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May 17, 2012

Water Docket

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW

Washington, DC 20460

Via Email: ow-docket@epa.gov

Re: Docket ID No. EPA-HQ-OW-2011-0943

The National Association of Clean Water Agencies (NACWA) appreciates this opportunity to comment on the U.S. Environmental Protection Agency's Public Comment Draft of the *National Water Program 2012 Strategy: Response to Climate Change (Strategy)*. 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 members are aware of – and concerned about – the potential impacts of climate change on their facilities and operations.

NACWA appreciates that the National Water Program (NWP) is looking at a long-term, transformative approach to deal strategically with the challenges that climate change will present to the nation's water resources and utilities. NACWA agrees with the NWP that adaptation "requires a collaborative, problem solving approach especially in a resource-constrained environment." The goals and actions outlined in the *Strategy* provide a sound basis for responding to climate change. In particular, NACWA agrees that more data about changing climate and hydrologic patterns is essential to help publicly owned treatment works (POTWs) plan for climate change impacts. The recognition that watersheds must be protected to ensure climate resilience is also important, as is using integrated water resources management to protect against the impacts of climate change. NACWA also agrees that EPA should assist utilities seeking to reduce their greenhouse gas (GHG) emissions through energy efficiency and use of renewable energy resources.

While the NWP has identified important goals and actions to address climate change impacts, the existing Clean Water Act regulatory structure will make these goals difficult to achieve unless broad and substantive changes are made to the way we approach water quality protection. The *Strategy* contains a Water Quality Vision – "Our Nation's surface water, drinking water, and ground water quality are protected, and the risks of climate change to human health and the environment are diminished, through a variety of adaptation and mitigation strategies" – and a Watersheds & Wetlands Vision – "Watersheds are protected, maintained, and

restored to ensure climate resilience and to preserve the ecological, social and economic benefits they provide...". NACWA believes that the best way to fulfill both of these visions is through a holistic, watershed-based approach that allows municipalities to decide, based on site-specific considerations, the best ways to adapt to climate change and improve water quality. Although significant progress has been made in improving water quality under the Clean Water Act through control of point sources, the goals of the Act have not been fully achieved because nonpoint sources of pollution are not adequately addressed in the Act. With the water quantity and quality problems that are expected to be exacerbated by climate change, controlling all sources of pollution will become even more important. The best way to accomplish this is for pollution reduction and climate change adaptation needs to be determined locally for each watershed, with prioritization of the actions that will maximize environmental benefits. When considering the environmental benefits of these actions, the physical, chemical, and biological aspects of watershed health must all be considered, but the addition or mitigation of greenhouse gas emissions that results from the actions must also be considered. EPA's recent integrated planning initiative is a step in the right direction, but more comprehensive change is needed. NACWA provided an outline for instituting a holistic watershed approach in its 2007 report, *A Viable and Vital 21st Century Clean Water Policy*, available at www.nacwa.org/watershed.

Several of the strategic actions described in the *Strategy* seek to promote holistic watershed approach, such as Strategic Action 33 ("The NWP will encourage green infrastructure and low-impact development to protect water quality and to make watersheds more resilient") and Strategic Action 34 ("The NWP will promote the consideration of climate change impacts by NPDES permitting authorities"). These NWP actions will be more effective if they are combined with a comprehensive evaluation of Clean Water Act regulations to determine how they can be better implemented. For example, some communities would like to incorporate green infrastructure into their existing combined sewer overflow (CSO) consent decrees, but have faced opposition from federal officials to reopening their consent decrees. The NWP must ensure that municipalities have the opportunity to use green infrastructure and receive appropriate credit for it in their CSO and stormwater control programs.

Strategic Action 34 states that the NWP "will encourage NPDES permitting authorities to incorporate revised low-flow stream estimates into NPDES permit effluent limit development where appropriate." While low flows will likely change due to climate shifts, EPA should be looking at better, more appropriate ways to protect water quality in both wet and dry weather periods.

Strategic Action 2 – "Assist wastewater and water utilities to reduce greenhouse gas emissions and increase long-term sustainability with a combination of energy efficiency, co-generation, and increased use of renewable energy resources" – will be most effective if key rules are reviewed and if EPA and other federal agencies better promote biosolids as a renewable resource. While many POTWs have used innovative energy efficiency and production methods, there is still significant potential for utilities to do more. The biosolids produced by the wastewater treatment process are an important resource that could be more fully utilized, since they can be land-applied as fertilizer or used as a renewable fuel source. Land application of biosolids reduces dependence on synthetic fertilizers, resulting in a decrease of GHG emissions from synthetic fertilizer production. Using biosolids and biogas also reduces GHG emissions by reducing reliance on fossil fuels. EPA and the Department of Energy should actively promote the inclusion of biosolids as a renewable fuel resource wherever possible. EPA should also consider its GHG regulations, such as the deferral of biogenic GHG

emissions from Clean Air Act permitting requirements, to be sure that they do not discourage the use of biosolids and biogas as a renewable fuel option.

The *Strategy* briefly mentions the economics of climate change adaptation, but EPA must recognize that significant funding will be needed to help POTWs with adaptation and energy efficiency measures. An October 2009 NACWA/Association of Metropolitan Water Agencies (AMWA) study, *Confronting Climate Change: An Early Analysis of Water and Wastewater Adaptation Costs*, estimated that adaptation costs for water and wastewater utilities are between \$448 billion and \$944 billion through 2050. POTWs are already struggling with the financial burdens of replacing aging infrastructure and meeting all of their current Clean Water Act obligations, and it can be difficult for many utilities to spend more money on additional infrastructure improvements to reduce climate risks or build climate-based assumptions into ongoing permit compliance efforts and capital projects. EPA should consider more carefully the financial resources that utilities will need to meet the Agency's climate change goals in addition to the utilities' existing water infrastructure needs.

Thank you for your consideration of our comments on the draft *Strategy*. Please contact me at 202-533-1836 or cfinley@nacwa.org if you have any questions about NACWA's comments.

Sincerely,

A handwritten signature in dark ink, reading "Cynthia A. Finley". The signature is fluid and cursive, with the first name "Cynthia" being more prominent and the last name "Finley" following in a similar style.

Cynthia A. Finley
Director, Regulatory Affairs