



November 4, 2009

Cynthia Giles
Assistant Administrator
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Avenue, NW
Washington, DC 20460

John C. Cruden
Acting Assistant Attorney General
Environment and Natural Resources Division
950 Pennsylvania Avenue, NW
Washington, DC 20530-001

Dear Assistant Administrator Giles and Acting Assistant Attorney General Cruden:
After our meeting with you in February, the Mayors and their staff have been working diligently to develop a series of recommendations on ways to increase CSO/SSO flexibility and still achieve our Clean Water goals. I'm pleased to enclose these recommendations for your review.

As you can see, the policy options and their justifications are meant to further our productive dialogue with EPA and DOJ, and serve as a statement of what our participating cities consider fair treatment, within the current scope of existing federal law, EPA regulations and EPA Guidance including the CSO Control Policy. At the same time these policy options will provide cities with relief from overly aggressive enforcement at the Regional level by both Agencies, and still accommodate the Agency's need to have enforceable compliance to achieve water quality standards.

The USCM and its Member cities strongly urge the EPA and DOJ to issue a joint memorandum to all EPA Regional Offices and DOJ attorneys incorporating the flexibility proposed in this document as available policy options when negotiating sewer overflow controls with cities.

The USCM invites you both to join the Mayors to discuss this proposal at 1:30 PM on December 9, 2010 in Washington, DC at the St. Regis Hotel. Please contact Judy Sheahan of my staff at 202-861-6775 and let her know if you will be able to participate in this meeting. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Tom Cochran".

Tom Cochran
CEO and Executive Director

