



**S.2848 Water Resources Development Act of 2016:
Proposed Clarifying Amendment to the WaterSense Authorization**

October 14, 2016

The Honorable James Inhofe
United States Senate
205 Russell Senate Office Building
Washington, DC 20510

The Honorable Bill Shuster
U.S. House of Representatives
2268 Rayburn House Office Building
Washington, DC 20515

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

The Honorable Peter DeFazio
U.S. House of Representatives
2134 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Inhofe and Shuster and Ranking Members Boxer and DeFazio:

The National Association of Clean Water Agencies (NACWA), WaterReuse Association, Association of Metropolitan Water Agencies (AMWA), Water Environment Federation, California Association of Sanitation Agencies (CASA), and the Association of California Water Agencies (ACWA) are writing to request a technical clarifying amendment to the authorization of the EPA WaterSense Program, which is included in S.2848, the Water Resources Development Act of 2016 (WRDA). While the WaterSense authorization was not included in the House WRDA bill, we believe there is merit to addressing this issue as the House and Senate seek to reconcile the legislation during a formal or informal conference. Additionally, the WaterSense program has been authorized in other measures that have passed both the House and Senate and it enjoys broad support.

We strongly support the WaterSense Program, which addresses water efficiency needs in a manner similar to the successful established EPA Energy Star Program. The clarifying amendment we are proposing will protect water quality, avoid unintended consequences, and reduce potential conflicts, particularly in salt-sensitive regions of the Nation.

By way of background, in 2010, EPA issued a Notice of Intent (NOI) to develop WaterSense specifications for self-regenerating water softeners. These point-of-use products use rock salt, and discharge salty brine into wastewater collection and treatment systems that can make it more difficult to meet National Pollutant Discharge Elimination System permit requirements and recycle water. In 2011, EPA withdrew the NOI after water and wastewater agencies voiced strong concerns about the water quality impacts of these products.

While we appreciate the language included in the report accompanying S.2848 that encourages the EPA to consider how performance criteria will impact waste streams, we believe statutory language is necessary to avoid unintended consequences and provide clear instruction to the Environmental Protection Agency. We are concerned that the current language authorizing the WaterSense program could allow EPA to develop WaterSense specifications in the future for products that add constituents such as salt and adversely impact water quality.

Therefore, we request that the WaterSense authorization included in S. 2848 Title VII, Subtitle A, Section 7112 be amended to include a new sub point under Part G, Sec.1471 (b)(3):

“(E) ensuring that performance criteria for any WaterSense label do not allow the addition of constituents that directly or indirectly cause or contribute to the degradation of waste streams treated by publicly owned treatment works, recycled water quality, or create adverse impacts to water quality in receiving waters; and”

The proposed amendment will ensure that the WaterSense product label educates the public about the appropriate use of water efficient technologies and other measures without inadvertently causing adverse impacts to water quality.

We appreciate your leadership in promoting water conservation and look forward to working with you to address this important issue.

Sincerely,



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National Association of Clean Water Agencies



Melissa Meeker
Executive Director
WaterReuse Association



Roberta L. Larson
Executive Director
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Abby Schneider
Senior Federal Relations Representative
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Diane VanDe Hei
Chief Executive Officer
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Dr. Eileen O'Neill
Executive Director
Water Environment Federation

cc: The Honorable Dan Sullivan
The Honorable Bob Gibbs
The Honorable Sheldon Whitehouse
The Honorable Grace Napolitano