

Targeted Action Fund Project Overview & Status Report Current to May 24, 2010

Biosolids

Continued Advocacy, Comment Preparation for the Potential Reclassification of Sewage Sludge and MACT Standards for Biosolids (Sewage Sludge) Incinerators

In addition to \$25,000 in FY 2009, the NACWA Board approved an additional \$75,000 from the FY 2010 TAF to support the Association's efforts to minimize the impact of new EPA rules on the practice of incineration and possibly land application. 2010 will be a critical year, with two proposed rules and final air standards that will have a major impact on the viability of incineration as a management option for biosolids. Committee leaders have estimated that a worst-case outcome from these rulemaking efforts would be the required replacement of the majority of existing biosolids incinerators at a cost of as much as \$3.3 billion.

FY 2009 funds were used to develop a comprehensive legal and technical argument against the reclassification of biosolids as a solid waste and the development of MACT standards under Section 129 of the Clean Air Act for sewage sludge or biosolids incinerators. During 2010, NACWA will first develop comments in response to a proposed rule, released in April, which define biosolids destined for incineration as a solid waste. The outcome of this rule will dictate the Clean Air Act Maximum Achievable Control Technology (MACT) standards that will apply to biosolids incinerators.

In June or July of 2010, EPA is expected to propose MACT standards for biosolids incinerators. EPA's air office is already working to develop these standards, operating under the assumption that biosolids will be reclassified as a solid waste. NACWA has been working to ensure the Agency understands the various types of biosolids incinerators and the potential impacts their MACT standards will have. The Biosolids Management Committee expects the MACT proposal to be a massive rule with a significant amount of data and background information that NACWA will need to review and comment on.

A portion of the funds will be used for coordination activity through all of the activities in 2010. This will include establishment of a more formal strategy for NACWA's advocacy efforts on multiple fronts, providing oversight of the comment development efforts for the proposed definitional rule and the proposed MACT standards, participation in meetings with EPA and other policy makers, and ensuring that the Association is well-positioned for any legal action.

Facility and Collection Systems

Issue Paper on Working with Satellite Communities

The NACWA Board of Directors approved \$20,000 in FY 2008 TAF funding to develop an issue paper on working with satellite communities. Many NACWA members working to control sanitary sewer overflows, infiltration and inflow, or other flow related issues, have experienced a number of challenges when communicating with satellite communities that are responsible for maintaining their own collection systems. The issue paper outlines the various challenges associated with these interactions and explores how regional authorities and other utilities working with satellite communities can improve their interactions with these communities and better address the entire collection system. Several clean water agencies have already successfully engaged their satellite communities through voluntary incentive programs, the imposition or allocation of flow limits, and education programs on better system management, and the paper features case studies on those approaches. NACWA's contractor for this effort highlighted one of the case studies during the 2008 Summer Conference in Anchorage. The final paper was made available to the NACWA membership via *Member Update* 09-04 in March.

Development of Wet Weather Water Quality Standards

The NACWA Board approved \$10,000 in FY 2008 to retain a consultant to develop a strategy for establishing wet weather water quality standards. Under current EPA guidance, unrealistic low-flow data, such as EPA's recommended lowest one day flow in 10 years or the lowest average seven consecutive day low flow in 10 years, become design flows for sizing treatment plants, developing waste load allocations, and developing water quality-based effluent limitations. This problem is compounded when designing appropriate treatment options and discharge limits for discharges that occur during wet weather, which by their nature are occurring at times of peak flows rather than low flows. Although Congress has asked EPA to address this issue, especially with reference to combined sewer overflows, EPA has not seriously considered new guidance for setting water quality standards. Half of the TAF funds were spent to develop an issue paper that describes the nature of the problem, including the historic development of water quality standards and how standards are currently set. Work on this project has now been terminated, and the remaining funds will not be used.

Collection System Core Attributes

The NACWA Board approved \$10,000 in FY 2008 funding to support an ongoing effort to develop consensus or core attributes of effectively managed municipal sanitary sewer collection systems. Since August of 2007, members of NACWA's Facility & Collection System Committee have been working in collaboration with representatives from the Water Environment Federation (WEF) to explore the possibility of developing a set of industry consensus practices for the management of municipal sanitary sewer collection systems that could be formally accepted by the water sector organizations and used nationally to provide much needed consistency.

