



Association of
Metropolitan
Sewerage Agencies

**TESTIMONY OF THE
ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES
(AMSA)**

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**On
Proposed Changes to the National Environmental
Performance Track Program**

Presented by

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**Submitted to
the**

**OFFICE OF POLICY, ECONOMICS, AND INNOVATION
U.S. ENVIRONMENTAL PROTECTION AGENCY**

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Testimony of Guy Aydlett
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Good morning, my name is Guy Aydlett and I am the Water Quality Director for the Hampton Roads Sanitation District in Virginia Beach, Virginia and Chair of the Pretreatment and Hazardous Waste Committee of the Association of Metropolitan Sewerage Agencies (or AMSA). AMSA represents the interests of over 270 of the nation's publicly owned wastewater utilities (POTWs). AMSA members serve the majority of the sewered population in the United States and collectively treat and reclaim over 18 billion gallons of wastewater every day.

AMSA is a strong proponent of environmental management systems (EMSs) as is evidenced by our co-sponsorship of the National Biosolids Partnership, which supports the development of EMSs for POTW biosolids programs, and our support of a collaborative effort with EPA and the Water Environment Federation (WEF) to develop an integrated EMS framework for public utilities. In principal, the Performance Track Program is designed to foster the development of EMSs and to provide incentives for those who go beyond compliance with the regulations. AMSA supports these goals, but questions why regulatory provisions proposed by the Agency in 1999 to streamline the National Pretreatment Program for all POTWs, are now only being made available as incentives under the Performance Track Program.

In 1999, EPA proposed to streamline the National Pretreatment Program after discussions with multiple stakeholders identified a number of areas where improvements could be made. Many of the changes proposed in 1999 are similar to, and some identical to, those proposed for use in the Performance Track program. In fact, the preamble to the August 13, 2002 *Federal Register* makes reference to a workshop on streamlining that AMSA cosponsored and cites the recommendations from that workshop as a source for the proposed changes to the Performance Track program.

The pretreatment streamlining provisions being proposed as incentives for the Performance Track Program were developed by a multi-stakeholder process that included EPA's Office of Wastewater Management. It was agreed that every POTW in the nation should benefit from the changes, not a select few who may choose to meet the list of requirements for Performance Track. EPA must not ignore its stakeholders and its own staff by restricting the availability of these streamlining measures to Performance Track participants.

The streamlining provisions that AMSA has been advocating, and that are proposed as incentives for the Performance Track program, would result in greater public access to information and overall improvement in operational efficiency. Why then should these changes only be available to Performance Track participants? The provisions that EPA has

proposed to allow all POTWs to take advantage of under the pretreatment streamlining rule include, for example:

- A modified definition of significant non-compliance (SNC) that would provide some leniency in declaring an industrial user in SNC when paperwork is only a few days late. This requirement alone would save hours of needless paperwork management for the POTW, and result in no detrimental impact on the environment.
- Flexibility for POTWs to classify a categorical industrial user as non-significant, reducing the amount of required monitoring and paperwork. A provision identical to the one proposed for Performance Track.
- Relaxation of monitoring requirements for pollutants that are not present. A time saver for industry and the POTW.

These changes do not roll back environmental protection in any way. Rather, they allow POTWs to move precious resources away from burdensome paperwork management activities to those areas of the pretreatment program that can achieve real environmental improvements. All POTWs should be able to take advantage of these streamlining provisions.

If EPA decides to use the streamlining provisions in the Performance Track Program, AMSA believes that there will not be a significant increase in POTW participation in the program. Based on conversations with a number of POTWs, including one that has already gone through the EMS process for their biosolids program, the proposed changes to the Performance Track Program will do little to encourage POTWs to sign up. While the provision regarding nonsignificant categorical users could be extremely beneficial for a pretreatment program, the other provisions, including the option to use the Internet in lieu of a newspaper for announcing significant non-compliance, are not nearly as substantial. For a wastewater agency that may only save \$2,000 a year on newspaper ads, the incentives will not balance the tremendous effort required to join the program.

AMSA also notes that the POTWs EPA is trying to attract to the Performance Track Program with these incentives are the same stakeholders who envisioned the pretreatment streamlining provisions being available to all POTWs nationwide. Many wastewater professionals committed their time and expertise to develop these concepts and have worked hard ever since to see that they are available to the entire wastewater treatment community. This will undoubtedly be a major point of contention for many POTWs across the nation.

While AMSA understands that many POTWs have already completed or are moving forward with efforts to develop EMSs, AMSA believes that in order to attract additional POTW participants, the Performance Track Program will have to offer some substantial time and cost saving benefits and/or regulatory relief to offset the burden associated with EMS development and Performance Track Program participation. AMSA recommends that EPA look beyond the pretreatment program for potential incentives and examine the wastewater

treatment operation as a whole. Pretreatment programs, though a vital component of wastewater treatment, are not the largest drain on agency resources. EPA should provide flexibility for POTWs in the areas of National Pollutant Discharge Elimination System (NPDES) permitting, biosolids management, and air emission controls.

In the long run, AMSA believes that it will take more than incentives or regulatory relief to dramatically increase the number of public utilities who are participating in the Performance Track Program. The fact that only one POTW is currently in the Performance Track Program highlights a trend that is observed even in those countries where EMS development is outpacing the United States. EMS adoption by public utilities is limited. Compared to private industry, public utilities make up a small fraction of those entities that have adopted EMSs. There remains a substantial learning curve that must be overcome before we will see greater growth in EMS adoption by public utilities. There are a number of initiatives that wastewater utilities have been encouraged to embrace and many have found it difficult to discern how the initiatives interrelate and to identify opportunities to use them in an integrated, systematic way to improve utility performance. Reluctance among public utilities will remain until the true value of an integrated, EMS approach is more evident.

In conclusion, EPA must not restrict the pretreatment streamlining provisions to the Performance Track Program. These streamlining provisions were designed for all POTWs and EPA should commit the resources necessary to finalize the 1999 proposal and allow the POTW community to streamline their pretreatment programs. AMSA understands that EPA is already targeting additional pretreatment streamlining provisions as possible incentives for the Performance Track Program. These streamlining measures must not be locked up in the Performance Track Program where only one POTW will have access to them.

Thank you.