



VIA U.S. MAIL AND EMAIL

April 7, 2016

Joel Beauvais
Deputy Assistant Administrator for the Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Office of Water (4101M)
Washington, D.C. 20460

Re: EPA's Progress on the "2015 Workplan: National Water Program Response to Climate Change"

Dear Deputy Assistant Administrator Beauvais:

As you may be aware, the Western Urban Water Coalition (WUWC) has been interested in exploring, in concert with the U.S. Environmental Protection Agency (EPA), how climate change, particularly in the semi-arid West, will impact the implementation of the regulatory programs established under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). Specifically, WUWC is investigating whether there already exists adequate flexibility in these Acts and their accompanying regulations to accommodate a changing physical environment. Further, to the extent that potential conflicts are identified between water program requirements and the provision of essential utility services, we are attempting to determine how regulators and the regulated community can work together to satisfactorily address such conflicts, while continuing to meet the goals of the above Acts.

As part of WUWC's efforts, our members have reviewed the EPA Office of Water "2015 Workplan: National Water Program Response to Climate Change."¹ This document identifies a number of Goals, Strategic Actions, and "2015 Implementation Actions" to be undertaken at the national and regional level. Many of these items directly bear upon the WUWC initiative.

We request EPA provide the information specified below concerning the status of the following Goals, Strategic Actions and Implementation Actions:

- 1. Part D, Goal 12, Strategic Actions 33-38 (p. 43):** EPA identifies a number of Strategic Actions to protect the waters of the United States and promote management of

¹ U.S. Env'tl. Prot. Agency, Office of Water, 2015 Workplan: National Water Program Response to Climate Change, EPA-850-R-15-003, (June 2015) available at https://www.epa.gov/sites/production/files/2015-07/documents/final_2015_nwp_climate_change_workplan.pdf.

sustainable surface water resources. Could EPA share any documentation of the specific steps that have been taken in furtherance of these Strategic Actions?

2. **Part D, Goal 12, 2015 Implementation Actions, National Program (p. 43-46):** EPA identifies “2015 Implementation Actions,” with specific reference to Headquarters and Regional teams being formed to examine such topics as “water quality standards and criteria,” development of an FAQ on the incorporation of climate change into “water quality standards,” research on the impacts of “critical low flows,” and the investigation of ways to “integrate climate change considerations into water quality management planning projects and processes.” Could EPA share what has been accomplished on these National Program Implementation Actions to date by those teams?
3. **Part B, Goal 5, 2015 Implementation Actions, National Program (p. 22):** EPA states that a Headquarters and Regional team will continue to review “options related to inclusion of climate change considerations in the SDWA Sanitary Survey Program.” Could EPA provide WUWC a status update on this Implementation Action?
4. **Part B, Goal 6, Strategic Action 16 (p. 25):** EPA commits to “consider the effects of climate change when making significant degradation determinations in the CWA Section 404 wetlands permitting and enforcement programs.” Could EPA share any documentation of the specific steps have been taken in furtherance of this Strategic Actions?
5. **Part D, Goal 12, 2015 Implementation Actions, Region 5 Program (p. 47):** EPA Region 5 states that it will work in consultation with EPA Headquarters to “determine the flexibility allowed to change designated uses in surface waters that are adversely impacted by climate change” and provide states with clear guidance on this flexibility. Could EPA provide WUWC a status update on this Implementation Action?
6. **Goal 14, 2015 Implementation Actions, National Program (p. 52):** EPA states that a Headquarters and Regional team will “review options related to inclusion of climate change considerations in the NPDES permit program.” Could EPA provide WUWC a status update on this Implementation Action?
7. **Part D, Goal 14, 2015 Implementation Actions, Region 5 Program (p. 53):** EPA Region 5 commits to working with states to refine biological monitoring tools and develop biological criteria to capture evidence of nonattainment due to climate change. Could EPA provide WUWC a status update on this Implementation Action?

WUWC recognizes the importance of the above work and the potential impact of its completion on the activities of WUWC member organizations. WUWC would like to continue to work cooperatively with EPA HQ and the Regional offices on these endeavors, and believes that whatever information on the above that EPA can share, be it in writing or through one or more face-to-face meetings, would be very helpful in advancing this dialogue. In addition, WUWC may be able to provide some assistance in moving forward with these Goals, Strategic Actions and Implementation Actions. EPA should not hesitate to reach out to WUWC for assistance.

Sincerely,



Michael Carlin
Chair
Western Urban Water Coalition

cc: Perkins Coie LLP
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