June 13, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building
Washington, D.C. 20460

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Subject: Support and Suggestions for Regulatory Reform Initiatives

Dear Administrator Pruitt and Secretary Zinke:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to suggest regulatory reforms consistent with recent Executive Orders and initiatives proposed by the Trump Administration. For 60 years, CASA has been the leading voice for public wastewater agencies on regulatory, legislative and legal issues. We also provide opportunities for the wastewater community to share ideas, creating a clean and sustainable environment for Californians.

One simple yet meaningful reform could greatly improve the current regulatory system for the nation’s wastewater agencies. National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act are currently limited to five years. Extending the term of these permits to ten years would promote greater certainty and long-term investment planning.

Local agencies face increasingly restrictive requirements that push the limits of technology and local agency budgets. The current Clean Water Act mandate to renew complex permits every five years represents a perpetual “moving target” as local agencies in the process of constructing upgrades necessary to comply with their existing permits when they are hit with new terms and requirements. Moreover, the mandate to states to renew thousands of point source permits every five years diverts resources from addressing more pressing water quality issues.

In addition to NPDES permits, California’s wastewater agencies must frequently obtain a myriad of permits from federal agencies, including but not limited to the U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), and the U.S. Army Corps of Engineers. These permits cover construction activities, environmental mitigation, air quality considerations, and endangered species protection, just to name a few.
CASA recently submitted comments in response to Executive Order 13781 on Reorganizing the Executive Branch and Executive Order 13777 on Regulatory Reform. In those comments, CASA highlighted the often fractious and unpredictable manner in which permits are administered by federal agencies and the fact that delays, slow turnaround times, and unreasonable mitigation requirements can delay necessary infrastructure projects by many months and oftentimes years. We also raised several suggestions on ways to improve these processes, including:

- Expediting the federal permitting process for local agencies engaging in necessary infrastructure upgrades and other projects designed to protect public health and safety;
- Restructuring permitting functions within federal agencies to make them more responsive and effective;
- Reexamining the necessity of numerous requirements contained within individual permits, and eliminating any overly onerous requirements in the context of a particular project;
- Mandating inclusion of a realistic cost-benefit analysis when mitigation requirements are part of the permitting approval process, and address the fact that excessive mitigation requirements can delay or defeat necessary infrastructure projects.

In addition to these recommendations, CASA supports several of the comments submitted by the Federal Water Quality Coalition (FWQC) and the National Association of Clean Water Agencies (NACWA) on the same Executive Orders. Specifically, we strongly urge USEPA to:

- Ensure that all USEPA actions that impose new regulatory burdens on wastewater agencies - including but not limited to new water quality criteria, new test methods, TMDLs - be established through a formal public process that includes cost benefit and net environmental benefit considerations;
- Revise water quality standards regulations and explore other avenues to provide greater support for watershed based solutions, including regional watershed initiatives, watershed permits and water quality trading.

CASA’s suggestions for regulatory reform align with many of the goals contained in the Administration’s 2018 Infrastructure Initiative (attached). More specifically, many of the proposals related to environmental review and permitting process enhancements are of particular interest to CASA member agencies:

- CASA agrees that the federal environmental review and permitting process is often fragmented, inefficient, and unpredictable, and that these shortcomings can make the delivery of infrastructure projects more costly, unpredictable, and time-consuming, all while adding little environmental protection;
- The Administration’s proposal to pursue “one federal decision” is very much in line with CASA’s suggestion for agencies to collaborate on permitting for a
single project to ensure permitting is streamlined and centralized, and the
development of a more holistic or “one-stop-shop” permitting approach;

- CASA concurs that some form of judicial reform is needed, and particularly
changes that that curtail needless or frivolous litigation. CASA is supportive of
tailored changes to the Clean Water Act (CWA) citizen suit provisions as
articulated in legislation recently introduced by Representative Duncan Hunter,
H.R. 2693.

Finally, there are additional efficiencies that can be gained simply by modernizing the
federal agency permitting process. For example, CASA suggests the development of an
efficient online application process for most permits and the option for online
appointments for consultations with agency staff. In addition, we recommend an
online submittal portal for reports and online acceptance and close out of permit
process, similar to many online processes that already exist at the state level in
California. These changes will benefit both regulated entities and federal agencies by
effectively allocating time and resources to expedite the permitting process.

We appreciate your consideration of these recommendations and look forward to
working with you in the future. If you are interested in discussing this matter further,
please contact me atalink@casaweb.org or (916) 446-0388.

Sincerely,

[Signature]

Adam D. Link
Director of Government Affairs