

CLEAN WATER ADVOCATE

Keynoting NACWA's Winter Conference, *Transcending Tradition...The Expanding Roles & Relationships of the Clean Water Utility* is Chip Heath. Heath along with his brother Dan, are authors of the new book *SWITCH: How to Change Things when Change is Hard*. Their first book *Made to Stick: Why Some Ideas Survive and Others Die* was a New York Times bestseller; stayed on the BusinessWeek bestseller list for 21 months; and, was named the Best Business Book of 2007.

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A Clear Commitment to America's Waters

DECEMBER 2009/JANUARY 2010

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House Approves \$2 Billion for Water in Jobs Bill

The Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF) would each receive \$1 billion under the *Jobs for Main Street Act of 2010* (H.R. 2847) approved by the U.S. House of Representatives on December 16. NACWA and the Water Infrastructure Network (WIN) pushed for the inclusion of water and wastewater funding in the bill that Congress intends as a means to address the persistent unemployment rate by creating jobs for infrastructure projects around the country. The legislation passed the House by a vote of 217-212 and will likely be taken up by the Senate after the holidays.

The proposed spending package for the DWSRF and CWSRF contains provisions similar to the *American Recovery and Reinvestment Act* (ARRA) enacted earlier this year. Specifically, the House language waives state matching funds and requires that states distribute at least half the funds in the form of principal forgiveness, negative interest loans and/or grants. NACWA played a critical role in advocating for these additional subsidization requirements. The package requires that 20 percent of the funds be directed



towards green infrastructure, water or energy efficiency and other environmentally innovative projects, provided there are sufficient applications to do so. In addition, the Buy American and Davis/Bacon prevailing wage provisions are included. Member Agencies should see *Legislative Alert 09-17* for additional information.

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Flow Series Web Seminars Debut in January



NACWA's *Flow Series* web seminars kicks off in January with an examination of the latest trends in stormwater management, providing important information for both stormwater and clean water utilities. The first in the series of informative web seminars, *Stormwater Management: What Really Works?*, is scheduled for Jan. 13 at 2 pm EST and will look at how communities can develop and implement effective stormwater management techniques.

Melissa Keeley, an expert on stormwater management and a professor at George Washington University in Washington, D.C., will examine both the challenge of billing for stormwater services, and the potential for stormwater billing techniques to be used to encourage onsite stormwater management. Effective stormwater management techniques being used both in the United States and internationally will also receive attention. These include traditional methods such as retention basins and holding ponds, but also newer,

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Explore Models for Management at the NACWA Winter Conference

NACWA's 2010 Winter Conference, *Transcending Tradition . . . the Expanding Roles & Relationships of the Clean Water Utility*, is just around the corner and the City of Austin, Texas will play host to the February 2-5, 2010 meeting. Keynoted by Chip Heath co-author, with his brother Dan, of the new book *SWITCH: How to Change Things when Change is Hard*, the Conference will explore many of the tools and models utilities are considering as management challenges continue to mount along with regulatory obligations and economic pressures. From the recent attributes of effectively managed utilities and regionalization – to private operation and unique partnership agreements – the 2010 NACWA Winter Conference will examine a range of models currently being evaluated by utilities.

Regardless of the size or level of sophistication of a utility, the ten attributes of effectively managed utilities can provide value for new or ongoing management efforts. A recent set of case studies detailing four utilities that put the attributes to the test illustrated that a mature, well-developed strategic plan and management strategy – as well as a utility just starting to formalize its management program – can benefit from



the attributes. Winter Conference attendees will hear how these lessons learned are now being applied more broadly within the clean water community.

Drivers for Regionalization to be Examined

In some parts of the country, financial, regulatory, and management challenges are driving some communities to consider increased regionalization in their wastewater services. By combining operations, utilities hope to facilitate more watershed-based planning and resource management, better realize economies of scale, and better ensure coordinate responses to regulatory mandates. At the same time that many public utilities are leveraging for a more stable management position, others are exploring private invest-

ment, contract operations, and other public-private models. NACWA's 2010 Winter Conference will explore these different models for management, their pros and cons, and what it means for the future of the industry.

New Opportunities in Resource Management Receive Attention

In addition to exploring these current management options, the Conference will examine how new opportunities in resource management, including renewable energy, phosphorus recovery, and water reuse, are pushing the traditional boundaries of utility management. More details and complete registration information are available on the NACWA website at www.nacwa.org/meetings. We look forward to seeing you in Austin in February. ♦

Strengthening the Voice of Clean Water – NACWA Membership

NACWA membership is a vital component in 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 Legal Affiliate members.

