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WET WEATHER ISSUES

KWEA/KSAWWA Conference

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State Authorization

- EPA and states have concurrent authority to enforcement the provisions of the Clean Water Act
- EPA has an oversight role with the states
- EPA maintains an inspection presence in each state in Region 7
- EPA takes enforcement at EPA-lead inspections

Implementation of the CWA

- In 1970s and 1980s focus was on discharges from traditional point sources of pollution, such as POTWs and industrial facilities.
- Beginning in the late 1980s, attention shifted to wet weather sources of pollution. Under the NPDES program, four program areas address wet weather discharges: CSOs, SSOs, stormwater, and concentrated animal feeding operations (CAFOs).

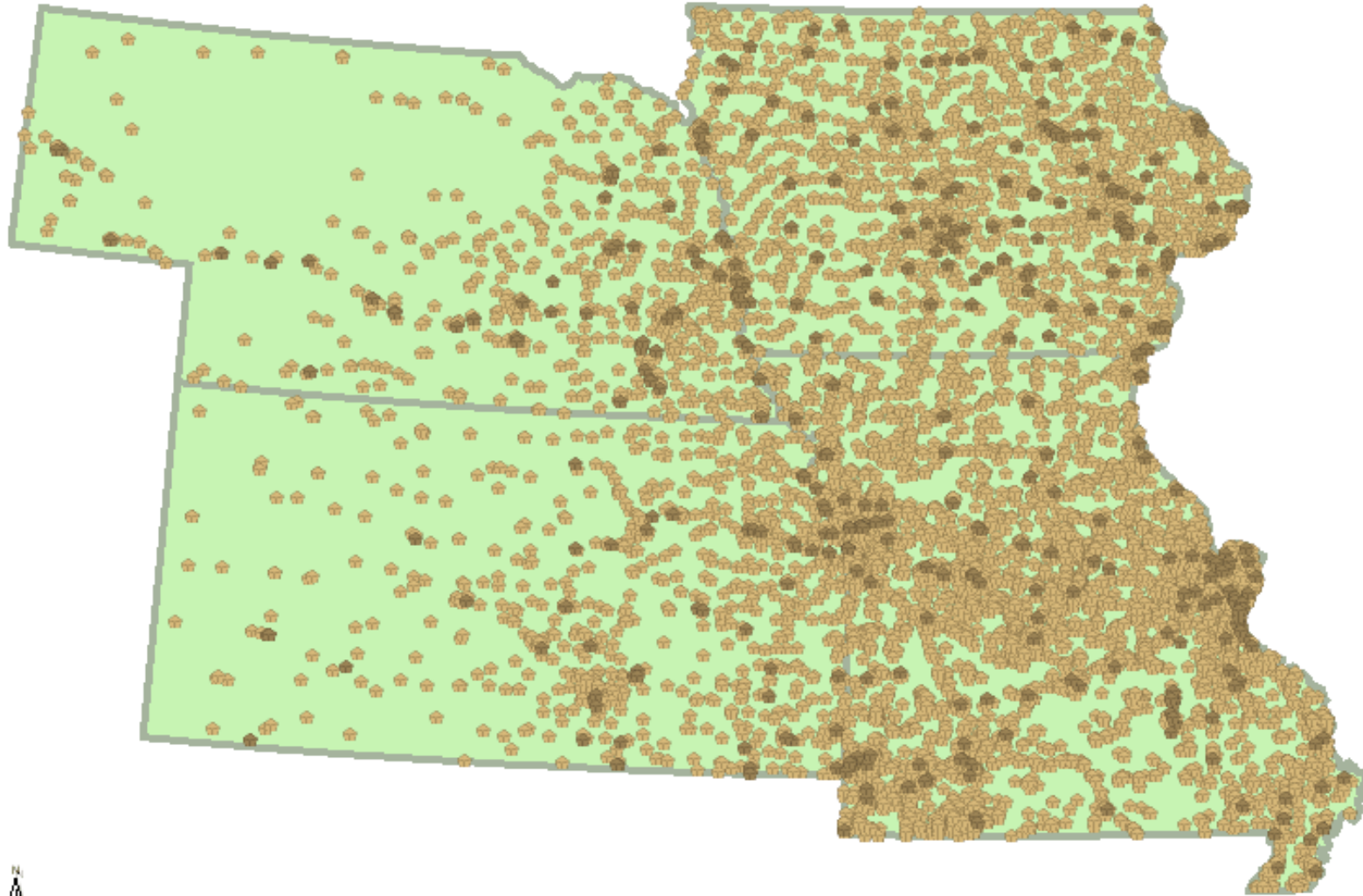
Discharges from Wet Weather Events

- Discharges from wet weather events are one of the leading causes of water quality impairment and represent significant threats to public health and the environment.

