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

OCT 23 2007

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: OECA's *Interim Significant Noncompliance Policy for CWA Violations Associated with CSOs, SSOs, CAFOs and Storm Water Point Sources (i.e., Interim Wet Weather SNC Policy)*

FROM: Granta Y. Nakayama
Assistant Administrator

TO: Regional Administrators
EPA Regions 1 - 10

The purpose of this memorandum is to issue the attached *Interim Wet Weather SNC Policy* for implementation by EPA, starting in fiscal year 2009. The policy is initially being issued only to EPA Regions because full State implementation requires a final *ICIS-NPDES Policy Statement* to define the Requisite ICIS-NPDES Data Elements (RIDE) necessary for national tracking and program management. The *ICIS-NPDES Policy Statement* is not expected to be issued until a rulemaking process is completed. EPA Regions are encouraged to share a copy of the *Interim Wet Weather SNC Policy* with their States and to work with any individual State that is interested in using the policy. Given the States' interest and overall support of the approach in the policy, the Office of Enforcement and Compliance Assurance (OECA) anticipates that some States will voluntarily join the Regions in utilizing the policy in fiscal year 2009.

The purpose of the *Interim Wet Weather SNC Policy* is to supplement the 1986 *NPDES SNC Policy* by providing an approach for identifying significant violations related to combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), concentrated animal feeding operations (CAFOs), and storm water, thus improving management of today's expanded NPDES program and supporting implementation of OECA's four national Clean Water Act priority program areas. OECA has been working since 2005 with a State-EPA NPDES Compliance and Enforcement Advisory Group, formed in coordination with the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), to develop the *Interim Wet Weather SNC Policy*. The policy reflects extensive input received from several EPA Headquarters offices, EPA Regions, and ASIWPCA and Environmental Council of States (ECOS) members. Overall, the States involved in this process have been supportive of the approach in the

policy. Attachment 2 is a summary of the major comments OECA received from States during the April to June 2007 ECOS review period. Attachment 3 summarizes the three new OECA policies, their commonalities, and OECA's approach for moving forward on each policy.

During this interim EPA implementation period, OECA will work on resolving any issues identified by the Regions and on developing, in consultation with the State-EPA NPDES Advisory Group, a national approach to tracking and reporting of wet weather SNC information.

I appreciate the Regions' participation in the development of the *Interim Wet Weather SNC Policy* to date, and OECA will continue to work closely with your staff to ensure effective implementation of the policy. If you have any questions relating to the attached *Interim Wet Weather SNC Policy*, please contact Kate Anderson, Associate Director of Office of Civil Enforcement's Water Enforcement Division, at (202) 564-4016, or have your staff contact Kathryn Greenwald at (202) 564-3252 or Robert Klepp at (202) 564-5805.

Attachments

Attachment 1 - *Interim Wet Weather SNC Policy*
Attachment 2 - OECA's Summary Response to State Comments
Attachment 3 – Next Steps for the Three NPDES Policies

cc: Benjamin Grumbles, Assistant Administrator, Office of Water
Catherine McCabe, Principal Deputy Assistant Administrator, OECA
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