

CLEAN WATER ADVOCATE

Billy Turner, former President of Columbus Water Works in Columbus, Georgia is being recognized by NACWA with a National Environmental Achievement Award for distinguished service. Mr. Turner's energy, enthusiasm and expertise during his service to the Association as a committee leader and board member are exceptional. Most notably, his contributions in the utility management and security arenas have made a significant and long lasting impact on not only the Association but the clean water community as well.



A Clear Commitment to America's Waters

APRIL 2009

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NACWA Pushes EPA and House Committees to Assert Jurisdiction over Chemical Security Legislation

With the House Homeland Security and Energy and Commerce Committees poised to introduce and report out chemical security legislation that would, for the first time, include water and wastewater treatment facilities, NACWA has urged the House Transportation and Infrastructure (T&I) Committee to assert jurisdiction over how security concerns are addressed at these facilities. The House T&I Committee has traditionally held jurisdiction over wastewater infrastructure, the Clean Water Act, and related security needs; however, the committee did not receive a referral for the *Chemical Facility Anti-Terrorism Act of 2008* (H.R. 5577). The bill essentially reauthorizes the authority that Congress gave the Department of Homeland Security (DHS) in 2006 to regulate security at these facilities under the Chemical Facilities Anti-Terrorism Standards (CFATS) program. Efforts to move H.R. 5577 were hindered though by questions of jurisdictional oversight between Homeland Security and the Energy and Commerce Committee, which received a referral and has traditionally held jurisdiction over drinking water facilities.

Action before Memorial Day Anticipated

Homeland Security Chairman Bennie Thompson (D-Miss.) and Commerce Chairman Waxman (D-Calif.) have since been able to iron out the jurisdictional issues between their committees and have

revealed plans for moving a chemical security bill before Memorial Day. The committees have been negotiating in an effort to develop a single bill that both panels could mark up. Specifically, instead of allowing DHS to monitor and apply security regulations to drinking water facilities, the Energy and Commerce Committee will be writing a separate title for the bill that will keep drinking water utilities under the U.S. Environmental Protection Agency's (EPA's) jurisdiction, preventing DHS from oversight. Wastewater facilities, however, would still fall under the purview of Thompson's bill, requiring DHS to monitor and apply security regulations on facilities across the country that store or process dangerous chemicals such as chlorine gas.

NACWA asserts that any new legislation focusing on security at wastewater treatment facilities should fall under the oversight of the T&I Committee, and that EPA should retain primary oversight authority for security concerns at water and wastewater utilities because the Agency has jurisdiction over the environmental laws under which they operate. The Association has also pointed out that dual jurisdiction is not workable due to the large number of joint water and wastewater facilities. To date, no bill has been introduced in the Senate. However, this issue is a priority in both chambers because the current CFATS program is set to expire this October. Members will be kept apprised of new developments as they occur. 

2009 National Clean Water Policy Forum: EPA Administrator Lisa Jackson, CEQ Chair Nancy Sutley Confirmed to Speak on Obama Administration Priorities



« U.S. Environmental Protection Agency Administrator Lisa Jackson will be a key note speaker at the 2009 National Clean Water Policy Forum and will be discussing the priorities of the Obama Administration and the need for an "integrated approach" to addressing clean water issues.

The 2009 National Clean Water Policy Forum, sponsored by NACWA and the Water Environment Federation (WEF) May 3-6, is shaping up to have quite an impressive list of speakers. Leading off the *Policy Forum* on Monday morning will be U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson, who recently spoke of the need for an "integrated approach" to addressing clean water issues, a theme echoed by NACWA in its advocacy efforts. Those attending the *Policy Forum* will have an opportunity to hear straight from the top about EPA's clean water priorities and how its plans for addressing such critical issues as nutrient control, wet weather challenges, and climate change will unfold. Also highlighting

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Mixed Reviews and Unanswered Questions: Stimulus Implementation Plays Out in States

