



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

APR 30 2008

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

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 letter of April 4, 2008 to Granta Nakayama requesting 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. Mr. Nakayama has asked me to respond to your letter.

CSOs and SSOs have been an increasing compliance problem nationwide as the municipal infrastructure for sewage transport and treatment steadily deteriorates. CSOs and SSOs are also a significant cause of water quality impairment, and they pose a serious threat to public health and the environment from overflows in areas frequented by the public, such as parks, beaches, backyards, city streets, and playgrounds. For all of these reasons, CSOs and SSOs have been longstanding EPA national enforcement priorities.

In your letter, you asked if the EPA has a "new enforcement initiative" on wet weather CSO and SSO issues. In fiscal year 2005, the EPA Office of Enforcement and Compliance Assurance (OECA) designated CSOs and SSOs as national enforcement priority areas for a three year cycle extending through fiscal year 2007. Because CSOs and SSOs continue to present a significant threat to public health and the environment, both have been renewed as national wet weather priority areas for federal fiscal years 2008 through 2010. *(Please visit EPA's website at <http://www.epa.gov/Compliance/data/planning/priorities/> for more background and information on these priority areas).*

You also asked whether there have been any recent updates or revisions to the April, 2005 memorandum on *Guidelines for Federal Enforcement in CSO/SSO Cases*. The answer to this question is no. I would further add that EPA continues to follow this guidance nationally when deciding when and where federal enforcement may be appropriate for municipal cases involving CSOs and SSOs.

Thank you for your continuing interest in CSO and SSO compliance and enforcement. Please feel free to contact me (202-564-4001) or Joe Theis of my staff (202-564-4053) if you have any additional questions in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Pollins', with a large, stylized loop at the end.

Mark Pollins, Director  
Water Enforcement Division