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January 3, 2014

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Submitted via www.regulations.gov

**Re: Docket ID No. EPA-HQ-OA-2013-0568, Draft Office of Water Climate
Change Adaption Implementation Plan**

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the *Draft Office of Water Climate Change Adaptation Implementation Plan*, part of EPA's required response to *Executive Order (EO) 13514: Leadership in Environmental, Energy, and Economic Performance*. 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 impacts of climate change on their facilities and operations. NACWA's comments below provide general recommendations for the *Implementation Plan* and a list of specific suggested changes for the text.

Alignment of the *Implementation Plan* with the 2012 *Strategy*

NACWA agrees with the Office of Water (OW) that the *Implementation Plan* should draw on and help implement the *National Water Program 2012 Strategy: Response to Climate Change* that was published in December 2012. The *Strategy* provides a long-term approach to deal with the challenges that climate change will present to the nation's water resources and to utilities in particular. Since the *Strategy* is comprehensive, with 19 Goals and 53 Strategic Actions, the *Implementation Plan* should be consistent with the *Strategy* and both documents should be updated concurrently in the future.

To provide consistency between these two documents, OW should list on Page 2 of the *Implementation Plan* the names of the five long-term programmatic vision areas as they were given in the *Strategy*: "infrastructure, watersheds and wetlands, coastal and ocean waters, protecting water quality, and working with tribes." In addition, the *Implementation Plan* and *Strategy* should be more closely aligned by providing specific references to the corresponding Goal or Strategic Action from the *Strategy* in the priority actions, training and outreach, and other actions listed in the text of the *Implementation Plan*, rather than only listing all of the Goals and Strategic Actions in Appendix 1.

The *Implementation Plan* lists on Page 2 the steps taken in 2013 to implement the *Strategy*. However, several of these steps seem out-of-date given that the final *Implementation Plan* will be published in 2014. As such, these steps should be updated appropriately. An explanation of the “2012 Development Phase/Score” that is listed in Appendix 1 for the *Strategy*’s Goals and Actions should also be provided.

Priority Actions

The *Implementation Plan* states on Page 10 that the Priority Actions were identified from an internal workplan for 2013 that supports implementation of the *Strategy*. OW should provide additional explanation and justification for how these Priority Actions were chosen from the workplan. Priority Action 10 is “Engage key stakeholders in climate change adaptation work by continuing to support the State and Tribal Climate Change Council that advises the National Water Program,” but there is no similar action for engaging local utilities or the associations that represent them – a serious omission since these utilities will be the most significantly impacted. To more effectively identify actions that would help drinking water and wastewater utilities adapt to climate change, OW should involve utilities in the selection of its Priority Actions.

A successful partnership model for engaging utilities is the Water Sector Coordinating Council (WSCC), which regularly communicates with OW’s Water Security Division (WSD) and the larger Water Government Coordinating Council (WGCC). The WSCC and WGCC periodically deliberate on the joint priority actions needed to improve utility security and publish the *Roadmap to a Secure & Resilient Water Sector*. The WSD uses the *Roadmap* to plan its activities, and the WSCC and water sector associations are able to provide input on the WSD’s work as it progresses. This model could be replicated to deal with climate adaptation issues, similar to the Climate Ready Utilities Working Group that EPA convened in the past under the National Drinking Water Advisory Council.

NACWA agrees with Priority Action 4, “Recognize and encourage climate change consideration in the management of Clean Water and Drinking Water State Revolving Loan Funds.” However, OW must also recognize that other significant forms of funding will be necessary to help utilities with adaptation efforts. 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. Publicly owned wastewater utilities are already struggling with the financial burdens of replacing aging infrastructure and meeting all of their current Clean Water Act obligations. As a result, it can be difficult for 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.

NACWA agrees with Priority Action 6, “Begin development of an initial screening criteria to identify water and wastewater facilities on the Atlantic and Gulf Coasts that may be at risk of inundation in the event of a storm surge comparable to Hurricane Sandy.” OW should add to this Priority Action by also evaluating west coast and inland facilities for potential risk of flooding, since most wastewater utilities are located in low-lying areas near the bodies of water that receive their treated effluent.

OW Contribution to Meeting EPA Strategic Measures

As stated on Page 15, EPA has an objective to integrate climate change science or trend information into five major rulemaking processes, and OW will support this through development of a water program regulation prior to 2015, but the specific regulation has not yet been determined. Although NACWA supports the inclusion of relevant climate data into decisions made by both utilities and regulatory agencies, the Association is concerned about forcing climate considerations into a major rulemaking under a tight deadline. Utilities should consider all relevant site-specific data in their planning and decisions, but local-level climate science and trend data varies considerably across utilities and model projections and it will be difficult for OW to incorporate this type of information into a national rule. Development of the tools and data needed for utilities to incorporate climate science into their adaptation planning voluntarily will likely be more effective than attempting to incorporate climate science into a rulemaking within the next two years.

Outreach

NACWA agrees with the final outreach item on Page 18 of the *Implementation Plan*, working “with the U.S. Department of Energy [DOE] to accelerate progress in understanding and developing innovative technologies and processes that lead to improved management of both water resources and energy production...” NACWA encourages EPA to make this an immediate priority and to involve the water sector associations in this outreach. The wastewater associations, including NACWA, the California Wastewater Climate Change Group (CWCCG), and the Water Environment Federation, have collected data and information related to wastewater utility energy production and greenhouse gas (GHG) emissions management that may assist OW and DOE.

While many wastewater utilities have used innovative energy efficiency and production methods, there is still significant potential for utilities to increase their resiliency and decrease GHG emissions. 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 DOE should actively promote the inclusion of biosolids as a renewable fuel resource wherever possible.

Recommended Changes to Text

NACWA recommends the following specific changes to the *Implementation Plan* to improve the clarity of the text:

- Page 5, third sentence – add “sediment” as follows: “For example, increases in intense rainfall may result in more sediments, nutrients, and toxins being washed into waterbodies.”
- Page 5, third bullet – add “wastewater” as follows: “floodplains may expand along major rivers requiring relocation of some water and wastewater infrastructure facilities . . .”
- Page 5, fifth bullet – modify as follows: “combined (stormwater and wastewater) sewer systems may need to be redesigned . . . increased pollutant and pathogen loading to receiving waterbodies;”
- Page 5, sixth bullet – replace “green roofs” with “green infrastructure”
- Page 6, fourth bullet – add “water reuse” as follows: “. . . consider alternative pricing, allocation, water conservation, and water reuse options;”

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- Page 10, second paragraph – modify as follows: “. . . to develop their capability to support climate change adaptation challenges related to water resources.”
- Page 13, number 7 – correct the CREAT title to “Climate Resilience Evaluation & Awareness Tool”
- Either “stormwater” or “storm water” should be used consistently throughout the document

Thank you for your consideration of these comments on OW’s draft *Implementation Plan*. Please contact me at 202-533-1836 or cfinley@nacwa.org if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia A. Finley". The signature is written in dark ink and is positioned below the word "Sincerely,".

Cynthia A. Finley, Ph.D.
Director, Regulatory Affairs