

## SSO RULE AND CMOM PROGRAM AT A GLANCE

Since the U.S. Environmental Protection Agency's (EPA's) formation of the SSO Federal Advisory Subcommittee in the mid 1990s, the wastewater industry has been anticipating new U.S. Environmental Protection Agency (EPA) regulations for sanitary sewer overflows (SSOs). Over the past few years, several dates for the proposed regulations passed by without progress. Finally, at the end of the Clinton administration in January 2001, the proposed SSO rule was completed and preliminary copies were made available to select groups such as the Water Environment Federation (WEF). The Bush administration, however, has withdrawn the proposed rule to allow review by the new EPA administrator.

There has been so much discussion about the proposed rule, and anticipation that it will be promulgated in the near future, that the WEF and EPA are sponsoring workshops to promote a better understanding of its content, in particular the Capacity Management Operation and Maintenance (CMOM) program. One of the first workshops was held in Pittsburgh in April of this year.

Since attending the workshop, we have delved further into the proposed regulations and read a number of articles on the subject matter. We also spoke with Hugh Archer, PhD, PE, DEE of Mavickar Environmental Consultants, Inc., an expert on environmental policy and regulations.

We thought it would be helpful to share what we have learned and Dr. Archer's insights regarding the proposed SSO rule and CMOM program.

### SSO Rule

The EPA estimates that there are at least 40,000 overflows of sanitary sewers each year that pose serious risks to the environment and human health.

After a presidential directive was issued on May 29, 1999, the EPA moved to develop within one year revisions to the National Pollutant Discharge Elimination System (NPDES) permit regulations to improve the operation of collection systems, reduce the frequency and occurrence of SSOs, and provide more effective public notification when overflows do occur. As previously stated, the proposed SSO rule was released in January 2001. However, it was withdrawn shortly after its release to allow review by the new EPA administrator for the Bush administration.

We asked Dr. Archer about the timetable for re-release of the proposed rule. He indicated the Bush administration theoretically pulled the proposed rule for a 75-day review period. While it is difficult to say exactly when the proposed rule will be released again, Dr. Archer did indicate environmental groups would be pressing the Bush administration to complete their review. When the proposed rule is released

again, there will be a public comment period. Then, EPA will move to finalize the rule.

The new SSO rule will affect collection systems nationwide, including thousands of satellite systems that will be directly regulated by the Clean Water Act for the first time. While sanitary sewer overflows have always been prohibited under the NPDES permit program, most satellite collection systems do not have NPDES permits. The EPA intends to expand the NPDES to include satellite collection systems.

The proposed SSO rule consists of several standard permit conditions. The CMOM program standard permit condition proposed under 40 CFR 122.42(e), however, is anticipated to have the most significant impact in terms of initial effort required of collection system owners and operators.

### CMOM Program

The proposed CMOM regulations require NPDES permittees (including satellite collection system owners) to:

- properly manage the collection system
- provide adequate flow capacity
- mitigate the impact of sanitary sewer overflows
- provide notification of overflow events
- make available a summary of the CMOM program.

In general, the CMOM program must include the following components:

- goals
- organization
- legal authority

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- measures and activities
- design and performance provisions
- monitoring, measurement, and program modifications
- overflow emergency response plan
- system evaluation and capacity assurance plan
- CMOM program audits.

NPDES permittees must communicate on a regular basis with interested parties and allow input as the CMOM program is developed and implemented. The NPDES authority (DEP in Pennsylvania) may make modifications when establishing the CMOM program permit condition for small collection systems in accordance with established criteria.

### **CMOM Program and Pennsylvania Chapter 94 Regulations**

The Pennsylvania Chapter 94 Wasteload Management Regulations have been in place for over 20 years. Dr. Archer indicated, while some requirements are similar, the CMOM program is far more extensive in that it requires permitting of satellite communities and much broader administrative and maintenance functions. According to the Pennsylvania Municipal Authorities Association CSO/SSO protocol, which Dr. Archer helped develop, "the CMOM program would take what responsible, proactive communities are at present providing annually to the DEP, significantly expand on the data collection and compilation, and attach the specter of potential federal compliance and enforcement actions".

### **What Should Communities Do Now?**

It is expected the drafted regulations will be promulgated. Facility owners and operators should begin taking steps now to comply with the proposed regulations. Among other priorities, com-

munities should inventory the facilities; assess the condition and hydraulic capabilities of the system; and begin addressing deficiencies.

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### **Additional Information**

If you are tasked with collection system operations and maintenance, you may want to learn more about this upcoming program. A more detailed version of this article is available from CET and we invite you to contact us for a copy:

Scott Kishpaugh  
CET Engineering Services  
Phone: 1-800-CET-ENGG  
Fax: 1-717-541-8004  
e-mail: skishpaugh@cet-inc.com

Additionally, we suggest you visit the following Internet sites:

EPA Office of Wastewater Management - Sanitary Sewer Overflows  
<http://www.epa.gov/npdes/sso>

SSO Case Study: Greenwood County CMOM Program  
<http://www.epa.gov/owm/greenwood/index.htm>

## **“One-Stop Shop” Web Site for Federal Grants**

The Federal Commons, a new Web site recently launched by the Inter-Agency Electronic Grants Committee, will provide a “one-stop shop” for the entire federal grant application process. Currently, Users can search the General Services Administration catalog of federal grant programs from the site. However, the site will eventually allow applicants to submit and track their grant applications online. In addition, a searchable database of new grant announcements is scheduled to be unveiled for live testing this summer. This site may prove to be a valuable resource for governments searching for funding for specific projects.

The Inter-Agency Electronics Grants Committee is made up of members from 23 grant-making agencies who are working to streamline the grant application process. The committee itself is the by product of an earlier Department of Transportation pilot project to create a government-wide grant site, the Electronic Grants Project. The Federal Commons Initiative was aided by the 1999 Federal Financial Assistance Management Improvement Act, which set a November 2002 deadline for agencies to begin accepting grant applications electronically. After the law was passed, the committee pitched the Federal Commons project to the Office of Management and Budget (OMB) as a way of achieving government-wide compliance with the act. OMB has supported the project as it has promised to develop a common electronic grant application form. To access Federal Commons and preform a search of grant programs, go to [www.cfda.gov/federalcommons/](http://www.cfda.gov/federalcommons/).

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