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. . . are we there yet?

## **Tortured History of SSO Regulation**

- 1994: SSO Policy Dialogue
- 1994: SSO FAC Subcommittee  
AMSA, WEF, APWA, ASIWPCA, NLC, NRDC
- Dec. 1994: 1st FAC meeting
- Dec. 1996: FAC goes on hiatus
- May 1999: Regulatory Language released
- Oct. 1999: Final Meeting in Williamsburg

Proposed Rule  
signed  
Jan. 5, 2001

then . . .

Proposed Rule  
withdrawn Jan. 20,  
2001



## Recent History

- 2003: EPA releases draft Peak Flow Policy
- 2004 EPA releases Report to Congress on CSO/SSO
- 2005: EPA releases draft Fact Sheet and Model Permit Language for SSOs
- 2005: NACWA and NRDC negotiate Blending Policy
- 2006/2007: Blending Policy stuck at OMB
- 2007: EPA releases revised Fact Sheet and Model Permit Language for SSOs
- 2010: EPA Listening sessions, comment period



# PLANNING

MUCH WORK REMAINS TO BE DONE BEFORE WE CAN ANNOUNCE  
OUR TOTAL FAILURE TO MAKE ANY PROGRESS.

# Sanitary Sewer Overflow/Peak Wet Weather Flows Permitting Workshop (2011)

- ASIWPCA (now ACWA)
- NLC
- NACWA
- WEF
- NGOs  
NRDC, American Rivers, Cahaba R.S., Clean Water Action
- EPA Office of Water
- OECA
- Facilitator

# 12 Years of Change

- Proper operation and management
  - Core Attributes of Well Managed Collection System
  - Effective Utility Management Collaborative Effort
  - More data
- Model Programs
  - State, local and regional programs
  - Range of legal relationships
  - More data



# 12 Years of Change

- Assessment and Tools
  - New tools identify real problems
  - New technologies provide more options
  - More data
- Economic situation
  - States and cities dealing with limited resources
  - Local share approaching 100%
  - Cost of current mandates (CSO, SSO, Stormwater, TMDL)
  - Cost of future mandates (nutrients, biosolids management, emerging contaminants)
  - Push toward flexibility and prioritization

# **Satellite Collection System NPDES Program**

- Collection system permitting is a gap that must be filled by a SSO rule
- Permit requirements
- Appropriate standards
- How to implement without overwhelming states
- How to respect existing successful programs and agreements

# Recordkeeping, Reporting and Public Notification

- **Public notification** should be required for overflows that present a threat to public health
  - Determining public health threat
  - Exemption for small overflows
  - Citizen reporting of observed overflows
- Utility **reporting** and **recordkeeping** improves system performance and must be part of a management, operation, and maintenance (MOM) program.
  - Basement backups
  - Monitoring program

## **Capacity, Management, Operation and Maintenance**

- Stakeholders generally agree that CMOM programs should be part of a rule
  - Strong CMOMs reduce overflows
  - CMOM goal is to be proactive as well as reactive
  - Appropriate level of detail
- Compliance Standard must be objective and reasonable
  - Zero collection system overflows not achievable
  - Protection from enforcement actions for events outside of a utility's control
  - Appropriate capacity requirements and implementation schedule
  - Green infrastructure as part of a CMOM program.

# Side Stream Treatment\*

\* aka Blending, Recombination, Slipstreaming, Split-streaming . . .

**2003:** Blending not a bypass if:

- final discharge meets permit limits

- permit recognizes alternative treatment system

- permit requires proper operation of collection system

- permit requires WQ monitoring

- flows exceed equalization/ storage

- facilities operated as designed

Otherwise prohibited as unlawful bypass under 40 CFR 122.41 (m)

**2005:** Blending is an anticipated bypass:

- NFA required per 40 CFR 122.41(m)

**2011:** Blending includes treatment

# Alternative Treatment of Peak Flows\*

\*aka Peak Excess Flow Treatment Facilities (PEFTFs)

- Protection of the environment and human health is the ultimate goal
- Alternative treatment (at plant and in system) that improves water quality should be an option for utilities
- Need to document effectiveness of alternative treatment technologies
- Grandfather existing alternative treatment facilities
- Authorize new alternative treatment facilities
- Permanence of alternative treatment facilities
- Tiered approach to NFA

# Integrated Permitting

“A comprehensive and integrated planning approach to a municipal government’s CWA waste- and storm-water obligations offers the greatest opportunity for identifying cost-effective and protective solutions and implementing the most important projects first. The CWA and its implementing regulations, policy and guidance provide us with the necessary flexibility to work with communities to utilize comprehensive integrated planning to prioritize its waste- and storm-water investments.”

. . . are we there yet?



A photograph of a textured, brownish-green wall, possibly made of stone or concrete, with a white rectangular sign in the center. The sign has black text that reads "THIS IS A WALL" in bold, uppercase letters, followed by "(UNTIL FURTHER NOTICE)" in smaller, uppercase letters. The wall has a mottled appearance with various shades of brown, tan, and green, suggesting moss or lichen growth. The sign is slightly wrinkled and appears to be taped or stuck to the wall.

**THIS IS A WALL**  
(UNTIL FURTHER NOTICE)