Proposed EPA Policy on Permit Requirements for Peak Wet Weather Discharges from Wastewater Treatment Plants Serving Sanitary Sewer Collection Systems

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EPA seeks comments on a proposed policy regarding implementing requirements for wet weather blending at municipal publicly owned wastewater treatment plants serving sanitary sewer collection systems. The proposed policy seeks to ensure that all feasible solutions are used by local governments when peak wet weather flows to the wastewater treatment plant exceed the treatment capacity of secondary treatment units. The proposed policy applies only to publicly owned wastewater treatment plants that serve sanitary sewers and, during wet weather, divert a portion of the flow around secondary treatment units and recombine the flow with flow from the secondary treatment units. It is EPA's goal to ensure that all feasible solutions are used by local governments when addressing problems related to heavy wet weather flows and to improve treatment of wastewater to protect human health and the environment.

Background

Many municipal sewage treatment systems experience problems during heavy downpours when flows to the wastewater treatment plant exceed the treatment capacity of existing secondary treatment units. Many municipalities manage peak wet weather flows by routing some peak flow around traditional biological secondary treatment units, blending the rerouted flow with the flow receiving secondary treatment; and disinfecting and discharging. In an attempt to address this issue, EPA proposed a policy addressing National Pollutant Discharge Elimination System (NPDES) permit requirements for municipal wastewater treatment plants (serving sanitary sewers) during wet weather conditions in November 2003. The 2003 proposed policy is intended to provide clarity about managing peak wastewater flows that are sometimes diverted from secondary treatment unit processes during significant wet weather events. EPA received more than 98,000 public comments. EPA stopped working on the proposal in May 2005 in order to review different approaches and new information.

In October 2005, the Natural Resources Defense Council (NRDC) and the National Association of Clean Water Agencies (NACWA) developed joint recommendations to address peak wet weather flow diversions at wastewater treatment plants that are serving sanitary sewer collection systems. Their approach describes limited circumstances when NPDES permits can approve anticipated wet weather blending as a "bypass" at publicly owned treatment work (POTW) treatment plants serving sanitary sewers. Their recommended policy would apply only to blended discharge from sewage treatment plants serving sanitary sewer collection systems. It would not apply to overflows in collection systems; dry weather diversions; diversions around primary or tertiary treatment units; or diverted flows that are not recombined with flow from the secondary treatment units prior to discharge.

EPA's proposed policy is informed by and reflects those joint recommendations.

Additional Background

A bypass is an "intentional diversion of waste streams from any portion of a treatment facility." Bypasses are prohibited unless they are 1) unavoidable to prevent severe property damage or personal injury; 2) there were no feasible alternatives; and 3) the NPDES authority was notified.

EPA's 1994 CSO Policy provides guidance on approval of anticipated bypasses in a permit for POTW plants serving combined sewers. That policy describes approvals of "CSO-related bypass" in permits under the bypass regulation that recognizes "approved anticipated bypass". Under the CSO Policy, permittees need to demonstrate that there are 'no feasible alternatives' for approved bypass at the POTW plant in order for such CSO-related bypasses to be approved in a permit. The CSO Policy's provision are intended to encourage delivery of maximum flows to the POTW treatment plant, but also to ensure that bypasses would not cause water quality exceedences. The approach in today's proposal for approval of anticipated bypasses at POTWs serving separate sanitary sewers is based on application of the same bypass regulation, but analysis differs in scope and focus due to the different types of sewers considered.

About this Guidance

EPA seeks comments on its proposed policy on peak wet weather flow diversions for publicly owned wastewater treatment plants serving sanitary sewers. This policy seeks to ensure that all feasible solutions are used by local governments when addressing problems related to heavy wet weather flows.

During peak wet weather flows, limited diversions around biological treatment units at municipal sewage treatment systems can maximize flows to treatment plants which can help prevent raw sewage from being discharged into our nation's waters, backing up into homes and other buildings, or damaging biological treatment units. Although increased flows may cause short-term management challenges, the ultimate goal of this policy is to ensure, to the extent feasible, all wet weather flows receive secondary treatment and other treatment necessary to meet the requirements of the Clean Water Act.

The proposed policy provides that in limited situations, an NPDES permitting agency can approve anticipated diversions around biological treatment units as a "bypass" in a permit, provided:

- the permittee demonstrates (and the NPDES authority agrees) there are no feasible alternatives to the diversion;
- the diversion from the secondary treatment units receives a minimum of primary treatment and any feasible supplemental treatment; and
- effluent limitations based on secondary treatment and water quality-based effluent limits will be met.

Key provisions:

- This policy applies only to publicly owned wastewater treatment plants serving sanitary sewer systems.
- All flows diverted from the secondary treatment units in peak wet weather events will receive a minimum of primary treatment and any supplemental treatment or technology shown feasible using the factors outlined in the proposed policy.

- Discharges must meet effluent limitations, including the 85 percent removal requirement and other secondary treatment requirements and any other more stringent limitations necessary to meet water quality standards. Existing requirements that discharges meet limits would not change.
- Diversions will not be approved when peak flows are largely due to poor collection system maintenance or the lack of investment in or upgrades to treatment capacity.
- Permits that approve diversion should include an implementation schedule in the permit for implementing feasible technologies.
- The availability of feasible alternatives would be determined on a POTW-by-POTW basis.
- Diversions are reported to the permitting authority and the public will be notified.
- This policy encourages public participation in the permitting process.

How to Get Additional Information

For additional information, including a copy of the proposed guidance, visit the NPDES website at http://www.epa.gov/npdes/wetweather/ or contact Kevin Weiss at 202-564-0742 or weiss.kevin@epa.gov.