



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

AUG 08 2014

OFFICE OF
WATER

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

Dear Mr. Kirk:

Thank you for your June 9, 2014, letter to Administrator McCarthy. In your letter, you raised concerns about how, in a February 14, 2014 letter, the Environmental Protection Agency (EPA) Region II ignored the "knee of the curve" language in the 1994 Combined Sewer Overflow (CSO) Control Policy and requested that EPA reaffirm its commitment to the use of a "knee of the curve" cost/performance analysis in a long term control plan (LTCP). In addition, you request that EPA reaffirm that the applicable water quality benchmark for LTCP approvability is the applicable water quality standards.

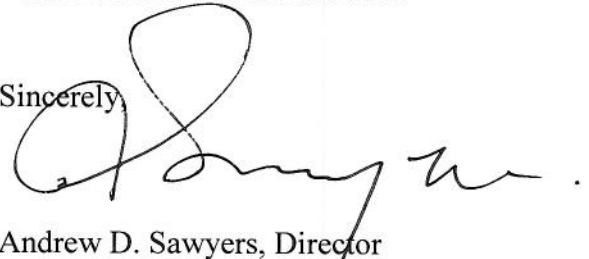
EPA, including all of its regional offices, remains committed to implementing the 1994 CSO Control Policy which establishes a uniform, nationally consistent approach to controlling discharges from combined sewer overflows. The Policy recommends that the LTCP consider a comprehensive set of reasonable alternatives that should be sufficient to meet Clean Water Act requirements and that the permittee develop cost/performance curves to demonstrate the relationships among the alternatives that includes an analysis to determine where the increment of pollution reduction achieved in the receiving water diminishes compared to the increased costs. This analysis, often known as a "knee of the curve" analysis, is intended to help guide selection of controls. We remain committed to the use of a "knee of the curve" for this purpose.

The CSO Policy anticipates that LTCPs will be designed to meet water quality standards (WQSs) once they have been fully implemented. In a situation in which the WQSs are being reevaluated at the same time that the LTCP is being developed, the CSO Policy anticipates close coordination between the permittee, the permitting authority, and the water quality standards program to ensure that the controls identified in the plans will be sufficient to meet the WQSs expected to be in place at the time the CSO plan has been completed. This coordinated approach is fully consistent with the CSO Policy, which discusses the concept of using the use attainability analysis process to achieve the objective of ensuring that WQSs will ultimately be achieved. In a circumstance in which modifications to a WQS are being considered, it may be prudent for the LTCP to consider alternatives that meet currently applicable WQSs as well as those that are

likely to apply in the future. If the WQSs are changed so as no longer to be consistent with the LTCP, the LTCP would need to be revised based on the applicable WQSs. The CSO policy also contemplates the use of post-construction monitoring to ensure that the LTCP as implemented performs as anticipated.

Thank you for this opportunity to reaffirm the principles of the CSO Policy. If you have any questions, please contact me at (202) 564-0748, or have your staff contact Connie Bosma at (202) 564-6773.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers", with a large, stylized initial "A" and a trailing flourish.

Andrew D. Sawyers, Director
Office of Wastewater Management