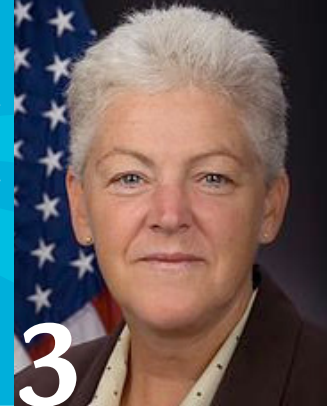


CLEAN WATER ADVOCATE

EPA Administrator Gina McCarthy will address municipal, state, federal, and industry leaders at the upcoming NACWA/AWWA Water Resilience Summit.



A Clear Commitment to America's Waters



DECEMBER 2013/JANUARY 2014

Inside

| | |
|---|---|
| Log On Today & Get Engaged! | 2 |
| NACWA to Release Wet Weather Consent Decree Handbook | 2 |
| Gina McCarthy to Speak at NACWA/AMWA Water Resilience Summit..... | 3 |
| Water & Wastewater Leadership Center..... | 3 |
| Individuals, Agencies Honored..... | 4 |
| Registration Open for Pretreatment Workshop & Training Course | 4 |
| NACWA Continues Aggressive Advocacy on Incineration Issues..... | 5 |
| Let's Get Ready To Get Tracking!..... | 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

Senator Whitehouse, Rep. Latta to Address National Water Policy Forum

NACWA, the Water Environment Federation (WEF), and the Water Environment Research Foundation (WERF) will soon join forces to present the *National Water Policy Forum & Fly-In*, April 7-9, 2014, in Washington, D.C.

The anchor event of *Water Week 2014*, the *Policy Forum* will bring together water and wastewater professionals from across the country to meet with Members of Congress and federal regulators to share perspectives on federal clean water policy. On Tuesday, April 8, attendees will hear from Senator Sheldon Whitehouse (D-RI) and Representative Bob Latta (R-OH). Senator Whitehouse has been an active member of the Senate Environment & Public Works Committee where he has proposed legislation to help clean water utilities more affordably manage their operations and adapt to the impacts of climate change. Rep. Latta recently introduced *The Clean Water Affordability Act*, a bill to give clean water agencies facing financial challenges the flexibility they need to undertake clean water projects in a way that minimizes financial impacts on ratepayers and municipal budgets. Both Senator Whitehouse and Rep. Latta have been long-time champions for the clean water community and are 2014 recipients of NACWA's *National Environmental Achievement Award for Federal Public Service*.

EPA Officials to Focus on Key Programs, Priorities

Following a day centered on Capitol Hill, on Wednesday, April 9, NACWA key officials from the U.S. Environmental Protection Agency (EPA) including Deputy EPA Administrator Bob Perciasepe and Assistant Administrator for the Office of Water Nancy Stoner, will speak about the Agency's work on biosolids management, climate and resiliency, innovation in the clean water sector, and stormwater management among other issues.

More information on the *Policy Forum* program can be found on NACWA's [website](#).

New Farm Bill Paves Way for Farmer-Utility Partnerships

NACWA's President Obama signed the Agricultural Act of 2014, commonly referred to as the Farm Bill, into law on February 6, marking the end of a three year process to reauthorize the legislation. The final bill maintained water quality and agricultural nutrient management provisions that NACWA, along with the *Healthy Waters Coalition*, advocated for.

The 2014 Farm Bill establishes a new conservation program, the *Regional Conservation Partnership Program* (RCP), designed to support partnerships between farmers and non-farming entities to tackle various conservation and environmental issues on a regional scale.

CONTINUED ON PAGE 3 »



Log On Today & Get Engaged!

This members-only forum is back, with significant enhancements that will allow you to network, participate and easily communicate with NACWA Member Agencies and Affiliates – and ultimately utilities nationwide. Engage™ will provide a collaborative experience for utilities and Affiliates with discussions focusing not only on critical advocacy issues but also information sharing among your peers.

Check it out by logging on to www.NACWAengage.org.



NACWA to Release Wet Weather Consent Decree Handbook

The Association will soon release its *Wet Weather Consent Decree Handbook*. Whether already under a consent decree, currently negotiating one, or anticipating one in the future, this Handbook will be the premier resource for municipal and utility attorneys, managers, and staff to use when dealing with federal or state enforcement actions.

NACWA's original *Wet Weather Consent Decree Handbook* was released in 2003. NACWA has since published two supplements to the 2003 Handbook. These three publications have proven to be an indispensable tool for clean water utilities and attorneys. The Handbook, along with its related online library of wet weather consent decrees, has been one of NACWA's most popular member resources.

