



June 2, 2010

EPA Announces Initiation of Rulemaking on Sanitary Sewer Overflow and Wet Weather Issues

EPA announced today that it will be seeking public input on wet weather issues that affect sanitary sewer systems, including sanitary sewer overflows (SSOs) and blending. The pre-publication version of the Federal Register notice states that the Agency is considering "whether to propose to modify the National Pollutant Discharge Elimination System (NPDES) regulations as they apply to municipal sanitary sewer collection systems and sanitary sewer overflows," and will be considering the following issues:

- Whether to develop broad-based SSO regulations under the NPDES program, including standard permit conditions for publicly owned treatment works (POTWs) and collection systems that may include the following:
 - Reporting, recordkeeping, and public notification;
 - Capacity assurance, management, operation, and maintenance requirements (CMOM) for collection systems; and
 - Possible provisions for SSOs caused by exceptional circumstances.
- Whether to require satellite collection systems to obtain a permit.
- Whether to adopt the December 2005 draft Peak Flows Policy or a revised Policy, and/or to address peak flows as part of a holistic and integrated SSO rulemaking.

In its press release, EPA states the Agency is considering these issues because it "is initiating a rulemaking to better protect the environment and public health" from SSOs and basement backups. EPA will begin holding public listening sessions beginning in June, and is providing a 60-day period for submission of written comments after publication of the notice in the Federal Register. State and regional groups are encouraged to contact NACWA with your input on EPA's wet weather rulemaking.

NACWA Seeks State/Regional Groups' Input on Federal Stormwater and Wastewater Fees

NACWA is continuing its aggressive advocacy to counter federal government facilities' refusal to pay local stormwater and/or wastewater fees. As part of this effort, you are encouraged to share their experiences with federal facility payment with NACWA. The Association recently sent [a letter](#) to U.S. Attorney General Eric Holder addressing this concern and will be meeting with key Department of Justice (DOJ) staff soon. NACWA has also been meeting with congressional staff to explore potential legislative solutions. To better inform NACWA's advocacy on this issue, we are compiling a list of clean water utilities that have experience with federal government facilities refusing to pay local stormwater fees or wastewater fees. If your utility members are either currently dealing with this issue or have faced this issue in the past, please provide us with as much of the following information as possible:

- a) Name of the utility
- b) Type of federal government facility that has refused to pay fee

- c) Type of fee involved – wastewater or stormwater?
- d) Reason federal facility has given for refusing payment
- e) Any efforts taken thus far by the utility to resolve the situation
- f) Amount of unpaid fees owed by the federal facility
- g) The appropriate utility staff to contact for further information

For those utilities that have not yet responded, please send any information regarding this request to Thea Graybill, NACWA's Government Affairs Assistant, at tgraybill@nacwa.org. Thanks, in advance, for sharing your experiences.

Legislation Seeking to Bolster Drinking Water SRF Moves Forward

A House Energy and Commerce subcommittee recently approved the *Assistance, Quality and Affordability Act of 2010* (H.R. 5320). The legislation reauthorizes the Drinking Water State Revolving Fund (DWSRF) for the first time since its inception and would provide \$14.7 billion for the DWSRF over five years. The bill also seeks to reduce lead content in drinking water systems and expand the Endocrine Disrupting Substance Screening Program. Under the legislation, EPA is required to develop a list of 100 endocrine disrupting chemicals (EDCs) found in drinking water, and order testing for at least 75 of these chemicals annually in order to begin to develop a more robust database. The legislation does not create any new regulations for EDCs. Additionally, during the subcommittee mark, an amendment offered by Congresswoman Tammy Baldwin (D-Wis.) was approved requiring EPA to conduct a study on the presence of pharmaceutical and personal care products in drinking water. It is unclear at this point how this bill will impact the movement of its Senate SRF counterpart — S. 1005 — which continues to await action on the Senate floor as key Senators seek a solution to Davis-Bacon and distribution formula issues. NACWA will continue to advocate for moving these key pieces of funding along and will keep you informed of progress as it occurs.

Web Seminar on Affordability Issues Offered to State and Regional Organizations

With the stability of the economy still in question municipalities continue to struggle with the cost of federal Clean Water Act enforcement and regulatory actions. The issue of affordability looms large. An upcoming NACWA web seminar, *Money Matters . . . Making the Case for Affordability* will provide a diverse array of perspectives on this important issue. Loren Denton, Acting Branch Chief of the Municipal Enforcement Branch of the Office of Enforcement & Compliance Assurance's Water Enforcement Division of EPA will provide remarks focusing on EPA's efforts to clarify its approach to affordability – and how the Agency is working with NACWA and other key stakeholders to address affordability concerns in the consent decree context. Case studies will also be provided by top utility officials from Atlanta, Georgia; Sanitation District 1 in Fort Wright, Ky.; and Akron, Ohio. These case studies will feature the very real affordability problems that exist within the context of CWA compliance requirements and lessons learned from their negotiations and ongoing implementation efforts. Mark your calendars for June 22 from 2:00 – 3:30 pm Eastern and [register today](#) for this important and timely discussion.

Please feel free to contact Thea Graybill, Government Affairs Assistant with any questions or concerns at tgraybill@nacwa.org.