



U.S. EPA Region 4

**Management,
Operation, and
Maintenance Programs Project**



So... Why are we here?

- National Priorities:
 - 303(d) Listed Streams
 - Health of Watersheds
 - Sewer System Overflows
- R4 MOM Programs Project:
 - Focuses on watersheds at risk
 - Focuses on wastewater utility infrastructure
 - Utility voluntary involvement is preferred



MOM and the Clean Water Act

- NPDES permit holders already have a requirement:
"...shall at all times properly operate and maintain..."
- Collection system owners w/o NPDES permit would be included by CMOM regulations.
- All discharges without a permit are illegal, subject to penalty up to \$32,500/violation/day.



MOM Programs Project

What should I expect?

Start With Your SSOs





MOM Project Involvement – Policies

- Three Phases:
 - Phase 1 – EPA Inspection or Self-Assessment by Utility
 - Phase 2 – EPA Review and Remedial Determinations
 - Phase 3 – EPA Penalty Determinations
- Where system and programs have improvement needs, Utility which performed self-assessment receives special remedial schedule and penalty considerations.



MOM Project - Phase 1

- Watershed Selection ✓
- Watershed Utilities Meeting ✓
- Written Utility Decisions (Yes or No) submitted before **December 15, 2004** (unless time extension granted)
 - If yes, Utility conducts self-assessment and submits adequate Self-Assessment Report to EPA R4 (copy to ADEM) before **July 1, 2005**
 - If no, or utility submission is inadequate, EPA conducts on-site MOM inspection.



MOM Project Phase 2

- **For Participants:**

- EPA & ADEM review Utility report submission and evaluates:
 - If the report is an adequate and comprehensive assessment
 - If there are aspects of the utility MOM Program that need formalized improvements and what those should be.



MOM Project Phase 2

- **For Non-Participants or Inadequate Reports:**
 - EPA requests pre-inspection information
 - EPA provides notice of inspection
 - EPA conducts on-site MOM inspection



MOM Project Phase 2

- **For Participants:**

- EPA will send the utility:

- Notice of Determination (NOD),

- Notice of Violation (NOV), or

- Administrative Order by Consent (AOC)



MOM Project Phase 2

- **For Participants:**

- EPA will generally send the utility:

- Notice of Determination (NOD),

- Notice of Violation (NOV), or

- **Administrative Order by Consent (AOC)**



MOM Project Phase 2

- **For Participants:**
 - Administrative Order by Consent (AOC) –
 - EPA and utility formalize utility-derived schedules to implement any improvements or missing programs needed, and/or significant rehabilitation needs
 - Implementation schedule duration 1-2 years for programs only, up to 3 years for programs and rehabilitation.
 - Any penalty assessment is deferred to Phase 3.



MOM Project Phase 2

- **For Non-Participants or Inadequate Reports:**
 - EPA provides utility and ADEM the inspection report
 - Traditional enforcement; EPA will send the utility:
 - Notice of Determination (NOD),
 - Notice of Violation (NOV),
 - Administrative Order and/or Penalty Order, or
 - Notice of Judicial Referral



MOM Project Phase 2

- **For Non-Participants or Inadequate Reports:**
 - EPA provides utility and ADEM the inspection report
 - Traditional enforcement; EPA will send the utility:
 - Notice of Determination (NOD),
 - Notice of Violation (NOV),
 - **Administrative Order and/or Penalty Order**, or
 - Notice of Judicial Referral



MOM Project Phase 2

- **For Non-Participants or Inadequate Reports:**
 - Administrative Order –
 - EPA derives unilateral schedules for utility to implement any improvements or missing programs needed, and/or significant rehabilitation needs
 - Any penalty assessment is made and issued without account of implementation performance.



MOM Project Phase 3

- **For Participants:**
 - If utility timely and adequately completes improvements, then any penalties due are greatly reduced or eliminated altogether.



MOM Project Phase 3

- **For Participants:**

- If longer term rehabilitation needs are discovered as part of implementing an AOC, or already known to be needed in Phase 2:
 - Utility schedule 5 years or less = AOC or Referral
 - Utility schedule > 5 years = Judicial Referral



MOM Programs

What are they?