Compliance with CWA

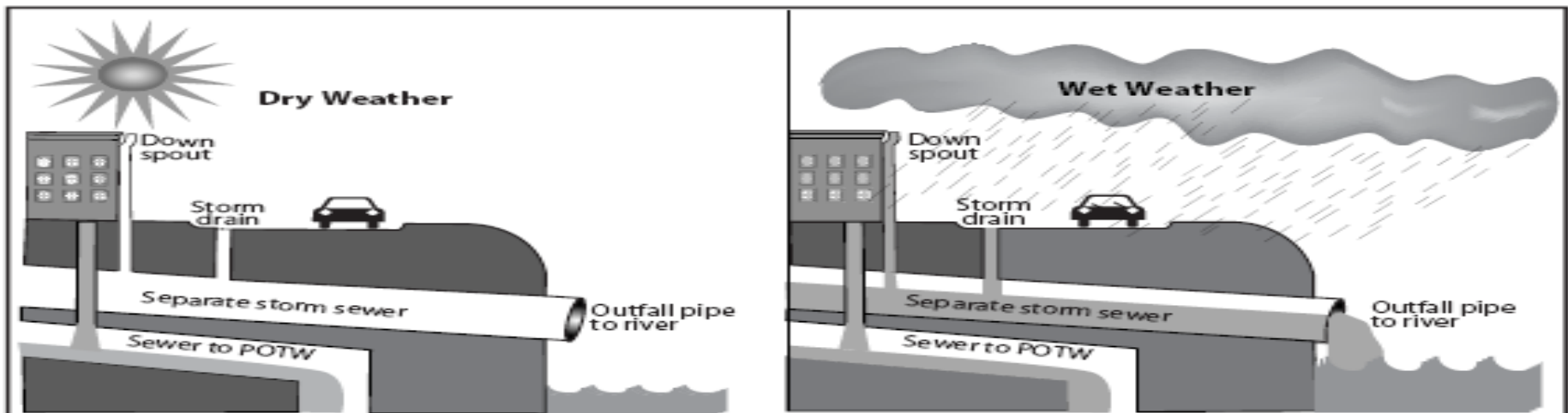
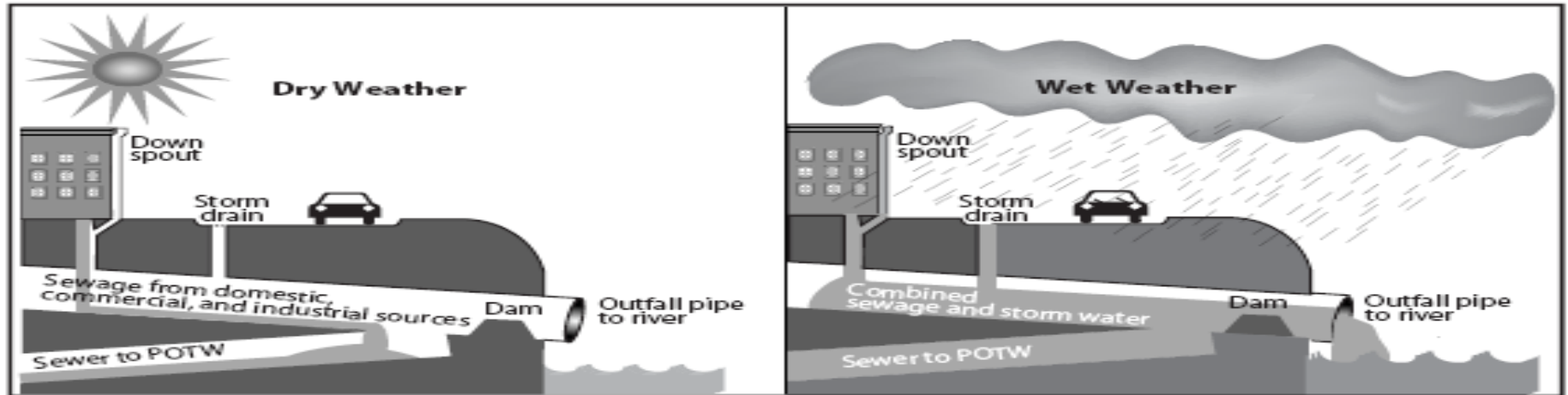
- Wet weather compliance problems have been prioritized by looking at regulated facilities contributing to the impairment of watersheds, recreational areas, environmental justice areas, and other sensitive areas (e.g. waters with threatened/endangered species, public drinking water intakes)

