



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

January 17, 2007

Dear Rhode Island Municipal Leader:

The New England Office of the United States Environmental Protection Agency ("EPA"), in cooperation with the Rhode Island Department of Environmental Management ("DEM"), is embarking on an effort to improve the water quality of Rhode Island by promoting wastewater infrastructure capacity assessments and proper short and long-term maintenance of collection systems to prevent and eliminate sanitary sewer overflows ("SSOs"). As a municipal government manager, we want you to be aware of this integrated effort, which will utilize technical assistance and enforcement approaches – including, in some cases, penalties for past violations. To further introduce this effort, EPA will be hosting a session for Mayors and Town Managers at the Rhode Island League of Cities and Towns Annual Convention on January 25, 2007.

Our goal is to eliminate SSOs in Rhode Island. To achieve this goal, we plan to ensure that all municipalities and utilities that manage wastewater collection systems meet or exceed standards that are necessary to prevent sewer overflows and adequately manage their infrastructure.

There are numerous reported discharges of untreated sewage from SSOs in New England states, including Rhode Island. Sanitary systems are designed to collect and transport all of a community's wastewater to a publicly-owned wastewater facility for appropriate treatment before discharge to our nation's waters. Sanitary sewer systems that are not properly designed, financed, operated and maintained, or that lack adequate capacity, result in discharges of raw sewage and industrial wastewater into the environment. EPA has reviewed DEM's records and determined that SSOs in Rhode Island have resulted in beach and shellfish bed closures, and other risks to public health and the environment.

This effort to address SSOs in Rhode Island is part of a much larger national EPA strategy to prevent the occurrence of Clean Water Act violations through capacity assessments and proper maintenance of municipal wastewater system infrastructure, and builds upon DEM's ongoing compliance work to address this problem. SSOs are unpermitted discharges and are thus illegal under the federal Clean Water Act and Rhode Island State law. It is also a requirement for owners and operators of Rhode Island wastewater facilities to report emergencies and/or bypasses to RIDEM within 24 hours of when a community becomes aware of the situation.¹

EPA and DEM recognize that maintaining your wastewater collection infrastructure – pump stations, force mains and sewer mains – is an important component of the proper management of your municipal treatment system and a critical step in preventing illegal wastewater releases. To support these infrastructure maintenance goals, EPA will offer technical assistance to Rhode Island municipalities. Over the next two years, EPA will

¹ Reports must be made to RIDEM staff member between 8:30-4 at (401) 222-4700, or during non-business hours through the emergency hotline at (401) 222-3070.

sponsor a series of workshops and training sessions that will focus on topics such as capacity, management, operation and maintenance ("CMOM"), asset management, rate analysis and environmental management systems. EPA and DEM will be hosting a forum for Rhode Island Town Managers and Financial Directors in early 2007 to provide more information on this effort and to present information on rate setting. A larger forum on Sustainable Water Infrastructure for all of the New England states is being planned for late April. We also plan to provide a template for a preventative maintenance plan that will assist municipalities in building preventative maintenance efforts into their long-term infrastructure planning. Information with links to specific regulatory, technical and financial assistance tools can be found on EPA New England's Web site at <http://www.epa.gov/ne/ss0/ri>.

Given the serious public health and environmental problems associated with SSOs, it is an EPA enforcement priority nationwide to identify and eliminate raw sewage discharges. EPA has taken a number of enforcement actions across the nation and throughout New England to address SSOs. These enforcement actions have resulted in the elimination of millions of gallons of raw sewage discharges and the assessment of significant penalties.

As part of this effort, EPA intends to issue administrative orders to communities with SSOs requiring specific actions to identify and correct the causes of SSOs. In establishing enforcement priorities, EPA will consider the significant steps taken by a municipality to correct conditions leading to SSOs. Specifically, these administrative orders will require municipalities to undertake comprehensive assessments of their wastewater collection capacity and management systems and submit corrective action plans and schedules to address the identified deficiencies. In addition, the orders will require communities to consolidate their collection system preventative and reactive maintenance programs and collection system capital investment plans into a single document (the "CMOM Plan") that is readily accessible to the municipality's maintenance staff, and is maintained at a location where it is available for inspection by the EPA and the DEM.

Through this effort, we intend to ensure that communities take the appropriate actions to address the short and long-term maintenance of their wastewater collection systems. We realize that the costs of infrastructure maintenance and repair can be high, but these costs will only continue to rise as aging infrastructure continues to erode. We hope that you will take a proactive approach to addressing and improving your community's wastewater treatment system. We welcome your input as we move forward with this effort. Please feel free to contact any of the staff listed in the attachment to this letter.

Sincerely,


Susan Studlien
Director, Office of Environmental Stewardship

attachment

cc: Treatment Plant Operators; DPW Directors