

CLEAN WATER ADVOCATE

A Clear Commitment to America's Waters

Peter Silva, nominee for Environmental Protection Agency (EPA) assistant administrator for water, has been invited to give the keynote address at NACWA's upcoming Summer Conference. Silva, a civil engineer who currently serves as a senior policy advisor for the Metropolitan Water District of Southern California, has worked in the water and wastewater industry for over 30 years.



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On the Hill

NACWA Advocacy Intensifies as Congress Starts Work on FY 2010 Appropriations Bills and other Key Legislation

In an example of the federal government's increasing commitment to clean water funding, the Obama Administration has requested \$10.5 billion for the Environmental Protection Agency (EPA) in fiscal year (FY) 2010, with a large increase for clean water programs. Specifically, the request includes \$2.4 billion for the Clean Water State Revolving Fund (CWSRF) and \$1.5 billion for Drinking Water State Revolving Fund (DWSRF). NACWA wrote letters of support for this increase and is urging its members to weigh in with their congressional delegation to ensure that Congress fully funds President Obama's request.

Senate EPW Committee Marks Up \$38.5 SRF Bill

In other action, the Senate Environment and Public Works (EPW) Committee marked up the

\$38.5 billion *Water Infrastructure Financing Act of 2009* (S. 1005) on May 14. The bill would reauthorize the CWSRF at \$20 billion and the DWSRF at \$15 billion, provide \$1.8 billion in grants to address combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs), \$250 million for critical water infrastructure projects, and \$25 million for technical assistance to small and rural communities. The House passed its version of the bill to reauthorize the CWSRF at \$13.8 billion over five years in March.

The Senate legislation reflects several key priorities for NACWA. The controversial "Buy American" provision that was in the stimulus package was not included in the Senate bill. The bill also allows up to 30 percent of the SRF dollars to be used as grants for disadvantaged communities or to promote green infrastructure. NACWA

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NACWA's Summer Conference Looks Ahead to Utility Roles & Responsibilities Under New Regulations



The new Administration is refocusing national environmental priorities and taking a particular interest in the health of the nation's waters. With this shift in environmental focus, clean water agencies are certain to be subject to new regulations that are meant to protect and restore the nation's waters, and opportunities will abound for utilities to provide important expertise and demonstrate their leadership on important environmental issues. NACWA's 2009 Summer Conference & 39th Annual Meeting, *The New Regulatory Climate... Clean Water Agencies Prepare to Act*, will focus on active and emerging environmental issues and anticipated regulation. The Conference's Milwaukee location, on the shore of Lake Michigan, will provide the perfect backdrop for highlighting the actions that are planned to restore and protect the Great Lakes, and how policies affecting the Great Lakes may translate into national regulations.

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On the Hill

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also successfully advocated for inclusion a provision authorizing training and technical assistance funding for effective utility management strategies in line with a multi-organization collaborative initiative on effective utility management.

BEACH Act Reauthorization Bill Reflects NACWA Improvements

A bill to reauthorize the *Beaches Environmental Assessment and Coastal Health Act* (BEACH Act) has been reintroduced in Congress and contains significant improvements due to NACWA's advocacy efforts. The *Clean Coastal Environment and Public Health Act of 2009* (S. 878; H.R. 2093) would require EPA to develop and validate a rapid test method by October 2012 for use in monitoring coastal recreational waters. Earlier versions of the bill included a 2010 deadline, which was at odds with the litigation settlement NACWA achieved in *Natural Resources Defense Council v. EPA*, a federal lawsuit over BEACH Act implementation that set a 2012 deadline.

NACWA was pleased that the test validation deadlines were adjusted to comply with the settlement agreement, however the Association continues to be concerned with the bill's definition of a rapid test

method, which calls for results to be available "as soon as practicable and no more than two hours from the start of the test method." NACWA sent letters to the House and Senate on May 7 requesting removal of the specific requirement that results be available no more than two hours from the start of the test method. It is the Association's position that the legislation should not presume the state of the science at the time of the 2012 implementation deadline. NACWA is also calling for report language clarifying that any rapid testing method is only to be used for recreational water quality monitoring. This legislation does, however, represent a significant improvement over last year's version of the bill, and is an important victory for NACWA's active advocacy on this issue.

