

EPA Request for Input on SSOs and Wet Weather Policy

Docket ID No. EPA-HQ-OW- 2010-0464.

**Comments Submitted by
Water Environment Association of Texas
and
Texas Association of Clean Water agencies
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General Comments:

Management of collection system Sanitary Sewer Overflows (SSO) and peak wet weather flows continue to be an ever growing challenge due to aging wastewater system infrastructure, failure to perform adequate maintenance and a lack of proactive management of piping and appurtenances by some utility owners. A clear and concise rule with emphasis on chronic or repeat problems that go unaddressed by the permit holder should be established to regulate and mitigate sanitary sewer overflows and manage peak wet weather flows.

Responses to Questions:

1. Should EPA propose to clarify its standard permit conditions for SSO reporting, recordkeeping and public notification?

Answer: Yes. The current standard permit conditions for SSO reporting, record keeping and public notification are often not clearly understood by the permit holder and thus serve as a source for error in overflow reporting/record keeping. Written clarification defining when an SSO is reportable, how the record of the overflow is to be made and filed, and when and how notification to the public should be made is essential.

An SSO should be deemed reportable if an overflow occurs from a permit holder's wastewater main that contaminates water or land and is hazardous to the public,. The new permit conditions should require a permit holder to maintain records of all overflows identified and report the list along with corrective actions annually to the public. Repeat overflow occurrences need to be addressed in the standard, providing clear stipulations should the permit holder fail to address the problem in a timely manner.

2. Should EPA propose to develop a standard permit condition with requirements for capacity, management, operations and maintenance programs based on asset management principles?

Answer: Yes. The Capacity Management Operation and Maintenance (CMOM) Program originally developed was partially an effort to educate permit holders on procedures to proactively manage and operate their sanitary sewer systems. When the EPA did not adopt the concept as a permit condition, many state agencies developed overflow policies, such as the Texas Commission on Environmental Quality's (TCEQ) Sanitary Sewer Overflow Initiative (SSOI). While policies such as the TCEQ SSOI are intended to assist permit holders in operating and managing their collection systems, they are not mandatory.

An Asset Management Program allows the permit holder to account for the infrastructure they own and how much life is left which is a critical component to a successful CMOM program. However, it must be clearly explained that an Asset Management program is not a CMOM program A CMOM program takes the accounting and applies it in effectively operating and maintaining the system. Size of the system should be taken into account in developing CMOM and Asset Management program requirements in terms of the permit holders financial assets/liabilities and available staff.

3. Should EPA propose to require permit coverage for municipal satellite collection systems?

Answer: Yes. Satellite collection systems, where the wastewater is discharged to a treatment works operated by another entity, should have as much responsibility as the permit holder for sanitary sewer overflows in their collection system. Regional systems that serve multiple satellite collection systems sometimes struggle to balance the operation and management of the treatment works facilities and/or wastewater interceptors, due to excessive flows discharged by the satellite systems, especially during wet weather events. Federal policy is needed to ensure that both entities are responsible for the proactive operation and management of their own system.

4. What is the appropriate role of NPDES permits in addressing unauthorized SSOs that are caused by exceptional circumstances?

Answer: The NPDES permit should include language that addresses and defines extenuating, unavoidable circumstances such as flood events that are caused by severe, unforeseeable weather conditions such as hurricanes and tropical storms. Permit holders should be required to have an action plan and to enact that action plan for such events.

5. How should EPA address peak flows at POTW treatment plants?

Answer: Acts of nature that result in excessive flows to the treatment plant, exceeding the plants complete treatment process capacity, should be addressed system by system. Overloading the biological treatment process will result in improper treatment, and thus in peak flow events the permit holder must have options. Blending, if clearly defined, is definitely a more proactive policy as it includes disinfection before discharge than a bypass scenario that does not include disinfection. Once an entity is approved for and constructs blending infrastructure at their treatment works, the bypass infrastructure should be verified as abandoned. Further, compliance stipulations should be in place to ensure that blending is initiated only during peak flow events that are documented to be beyond the treatment plant capacity, measured, recorded and reported.

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