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December 22, 2011

The Honorable Bob Perciasepe  
Deputy Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460  
*Via Electronic Mail: [perciasepe.bob@epa.gov](mailto:perciasepe.bob@epa.gov)*

Re: Sewage Sludge Incineration Rule, 76 Fed. Reg. 15372 (Mar. 21, 2011);  
Supplement to NACWA Petition for Reconsideration

Dear Mr. Perciasepe:

Thank you again for meeting with us this week to discuss EPA's final rule regarding air emissions standards for sewage sludge incinerators (SSIs). We appreciate the opportunity to further explain our request that EPA stay the SSI rule and convene a new rulemaking to correct what we perceive as fundamental flaws in the legal authority and technical basis underpinning the rule.

As we outlined in the meeting, NACWA believes the SSI rule is based on erroneous interpretations of the relevant federal statutes as well as flawed analyses of inadequate technical data on the emission performance of SSIs. Staying the SSI rule and initiating a new rulemaking is necessary in order to develop air emission regulations for SSIs under the proper statutory authority and based on a more robust and representative database. We believe EPA has ample authority to regulate all of the pollutants at issue according to the authorities granted in section 112 of the Clean Air Act and/or section 405 of the Clean Water Act. NACWA urges EPA to withdraw the current SSI rule and to supplement the existing Clean Water Act regulations governing air emissions from SSIs using these statutory authorities as Congress intended.

Sewage sludge incineration is a critical disposal method for more than 100 communities across the country and should be preserved as a viable option into the future. EPA's current SSI rule will unnecessarily impose enormous costs on municipal ratepayers at a time of economic uncertainty, discourage the possibility of

future beneficial energy reuse projects related to incineration, and force many communities to use alternative solids disposal methods with potentially greater adverse impacts to the environment.

NACWA believes the SSI rule is highly susceptible to legal challenge. However, we also believe EPA's and NACWA's mutual goals of effective, pro-active environmental protection are best achieved by EPA withdrawing this rule, and for EPA and NACWA to work cooperatively on developing legally and technically sound emissions standards for SSIs. NACWA stands ready to work closely with EPA in this effort, just as we have worked collaboratively with EPA on many critical environmental issues over the past forty years. At a time when EPA is starting to look at many of the environmental responsibilities facing municipal clean water utilities in an integrated fashion, we believe solids management is an important element of the equation. Adding yet another costly requirement for already struggling municipalities needs closer scrutiny. NACWA thanks you for your leadership on this critically important integrated planning initiative.

Thank you again for your time and consideration of this matter. Should you require additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hornback", written in a cursive style.

Chris Hornback  
Senior Director, Regulatory Affairs

cc: Gina McCarthy, Assistant Administrator, Office of Air and Radiation, EPA  
Mathy Stanislaus, Assistant Administrator, Office of Solid Waste and Emergency Response, EPA  
Nancy Stoner, Acting Assistant Administrator, Office of Water, EPA  
Avi Garbow, Deputy General Counsel, Office of General Counsel, EPA  
Air Docket No. EPA-HQ-OAR-2009-0559