses.

Among other important outcomes, by adopting this proposal, EPA would ensure that peak wet weather flow bypasses of secondary treatment in separate sewer systems are authorized only *after* an analysis of the wastewater collection and treatment system demonstrates to the permitting authority that there are no feasible alternatives to an anticipated bypass. This proposal would emphasize the importance of wastewater treatment plants maintaining and upgrading their facilities and collection systems to avoid bypassing peak wet weather flows whenever feasible. Further, this proposal would involve the public in the discussion of peak flow management at the local level; ensure that peak wet weather flow management approaches at a public utility are recorded in National Pollutant Discharge Elimination System (NPDES) permits; and reduce potential public exposure to waterborne diseases.

This proposal also would provide needed certainty to wastewater treatment operators regarding the showing they need to make to their permitting authorities and public to receive authorization to bypass peak wet weather flows when full treatment is not

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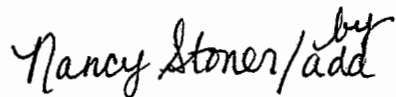
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feasible. Such certainty is important to all parties involved in the discussion of blending – permit writers, other regulators, and the public – and will help them know what to expect, what questions to ask, and will clarify what steps to take to ensure public health protection.

Finally, this proposal would provide EPA staff and permit writers with clear guidance to make permitting decisions concerning whether – and if so, under what conditions – peak flow bypasses can be authorized at wastewater treatment plants. Under this proposal, EPA would work to ensure implementation of this guidance through the NPDES permitting process and through appropriate enforcement actions against those agencies that fail to implement it expeditiously.

We urge EPA to move forward to adopt and implement this guidance as soon as possible to reduce regulatory confusion and to improve water quality and public health. Prompt adoption and implementation of this proposal would be beneficial for the public, EPA, states, and wastewater treatment plants nationwide.

Sincerely yours,

Handwritten signature of Nancy Stoner, with the word "add" written below it.

Nancy Stoner
Director, Clean Water Project
Natural Resources Defense Council

Handwritten signature of Alexandra Dapolito Dunn.

Alexandra Dapolito Dunn
General Counsel
National Association of Clean Water Agencies

Enclosure

Cc: Jim Hanlon