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February 9, 2004

Water Docket  
EPA, Mailcode 4101T  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
Attn: Docket ID no. OW-2003-025

Re: National Pollutant Discharge Elimination System (NPDES) Permit  
Requirements For Municipal Wastewater Treatment Discharges During Wet Weather  
Conditions: The Blending Policy

The New England Interstate Water Pollution Control Commission (NEIWPCC), on behalf of the New England states (the States), respectfully submits the following comments on the National Pollutant Discharge Elimination System (NPDES) Permit Requirements For Municipal Wastewater Treatment Discharges During Wet Weather Conditions, otherwise known as EPA's Blending Policy. These comments were developed using a workgroup process to ensure they represent NEIWPCC's compact member states' views and opinions. NEIWPCC's role is to coordinate and assist the efforts of our compact states to improve and maintain water quality. With this in mind, the collective and individual needs of the states are of particular concern to the Commission and we would like to make the following points about the Blending Policy.

The practice of blending does occur with some regularity in many of our member states. In peak wet weather situations, allowing for bypass is sometimes the only feasible alternative for delegated states. Because of the need for this practice and recognizing that at one time EPA was considering prohibiting blending all together, the States endorse EPA's attempt at preparing guidance and a clear framework for the implementation of this practice. Further, the national policy set forth eliminates problems associated with the inconsistent application of the policy among EPA regions. This inconsistency has resulted in decision making on a case by case basis, rather than in accordance with a national standard.

The States support the proposed interpretation of the bypass provision and appreciate federal guidance on appropriate implementation. State environmental agencies are operating with decreasing budgets and are constantly challenged by issues associated with limited infrastructure financing. The Blending Policy is an enhancement of the 1994 CSO policy in that it further provides an appropriate interim



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approach to maximizing treatment at POTWs until such time when additional funding is made available to them for utilization of more advanced technologies and upgraded facilities. We would like to emphasize the increasing need for support for POTWs in order to ensure improved water quality.

While we wish to express our support for this policy, the States also anticipate flexibility to deviate from the policy when it is appropriate. For example the policy should not be implemented when the discharge goes to an impaired waterbody for which a TMDL is required. The latitude to require advanced treatment even in peak wet weather conditions is imperative to the success of the TMDL process and achieving water quality standards in impaired systems.

On behalf of the New England states we appreciate the opportunity to provide EPA with these comments on the Blending Policy. If you have any questions, please contact me or Beth Card of my staff at (978) 323-7929.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Poltak". The signature is fluid and cursive, with a large initial "R" and "P".

Ronald F. Poltak  
Executive Director  
NEIWPPC

Cc: NEIWPPC Executive Committee  
Linda Murphy and Roger Janson, EPA Region 1  
Susan Sullivan, Tom Groves and Beth Card, NEIWPPC