NACWA Works to Codify Waste Treatment Exemption to Clarify Clean Water Act Jurisdiction

NACWA continues to work with key congressional staff on the *Clean Water Restoration Act* (S. 787), introduced by Sen. Russ Feingold (D-Wis.), that would amend the Clean Water Act to clarify its jurisdiction over U.S. waters. NACWA

supported similar legislation considered in the 110th Congress after working with the House and Senate to ensure that current regulatory exemptions for man-made wastewater treatment ponds and constructed wetlands would be included in legislative language.

Specifically, the bill would replace the term "navigable waters" with the term "waters of the United States," which is defined consistent with language in the regulations for both the U.S. Army Corps of Engineers and EPA. The legislation is intended to restore protections for the nation's rivers, streams, and wetlands, which were long protected under the Clean Water Act, but are now in jeopardy of losing protection as a result of two U.S. Supreme Court cases.

The Feingold bill does not explicitly include the referenced exemptions, but contains language in the findings of the bill indicating that the legislative intent is that these exemptions continue. NACWA will work to ensure these exemptions are included in the statutory language and will continue to track this important legislation as it moves forward.

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« EPA Administrator Lisa Jackson spoke at the 2009 National Clean Water Policy Forum on the Obama administration's priorities for clean water, including the need to address nonpoint sources of pollution and the desire to "see a huge leap forward on water quality like we saw in the 1970s." She touted the increases in clean water funding already proposed by the administration and said it would produce a "sea change" of improvements.

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

Nearly eight months into its fiscal year, 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 interests 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*

Chemical Security Legislation: Economic, Environmental, and Public Safety Implications from a POTW Perspective, provides a series of key advocacy arguments for use during congressional debate on reauthorization of the Chemical Facility Anti-Terrorism Standards (CFATS) legislation. The white paper was widely distributed on Capitol Hill and is available for download the NACWA website on the *Security & Emergency Preparedness* page.

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

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 publication is available to NACWA members as a free download from the Association's website on the *Climate Change* page and may be purchased by non-members on 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* and 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 Reporting Rule, which specifically excludes wastewater treatment process from reporting their emissions.



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 will provide 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.

UNDERWAY: Peer Review—Pharmaceutical Peer Review Panel

NACWA and the Association of Metropolitan Water Agencies (AMWA) will 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. The first meeting of the panel will take place on July 9 in Washington, DC, with a final report anticipated within six months.

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*. 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.

ONGOING: Support of Product Stewardship Institute Dialogue on Pharmaceuticals

NACWA is actively engaged with the Product Stewardship Institute in 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 CIAI funds support the efforts of a Regulatory Workgroup, which is working now to identify and address the governmental barriers to better handling of unused pharmaceuticals, and a third dialogue meeting that will take place this summer in Washington, DC. 📍

NACWA's Summer Conference Looks Ahead

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Nutrients to Receive Attention

New regulatory actions are expected in several key areas that were included in the Association's Critical Issues Action Initiative (CIAI). One of these areas is nutrients. With EPA petitioned to modify the definition of secondary treatment to include nutrient removal, utilities are potentially facing drastic new treatment requirements. A panel presentation is planned to discuss the direction new regulations are expected to take, along with the most compelling technical and legal arguments against more stringent wastewater nutrient removal, as developed by NACWA through a CIAI initiative. The panel will also explore ways that EPA is working with states on nutrient problems and provide an example of how a Great Lakes municipality is dealing with new nutrient limits.

Wet Weather Issue Gain Prominence

Wet weather issues continue to be a concern for clean water agencies across the nation. The EPA is already beginning to explore new actions on wet weather, including a possible comprehensive sanitary sewer overflow (SSO) policy and reinvigorated enforcement effort on SSOs and combined sewer overflows (CSOs). A panel will focus on the ongoing challenges faced by utilities, and the progress being made in handling wet weather flows by clean water agencies in the Great Lakes and elsewhere.

