

NACWA Talking Points for EPA Listening Sessions on the Notice for Stakeholder Input into a Sanitary Sewer System Policy

NACWA has consistently sought a comprehensive regulatory program for sanitary sewer collection systems, a position that has been consistently articulated in its meetings and correspondence with EPA over the past decade. The Association applauds EPA's decision to begin collecting information in support of the development of such a program for the Nation's sanitary sewer systems. Although some of the elements from the 2001 draft sanitary sewer overflow (SSO) rule may serve as the basis for further discussion, much new information has been learned, and much progress has been made, over the past decade. NACWA believes that a final rule should, at a minimum:

- Address SSOs through a nationally consistent technology-based BAT/BCT approach, using the management, operation and maintenance (MOM) concept as the standard for measuring compliance
- Ensure the establishment of adequate system capacity through development of a site-specific capacity assurance plan, using a metric such as site-specific design storms or overflow recurrence characteristics to develop a performance standard that is protective of water quality and public health
- Include a satellite collection system permit program, with permits issued directly to the owner/operator of the system, including capacity assurance and MOM provisions reflecting their impacts on regional systems
- Include reasonable provisions for reporting, public notification and recordkeeping for sanitary sewer overflows
- Include additional provisions authorizing alternative peak flow treatment scenarios at POTWs under appropriate circumstances
- Include appropriate standards for permitting of peak excess flow treatment facilities located elsewhere in the collection system, using the BAT/BCT approach
- Address important legal questions that remain unresolved, including whether sanitary sewer systems are part of the POTW and jurisdictional issues over whether overflows not reaching waters of the US can be addressed through the NPDES program.
- Include a flexible approach that recognizes the importance of financial capability considerations in addressing SSO issues and ensures that new regulatory requirements result in meaningful water quality improvement.
- Incorporate watershed-based planning principles that provide flexibility to prioritize collection system management activities based on risk and to focus on providing the greatest opportunities for health and environmental improvements as early in the process as possible