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Ken Kirk

October 5, 2011

Senator Sherrod Brown

713 Hart Senate Office Building

Washington, DC 20520

Dear Senator Brown,

The National Association of Clean Water Agencies (NACWA), representing nearly 300 municipal clean water agencies nationwide, is pleased to support the *Clean Water Affordability Act*, authorizing \$250 million annually for sewer overflow control grants and requiring the U.S. Environmental Protection Agency (EPA) to address community affordability issues with respect to wet weather control projects.

EPA estimates that communities struggling to control sanitary sewer overflows (SSO) will need to spend more than \$80 billion over the next five years, not including operations & maintenance costs, to reduce or eliminate overflows. Similarly, EPA estimates that communities struggling to control combined sewer overflows (CSOs) will need to invest over \$50 billion to correct these overflows. Simply put, the demands are staggering and your proposed legislation offers a big step towards helping communities address these challenges.

NACWA also appreciates your efforts to ensure that EPA update its 1997 guidance document, *Combined Sewer Overflows — Guidance for Financial Capability Assessment and Schedule Development*, and help communities meet their wet weather obligations in the most affordable way possible. Wet weather discharges, including CSOs, continue to be a top enforcement priority for EPA. Seeking to decrease the occurrence of CSOs, the agency has increased the number of enforcement actions it is pursuing against communities with combined sewer systems that have CSO events. In pursuing enforcement actions, EPA often requires communities to undertake projects to correct these events so long as they do not amount to more than, for example, two percent of a community's Median Household Income (MHI).

Relying primarily on MHI to indicate whether a community is able to undertake these costly projects does not accurately reflect a community's ability to undertake

these investments. Important factors such as socioeconomic status of residents, unemployment rates, ratio of residents on a fixed income and future population demographic shifts are not considered when MHI is used as the determining factor. Given the ongoing recession and its effects on municipal budgets throughout the nation, EPA must recognize and be responsive to communities' and wastewater utilities' fiduciary responsibilities to their ratepayers. Also, the focus on CSOs does not allow for a holistic accounting of other Clean Water Act-related costs or a sufficient focus on how to achieve the best water quality results with limited ratepayer dollars.

Revising the guidance would enable EPA to consult with communities to better consider these important factors when determining questions of affordability.

Modernizing the country's aging sewer systems is going to require both serious and smart investment. Your bill does just this, helping communities meet environmental needs while making wise investments with public funds that will create jobs and help spur the economy. Again, we thank you for your leadership on this issue and urge Congress to enact this legislation quickly.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is stylized with a large "K" and a cursive "Kirk".

Ken Kirk
Executive Director

The National Association of Clean Water Agencies (NACWA) represents the interests of more than 300 public agencies and organizations that have made the pursuit of scientifically based, technically sound and cost effective laws and regulations their objective. NACWA members serve the majority of the sewered population in the United States and collectively treat and reclaim more than 18 billion gallons of wastewater daily.