Changing Landscape Presents New Challenges

Since publication of the last supplement in 2009, the consent decree landscape has dramatically shifted with new challenges and considerations coming into play related to integrated planning; climate/resilience; aging infrastructure; energy efficiency/production; water reuse and reclamation; resource recovery; and, green infrastructure. These significant changes impact not only communities negotiating new decrees, but also those with existing decrees that may now seek changes or modifications to their decrees to pursue additional flexibility. In order to best address these new opportunities – and offer recommendations on how utilities can take advantage of them – NACWA has undertaken a complete rewrite of the Handbook with new sections and strategies addressing the current regulatory environment.

Clean water agencies must keep abreast of recent consent decree developments; case studies; tools; resources; and, analyses to best modify/re-negotiate existing decrees or negotiate new decrees. The 2014 Handbook

will be an invaluable instrument to navigate the process. The new Handbook is scheduled for release in early May 2014 as an electronic publication and will be provided free of charge to Association members. 📌



Workshop to Put Handbook into Action

As a supplement this new resource, NACWA will host a first-of-its-kind *Consent Decree Workshop* on April 30 and May 1, 2014, offering intensive and insightful sessions on the current state of play in the wet weather consent decree arena. Through analysis of real world case studies, available tools, effective negotiation strategies, and areas of evolving regulatory flexibility, this day-and-a-half workshop will equip clean water agencies with the most up-to-date consent decree information and resources to renegotiate existing decrees or negotiate new decrees that best serve their communities and the environment. The Workshop will also provide a forum for candid dialogue and information sharing on lessons learned, successes and failures.

Workshop attendees will be the first to receive NACWA's new 2014 Wet Weather Consent Decree Handbook. The Workshop is designed to reinforce and provide training on the information in the Handbook by bringing together utility members and speakers with extensive consent decree expertise who will provide practical, real-world tips and strategies for both living with/modifying existing decrees and negotiating new ones.

Wet weather consent decrees will be a part of daily life for clean water agencies and their communities for decades to come. Negotiating the best decree possible – or renegotiating an existing one – can transform a dreaded enforcement order into a sustainable and responsible plan that maximizes return on investment. We encourage all members either currently under, or soon to be under, a decree to attend this Workshop in order to collectively continue to shift the paradigm toward more cost-effective, partnership-based decrees that will serve as models for clean water agencies nationwide.

The Workshop will be held at the Renaissance Chicago Downtown Hotel. Additional information on the [Consent Decree Workshop](#), including agenda, registration and hotel details, is available on NACWA's [website](#).

Gina McCarthy to Speak at NACWA/AMWA Water Resilience Summit

U.S. Environmental Protection Agency (EPA) Administrator Gina McCarthy will provide remarks at the *Water Resilience Summit*, hosted by NACWA and the Association of Metropolitan Water Agencies on April 9-10. The invitation-only *Summit* will bring together a select number of key municipal, state, federal, and industry leaders to explore the climate resilience challenges that water and wastewater utilities face and develop viable collaborative approaches and solutions. Federal agency officials from the EPA, the Department of the Interior, the Department of Energy, the Department of Commerce, the White House Council on Environmental Quality and others are expected to participate in the dialogue, as well.

Administration Budget Includes Climate Resiliency Fund

This *Summit* comes at an ideal time, only weeks after the Obama Administration released its FY 2014 budget request. The budget request includes a \$1 billion "climate resiliency fund" to provide grants and technical assistance to state and local governments for infrastructure upgrades and other actions to address community vulnerabilities to climate change. The fund would also include federal dollars for climate research, including sea-level rise analysis, and disaster relief.

As key first responders to climate change, NACWA Member Agencies play a critical role in helping the nation adapt to extreme weather events. As such, the Association will be working to ensure that the wastewater sector is fully engaged, and its expertise called upon, as the Administration implements its climate change agenda and related efforts to address the challenge. 💧

Farm Bill CONTINUED FROM PAGE 1

The RCPP specifically calls out municipal water and wastewater utilities as eligible entities to form regional partnerships with farmers, and provides an excellent opportunity for interested utilities to implement innovative nutrient management solutions with agricultural nonpoint sources to improve local water quality.

