

CLEAN WATER ADVOCATE

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A Clear Commitment to America's Waters

DECEMBER 2008—JANUARY 2009

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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 Works with Mayors, Other Advocacy Groups on Stimulus

NACWA continues to work aggressively to ensure that \$10 billion per year in grants for ready-to-go wastewater infrastructure projects is included in the economic recovery package — the top priority for when President-Elect Barack Obama takes office in January 2009. The Association has ramped up its meetings with key congressional staff and other stakeholders such as the U.S. Conference of Mayors to build support for an infrastructure-based package and ensure a consistency of message amongst municipal groups. NACWA's request is based on its list of more than \$9 billion in identified, ready-to-go projects generated from public agencies across the country. This is consistent with the Mayors' figure of \$18.75 billion per year for both water and wastewater projects.

NACWA also continues to work with representatives from American Rivers to urge the inclusion of green infrastructure projects in the stimulus package. NACWA has agreed to support American Rivers' and other environmental advocacy groups' request that 15 percent of the funding be set aside for green infrastructure projects, including those that optimize water conservation

and reuse; incorporate low-impact, stormwater management techniques that preserve, restore or mimic natural hydrology; and advance energy capture and reuse. NACWA has identified over \$1 billion in ready-to-go green infrastructure projects. The Association believes these projects are a critical component of the package and will help advance the goal of maximize funding for clean water infrastructure projects more broadly.

NACWA members are urged to contact their members of Congress to ensure that significant funding is included in the economic stimulus package for wastewater projects and to share with their Representatives and Senators their list of local, ready-to-go infrastructure projects. Members are also encouraged to get their projects on the Clean Water State Revolving Fund (CWSRF) priority lists and intended use plans, since this remains the most likely mechanism for the distribution of stimulus package funding. With President-Elect Obama stating he would like to see stimulus package legislation ready for his signature on January 20, 2009, time is of the essence and NACWA will continue to make every effort to maximize stimulus package funding for clean water infrastructure projects. ♦

Economist Craig Thomas will address NACWA's 2009 Winter Conference regarding the current recession, who it is affecting the most, how it may all end, and how the economy's cycles can be understood in the context of your own life.



NACWA 2009 Winter Conference—Financial Planning, Investment Strategies Guide Utility Capital Programs

NACWA's 2009 Winter Conference, *Controlling Chaos: Managing Capital Costs in an Uncertain Economic Environment*, February 3-6, 2009, at the Westin Buckhead Atlanta in Atlanta, Ga. will provide critical perspectives on the current economic roller coaster and examine the management of utility capital programs in uncertain times.

Program Highlights Economic Challenges, Strategies & Opportunities

A sustainable environment depends heavily on a vibrant global economy and the challenges posed in this time of economic uncertainty are particularly daunting. NACWA's 2009 Winter Conference will explore how utilities are

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As Lisa Jackson Nominated for EPA Administrator— NACWA Carries Clean Water Community Message to Obama Transition Team

President-elect Barack Obama has tapped Lisa Jackson for the job of U.S. Environmental Protection Agency (EPA) Administrator – part of his energy and environment team. Jackson was a member of President-elect Obama's energy and natural resources transition team and currently serves as chief of staff for New Jersey Gov. Jon Corzine, a position she assumed this year. From 2006-2008 she served as commissioner of the New Jersey Department of Environmental Protection.

As the appointment was made, NACWA was actively engaged in ongoing communication with the new administration's transition team. A December 3 meeting at the Association's National Office provided the opportunity for NACWA to meet with members of the President-elect's EPA review transition team to outline the clean water community's priorities for the new administration. Leading the meeting for the transition team was Chuck Fox, former EPA assistant

administrator for water. The transition team's focus was on gathering information about NACWA's priorities to inform the appointment process as well as to help them develop their priority water agenda.

"Today we begin in earnest the work of making sure that the world we leave our children is just a little bit better than the one we inhabit today."

—President-elect Barack Obama

A significant portion of the two-hour meeting focused on the proposed economic stimulus package and NACWA's request that \$10 billion per year be included to finance ready-to-go wastewater infrastructure projects (*see related story this issue*). Association staff also outlined the clean water community's efforts to address climate change; urged EPA to resume work on a comprehensive policy for addressing

sanitary sewer overflows; and described its renewed push for the administration to finalize the proposed guidance on peak excess flows, developed largely by NACWA and the Natural Resources Defense Council (NRDC).

