



April 30, 2021

Ms. Elisabeth Schlaudt
State Revolving Fund Branch, Office of Water
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 4204M
Washington, D.C. 20460

Subject: Comments on Federal Registry Agency/Docket Number: EPA-HQ-OW-2021-0128 FRL-10020-81-OW, Document Number: 2021-04197

Dear Ms. Schaludt,

Thank you for the opportunity to provide comments on the U.S. Environmental Protection Agency's (EPA) proposed information collection request (ICR), "Clean Watershed Needs Survey (CWNS) (Reinstatement)" (EPA ICR No. 0318.14, OMB Control No. 2040-0050).

The Council of Infrastructure Financing Authorities (CIFA), which represents the Clean Water State Revolving Funds (SRFs) in 48 states, supports development of a modernized Clean Watershed Needs Survey (Survey) that collects sufficient data to accurately reflect the need for treatment works to protect the environment. However, CIFA has several concerns about the proposed ICR for the Clean Watershed Needs Survey.

The Clean Water Act requires collection of data for "treatment works;" federal law doesn't require the collection of data on nonpoint sources of pollution. The Clean Water Act requires EPA and the States to provide "a detailed estimate, biennially revised, of the cost of construction of all needed publicly owned treatment works" in each state and in all states. Under the law, "treatment works means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems." Conversely, the Clean Water Act doesn't require collection of data on nonpoint sources of pollution.

Recommendation: Because federal law doesn't mandate collection of data on nonpoint sources of pollution, EPA should limit the scope of the Survey to publicly owned municipal treatment works, including wastewater, stormwater and combined sewer overflow infrastructure, which is required by law.

The Clean Water Act requires a collection of data on “needed” publicly owned treatment works; the proposed Survey only collects data on “planned” treatment works. The Clean Water Act requires “a detailed estimate, biennially revised, of the cost of construction of all needed publicly owned treatment works.”

Replacing and rehabilitating aging water infrastructure is a significant need. Unlike the Drinking Water Needs Survey which collects data on the cost to replace existing infrastructure over 20 years for facilities and 200 years for pipes, the Clean Watershed Needs Survey will not collect data on the cost to replace all existing infrastructure. Instead, the Survey will collect data on well-documented planned projects which will likely capture just a fraction of expected replacement costs over the expected life of the infrastructure.

Additionally, documentation requirements for the Survey will likely limit collection of data only to projects that are planned in the next five years. In the 2012 Survey, 40% of projects were documented by a utilities’ Capital Improvement Plan which is typically a three-to-five year plan. The Clean Water State Revolving Funds’ Intended Use Plan, which is often a one-year plan but can extend to five years in some states, accounted for 10% of projects while engineering estimates for projects accounted for 9% of projects. None of these documents capture the cost of replacement.

Recommendation: To capture true need for clean water infrastructure, CIFA believes the Survey should provide the estimated cost of replacing all existing treatment works within 20 years and replacing at least 1% of existing pipes annually for 20 years (ensuring all pipes are replaced at least every 100 years which is the industry standard). Planned projects that expand or improve treatment and collection of wastewater and stormwater should also be included.

The cost of data collection for the Clean Watershed Needs Survey is underestimated.

According to the Information Collection Request, states and territories will spend an estimated \$1,515,013 to collect data from utilities and other respondents for the Survey. Utilities and other respondents will spend \$279,811 to provide data and documentation to states and territories for the Survey.

Expanding the scope of the Survey to include nonpoint source pollution will undoubtedly increase the cost of the Survey beyond these estimates. Additionally, the cost of data collection is based on the number of facilities within a state or territory. States with a large number of facilities, particularly a significant number of small facilities, will incur higher costs.

Participation in the Clean Watershed Needs Survey is an unfunded mandate. States, many of which are struggling with the devastating economic impacts of the unprecedented coronavirus pandemic, may not have adequate financial or staff resources to provide robust participation in a Survey, especially one that is more expansive and expensive than required by the federal mandate.

Recommendation: Because the Survey is an unfunded mandate, EPA should limit the scope of the Survey to the requirements of the federal mandate, specifically collection of data on the estimated cost of construction of treatment works.

Please contact us for more information.

Thank you again for accepting our comments about the Clean Watershed Needs Survey. Please contact Deirdre Finn, Executive Director of CIFA, at dfinn@cifanet.org or (850) 445-9619.

Sincerely,



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