NACWA, WEF, the American Public Works Association, and the American Society of Civil Engineers have all approved the core attributes and the organizations are working to finalize the attributes for release before July 2010.

Legislative/Regulatory Policy

National Biosolids Partnership

Although congressional funds were not made available for the National Biosolids Partnership (NBP) in Fiscal Year (FY) 2007 and 2008, NACWA and the Water Environment Federation (WEF) made a concerted and successful effort to obtain discretionary funding in FY 2009 for the NBP. NACWA used \$15,000 in TAF funds for this effort. It is NACWA's view, however, that the NBP needs to move in a self-sustaining direction and that continued expenditures on an advocacy firm to aid in this effort are not necessary going forward. As such, NACWA did not request additional TAF funds for NBP advocacy support in FY 2010.

Advocacy Support – Legislative/Regulatory Initiatives

NACWA utilizes the services of an advocacy firm to support the Association's efforts to advance its legislative and regulatory priorities. These priorities are also advanced through the *Clean Water Advocacy Center* (CWAC) each year at WEFTEC. These items are considered to be ongoing expenditures. Total approved funding for FY 2010 was \$72,000, with the same amount being requested for FY 2011. The addition of the CWAC to this line item in FY 2011 increases the total requested amount for FY 2011 to \$86,000. The advocacy firm's focus has been, and will continue to be, aiding the Association in developing a legislatively viable and effective campaigns in the arena of climate change and energy recycling/reuse, affordability legislation in Congress, and ensuring a hearing on the need for a new Watershed Act this year, as well as strategic advice and input on key additional issues as they arise.

Water Infrastructure Network (WIN)

NACWA's financial contribution to WIN's FY 2010 budget (\$25,000) is the same as in past years. This contribution ensures its place on the WIN Executive Committee, along with other contributors of \$25,000 or more and ensures the Association's position that the funding priorities of the Nation's clean water agencies is advanced through the coalition's vital efforts. WIN is working primarily to advance trust fund legislation through the House and add new cosponsors to the bill, was critical in helping ensure stimulus package funds were targeted to clean water agencies, and that clean water state revolving fund (CWSRF) reauthorization legislation passed in the House and has advanced further than in any years past in the Senate. The budget request for FY 2011 is the same as in past years, \$25,000.

Outreach Document and Public Affairs Plan for *Money Matters* Affordability Campaign

As difficult economic times persist, the federal government is not relenting on increasingly onerous enforcement actions and new regulatory mandates. In many ways, federal policy appears divorced from the

severe affordability limitations many municipalities are experiencing. As a result, Member Agencies have raised serious concerns and called upon NACWA to aggressively address the issues of affordability/financial capability as they relate to the federal government's approach to the Clean Water Act.

The NACWA Board approved FY 2010 TAF funding in the amount of \$10,000 to secure the services of a public affairs firm on the initial key components of an anticipated multi-year affordability campaign called *Money Matters*. The FY 2010 funds would support NACWA efforts to craft an effective "leave-behind" that will make the case for needed affordability reform and clearly articulate, to a broad array of stakeholders, the realities that public clean water agencies and local officials are facing. The public affairs firm would also provide NACWA with a campaign strategy that contains a tiered approach for achieving success with the spectrum of key audiences — Congress, the U.S. Environmental Protection Agency, local and state officials, key stakeholder allies and potential opponents — as well as the public and the media. The affordability message and campaign plan would be crafted in line with NACWA's *Strategic Plan*, ensuring that the goals of the Clean Water Act can be met through new and innovative approaches while respecting the very real financial constraints that are bringing some municipalities to the verge of bankruptcy or a downgrade to junk-bond status.

These two initiatives would provide the foundation for an ambitious and long-term outreach and advocacy campaign — *Money Matters* — as proposed in the FY 2011 TAF budget and described in the *FY 2011 Association Business Plan*.

Government Affairs Rapid Response Fund

The *Government Affairs Rapid Response Fund* (GARRF) provides NACWA with the ability to quickly respond to time-sensitive legislative and regulatory issues. In FY 2010, the GARRF has already supported the Association's advocacy white paper on energy production and recapture from the wastewater treatment process and an assessment of the climate change mitigation and adaptation costs the Nation's publicly owned treatment plants face — a document that has been shared with every member of Congress and key Environmental Protection Agency policymakers. The Board approved \$50,000 for the GARRF in FY 2010 and NACWA is seeking the same amount for FY 2011.

