

CLEAN WATER ADVOCATE

NACWA's Board of Directors appointed Steve Meyer, Director of Environmental Services for the City of Springfield, Mo., to a Region 7 seat on the Association's Board when they met in Seattle on November 12. For more about the Board Meeting and NACWA's Fall Strategic Leadership Retreat. . .



3

A Clear Commitment to America's Waters



OCTOBER/NOVEMBER 2012

Inside

NACWA, WEF, WERF Collaborate to Define the "Water Resources Utility of the Future" 2

Clean Water Agencies, State and Federal Regulators Discuss Integrated Planning 2

NACWA's Board, Committee Leaders Meet in Seattle 3

NACWA & WEF Host Utility Leaders Morning at WEFTEC 2012 3

Clean Water Groups Join Together to Celebrate Clean Water Act, Plan for Future 5

2012 Developments in Clean Water Law Seminar 5

NACWA

National Association of Clean Water Agencies
1816 Jefferson Place, NW
Washington DC 20036-2505

p 202.833.2672 f 202.833.4657
info@nacwa.org · www.nacwa.org

NACWA Winter Conference to Examine Clean Water's Future

"The best way to predict the future is to create it." This quote, attributed to business guru and corporate management expert Peter Drucker, could easily describe the current transformational change underway in the clean water community. Today's utility leaders are not satisfied with predicting the future – they are creating it. NACWA's 2013 Winter Conference, *Tomorrow's Clean Water Utility...is the Future Already Here?* February 3-6, in Miami, Fla., will provide an opportunity to explore some of the existing innovations and leading-edge practices that are defining the *Water Resources Utility of the Future*.

Efforts to cut costs and boost revenues during the Great Recession have led clean water utilities to continue experimenting with innovative practices including energy initiatives, resource recovery, water reuse, and more. While the economic risks associated with innovation have had some cooling effect over the last few years, the evolution from wastewater treatment facility to resource recovery facility is happening right before our eyes. Beyond



CONTINUED ON PAGE 5 >>

NACWA's Clean Water Agenda Moves Forward Following 2012 Election

Election night 2012 will likely be remembered for its 'status quo' results despite the billions of dollars spent by both parties to change things. President Obama won re-election by a relatively safe margin, albeit slimmer than that of 2008, Senate Democrats maintained their majority status and actually increased their caucus slightly by two seats, and House Republicans maintained their majority though saw their caucus shrink slightly by five seats.

Election Outcomes may Impact Clean Water Issues

Most of the key clean water policy players in the House of Representatives are returning to Congress next year, including

Congressman Bob Gibbs (R-OH) and Congressman Tim Bishop (D-NY) who currently serve as Chair and Ranking Member of the House Water Resources & Environment Subcommittee, respectively. While decisions on committee leadership have yet to be made, indications are that both Congressmen will remain in their posts. Congressmen Earl Blumenauer (D-OR), Lois Capps (D-CA), and Thomas Petri (R-WI), and Donna Edwards (D-MD) will also be returning to office – each has sponsored legislation of importance to NACWA's members, including legislation establishing a Clean Water Trust Fund, promoting community resiliency, and incentivizing the use of green infrastructure.

CONTINUED ON PAGE 4 >>

NACWA, WEF, WERF Collaborate to Define the “Water Resources Utility of the Future”

NACWA, the Water Environment Research Foundation (WERF) and the Water Environment Federation (WEF) are hard at work drafting the *Water Resources Utility of the Future (UOTF) Blueprint for Action*. The published *Blueprint* will define relevant issues, research and analyze key data, and offer recommendations for critical actions for the future. It also will educate and inform – as well as provide a path forward for research-based advocacy to remove barriers and provide incentives.

The development of the *Blueprint* is being shepherded by a Task Force comprised of approximately 40 member representatives of each of the three collaborating organizations. The Task Force includes representatives from public utilities, consulting/engineering firms, academia, and technology developers and manufacturers, and is chaired by Tom Sigmund, NACWA Utility Management Committee Chair, and Executive Director of the Green Bay Metropolitan Sewerage District, Wis.

