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September 22, 2010

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code: 2812T

Washington, DC 20460

Via Electronic Mail: npdes_electronicreportingrule@epamail.epa.gov

Dear Sir or Madam,

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) preliminary efforts to propose a National Pollutant Discharge Elimination System (NPDES) electronic reporting rule. NACWA's public wastewater agency members own and operate treatment plants with NPDES permits that would be impacted by any changes to the regulatory reporting requirements. In addition, many of NACWA's members run industrial pretreatment programs, through which industrial users of the sewer system are regulated, which could be impacted by any national electronic reporting mandates.

NACWA supports the goals of improving the efficiency of permit-related reporting and increasing access to information to enable better environmental management decisions, but the Association's top priority remains data quality. Data quality is essential for information that will ultimately be viewed by the public and any proposal to increase electronic reporting and data availability must include a robust plan for assuring the quality of that data. This is particularly important when presenting information on NPDES permit violations given the potential for third party lawsuits under the Clean Water Act's citizen suit provision.

While NACWA intends to provide more detailed comments when EPA outlines its proposed changes next year, the Association offers the following, preliminary thoughts for the Agency's consideration:

- Quality of data needs to be the top priority. The current ICIS-ECHO database, which provides public access to environmental compliance information, has continuing problems that need to be fixed immediately. As an example, EPA's ECHO system currently shows a number of wastewater utilities in California as having violations every quarter, but no violations actually occurred. The error is caused by a flaw in the ECHO software in handling report due dates in California.



- Discuss what the costs will be and how these should be shared. Any action to require electronic reporting will incur costs for permittees. This is especially true for utilities that have data management systems that will potentially need updating to allow for electronic submittal and smaller utilities that may need to purchase new technology to enable electronic reporting. There needs to be a discussion of how these costs should be shared at the federal, state and local levels.
- Avoid setting arbitrary deadlines by which electronic data submittal must occur. Arbitrary deadlines could force states and municipalities into electronic reporting before they have the necessary infrastructure to handle the reporting, particularly given the current constraints on public resources.
- Consider a phased approach to implementation. EPA should consider a phased approach to implementing any electronic reporting, starting with a voluntary phase as the necessary tools and resources are developed and made available. As problems in the system are addressed, requirements to conduct electronic reporting could be systematically phased in.
- Other issues that EPA will need to address:
 - Permittees should not be in non-compliance due to software glitches or changes in software at the state or federal level that lead to lost or late data submittals.
 - EPA's program will need to be sufficiently flexible to account for the varying reporting rules and methods among the states.
 - For environmental monitoring data, there are many complex issues that have not been addressed consistently, including how to deal with different magnitude and averaging periods for permit limits and how to report data for a parameter when there is no permit limit.

Again, NACWA appreciates the opportunity to provide input into this effort by EPA. Please contact me at chornback@nacwa.org or 202/833-9106 if you have any questions.

Sincerely,



Chris Hornback
Senior Director, Regulatory Affairs