

EXECUTIVE COMMITTEE

PRESIDENT

Kevin L. Shafer

Executive Director

Milwaukee Metropolitan

Sewerage District

Milwaukee, WI

VICE PRESIDENT

Jeff Theerman

Executive Director

Metropolitan St. Louis

Sewer District

Saint Louis, MO

TREASURER

David R. Williams

Director of Wastewater

East Bay Municipal

Utility District

Oakland, CA

SECRETARY

Suzanne E. Goss

Government Relations Specialist

JEA (Electric, Water & Sewer)

Jacksonville, FL

PAST PRESIDENT

Marian A. Orfeo

Director of Planning

& Coordination

Massachusetts Water

Resources Authority

Boston, MA

EXECUTIVE DIRECTOR

Ken Kirk

July 29, 2009

Lisa Jackson, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
MC 1101A
Washington, DC 20460

Dear Administrator Jackson:

I write on behalf of the National Association of Clean Water Agencies (NACWA), representing nearly 300 of the nation's publicly owned treatment works (POTWs), to request municipal participation in developing the action plan called for in your July 2 memorandum *Improving Water Quality Transparency and Effective Enforcement of Clean Water Act Requirements*. While NACWA supports the broad goals of the memorandum to improve the effectiveness and transparency of Clean Water Act enforcement, we also believe that municipalities are a key partner with the U.S. Environmental Protection Agency (EPA) in achieving these goals and should be consulted during the development of any new plan or initiative related to your July 2 memo.

NACWA's public wastewater utility members are on the front lines of environmental protection for clean water and share your desire for greater effectiveness and transparency in enforcement of Clean Water Act requirements. We applaud your directive to the Office of Enforcement and Compliance Assurance (OECA) to develop a plan in conjunction with the Office of Water for achieving these goals, as well as your directive to OECA to consult with the Environmental Council of the States (ECOS) and the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). However, while recognizing the important role of states in Clean Water Act regulation, we are concerned that your memo fails to discuss the critical stakeholder role played by municipalities in meeting our nation's clean water goals and does not include an opportunity for municipalities to be consulted during development of this new enforcement initiative. Given your public statements on the importance of municipal utilities and EPA working together as partners to improve environmental quality, we believe it is imperative that the municipal clean water community have a voice in the upcoming discussions over how to improve both the effectiveness and the transparency of Clean Water Act enforcement. We therefore respectfully request that you direct OECA to include consultations with municipal clean water utilities as part of the process to develop an action plan.

Jackson Letter
July 29, 2009
Page 2 of 2

Such participation by utilities will demonstrate the continued cooperation between EPA and the municipal community on issues of environmental protection and will also increase the overall transparency of the process to improve Clean Water Act enforcement.

NACWA appreciates this opportunity to express its concerns and looks forward to working with you and your staff on this important issue. If you have any questions, please do not hesitate to contact Keith Jones, NACWA's General Counsel, at kjones@nacwa.org or 202/533-1803.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is stylized with a large "K" and a cursive "Kirk".

Ken Kirk
Executive Director

Cc: Cynthia Giles, Assistant Administrator, Office of Enforcement and Compliance Assurance
Peter Silva, Assistant Administrator, Office of Water