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Ken Kirk

September 14, 2006

Benjamin Grumbles
Assistant Administrator
Office of Water
Ariel Rios Building
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 4101M)
Washington, DC 20460

Dear Ben,

The U.S. Environmental Protection Agency (EPA or Agency) committed some years ago to refocusing serious effort on a comprehensive national program for sanitary sewer overflow (SSO) control once the Agency completed a peak flow management policy. With EPA's proposed peak flow policy now almost final, NACWA's municipal members nationwide are prepared to engage with EPA on the SSO issue and to commit significant resources to move this critical topic forward.

A comprehensive national program for SSOs is critical to the success of the ongoing initiatives designed to encourage improved sewer system management. A national program will help to provide a roadmap for increased investment in the Nation's aging collection system infrastructure, provide the foundation for sustainable management of that infrastructure into the future, enhance collaboration and partnership between municipalities, communities and regulators, and most importantly ensure that public health and the environment is consistently protected. The need for a national SSO program is clear:

- more than 19,000 municipal sanitary sewer collection systems, that have the potential to overflow into the Nation's waters, will have clear system management guidelines to maintain and upgrade their systems and reduce SSOs;
- in the absence of a comprehensive federal program, a patchwork of state and regional approaches is developing where no two programs are alike;
- communities are expending limited resources defending enforcement actions rather than on complying with a consistent and comprehensive SSO protocol;
- satellite collection systems can be brought under CWA jurisdiction with a federal SSO program;

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- to the extent that it is a part of the program, increased and enhanced spill reporting and notification will benefit communities and the environment;
- clear requirements for sewer system management will assist municipalities in establishing and/or maintaining funding to adequately manage and operate the sewer system.

NACWA is committed to cultivating broad-based support for a federal SSO program. However, we recognize that SSO issues are complex and that consensus may be elusive. For this reason, it is incumbent on the Agency to commit to this issue, to develop targeted deadlines for progress, and to remain firmly engaged in the development and finalization of a comprehensive federal SSO program. Absent a meaningful commitment to move forward from EPA, NACWA intends to formally petition the Agency to initiate an SSO rulemaking.

NACWA welcomes the opportunity to discuss the critical next steps on this clean water issue. We stand ready to work tirelessly on this topic and to assist you in the task at hand. I look forward to your response to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is written in a cursive, slightly stylized font.

Ken Kirk
Executive Director

cc: Jim Hanlon