Litigation/Legal Issues

General Legal Support

\$50,000 (FY 2010) is allocated to this line item for general legal support. Thus far, \$24,206.06 has been spent on a variety of items including legal research support, outside legal consultation related to advocacy work on sewer sludge incinerators (SSIs), sponsorship of the Pace Law School National Environmental Moot Court Competition, membership with the Environmental Law Institute, membership in the Legal Committee of the Association of State and Interstate Water Pollution Control Administration, and litigation support for the NACWA's brief to the U.S. Supreme Court in the *City of Los Angeles v. County of Kern* litigation over land application of biosolids. This fund is expected to be fully spent by the end of FY 2010. \$50,000 is budgeted in this line item for FY 2011.

District of Columbia Stormwater Appeal

NACWA has expended a total of \$24,030 since 2005 on this appeal of a stormwater permit for the District of Columbia. \$12,232 of this amount has come from the TAF, while the other expenditures have come from \$11,798 in contributions from the National League of Cities (NLC), the National Association of Flood & Stormwater Management Agencies (NAFSMA), the Wet Weather Partnership (WWP), the West Virginia Municipal League (WVML), and the Virginia Municipal League (VML). EPA issued a revised draft permit in April 2010 and the document is one of the most stringent municipal permits ever proposed. NACWA is currently reviewing the draft permit and preparing comments. However, despite the very aggressive requirements in the permit, there is still a possibility it may be challenged again by activist groups upset due to its lack of an explicit requirement for numeric discharge limits. NACWA stands ready to participate in litigation over the permit if necessary. \$1,013 in carryover funds from FY 2009 is currently available and additional TAF support may be requested if a lawsuit is filed. NACWA will also approach its municipal partners in this case regarding additional contributions.

SD #1 Amicus Brief (CWA-SDWA Interplay)

At total of \$15,000 was allocated in FY 2007 for NACWA to participate as *amicus curiae* in this case involving the interplay between the CWA and the SDWA, *City of Cincinnati, OH (Greater Cincinnati Water Works (GCWW)) v. Sanitation District No. 1, KY (SD No. 1)*. The case focused on a challenge by GCWW to a new wastewater treatment plant constructed by SD No. 1 located upstream from a GCWW drinking water plant. NACWA expended a total of \$263 in FY 2008 on this matter before the parties entered mediation and ultimately reached a settlement in February 2009. The remaining funds in this line item have been returned to the TAF and this litigation matter is now closed.

Ohio Phosphorus Case (Amicus Brief)

NACWA's Board has approved \$5,000 (FY 2006) for the Association to work with the Association of Ohio Municipal Wastewater Agencies (AOMWA) on an *amicus curiae* brief in a case the City of Salem, OH (City) will file to challenge EPA's September 2005 approval of phosphorus TMDLs for several Ohio rivers. These TMDLs were developed in an inappropriate manner and are now the source of stringent phosphorus effluent limitations in wastewater NPDES permits. No funds have yet been expended in this matter as NACWA and AOMWA are waiting for the City to initiate the litigation, which has been delayed pending resolution of a related state permit appeal. The approved funds have carried over to FY 2010.

BEACH Act Case (Intervention)

NACWA expended \$35,000 on this line item during FY 2008 to continue the Association's involvement in *Natural Resources Defense Council (NRDC) v. EPA*, a legal challenge over EPA's failure to establish new recreational water quality criteria as required by the *Beaches Environmental Assessment and Costal Health Act (BEACH Act)*. These funds are were addition to approximately \$60,000 expended on this matter from the TAF and General Legal Fund during FY 2006 and FY 2007. A settlement was reached by all parties and filed with the court on August 8, 2008 with regard to the legal issues, and a financial settlement between NACWA

and the U.S. Department of Justice was reached in December 2008 for payment of \$95,000 to NACWA to cover the Association's attorneys' fees and expenses during the course of the litigation. This litigation matter is complete, although NACWA will continue to use in-house legal resources to track implementation of the settlement agreement. NACWA received its first status report from EPA in July 2009 detailing the progress on implementing the settlement agreement, with another progress report received in January 2010. The next progress report is expected in July 2010. Additionally, the first of the stakeholder workshops to review data gathered under the settlement agreement was held in October 2009. An additional stakeholder meeting is expected in late 2010.