What Is Meant By “MOM Programs”

- For consistency, utility activities classified into 24 focus areas to assess.
- Focus areas subdivided into “programs” and/or other areas, to be closely evaluated
- Conceptual descriptions of these provided in the *Guide to MOM Programs* for assistance



MOM Focus Areas: **Management**

- Organization
- Training
- Safety
- Information Management
- Engineering
- Overflow Tracking
- Financial
- Equipment & Supplies
- Customer Service
- Legal
- Water Quality Monitoring
- Contingency Planning



MOM Focus Areas: **Operation**

- Pump Stations
- Industrial Pretreatment
- Corrosion Control
- Fats, Oils, & Grease Control
- Service Connections
- Private Haulers
- Line Locations



MOM Focus Areas: **Maintenance**

- Pump Station Preventative Maintenance
- Gravity Line Preventative Maintenance
- Air Valve Preventative Maintenance
- Maintenance of Way
- Reactive Maintenance



Example: Programs to evaluate in the Engineering Focus Area

- Sewer System Engineering Plans
- System Inventory
- Mapping
- Sewer System Design
- Construction/ Rehabilitation Inspection
- Acquisitions
- Continuous Sewer System Assessment
- Infrastructure Rehabilitation
- Capacity Assurance



MOM Self-Assessment

How do I do one?

Remember it's all about SSOs





Evaluating MOM Programs

- Determine the focus areas unique to your program
- Determine programs in your focus areas to be closely evaluated
- At minimum, evaluate the activities with regard to presence and sufficiency of the 6 MOM program elements:
 - written purpose,
 - written goal,
 - documentation,
 - personnel,
 - performance measurement, and
 - periodic evaluation



Evaluating MOM Programs

- There may be focus areas unique to your program we did not list in the Guide; include those in your evaluation
- For each program, evaluate any successes, and
- Evaluate any improvements needed and devise a schedule for those improvements.
- For programs we list but are not present, devise a schedule for their development or justify why they are inappropriate for your utility
- Try consulting other utilities or references to evaluate your program goals and performance measures.



MOM Self-Assessment Report

What should it look like?



Self-assessment Report

The concept behind the Project is that the self-assessment report is not to be written for Region 4.

Rather, it is to be prepared for the utility management and utility policy makers and then submitted to Region 4 as evidence of program status.



Self-Assessment Report

- Write-up examples for the 6 elements are in the *Guide to MOM Programs*
- Be specific! We can't determine adequacy without details.
- Quantify goals, performance measures, and performance where possible
- Reference utility documents or include pertinent sections as an appendix.



Self-Assessment Report

- Components (titles may differ):
 - Certification by responsible officer of utility
 - System Inventory Summary
 - System Performance History
 - Include SSO history for last 24 months
 - Include sewer overflow totals by month for last 5 years
 - Include rehabilitation projects completed, description, dates and cost (rehab only, exclude \$ for expansion)
 - Evaluation of Programs
 - Format by focus areas in Guide, if no other preference
 - Detail evaluation of 6 elements for each program, or more
 - Quantify performance where possible
 - Program Recommendations/System Rehabilitation Needs
 - Program Improvements/Rehabilitation Schedule



Self-Assessment Report

- **Provide SSO Information for the last 24 months**
 - **The location of the overflow;**
 - **The receiving water (if SSO reaches Waters);**
 - **An estimate of the volume of the overflow;**
 - **A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);**
 - **The estimated date and time when the overflow began and stopped or will be stopped;**
 - **The cause or suspected cause of the overflow;**
 - **Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;**
 - **An estimate of the number of persons who came into contact with wastewater from the overflow; and**
 - **Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.**



Self-Assessment Report

- A sanitary sewer overflow (SSO) is an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. SSOs do not include combined sewer overflows (CSOs) or other discharges from the combined portions of a combined sewer system. SSOs include:
 - Overflows or releases of wastewater that reach waters of the United States;
 - Overflows or releases of wastewater that do not reach waters of the United States; and
 - Wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral. Wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned is not an SSO.

