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**Ken Kirk**

June 26, 2007

The Hon. Frank Lautenberg  
Chair, Transportation Safety,  
Infrastructure Security, and Water Quality Subcommittee  
456 Dirksen Senate Office Building  
Washington, DC 20510

The Hon. David Vitter  
Ranking Member, Transportation Safety,  
Infrastructure Security, and Water Quality Subcommittee  
456 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Lautenberg and Sen. Vitter:

The National Association of Clean Water Agencies (NACWA) thanks the Transportation Safety, Infrastructure Security, and Water Quality Subcommittee for holding today's hearing, "Protecting Water Quality at America's Beaches," and for the important focus that the Subcommittee has put on protecting the water quality of our nation's recreation waters. NACWA's nearly 300 municipal members share your passion for ensuring the health of America's recreational waterways and beaches. We are committed to working with the federal government, state governments, and nongovernmental organizations to update and improve existing recreational water quality standards for bacteria to enhance public health and environmental protection.

NACWA strives to maintain a leadership role in the development and implementation of scientifically-based, technically-sound, and cost-effective environmental programs for protecting public and ecosystem health. Protecting the health of the nation's beaches has always been at the forefront of NACWA's environmental agenda. However, the failure of the U.S. Environmental Protection Agency (EPA) to meet its obligations under the Beaches Environmental Assessment and Coastal Health Act (BEACH Act) has put NACWA's members in a difficult position as they are deprived of information they need to make appropriate planning and design decisions for future wastewater and stormwater infrastructure investments. NACWA members subject to the BEACH Act are required to ensure

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that their effluent (discharge) meets limitations for pathogen indicators that have not been sufficiently validated and may not be appropriate for all coastal waters. Accordingly, NACWA recently intervened in *Natural Resources Defense Council v. EPA*, an important case challenging EPA's failure to take mandated actions under the BEACH Act.

NACWA supports the Subcommittee's important oversight of EPA's activities regarding recreational water quality criteria. We encourage the Subcommittee to work with EPA to ensure that any new criteria are based on valid science and supported by sufficient studies to adequately protect beaches and coastal waters. NACWA is happy to provide any additional input to the Subcommittee on this important issue.

Once again, thank you for your leadership and your work to protect the health of our nation's recreational waters.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is written in a cursive, slightly stylized font.

Ken Kirk  
Executive Director