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October 20, 2016

Mr. Craig Fugate
Administrator

Federal Emergency Management Agency

500 C St. SW

Washington, DC 20024

Docket ID FEMA-2015-0006

Submitted via www.regulations.gov

**Re: Docket ID FEMA-2015-0006, Proposed Rule to Update Floodplain
Management and Protection of Wetlands Regulations to Implement
Executive Order 13690 and the Federal Flood Risk Management Standard**

Dear Mr. Fugate:

The National Association of Clean Water Agencies (NACWA) appreciates this opportunity to comment on the *Regulations to Implement Executive Order 13690 and the Federal Flood Risk Management Standard* (FFRMS) (81 FR 57402) and *Guidance for Implementing the FFRMS* (81 FR 56558). NACWA represents the interests of nearly 300 publicly owned stormwater and wastewater treatment agencies nationwide, serving the majority of the sewered population in the United States. Wastewater treatment plants and distributed wastewater and stormwater systems are often located in low-lying areas, and the FFRMS could potentially impact NACWA members if a utility is using federal funding for an infrastructure project that is located in a floodplain.

NACWA appreciates that it is difficult to address locally-specific issues and develop simple rules that can be applied broadly, especially when there are varying amounts of data available. FEMA's proposed policy correctly encourages early coordination among federal agencies when they are jointly engaged in an action to ensure consistency. Clean water utilities often use multiple funding sources, potentially from more than one federal agency, on large infrastructure projects. Therefore, utilities would benefit from a clear statement of which projects funded through various FEMA programs, grants, etc. are considered a "FEMA Federally Funded Project" and which are not.

FEMA and other federal agencies must work together to ensure that the implementation of the FFRMS is consistent across all agencies involved in the same project. For example, if there is more than one agency involved in a project,

there could be disagreement as to how to determine the elevation and FFRMS floodplain. If a clean water utility is seeking funding from more than one federal agency (e.g., FEMA and EPA's clean water State Revolving Fund) for an infrastructure project that is located in a floodplain according to one agency's interpretation of the Climate Informed Science Approach, but not another's, what is the process for ensuring that the standard will be consistently applied? If each agency has a different approach for applying the FFRMS, whose approach would take precedence? Eliminating inconsistencies in the way vulnerable projects are identified across government agencies, whether federal, state or local, will reduce project complexity and ensure utilities are able to design the most resilient infrastructure for their communities.

NACWA would also appreciate clarification on how the rule will address green infrastructure installations used by municipal clean water agencies to manage wet weather flows. Clean water utilities are relying more and more on decentralized green infrastructure (GI) to infiltrate rain water. When FEMA Hazard Mitigation Grant Program or other grant funds are used for a structural project such as storm sewer conveyance improvements, stormwater detention, or a nature-based project using GI, would one of the three FFRMS floodplain approaches be required to design the feature? If so, which structure(s) would need to be in compliance with the proposed FFRMS floodplain?

The use of GI to aid in flood protection has been increasing because it enhances a community's resilience by reducing peak flows, improving water quality and quantity protection, all while supporting stronger local economies and property values. GI and other decentralized practices, like bioretention, are helping restore the hydrologic integrity of watersheds, and should be encouraged by federal programs – not discouraged because of lack of clear design parameters.

The comments above reflect concerns shared throughout the water utility community. NACWA also urges you fully consider the comments submitted by the Association of Metropolitan Water Agencies (AMWA) and the National Association of Flood and Stormwater Management Agencies (NAFSMA). Please contact me at 202/533-1839 or bmannon@nacwa.org if you have any questions. Thank you again for the opportunity to comment on these important regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brenna Mannion', with a long horizontal line extending to the right.

Brenna Mannion, P.E.

Director, Regulatory Affairs and Outreach