Representatives from the collaborating organizations have reached a general consensus that the array of issues the *Blueprint* will explore – whether energy conservation or production, water reuse, green infrastructure, or resource recovery – must focus on the benefits these activities would provide to the utility, their communities and ratepayers, and to the environment and public health. The need to underscore the importance of transformational leadership and sustainable utility management – as well as the new social media and outreach trends that can help bolster community support for innovation and some additional risk-taking – has also emerged as a overarching theme in the Task Force’s deliberations.

The *Blueprint* is anticipated to be finalized by January 2013 – and to be available to NACWA, WEF, and WERF as an informative post-election outreach vehicle to the Obama Administration, members of 113th Congress, states, and other key stakeholders. ■

Clean Water Agencies, State and Federal Regulators Discuss Integrated Planning

While the U.S. Environmental Protection Agency’s (EPA) integrated planning framework promises additional flexibility for municipalities and clean water agencies, ensuring that the framework is put to use will be a key challenge. The framework, released June 12, 2012 by the Agency, is intended to provide a foundation for new and continued discussions between clean water utilities and the government – whether state or federal – on how best to sequence their clean water investments. Questions remain, however, about how the framework can be used, the appropriate scope of integrated plans, the roles and responsibilities of EPA, state regulators and utility managers, and many other issues. NACWA, together with the Association of Clean Water Administrators (ACWA) convened the first of what will be a series of regional workshops October 24 in Washington, DC to discuss key integrated planning implementation issues and barriers, as well as lessons learned from communities already developing integrated plans.

The facilitated discussion during the workshop provided the clean water agencies in attendance an opportunity to direct questions to state water regulators, as well as EPA Headquarters and Region 3 staff, and helped to identify potential bottlenecks within the Agency and state regulatory agencies that will need to be addressed to better facilitate the development and approval of integrated plans. Stakeholder involvement – who to involve and when – was one of the major discussion topics. Utilities also highlighted the challenges of integrating stormwater and wastewater issues when different municipal authorities have responsibility for these function, or where

different state agencies are responsible for the permitting of these two programs.

EPA and ACWA have expressed their interest in, and commitment to, additional workshops in other regions around the country and NACWA is working to identify potential dates and locations. The Association will provide the complete schedule and additional details, as soon it they becomes available. ■



Mark Pollins (left) and Deborah Nagle of the U.S. Environmental Protection Agency’s Office of Water present how the Ingegrated Planning Framework will provide additional flexibility for clean water municipalities.

Clean Water Agenda Moves Forward

CONTINUED FROM PAGE 1

In the Senate, Senator Barbara Boxer (D-CA) is expected to remain Chair of the Senate Environment & Public Works Committee, but the Committee's current Ranking Member, Senator James Inhofe (R-OK), will likely be replaced by Senator David Vitter (R-LA). Senator Ben Cardin (D-MD) won re-election to a second term and will likely remain chair of the Water & Wildlife Subcommittee. Other members that have been leaders on NACWA issues and that will return next Congress include Senators Sherrod Brown (D-OH), a leader on clean water affordability, Debbie Stabenow (D-MI) who has lead on water quality as it relates to agriculture, Kristin Gillibrand (D-NY) who has a strong interest in infrastructure investments, and Sheldon Whitehouse (D-RI) who is a strong advocate for investments in green infrastructure.

With respect to legislative business, Congress has a long list of action items House and Senate leadership have flagged as important for next Congress. Please see Key Action Items Await 113th Congress for more information.

EPA Anticipated to Proceed on Key Rules

At the U.S. Environmental Protection Agency (EPA), despite predictions of a post-election regulatory onslaught, NACWA expects the Agency continue to work to address a number of pending rules, many of which are driven by court-ordered deadlines. In fact, EPA will now have more breathing room to complete some

key Administration priorities. The Agency is expected to be most active on Clean Air Act (CAA) issues, including greenhouse gases, which have been a priority during Obama's first term. Top on EPA's list of post-election CAA actions is a package of rules, including maximum achievable control technology (MACT) standards for boilers, which will be released in the next month.

The most politically charged water issue being tackled is EPA's Clean Water Protection Guidance, which addresses whether certain waters fall under federal jurisdiction as waters of the U.S. This policy has been at the Office of Management & Budget since February and many expect it to be released soon, now that the election is over. Most of the other water-related actions in which NACWA is engaged have not been caught up in the political wrangling. The post-construction stormwater rule is moving forward on a court-ordered deadline; EPA is expected to release revised recreational water quality criteria by the end of November, another judicial deadline; and, the Agency will respond to the Natural Resources Defense Council's petition on secondary treatment by December 14.

