



SANITARY SEWER OVERFLOW POSITION PAPER

I. Issue Statement

a. Overview

Under current EPA Rules, publicly owned treatment works (POTWs) cannot allow sanitary sewer overflows (SSOs) without a National Discharge Elimination System (NPDES) permit. SSO events occur from severe weather, improper system maintenance, and vandalism. As municipal infrastructure continues to age, SSO events are more prone to occur often. As these events occur, the EPA inevitably will be turning its attention to greater regulation of POTWs in the near future. The EPA estimates between 23,000 – 75,000 SSO events occur each year.

Case and Point #1– The city of Kansas City, MO is required by consent decree to implement an Overflow Control Plan and pay a civil penalty of \$800,000 due to past overflows of untreated sewage during heavy rain events. The Overflow Control Plan is estimated to cost \$2.5 billion over the next 25 years and is to include the repair, modification and rebuilding of existing sewer systems as well a new “green” infrastructure projects.

Case and Point #2 – The city of Oswego, N.Y., is investing \$87 million to fix unpermitted SSOs into the Oswego River. The Department of Justice and EPA are requiring the city to develop a comprehensive plan to bring the Oswego sewer system into Clean Water Act compliance.

b. Legislation, regulations, guidelines and/or actions affecting the issue

A December 22, 2005 draft policy by the EPA considering sanitary overflows and NPDES regulations during Peak wet weather flows was never finalized. The EPA recently announced that it will begin developing new rules for POTWs and their management of SSO events. Current EPA considerations include applying NPDES permits to collection systems, overflows, and satellite collection systems. The bypassing of secondary treatment during Peak wet weather flows at POTWs will also be re-considered.

Questions the EPA is considering for developing new guidelines:

1. Should the EPA clarify its standard permit conditions for SSO reporting, recordkeeping and public notification?

2. Should EPA develop standard permit conditions with requirements for capacity, management, and O&M programs based on asset management principals?
 3. Should EPA require permits for satellite collection systems?
 4. What is the role of NPDES permits in addressing unauthorized SSOs that are caused by exceptional circumstances?
 5. How should EPA address peak flow events?
 6. What are the costs and benefits of capacity, management and O&M programs and asset management of sanitary sewers?
- c. Pros and cons from a macro (industry) and micro (business opportunity) perspective:**

Whenever the Federal Government is involved in making new regulatory guidelines, a lot of time and resources can be spent waiting for a concrete resolution and defined direction. Discussions on SSOs date back to 2001, with the most recent attempt by the EPA occurring December 2005. The investment to suppliers and their agents could be enormous before dividends are paid.

There definitely is great market potential for equipment suppliers in the municipal sector with technologies that can address the nation's aging wastewater infrastructure. According to the *EPA Clean Watersheds Needs Survey 2008*, \$63.6 billion is needed over the next 20 years to correct Combined Sewer Overflows (CSOs). A large component of this need will be for the replacement and/or upgrading of outdated existing piping /conveyance infrastructure.

II. Position Statement

a. Recommended position and call to action

It is the recommendation of the Sanitary Sewer Overflow Task Force that WWEMA closely monitor the EPA's development of new rules and stricter permitting to address SSOs. EPA should:

- be pressed to establish defensible and enforceable national standards governing SSOs in order to incentivize POTWs to invest in modernizing their infrastructure, including greater secondary plant capacity to manage peak wet weather flow conditions, rather than face stiff penalties and public outcry when a SSO event occurs;
- encourage the use of real-time process monitoring and control technologies so as to encourage optimum use of existing storage / overflow capacity;

- aggressively promote the adoption of state-based point source and non-point source emissions trading in order to mitigate SSOs, similar to what has been recommended by the World Resources Institute (adjudicating this matter via sanitary surveys is likely to be ineffective); and
- undertake more partnerships with the water industry to educate the water consumer on the need for proper investment in infrastructure replacement.

WWEMA should also investigate partnering with existing associations dealing with overflows, such as the Stormwater Equipment Manufacturers Association (SEMA), as well as with non-WWEMA member companies engaged in the Stormwater and SSO market segment.

b. Rationale for WWEMA involvement

Without tougher regulations that are strictly enforced, the incentive for POTW to invest in infrastructure will be minimal and the environmental and health impacts associated with SSO and CSO discharges will go unabated. Also, the recruitment of additional non-WWEMA companies that deal with SSO and Stormwater would lend credibility and support toward achieving this goal.

III. Enforcement authority

As of yet, there is no national regulatory program specific to SSOs, unlike that associated with CSOs, though a number of EPA regions and state agencies have initiated efforts to address SSOs. Greater authority at the federal level is expected with issuance of new standards.

IV. Resource links

Information regarding the rule making can be found at:
http://cfpub.epa.gov/npdes/home.cfm?program_id=4

SEMA Website:
<http://stormwaterassociation.com>

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