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July 21, 2014

Nancy Stoner

Acting Assistant Administrator, Office of Water

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue NW

Washington, DC 20460

Dear Ms. Stoner:

Attached to this letter please find a position paper developed by the National Association of Clean Water Agencies (NACWA) addressing the issue of resource recovery from wastewater and its relationship to the U.S. Environmental Protection Agency's (EPA's) regulations at 40 C.F.R. Part 503. The paper outlines NACWA's position that the extraction of valuable resources like struvite from wastewater streams does not trigger regulatory action under Part 503. The paper further requests that EPA issue a policy statement to clarify that resource extraction from wastewater is a different process from management of sewage sludge and that Part 503 does not govern these materials.

As we discussed with you in our meeting on this topic in March, municipal clean water utilities across the country are pursuing many innovative approaches to recover valuable resources from wastewater and provide their communities with increased environmental and economic benefits. Struvite is just the first of many beneficial products that will be increasingly harvested from wastewater as new technologies continue to advance.

Accordingly, the regulatory approach EPA takes in dealing with struvite will be closely watched by the municipal clean water community and will have significant impacts on the development of future resource recovery technologies. It is critical that EPA not unnecessarily regulate products such as struvite in a manner that could have a chilling effect on other future resource recovery innovations. NACWA is pleased at the strong support EPA has provided thus far to the Water Resources Utility of the Future (UOTF) initiative and believes that a policy statement excluding struvite from Part 503 would be an important step forward in helping promote UOTF concepts.

NACWA has been a strong supporter of the Part 503 regulations over the years, playing a central role to craft the regulations 25 years ago and aggressively working

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to defend them since that time. NACWA has been particularly active in helping promote and defend the practice of land application, and will continue to be an advocate for this practice going forward. At the same time, NACWA believes that more recent innovations to recover valuable resources such as struvite were never envisioned by the Part 503 framework, nor are they appropriate for Part 503 regulation.

We look forward to continued constructive conversation with EPA on this very important issue. Please do not hesitate to contact Chris Hornback at 202-833-9106 or Nathan Gardner-Andrews at 202-833-3692 with any questions about the position paper.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The "K" is large and stylized, with the first two letters of the last name "Kirk" written in a cursive script.

Ken Kirk
Executive Director