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October 28, 2010

The Honorable Lisa P. Jackson

Administrator

U.S. Environmental Protection Agency

Ariel Rios Building

1200 Pennsylvania Ave, NW

Washington, DC 20004

Dear Administrator Jackson,

I am writing on behalf of the National Association of Clean Water Agencies (NACWA) to request a meeting with you to discuss U.S. EPA's recently proposed air emission standards for sewage sludge incinerators (SSIs) and the major impacts those standards will have on municipal wastewater utilities. Given the cross-cutting nature of the rules governing sewage sludge management, involving multiple EPA offices and at least three different environmental statutes, including the Resource Conservation and Recovery Act, the Clean Air Act and the Clean Water Act, NACWA believes the only way to ensure a viable outcome is through a meeting with you and your staff.

NACWA's nearly 300 public wastewater treatment agency members serve the majority of the sewered population in this country and manage thousands of tons of sewage sludge or biosolids on a daily basis. Nearly 20 percent of that sludge is managed through incineration. EPA's proposed maximum achievable control technology (MACT) standards for SSIs (75 *Fed. Reg.* 63260; October 14, 2010) will immediately shutter many of the country's SSIs and force many other communities to abandon this source of green energy in the near future.

NACWA's municipal agency members share the same objectives as EPA with regard to protection of public health and the environment. Though SSIs are already comprehensively regulated under the risk-based standards in EPA's Part 503 regulations under the Clean Water Act, the Association has actively supported EPA's efforts to develop air emissions standards for SSIs under the Clean Air Act for the past decade. NACWA's concerns with the recent proposal lie with how and under what Clean Air Act authorities these new standards were developed.



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We have written to and met with officials in all three major EPA offices engaged in this effort – the Office of Solid Waste and Emergency Response, the Office of Air and Radiation, and the Office of Water – at all levels, as well as EPA’s Office of General Counsel to express our concern over the impact these standards will have on the already limited options municipalities have for managing their biosolids but believe it is vital that these offices receive some clarity on this issue from your office.

Communities in 24 states, concentrated in the Northeast and Midwest, rely on incineration as the primary means of managing their sewage sludge. Over the years, options for local governments have been limited to three sewage sludge management options: land application, landfill, and incineration. EPA’s proposed standards for new and existing units will largely eliminate incineration from this already short list. The communities who selected incineration did so after carefully considering the availability of landfill capacity and the feasibility of land application. Communities in states such as New York and New Jersey, where landfill capacity is already strained, have relied on incineration as the most environmentally and economically responsible management option for decades.

Today’s modern SSI units are capable of managing large quantities of sewage sludge while recovering a significant amount of the heat from the combustion process to run treatment equipment, heat buildings, and generate electricity. This energy recovery can significantly reduce the power demands of our wastewater treatment plants. The proposed standards, however, by EPA’s own estimates will force many utilities to send their sewage sludge to a landfill instead of taking advantage of this potential source of green energy.

Again, NACWA remains committed to working with the Agency to develop reasonable Clean Air Act controls for sewage sludge incinerators. Please let us know the earliest time possible that we can meet with you and your staff on this important manner.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk".

Ken Kirk
Executive Director

CC EPA Deputy Administrator Bob Perciasepe