October 31, 2019

The Honorable Peter DeFazio
Chairman
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Sam Graves
Ranking Member
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Grace P. Napolitano
Chairwoman
Subcommittee on Water Resources and Environment
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Bruce Westerman
Ranking Member
Subcommittee on Water Resources and Environment
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman DeFazio, Ranking Member Graves, Chairwoman Napolitano and Ranking Member Westerman:

On behalf of the National League of Cities (NLC) and the United States Conference of Mayors (USCM) we write to express support and appreciation for your efforts to renew the Clean Water Act State Revolving Loan Fund Program (SRF). The proposed authorization level for the SRF Capitalization Grants to states will, if funded, provided much needed resources for local governments to continue to achieve local, state and national clean water goals. We look forward to working with the Committee as Congress considers H.R. 1497.

We appreciate that the legislation would establish a Clean Water SRF “green-reserve” with a 15 percent set-aside from the SRF for green infrastructure projects and projects that provide energy or water efficiency improvements and other environmentally innovative activities. Similarly, we appreciate the provision that would direct states to set-aside 10 percent of annual Clean Water SRF funds to provide grants to communities with affordability concerns.

Included in H.R. 1497, as amended, are provisions that would allow states to, under certain circumstances, increase the Clean Water Act’s National Pollutant Discharge Elimination System (NPDES) program permit terms from 5-years up to 10-years. A 10-year NPDES permit term is a critical change needed by local governments to better manage administrative costs at the local, state and federal oversight levels. This provision introduces the kind of flexibility needed by local governments to achieve clean water goals more efficiently. The provisions stipulate that the permittee
must be a good actor and in compliance with water quality standards. We look forward to working with the Committee to reach consensus on a few remaining details related to these provisions.

Related to the NPDES permit term provisions, NLC and USCM oppose the Committee’s inclusion of provisions that would terminate a regulator’s authority in a delegated state to issue administrative extensions of 5-year permits and shift permit responsibility to the U.S. Environmental Protection Agency when such permit renewals are delayed. The prevalence of administrative extensions for permit renewals is evidence that the process is cumbersome and difficult to keep on schedule. Removing the ability of a permit holder to request an administrative extension is a direct and further action by the Congress to limit flexibility, especially when many permits are delayed due to legal and technical issues that require extended negotiation time.

We strongly support the SRF reauthorization and the inclusion of provisions to allow states to adopt extended permit terms, but we also strongly oppose the provision that would alter the current policy and practice of considering administrative extension of 5-year permits. We offer to work with the Committee to seek an approach on this matter as the legislation proceeds.

If you have any questions, please don’t hesitate to contact our staff – Carolyn Berndt from the National League of Cities (Berndt@nlc.org) or Rich Anderson or Judy Sheahan from The U.S. Conference of Mayors (randerson@usmayors.org or jsheahan@usmayors.org). Thank you for your consideration.

Sincerely,

Clarence E. Anthony
CEO and Executive Director
National League of Cities

Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors