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April 10, 2014

DC Water – Clean Rivers GI  
DC Clean Rivers Project  
5000 Overlook Avenue, SW  
Washington, DC 20032

**Re: Comments on DC Water's Proposed Long Term Control Plan  
Modification**

The National Association of Clean Water Agencies (NACWA) is pleased to provide its strong support for the Long Term Control Plan (LTCP) and consent decree modifications being proposed by DC Water. NACWA is a national advocacy organization representing nearly 300 publicly owned clean water utilities throughout the United States. Our members are true environmental stewards working on the front lines every day to provide their communities and rate-payers with clean water, sustainable neighborhoods, and sound economic investments.

NACWA believes each utility must make its own determination about the best way to address wet weather issues, including whether there is an appropriate role for green infrastructure (GI). NACWA is proud to count DC Water as one of its leading utility members, and applauds DC Water for pursuing such a responsible approach – both environmentally and financially – to managing its wet weather and nutrient challenges.

NACWA submits these comments in support of both the “Long Term Control Plan Modification for Green Infrastructure” and the “Long Term Control Plan Modification for Total Nitrogen Removal/Wet Weather Plan” that were released for public comment in January 2014. For ease of reference, these comments will refer to both proposed modification proposals collectively as the “modification plan.”

**DC Water's Proposed Approach to GI Implementation is Supported by EPA's  
March 2014 GI Guidance**

At the outset, NACWA notes that DC Water's proposed approach to incorporating GI into its LTCP and consent decree is supported by EPA's recently issued GI guidance.<sup>1</sup> Specifically, acknowledging the importance of monitoring and evaluating GI projects and practices as work proceeds, the guidance recommends and endorses the adaptive management approach to GI implementation proposed by DC Water. This, in turn, means that GI implementation schedules must provide

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<sup>1</sup> Greening CSO Plans: Planning and Modeling Green Infrastructure for Combined Sewer Overflow (CSO) Control, March 2014 (EPA Publication # 832-R-14-001).

sufficient time to monitor and evaluate completed GI projects before proceeding with subsequent projects so that combined sewer overflow (CSO) communities have the benefit of lessons learned as they proceed with GI implementation. Accordingly, NACWA supports the GI implementation schedule proposed by DC Water.

### **Innovative Approach to Balance Environmental and Economic Responsibilities**

NACWA believes the modification plan appropriately balances DC Water's environmental responsibility to reduce water quality impairment in local waters with its equally important obligation to make sound economic investments with its rate-payers' dollars. The legal and regulatory landscape surrounding the acceptance of GI as a valid approach to address wet weather issues, particularly within the CSO context, has evolved significantly in recent years. NACWA played a central role over the past seven years in securing greater recognition of GI by the Environmental Protection Agency (EPA) and the Department of Justice (DOJ) as a viable mechanism for wet weather control. We are pleased to see utilities like DC Water actively exploring the use of GI to meet their Clean Water Act (CWA) obligations in new and innovative ways. We also believe that reopening and modifying DC Water's existing LTCP and consent decree is the best way to take advantage of the dual environmental and economic benefits presented by the modification plan.

The hybrid green/gray solution being proposed by the modification plan is particularly worthy of consideration because it provides the best combination of benefits from both approaches. DC Water is maintaining a significant commitment to gray infrastructure in the proposal by relying on a proven technology to intercept and store large volumes of water during wet weather periods. This will significantly reduce the number of CSO events and resulting water quality impairments to local waterways. The modification plan simultaneously makes a substantial and prolonged commitment to GI alongside the gray, which accelerates the environmental benefits of the LTCP as compared to the original "all gray" approach. As an added advantage, the GI component will provide a host of additional environmental, social, and community benefits. In short, the hybrid green/gray solution envisioned by the modification plan will provide for greater environmental benefits than the original LTCP, while achieving comparable water quality benefits. It is a "win-win" in all respects.

### **Proposed Schedule Is Appropriate**

For the reasons stated above, NACWA strongly supports the schedule outlined in the modification plan. Further, in addition to accommodating an adaptive management approach to GI project implementation, DC Water's proposed schedule provides an optimum combination of accelerated environmental and water quality benefits, aggressive installation of GI while maintaining a robust gray infrastructure construction program, and responsible consideration of the significant rate impacts on DC Water's customers. Many of NACWA's other utility members around the country are struggling with how to complete major wet weather infrastructure improvement projects on a timeline that maximizes environmental benefit while also addressing the substantial financial impact of these projects on their communities. The schedule proposed in the modification plan could serve as a helpful model for other utilities.

NACWA applauds the adaptive management approach embodied in the proposed schedule. EPA's recently issued guidance describes adaptive management in the GI context as the process by which new information and lessons learned are incorporated into ongoing GI project implementation. NACWA has long supported adaptive management principles as the best way to address wet weather issues in the most cost-effective manner. Other major U.S. cities like Cincinnati, Seattle, Cleveland, and Philadelphia are also using adaptive management in addressing their wet weather concerns. The modification plan will help to align Washington, DC and DC Water with many of its peer cities and utilities in embracing this innovative approach.

In line with the adaptive management concept, the modification plan's schedule for aggressive installation of GI will provide both environmental and economic benefits. The plan will not only accelerate meaningful reductions of CSO events well before they would have been reduced under the original LTCP, but will result in

rate relief for city residents. The proposed schedule's economic and environmental advantages more than offset any potential concern over its modest seven-year extension of the final completion deadline.

**NACWA Supports DC Water's Strong Commitment to Green Infrastructure**

NACWA commends DC Water on making a robust commitment in the modification plan to the use of GI. The \$100 million investment outlined in the plan is one of the largest financial commitments by any municipal clean water utility in the country. It will position DC Water and the District of Columbia as a national GI leader to address wet weather issues. Green infrastructure can provide multiple environmental benefits besides improving water quality, offers significant social value in making communities more livable and resilient, and also provides rate-payers with a tangible example of how their increased rates are being used to improve their neighborhoods and cities. At the same time, GI practices are often living, natural systems that while beautifying the urban landscape, also require ongoing maintenance. This means DC Water's commitment to GI will also help create stable, local, green jobs for DC residents.

NACWA has been a strong supporter of GI, as demonstrated through significant advocacy efforts to increase its regulatory acceptance by EPA. We are pleased to see utilities like DC Water and others around the country taking advantage of new opportunities to utilize GI. At the same time, each utility and city must make its own evaluation about whether or how best to use GI, including how to balance GI with gray approaches. NACWA strongly supports the careful analysis DC Water has completed as part of the modification plan to pursue a hybrid green/gray approach. This analysis ensures the modification plan provides the right combination of green and gray solutions in an LTCP that will best serve the environment, the city, and the public.

NACWA appreciates the opportunity to provide these comments in support of the modification plan, and applauds DC Water for its leadership on this issue. If you have any questions about these comments, please do not hesitate to contact me at 202/833-3692 or [ngardner-andrews@nacwa.org](mailto:ngardner-andrews@nacwa.org).

Sincerely,



Nathan Gardner-Andrews  
General Counsel