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May 24, 2013

Assistant Attorney General

Environment and Natural Resources Division

U.S. Department of Justice

P.O. Box 7611

Washington, DC 20044-7611

Submitted via E-Mail to pubcomment-ees.enrd@usdoj.gov

Re: United States v. King County, Washington;

D.J. Ref. No. 90-5-1-1-10030

The National Association of Clean Water Agencies (NACWA) is pleased to provide these comments in support of the proposed consent decree in *United States, et al. v King County, Washington* (W.D. Wash., Civ. No. 2:13-cv-00677). NACWA is a national advocacy organization working on behalf of the nation's publicly owned wastewater and stormwater utilities, with nearly 300 municipal member agencies nationwide including King County. NACWA's members are true environmental leaders, working on the front lines every day to protect the environment and public health, improve water quality, and serve their communities.

NACWA commends King County, the U.S. Department of Justice (DOJ), and the U.S. Environmental Protection Agency (EPA) for negotiating an innovative consent decree that will achieve tangible environmental benefits while also being responsive to the needs of King County's citizens. NACWA is especially supportive of the decree's language on integrated planning, green infrastructure, and modification due to changes in financial circumstances, and believes the approaches outlined in the document could serve as valuable models for other communities seeking to address similar issues in future enforcement discussions. The proposed agreement provides a rational path forward that will allow King County to prioritize its investments while also ensuring the county's ratepayers receive meaningful water quality improvements in return.

The integrated planning approach recently endorsed by EPA is a critical tool in providing more flexibility and smarter investment for communities under wet weather consent decrees. NACWA has been a leading advocate for integrated planning and is pleased to see such clear language in the proposed decree embracing the approach and recognizing its value in helping municipal governments meet their Clean Water Act obligations. This language demonstrates a clear commitment from DOJ and EPA to support integrated planning as a way to achieve clean water goals in a smarter, more innovative, and more cost-effective way. The environmental, economic, and social benefits of this approach will be evident to the county and its

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citizens for decades to come. King County has demonstrated a clear commitment to engaging in the integrated planning process, and NACWA looks forward to continued support of the county as it works to become a leading example of integrated planning concepts.

In line with the integrated planning approach, the decree's language allowing the use of green infrastructure control measures represents an important acknowledgment of the key role green practices can play in providing cost-effective wet weather management along with other environmental and community benefits. NACWA has been a strong supporter of green infrastructure, and believes the path outlined in the proposed agreement for green infrastructure will deliver significant benefits to King County's water resources and to its citizens. King County has the potential to become a national leader in the use of green infrastructure, and NACWA applauds the county and federal government for including such important flexibility in the proposed agreement.

NACWA also is very pleased with and supportive of the decree's language allowing revision of the priority and sequencing of projects under certain conditions, as well as the ability to request an extension of certain deadlines due to adverse changes in the county's financial circumstances or other financial issues. These provisions not only ensure that investments made under the decree will be done in the most responsible, prioritized fashion, but also acknowledge that future financial considerations not currently foreseeable may necessitate additional time to meet all of the decree's obligations.

NACWA appreciates the opportunity to provide these comments on the proposed decree, and encourages its approval by the court as quickly as possible. If you have any questions about these comments or would like to discuss them further, please do not hesitate to contact me at ngardner-andrews@nacwa.org or 202-833-3692.

Sincerely,

A handwritten signature in black ink, reading "Nathan Gardner-Andrews". The signature is written in a cursive, flowing style.

Nathan Gardner-Andrews
General Counsel