Holland & Knight LLP, Washington, DC

Represented by Lawrence R. Liebesman, Attorney

Holland & Knight's Water Team covers a myriad of issues regarding water supply and wastewater treatment, including legislation, regulatory matters, system operations/development, real estate, finance and litigation. The firm's multi-disciplinary team of lawyers is well prepared to represent a multitude of environmental issues as they continue to evolve. To learn more about Holland & Knight, please visit www.hklaw.com.

Pillsbury Winthrop Shaw Pittman, Washington, DC

Represented by Jeffrey Knight, Partner

Pillsbury Winthrop Shaw Pittman is a full-service law firm with strengths in the energy, financial services, real estate and technology sectors. Through its highly collaborative approach to client work, Pillsbury provides a 360-degree perspective on complex business and legal issues. To learn more about Pillsbury Winthrop Shaw Pittman, please visit www.pillsburylaw.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. ♦

NACWA Hosts Meeting of State/Regional Clean Water Groups

NACWA met on December 8 in Washington, D.C., with over fifteen representatives of state and regional associations that work in the policy arena on behalf of public wastewater treatment agencies. The meeting brought these groups together to discuss their priority issues and to further improve the coordination of advocacy efforts at the national level.

States from key regions of the country were represented and it was clear that they shared common challenges and a desire for new, sound water quality approaches. All shared frustration with the increasing level of federal regulatory and enforcement activity coupled with the federal government's general disregard for the financial affordability constraints communities, both large and small, are facing.

Of particular interest to the state/regional organizations was the need for a more defined and proactive municipal position on nutrient control, which is impacting utilities of all sizes and in all geographic regions. Also, the group focused on the need for a more effective watershed-based approach that brings all pollutant sources to account in an equitable manner with the capability of balancing expenditures with verifiable water quality benefits. Another theme was the need for



a more unified water sector that is better positioned to advocate on all priority issues. Funding and financing also received significant attention as talks heat up at the national level over a potential jobs bill that could include additional funding for the clean water and drinking water state revolving loan funds.

The groups agreed that more frequent and regular meetings, and communica-

tion, among the groups would be beneficial. NACWA has ramped up its distribution of the *Clean Water Exchange* to these state/regional groups to twice a month as well as *Clean Water Exchange Alerts* on hot news topics. NACWA plans another meeting with the groups in conjunction with its upcoming 2010 *National Clean Water Policy Forum* in April, among other cooperative activities. ♦

NACWA Peak Performance Awards Celebrate NPDES Compliance

Applications are now available for the 2009 *Peak Performance Awards*. Recognizing the clear commitment of NACWA's members to America's waters, the *Peak Performance Awards Program* acknowledges member agency facilities for their excellence in compliance with their National Pollutant Discharge Elimination System (NPDES) permit requirements. The program presents awards in three categories – *Platinum*, *Gold* and *Silver*. Last year, over 450 facilities were honored for their out-

standing achievement meeting their permit limits. Receiving recognition in any of the three *Peak Performance Award* categories truly signifies a commitment to environmental protection and honors the hard work and diligence it takes to be successful service providers.

Applications are due April 9, 2010.

To learn more about the eligibility requirements for this award program and to download and application, please visit the NACWA website at www.nacwa.org/peakperformance. ♦



⚡ The Hampton Roads Sanitation District, Va., has received *Platinum Award* recognition for the past 22 years.

Green Infrastructure for Clean Water Act Introduced in the House



Representative Donna Edwards (D-Md.) introduced *The Green Infrastructure for Clean Water Act of 2009* (H.R. 4202) on December 3, 2009. Joining her as co-sponsors of the legislation were Representatives Russ Carnahan (D-Mo.) and Steve Driehaus (D-Ohio). NACWA played a critical role in the development of this legislation, helping to draft the bill, and working closely with Rep. Edwards' office to coordinated introduction of the proposal. The legislation was referred to the House Transportation and Infrastructure Committee where Chair James Oberstar (D-Minn.) agreed to move the bill out of his committee as soon as possible. The bill is anticipated to be a high priority for the second session of the 111th Congress and NACWA will work with Member Agencies and other stakeholders to build support for the legislation in the House of Representatives.

