

EXECUTIVE COMMITTEE

PRESIDENT

Marian A. Orfeo

Director of Planning

& Coordination

Massachusetts Water

Resources Authority

Boston, MA

VICE PRESIDENT

Kevin L. Shafer

Executive Director

Milwaukee Metropolitan

Sewerage District

Milwaukee, WI

TREASURER

Jeff Theerman

Executive Director

Metropolitan St. Louis

Sewer District

Saint Louis, MO

SECRETARY

David R. Williams

Director of Wastewater

East Bay Municipal

Utility District

Oakland, CA

PAST PRESIDENT

Christopher M. Westhoff

Assistant City Attorney

Public Works General Counsel

City of Los Angeles

Los Angeles, CA

EXECUTIVE DIRECTOR

Ken Kirk

June 23, 2009

EPA Docket Center

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Submitted via email: GHG-Endangerment-Docket@epa.gov

Re: Docket ID No. EPA-HQ-OAR-2009-0171

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the *Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act* ("Proposed Endangerment Findings"). NACWA represents the interests of nearly 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S.

NACWA believes that the Clean Air Act in its current form may not be the best tool for regulating greenhouse gases (GHGs). While all local and regional efforts to reduce greenhouse gas emissions are important, their effect on climate change will be negated if emissions continue to increase in other areas. The Clean Air Act was meant to address pollutants on a local or regional basis with a focus on improving public health, and its framework cannot account for the global nature of greenhouse gas emissions and climate change. Instead, a new framework for regulating greenhouse gases should be developed that recognizes the strong interrelationship between climate change and water resources. This new framework should consider issues involving water supply, stormwater, and wastewater; the unique environmental effects of GHG emissions; the economic impacts of the regulations; and additional government actions that may be necessary for the nation to deal with climate change, such as increased research on climate change impacts on water resources and adaptation measures. NACWA believes that congressional action will be required to establish this new framework or to sufficiently modify the existing Clean Air Act to independently accommodate the unique aspects of greenhouse gas emissions.

If the Proposed Endangerment Findings are finalized and the current Clean Air Act is used to regulate GHGs, NACWA is concerned that conflicts could arise between implementing existing Clean Air Act standards and potential GHG reduction requirements. On *Federal Register* page 18901 of the Proposed Endangerment

Findings, under “Impacts on Public Health,” the Administrator states, “To be clear, ambient concentrations of carbon dioxide and the other greenhouse gases, whether at current levels or at projected ambient levels under scenarios of high emissions growth over time, do not cause direct health effects such as respiratory or toxics effects.” Since the health effects of GHGs are indirect, a clear distinction should be made when regulating greenhouse gas emissions versus emissions with a direct health effect. Current federal air criteria should not be diminished if a conflict arises between implementing a recognized federal health standard and GHG reduction.

An example of how a federal health standard should take precedence over GHG reduction is a boiler regulated for NO_x. NO_x is a precursor to ozone, a regulated federal criteria air pollutant. In the process of ratcheting down on the emitted NO_x as part of state attainment strategies, boiler efficiency is negatively impacted. Decreased boiler efficiency means an increase in the exhaust concentration of combustion end-products, including the greenhouse gas CO₂. The State of California and the South Coast Air Quality Management District have made the deliberate decision that if a health-based objective conflicts with a GHG goal, the health-based derived objective will always take precedence.

The Endangerment Findings should make a clear distinction between health-based criteria pollutants and health effects caused indirectly by greenhouse gases, and the health-based objectives should take precedence. In addition, health-based objectives should be achieved rather than seeking a compromise solution, where neither goal is completely satisfied. We believe that without a sharp demarcation, regulatory decisions involving choices between GHG reductions or reductions in recognized federal criteria air pollutants cannot be clearly made.

Thank you for your consideration of our comments on the Proposed Endangerment Findings. Please contact me at 202/296-9836 or cfinley@nacwa.org if you have any questions about NACWA’s comments.

Sincerely,



Cynthia A. Finley
Director, Regulatory Affairs