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Key Issues on Blending/Excess Flow

- Bypass Rule
- EPA Interpretations of Bypass Rule
- Iowa League of Cities Case
- EPA Response to Iowa Case
- CSO Policy
- IEPA Actions on CSO and SSO Permits
- Satellite and Stand-Alone Units

Bypass Rule

- Rule is at 40 CFR 122.41(m)
- Rule says that you can't divert wastewater around a treatment facility
- EPA has followed a number of different interpretations of that rule over time
- Most recent – wet-weather flow going into plant that doesn't get secondary treatment is an illegal bypass

EPA Reaction to Iowa Case

- EPA has said that it will follow case in States covered by 8th Circuit (IA, AR, MT, MO, NE, ND), but will decide on case-by-case basis elsewhere
- In Region 5, EPA has said that they are still following policy that wet-weather flow that doesn't get secondary treatment is an illegal bypass unless do NFA demonstration

EPA Blending Forum

- EPA held “Public Health Forum” regarding blending in DC on June 19-20
- Had panels of public health experts and engineering experts
- Panelists from several different perspectives
- Nobody on panels supported EPA policy that all blending should be prohibited
- General support for case-by-case

CSO Policy

- CSO Policy was adopted in 1994, incorporated into CWA in 2000
- Policy indicates that combined system may have to do a demonstration to justify wet-weather units not getting full secondary treatment, but also indicates that this analysis can be done in the Long-Term Control Plan
- So if LTCP justifies keeping current wet-weather configuration that should be it – but

Illinois EPA Actions

- Put NFA requirement into permits for separate systems with wet-weather units on-site
- After IAWA comments, the NFA requirement was deleted in final permits
- But then IEPA started putting 85% removal requirement into permits – could be applied to wet-weather units, requiring additional treatment

Satellite and Stand-Alone Units

- IEPA has indicated that it will apply 85% removal requirement to satellite wet-weather treatment units out in the system
- Same would be the case if wet-weather system at plant discharges through separate outfall than secondary effluent
- Obvious problems complying with that new requirement

CMOM Requirements

- CMOM – Capacity, Management, Operation and Maintenance programs
- Goal is to eliminate overflows
- EPA issued guidance in 2005, and has imposed CMOM requirements in orders and decrees
- But rule on CMOM has not been adopted
- IEPA has started inserting requirement in permits to develop and implement CMOM

Questions?

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