

NACWA -- Developments in Clean Water Law

*A Seminar for Public
Agency Attorneys &
Managers*

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Panel Discussion

Regional Clean Water Developments – Great Lakes

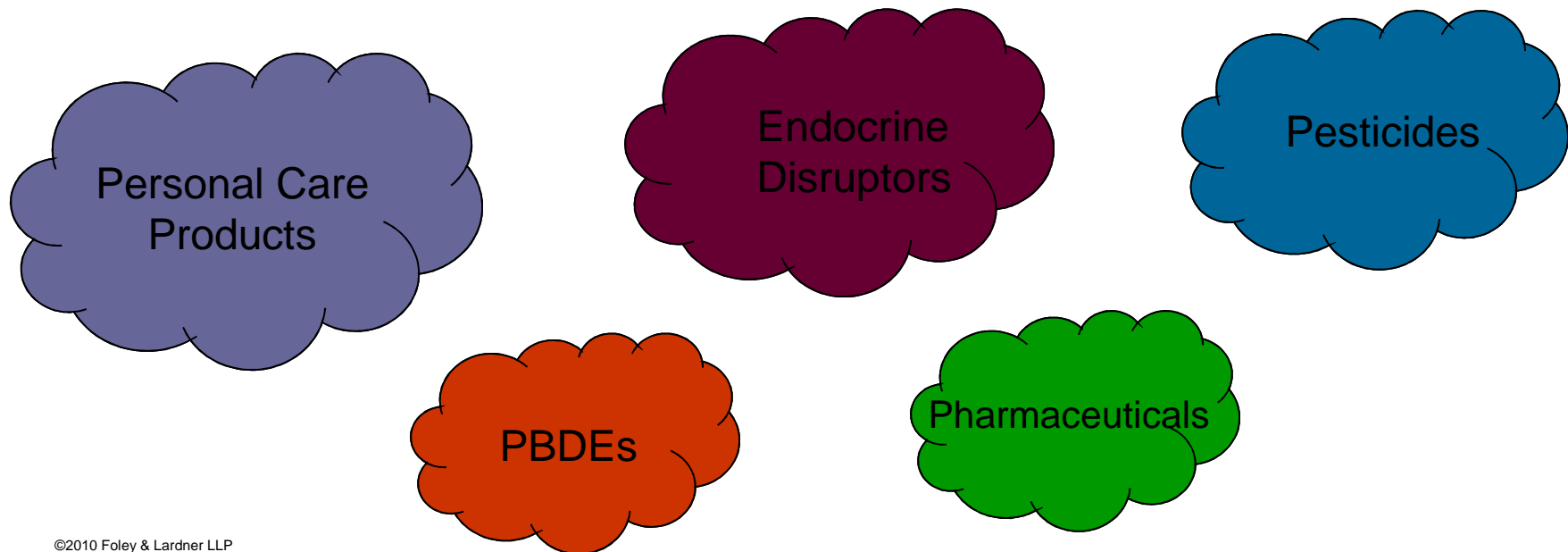
Overview



- Emerging Contaminant – PFOA
- Green Projects and GLRI/SRF/DWRF
- Climate Change Adaptation Planning

Emerging Contaminant – PFOA

- Contaminants of emerging concern
 - Pollutants not routinely included in monitoring programs that may become candidates for future regulation



Emerging Contaminant – PFOA



- Why concern with PFOA – perfluorooctanoic acid?
 - Ubiquitous – myriad manufacturing, industrial and consumer applications
 - Persistent in the environment
 - Low levels in the blood of most Americans
 - Potential adverse health effects

Emerging Contaminants – PFOA



- Great Lakes/U.S. EPA Region 5 concern?
 - Minnesota experience
 - Perflourinated chemicals (PFOA precursor) found in drinking water supplies, wastewater effluent and landfills
 - Dupont litigation
 - Groundwater contamination
 - Decatur, Alabama wastewater plant experience
 - Biosolids contaminated with perfluorinated chemicals

Emerging Contaminant – PFOA



- U.S. EPA action on PFOA
 - In 2006, U.S. EPA and 8 companies launched PFOA Stewardship program to eliminate PFOA emissions and product content by 2015
 - In 2009, U.S. EPA developed Provisional Health Advisories for PFOA and related compound (PFOS)
 - U.S. EPA to introduce TSCA regulation in 2012 to restrict or ban manufacture, import, processing and use of PFOA
- U.S. EPA Region 5 focused on maintaining integrity of biosolids program

“Green” Projects



- Funding for green projects a priority for federal and state governments
 - Green projects encompass a broad array of activities/actions to reduce energy use, minimize the discharge of pollutants, preserve ecosystem values and promote sustainable resource practices
- Green projects supplement gray infrastructure in the management of water quality and quantity

“Green” Projects



- Major funding sources for green projects in Great Lakes region
 - Great Lakes Restoration Initiative
 - Clean Water Act State Revolving Fund
 - Safe Drinking Water Revolving Fund
 - Great Lakes Legacy Act

“Green” Projects



- Great Lakes Restoration Initiative (GLRI)
 - Restoring the Great Lakes a priority for President Obama, U.S. EPA and 15 other federal agencies
 - \$475 million in FY 2010; \$300 million proposed for FY 2011
 - “Restoration” focus areas include
 - Toxic substances and areas of concern
 - Invasive species
 - Near shore health and non-point source pollution
 - Habitat and wildlife protection and restoration
 - Accountability, education, monitoring, evaluation, communication and partnership