San Jacinto River Authority WET Appeal

The NACWA Board approved via electronic ballot in March 2008 the Association's participation in an appeal by member agency the San Jacinto River Authority (SJRA) of an NPDES permit with Whole Effluent Toxicity (WET) limits. SJRA appealed the permit in part because EPA Region VI inappropriately federalized an existing state permit and included the contested WET provisions. NACWA agreed to participate in the case due to the overreach of federal permitting authority and also because of concerns over the testing methods used by EPA to establish the WET limits. The Board approved up to \$7,500 in FY 2008 TAF funds for this case and collaboration in the litigation with the Western Coalition of Arid States (WESTCAS), which agreed to match any NACWA funds. However, shortly after the Board's vote, NACWA learned that EPA had withdrawn the contested WET limits in the permit, making the original appeal moot. Since that time, EPA has reissued the permit with more contested WET limits. SJRA has again challenged the permit and has requested NACWA's assistance in the form of a brief to the Environmental Appeals Board. NACWA submitted briefs to the EAB in support of SJRA in March 2010 and May 2010 and will participate in the oral argument of the case before the appeals board on June 7.

Consent Decree Handbook Supplement

The NAWCA Board approved at the September 2008 meeting an expenditure of \$10,000 from the FY 2009 TAF for a supplement to the Association's *Consent Decree Handbook*. The publication is intended to be used in conjunction with the original *Handbook* published in 2003 and covers a variety of topics including strategies to maintain municipal autonomy in an enforcement settlement, advice on leveraging POTW expertise in negotiations, and techniques to integrate legal obligations and deadlines in daily municipal operations. Additionally, it will provide update information on recent consent decree trends since the publication of the last supplement in 2006. Work is now complete on this project and the document has been distributed to NACWA members. It is also available for download from the NACWA website.

Anacostia River Case

In May 2009, the NACWA Board approved \$15,000 in FY 2009 funds for the Association to participate in *Anacostia Riverkeeper v. U.S. Environmental Protection Agency (EPA)*, a total maximum daily load (TMDL) appeal pending in the U.S District Court for the District of Columbia. After successfully litigating to force EPA to include daily loads in TMDLs in 2006, the plaintiffs are now seeking to have daily loads be controlling even when the TMDL is directed towards achieving seasonal or annual loadings. The TMDL at issue in the case primarily addresses sediment and total suspended solids that may be discharged over both

the growing season and annually. NACWA is collaborating with the Wet Weather Partnership in the case. Thus far, NACWA has expended \$7,500 on a Motion to Intervene, which was granted by the court, and on a Motion for Summary Judgment that is still pending before the court. \$7,500 of the approved funds has carried over to FY 2010 and an additional TAF request may be necessary later this year to continue participation in this case depending on how the court rules.

SSO Rule Petition

\$30,000 in FY 2010 funds was approved by the NACWA Board in February 2010 for the Association to develop and file a petition with EPA requesting a national rule for sanitary sewer overflows (SSO). A small group of NACWA members met in March to discuss the petition, including what form it should take and what specific actions it should request. The group will be meeting again on May 25 to further discuss a draft of the petition, including whether the form of the document should be changed from a petition to a white paper given that EPA has recently publicly indicated its intent to be working on a comprehensive SSO policy. Additional discussion of the petition effort is expected at the NACWA Board meeting in July, at which time additional TAF support may be requested to complete work on this project.

Consent Decree Implementation Research Project

\$7,500 from the FY 2010 TAF was approved by the NACWA Board in April 2010 for efforts to collect information from NACWA members on implementation of wet weather consent decrees. This project will build on NACWA's existing and highly successful *Consent Decree Handbook* and *Consent Decree E-Library*, both of which are designed to assist clean water utilities during the consent decree negotiation process. This new research project will gather information from utilities via a web-based survey form regarding their experiences implementing their decrees and store the data in a database on NACWA's website. The proposed database would enable utilities to share information on their implementation experiences – both positive and negative – and allow agencies looking for practical guidance on implementation to see what their peers have done. The survey form is currently undergoing final revisions and should be sent out to NACWA members to begin data collection this summer. The database with the resulting information should be fully operational on the NACWA website by November 2010.

