

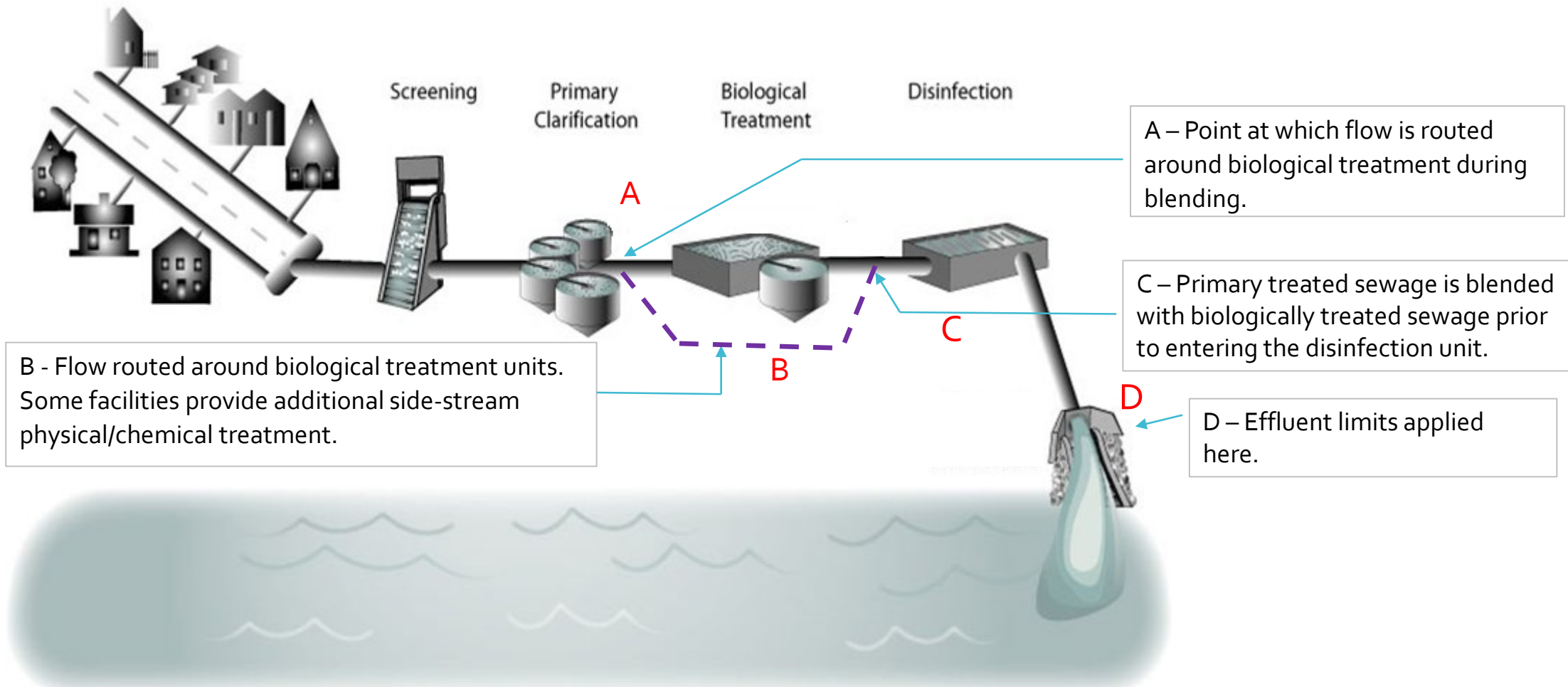
Peak Flows Management Rulemaking

ACWA Permit Writers Workshop
September 18, 2019

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What are we talking about



How we got here

- Two past policy efforts, neither finalized
 - 2003 Draft Blending Policy
 - https://www3.epa.gov/npdes/pubs/blending_fr_notice.pdf
 - 2005 Draft Peak Flow Policy
 - https://www3.epa.gov/npdes/pubs/fr_peak_wet_weather_policy.pdf
- *Iowa League of Cities v. U.S. EPA*, 711 F. 3d 844 (Eighth Circuit 2013)
- Varied approaches to permitting blending across the country
- Confusion about when/if blending may be authorized in permits

Peak flows management rulemaking

- Rulemaking announced in April 2018
 - <https://www.epa.gov/npdes/peak-flows-sewage-treatment-plants>
- Focused on evaluating any potential regulatory changes needed to provide a consistent NPDES permitting approach to peak flows management practices at municipal wastewater treatment plants serving separate sanitary sewer systems
- Public Engagement – Fall 2018
 - 3 public listening sessions and request for public input (<https://www.govinfo.gov/content/pkg/FR-2018-08-31/pdf/2018-19016.pdf>)
 - Technical stakeholder roundtable
- Proposed rule anticipated by the end of 2019
- Final rule anticipated by the summer of 2020

Reviewing available information

- Public input in response to August 2018 FRN
 - 37 unique comment letters
 - Including ACWA and 5 states
- Conversations with states, sector, environmental stakeholders
- Review of permits
 - 180 reviewed
 - 60 included provisions about blending
- Literature, conferences

Feedback from stakeholders

- Blending is driven by peak flow conditions
 - Influent > design capacity of biological/advanced treatment units
- Permit limits should apply during blending
- Infrequent
- The need for blending may be symptomatic of O&M issues
- Accountability and transparency during blending
 - Monitoring, reporting, notification
- States need flexibility to make determinations based on facility-specific info