



August 24, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington DC 20460

RE: Docket ID No. EPA-HQ-OLEM-2018-0024 Clean Water Act Hazardous Substances Discharge Prevention Action, Federal Register, Vol. 83, No. 122

Dear Acting Administrator Wheeler,

The undersigned organizations appreciate the opportunity to comment on The Environmental Protection Agency's (EPA's) ***proposed Clean Water Act Hazardous Substances Discharge Prevention Action***. Our organizations share a common concern, the protection of the nation's water resources, and in particular ensuring that America's drinking water supplies are adequately protected.

The Clean Water Act, passed in 1972, directs the U.S. Environmental Protection Agency (EPA) to create a program to prevent spills and leaks of hazardous substances into water bodies. Like the Spill Prevention, Control and Countermeasure (SPCC) program that addresses oil spills, the hazardous substance spill prevention program was meant to protect drinking water sources and ensure that water remains safe for multiple purposes including fishing, recreation, and wildlife habitat.

This decision has particular implications for our nation's drinking water. We urge EPA to reconsider its proposal to take no action.

Congress required that regulations be developed to address hazardous substance spills and leaks into water. EPA's decision to take no action and to rely on other programs is not in keeping with the intent of Congress.

Existing federal regulatory programs are not comprehensive enough to prevent spills and leaks of hazardous substances from aboveground storage tanks. The proposal cites various programs that EPA contends collectively address this problem. However, there are numerous gaps in these programs. For example, the Clean Water Act general permit for stormwater discharges is not intended to address spill-prevention for hazardous substances. The Spill Prevention Control and Countermeasure Rule applies only to oil, not hazardous substances.

The patchwork of federal programs EPA identifies is insufficient to protect drinking water sources, or to prevent the public health risk and economic disruption that can result from a leak or spill of hazardous substances into a drinking water source. Public Water Systems need more information about aboveground tanks that pose a risk to their sources and they need owners and operators to be prepared to respond to any spills or leaks.

We urge EPA to reconsider its decision and direct you to other comments that each of our organizations has submitted under separate cover.

Sincerely,

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CC:

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