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Blending Policy Update

The NYWEA, the Water Environment Federation and other clean water organizations have been working for more than four years to secure a consistent, national regulatory policy that recognizes and regulates blending as one wet weather tool.

The House of Representatives, under intense pressure from “environmental” organizations nationwide, passed by a vote of 329 to 89, a rider to the House Department of Interior, Environment and Related Agencies Appropriations Act for fiscal year 2006. This rider known as the Stupak amendment, prohibits EPA from expending any resources in FY 2006 on the development of a blending policy. Excerpts from the Congressional record on the debate of this amendment are in a separate document on the NYWEA website. A successful lobbying effort alleging that blending resulted in the discharge of raw, untreated sewage responsible for illnesses and death helped the “environmental” organizations advance their message.

The NYWEA, the Water Environment Federation and other clean water organizations attempted to set the record straight through a House hearing and letters to Congress. However, factual, scientific information was not enough to sway the necessary votes. To further distort the issue, several members of Congress sponsored the “Save Our Streams from Sewage Act” which would have prohibited all blending immediately.

We were able to stop the House bill. It never got out of committee. This was largely due to our members contacting their respective delegations to explain the economic impact.

The rider has not passed the Senate. Essentially, if it is passed, the status quo remains: if you currently have a blending permit, you can continue according to permit. If not, you probably won’t be able to get one. This, of course, removes a wet weather treatment option and will impact expansion plans countrywide.

Simultaneously with this activity, the EPA, in a legal maneuver, issued a letter to Congress stating that the blending Guidance would not be

finalized or released. On the same day, four municipal organizations suing EPA were in Circuit Court arguing an appeal to force EPA to adopt a consistent, coherent national blending policy. A ruling is expected in late summer.

Barring a court order, no blending policy will be issued anytime soon. The EPA will revert to the haphazard, no policy or guidance mode that prompted the lawsuit initially. The irony in all this confusion is that the “environmental” organizations created what they were supposedly fighting against. Blending is not banned and it is not regulated.

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