Pretreatment and Pollution Prevention

NACWA/EPA 50 POTW Study Effort

In the past, NACWA has advocated for an update of the 1982 EPA study on the fate and transport of priority pollutants in POTWs. Also known as the 50 POTW study, the work is still relied on for its removal efficiency figures when POTWs are developing local limits. To facilitate the Pretreatment and Pollution Prevention Committee's efforts to build on an existing EPA sampling effort and update the 50 POTW study, the Board approved \$15,000 in FY 2006 and \$10,000 in FY 2007 for contractor support as NACWA continued its discussions with EPA. NACWA, EPA, the contractor, and the chairs of the Pretreatment and Pollution Prevention Committee began discussing approaches for collaboration at the October 2006 Pretreatment Workshop. The contractor prepared a feasibility study for the collaborative removal efficiency

study, including issues to address and potential next steps. Since EPA has now limited their existing sampling effort and has no intentions of updating the 50 POTW study, the contractor has prepared a draft clarification memo for EPA to issue that would assist POTWs in states that require use of the 50 POTW Study data in lieu of more reliable options. NACWA met with EPA in November 2009 to discuss the draft memo and determine if the Agency can finalize and release the memo, and NACWA expects that the memo will be released later this year. While NACWA allocated \$10,500 in FY2006 TAF funding for contractor work on the feasibility study and clarification memo, some funds remain unutilized. All remaining Board-approved funds, intended for the cooperative effort with EPA, will be returned to the TAF.

Utility Management

CleanWater Central™

NACWA continues to manage the *CleanWater Central*™ database. Created in 1999, the *CleanWater Central*™ database serves as a central hub for future data collection activities, such as the *Financial Survey* and *NACWA Index*, and as a repository for information vital to the wastewater treatment community. NACWA and WERF completed the beta test of the system on June 30, 2003 and launched the database during the NACWA 2003 Summer Conference in Boston. This is an ongoing project with expenditures for database administration each year. Total funding approved for this effort in FY 2009 is \$12,200. Approved funding for FY 2010 is \$12,200. Proposed funding for FY 2011 is only \$5,000, due to the rollover of unspent funds from the previous year. Two related projects, described below, will be coordinated with ongoing *CleanWater Central*™ management activities.

CleanWater Central™ Technical Survey

NACWA has received commitments from WERF and WEF to collaborate on a 'Technical Survey' to complement the data reported in NACWA's triennial *Financial Survey*. The dedicated Technical Survey will provide a more detailed snapshot of the physical assets and operations of clean water utilities nationwide than currently captured in NACWA's *Financial Survey* and will reduce the scope of the *Financial Survey*, so that it will only include relevant financing and utility management information. The Technical Survey, as it is currently envisioned, will also provide the primary means for substantially increasing the available information in the *CleanWater Central*™ database.

As proposed, this new Technical Survey will be conducted on a triennial basis on a cycle opposite to NACWA's *Financial Survey*. The survey will collect new information in the areas of collection systems (e.g., rehab and replace rates) and programmatic information that is not already captured, such as the scope of existing pretreatment programs, and more. Given the importance of the information that will be collected in the Technical Survey to the *CleanWater Central*™ database and the industry as a whole, NACWA believes that WERF subscribers and WEF members will also benefit from participation in the design and execution of the survey. WEF and WERF have committed equal contributions of \$15,000 to the effort. NACWA's Board approved NACWA's contribution to this effort in January 2007 in the amount of \$15,000 in FY 2007 funds. NACWA, WEF, and WERF have now executed a Memorandum of Understanding to guide work on the Technical Survey and the related Strategic Analysis effort (see description below).

