Dear Chairs and Ranking Members:

On behalf of the California Association of Sanitation Agencies (CASA), I write to express our appreciation and support for your effort to renew the Clean Water Act’s SRF Program and to ensure adequate resources are available to meet the current and future water quality infrastructure needs of California and the nation. We look forward to working with the Committee as Congress considers H.R. 1497.

CASA is an association dedicated to protecting public health and the environment through effective wastewater treatment. We promote sustainable practices such as water recycling, biosolids management, and renewable energy production. We represent over 120 public agencies in California and focus on advocacy, education, and leadership.

We appreciate the Committee’s efforts to incorporate provisions that modernize the Clean Water Act’s National Pollutant Discharge Elimination System (NPDES) program to better align NPDES permit terms to the realities of planning, designing, constructing and operating today’s modern water quality treatment systems. Over the past several weeks, CASA has provided information on how best to design an NPDES permitting system that would provide states and USEPA with the discretionary authority to issue permits for terms up to ten years. It is our understanding that the Committee’s review of this matter yielded an approach that would provide authority to regulators to issue an extended permit under specified circumstances, including where the permittee demonstrates it has performed as a good actor and is in compliance with water quality standards. While several important details remain to be worked out with these conditions on extended permit term eligibility, we will continue our efforts to work through them and come to a positive resolution.

In contrast, the Committee’s consideration of an SRF reauthorization also includes provisions that would terminate a regulator’s authority to issue administrative extensions of five-year permits and shift permit
development and issuance to USEPA when such permit renewals are delayed. We cannot support such a provision for a number of reasons.

Administrative extensions are a necessary part of the permit renewal process in some cases as local permittees and regulators work through issues relating to renewal of an NPDES permit. Many permits are delayed due to legal and technical issues that necessitate additional time to address, not because of failure on the part of regulators but because of complexity, emerging science and local concerns. Immediately elevating permits to USEPA will result in loss of local control, and place permitting in the hands of USEPA staff who may lack the specialized understanding of the intricacies of local watershed issues and needs. Additional financial, legal, and public participation concerns will inevitably result from interfering with the existing process of administratively extending five-year permits.

In our discussions with the Committee, we have explained the factors that make such an extraordinary change in the NPDES permitting process unreasonable. First and foremost, the priority to provide regulators with the discretionary authority to tailor permits to the permitted facility was in no way intended to disrupt the existing permitting program. The proposed provision unfortunately does precisely this by mandating that administrative extensions would be eliminated and requiring USEPA to renew the permit. Simply elevating the decision making will only serve to impose additional delays upon the renewal of a permit as USEPA restarts the permit renewal process. For this and other reasons, the imposition of such a mandate on five-year permit renewals is counterproductive. We request that this provision be removed from any attempts to provide discretionary authority to federal and state regulators to issue extended permit terms where circumstances warrant such permitting.

To be clear, while we whole-heartedly support the SRF reauthorization and the approach to include extended permit terms as part of that effort, we are vigorously opposed to any provisions that interfere with administrative extension of five-year permits. We will continue to work with the Committee to seek an approach on this matter as the legislation proceeds.

Again, we are grateful for the commitment that the committee has given to address the overwhelming needs of the nation’s water infrastructure and look forward to working with you in the months ahead.

Sincerely,

Adam D. Link
Director of Operations

cc: The Honorable John Garamendi
    The Honorable Jared Huffman
    The Honorable Julia Brownley
    The Honorable Alan Lowenthal
    The Honorable Mark DeSaulnier
    The Honorable Harley Rouda
    The Honorable Doug LaMalfa