

Talking Points

NACWA/NRDC Peak Wet Weather Flow Diversion Guidance

- The joint NACWA/NRDC *Guidance* is a much-needed compromise agreement that was arrived at, in large part, due to the encouragement of the U.S. Environmental Protection Agency (EPA) and Congress.
- Parties that clashed on this issue over many years have come together responsibly to offer EPA and the Nation a viable path forward on this important water quality issue.
- The *Guidance*:
 - is good for the Nation's communities, public health, clean water agencies, and water quality – it is a win-win;
 - clarifies the standard that wastewater treatment plants have to meet in order to be authorized in their National Pollutant Discharge Elimination System (NPDES) permit to divert flow around secondary treatment units during peak wet weather;
 - addresses “peak wet weather flow diversions” around secondary treatment units that are recombined before discharge;
 - applies to only separate sanitary sewer systems, as diversions at combined sewer system facilities are addressed in the *1994 CSO Policy*;
 - emphasizes wastewater treatment plants maintaining and upgrading their facilities and collection systems to avoid diverting peak flows whenever feasible;
 - involves the public in the discussion of peak flow management at the local level;
 - ensures that public utility peak wet weather flow management approaches are recorded in permits;
 - reduces potential public exposure to waterborne diseases;
 - provides needed certainty to all parties involved in the discussion of blending – the public, clean water agencies, permit writers and other regulators;
- The joint NACWA/NRDC *Guidance* demonstrates that sound policy is the result when organizations stay focused on the critical mission of improving water quality and protecting the public health.
- The Congressional prohibition against using FY 06 funds to finalize or implement the 2003 blending guidance “as proposed” would not apply to this document. The *Guidance* also builds on the comments submitted on EPA's 11/03 proposed blending policy.
- NACWA and NRDC are encouraging EPA to finalize the *Guidance as drafted*.