

October 28, 2019

The Honorable Peter DeFazio  
Chairman  
Transportation & Infrastructure Committee  
U.S. House of Representatives

The Honorable Sam Graves  
Ranking Member  
Transportation & Infrastructure Committee  
U.S. House of Representatives

Dear Chairman DeFazio and Ranking Member Graves:

On behalf of the National Association of Clean Water Agencies (NACWA), I am writing to express my strong support for your bipartisan legislation to be marked up in Committee October 29, 2019: the Amendment in the Nature of a Substitute to H.R. 1497, the *Water Quality Protection and Job Creation Act of 2019*.

As the leading Association advocating on behalf of the nation's public clean water utility sector, we greatly appreciate your efforts to increase federal funding available to clean water utilities and provide targeted reforms to modernize public utility National Pollutant Discharge Elimination System (NPDES) permitting.

NACWA represents over 320 public wastewater and stormwater agencies of all sizes nationwide that work every day to protect the environment and public health. We firmly believe that the significant and growing costs of providing clean water services and complying with the Clean Water Act warrant a strong federal-state-local partnership. This is particularly true at a time of growing challenges such as aging infrastructure, emerging contaminants, extreme weather, and rising water costs.

Your legislation strengthens the federal commitment to clean water by authorizing increased funding and financing through the core Clean Water Act programs. Importantly, the bill reauthorizes the successful Clean Water State Revolving Fund (CWSRF), the primary source of Federal financing assistance for wastewater infrastructure construction. NACWA is thrilled by this bipartisan effort to provide \$14 Billion over five years, a greater than 50 percent increase over recent funding levels. Within the context of increased funding, your legislation would also codify that States must use 10 percent, and could use up to 30 percent, of its annual capitalization grant for grants and loan forgiveness.

NACWA also strongly supports the other core funding proposed in your bill, including reauthorizing federal grants to municipalities for stormwater and sewer overflow controls through FY 2025 with a strengthened federal cost-share, reauthorizing alternative water source pilot projects, and authorizing funding for watershed-based pilot projects. Given the well-documented aging water workforce and retention challenges for public utilities, NACWA also appreciates the Committee's attention to water workforce training and education in the bill.

Packaged with these critical funding provisions are important new regulatory flexibilities for utilities. Your proposed legislation incorporates H.R. 1764, allowing States to - in certain circumstances - issue NPDES permits of up to 10 years (rather than 5) to municipal clean water utilities. The option for extended permit terms can provide utilities greater permit certainty, reduce administrative backlogs that do not advance clean water, and enable utilities to better

align permit terms with modern construction timelines and innovative approaches to watershed management. We also applaud your inclusion of increased funding for the states to implement their water pollution control programs as part of this package.

NACWA has also been concerned for many years with EPA's financial capability guidance and its overreliance on Median Household Income as the most important indicator. We are glad to see this legislation include a directive to EPA to review existing implementation guidance—including the report prepared by NACWA and its water sector partners this year—and set a timeline for EPA to complete its review and identify recommendations for revisions.

Within this comprehensive package, there are several provisions where we would like to continue working with Congress as the bill advances. First, how the review of secondary treatment technologies for pathogens or pathogen indicators would be implemented is of primary importance to clean water utilities and we hope to continue working with Congress to refine this provision. Second, we remain concerned about changes to the existing five-year NPDES permit process for utilities. Where the system works well, we want to ensure utilities are not impacted, and that changes are highly workable for utilities and States. We appreciate your work with NACWA and other stakeholders to date to resolve these concerns and look forward to continuing to work together as the legislative process progresses.

A robust bipartisan infrastructure investment and improvement bill is incredibly difficult to achieve. NACWA applauds and greatly appreciates the work of the Water Resources and Environment Subcommittee Chairwoman Grace Napolitano (D-CA), Ranking Member Bruce Westerman (R-AR) and the full Committee to date and we look forward to continued bipartisan efforts in the House and Senate as the legislative process advances.

Sincerely,

A handwritten signature in cursive script that reads "Adam Krantz". The signature is written in dark ink and is positioned above the typed name and title.

Adam Krantz  
Chief Executive Officer