

*National League of Cities  
National Association of Counties  
Association of Metropolitan Sewerage Agencies  
American Public Works Association  
TRI Tac  
Water Environment Federation*

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*NLC*

Donald J. Borut  
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March 5, 2001

*NACo*

Larry E. Naake  
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The Honorable Christine Todd Whitman  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

*AMSA*

Ken Kirk  
Executive Director  
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**Re: Sanitary Sewer Overflow Signed Proposed Rule**

Dear Administrator Whitman:

*APWA*

Peter King  
Executive Director  
Tel: (202) 408-9541  
pking@apwa.net

The National League of Cities (NLC), National Association of Counties (NACo), Association of Metropolitan Sewerage Agencies (AMSA), American Public Works Association (APWA), Tri-TAC (consisting of the California Municipal League, California Association of Sanitation Agencies, and California Water Environment Association), and Water Environment Federation (WEF) request your input and leadership on an important Clean Water Act (Act) issue.

*TRI Tac*

Phil Bobel  
Chair  
Tel: (650) 329-2285  
phil\_bobel@city.palo-alto.ca.us

Our organizations, which represent local elected officials and the professional operators of publicly owned treatment works (POTWs), play an invaluable role protecting public health and water quality and assisting EPA in developing and implementing many clean water regulatory programs. Our contribution is exemplified by our continued involvement in the Agency's Federal Advisory Committee Act (FACA) negotiation process to develop national regulations for controlling sanitary sewer overflows (SSOs). As you begin the process of examining regulations generated by the previous administration, we ask that you give careful consideration to revising a January 5, 2001 signed proposed rule (proposal) to regulate SSOs from municipal wastewater collection systems under the Act.

*WEF*

Tim Williams  
Director, Government Affairs  
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We support EPA's development of national regulations to reduce uncontrolled SSOs. The proposal has the potential to establish important performance standards for collection system capacity, management, operation and maintenance (the CMOM program) and provide needed consistency in addressing SSOs across states and regions. However, the signed proposal imposes an impossible premise that will ultimately place most American cities in immediate and permanent violation of the law. We urge you to review this proposal, prior to publication in the *Federal Register*, to evaluate alternatives that are equally as protective of water quality.

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We are also concerned about recent indications that EPA is considering publishing only certain portions of the proposal and withholding others for further review. This piecemeal approach would only widen the disconnect between various concepts in the proposal, and we strongly discourage this approach.

The signed proposal is based on the premise that sanitary sewer collection systems can be built and operated to never overflow under any conditions. This premise is simply false. Even the most optimally operated and maintained systems can and do experience unavoidable overflows. During the SSO FACA process, EPA recognized that even significant investment in SSO controls and implementation of the most aggressive CMOM programs will not prevent overflows during excessive wet weather conditions or as a result of unavoidable blockages or pipe failures. The proposal includes only a passing reference to this acknowledged engineering reality. Instead, by utilizing the proposed "prohibition and excuse" approach, the rule perpetuates an unrealistic zero overflow standard that ultimately will expose even the best-designed and operated systems to costly enforcement actions with little environmental benefit.

We believe EPA has the authority under the Act to establish a standard for sanitary sewer collection systems that utilizes rigorous CMOM implementation for defining unavoidable overflow events in well-run systems. We request that you reevaluate the signed proposal to accommodate this more workable approach before publishing it in the *Federal Register* for public comment.

We will contact your office soon to arrange a meeting with you and your staff to discuss this important issue and specific alternatives to address this important issue. Thank you for your consideration.

Sincerely,



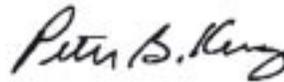
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Timothy S. Williams  
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Peter King  
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Phil Bobel  
Chair  
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cc: Mitchell E. Daniels, Jr., Director  
Office of Management and Budget

Marcus Peacock, Associate Director, Natural Resources, Energy & Science  
Office of Management and Budget

Diane Regas, Acting Assistant Administrator for Water  
U.S. Environmental Protection Agency

Mike Cook, Director  
EPA Office of Wastewater Management