



President
Paul Pinault
Executive Director
Narragansett Bay Commission
Providence, RI

Vice President
Thomas R. "Buddy" Morgan
General Manager
Water Works & Sanitary
Sewer Board
Montgomery, AL

Treasurer
William B. Schatz
General Counsel
Northeast Ohio Regional
Sewer District
Cleveland, OH

Secretary
Donnie R. Wheeler
General Manager
Hampton Roads Sanitation
District
Virginia Beach, VA

Executive Director
Ken Kirk

Association of
Metropolitan
Sewerage Agencies

August 7, 2002

The Honorable Christine Todd Whitman
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Whitman:

The Association of Metropolitan Sewerage Agencies (AMSA) represents over 270 publicly owned treatment works (POTWs), who every day treat over 18 billion gallons of wastewater and provide sewer service to more than 180 million Americans. AMSA's members are passionate about moving cities across the country toward better water quality. AMSA has heard reliable and extremely troubling reports that the U.S. Environmental Protection Agency (EPA) is seriously considering not proposing for public review and comment revisions to the federal Total Maximum Daily Load (TMDL) regulations (now referred to as the "watershed rule"). We understand that EPA is considering continuing to operate the TMDL program under the existing 1992 rule – which has been widely criticized by environmental activists, academia, scientists, and regulated sources nationwide as ineffective and unworkable.

Stunningly, we also have heard that environmental organizations support EPA's potential abandonment of the watershed rule in favor of a return to the broken 1992 rule. These same organizations coordinated the filing of over 30 lawsuits against EPA and the states for failure to develop and implement TMDLs under the 1992 rule, leaving no question about their position on the 1992 rule's effectiveness. The only possible motivation behind the activists' endorsement of what will be a monumental step backward for our nation's water quality is their desire to control the TMDL program in the courts and to collect attorney's fees under the Clean Water Act. This sudden change of heart, quite simply, is the height of hypocrisy.

AMSA strongly urges you to make the only environmentally beneficial choice available by proposing the watershed rule for public comment as soon as possible. The watershed rule EPA plans to propose would create a system to holistically address clean water issues, incorporating both point and nonpoint sources in a meaningful manner. It also would provide a workable process for TMDL implementation and accountability for all parties, which is the only way to achieve any measurable water quality improvement.

AMSA Letter to Administrator Whitman

August 7, 2002

Page Two

AMSA supports many of the points in the August 2, 2002 letter from the Association of State and Interstate Water Pollution Control Administrators, which urged EPA to propose the watershed rule and made clear that continued operation under the 1992 rule is not a “viable alternative.” The academic and scientific communities also have urged EPA to advance changes to the TMDL program. EPA’s contemplated watershed rule directly responds to the thoughtful recommendations of the National Academy of Science’s National Research Council in its Congressionally-mandated June 2001 Report to Congress on the TMDL program.

AMSA member agency personnel – city employees and dedicated public servants from across the country – took their time and resources to participate constructively in EPA’s public listening sessions, which led to the Agency’s development of the proposed watershed rule. For this proposal to never see the light of day, for EPA to abandon a public stakeholder process in favor of a return to a broken rule – and for environmental organizations to support such an outcome – would be the most anti-environmental result possible.

Again, on behalf of our nation’s wastewater treatment agencies, we urge you to move forward expeditiously with this critical proposal.

Sincerely,

A handwritten signature in black ink that reads "K Kirk". The "K" is a simple, bold letter, and "Kirk" is written in a cursive, flowing script.

Ken Kirk
Executive Director

cc: G. Tracy Mehan, Assistant Administrator
Office of Water
U.S. Environmental Protection Agency

Thomas Gibson, Associate Administrator
Office of Policy, Economics, and Innovation
U.S. Environmental Protection Agency