In March, NACWA met with the Natural Resources Conservation Service (NRCS) at the U.S. Department of Agriculture to discuss the RCPP and its schedule for implementation. During this meeting, NRCS indicated they are very interested in working with non-

traditional agricultural partners, such as the clean water sector, to help make the RCPP a success. While NRCS is in the very early stages of implementing the program, staff indicated that they would solicit applications through a request-for-proposal process that will likely be released later this spring. Staff also indicated that USDA will likely designate Critical Conservation Areas prior to the release of the RFP. A minimum amount of funding each year will be set aside for projects located within these critical areas, such as projects within the Chesapeake Bay watershed, the Great Lakes watershed, or the Mississippi River basin. NRCS encouraged utilities interested in coming forward with a RCPP project to contact their [state conservationist](#) to seek his/her assistance in pulling a project proposal together.

Water Quality & Nutrient Management Issues Considered Key Priorities

While the RCPP attempts to address a variety of natural resource issues, water quality and nutrient management issues factor high on the priority list as areas of concern and will likely play a dominant role in program implementation. Specifically, program elements such as prioritizing projects that help farmers avoid potential regulatory requirements and provide for outcome-based performance measures; enabling the Secretary to provide special payments over five years to producers undertaking nutrient management activities; and, targeting funds to critical conservation areas that would benefit from water quality improvement all suggest that water quality concerns will likely be a top conservation priority for RCPP partnership agreements.

NACWA will continue to monitor the implementation of the program and provide information to interested utilities to develop RCPP proposals. For more information, please contact Patricia Sinicropi, NACWA's Legislative Director, at psinicropi@nacwa.org. 💧



In March, utility leaders from around the country gathered at the University of North Carolina-Chapel Hill for the fourteenth annual Water & Wastewater Leadership Center. Hosted by a Joint Venture of NACWA, AMWA, AWWA, and WEF, in collaboration with NAWC and APWA, students participated in an intensive 11-day executive education program focused on enhancing their management skills and preparing them to lead their utilities with the highest level of service, quality and efficiency.

Individuals, Agencies Honored



The City of Springfield was honored with two NEAA Awards, in the categories of Operations & Environmental Performance and Public Information & Education. Pictured: Ken Kirk, NACWA Executive Director, Shelia Shockey, Shockey Consulting Services; Julius Ciaccia, NACWA President, Stephen Meyer, Kelly Green & Scott Foley, City of Springfield; and, Philip Friess, Chair, NACWA Awards Committee.

NACWA recognized nine individuals and ten Member Agencies with [National Environmental Achievement Awards](#) (NEAA) at a ceremony on February 3, 2014 – during the Association’s Winter Conference in Santa Fe, New Mexico. The Association NACWA congratulates all of these *National Environmental Achievement Award* winners on their clear commitment to clean water and a safe, sustainable environment. *National Environmental Achievement Awards for Federal Public Service* honorees will be presented in April at the Association’s *National Water Policy Forum & Fly-In*. For more information on NACWA’s awards programs please visit www.nacwa.org/awards.

Registration Open for Pretreatment Workshop & Training Course

NACWA’s 2014 *National Pretreatment & Pollution Prevention Workshop* will be held May 14-16 at the Depot Renaissance Minneapolis Hotel in Minneapolis, Minn. The *Workshop* provides a variety of presentations, roundtable discussions, and other networking opportunities for professionals involved with industrial pretreatment and other pollution prevention activities. In addition, a full-day pretreatment training session will be offered on May 13.

Informative Presentations & Multiple Networking Opportunities Offered

The first day of the program will focus on regulatory issues, with updates from U.S. Environmental Protection Agency (EPA) staff on the National Pretreatment Program and Effluent Limitation Guidelines. A panel will also discuss actions that utilities can take to control dental amalgam, given the uncertainty surrounding the proposal of a national dental amalgam separator rule, and possible alternatives to a national rule. Speakers will also address regulatory issues related to pesticides, whole effluent toxicity testing, and water reuse. The popular EPA Regional Roundtable session will give *Workshop* participants the opportunity to discuss issues with their EPA Regional Pretreatment Coordinator and other utilities in their EPA Region.

The *Workshop* will also include panel presentations on reducing pollution – including plastic microbeads – from consumer products; bio-cremation and pretreatment; legal case studies involving hauled

wastes; options for handling food wastes; and, potential solutions to flushable wipe problems. Two roundtable sessions are scheduled to provide *Workshop* participants with an opportunity to discuss specific pretreatment issues in small groups, and the NACWA Pretreatment & Pollution Prevention Committee will meet at the *Workshop*, as well.

