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June 20, 2012

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Dear Nancy and Cynthia:

The National Association of Clean Water Agencies (NACWA) thanks you for your continued leadership on the issue of prioritizing clean water investments to maximize water quality gains and minimize impacts on already burdened municipal budgets. Starting with your October 27, 2011 memorandum that sent a clear message to EPA's Regional Administrators and culminating with the recent release of the Agency's final *Integrated Municipal Stormwater and Wastewater Planning Approach Framework*, your offices' collective efforts, spearheaded skillfully by Deborah Nagle, Director, Water Permits Division and Mark Pollins, Director, Water Enforcement Division, have brought to bear quick and effective policy-making that promises to provide significant and badly needed flexibility for many in the clean water community.

The final framework, though only slightly changed from the January draft, reflects the input received by EPA during the thoughtful and thorough public stakeholder process that EPA conducted. NACWA believes that the expanded discussions on adaptive management and financial capability better describe EPA's intent and will provide additional clarity as utilities explore use of the framework. The framework, while not perfect, will provide a strong foundation for new and continued discussions between clean water utilities and the government, whether state or federal, on how best to sequence their clean water investments.

Work to ensure that EPA's framework succeeds, however, is just beginning. NACWA is aware of several Association members who are exploring use of the framework. These efforts are at varying stages in the process. Showing the utility community and state regulators that this framework can succeed will be crucial to its long-term effectiveness. NACWA understands that EPA Headquarters is not planning to simply to 'see how this plays out' and intends to be an active participant, as appropriate, in encouraging use of the framework. This EPA involvement is essential, but the Agency must also ensure that it establishes and follows clear guidelines that give the lead role to authorized states and that limit EPA's second-guessing of state decisions on individual integrated plans.

We have already heard from some of our members that the complexity in managing the differences between the wastewater and stormwater permitting regimes may be stifling municipal efforts to explore integrated planning outside of an enforcement context. We are pleased to hear that EPA plans regular and ongoing communication with its regional offices and authorized states on implementation of the framework to help address some of these potential roadblocks. In addition, NACWA is seeking Congressional support for the development of municipal plans in pilot communities across the country and for state water programs that will be responsible for reviewing and approving those plans in an effort to ensure the framework's successful implementation.

NACWA looks forward to working with you and your staff to ensure the framework can benefit as many as possible in the clean water community. Tough questions remain including whether large, regional wastewater authorities without control over stormwater or much of their collection systems will be able to take advantage of the framework. In addition, communities with existing consent decrees are anxious to learn if and how they might be able to utilize some of the Agency's new, more flexible thinking.

Please contact me or Chris Hornback at [chornback@nacwa.org](mailto:chornback@nacwa.org) if you have any questions and thank you again for your continued dedication to this important issue.

Sincerely,

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

Ken Kirk  
Executive Director

cc: Randy Hill, Acting Director, Office of Wastewater Management  
Deborah Nagle, Director, Water Permits Division  
Mark Pollins, Director, Civil Enforcement Division