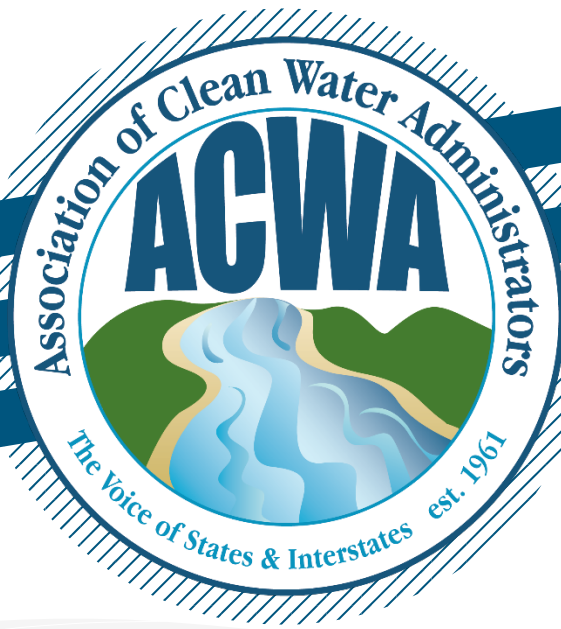


# 2024 Annual Meeting



## 10 Year Permits

# Topic Introduction

- ACWA has historically supported the concept of “up to 10-year permits,” where permitting authorities would have discretion to determine which facilities qualify.
- ECOS and the Western States Water Council are considering resolutions in support of 10-Year Permits.
- ACWA recently reached out to Members to determine the current (2024) state of thinking at the Water Director level.

# Why 10 Year Permits Needed

- The number of permits have increased
- The complexity of permits has increased
- The application and reissuance processes have gotten more burdensome
- The public has gotten more knowledgeable and litigious
- Noncore elements of the CWA programs are becoming higher priorities
- State permitting programs allow for longer term permits
- Other environmental programs allow for longer term permits
- Processes already exist for permits to be modified when needed
- Would improve program flexibility and administrative efficiency

# General Summary

- Majority of states generally support 10-Year permits.
- At least 2 states strongly oppose.
- At least 3 states would support if only applied to a subset of the NPDES universe e.g. “minors with good compliance histories” or “facilities covered under general permits.”
- At least 1 state strongly recommended very clear, explicit statutory language to both limit implementation inconsistencies and reduce political pressure.
- Most states indicated opposition to requiring 10-year permits.

# Implementation Observations, Questions, and Concerns

- Legislative Chaos (Federal or State)
  - Legislatures can not be controlled
  - “No more stringent than”
- Executive Discretion (Federal and State)
  - EPA oversight, review, and approval
  - Different state criteria - inconsistent implementation nationally
- Court Driven Policy
  - New discretionary decisions will be challenged
  - *Loper Bright* framework still untested

# Implementation Observations, Questions, and Concerns

- Political Pressure (State and Facility)
  - Implement policy that is more predictable and business friendly
  - Individual permittees may seek political support for longer terms
- More Permit Modifications and Reopeners
  - Updated receiving water conditions due to monitoring, WQS updates, assessment decisions, new TMDLs, etc.
  - Updated monitoring, ELGs, court decisions, etc.
  - Permittee may not want to wait – administrative burden
- Value of Public/Tribal Engagement

# Implementation Observations, Questions, and Concerns

- Resource Implications
  - Workload shifting, “pig in snake” effect every 10 years
  - Permit writer turnover and loss of institutional memory
  - Permit fees and program funding generally
- Backlog
  - Short term gains could result in longer term challenges
  - Permits with 10 year terms should never be administratively continued

# Implementation Observations, Questions, and Concerns

- Cascade Effect
  - Watershed based programs impacted significantly, beyond NPDES
  - Frequency of inspections, audits, type/amount of compliance assistance, return to compliance
  - Permit renewals/applications used as oversight less often
  - Linked programs like municipal and pretreatment get out of sync
- Water Quality Implications
  - Will 10-year permits improve water quality?
- Insufficient Federal Funding
  - Sufficient federal funding resolves most concerns
  - articulated for why 10 year permits are needed





# Questions & Discussion

