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Sewerage Agencies

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Ken Kirk

April 7, 2005

*VIA COURIER*

**RE: AMSA ACTION PLAN ON COMBINED AND SANITARY SEWER  
OVERFLOWS; APRIL 13 BLENDING HEARING**

Dear Member of Congress:

The Association of Metropolitan Sewerage Agencies (AMSA)<sup>1</sup> and its nearly 300 public wastewater treatment agency members are pleased to share with Congress the attached Action Plan in response to the U.S. Environmental Protection Agency's (EPA) 2004 *Report to Congress on the Impacts and Controls of Combined and Sanitary Sewer Overflows (CSOs and SSOs) (Report)*. As detailed in EPA's *Report*, the nation's municipalities are making consistent progress on reducing CSOs and SSOs despite the sometimes daunting costs that many communities face.

AMSA agrees with EPA's assessment that additional progress is needed in reducing CSOs and SSOs and has outlined in the attached Action Plan what steps the Association believes are necessary to sustain and build on municipal gains in overflow control. AMSA believes that the lack of a clear and flexible SSO program at the national level remains the greatest impediment to making additional progress.

In addition to considering the Action Plan, AMSA encourages you or a member of your staff to attend the April 13, 2005 hearing on wastewater blending being held by the House Subcommittee on Water Resources and Environment at 10:00 am in Committee Room 2167 in the Rayburn House Office Building. Blending is one of many tools available to municipalities to minimize the occurrence of overflows during extreme wet weather events. This practice allows treatment plants to maximize the treatment of peak wet weather flows while still meeting permit limits

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<sup>1</sup> As of May 2, 2005, AMSA's name will be changed to the National Association of Clean Water Agencies (NACWA).

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that are set to protect public health and the environment. The issue of blending has received significant attention since EPA issued its proposed guidance on the practice in November of 2003.

Thank you for considering our Action Plan and we hope to see you or a member of your staff at the April 13 hearing on blending. Please contact Chris Hornback, AMSA's Director of Regulatory Affairs, with any questions on the Action Plan or the blending issue at 202/833-9106.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is written in a cursive style with a large, bold "K" followed by "Kirk" in a more fluid, connected script.

Ken Kirk  
Executive Director

ATTACHMENT



# AMSA Action Plan

## STRATEGIC RECOMMENDATIONS

*Based on EPA's 2004 Report to Congress on Combined and Sanitary Sewer Overflows*

The Association of Metropolitan Sewerage Agencies (AMSA\*) believes EPA's August 2004 *Report to Congress on the Impacts and Controls of CSOs and SSOs* (Report) sends a clear message on what the federal government, through a meaningful partnership with states and municipalities, must do next to ensure further progress in reducing sewer overflows. Based on EPA's Report, this Action Plan sets forth the recommendations of the wastewater treatment community on the next steps that should be undertaken regarding overflow control. Contact Chris Hornback at 202/833-2672 or [chornback@amsa-cleanwater.org](mailto:chornback@amsa-cleanwater.org) for information regarding this Action Plan.

## the facts: MUNICIPALITIES MAKE PROGRESS IN CONTROLLING OVERFLOWS

### The Combined Sewer Overflow Control Policy's Success

AMSA agrees with the overarching finding of the EPA Report that municipalities are making progress in controlling combined sewer overflows (CSOs) pursuant to EPA's CSO Control Policy. The facts speak for themselves:

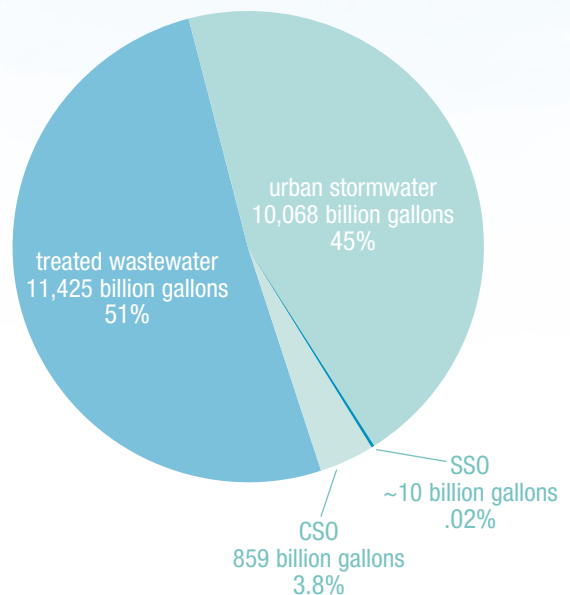
- ✓ The annual number of CSOs has declined by 28% since issuance of the 1994 CSO Control Policy;
- ✓ The total volume of those overflows has decreased by 21%;
- ✓ CSO long-term control plan submittals have increased from 34 to 59 percent, demonstrating that the goals of the policy are being attained.