Bill Represents a Step Forward for Green Infrastructure

The legislation represents a significant step forward, as it is the only green infrastructure-focused bill to be introduced

in the 111th Congress. The legislation seeks to direct the U.S. Environmental Protection Agency (EPA) to examine ways green infrastructure projects can be integrated into federal water programs and looks to establish a competitive grant program that will provide resources to communities to plan and implement green infrastructure projects. The bill also seeks to create up to five Centers of Excellence on Green Infrastructure. The Centers will undertake research on best management practices and provide technical assistance to communities interested in adopting green infrastructure practices.

The introduction of the bill represents the collaboration of a number of key stakeholder groups. Working with NACWA on this important legislation were the Natural Resources Defense Council (NRDC), American Rivers, the American Public Works Association (APWA), the Water Environment Foundation (WEF), the Center for Neighborhood Technology (CNT), Clean Water Action and the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). NACWA looks forward to

working closely with all these organizations as this legislation moves forward in the House, and is actively engaged in pursuing a similar bill in the Senate. 🌱

Look for NACWA's "Advocacy Alerts" in Your Inbox In 2010

In recognition of the increasingly interwoven nature of NACWA's advocacy efforts, members will be receiving "Advocacy Alerts" on NACWA's priority legislative, regulatory and legal issues starting in January 2010. The new *Advocacy Alerts* will replace the *Regulatory Alerts*, *Legislative Alerts*, and *Legal Alerts* that members have been receiving. NACWA's *Regulatory* and *Legislative Updates* will continue to be delivered on a monthly basis. Please keep in an eye out in your e-mail inbox for these *Advocacy Alerts*.

NACWA Releases Enforcement White Paper

In mid-December NACWA released its *Clean Water Act Enforcement: Challenges and Opportunities in the 21st Century* white paper, urging the U.S. Environmental Protection Agency (EPA) to move beyond traditional enforcement efforts and focus on issues such as a watershed approach, increased federal funding for water infrastructure, and revised affordability guidance to better address our nation's continuing water quality issues. The paper, distributed to the NACWA membership via *Legal Alert 09-05*, provides the Association's perspective on the current clean water enforcement approach and responds to EPA's recent *Clean Water Enforcement Action Plan*, as well as series of newspaper articles and congressional hearings focused on Clean Water Act (CWA) enforcement efforts.

Enforcement Paradigm Shift Needed

The white paper outlines the flaws in the current "business as usual" enforcement model focused on point sources and argues that, contrary to EPA's position in its *Action Plan*, this paradigm will not solve the country's complex water quality problems. Instead, NACWA contends that meaningful water quality improvements can be achieved through a comprehensive watershed approach to permitting and enforce-

ment that would allow for a more complete understanding of the diverse pollution sources and better targeting of enforcement actions towards those dischargers that have the most significant impact. The paper also highlights the importance of increased federal funding for water infrastructure to improve water quality and argues for a return to the critical federal, state, and local government partnership that helped achieve water quality improvements over the past three decades. It further examines the issue of affordability, explaining that the current approach is not sustainable. Namely, existing affordability guidelines must be revised to create a more holistic, equitable, and flexible way for determining how much a given community can afford to spend on clean water improvements.

NACWA has forwarded a copy of the white paper to every member of Congress and shared the document with key officials at EPA. The white paper was also sent to the media. NACWA looks forward to using the paper as part of its ongoing advocacy efforts to protect its members from unnecessary enforcement actions and to refocus policymakers on the need for a watershed approach, increased federal funding for water infrastructure, and realistic affordability principles and guidance. 💧

NACWA Mourns the Passing, Celebrates the Life, of Ralph Charlton



✧ NACWA mourns the passing and celebrates the life of former NACWA Board Member and valued colleague and friend, Ralph Charlton. Ralph spent much of his career as Director of Fiscal Services at Virginia's Alexandria Sanitation Authority and served as both a committee leader and Board Member within NACWA. Ralph fought valiantly against cancer over the past year and was fortunate to be among family every step of the way. Selfless in his passing, Ralph donated his body to the George Washington University Medical Center. Ralph's family has asked that any donations in his honor be made to the National Down Syndrome Association of Northern Virginia at www.dsannv.org.

