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**Adam Krantz**

October 5, 2015

**Janet McCabe**

Acting Assistant Administrator

Office of Air and Radiation

U.S. Environmental Protection Agency

William Jefferson Clinton Building

1200 Pennsylvania Avenue, NW; Mail Code: 6101A

Washington, DC 20460

*Via Electronic Mail*

Dear Assistant Administrator McCabe,

The National Association of Clean Water Agencies (NACWA) asks that your office respond to our numerous requests for information on the status of our May 27, 2014, Petition for Administrative Stay and Reconsideration of the Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration (SSI) Units. Since filing our petition in May 2014, the only official communication from the Agency has been a four sentence letter dated September 15, 2014, simply indicating that EPA was in receipt of our petition.

During discussions in February of this year related to the Federal Implementation Plan (FIP) for the SSI rule, Peter Tsirigotis, Director of the Sector Policies and Programs Division, indicated that your office would be working to convene an internal meeting to discuss the status of our petition. Since that time, we have not received any update indicating that such a meeting has taken place and we have received no further information on the status of our petition.

A more immediate and serious concern is the significant delay in issuance of a final FIP. Many of our members across the country are being told that their permits will not be issued or final clearance to operate will not be given until the FIP is released. While our members have made substantial time and resource commitments to comply with these requirements, your office's delay in issuing the FIP is now creating uncertainty and confusion for a group of utilities that manages 20 percent of all the biosolids generated in this country.

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We respectfully request the following:

- A response to our May 2014 petition as soon as possible to give our members the certainty they deserve on this issue;
- A clear timetable for when the FIP will be released; and
- An action plan to ensure NACWA's Member Agencies and other utilities with SSIs can continue to operate without interruption should the FIP not be issued by your office with sufficient time to complete the necessary permitting in advance of the March 21, 2016 compliance deadline.

Your technical staff have been extremely professional and responsive over the past 5+ years of this rulemaking effort. However, our concerns have not received a sufficient level of attention from Office of Air and Radiation senior staff. We understand and are sensitive to the time and resource constraints that your office is under, but our public, city and county members frankly expect a more efficient process from EPA – especially considering the hundreds of millions of ratepayer dollars they have been investing to meet these requirements. We hope that as the compliance deadline approaches, you will be able to provide these fellow public servants with the certainty they need.

We would appreciate a response in the next 30 days given that the compliance deadline is now less than six months away. Please contact me or Chris Hornback of my staff at [chornback@nacwa.org](mailto:chornback@nacwa.org) or 202/833-9106.

Sincerely,



Adam Krantz  
Chief Executive Officer

cc:

Gina McCarthy, Administrator, U.S. EPA

Stan Meiburg, Acting Deputy Administrator, U.S. EPA

Ken Kopocis, Deputy Assistant Administrator, Office of Water, U.S. EPA

Peter Tsirigotis, Director, Sector Policies and Programs Division, Office of Air and Radiation, U.S. EPA