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May 26, 2010

The Honorable Benjamin L. Cardin
Chairman

Subcommittee on Water and Wildlife
Committee on the Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Cardin:

The National Association of Clean Water Agencies (NACWA) commends your efforts, vision and leadership on behalf of the Chesapeake Bay – an extraordinary national treasure whose preservation and restoration is vital to the ecology, economy and culture of the Bay watershed and the millions of people who live within its boundaries.

The statutory approach embodied in *The Chesapeake Clean Water and Ecosystem Restoration Act* (S. 1816) will serve as an example and model for other similar watershed efforts across the country. For this reason, NACWA, a national organization focused on improving water quality, has taken, and continues to take, a keen interest in this legislation and sincerely appreciates your willingness to work with our members on shaping key provisions of the bill. For many years, NACWA has advocated for watershed approaches to water quality management based on lessons learned in the Clean Air Act and we are pleased that S. 1816 incorporates many essential elements of this approach. Only through an integrated watershed approach can we begin to control all sources of water quality impairment – nonpoint and point – and do so in a fair and equitable manner.

The Chesapeake Clean Water and Ecosystem Restoration Act would make significant progress toward achieving water quality goals for the Chesapeake Bay by providing Bay States with powerful new tools to address pollution from nonpoint sources such as agriculture, the largest single source of pollution in the Bay. Indeed, agricultural practices in the Bay account for over 40% of the nitrogen loads and 50% of the phosphorous loads to the Bay, while municipal wastewater accounts for only 20%. NACWA applauds the legislation for recognizing these essential facts and for incorporating provisions to require agriculture and other nonpoint sources of pollution to do their fair share in helping to restore the Bay's vast and unique ecosystem.



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Despite the varied sources of pollution to the Bay, it is largely a direct result of the commitment and investment of the municipal wastewater treatment community that key improvements to the Bay's water quality have been achieved to date. The municipal wastewater treatment community stands ahead in its efforts to control nutrient pollution in the Bay through billions of dollars of ratepayer investment in nutrient treatment technology. We appreciate your acknowledgement in S. 1816 of these significant contributions by the wastewater treatment community and, as you know, we stand ready to continue to do our share.

At the same time, municipalities recognize that urban stormwater run-off is another source of water quality impairment to the Bay that must be addressed. Controlling stormwater run-off will entail a significant commitment of ratepayer dollars over and above what they already pay for wastewater treatment services. NACWA must remain vigilant to ensure that stormwater controls are cost-effective, based on sound science, and affordable to the ratepayer. Investments made to reduce stormwater run-off throughout the Bay must be done in a manner that provides an appropriate level of flexibility to municipalities and with the ratepayer in mind. As you know, the economic downturn continues to impact municipal budgets making affordability a top priority for public utilities as well as the households they serve. NACWA would like to continue working with you to ensure that issues of affordability and cost-effectiveness with regard to future wastewater and stormwater requirements are incorporated in the legislation.

NACWA appreciates the work you and your staff have done to date to incorporate our members' recommendations. We look forward to continuing to work with you in shaping this legislation as it moves forward in the Senate to address not only the affordability issue but to further refine the issue of equity and proportionality as well as water quality trading, an important new approach that opens many new pathways for water quality improvements.

Thank you again for your leadership role and to ensuring sound national approaches to the nation's increasingly complex water quality challenges.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk".

Ken Kirk
Executive Director