



**The New York Water Environment Association, Inc.**  
*The Water Quality Management Professionals*

525 Plum Street • Suite 102  
Syracuse, New York 13204

(315) 422-7811 • Fax: 422-3851

www.nywea.org • e-mail: pcr@nywea.org

15 May 2017

Scott Pruitt, Administrator  
USEPA  
Office of Water  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Pruitt,

The New York Water Environment Association (NYWEA) is a professional organization comprised of more than 2,500 members dedicated to improving New York State's water resources. Our mission is to serve the best interest of the public by promoting *sustainable* clean water quality management through science, education and training.

As many of our members represent municipalities regulated by the United States Environmental Protection Agency (USEPA), either directly or by delegated authority through the New York State Department of Environmental Conservation (NYSDEC), we feel that we are the *most* qualified organization to provide meaningful comment in response to USEPA's Docket EPA-HQ-OA-2017-0190 Evaluation of Existing Regulations.

We preface our comments by emphasizing our commitment to clean water and our support for USEPA and NYSDEC programs that promote advancements in public health and environmental protection. In fact, NYWEA represents the men and women who make the concept of clean water a reality for our citizens; we are the true environmental workforce.

NYWEA will not provide a recommendation for repealing, replacing, or modifying an existing regulation. We do provide the following recommendations for USEPA's consideration when developing new regulation and policies in an effort to provide true, sustainable benefits for our water environment:

1. Potential laws, rules, regulations, and policy statements must consider the true benefit to public health and the environment against the cost for implementing such decisions. While we applaud policies which increase the quality of our water resources, all regulation results in added cost which must be considered against the actual (versus perceived) benefit or the various alternatives which might more effectively address the concern. For example, the opportunities to improve water quality from nutrient loading might be more cost effectively addressed by watershed based solutions rather than end of pipe treatment plant regulation.

2. Laws, rules, regulations, and policy statements must be funded before adoption. Most USEPA regulations are implemented without any financial support. Similarly, funds are seldom allocated at the state level resulting in local sewer district customers shouldering the financial burden for regulation which may or may not affect their water quality. NYWEA vehemently oppose unfunded regulatory mandates. If a problem deserves federal regulation to resolve, it should concurrently earn the same federal support for funding.
3. The potential for increase in operational efficiencies must be considered in all existing and new regulation in order to offset cost and burden. NYWEA promotes reporting cycles (separate from sampling frequencies) which result in compliance assurance while minimizing administrative effort. NYWEA supports electronic submissions that result in the elimination of (rather than duplication of) existing requirements. Flexibility in achieving goals must be realistically provided and encouraged in all regulation. Regulation (whether by USEPA or by delegated states) must not dictate the means and methods to achieve water quality goals, but rather encourage innovation, efficiency, and effectiveness by those responsible for the execution of regulation. A recent example has been the continued evolution of green infrastructure technologies to address stormwater and combined sewer overflow pollution. Regulatory effort should enable and promote the advancement of innovation and efficiency.
4. Checks and balances must be implemented within USEPA and its delegated member states to prevent the unconstitutional implementation of unpromulgated regulation.

It is important for us to go on record and disagree with a recurring statement from the May 2, 2017, Listening Session. We do not feel that *more* regulation results in better water quality, but that *smarter* regulation achieves the most positive impact to public health and the environment. We encourage USEPA to focus upon sound scientific method approaches and to consider sustainability of regulation in *all* policy development.

NYWEA supports the USEPA and the NYSDEC in the development of regulations that promote effective, efficient, and sustainable public health and water quality improvements which we believe is achievable through the framework we presented in this letter.

NYWEA and its more than 2,500 water professional members are eager to partner with the USEPA/NYSDEC in enhancing our water environment. If you have any comments or question, please contact Patricia Cerro-Reehil, Executive Director at the number above.

Sincerely,



Paul J. McGarvey, President