Congress and the Administration will need to find common ground on some big issues for the 113th Congress and Obama's second term to be both productive and successful. ■

Key Action Items Await 113th Congress

- The budget and avoiding the so-called "fiscal cliff" – most observers believe that the Administration and Congress must find compromise on this front so that a double-dip recession is avoided. During the Lame Duck, Congress is expected to construct a bridge that gets them to next year when a final, more comprehensive package will be negotiated. During this process, NACWA will advocate for a continued commitment to investments in water and wastewater infrastructure, citing the importance of these investments in jobs creation and continued economic growth.
- Tax Reform – in order to reach a budget deal, a major overhaul of the tax code will be on the table including taxes relating to municipal bonds and renewable energy. During these negotiations NACWA will ensure that any tax incentives that support continued investment at the local level in water and wastewater infrastructure are maintained.
- Farm Bill – the 113th Congress will likely complete work on Farm Bill reauthorization as it is still unfinished and unlikely to be completed during a Lame Duck. NACWA, through the Healthy Waters Coalition, will continue its advocacy with respect to strengthening the links between agricultural policy and water quality. The Association is confident that the provisions included in the Senate proposed package during this Congress with respect to nutrient management will be maintained in a final package.
- Water and Wastewater Infrastructure Investment – Despite the overall Federal budget situation, there will continue to be an appetite for robust investments in infrastructure, including water and wastewater infrastructure, as these are viewed as have economic benefits such as creating jobs and stimulating growth. While Senator Boxer has indicated an interest in reauthorizing that State Revolving Fund programs, Congress will need to grapple with reauthorization of the surface transportation bill and there is an interest in reauthorizing the Water Resources Development Act (WRDA) which funds water resources projects sponsored by the Army Corps of Engineers. Given these other priorities, it is unclear whether an SRF bill will be able to progress far.
- Climate Change – given the recent destruction caused by Hurricane Sandy in the Northeast, there has been talk about possible action on climate change. While this issue remains quite controversial, the storm could have tipped the scales among many policy-makers. If action with respect to this issue does occur, NACWA will ensure that adaptation and community resiliency needs are addressed.

NACWA's Board, Committee Leaders Meet in Seattle

NACWA's Board of Directors and Standing Committee leadership met in Seattle on November 13 for a Fall Strategic Leadership Retreat. At the Retreat, the Association's leaders revisited and discussed key components of NACWA's *Strategic Plan* – which was last updated in 2010. The dynamic nature of the issues and challenges facing the clean water community was evident in deliberations focused on legislative, regulatory, and judicial advocacy goals – and well as membership development and engagement. A draft revision to the *Plan* will be circulated to the leadership for review and comment, and considered by the Association's Strategic Planning Committee when they next meet in February.

Board Appoints New Member, Funds Key Projects

The Retreat was preceded by a Board of Directors Meeting on November 12 at which the Board appointed Steve Meyer, Director of the Department of Environmental Services for the City of Springfield, Missouri, to a Region 7 Board Seat. Meyer joins the Board with the support of the Springfield City Management and Council – and many Region 7 Member Agencies. In other action,

NACWA's Board approved Target Action Fund support for the development of a white paper addressing assessing financial capability opportunities in the context of integrated planning; litigation actions involving the Mississippi River Basin secondary treatment petition, the Chesapeake Bay nutrient trading lawsuit, the Upper Blackstone Supreme Court appeal, the Northeast Ohio Regional Sewer District stormwater appeal, and the Virginia Flow TMDL litigation; as well as several advocacy and coalition initiatives.