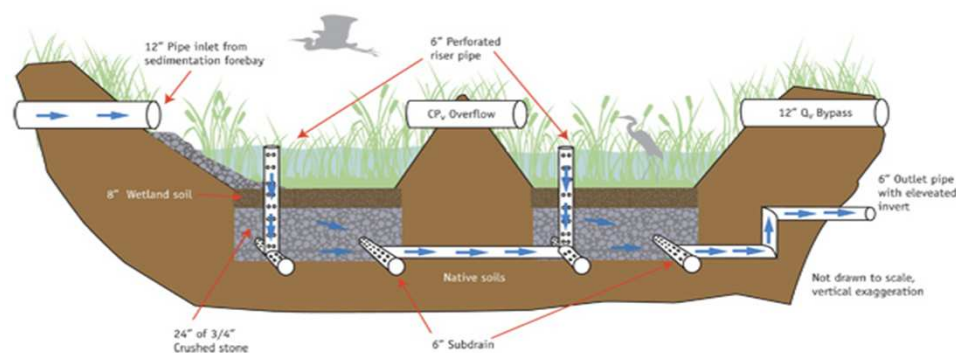
“Green” Projects



- Projects eligible for grant funding based on specific criteria and principles (select criteria)
 - Achieving measurable environmental outcomes
 - Advancing ecological priorities (AOCs, LaMPs)
 - Prompt implementation
 - Observable local impacts
 - Strong bias for interagency/inter-organizational coordination and collaboration
 - Promote long-term societal, economic, environmental sustainability

Milwaukee Metropolitan Sewerage District Green Projects

- How to affect non-point contaminant loads?
- How to deal with flooding/quantity issues?
 - Watershed trading model
 - Waterway restoration
 - Subsurface gravel wetlands



Milwaukee Metropolitan Sewerage District Green Projects




- Watershed trading model
 - Southeastern Wisconsin Watersheds Trust, Inc.
<http://www.swwtwater.org/home/>
 - Public/private cooperation
 - Watershed action teams
 - Developing TMDLs
 - Developing water quality trading framework

Milwaukee Metropolitan Sewerage District Green Projects



- Kinnickinnic River Habitat Restoration Project
 - \$1.56 million to restore portion of river channel and floodplain
 - Overall purpose to alleviate flooding in river watershed to decrease MMSD's wastewater load during flooding events
 - Project has water quality and habitat restoration benefits

Milwaukee Metropolitan Sewerage District Green Projects

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- MMSD Subsurface Gravel Wetland Project
 - \$200,000 gravel wetland
 - First of a kind project in the Midwest
 - Despite Wisconsin's cold climate, will allow creation of year-round wetland to naturally manage stormwater runoff and reduce fecal coliform, TSS and phosphorus levels in the watershed

“Green” Projects



- State Revolving Fund (SRF) and Drinking Water Revolving Fund (DWRF) low-interest loans
 - FY 2010 Appropriations Law – not less than 20% of SRF/DWRF funds (“Green Project Reserve”) must be used for green projects in 4 categories
 - Green infrastructure
 - Water efficiency
 - Energy efficiency improvements
 - Other environmentally innovative activities

“Green” Projects



- SRF/DWRF Green Project Reserve (GPR)
 - U.S. EPA guidance for FY 2010 (Apr. 21, 2010)
 - States to select GPR eligible projects regardless of project’s ranking in SRF priority system
 - DWRF GPR projects ranked with DWRF priorities, but selected in a separate process
 - Loans can be issued in form of
 - Principal forgiveness
 - Negative interest loans
 - Grants
 - Combination of the above

“Green” Projects



- Examples of SRF/DWRF GPR funded projects
 - Green infrastructure
 - Green roofs, rain gardens, pervious pavement, restoration of riparian buffers and wetlands
 - Water efficiency
 - Water treatment and conveyance upgrades for reuse facilities, rebates for upgrades to efficient fixtures, installation of water meters
 - Energy efficiency
 - Efficiency motors, pumps, installation of solar panels, wind turbines
 - Innovative projects
 - Climate impact reviews, biosolids recycling

“Green” Projects



- Muskegon County, MI Wind Turbine Project
 - Placement of 3 wind turbines on 11,000-acre wastewater property
 - Produce electricity for county’s use in wastewater system
 - Seeking to attract 150 MW private development project on wastewater property

Climate Change Adaptation



- U.S. climate impacts
 - Sea level rise (except Midwest)
 - Extreme precipitation events
 - Flooding
 - Wet weather for some
 - Droughts for others

Climate Change Adaptation



- Potential consequences for wastewater operations
 - Service disruptions
 - Overflows
 - Increased demand for emergency services
 - Declining water quality
 - Reduced water supply
 - Greater energy demand

Climate Change Adaptation



- Confronting Climate Change Report (NACWA, October 2009)
 - Cost assessment of adapting to climate impacts for drinking water and wastewater utilities through 2050
 - Range – \$448 billion to \$944 billion
 - Wastewater adaptation strategies
 - Greater use of green and gray infrastructure
 - Increased effluent treatment
 - Greater use of recycling and reuse technologies
 - Raising pump stations, building levees, relocating treatment plants

Climate Change Adaptation



- Funding opportunities for adaptation planning
 - SRF/DWRF Green Project Reserve (GPR)
 - Low interest loans available for planning activities to prepare for adapting to climate change and/or extreme weather
 - Other potential sources of funding
 - EPA climate showcase communities grant program
 - GLRI funding for FY 2011
 - State energy office?
 - Cap and trade funds (e.g., RGGI)?

The Green Horizon



- Green retrofits are the most challenging
- Energy efficiency models, such as property assessed clean energy may be adapted to the water sector
- Midwestern flooding in 2008 and 2010 is bringing issue into focus for the citizenry

Thank You!



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