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October 7, 2009

Terry Breyman

Deputy Associate Director for Natural Resources

Council on Environmental Quality

Executive Office of the President

1600 Pennsylvania Avenue NW

Washington, DC 20500

Submitted via email: tbreyman@ceq.eop.gov

Re: Draft Executive Order on Floodplain Management

Dear Mr. Breyman:

The National Association of Clean Water Agencies (NACWA) would like to provide comments about the White House draft executive order on floodplain management (Version 0510/2009V1). NACWA represents the interests of nearly 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S. While NACWA and its members agree that the federal government should protect and restore the natural processes and functions of floodplains, we are concerned about the implications of the draft order on wastewater utilities and we recommend that wastewater treatment facilities be specifically excluded from the order.

Wastewater treatment facilities are often located in the 100- or 500-year floodplains of rivers and streams because this location allows the wastewater to flow by gravity from higher elevations to the lower-lying treatment plant. Gravity flow is a very energy efficient method for transmitting the millions of gallons of wastewater produced each day to a treatment plant. If a treatment plant is located at a higher elevation, the wastewater must be pumped to the plant, resulting in significantly higher energy consumption and expense. Locations near rivers and streams also make it easier for utilities to discharge treated effluent into the water-body. Flood control measures are typically constructed around low-lying wastewater treatment utilities.

The executive order on floodplain management, as currently drafted, could, perhaps unintentionally, have a significant impact on wastewater utilities. Before a utility could receive any federal funding or a federal permit, the order requires that federal agencies "fully evaluate practicable alternatives," including facility locations outside

of the floodplain, and consider public comments on the floodplain locations. A determination could be made that “there is no practicable alternative that is not in or affecting a floodplain,” but this subjective determination should not be required for wastewater treatment facilities, which provide a necessary and federally mandated public health and environmental service. Locations in floodplains make sense in terms of both cost and environmental benefits, with gravity flow saving a significant amount of energy and associated carbon emissions. Therefore, the executive order should specifically exempt wastewater utilities in order to prevent utilities from performing unnecessary evaluations of locations outside floodplains before receiving any federal funding or permits.

Thank you for consideration of NACWA’s comments on this draft executive order. Please contact me at 202/296-9836 or cfinley@nacwa.org if you have any questions.

Sincerely,

A handwritten signature in dark ink, reading "Cynthia A. Finley". The signature is written in a cursive, flowing style.

Cynthia A. Finley
Director, Regulatory Affairs