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February 12, 2019

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Room 3F86
441 G Street NW
Washington, DC 20314-1000

Re: Development of Implementation Guidance – Section 1164 of America’s Water Infrastructure Act of 2018

On behalf of the WateReuse Association and the 510 utilities, businesses, agencies, and organizations that are our members, we are very pleased to be able to share our input and recommendations with the U.S. Army Corps of Engineers as it begins to develop implementation guidance for various provisions of Title I of the America’s Water Infrastructure Act (AWIA) of 2018. In particular, we are interested in providing our thoughts and recommendations on Section 1164, Local Government Water Management Plans.

Last year, the Association and its members worked closely with our Members of Congress to develop Section 1164 of AWIA. As you know, the language provides that with the agreement of the local sponsors for a Corps of Engineers’ Feasibility Study for a water resources development project, the Secretary may enter into a written agreement under the Corps’ authorities with a unit of local government in the watershed that has adopted a local or regional water management plan, to allow the unit of local government to participate in the Feasibility Study. This participation is to determine if there is an opportunity to include additional feasible elements in the project in order to help achieve the purposes identified in the local regional water management plan.

We believe that Section 1164 is the start of a very promising partnership with the Corps of Engineers, and we look forward to its implementation. As you move forward, we offer the following key recommendations for consideration:

Recommendation #1: The implementation guidance should include opportunities for efficiencies in the permitting process. Specifically, if a feasible project element, which meets the goals of the local water management plan, is included in the feasibility study, then the permitting for the project should cover that element as well.

Recommendation #2: The work that the local community has done to develop the feasible project element, including the study, plans, design, and specifications, assuming the work meets Corps’ criteria, should be included as part of the study, and credit should be given for such work by the Corps against the local cost share of the feature, regardless of when the work was done.

Recommendation #3: The implementation guidance should be clear that feasible project features can include a range of innovative elements, such as water reclamation and reuse features, groundwater recharge, stormwater capture, and use of other innovative water reuse features, that could be considered outside the Corps' typical mission area, but if feasible, could be included in the project's feasibility study. Further, any costs expended by the unit of local government for the study and development of the feature shall be credited against the local cost share for the local government.

In our recent meetings with Corps' Headquarters and the Assistant Secretary of the Army's office on this provision, we were pleased with the level of support offered by the Corps and ASA's office for coordinating with the Association and our members. Our members are very interested in working with the Corps' local sponsors and the Corps to look at opportunities to link additional feasible elements—such as water reuse or stormwater capture and reuse, along with water recycling and aquifer recharge—to flood damage reduction, ecosystem restoration, and other types of Corps projects across your mission areas.

As we work with the Corps to review ongoing feasibility studies to see what project opportunities are available, and as we share with the Corps our list of member agencies that have local government water management plans in place, we ask that you consider the benefits of efficiency in bringing our complementary project elements forward. The American people want more efficient, cost-effective government. We think, if implemented properly, this section can have that result by taking a more wholistic look at the needs of a community and shaping projects that provide a broader range of benefits, rather than a variety of separate, and possibly overlapping, projects in the same watershed.

Thank you for your consideration of our thoughts and recommendations. We look forward to working closely with you in bringing forward efficient, multiple-purpose projects to meet the changing water resources goals of our communities.

Sincerely,



Greg Fogel
Policy Director
WateReuse Association