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September 9, 2011

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Dear Nancy and Cynthia:

Thanks for meeting with me and my staff on August 30 and I hope you both had an enjoyable Labor Day weekend. I wanted to follow up with you on potential next steps regarding this important Clean Water Act integrated permitting and regulatory prioritization effort. We are very appreciative of the speed with which your offices organized the meeting and the commitment to collaboration that was expressed by the various EPA offices represented at the meeting.

NACWA's members believe it is critical to move forward with this initiative as swiftly as possible and I believe we need to hold a follow-up meeting or call to discuss the next steps outlined below as soon as possible. This letter outlines the next steps we believe came out of our discussion and identifies several issues that require additional clarification before we move forward.

It was clear from our discussion that the first step is to put together a workgroup of municipal clean water agencies that can help you determine the common elements of an integrated permitting approach and the provisions it must contain. NACWA believes, however, that we need a better sense of your objectives for such a workgroup and of the timelines and benchmarks for such a process.

In line with this, NACWA wants to have this workgroup in place as soon as possible and recommends that EPA consider forming such a workgroup from among the following cities: New York City, Philadelphia, Washington DC, Milwaukee, Cincinnati, Chicago, Portland, San Francisco, Los Angeles, Chattanooga, SD1-Kentucky, Denver, Seattle, and Providence. NACWA needs additional clarity from you on how many agencies you want as part of such a workgroup — there was some discussion of five or so at our last meeting — but we would obviously like a follow-up discussion with you to determine the best candidates from among this list or other recommendations you may have. We also need more information regarding how aggressive your schedule can be to maximize the use of this group's time and derive a viable policy statement. It is critical to NACWA that such a policy be finalized before the end of this calendar year (2011), especially as interest in NACWA's draft legislation grows on Capitol Hill.

In addition to determining the participants in the workgroup, several additional steps were discussed at our meeting. Since you (Nancy) will be attending the Clean Water America Alliance's meeting next month in Milwaukee, NACWA believes we can gather a small group of utility leaders in attendance at this meeting for an initial discussion of what such an integrated permitting approach would look like. This would help define some of the key issues and allow us to move forward quickly.

Furthermore, during October, NACWA's, and other stakeholders (the Association of Clean Water Administrators (formerly ASIWPCA), the American Public Works Association, the U.S. Conference of Mayors, etc.) should hold a joint press event and issue a joint statement announcing the initiative, its objective and a viable timeline to have a policy in place.

NACWA believes it would then be possible to have EPA unveil a draft policy memo at NACWA's November Leadership Retreat and Developments in Clean Water Law Seminar in Charleston, S.C., which can be finalized before the end of the year.

NACWA understands that there are many details we will need to work through to form the workgroup, develop a meeting schedule and finalize an integrated permitting/regulatory prioritization approach. We hope the above will serve as a launching point, however, for this effort and look forward to meeting with you again at your earliest convenience to put this into motion.

Please contact me or Adam Krantz at akrantz@nacwa.org or 202-833-4651 to set up a meeting to discuss this effort further and thanks again for your prompt attention to this matter.

Sincerely,

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

Ken Kirk
Executive Director