NACWA provided a detailed account of its concerns about recent petitions to establish more stringent nutrient removal programs for clean water agencies. Of particular interest to transition team representatives was the issue of emerging contaminants and how the Association viewed it playing out on the regulatory front. NACWA reiterated that much more research is needed regarding potential impacts to human health and the environment, but that the current focus for clean water agencies continues to be on source control.

The Association will continue to meet with key officials during the transition period to ensure the views of the clean water community are favorably considered in the new administration. ●

NACWA, Conservation Fund to Debut Green Infrastructure Course

NACWA is excited to announce the upcoming launch of a unique green infrastructure course specifically designed for municipal clean water utility managers and officials. The curriculum is designed to provide valuable insights on how utilities can initiate, fund, construct, and maintain green infrastructure projects within their own communities. The course, *How Green is My Infrastructure: A Regional Approach to Municipal Planning & Investment*, is being developed in close cooperation with The Conservation Fund and will be held April 14-16, 2009 at the U.S. Fish and Wildlife Service's National Conservation Training Center in Shepherdstown, WV. A team of NACWA members from the Milwaukee Metropolitan Sewerage District, WI, the Metropolitan Water Reclamation District of Greater Chicago IL, the Metropolitan Sewer District of Greater Cincinnati, OH, the Albuquerque-Bernalillo County Water Utility Authority, NM, and the Philadelphia

Water Department, Pa. have helped guide the course development process and provide important municipal perspectives. Applications for this program will soon be available and we encourage NACWA member utilities to apply.

The course will feature a variety of educational presentations and classroom learning activities led by experts in designing, funding, implementing, and maintaining green infrastructure and other low impact development techniques. The course will also offer a unique feature in that it will be designed around a "team approach" to learning. Accordingly, participants are encouraged not only to send representatives from the wastewater utility but also to bring representatives from other municipal agencies such as the local planning commission, public works department, city council, or mayor's office. The goal of the course is to educate members from all sectors of municipal government about the benefits of green infrastructure and ensure that there are multiple "champions"



Photo: City of Portland Environmental Services, Ore.

of green infrastructure who can help push for its implementation upon return to the local community.

The timing for the pilot course is particularly appropriate given the recent renewed national interest in infrastructure investment and the potential for federal funds from a national stimulus plan dedicated to green projects. An agenda for the course along with tuition and registration information will be available in January. This course is sure to be of interest to your community. ●

NACWA Maintains Strong Focus on Climate Change

NACWA is maintaining a strong focus on climate change and its impacts on clean water agencies, anticipating that pressure will increase for legislative and regulatory action on the issue after the change in administration next year. Climate change legislation will certainly be introduced again next year, and EPA also began taking steps toward regulation of greenhouse gas (GHG) emissions under the Clean Air Act earlier this year, a move that was heavily criticized by the current administration. NACWA is continuing work on a Critical Issues Action Initiative (CIAI) project to ensure that GHG emissions from publicly owned treatment works (POTWs) are estimated as accurately as possible, which will help protect the interests of clean water agencies under any new legislation or regulation. Another CIAI project will help prepare clean water agencies for possible participation in carbon markets (*see related article this issue*).

EPA Proposes Rulemaking on Greenhouse Gas Emissions

NACWA submitted comments during the public review period of EPA's Advance Notice of Proposed Rulemaking: Regulating Greenhouse Gas Emissions under the Clean Air Act ("ANPR"). EPA published the ANPR in a July 30 *Federal Register* notice, along with letters critical of the ANPR from the Secretaries of the Departments of Agriculture, Commerce, Energy, and Transportation, from senior White House officials, and from the EPA Administrator.

The ANPR was developed in response to the 2007 Supreme Court ruling in *Massachusetts v. EPA*. The Court, reversing a D.C. Circuit Court decision, ruled that greenhouse gases are air pollutants that can be regulated by EPA under the Clean Air Act. Although the Court did not order that EPA regulate GHGs, it did order EPA to determine if GHGs endanger public health, therefore requiring regulation, and suggested that only significant scientific uncertainty about the contribution of GHGs to global warming should be reason to determine that GHGs do not endanger public health. The ANPR represents a detailed examination by EPA staff of how the cur-



rent Clean Air Act could be used to regulate greenhouse gas emissions from virtually all economic sectors. The focus of emissions reductions in the ANPR is improvement of energy efficiency through changes to design and operations.