The American Recovery and Reinvestment Act (ARRA) is now in full implementation mode and receiving mixed reviews from NACWA members. On April 1, NACWA hosted two conference calls with members to learn how the economic stimulus package is playing out in individual states and how the Association could best support its members by delivering comments to national leaders – and seeking answers to questions and concerns. Association staff heard from utilities in over twenty states with varying views on how their States were approaching distribution of the Clean Water State Revolving Funds (CWSRF) under the stimulus program. One common theme that emerged from the calls was that the demand for CWSRF funds far out-stripped fund availability and that States were stretching the dollars among as many communities as possible. In some states, NACWA member utilities would receive a relatively small portion of the funds, though under very good terms due to the additional subsidization authority provided by the ARRA. In other states, NACWA members would likely not receive any funds because their State decided to focus funding on smaller communities or on existing projects on a State Intended Use Plan (IUP) on which member agencies were not previously listed. Meanwhile, in a handful of states, no decisions have been made as to how any of the CWSRF funds would be distributed.

Buy American Provision Raise Questions

One stimulus-related issue that is of concern to many NACWA members is how “Buy American” requirements will be implemented by the U.S. Environmental Protection Agency. NACWA met with EPA’s Director of the Office of Wastewater, Jim Hanlon, on April 2 and discussed member concerns with the Buy American provisions. EPA indicated that they are in the process of developing guidance on how States and utilities would need to comply with the provision and waiver process. Hanlon indicated that



there would likely be three types of waivers granted: a waiver specifically for projects re-financed after October 1, 2008 but prior to enactment of the ARRA, a waiver for certain classes of products known to be manufactured outside the U.S., and a waiver for specific projects that may not meet the specific provisions of the law. NACWA members have been invited to comment on development of EPA guidance before it is issued which will enable us to engage EPA in a constructive dialogue to work out anticipated kinks in a waiver process to avoid unnecessary delays and later confusion.

At the April 2 meeting, NACWA also urged EPA to clarify its general guidance on ARRA implementation because of concerns with the document’s description of how States should use additional subsidization authority provided under the Act. Final ARRA language requires States to at least fifty percent of the CWSRF in the form of additional subsidization, including principal forgiveness, negative interest loans or grants, without any restrictions placed on which communities should qualify for the additional subsidization. The conference report accompanying the language indicates that States should distribute those funds to communities that could otherwise not afford a loan, but remains silent on what types of communities that might include. The EPA guidance document, however, suggests that communities that “could otherwise not afford a loan” should be considered either disadvantaged communities or environmental justice communities. NACWA members have reported that many

States view the EPA guidance as requiring them to limit additional subsidization to only disadvantaged or environmental justice communities. Although EPA disputes that this was their intent, NACWA urged them to reissue the guidance without those terms in it to remove the confusion that it is causing.

Members Invited to Provide Ongoing Feedback

NACWA has also launched a special section on its website, *The Stimulus Stump . . . A Voice for Clean Water Utilities*, where members can relate their stories about stimulus implementation in their states. A *Quick Link* at www.nacwa.org will link you directly to the feedback page. The information that NACWA receives through this tracking process will help us better advocate on behalf of member needs and provide more accurate information about how the stimulus funds are being spent.

At the beginning of the stimulus debate, NACWA members demonstrated over \$17 billion worth of wastewater projects could have shovels in the ground within 120 of receiving stimulus funding. However, the stimulus package only provided \$4 billion for the Clean Water State Revolving Fund. NACWA will continue to advocate for greater federal funding and for the establishment of a long-term trust fund to ensure federal funding remains stable and to assure communities that the federal government will be a true partner in helping them meet their clean water challenges well into the future. 6

National Environmental Achievement Awards Recognize Outstanding Contributions

NACWA will recognize nine individuals with a 2009 *National Environmental Achievement Award (NEAA)* on May 4, 2009 during the *National Clean Water Policy Forum*. The NEAA program recognizes both individuals (in May) and member agencies (in July) that have made outstanding contributions to environmental protection and the clean water community.