Region 7 Major/Minor NPDES Permits

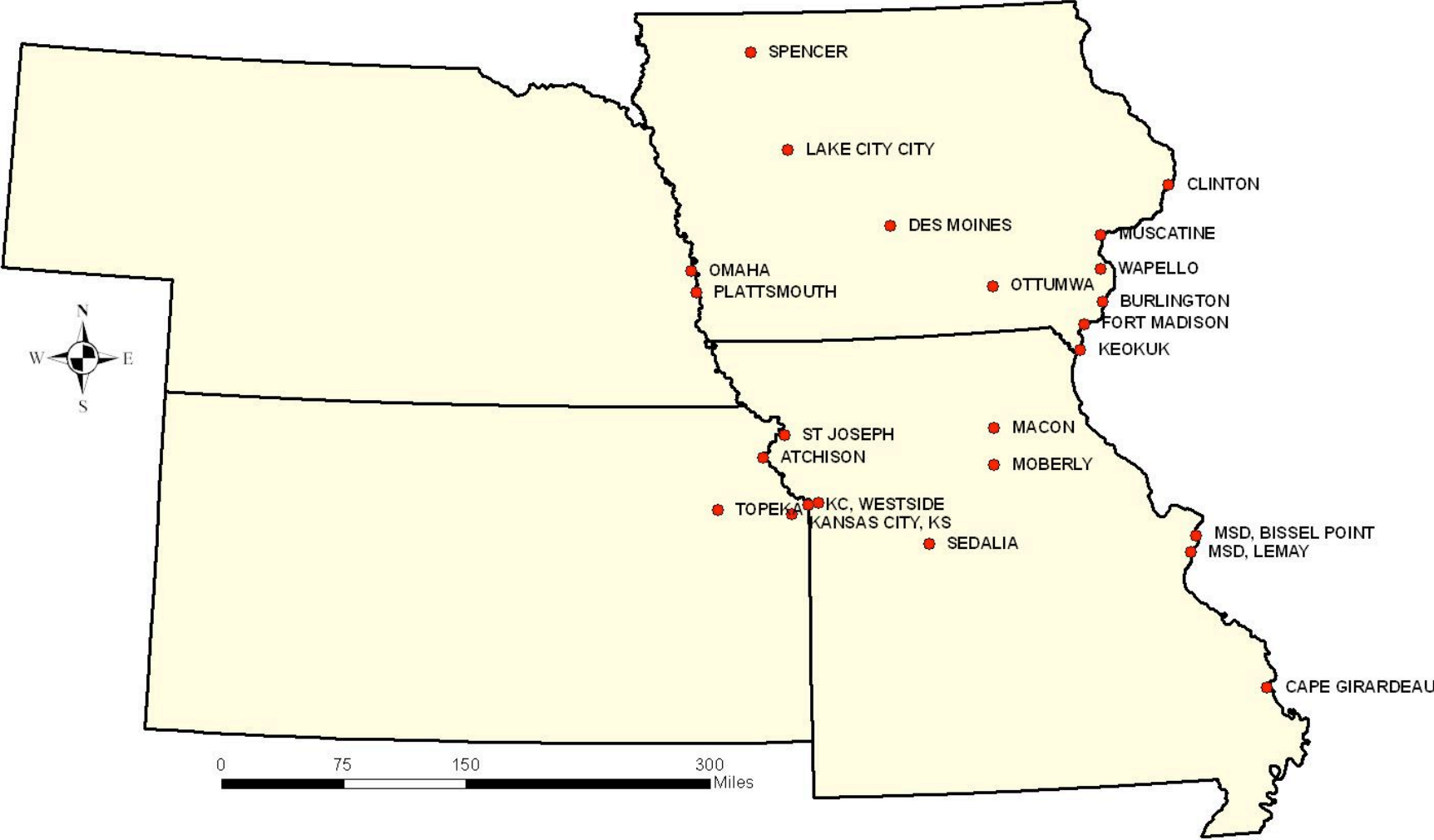


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CSOs



Region 7 CSO Communities



SSO Compliance with CWA

- SSOs that reach waters of the United States are point source discharges and are prohibited
- SSOs, including those that do not reach waters of the United States, may be indicative of improper operation and maintenance of the sewer system, and thus may violate NPDES permit conditions.

EPA SSO Enforcement Strategy

- Evaluate a system's capacity, management, operation and maintenance (CMOM)
- Issue administrative or judicial enforcement actions at systems with inadequate CMOM

Upcoming Stormwater Issues

- Construction ELG
- MS4 Program Improvement
- Stormwater Flow Regulation

Construction Effluent Limit Guideline

- Court ordered deadline Dec 2009
- The proposed rule (Nov 2008)
 - Requires all construction sites to implement erosion and sediment control best management practices (BMPs)
 - Construction sites > 10 acres would be required to install sediment basins to treat their stormwater discharges
 - Construction sites > 30 acres would have 13 NTU limit on turbidity requiring chemical treatment and/or filtration of their stormwater discharges
- Probably will not include post-construction requirements

MS4 Program Iterative Improvement

- MS4s must reduce pollutants to the “Maximum Extent Practicable” (MEP)
- MEP is an iterative improvement process (evaluate and modify)
- As MS4 permits are reissued states need to assure constant improvement

Stormwater Flow Regulation

- National Academy of Science (NAS) Nov 2008 report on EPA SW regulation
- Recommended Watershed based permitting and flow regulation
 - Flow can be used as a surrogate for pollution
 - Flow can impact stream morphology and especially benthic habitat

Bypassing

- Above headworks = SSO or CSO
- Below headworks = Bypass
- Current bypass regulations promulgated in 1983
- Confusion about “Blending”

Draft Blending Policies

- Proposed Blending Policies in 2003 and 2005
- 2005 Policy – Blending = Bypass
 - Can be approved if no feasible alternatives
 - Provided guidance on NFA
 - Emphasis on system maintenance
- Policy is a top priority for new Water AA
- EPA objections to some permits