



WATER ENVIRONMENT ASSOCIATION OF TEXAS

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January 23, 2006

Water Docket
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Docket No. EPA-HQ-OW-2005-0523

The Water Environment Association of Texas (WEAT) is a professional association of engineers, environmental scientists and others who are involved in wastewater treatment and water quality management. We are a member association of the Water Environment Federation and we are dedicated to promoting scientifically sound environmental policy and regulations. Thank you for the opportunity to comment on EPA's draft policy regarding NPDES permit requirements for peak wet weather discharges from publicly owned treatment works (POTW) treatment plants serving separate sanitary collection systems.

WEAT appreciates EPA's recognition of peak wet weather flows as an issue of great concern and major cost for municipal wastewater utilities. WEAT supports the concept of a negotiated policy and applauds EPA for accepting input from the Natural Resources Defense Council (NRDC) and the National Association of Clean Water Agencies (NACWA) to incorporate into the draft policy. WEAT supports the draft policy because it provides EPA and permittees with guidelines to recognize and handle peak wet weather flows. We believe the proposed policy will provide consistency in approach for review and permitting.

In general, WEAT agrees with the use of the bypass provision for permitting wet weather flows as an appropriate regulatory mechanism. However, we are concerned that the general public and rate payers are often confused or misled by the term "bypass". In this case, the policy requires the blended discharge to meet effluent limits. We suggest that a term other than 'bypass' be used in the permit to describe the blended discharge.

While we agree that over time substantial reductions in peak wet weather flows can be accomplished, WEAT does not agree with EPA's presumption that peak weather flows can be totally eliminated. Large regional systems with extensive collection systems will always have peak wet weather flows even when infiltration/inflow (I/I) is reduced to levels considered not excessive. EPA should acknowledge that blending to handle peak wet weather flows will be an ongoing operational practice and develop a long term regulatory strategy for dealing with it.

Thank you for the opportunity to comment on this important policy. Please feel free to contact me if you have any questions or need any additional information.

Sincerely,

Carol Batterton
Executive Director