CleanWater Central™ Strategic Analysis

NACWA's Board of Directors approved \$10,000 from the TAF in May 2007 to conduct a Strategic Analysis of the *CleanWater Central*™ database. The analysis is now underway and will evaluate the strengths and weaknesses of CWC to help chart a successful course for the future. The Strategic Analysis will include an analysis of the external competitive, economic, political, legal/regulatory, technological and socio-cultural forces potentially impacting broader CWC usage, as well as an examination of potential target markets for this type of information and competing systems already on the market. The analysis will also examine current CWC marketing objectives and performance and assess the strengths and weaknesses of the existing system for reaching new target markets and achieving broader use, including, but not limited to, current quantity and scope of the information in the database and the database's current technological capabilities. WERF and WEF have committed to contribute equal shares of \$10,000 to the analysis. The final report from the analysis is now complete and the three organizations are discussing next steps.

Service Charge Index and Peak Performance Awards

FY 2010 funds in the amounts of \$2,750 and \$10,000 were approved by the NACWA Board to enable the Association to conduct its annual NACWA *Service Charge Index Survey* (NACWA *Index*) and Peak Performance Awards program, respectively. These are critical annual activities that had historically been funded through the General Fund. Since FY 2006 these vital projects have been funded from the TAF. Total approved funding for FY 2010 is \$10,000 for the Peak Performance Awards program and \$2,750 for the NACWA *Service Charge Index* survey. Requested funding for FY 2011 is \$3,000 and \$11,500 for the NACWA *Index* and Peak Performance Awards program, respectively. The 2009 NACWA *Index* survey is now complete and was released in the April/May *Clean Water Advocate*.

ISO Wastewater Management Services Standard Support

With the support of the Targeted Action Fund (TAF), NACWA has been involved in an effort led by the International Organization for Standardization (ISO) to develop standards for the water sector since 2004. As a member of the U.S. delegation, NACWA representatives participated in several Technical Committee and workgroup-level meetings to ensure the final standards did not conflict with current best practices in the U.S. Like most ISO standards, the 24500 series standards that were finalized in November 2007 are voluntary. They were crafted to be as globally relevant as possible and are, therefore, fairly general. Some countries have decided to formally adopt these standards and although the U.S. has not yet decided whether to adopt them, U.S. utilities can choose to adhere to the standards. The final standards are available for purchase from ISO. Since 2004, NACWA has spent \$45,000 on this effort. During its meeting in November 2007, the ISO Technical Committee leading up the development of the 24500 series standards voted to form new workgroups on asset management and crisis management, which will include security issues. These workgroups will meet once a year for the next three years to determine whether there is sufficient interest and information to consider pursuing standards in these areas. NACWA's Board of Directors voted in February 2008 to approve \$7,000 in additional TAF funding (from the FY2008 budget) to enable NACWA representatives to participate in the planned workgroup meetings. Two meetings of the

Crisis Management Workgroup and the Asset Management Workgroup have already been held and NACWA was represented. During its July 2008 meeting, the NACWA Board approved \$12,000 from the FY 2009 TAF budget to enable NACWA's participation in workgroup activities throughout the 2009 calendar year. Those FY 2009 funds have carried over into FY 2010 and should be sufficient for all activities expected this year.

Asset Management Workshop Curriculum Development

With the release of *Implementing Asset Management – A Practical Guide*, NACWA, WEF, and AMWA are now working to market the *Guide* and explore ways to increase exposure to the new and innovative risk-based concepts that it describes. In collaboration with AMWA (WEF declined to participate), NACWA worked to develop a workshop curriculum that can be used by NACWA or AMWA to conduct workshops based on the new document. The NACWA Board of Directors approved \$13,500 in FY 2008 TAF funding to cover half of the curriculum development costs. AMWA's Board also approved \$13,500 in funding. The consultant who developed the *Practical Guide* has now delivered the final curriculum and NACWA is working to explore delivery options for the workshops.

NACWA 2011 Financial Survey

Published every three years, the *Financial Survey* has consistently proven itself to be a valuable resource for NACWA member agencies as they evaluate financing options and consider rate adjustments. The information and data provided by this survey, in particular, will be critically important as we assess the impact the economic downturn has had on utilities. A working group of Utility Management Committee members have begun work on the survey form with the goal of distributing the Survey to the members in March of 2011. A total of \$33,000 in FY 2011 is being requested – with an additional \$22,000 plus design and publication costs required in FY 2012. The final survey report will be released in early 2012.