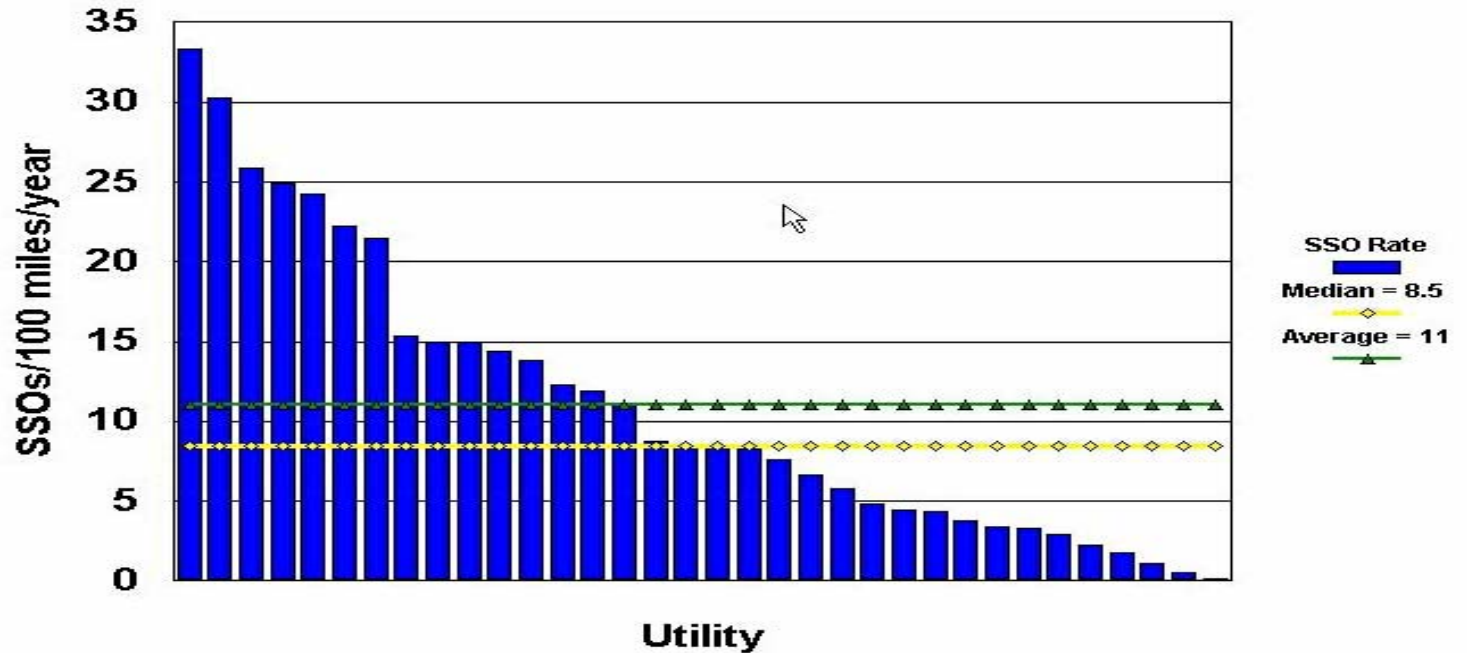


Region 4 First Cycle

- 72 Participants (81 total Utilities)
 - 1 Consent Decree
 - 26 Administrative Orders by Consent (more pending)
 - 2 Unilateral Administrative Orders
 - 30 Notices of Violation (more pending)
 - 13 State Actions
 - 7 Notices of Determination

Utility Initial Performance

Majors - Region 4 MOM Project





Region 4 First Cycle

- 81 Utilities: Mostly in watersheds, some in selected urban areas.
- All 8 Region 4 States, kickoff meeting(s) in each.
- 89% performed Self-Assessments.
- Region inspected 10 utilities in Phase 1.



Most Common Programs in Orders

- Contingency Plan – 100%
- Financing/Cost Analysis – 81%
- Capacity Assurance Program – 58%
- Continuing Sewer Assessment – 58%
- Infrastructure Rehab. Programs – 50%



Next Step

- Written decision needed by December 15, 2004:

U.S. EPA Region 4 (WPEB)

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Questions & Answers

ANY QUESTIONS?