



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 16 2009

Mr. Ken Kirk
Executive Director
National Association of Clean Water Agencies
1816 Jefferson Place, NW
Washington, DC 20036-2505

OFFICE OF
WATER

Dear Mr. Kirk:

Thank you for your letter dated September 24, 2009, in which you presented a detailed discussion from members of the National Association of Clean Water Agencies (NACWA) on the reasons the Environmental Protection Agency (EPA) should deny the pending petition for rulemaking from the Natural Resources Defense Council (NRDC) to control the discharges of nutrients from publicly owned treatment works (POTWs) through standards for secondary treatment.

We sincerely appreciate the effort undertaken by NACWA to engage its members and continue to discuss with us key issues underlying strategies for controlling nutrient enrichment. We are carefully reviewing the details presented in your letter along with other related points raised during past discussions with NACWA staff, as well as concerns from other stakeholders. We also sincerely appreciate the data and information gathered by NACWA from its member POTWs and voluntarily submitted to EPA. We are actively analyzing all of the data and information we have gathered and received, and intend to prepare a report and preliminary response to the NRDC petition later this fiscal year. Please be assured that we will further consult with NACWA and other stakeholders and consider very carefully all of the important information presented in your letter before we take action on the NRDC petition.

Thank you again for the continuing dialogue and coordination of our efforts as we address many important clean water issues. If you need further information, please contact me, or call Mary T. Smith, Director of the Engineering and Analysis Division, at (202) 566-1056.

Sincerely,

A handwritten signature in black ink, which appears to read "Pet Silva", is written over the typed name and title.

Peter S. Silva
Assistant Administrator