



AMERICAN PUBLIC WORKS ASSOCIATION

Your Comprehensive  
Public Works Resource

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March 17, 2021

The Honorable John Garamendi  
U.S. House of Representatives  
2368 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Garamendi:

On behalf of the American Public Works Association (APWA) and its over 30,000 members across North America, we want to thank you for introducing H.R. 1881, legislation to modernize the National Pollutant Discharge Elimination System (NPDES) permitting program. This legislation is a common sense, rational means to provide flexibility to public agencies that have demonstrated long-term compliance with the NPDES program.

APWA appreciates your work on this legislation and your commitment to helping communities across the country meet the new and complex challenges facing our wastewater agencies. For these agencies that have a proven track record of compliance, a 10-year term for a NPDES permit would be much more efficient than the current 5-year term, due to the inordinate amount of time, effort, and expense involved in reviewing permits every five years. These costs are all resources that are used on the permitting process rather than actual permit implementation.

As an example, in Los Angeles County, the Los Angeles Regional Water Quality Control Board (LARWQCB) issued permits in 1990, 1996, 2001, and 2012. The 2001 permit was amended in 2006 but later set aside in 2011 because of a legal challenge. The court determined that the permit preceding was procedurally deficient. The 2012 permit incorporated requirements equivalent to the 2006 provisions to implement the Santa Monica Bay Dry Weather Bacteria Total Maximum Daily Load (TMDL) permit.

The 2012 permit is a perfect example of a permit that should have been in effect for ten years, rather than five years. It incorporated a watershed planning process that took several years to fully implement and should not have been interrupted by a permit renewal. In addition, because the TMDLs are incorporated into the permits, and often TMDLs have lengthy implementation schedules, the watershed management programs are necessarily long-term programs that are usually longer than 5 years with opportunities to update them through the adaptive management process. In addition, TMDLs can be amended by the regulatory agency.

PRESIDENT  
Mary Joyce Ivers, CFPF, PWLF

CHIEF EXECUTIVE OFFICER  
Scott D. Grayson, CAE



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There are examples like this one across the country that provide ample support for the passage of H.R. 1881. APWA's members are supportive of the passage of the bill, either as standalone legislation or as incorporated into a larger infrastructure package.

Each day public works professionals are diligently working to protect and maintain the critical infrastructure that is so essential to protecting our health and quality of life. Because of our shared commitment, APWA looks forward to continuing to work with you and your staff on this legislation to help public works professionals meet our infrastructure challenges. If you have any questions, please contact Sean Garcia in our Washington, D.C. office at [sgarcia@apwa.net](mailto:sgarcia@apwa.net) or at 202-218-6734.

Sincerely,

A handwritten signature in blue ink that reads 'Mary Joyce Ivers'. The signature is written in a cursive, flowing style.

Mary Joyce Ivers, CPFP, PWLF  
President

A handwritten signature in blue ink that reads 'Scott Grayson'. The signature is written in a cursive, flowing style.

Scott Grayson, CAE  
Chief Executive Officer

PRESIDENT  
Mary Joyce Ivers, CPFP, PWLF

CHIEF EXECUTIVE OFFICER  
Scott D. Grayson, CAE