Other issues that framed NACWA's CIAI

will also be included in the conference agenda. Concern over the presence of emerging contaminants, and particularly pharmaceuticals, in the nation's waters continues to grow, and the program will include a discussion about the state of science on these contaminants and how utilities may be expected to handle them in the future.

NACWA is also accelerating its efforts to get its 21st Century Watershed Act introduced, and the effects of current efforts to control pollutants on a watershed basis will be covered by a panel at the conference. In addition, speakers will present how utilities may begin practically addressing climate change mitigation and adaptation, even before federal regulatory or legislative action, and explain how the energy-water nexus will shape policy and utility operations in the future.

Online Registration Available Now

The Summer Conference will be held July 14-17 at the InterContinental Milwaukee, located along the Milwaukee Riverwalk. During the conference, NACWA's standing committees will meet and the *National Environmental Achievement Awards* will be presented. A tour of Milwaukee Metropolitan Sewerage District's Jones Island Water Reclamation Facility will be available to conference attendees. This facility has been operating on the shores of Lake Michigan for over 80 years, is on the National Register of Historic Places and



⌘ *Participants in NACWA's 2009 Summer Conference and 39th Annual Meeting will have an opportunity to visit Milwaukee Metropolitan Sewerage District's Jones Island Water Reclamation Facility.*

is designated as a National Historic Civil Engineering Landmark by the American Society of Civil Engineers. The 2009 NACWA Open golf tournament will also take place, and the final reception of the Conference will be held at the new Harley-Davidson Museum. An agenda, hotel information, and online registration are available on the Conferences & Professional Development page of NACWA's website. 📍

Strengthening the Voice of Clean Water—NACWA Membership

NACWA membership is a vital component to advancing advocacy initiatives on behalf of the clean water community. New members strengthen our presence and further inform our perspectives and positions on water quality challenges. NACWA is pleased to welcome the following new Public Agency and Corporate Affiliate members.

City of Lockport, IL

Represented by Joseph Findlay, Superintendent

The city is located approximately 35 miles southwest of Chicago and services a popu-

lation of 24,000. To learn more about Lockport, please visit www.lockport.org.

Veolia Water North America, LLC

Represented by Sandra Sullivan, Vice President - Municipal Development

Veolia Water North America is North America's leading water services provider for local and federal governments and business and industry—designing, building, operating and managing various types of facilities, programs and systems across the country. To learn more about Veolia North America, please visit www.veoliawaterna.com.



If you are aware of a clean water agency, or organization, that would be interested in adding their support to our efforts or who would benefit from learning more about NACWA's priorities, please contact Kelly Brocato, Director Membership Development at kbrocato@nacwa.org. 📍



« *Attendees to the 2009 NACWA/ WEF National Clean Water Policy Forum heard from U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson; Nancy Sutley, chair of the White House Council on Environmental Quality (CEQ); House and Senate staff members; Rep. Donna Edwards (D-Md.), a new member of the House Transportation and Infrastructure Committee; and Rep. Earl Blumenauer (D-Ore.) on the direction clean water policy will take in the coming years. The conference also included speakers from EPA, Building America's Future, and the Canadian Embassy.*

On the Hill

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New Challenges Arise as Lawmakers Look to Address Climate Change

Meanwhile, NACWA continues to ramp up its advocacy on climate change. Congress has begun debating legislation that could require a large portion of U.S. industrial facilities to reduce their greenhouse gas (GHG) emissions. NACWA is working with key members in both the House and Senate to point out that climate change is not simply a "temperature issue" but fundamentally a water resource management issue. Changing precipitation patterns, accelerated evaporation rates, and population growth are forcing a renewed look at how to adapt water policies, yet a March 31 discussion draft of legislation under development, the *American Clean Energy and Security Act of 2009* (ACES), did not completely address these concerns.

NACWA recently sent a letter to Rep. Henry Waxman (D-Calif.), chair of the House Energy and Commerce (E&C) Committee, and Rep. Edward Markey (D-Mass.), chair of the E&C Energy and

Environment Subcommittee, generally supporting the ACES while also suggesting revisions to strengthen how the bill addresses water-related concerns. NACWA is interested in provisions that would provide adaption funding and allow publicly owned treatment works (POTWs) to create and trade emissions offsets through carbon capture and sequestration.