New Training Session Features Pretreatment Program Basics

For the first time, NACWA will offer a full-day, optional training session in conjunction with the *Workshop* on May 13. The training session will be an introductory course on the pretreatment program, targeted toward pretreatment professionals in the first few years of their pretreatment careers. In addition to the two instructors – Pat Bradley of LimnoTech, Inc., and Bob Griffin of Shield Engineering, Inc. – experienced pretreatment personnel will be on hand to provide utility perspectives and answer questions. Registration for the training session is separate from the *Workshop* registration.

Register & Make Your Plans to Attend Today

Agendas for both the *National Pretreatment & Pollution Prevention Workshop* and the training session, *Introduction to the Pretreatment Program for Wastewater Utilities*, as well as registration and travel information, are available on NACWA’s website at www.nacwa.org/14pret. Hotel reservations at the group rate of \$149/night are available through the April 22, and reservations may be made online or by phone. ☘

NACWA Continues Aggressive Advocacy on Incineration Issues

In August 2013, the U.S. Court of Appeals for the District of Columbia Circuit issued a [decision](#) remanding portions of the U.S. Environmental Protection Agency's (EPA) controversial sewage sludge incinerator (SSI) rule back to the Agency for additional work. In the months following the decision, NACWA worked with its members to carefully analyze the decision and consider the Association's potential next steps. In November, NACWA laid out a four-pronged approach for moving ahead with its advocacy efforts – first, work to secure a stay of the compliance deadline to allow more time to work on the remand; second, work with EPA during the remand process to ensure data collection is done properly; third, assist NACWA members working to comply with the standards; and finally, continue the Association's challenge to the EPA nonhazardous secondary materials rule, which provided the regulatory underpinning for the SSI rule.

Shortly after the start of 2014, NACWA hit the ground running with a web seminar on January 30, to discuss Title V permitting and the upcoming deadline for submitting complete applications in March 2014. The Association plans to hold additional web seminars to address other SSI rule implementation topics throughout the year.

Association Engages EPA on Remand Process

NACWA also began work to engage EPA on the remand process and what, if any, decisions the Agency had made about responding to the August 2013 decision. Step one was a February 19 meeting with EPA's top air official, Janet McCabe, Acting Assistant Administrator for the Office of Air & Radiation and President Obama's nominee to lead that office. The purpose of the meeting was to discuss the remand, but to also discuss the possibility of staying the effective date of the current rule until the remand process is complete. McCabe noted that no final decisions had been made regarding the remand and that the Agency continued to carefully consider how to proceed. It was clear, however,

that EPA's preferred approach for addressing the remand is to simply supplement the rationale in the current rule with additional explanation of EPA's methodologies for addressing insufficient data and variability.

NACWA had hoped that EPA would instead seek to collect additional data and recalculate the emission limits that had been based on too few data points, but EPA seems inclined to simply bolster its defense of the existing approach and standards. On a positive note, EPA's reluctance to proceed with a new rulemaking also means that it has not been convinced by the Sierra Club's arguments that the current rule must be revised to make the emission standards more stringent. On the issue of a stay, McCabe and her staff were sympathetic to NACWA's concerns that utilities do not have the resources to comply with the current rule – only to have the emissions standards change through a remand process, potentially requiring even more resources. The Agency understands that the clean water community needs certainty and needs it soon, but also stressed that it was unlikely to recommend a course of action, such as a stay, that would stop the rule from moving forward. EPA indicated that it would keep in close contact with NACWA as the Agency continues to decide on its path forward. Meanwhile, the Association is drafting a formal petition for a stay of the rule's compliance deadline, which it hopes to submit soon.

Member Coalition Support Association Efforts

As was the case with the two and a half year legal effort leading up to the 2013 decision, NACWA's continuing engagement with EPA on all fronts is being funded by voluntary contributions from members with SSIs who made an ongoing commitment to the Association's Sewage Sludge Incinerator Advocacy Coalition (SSIAC) this past fall. NACWA is grateful to those utilities that have continued their support and looks forward to working together over the coming year. 💧

Let's Get Ready To Get Tracking!

State Action Track, the web-based tool that allows NACWA members to search and track regulations and legislation – by state – on a wide variety of issues impacting your utility today. The latest information on issues ranging from biogenic emissions to green infrastructure, and from nutrients to resiliency are all at a mouse click. As an added bonus – federal legislative and regulatory tracking offers a complement to NACWA's active advocacy in your behalf. State Action Track offers a value-added resource to our members, and enhances the Association's ability to track trends, inform our federal advocacy agenda, and engage our partners in the states and regions.

Visit NACWA's [Member Pipeline](#) today, and get tracking!

