



ASSOCIATION OF
METROPOLITAN
WATER AGENCIES

January 2, 2014

Water Docket, EPA-HQ-OA-2013-0568
Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

*Re: AMWA Comments on Draft Office of Water Climate Change Adaptation
Implementation Plan*

Dear Sir or Madam:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to provide comment on the draft *EPA Office of Water (OW) Climate Change Adaptation Implementation Plan* (Plan).

Since 2008, with the publication of its *National Water Program Strategy: Response to Climate Change*, OW has recognized that climate change is affecting and will continue to affect our nation's water resources, and therefore OW's programs. As the 2012 *National Water Program Strategy* identifies the vision and goals for responding and adapting to climate change, OW should, as much as possible, use this document as the basis for its *Climate Change Adaptation Implementation Plan* required by *Executive Order 13653: Preparing the United States for the Impacts of Climate Change* (EO 13653).

AMWA recommends that the implementation plan describe in more detail how OW plans to execute its strategy. EPA references on page 2 of the draft an internal workplan that "describes specific implementation actions." EPA also notes that the priority actions were culled from the activities described in this internal workplan. Without access to the complete list from the internal workplan, it is difficult to comment on whether EPA's selected priority actions are appropriate. AMWA therefore recommends that EPA make public this internal workplan, in order for stakeholders to have additional information about EPA's implementation activities and prioritization criteria. As FY 2013 is now complete, it would also be useful for EPA to finalize this draft Plan to include updates on the progress of its listed activities and the internal workplan.

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Diane VanDe Hei
Executive Director

With regard to OW's 2013 priority actions, it is unclear how the criteria listed on page 10 were used to identify the selected actions. Did EPA rank potential activities for each of the five criteria, or were the criteria applied to potential activities more subjectively? In addition, it is unclear what the 2012 development phase/score listed in Appendix 1 for each Strategic Action (SA) means, as there is no description in the text. AMWA is interested in knowing how EPA is progressing with the SAs. Again, the release of the internal workplan would help inform our understanding and future comments.

One of OW's priority actions is to engage key stakeholders in climate change adaptation work by supporting the State and Tribal Climate Change Council. AMWA urges OW to consider bringing local officials – specifically water sector utility managers – into the process as key stakeholders. The White House has modeled this approach by developing a “state, local and tribal leaders” task force. And, in the past, EPA convened a stakeholder group under the National Drinking Water Advisory Council (NDWAC Climate Ready Utilities Working Group) that considered adaptation and mitigation strategies among other topics. A more comprehensive workgroup that includes local utility officials would be mutually beneficial to EPA and to state, local and tribal workgroup members. For example, the group could provide input to EPA on ways to implement other OW priority actions listed in the Plan, such as:

1. Supporting CREAT, including how to identify agencies that would benefit most from the tool and how to update and refine the tool in ways that would encourage its use by those who would benefit most from it;
2. Ways to consider climate change adaptation in the management of Clean Water and Drinking Water State Revolving Loan Funds;
3. Issues to consider in the development of screening criteria to identify coastal water sector facilities at risk for storm surge; and
4. How to consider the interconnection between water quality management planning, implementation and enforcement actions.

AMWA is, in general, interested in knowing more about how EPA is implementing Priority Action 6 – development of initial screening criteria to identify coastal water and wastewater facilities that may be at risk of inundation due to storm surge. AMWA urges EPA to work with utilities via water sector associations for feedback on the draft screening criteria and any follow-up activities considered.

AMWA recommends that OW consider two activities listed in the plan as priority activities for the coming year. These are:

- Work with US Department of Energy to accelerate and progress innovative technologies that lead to improved management of water resources and energy production (page 18); and
- Collaborate with EPA's Office of Enforcement and Compliance Assurance to identify opportunities to recognize impacts of a changing climate on water resources (page 25).

AMWA believes these are important priority activities because they address significant challenges that water utility and water resource managers face in light of climate change. For example, many of the traditional ways the water sector has addressed water quality problems has included energy intensive solutions and treatment. Working to accelerate new energy-efficient technologies would save both energy and water. Similarly, as water utilities are being encouraged to make climate-ready, adaptive planning and investment decisions, these decisions cannot be made outside the regulatory framework. Therefore it is important for OW to work with the Office of Enforcement and Compliance Assistance (OECA) on ways to recognize the impacts of a changing climate on water resources

and how those impacts affect the assumptions for compliance and enforcement activities, which are, in many cases, based on “steady state” environmental assumptions. In addition, AMWA encourages OW to engage OECA as it integrates climate change science or trend information into a water program regulation prior to 2015.

Climate change should be considered across the complete regulatory spectrum – not only during the rule development phase, but also in implementation and enforcement. It should also be considered across the spectrum of both the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). In the draft Plan, EPA recognizes that “climate change poses such significant challenges to the nation’s water resources that more transformative approaches will be necessary.” Prioritizing these two activities would foster, in the words of EPA’s National Water Program Strategy, “critical reflection on programmatic assumptions and development and implementation of plans to address climate change’s challenges.”

Furthermore, as President Obama’s EO 13653 directs agencies to support climate resilient investment, AMWA also recommends OW consider reframing its discussion of an integrated planning framework to look holistically at water management challenges across both the SDWA and CWA to promote the sustainable management of water resources for protection of public health and the environment.

Finally, if one of the requirements of EO 13653 is to require agencies to regularly update their climate adaptation implementation plans, AMWA recommends that, in light of increasingly constrained budgets and staff time, EPA align the implementation plan updates with *Highlights of Progress: Responses to Climate Change by EPA National Water Program*, and as much as possible, combine the two documents. AMWA also suggests that in future updates of this Plan, OW address key activities from EO 13653 where it may be playing a role.

Again AMWA appreciates the opportunity to comment on the draft OW Plan and looks forward to continuing to work with EPA to support water utilities’ efforts to mainstream climate adaptation into their operations, as EPA also aims to mainstream climate adaptation into its own policies, programs and regulations. Please contact Erica Brown at 202-331-2820 if there are any questions.

Sincerely,



Diane VanDe Hei,
Executive Director

Cc: Nancy Stoner, OW
Ken Kopocis, OW
Peter Grevatt, OGWDW