Chairman Waxman intends to report out a bill from his committee by Memorial Day. NACWA will follow this action in 2009 to ensure that Congress views climate change as a water management issue and takes into account the additional concerns and needs of the nation's POTWs as it moves forward with legislation.

NACWA Joins Other NGO Groups in Urging Congress to Move Forward on Green Infrastructure Proposal

NACWA continues to be at the forefront of efforts to advocate for the use of green infrastructure as one way to address the nation's wet weather challenges. The

Association is working with the Natural Resources Defense Council, American Rivers, Clean Water Action, the Low Impact Development Center, the Center for Neighborhood Technology, the Association of State and Interstate Water Pollution Control Administrators, and others on a proposal for green infrastructure legislation. It would build upon the statement of intent to promote green infrastructure that the EPA and all these groups previously endorsed.

The legislative proposal would establish Centers of Excellence to develop and disseminate green infrastructure technologies, authorize a new federal grants program to support planning, implementation, and monitoring of green infrastructure projects and associated green jobs, and require EPA to create a program to promote green infrastructure and integrate it into existing regulatory programs. NACWA is working with several of its member agencies, including members in Kentucky, Missouri, Wisconsin, Massachusetts, Maryland and Oregon, to reach out to their Members of Congress to introduce the proposal. 📌



⤴ Rep. Donna Edwards (D-Md.), member of the House Transportation and Infrastructure Committee, spoke at the 2009 National Clean Water Policy Forum, expressing her strong support for innovative methods, including green infrastructure, to address 21st Century water quality challenges.

NACWA Board Approves Preliminary FY 2010 Budgets

NACWA's Board of Directors met in early May in Washington, DC and approved the preliminary General Fund and Targeted Action Fund budgets for the Association. Notably, the lean FY 2010 General Fund Budget calls for no increase in dues for all categories of membership and increased emphasis on web seminars and other offerings to ensure the continued engagement of agencies with experiencing significant budget restrictions. Detailed information on NACWA's FY 2010 General Fund and Targeted Action Fund budgets was forwarded to the Association's membership for comment via *Member Update 09-08* on May 20.

The Association's Board also approved intervention in the *Anacostia Riverkeeper v. U.S. Environmental Protection Agency*, a total maximum daily load appeal pending in DC District Court. The case has potentially enormous national implications for municipal dischargers. NACWA will join with the Wet Weather Partnership and other municipal and stormwater groups in the intervention. The NACWA Board next meets in mid-July to adopt the Association's final FY 2010 budgets and consider other matters. 💧

NACWA Founder Charles V. Gibbs Honored For Achievements, Environmental Legacy

Charles V. 'Tom' Gibbs was honored May 8 in Seattle, Wash. with the 2009 *Diamond Award for Distinguished Achievement in Industry* by the University of Washington's School of Engineering. The *Diamond Awards* pay tribute to alumni for outstanding achievements in engineering. Notably, Gibbs was recognized for his engineering skills that led to the creation of innovative and lasting environmental legacies. Among them, he shepherded Seattle Metro's efforts to clean up Lake Washington and the Puget Sound and was also the program manager for Milwaukee's water pollution abatement program.

NACWA owes a debt of gratitude to Gibbs, as well, because it was his vision that led to the founding of the organization. In the late 1960s, while serving as executive director of the Municipality of Metropolitan Seattle, Gibbs grew increasingly frustrated

that Congress and others at the federal level would not recognize the challenges confronting the major municipal sewerage agencies. Suspecting that other cities had similar experiences, he convened a meeting of his colleagues in September 1969. The 15 utility leaders who attended agreed that if they spoke with one voice, Congress may hear their concerns and respond. A month later, 22 agency leaders met again and agreed to form the Association of Metropolitan Sewerage Agencies, the predecessor to NACWA, and elected Gibbs as its first president. In this position, Tom also played an important role in the development of the Clean Water Act, which authorized billions of dollars in grants to fund municipal wastewater infrastructure. NACWA honored Gibbs at its 2006 Summer Conference in Seattle with a special recognition for his service to the organization and to clean water. 💧

