

*President*  
William L. Pugh  
Public Works Director  
City of Tacoma  
Public Works Department  
Tacoma, WA

*Vice President*  
Gurnie C. Gunter  
Director  
Kansas City Water  
Services Department  
Kansas City, MO

*Treasurer*  
Paul Pinault  
Executive Director  
Narragansett Bay Commission  
Providence, RI

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

*Executive Director*  
Ken Kirk

September 19, 2000

**J. Charles Fox**  
Assistant Administrator for Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (4101)  
Washington, DC 20460

Dear Chuck:

On behalf of the Association of Metropolitan Sewerage Agencies (AMSA), I seek your assistance in resolving a growing dispute over the practice of "blending" peak wet weather flows. Since the advent of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has authorized numerous municipal wastewater treatment systems to meet their secondary treatment standards by blending partially-treated, disinfected wet weather flows with fully treated effluent prior to discharge. This practice enabled POTWs to meet secondary treatment standards, maximize flow to the treatment plant, and, at the same time, protect sensitive biological treatment systems of the plant from being destroyed or washed out by excessive wet weather flows.

We understand that several EPA Regions and the Office of Enforcement & Compliance Assurance are now attempting to reverse the Agency's position on blending by reinterpreting the bypass regulations to prohibit this practice. This reinterpretation constitutes an arbitrary regulatory and policy reversal, one that would render treatment costs unaffordable and would unnecessarily prohibit a practice that fully complies with the secondary treatment regulations. Therefore, AMSA urges you to take any necessary steps to advise all EPA Regions that blending is an authorized treatment practice.

September 19, 2000

Page 2

There is no question that EPA recognized early on that sizing POTWs to treat all peak wet weather flows would be technologically unreasonable, prohibitively expensive, and unnecessary to achieve secondary treatment standards. Long before the promulgation of the bypass regulations, EPA allocated grant money and approved permits for the design and construction of POTWs which blend treated wastewater and disinfected peak excess flows prior to discharge. Many POTWs were authorized to design their plants to blend as a way to maximize full secondary treatment during wet weather conditions, while providing disinfection to flows beyond the capacity of the POTW to handle. The secondary treatment standards were purposely designed to avoid requiring POTWs to construct facilities to treat peak excess flows, and did not prohibit blending as a practice. This flexibility allowed POTWs to design their systems for dry weather conditions, and enabled disinfection of diluted wet weather flows without the risk of washing out the biological systems of the plant.

The continued recognition of blending is absolutely essential to those POTWs designed to handle wet weather flows in this way. The recent attempt to extend the bypass regulations to prohibit blending is inconsistent with a long history of EPA permitting and funding decisions. As confirmed in the letters sent to EPA recently by various state municipal organizations, the reinterpretation of the bypass regulations to prohibit blending is also at odds with several court decisions on point.

AMSA understands that the Office of Wastewater Management (OWM) is conducting research to determine the implications of interpreting blending as an illegal bypass, including sample permit language, the range of blending designs, as well as the cost and environmental impacts. We would be happy to offer AMSA technical expertise in the collection of pertinent information to support OWM's research. As a follow-up, we request the opportunity to meet with you and staff to discuss this matter further. Please feel free to contact me at 202/833-4653 if you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be the name 'Ken Kirk'.

Ken Kirk  
Executive Director