Effective Utility Management Effort

The NACWA Board approved \$10,000 from the FY 2008 TAF budget to support the ongoing activities associated with the Effective Utility Management effort. The collaborating organizations recently completed work on a Primer for utilities detailing the ten attributes and five keys to management success, as well as an online resource tool box, developed by NACWA, to provide easy access to existing resources organized according to the attributes and keys to success. This new funding will be used to contribute to the ongoing collaboration among the six water sector organizations and EPA, including a NACWA-led effort to update the *watereum.org* website for the collaboration.

Water Quality

Participation in the Federal Water Quality Coalition

For the past several years, NACWA has maintained an associate membership in the Federal Water Quality Coalition (FWQC). The FWQC is a broad coalition of stakeholders, including industry and municipalities

focused on water quality issues including water quality criteria, mercury issues, permitting, and total maximum daily loads. The proposed FY 2011 funding of \$15,000 would cover NACWA's discounted annual dues in the Coalition and give the Association and its members access to critical leveraging opportunities and information. The FWQC provides valuable assessments of a broad range of water quality issues and how they may affect municipalities, giving NACWA staff an exceptional resource to supplement the Association's existing capabilities. This leveraging of resources has enabled NACWA to cover a much broader array of water quality issues each year.

Development of Comments on Florida Nutrient Criteria

The NACWA Board approved \$25,000 in FY 2009 funds for NACWA to use in developing comments on the proposed numeric nutrient criteria for Florida. A portion of the funds were used to retain a contractor to assist NACWA in developing comments on the proposal, with a focus on EPA's use of the reference condition approach and the new restoration standard concept. A portion of the funds were used to support a separate contractor, in collaboration with utilities in Florida, to develop a statistical analysis of EPA's proposed criteria. NACWA submitted its comments in March.

Summit on New Approaches to Addressing Nutrient Issues

The NACWA Board approved \$20,000 in FY 2010 TAF funds to convene a day and a half long summit on nutrient issues. The Summit will provide an opportunity for clean water agency representatives to discuss the issue of nutrients and alternative approaches to addressing their water quality impacts. With input from key stakeholders, Summit participants will explore options within the current boundaries of the U.S. Environmental Protection Agency's (EPA) Clean Water Act (CWA) authority, including new approaches to developing water quality criteria for nutrients and innovative implementation mechanisms. The anticipated outcome of the Summit, a conceptual framework and/or guiding principles to better address nutrient pollution issues nationwide, will serve as the foundation for future meetings to seek input on, and build support for, scientifically valid and reasonable management actions. NACWA is working on a parallel track to explore potential legislative solutions that support a watershed-based approach to water quality improvement (including all sources of nutrient pollution) and the Summit and resulting framework would acknowledge the importance of addressing all sources, while recognizing that current CWA authorities are limited.

The Summit, currently planned for September 2010, will be facilitated with the goal of developing a set of principles and/or a conceptual framework for new and innovative approaches to addressing nutrient pollution that can be used to develop a proactive position guiding future dialogue on the issue.

Watershed Initiatives Support

NACWA continues to use funds raised via the Critical Issues Action Initiative (CIAI) in fiscal year 2009 to fund ongoing activities toward the broad buy-in to a set of key watershed principles and to advance draft

legislation NACWA has developed with input from the Strategic Watershed Task Force and key stakeholders based in large part on the NACWA report, *Recommendations for a Viable and Vital 21st Century Clean Water Policy*, released on the 35th anniversary of the Clean Water Act, October 18, 2007. NACWA has engaged external stakeholders on the Act during several facilitated meetings, with the most recent being in February 2010 – CIAI/TAF funds are used to retain the services of a facilitator. This stakeholder group has continued to communicate via conference call and email, and is now working on a set of consensus watershed principles that the groups can endorse as a foundation for reaching agreement on the content of watershed legislation. Another meeting with a broader group of stakeholders will be held later this year. In addition, plans are being made to hold a hearing in the Transportation & Infrastructure (T&I) Committee on the need for a new watershed approach, featuring the NACWA-drafted 21st Century Watershed Act and the consensus watershed principles as a focus of the hearing.

