

Congress of the United States
Washington, DC 20515

June 14, 2018

The Honorable Bill Shuster
Chairman, Committee on Transportation &
Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Peter DeFazio
Ranking Member, Committee on
Transportation & Infrastructure
2164 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Shuster and Ranking Member DeFazio,

We write to request that the Transportation and Infrastructure Committee follow-up on its hearing into the need to modernize the National Pollutant Discharge Elimination System (NPDES) permitting process and approve legislation to allow states with delegated authority to administer the NPDES permitting program to issue permits for periods of up to ten years.

This change would allow for enhanced planning and efficient permitting of local wastewater facilities, and is grounded in a commonsense approach articulated in testimony presented on September 26, 2017 before the Subcommittee on Water Resources and Environment.

To accomplish this, we request the Committee consider the following language:

Section 402(b)(1)(B) of the Federal Water Pollution Control Act (as amended) is amended by striking all that follows “terms” and inserting in lieu thereof “not exceeding ten years; and”

This modification would allow a state regulatory agency to consider a permit term beyond the existing five year maximum, but not establish a mandatory term of ten years. We hope that this amendment would allow a state regulatory agency to consider the facts and circumstances of individual permit applications, including construction schedules and past compliance, to determine whether a permit term between five years and ten years is appropriate.

Longer NPDES permit terms for these applicants with a history of compliance would reduce administrative costs associated with shorter permit renewals and allow states to direct more resources to nonpoint and watershed-based solutions.

At the same time, standard permit reopener provisions in statute and regulation would allow permits to be reopened and new conditions inserted if necessary prior to permit expiration.

Enclosed is a copy of testimony that the Subcommittee received in September of 2017 that details the need for this amendment. Also enclosed is a detailed response to concerns raised during the hearing over extended permit terms.

Each of these statements clearly identify the need for the proposed amendment as well as the manner in which the public's ability to provide input on a permittee's performance are safeguarded.

We look forward to working with you to address our nation's overall water infrastructure needs in the coming months.

Sincerely,



JOHN GARAMENDI
Member of Congress



ALAN S. LOWENTHAL
Member of Congress

*CC: The Honorable Garrett Graves, Chairman, Subcommittee on Water Resources and Environment
The Honorable Grace P. Napolitano, Ranking Member, Subcommittee on Water Resources and Environment*