Boozman to Receive Federal Service Award

Rep. John Boozman (R-AR) will be recognized with the Association's Federal Public Service Award for his leadership in protecting our nation's waters and his dedication to making clean and safe water issues a priority. As the Ranking Minority Member of the House Transportation & Infrastructure Subcommittee on Water Resources and Environment, Representative Boozman's leadership has been critical in addressing the needs of our nation's aging and ailing water infrastructure. His accessibility and collaboration in working with



⌘ *Rep. John Boozman (R-AR) is being honored with NACWA's National Environmental Achievement Award for Federal Public Service for his leadership in protecting our nation's waters and his dedication to making clean and safe water issues a priority.*



clean water utilities has played an integral part in strengthening NACWA's efforts to advocate for a federal commitment to address 21st century water quality challenges.

State and Local Leaders Recognized

The contributions of state and local elected and appointed leaders are celebrated by the Association. NACWA is recognizing Paul Marchetti, Executive Director of the Pennsylvania Infrastructure Investment Authority (PENNVEST) for public service at the state level on behalf of clean water community. Marchetti's leadership of PENNVEST has made it the largest source of grants and loans in Pennsylvania for water supply and wastewater treatment infrastructure. Also being honored is Ron Poltak, Executive Director of New England Interstate Water Pollution Control. Under Poltak's direction, the Commission has expanded its outreach on water quality and is committed to seeking common ground between municipalities and states to advance a united position in the funding arena.

At the local level, NACWA will honor Mayor Richard Daley of Chicago for his pursuit of green and sustainable solutions to the city's water quality challenges. The Mayor's commitment to stormwater management and the reduction of combined sewer overflows has made Chicago a model city for green infrastructure and water conservation. James Swarthout, President of the Board of Trustees of the North Shore Sanitary District in Gurnee, Ill., is being honored for his commitment to technological improvements benefiting the environment and wastewater community. Each of these individuals are being honored for their vision and leadership on behalf of the environment and public health.

Grumbles Honored for Excellence in Environmental Stewardship

The recipient of NACWA's 2009 *Environmental Award* is Benjamin Grumbles,

former Assistant Administrator, U.S. Environmental Protection, Agency Office of Water. During his tenure at the Agency, Grumbles worked to ensure the sustainable use and management of the nation's water resources. He frequently consulted and collaborated with NACWA, and the clean water community as a whole, on key issues and established a path for the new administration to address issues critical to the clean water community.

Turner's Distinguished Service Acknowledged

NACWA will honor Billy Turner, former President of Columbus Water Works in Columbus, Ga. with its *Distinguished Service Award* for his active and notable service to the Association and the clean water community. Serving the Association as a committee leader and board member, Turner's energy, enthusiasm and expertise are paralleled by few. Most notably, his contributions in the utility management and security arenas made a significant and long lasting impact.



⌘ *NACWA is extending Paul Marchetti, Executive Director of the Pennsylvania Infrastructure Investment Authority (PENNVEST) a National Environmental Achievement Award for his leadership in the area of grants and loans in Pennsylvania for water supply and wastewater treatment infrastructure.*

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Special Recognition Awarded

The Massachusetts Coalition for Water Resources Stewardship, an alliance of municipalities from across the state, will be honored with NACWA's *Special Recognition Award* for their leadership in advocating for Clean Water Act reforms. The Coalition's white paper, the *Case for Environmental Regulatory Reform – Clean Water Act NPDES Permitting*, emphasizes the need for a new, more holistic approach to improving clean water permitting. Using the white paper, the Coalition has begun a dialogue with their Congressional delegation and Regional EPA representatives to address the need for better communication, valid science, and a meaningful way to better prioritize our investment in water quality. The outcome of this discussion will no doubt add to the growing national dialogue on the needed changes to the country's clean water programs.