In its comments, NACWA stated that the current Clean Air Act may not be the best tool for GHG regulation. The comments reiterated the Association's position that water resource issues must be part of a comprehensive evaluation of climate change impacts, and "a new framework for regulating greenhouse gases should be developed that recognizes the strong interrelationship between climate change and water resources which include water supply, stormwater, and wastewater; the unique environmental effects of these emissions; the economic impacts of the regulations; and additional government actions that may be necessary for the nation to deal with climate change, such as increased research on climate change impacts on water resources and adaptation measures."

Critical Issues Action Initiative Project Will Provide Carbon Trading Know-How

Using funds from the CIAI, NACWA is completing a primer entitled, *Getting Into the Game: Taking Advantage of Carbon Trading*. This Primer will help clean water agencies better understand how climate change markets currently function and how the markets might evolve in the future with new climate change legislation. Many state and re-

gional climate change initiatives are already shaping the impacts of GHG emissions reductions and carbon trading. POTWs may have new opportunities for participating in the markets if a federal cap-and-trade system for GHGs is instituted, since agencies may be able generate credits or offsets to be sold on a carbon market by capturing and reusing the methane produced at their facilities. In the meantime, POTWs may still consider participating in the already existing voluntary carbon markets as a new source of revenue.

Before a POTW jumps into a carbon trading market, many regulatory and legal issues must be considered. The Primer will provide an outline of these issues, as well as a detailed roadmap of the legal process that the utility should go through if it does decide to join a market. The Primer is expected to be completed and available to members in January 2009.

NACWA Continuing Active Advocacy on Climate Change

NACWA is continuing to work on recommendations for improving the wastewater GHG emissions estimates in EPA's annual *Inventory of U.S. Greenhouse Gas Emissions and Sinks*, in which wastewater treatment is currently ranked as the sixth largest source of nitrous oxide and the seventh largest source of methane. NACWA has been working with EPA over the last two years to provide justification for changing the emissions estimation methodology, which would decrease the estimates of GHG emissions. This work, funded through the CIAI, is currently focusing on the nitrous oxide methodology, with collection of comprehensive emissions data from POTWs. Although the Inventory is currently not used for any regulation of GHG emissions, it may be used in the future, and NACWA believes the emissions for POTWs should be accurately calculated.

NACWA is also preparing for new climate change legislation to be introduced next year. The Association is delivering a consistent message on Capitol Hill that climate change is primarily a water issue, and any climate change legislation must provide a comprehensive consideration of the adaptation needs of POTWs. ♦

NACWA's 2009 Winter Conference

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changing the way they plan their capital spending to stretch their limited resources. For some utility managers, the financial planning and investment portfolio concepts they use to guide their personal finances through the peaks and valleys in the stock market are now increasing being applied at the utility. Managers are outlining the goals of their long-range capital plans and determining the appropriate balance and quality of their capital investments, rates to customers, and benefit to the municipality in pursuit of the utility's goals. Utilities are finding that with a range of investment

portfolio options in hand, all meeting regulatory and fiduciary responsibilities, they can better manage the balancing act necessary to plan for the long-term and get better buy-in from key decisions makers.

Controlling Chaos: Managing Capital Costs in an Uncertain Economic Environment will offer invaluable information from economists, as well as water sector leaders and practitioners. Through featured speakers and panel discussions attendees will access new approaches and learn the most recent developments to support their utility management efforts in these challenging economic times.

Nutrients, Pharmaceuticals, Climate Change among Issues Addresses by NACWA Committees

NACWA's committees will meet during the Winter Conference to highlight new developments and share significant information on critical issues facing clean water agencies. Nutrients, pharmaceuticals and climate change will be among the issues discussed. Attention will also be paid to the approach of the new Administration and Congress to key legislative and regulatory issues of importance to Association members. NACWA committee meetings are open to all attendees and provide an exceptional forum to stay abreast of, and involved

in, current and emerging legislative, legal, regulatory and management issues.

Excellence in Management Recognition Program Awardees Honored

As part of the 2009 Winter Conference, NACWA will be recognizing the 2008 *Excellence in Management Recognition Program* award honorees at an awards ceremony and reception. This program, now in its fourth year, recognizes member agencies that have implemented and sustained successful programs that address the wide range of management challenges faced by public clean water utilities. The Association's 2008 awardees are a distinguished group of agencies whose management initiatives have moved beyond "everyday" best practices to exemplify a truly effectively managed utility.

