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September 30, 2016

Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
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Submitted via E-Mail to pubcomment-ees.enrd@usdoj.gov

Re: United States v. City of Haverhill;
D.J. Ref. No. 90-5- 1-1-10992

The National Association of Clean Water Agencies (NACWA) is pleased to provide these comments in support of the proposed consent decree in *United States v. City of Haverhill, Massachusetts* (D. Mass., Civ. No. 1:16-cv-11698). NACWA is a national advocacy organization working on behalf of the nation's publicly owned wastewater and stormwater utilities, with nearly 300 municipal member agencies nationwide. NACWA's members are true environmental leaders, working on the front lines every day to protect the environment and public health, improve water quality, and serve their communities.

NACWA commends the City of Haverhill, the U.S. Department of Justice (DOJ), and the U.S. Environmental Protection Agency (EPA) for negotiating an innovative consent decree that will achieve tangible environmental benefits while also being responsive to the needs of the City of Haverhill's citizens. NACWA is especially supportive of the decree's language on integrated planning, green infrastructure, and adaptive management allowing for modification based on evolving information and technology. The proposed agreement provides a rational path forward that will allow the City of Haverhill to evaluate its needs and thereby prioritize its investments while also ensuring the city's ratepayers receive meaningful water quality improvements in return.

The integrated planning approach is a critical tool in providing more flexibility and smarter investment for communities under wet weather consent decrees. NACWA has been a leading advocate for integrated planning and is pleased to see such clear language in the proposed decree embracing the approach and recognizing its value in helping municipal governments meet their Clean Water Act (CWA) obligations. This language demonstrates a clear commitment from DOJ and EPA to support integrated planning as a way to achieve clean water goals in a smarter, more innovative, and more cost-effective way. The environmental, economic, and social benefits of this approach will be evident to the city and its citizens for decades to come.

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In line with the integrated planning approach, the decree's language allowing the use of green infrastructure control measures represents an important acknowledgment of the key role green practices can play in providing cost-effective wet weather management along with other environmental and community benefits. NACWA has been a strong supporter of green infrastructure, and believes that the flexibility provided under the proposed agreement to evaluate green infrastructure will deliver significant benefits to the city's water resources and to its citizens. NACWA applauds the city and federal government for including such important flexibility in the proposed agreement.

NACWA also strongly supports the adaptive management approach and the flexibility provided by the decree's language to allow revision of the decree as the city engages in an extensive study of its system and develops a plan for addressing Combined Sewer Overflows. The overarching goal of adaptive management is to allow a utility to learn while implementing the decree and course-correct based on lessons learned, changed circumstances or priorities, and/or new regulatory mandates that have arisen. The regulatory landscape continues to shift drastically and effective utility management requires the ability to adapt. Projects and prioritization are not and should not be static. A rigid decree that sets an invariable course for an extended period of time is contrary to the objectives of the CWA and holds the prospect for imposing substantial undue costs. Adaptive management is critical to achieving the most beneficial water quality improvements at the lowest cost and is, therefore, in the best interest of the community being served and the environment.

NACWA appreciates the opportunity to provide these comments on the proposed decree, and encourages its approval by the court as quickly as possible. If you have any questions about these comments or would like to discuss them further, please do not hesitate to contact me at awaters@nacwa.org or 202-530-2758.

Sincerely,



Amanda J. Waters
General Counsel

c: Robert Ward, City of Haverhill