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September 30, 2011

**Mohammed Billah**

**Office of Wastewater Management**

**U.S. Environmental Protection Agency**

**1200 Pennsylvania Avenue, NW**

**Washington, DC 20406-0001**

**Via email: [Billah.Mohammed@epa.gov](mailto:Billah.Mohammed@epa.gov)**

**Re: CSO Post-Construction Compliance Monitoring Guidance**

Dear Mr. Billah:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) *Draft CSO Post Construction Compliance Monitoring Guidance* ("Guidance"). NACWA represents the interests of nearly 300 of the nation's publicly owned wastewater treatment works (POTWs) or clean water agencies, many of which are currently implementing combined sewer overflow (CSO) long-term control plans (LTCPs).

NACWA offers the following comments for you to consider when preparing the final version of the *Guidance*:

- The *Guidance* begins with the erroneous assumption that CSOs are by default the cause of any water quality problems in the receiving water. For water bodies where studies have demonstrated the minor impacts of CSOs in the context of all pollutant sources, POTWs should be allowed to submit any necessary reports and then develop their post construction monitoring plan to demonstrate that CSO controls are performing as designed and that CSOs are not contributing to the underlying water quality impairment. This would be best accomplished with CSO quality, volume, and frequency monitoring as well as discharge modeling, without the emphasis on ambient monitoring.
- The *Guidance* references monitoring and sampling documents that were issued by EPA two decades ago. Many of these documents no longer reflect the state of the art in monitoring approaches. Because of their reference in

the *Guidance*, however, National Pollutant Discharge Elimination System (NPDES) permitting authorities may feel obligated to put POTWs through all of the outdated steps before making decisions on the monitoring plan. EPA should either update these references or the *Guidance* should become its own source document with requirements customized for CSO post construction monitoring plans.

- If the *Guidance* continues to rely on other source documents, it should not repeat the information contained in those documents. The information in the *Guidance* and/or the reference documents could be changed, resulting in differences between the documents that would make implementation unnecessarily complicated.
- When designing sampling plans, POTWs should identify all chemicals of concern related to CSOs and be allowed to limit their post construction compliance monitoring to these chemicals. Because POTWs have limited resources, the costs of the required personnel, equipment, and laboratory work for a monitoring plan must be carefully considered. CSO post construction monitoring plans should not include testing that is not related to a POTW's NPDES permit requirements.

Thank you for your consideration of these comments on the *Guidance*. Please contact me at 202/296-9836 or [cfinley@nacwa.org](mailto:cfinley@nacwa.org) with any questions.

Sincerely,



Cynthia A. Finley  
Director, Regulatory Affairs