Register Today!

The NACWA's 2009 Winter Conference, *Controlling Chaos: Managing Capital Costs in an Uncertain Economic Environment* is quickly approaching! For additional information on the Winter Conference including a detailed agenda and registration information, visit NACWA's website at www.nacwa.org. Also, be sure to contact the Westin Buckhead Atlanta at 404.365.0065 to secure your room at the special group rate of \$209. We look forward to seeing you in Atlanta! ♦

NACWA Celebrates New Members in the New Year

It's a new year, and with the arrival of a new Congress and Administration in Washington the Join NACWA Now! membership initiative is carrying on with a renewed sense of vigor. The expansion of NACWA's outreach and membership development will be a top priority as we continue to assert ourselves as the voice of clean water on Capitol Hill, within U.S. Environmental Protection Agency and in the nation's courts.

NACWA welcomes two new Corporate Affiliate members to the Association. They are:

Jason Consulting, LLC, Washington, D.C.

Represented by: Robert Morrison, Principal

The Jason Consultants Group was founded over 25 years ago with the objective of providing cost effective and practical solutions to underground engineering problems specializing in the application of trenchless technologies.

R. W. Beck, Inc., Framingham, Mass.

Represented by: Stephen Gates, Senior Vice President

R. W. Beck Inc. advances financial, energy, water/wastewater and solid waste enterprises by applying their distinct blend of technical expertise and business acumen to help solve complex problems.

NACWA would like to express its appreciation to its current members who inspired these new organizations to join. If you know of a clean water agency or organization that would benefit from NACWA membership, e-mail their information to us at membership@nacwa.org. We look forward to working with you to further grow NACWA's membership. ♦

NACWA's Critical Issue Action Initiative Protects Clean Water Agency Priorities

NACWA's Board-endorsed and member-supported *Critical Issues Action Initiative* is well on its way to generating the data and providing the expertise and analysis needed to ensure that clean water agency interest are effectively represented in the areas of nutrients, climate change, pharmaceuticals, watershed management, infrastructure sustainability and security. With five initiatives already underway the Association will be well-positioned and ready to engage when public policy debates begin to tackle these critical issues and actively and aggressively move forward. The *Clean Water Advocate* will serve as the forum for monthly updates on this important initiative – highlighting key developments and benefits realized from the targeted advocacy agenda in the *Critical Issues Action Initiative*.

- **Nutrient Legal Analysis and Control Evaluation**

Work is underway to prepare a set of strong technical and legal arguments against the modification of the definition of secondary treatment to address nutrient discharges at clean water agencies. The resulting report will provide NACWA and its members with information critical to preventing a wholesale rewriting of the treatment requirements. Association members will also benefit from a critical analysis of the costs associated with nutrient controls and the impacts of those controls on the environment. A project team from NACWA's Water Quality Committee is guiding this effort and a final report is anticipated in March, 2009.

- **Peer Review – Pharmaceutical Peer Review Panel**

NACWA is working with the Association of Metropolitan Water Agencies (AMWA) and several other water sector organizations to convene a peer review panel of subject-matter experts to develop a set of strategic

recommendations on the issue of pharmaceuticals in water. The panel's recommendations will be used to inform and guide an appropriate national response to this issue that is rooted in the current state of the science. NACWA and AMWA are currently working to refine the objectives for the panel and secure the necessary funding for the effort. The organizations will meet in the coming weeks to begin selecting individuals for the panel and plan the first panel meeting for early 2009. The panel's report is anticipated to be completed by the summer of 2009.



- **Climate Change Primer – Tapping the Carbon Market**

Significant progress has been made developing a Climate Change Primer to help municipal clean water utilities better understand the challenges and opportunities presented by emerging carbon markets, including potential financial benefits through participation in carbon trading or offset projects. NACWA has reviewed and commented on a first draft of the Primer. A team of NACWA staff and representatives from the Association's Air Quality & Climate Change and Legal Affairs committees has been involved in the review process. Work is currently underway on the final draft and NACWA anticipates releasing the completed document to the membership in January 2009.