### Sanitary Sewer Overflow Control Makes Progress Despite Lack of a National Policy

Municipalities are making progress on SSOs in the absence of a clear federal policy. Although EPA's figures for SSO frequency (23,000-75,000) remain consistent, the Agency lowered its prior estimates of SSO volume by two orders of magnitude, to 3-10 billion gallons per year (down from 311 billion gallons per year). Given the ongoing efforts of the wastewater treatment community to further reduce the frequency and size of SSOs, AMSA is recommending the development of a flexible SSO policy to ensure continued and consistent gains.

### CSO/SSO Overall Volume Discharge Is Minimal

These CSO and SSO volume figures demand a context. When municipal discharges are looked at in their totality, the annual volume of CSO and SSO discharges are small compared to other sources:



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\*As of May 2, 2005 AMSA's name will be changed to the National Association of Clean Water Agencies (NACWA).

## Health Impacts and the Watershed Approach

As public servants charged with cleaning up the nation's waterways, wastewater treatment agencies take their responsibility of protecting public health very seriously. That being said, EPA needs to develop sound enforcement and regulatory policy based on the key facts as set forth in its Report - namely that there is little evidence of widespread human health impacts occurring as a result of CSOs and SSOs and that overflows tend to occur when the likelihood of exposure is greatly reduced (e.g., during periods of heavy rainfall or snowmelt when people are not swimming).

The Report also notes that CSO and SSO impacts manifest themselves at the local watershed level. EPA has recognized the benefits of using a watershed approach to water quality challenges and AMSA agrees with the Report that CSO and SSO impacts require a local yet holistic watershed-based solution to address all sources of pollution affecting water quality in a prioritized manner.

## The Daunting Costs of Overflow Control

The nation's wastewater treatment agencies are charged not only with carrying out the ambitious goals of the Clean Water Act but also with doing so within the confines of local budgets. As EPA has captured in its Report, wet weather control is the single greatest cost challenge facing CSO and SSO communities. EPA estimates that the costs associated with controlling CSOs and SSOs over the next 20 years are \$50.6 billion and \$88 billion respectively, and even these dramatic estimates may understate the actual cost, especially if EPA continues to take a zero-tolerance approach to SSOs. EPA must take a sound approach that balances these daunting costs with sometimes limited environmental benefits to help ensure communities have the flexibility to develop overflow control programs that best meet their needs.

# the solution: **AMSA'S RECOMMENDED PLAN OF ACTION ON OVERFLOWS**

### Sound CSO Enforcement and Regulatory Policy

For CSOs, the path forward is very clear. The CSO Control Policy lays out the objectives of the program and provides key milestones along the way. While implementation of the Policy has not occurred as quickly as originally envisioned, no one can dispute the progress that has been made to date. The keys to continued progress in further limiting CSOs are to:

- Develop and approve long-term control plans (LTCPs) for every CSO community to achieve compliance with water quality standards. National Pollutant Discharge Elimination System (NPDES) permits, not enforcement or consent orders, should be the primary tool for imposing these LTCP obligations;
- Remove the major impediment to meeting the goals of the CSO Control Policy, namely that existing water quality standards are not based on the actual uses of CSO-impacted waterbodies. The impact of this disconnect is the development of LTCPs that can never achieve full compliance with all water quality standards under all operating conditions; and
- Ensure that EPA, water quality standards authorities, and CSO communities work together to ensure that water quality standards are reviewed and revised as appropriate to reflect the actual uses of CSO-impacted waterbodies. In the absence of this approach, uneven application of standards and resource-wasting enforcement actions will dominate the CSO landscape.

### Development of a Flexible SSO Policy

A national policy on SSOs remains an essential missing piece of the complex overflow puzzle. Without a national program for SSOs, EPA's current enforcement policies have forced many communities to commit tremendous resources in a fruitless attempt to eliminate all SSOs.

The current high-end estimate of 10 billion gallons of SSO discharges is a fraction of the volume of CSO discharges that will remain after full implementation of the CSO Control Policy (160 billion gallons).

A zero tolerance policy for overflows was not appropriate for CSOs, and is likewise not appropriate for a national SSO policy. AMSA recommends the following:

- Develop a national SSO policy that enables the use of holistic, watershed-based approaches that will ensure that available, limited resources can be used to provide controls for the wet weather overflow problem - whether CSO, SSO, and/or stormwater - that will maximize environmental and public health benefit;
- Establish a national municipal collection system permitting program, including satellite systems, using the management, operation, and maintenance (MOM) concept as the standard for measuring compliance, and including a capacity assurance standard; and
- Conduct any additional scientific studies necessary on the issue of environmental or public health impacts to ensure sound regulatory and enforcement policy.