Presidential Honors to Umberg

The *President's Award* allows the current NACWA President to recognize significant contributions toward achieving the goals and objectives of the Association. This year's 2008-2009 President, Marian Orfeo, Director of Planning & Coordination at Massachusetts Water Resources Authority, selected Martin Umberg, Sewer Chief Engineer at the Metropolitan Sewer District of Greater Cincinnati in Cincinnati, Ohio to receive this prestigious honor. Umberg's leadership in advancing NACWA's activities relating to financial capability assessments at clean water agencies and affordability issues made him a solid choice for this honor.

NACWA would like to commend all of these individuals on their clear commitment to clean water and thank its Awards Committee, chaired by Philip Friess, Department Head, Technical Services of the Sanitation Districts of Los Angeles County, Calif., for their significant contribution of time and expertise in selecting the 2009 honorees. The Association will recognize NEAA agency honorees at the July 2009 Summer Conference in Milwaukee, Wisconsin. See the June issue of the *Clean Water Advocate* for a description of the award-winning agency programs. 💧

Climate Change Issues to be Featured at NACWA Summer Conference

NACWA's 2009 Summer Conference and 39th Annual Meeting, *The New Regulatory Climate... Clean Water Agencies Prepare to Act* will examine key issues included in the Association's *Critical Issues Action Initiative (CIAI)*, citing opportunities for utilities to take action as environmental leaders. Climate change is one of these issues, with recent and upcoming federal actions sure to have an impact on clean water agencies. The U.S. Environmental Protection Agency's (EPA) new endangerment finding on greenhouse gases, which opens the door for regulation of greenhouse gases under the Clean Air Act – along with the Agency's proposed Greenhouse Gas Reporting Rule and potential federal climate change legislation – may impose new requirements on utility operations. Additionally, the increased attention on climate change may cause more local and regional authorities to ask utilities to calculate their carbon footprint and find ways

to reduce it. Speakers at NACWA's Summer Conference will discuss the implications of these new regulations on utilities and explore actions that utilities can plan, or take now.

The Summer Conference, July 14-17 at the InterContinental Milwaukee in Wisconsin, will feature many other issues that are of increasing importance, such as nutrients, emerging contaminants, and wet weather issues. Along with a provocative agenda, NACWA agency *National Environmental Achievement Awards* will be presented and Association committees will meet. Other planned events include a reception at the recently-opened Harley Davidson Museum and a facility tour provided by host member agency, the Milwaukee Metropolitan Sewerage District. We invite you to plan now to attend this important meeting and visit the *Conferences & Professional Development* page of NACWA's website www.nacwa.org soon for additional information about the conference. 💧



Team members consult Geographic Information System maps and data layers as they design their own green infrastructure network at the recent NACWA municipal green infrastructure course, held April 14-16 at the National Conservation Training Center in Shepherdstown, WV. The course, *How Green Is My Infrastructure? A Regional Approach to Municipal Planning and Investment*, was the result of a collaborative planning effort between NACWA and The Conservation Fund and focused on helping municipal utilities better understand the uses and implementation of green infrastructure technologies as a way to improve water quality. The course 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 gave the course very positive reviews and particularly enjoyed the opportunity to work in small teams developing and implementing green infrastructure networks based on material learned during classroom instruction.