- **Chemical Security White Paper**

NACWA is currently evaluating a proposal to develop a white paper addressing the unique security, environmental, and public health concerns associated with including wastewater treatment plants under the Chemical Facility Anti-Terrorism Standards (CFATS). The paper will provide Association with a series of key advocacy arguments for use on its members' behalf during discussions on reauthorization of the CFATS legislation in the upcoming congress. Work on the white paper is anticipated to begin in early January 2009 with a finished product available to the membership in late February 2009.

- **Greenhouse Gas Inventory**

NACWA is currently preparing information that will be used in its expert review comments on the next annual EPA *Inventory of U.S. Greenhouse Gas Emissions and Sinks*, slated for release in January 2009. Emissions from wastewater treatment ranked sixth for nitrous oxide and seventh for methane in last year's Inventory, and NACWA believes that a more accurate estimation methodology could lower the emissions for POTWs. Current work is focused on justification for changing the nitrous oxide methodology. A literature review has been conducted to support the Association's position and provide detailed information on the emissions measurements performed at a NACWA member agency facility.

For additional information on NACWA's Critical Issues Action Initiative we invite you to visit www.nacwa.org/criticalissues. ♦

NACWA Hosts Consumer Products Dialogue Meeting on Antimicrobials

On December 4, NACWA convened a meeting of the *National Dialogue on Safe and Sustainable Consumer Products* with a focus on antimicrobials in consumer products.

The dialogue is designed to address concerns raised by NACWA members and other stakeholders about consumer products with ingredients or additives that end up in the sewer system and eventually are released into the environment. NACWA member representatives from the City of Greensboro Water Resources Department, N.C., East Bay Municipal Utility District, Calif., and the King County Department of Natural Resources and Parks, Wash., as well as individuals from other environmental organizations, the Food and Drug Administration (FDA), and the Environmental Protection Agency's (EPA) Office of Pesticide Program's Antimicrobials Division, attended the meeting.


Triclosan and Nanosilver Receive Attention

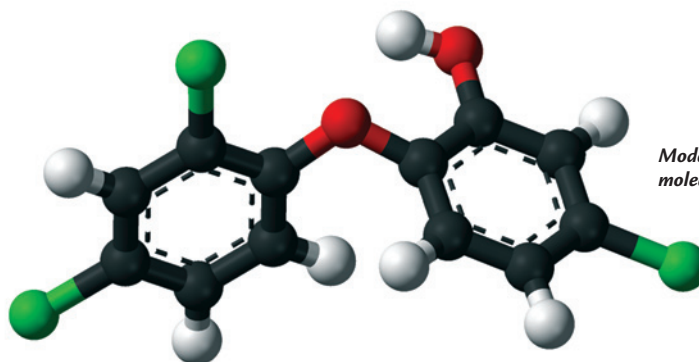
Triclosan was a major topic of discussion, including the Reregistration Eligibility Decision (RED) process that EPA is currently completing for triclosan. At the meeting, EPA described the RED process and the new evaluation of human health and environmental fate and effects risk assessments for triclosan that was conducted. EPA representatives also provided their perspectives on the Agency's proposed rule on data requirements for antimicrobial pesticides, which includes for the first time a "Down-the-Drain" model that will be used to assess the impacts of antimicrobial pesticides on the wastewater treatment process and the aquatic environment.

Nanosilver also received attention at the meeting, with a representative from the Woodrow Wilson International Center for Scholars providing an overview of the Center's report, *Silver Nanotechnologies and the Environment: Old Problems or New Challenges?*. The report details the underlying chemical and environmental processes that can be used as a starting point for nanosilver risk assessments. The International Center for

Technology Assessment (ICTA) also provided information about the petition that it, and other groups, filed in May requesting that EPA regulate nanoscale silver as a new pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This petition follows up on previous actions to address nanosilver and other engineered nanoparticles in consumer products, such as NACWA's 2006 letter to EPA concerning washing machines that released silver ions that eventually helped lead to the Agency requiring registration of silver ion-generating equipment.

NACWA, and other dialogue partners,

plan to submit comments on EPA's proposed rule for antimicrobial data requirements, and on the ICTA petition. The dialogue partners will continue to look for collaborative ways to reduce the use of antimicrobials and other potentially harmful additives in consumer products. Since regulation of these products is divided between EPA and FDA, there is a heightened level of attention being focused on how regulatory silos can be broken down and a comprehensive approach applied to these products. Voluntary actions that could be taken by retailers and consumers are also being explored. 



Model of the Triclosan molecule

