



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Enforcement Efforts Addressing Sanitary Sewer Overflows

FROM: Steven A. Herman, Assistant Administrator
Office of Enforcement and Compliance Assurance

Robert Perciasepe, Assistant Administrator
Office of Water

TO: Water Management Division Directors, Regions I - X
Regional Counsels, Regions I - X
State Directors

Sanitary sewer overflows (SSOs) are discharges of untreated sewage from a separate sanitary sewer collection system prior to the headworks of a sewage treatment plant. These systems are designed to collect and convey sewage from households and businesses and wastewater from industries to sewage treatment plants for treatment in accordance with Clean Water Act requirements prior to discharge to waters of the United States. Due to the physical characteristics of some pipelines (joints, broken sections, installation below groundwater levels, manholes, and illegal connections), these systems also collect storm water and ground water. SSO discharges to waters of the United States are prohibited by the Clean Water Act unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Discharges without an NPDES permit are illegal. In addition, SSO discharges often cause violations of water quality standards and violate NPDES permit requirements for proper operation and maintenance. SSOs are important concerns for the environment, human health, the owners and the regulatory agencies.

The Environmental Protection Agency (EPA) has limited information about the magnitude of SSO problems nationally and about how various NPDES permitting authorities are addressing the serious infrastructure, health and water quality problems caused by SSOs. The EPA must also ensure appropriate national consistency in addressing SSOs.

The EPA is beginning a dialogue among interested parties on how to improve our knowledge about this serious problem. Initiating the dialogue has caused some participants and others to question the EPA about how the dialogue will affect SSO enforcement actions. The dialogue will not affect in any way ongoing enforcement actions that address SSOs. The dialogue also will not preclude the EPA or States from bringing additional enforcement actions. The EPA believes that a delay in enforcement is unwarranted because of the seriousness of many of these discharges to public health and water quality.

The EPA hopes the dialogue will result in a better understanding nationally of the problem and perhaps national guidance to States and Regions on how to better protect the public and the environment from these serious sources of water pollution and human health risks.

If you have any questions on this memorandum, please contact either Alan Morrissey of the Office of Enforcement and Compliance Assurance at (202) 564-4026, or Kevin Weiss of the Office of Wastewater Management at (202) 260-9524.