NACWA's Critical Issues Action Initiative Delivers— Clean Water Agency Priorities Protected

NACWA's Board-endorsed and member-supported *Critical Issues Action Initiative (CIAI)* has made significant progress toward 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. The *Clean Water Advocate* serves as the forum for monthly updates on this important initiative

NOW AVAILABLE: *Chemical Security Legislation: Economic, Environmental, and Public Safety Implications from a POTW Perspective*

Work is now complete on a white paper addressing the unique security, environmental, and public health concerns associated with including wastewater treatment plants under federal chemical security legislation, specifically the Chemical Facility Anti-Terrorism Standards (CFATS). The white paper, *Chemical Security Legislation: Economic, Environmental, and Public Safety Implications from a POTW Perspective*, provides the Association with a series of key advocacy arguments for use during congressional debate on reauthorization of the CFATS legislation, including reasons why inherently safer technologies (IST) should not be required at clean water utilities and why utilities need funding for any new security requirements. The document is also valuable to NACWA members when discussing security issues with their own local and state policymakers. The white paper has already been distributed to key congressional offices on Capitol Hill and is available for download to Association members from the NACWA website on the *Security & Emergency Preparedness* page.

NOW AVAILABLE: *Getting Into the Game: How POTWs Can Take Advantage of Carbon Trading*

In an effort to provide both guidance and potential economic benefit to its members NACWA released a climate change primer in January 2009. The primer, *Getting Into the Game: How POTWs Can Take Advantage of*

Carbon Trading, offers valuable information to agencies confronting complex decisions relating to climate change and helps municipal clean water utilities better understand the challenges and opportunities presented by emerging carbon markets. The primer is available for free download to NACWA members from the Association's website on the *Climate Change* page. Other parties interested in the publication may also purchase it by visiting the *Publications* page of NACWA's website at www.nacwa.org.



BENEFITS REALIZED: *Greenhouse Gas Inventory*

Funding through the Association's CIAI significantly enhanced NACWA's comments on EPA's *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2007, Expert Review Draft*. Supported by data gathered and analyzed through the CIAI, NACWA suggested changes to the methodology used to estimate nitrous oxide and methane emissions from municipal wastewater treatment. NACWA's work on reviewing the Inventory has resulted in modifications to EPA's emissions estimation methods, helping to lower the nitrous oxide emissions estimates by over 40 percent. The *Inventory* was also used as the basis for EPA's proposed Greenhouse Gas Report Rule, which specifically excludes wastewater treatment process from reporting their emissions. Work on the CIAI-funded portion of this project is now complete, although NACWA will continue to work with EPA on refining the emissions estimates.

COMING SOON: *Legal & Technical Analysis of Nutrient Issues*

Work to prepare a set of technical and legal arguments against the modification of the definition of secondary treatment to address

nutrient discharges at clean water agencies is nearing completion. The report provides information critical to preventing a wholesale rewriting of the secondary treatment requirements and will serve as the foundation for any legal action that may become necessary. Association members will also benefit from a critical analysis of the technical challenges and impacts associated with nutrient controls on the environment. NACWA is working to finalize the report and will make it available to the membership later this month.

UNDERWAY: *Peer Review – Pharmaceutical Peer Review Panel*

NACWA is working with the Association of Metropolitan Water Agencies (AMWA) to convene a 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, together with the panel facilitator and co-chairs, are now working to invite the panel of experts. The first meeting of the panel will take place in May or June, with a final report expected within six months after the initial meeting.

UNDERWAY: *Viable Watershed Strategy Outreach*

NACWA's Strategic Watershed Task Force released, last year, its *Recommendations for a Viable and Vital 21st Century Clean Water Policy* making key long-term and short-term recommendations toward an implementable watershed approach. Following up on this important document, the Task Force has developed legislation, the *21st Century Watershed Act*. The draft legislation was presented at NACWA's 2008 Summer Conference, and a group of stakeholders discussed the draft at the NACWA 2008 Fall Strategic Leadership Retreat. Outreach on the proposed viable watershed strategy – to ensure that NACWA members, key stakeholders, and national policymakers are fully aware and engaged – is underway and being supported by the CIAI. NACWA has organized a stakeholder meeting on April

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21 to receive and discuss comments on the draft legislation from the Natural Resources Defense Council, American Rivers, and other key stakeholders. The Association has also shared the bill with staff of key congressional committees and views a hearing on Capitol Hill as the likely next step toward the bill's introduction in Congress.

