


5. What is the appropriate role of NPDES permits in addressing unauthorized SSOs that are caused by exceptional circumstances?

➤ Some ideas

- SSO discharges remain prohibited
- Enforcement defenses analogous to bypass/upset provisions
 - For wet weather SSOs, enforcement discretion if:
 - Severe natural conditions, and
 - No feasible alternatives
 - Does not contain advanced approval language but specific criteria (e.g. design storm) could possibly be in permit
 - For other SSO's, affirmative defense if notice and:
 - SSO was an exception, beyond reasonable control, and
 - Took all reasonable steps to stop and mitigate

6. How should EPA address peak flow diversions at POTW treatment plants?

➤ Some Ideas

- Finalize the draft Peak Flows Policy
 - Incorporate the Peak Flows Policy into SSO rulemaking
 - Finalize draft Implementation Guidance (including Utility Analysis Guidance)
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7. How should municipalities balance all of the needs to meet water quality requirements?

- How should priorities be established for all water quality needs?
- What is the appropriate role of green infrastructure or nontraditional approaches?
- What is the appropriate role of enforcement?
- What is the appropriate role of permitting?



Additional Information

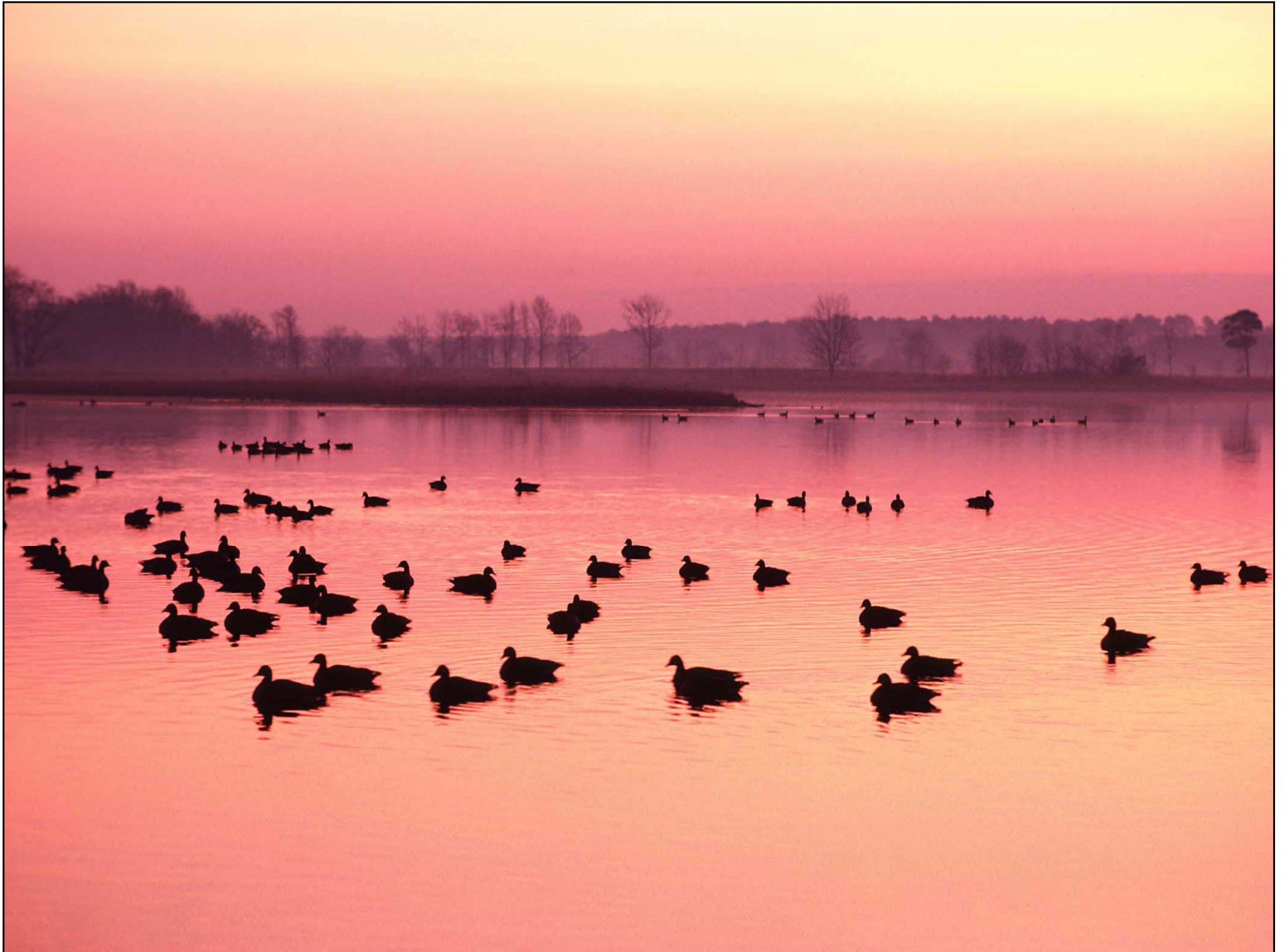
- EPA website on rulemaking

www.epa.gov/npdes/sso

- Listening Session Webcast

July 14, 2010 from 12:00 – 4:00 EDT

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THANK YOU