Product Stewardship Dialogue

The NACWA Board of Directors approved \$5,000 in FY 2008 funding to support the Product Stewardship Institute's efforts to initiate a dialogue on the issue of unused pharmaceutical wastes. The Product Stewardship Institute, a national non-profit organization that has successfully led efforts to develop national programs for other wastes, is working to convene four dialogue meetings to begin the negotiations among the various parties on the possible development of a national take-back program for unused pharmaceuticals. Members of the Emerging Contaminants Workgroup who have already initiated their own collection or take-back programs have been involved with the Institute's efforts and strongly support the development of a national program that would allow other utilities to participate and provide a consistent, nationwide approach. The first of the dialogue meetings took place in Sacramento, California on June 19-20, 2008, and the second dialogue meeting was held in Washington, D.C. on December 2-3, 2008. Additional funding for this effort has been approved through the *Critical Issues Action Initiative*.

Other Issues

Water for People

Water for People (WFP) is an organization dedicated to ensuring that all people have access to safe drinking water, adequate sanitation and basic health services. Their objective is to help people in developing countries improve their quality of life by supporting the development of locally sustainable drinking water resources, sanitation facilities and health and hygiene education programs. Historically, a NACWA Board Member served on the Water for People Board and the Association has identified two individuals to serve on WFP's World Water Corps Sanitation Advisory Panel when its activities get underway. NACWA also makes this annual contribution to thank and honor conference speakers collectively, in lieu of providing speaker gifts. Our continuing annual contribution is \$5,000.

WaterReuse Foundation Collaborative Project

The NACWA Board of Directors approved \$15,000 in FY 2008 funding to contribute to a collaborative project with the WaterReuse Foundation. The WaterReuse Foundation has identified the inconsistent use

of confusing and sometimes misleading terminology within the water, wastewater, and water reuse communities as a major impediment to broader public acceptance of water reuse. The term 'emerging contaminants', which NACWA uses to describe the growing list of chemicals and other substances found in small concentrations in wastewater, is a prime example of the disparate terminology currently being used. Others within the water sector have begun to use other terms like microconstituents and trace organics, all to describe the same group of substances. This has led to confusion among members of the industry and will no doubt lead to a confused public. The WaterReuse Foundation Board voted in 2008 to commit \$100,000 to a collaborative project to explore the broader issue of industry terminology, to evaluate whether a common set of terms and definitions could be established, and to better understand the public's perception of the use of certain terms throughout the entire water sector.

The Foundation Board has estimated the total project cost at \$175,000 and has now secured all of the necessary funding. A Project Advisory Committee comprised of representatives from each of the contributing organizations, including NACWA, has been formed and met January 15, 2009 in Alexandria, Virginia to kick off work on the collaborative effort.

WERF Communication Project

The NACWA Board of Directors approved \$20,000 in FY 2008 to support a collaborative effort led by the Water Environment Research Foundation (WERF) to develop guidance for clean water agencies on effective risk communication practices, public perception issues and media message effectiveness with a primary focus on emerging contaminant issues. Given the extensive media coverage that the presence of emerging contaminants in the nation's waters has received, there is an interest in ensuring clean water agencies are familiar with the basic principles and practices that will help them communicate with their communities on the health and environmental risks associated with these contaminants.

The final deliverable provides an analysis of effective communication practices, case studies where communication strategies have worked well and where public perceptions were effectively overcome, and recommendations on developing messages, diagnosing risk communication deficiencies, and addressing these in future communication. WERF solicited contributions of \$20,000 from both NACWA and the Water Environment Federation and has involved the WaterReuse Foundation (WRF) in the ongoing discussions. These organizations have now formed a working group to build on the outcomes of the WERF project and develop a set of common messages on the subject for utilities.

Green Infrastructure Course Development

NACWA and The Conservation Fund (TCF) successfully held a pilot green infrastructure course for municipal utilities April 14-16, 2009 at the U.S. Fish and Wildlife Service National Conservation Training Center in Shepherdstown, WV. The course was designed to instruct municipal utilities on the uses and implementation of green infrastructure technologies as a way to improve water quality and involved both classroom lectures and hand-on learning activities with a wide range of information on green infrastructure specific to the unique needs and goals of clean water utilities. Participants in the course had very positive comments and stated that they found the entire experience to be extremely valuable. \$20,000 from the FY

2008 TAF was allocated to support NACWA's participation in this project and TCF secured additional grant funding. NACWA and TCF also contributed significant in-kind services to the development of the course. This project is now complete although the course may be offered again in the future.