ONGOING: Support of Product Stewardship Institute Dialogue on Pharmaceuticals

NACWA has entered discussions with the Product Stewardship Institute to best target the Association's contribution to the Institute's ongoing dialogue on unused pharmaceuticals and take back programs. The first two dialogue meetings have made tremendous progress in improving communication among the key federal agencies responsible for national drug policy and have identified the key obstacles to providing greater access to unused pharmaceutical take back programs nationwide. NACWA's contribution will be used to support the efforts of the Regulatory Workgroup, which is working now to identify and address the governmental barriers to better handling of unused pharmaceuticals, and the third dialogue meeting that will take place this summer in Washington, DC. ♦

NACWA Launches Utility Network for Clean Water Funding

NACWA has created a national *Clean Water Funding Network* for utilities to advocate for a sustainable local-state-federal financial partnership to ensure clean and safe water. The *Network* is open to all clean water utilities, nationwide.

The *Clean Water Funding Network's* mission is to help utilities work with policymakers from coast-to-coast to restore a meaningful funding partnership that can meet the water quality challenges of the 21st Century. *Network* members will stay informed through conference calls, periodic e-mails and www.cleanwaterfunding.org, a newly launched website that will serve as a clearinghouse for information on the importance for clean and safe water funding in the face of an immense and expanding need. The website will also serve as a forum for utility leaders to share ideas and coordinate their advocacy efforts.

We encourage all clean water utilities to join the *Network* today at www.cleanwaterfunding.org. While joining we invite you to check the website for information and downloadable documents on state

and federal efforts to solve the clean water funding crisis.

Topics include:

- Economic stimulus packages in Washington that include funding for local infrastructure projects
- Proposed legislation to create a national Clean Water Trust Fund
- Proposals to create a Federal Infrastructure Bank
- Reauthorization of the Clean Water and Drinking Water State Revolving Funds
- State and local efforts to fund clean water infrastructure and gain public support for clean water investments
- How to work with your Congressional delegation to gain their support for clean water funding

For more information on the *Clean Water Funding Network*, contact Byron DeLuke, NACWA's Manager of Legislative Affairs at bdeluke@nacwa.org or 202-833-4655. ♦

2009 National Clean Water Policy Forum

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this year's Policy Forum will be Nancy Sutley, chair of the White House Council on Environmental Quality, who is the principal advisor to President Obama on environmental policy and whose office works with federal agencies and other White House offices to coordinate environmental policy. She will be a key player in shaping the administration's climate change policy, particularly in coordinating among various federal agencies.

Efforts by Congress and the Obama administration to develop and implement a comprehensive and sound approach to climate change will no doubt have an impact on the clean water community. The *Policy Forum* will feature Joseph Romm, editor of climateprogress.org and senior fellow at the Center for American Progress, who was

named by *U.S. News and World Report* as one of the eight "most influential energy and environment policymakers in the Obama era" to analyze how these initiatives will play out and affect water policy. Also on hand will be directors of program offices within the EPA Office of Water, as well as key legislative staff to discuss current and upcoming legislation of interest to the clean water community. Another highlight of this year's *Policy Forum* will be the third annual *Utility Executives Summit*, which provides a unique forum for the leaders of the nation's clean water agencies to discuss current issues, particularly as they relate to the implementation of the \$6 billion in funding made available in the recent economic stimulus package, the *American Recovery and Reinvestment Act*.

Make the Clean Water Community's Voice Heard by Joining Us in Washington

If you have not made your plans yet, today is the day to make your reservations to join your clean water colleagues in Washington, DC to help us make our voices heard on national clean water policy. Registration information, an up-to-date agenda and additional information are available on the Conferences & Professional Development page of NACWA's website www.nacwa.org. Reserve your hotel room today by contacting the Renaissance Washington, at 202.898.9000 to guarantee the special conference rate of \$289 single/double. We look forward to seeing you in Washington in May. ♦