The Association's Board also selected *Managing & Financing the Resilient Clean Water Utility* as the theme for the 2013 Summer Conference in Cincinnati in July. The conference will feature the management and financing approaches that today's clean water utilities are putting into place

to both meet current challenges and prepare them for the future. The management-focused theme would build on the technical discussions from upcoming the 2013 Winter Conference in Miami, providing a complete picture of the water resources utility of the future. ■



NACWA & WEF Host Utility Leaders Morning at WEFTEC 2012

More than 80 NACWA members and invited guests participated in a dialogue with key U.S. Environmental Protection Agency staff at the Hot Topics Breakfast, part of the NACWA and Water Environment Federation (WEF) Utility Leaders Morning during WEFTEC 2012 in New Orleans. Nancy Stoner, Acting Assistant Administrator for Water, kicked off the EPA presentations by outlining the importance of four key issues that she believes will continue to put pressure on the water quality gains made to date – population growth; development; nutrients; and climate change/adaptation strategies. Stoner stressed the importance of innovation in making continued progress on improving water quality and highlighted the positive impact the water industry has on the U.S. and global economies. The directors of three key water offices, the Office of Wastewater Management, the Office of Science & Technology, and the Office of Wetlands, Oceans & Watersheds, also provided updates on recent initiatives and developments affecting the clean water community. ■

Clean Water Groups Join Together to Celebrate Clean Water Act, Plan for Future

NACWA celebrated the 40th anniversary of the Clean Water Act (CWA) in October, hosting an event with the Water Environment Federation (WEF), and the Association of Clean Water Administrators (ACWA).

At the NACWA-WEF-ACWA event, attendees celebrated 40 years of accomplishments of the CWA and called for a vision to ensure further water quality progress. EPA's Ellen Gilinsky, Senior Policy Advisor in the Office of Water, opened the session. The executive directors of NACWA, WEF, and ACWA, Ken Kirk, Jeff Eger, and Alexandra Dunn, respectively, followed with their remarks. Speakers also included NACWA Member Agencies Alexandria Renew Enterprises, Va. represented by Chief Executive Officer Karen Pallansch; Washington Suburban Sanitary Commission's Md., Jerry N. Johnson, General Manager/CEO; and D.C. Water's George Hawkins, General Manager. Carlton Haywood, Executive Director, Interstate Commission on the Potomac River Basin and ACWA Interstate Board Representative, also spoke providing the states perspective. A [video](#) of the event is available on NACWA's YouTube channel.

NACWA also participated in a celebration hosted by the Clean Water Network—an umbrella organization of over 1,200 water-related environmental NGO groups. Ken Kirk, NACWA's Executive Director, shared the podium with Congressman James Moran (D-VA). Representatives of the Association also spoke at the 3-Rivers Wet Weather Conference in Pennsylvania and at the Chesapeake Water Environment Association's conference in Maryland, marking the important anniversary.

At each event, NACWA focused on the importance of utilizing the CWA anniversary as a platform for a serious reappraisal of the Act and to advance key regulatory and legislative priorities, such as the [Money Matters... Smarter Investment to Advance Clean Water™](#) campaign and the *Water Resources Utility of the Future* initiative. 📌



NACWA's Executive Director, Ken Kirk (center), celebrates the 40th Anniversary of the Clean Water Act with Jeff Eger, WEF Executive Director and Alexandra Dunn, Executive Director and General Counsel for ACWA.



EPA Official Takes Center Stage at 2012 Developments in Clean Water Law Seminar

Ken Kopocis, Senior Advisor in EPA's Office of Water, addresses participants Nov. 14 at NACWA's 2012 *Developments in Clean Water Law Seminar* in Seattle, Wash. Over 100 clean water attorneys and professionals from around the country attended the three day conference, which addressed some of the most pressing legal issues currently facing the municipal clean water community including integrated planning, nutrients, stormwater, and enforcement actions. Presentations from the Seminar are available on NACWA's [website](#). 📌

Winter Conference

CONTINUED FROM PAGE 1

cost savings, clean water utility managers are working to better position their utilities as important contributors and responsible managers of their communities' environmental, social and economic resources. This more visible and engaged role in the community is and will continue to reap benefits for the clean water community.

As NACWA continues to work on targeting its advocacy agenda to better position the clean water community for the future, early adopters are helping to create success stories and identify regulatory

and/or economic roadblocks to more widespread adoption of the innovations and practices that are shaping the *Utility of the Future*. The 2013 Winter Conference will explore some of these success stories, the potential barriers and roadblocks, and discuss the business case for innovation that many utilities will need to make before taking the plunge. Additional details on the Winter Conference are available at www.nacwa.org. 📌