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**Ken Kirk**

April 4, 2008

Granta Nakayama  
Assistant Administrator  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Avenue, NW  
Room 3204 ARS MC 2201A  
Washington, DC 20406

VIA FACSIMILE AND U.S. MAIL

Dear Mr. Nakayama:

I write this letter on behalf of the over 300 members of the National Association of Clean Water Agencies (NACWA) to request clarification regarding current U.S. Environmental Protection Agency (EPA) guidelines to the EPA Regions for federal enforcement in wet weather cases, including combined sewer overflow (CSO) and sanitary sewer overflow (SSO) enforcement actions. NACWA has recently learned of two EPA Regions, Region V and Region VI, which have informed both state regulatory agencies and municipal utilities about a "new enforcement initiative" from the Office of Enforcement and Compliance Assurance (OECA) on wet weather CSO/SSO issues.

The most recent guidelines from OECA to the Regions regarding wet weather enforcement of which NACWA is aware is the April 10, 2005 memorandum on *Guidelines for Federal Enforcement in CSO/SSO Cases*. NACWA respectfully requests clarification on whether there have been any recent updates or revisions to the April 2005 guidelines or release of new guidelines on when and what type of federal enforcement action may be appropriate for CSOs and SSOs. If there have been no updates or revisions, NACWA requests confirmation that the April 2005 memo remains the most recent guidance to EPA Regions regarding CSO/SSO federal enforcement issues.

Thank you in advance for your time and attention to this request. If you have any questions or would like to communicate with a member of my staff, please contact Keith Jones, NACWA's General Counsel, at 202/533-1803 or [kjones@nacwa.org](mailto:kjones@nacwa.org).

Sincerely,



Ken Kirk  
Executive Director