



Re: Support for H.R. 836 (G. Miller), the Sunshine on Conflicts Act of 2013

Dear Congressman Miller:

On behalf of the undersigned organizations, we are writing to express support for your H.R. 836, the Sunshine on Conflicts Act of 2013. This legislation is needed to address a regulatory obstacle that prevents the most qualified individuals from serving as state permitting authorities charged with determining how best to protect water quality across the nation.

Current Environmental Protection Agency (EPA) regulations preclude any individual from serving on a water quality permitting authority if that person receives "significant" income, defined as 10 percent (10%) or more of his or her income, from an entity holding or applying for a federal National Pollutant Discharge Elimination System (NPDES) permit. Because general and individual NPDES permits now cover the vast majority of local governments, school districts, and small businesses, this "income restriction" standard is an obstacle for many qualified candidates, artificially restricting the pool of qualified and knowledgeable candidates to serve in these roles.

The decades-old income standard extends to income received by spouses, creating an unreasonable hurdle for eligibility that has no relationship to an actual or potential conflict of interest. The rule has led to numerous instances where highly qualified individuals with decades of technical experience have been prohibited from consideration to serve as state water quality regulators, despite a clear absence of any direct or indirect financial conflict of interest. For example, in California a former member of a local special district governing board was deemed ineligible for appointment to a California water quality board due to his spouse's employment by a school district, which is subject to the statewide general NPDES permit for small municipal stormwater discharges. In another instance, a part owner of a vineyard was ruled ineligible for appointment to a water quality control board simply because the vineyard sold grapes on the "open market", and the grapes were purchased by vintners holding a general stormwater permit under the Clean Water Act. Similar impacts have been experienced throughout California and across the country as well.

H.R. 836 would address this issue by replacing the income restriction approach with a true conflict of interest test that would protect the public's interest and ensure the most talented individuals are given consideration. This would allow individuals to recuse themselves on specific matters for which they have a financial conflict of interest, rather than excluding them from service altogether.

Thank you for your leadership on this issue. If you or your staff have any questions regarding our support for H.R. 836, please contact Eric Sapirstein at (202) 466-3755 or esap@ensresources.com.

Sincerely,

Association of California Water Agencies
 Bay Planning Coalition
 California Association of Sanitation Agencies
 California Cattlemen's Association
 California Chamber of Commerce
 California Citrus Mutual
 California Dairies, Inc.
 California Farm Bureau Federation
 California League of Food Processors
 California Manufacturers and Technology Association

California State Association of Counties
 League of California Cities
 National Association of Clean Water Agencies
 Partnership for Sound Science in Environmental Policy
 Rural County Representatives of California
 Water Environment Federation
 Western Agricultural Processors Association
 Western Growers Association
 Western States Petroleum Association