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Proposed Rule To Protect Communities From Overflowing Sewers

The Environmental Protection Agency (EPA) is proposing to clarify and expand permit requirements under the Clean Water Act for 19,000 municipal sanitary sewer collection systems in order to reduce sanitary sewer overflows. The proposed requirements will help communities improve some of our Nation's most valuable infrastructure –our wastewater collection systems–by requiring facilities to develop and implement new capacity, management, operation, and maintenance programs and public notification programs. The 19,000 systems covered by this rule include 4,800 municipal satellite collection systems which will be directly regulated under the Clean Water Act for the first time. The proposed requirements will result in fewer sewer overflows, leading to healthier communities, fewer beach closures, and fish and shellfish that are safer to eat.

Background

Sanitary sewer collection systems perform the critical task of collecting sewage and other wastewater from places where people live, work, and recreate, and transport it to the treatment facility for proper treatment and disposal. These systems are essential for protecting public health and the environment.

A combination of factors has resulted in releases of untreated sewage from some parts of the collection systems before it reaches treatment facilities, known as sanitary sewer overflows. Most cities and towns started building sewer collection systems over 100 years ago and many of these systems have not received adequate upgrades, maintenance and repair over time. Cities have used a wide variety of materials, designs, and installation practices. Even well-operated systems may be subject to occasional blockages or structural, mechanical, or electrical failures. Problems with sewer overflows can be particularly severe where portions of a system have fallen into disrepair or where an older system is inferior to more modern systems.

EPA estimates that there are at least 40,000 overflows of sanitary sewers each year. The untreated sewage from these overflows can contaminate our waters, causing serious water quality problems and threatening drinking water supplies and fish and shellfish. It can also back up into basements, causing property damage and creating threats to public health for those who come in contact with the untreated sewage.

Sanitary sewer overflows that discharge to surface waters have been prohibited under the Clean Water Act since 1972. Municipal wastewater treatment plants that discharge are currently required to comply with National Pollutant Discharge Elimination System (NPDES) permits, which require record-keeping and reporting of overflows and maintenance of their collection system. Most satellite sewage collection systems do not current have NPDES permits.

Proposed Rule to Reduce Sewer Overflows

EPA is proposing revisions to the NPDES permit regulations to improve the operation of municipal sanitary sewer collection systems, reduce the frequency and occurrence of sewer overflows, and provide more effective public notification when overflows do occur. This proposal will provide communities with a framework for reducing health and environmental risks associated with overflowing sewers. The result will be fewer overflows, better information for local communities, and extended lifetime for the Nation's infrastructure. This rule primarily addresses sanitary sewer overflows, not combined sewer overflows.

Capacity Assurance, Management, Operation, and Maintenance Programs. These programs will help communities ensure they have adequate wastewater collection and treatment capacity and incorporate many standard operation and maintenance activities for good system performance. When implemented, these programs will provide for efficient operation of sanitary sewer collection systems.

Notifying the Public and Health Authorities. Municipalities and other local interests will establish a locally-tailored program that notifies the public of overflows according to the risk associated with specific overflow events. EPA is also proposing that annual summaries of sewer overflows be made available to the public. The proposal also clarifies existing record-keeping requirements and requirements to report to the state.

Prohibition of Overflows. The existing Clean Water Act prohibition of sanitary sewer overflows that discharge to surface waters is clarified to provide communities with limited protection from enforcement in cases where overflows are caused by factors beyond their reasonable control or severe natural conditions, provided there are no feasible alternatives.

Expanding Permit Coverage to Satellite Systems. Satellite municipal collection systems are those collection systems where the owner or operator is different than the owner or operator of the treatment facility. Some 4,800 satellite collection systems will be required to obtain NPDES permit coverage to include the requirements under this proposal.

Cost

EPA estimates that this rule would impose an additional total cost for municipalities of $93.5 million to $126.5 million each year, including costs associated with both planning and permitting. A collection system serving 7,500 may need to spend an average of $6,000 each year to comply with this rule.

Additional Information

For additional information about EPA's proposed sanitary sewer overflow regulation, contact Kevin Weiss at weiss.kevin@epa.gov or visit http://www.epa.gov/owm/sso.htm on the Internet.