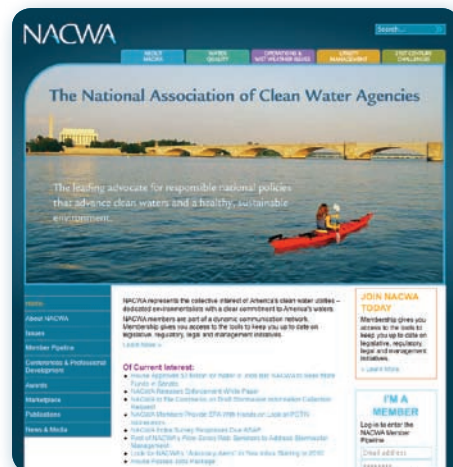
NACWA's Clean Water Careers: Your On-line Recruitment Resource

Public wastewater treatment agencies across the United States have discovered the value of the National Association of Clean Water Agencies' *Clean Water Careers* employment resource. With a new prominent new location on NACWA's home page, *Clean Water Careers* page features employment opportunities at wastewater agencies nationwide, and is continually one of NACWA's most-visited pages.

Historically, the site has garnered the attention of thousands of utility employers, showcasing over 150 upper management level jobs in the past two years. With the economy stabilizing in many

areas, utilities are beginning to identify new needs and fill vacant positions. Your agency can advertise employment openings for only \$250 per 30 days of posting with the certainty that your ad targets water and wastewater community professionals. Visit NACWA's *Conferences & Professional Development* section (<http://www.nacwa.org/jobs/>) to place your advertisement!

For more information or to place your ad on our *Clean Water Careers* website, please call Robin Davis, NACWA's Director of Marketing and Print Management at 202/533-1802 or rdavis@nacwa.org to advertise today. 💧



<http://www.nacwa.org>

House Approves \$2 Billion for Water in Jobs Bill

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NACWA to Seek More Funds in Senate

NACWA will urge the Senate to boost the funding levels for water and wastewater infrastructure in the bill. While \$2 billion is far less than what is necessary to meet

the ongoing infrastructure need, when added to the \$6 billion awarded under the ARRA, the roughly \$3.5 billion provided in the fiscal year (FY) 2010 EPA appropriations package, and FY09 appropriated

monies that states received earlier this year, Congress will have awarded nearly \$15 billion to water and wastewater infrastructure projects, marking a significant shift in spending from previous years. 🌱



NACWA Members Provide EPA With Hands-on Look at POTW Incinerators

« *The City of Greensboro, N.C., and the Hampton Roads Sanitation District (HRSD), Va., both NACWA member agencies, recently hosted regulators from the EPA Office of Air Quality, Planning and Standards (OAQPS) to provide an overview of their incinerator operations. OAQPS is working to develop maximum achievable control technology (MACT) standards for sewage sludge incinerators (SSIs) under Section 129 of the Clean Air Act and has to meet a very tight, court-ordered deadline of December 2010 for finalizing the standards. NACWA arranged the tours to ensure those developing the standards understand the unique aspects of sewage sludge incineration. Pictured here, representatives from the City of Greensboro provide EPA representatives an overview of their incinerator operations.*

NACWA's Flow Series Web Seminars Debut in January

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greener techniques such as rain gardens, vegetative swales, and green roofs. Keeley's presentation will also focus on how various policy incentives, including tax breaks or stormwater fee structures, can be used to encourage the use of green infrastructure as an onsite stormwater management technique. Keeley will also review the challenges of engaging multi-agency support for green solutions to stormwater management and specifically explore these challenges in the context of the Green Area Ratio instrument.

Climate Change & Water to Be Focus of March Seminar

The second seminar in the *Flow Series*, *Climate Change: It's All About Water!*, will take place on March 10, 2010 and focus on the potential wet weather impacts from climate change. Richard Heim, a meteorologist with the National Oceanic and Atmospheric Administration (NOAA), will highlight the many ways in which climate change is fundamentally a water issue, including the possibility of increased drought in certain parts of the nation while other regions experience an increase in wet weather events. The presentation will address how these changes could affect stormwater and

wastewater utilities and discuss what steps utilities can begin taking now to deal with altered precipitation patterns. Other seminars in the *Flow Series* include *Water Quality: The True Impact of Stormwater Runoff!* on June 9, 2010, and *Green Infrastructure: What's Legal?* on September 8, 2010.

As the impacts of stormwater on water quality impairment comes under more scrutiny and EPA prepares to embark on a three-year rulemaking to revise national stormwater rules, it is becoming increasingly important for all clean water utilities to understand the role of stormwater in both wet weather flows and overall water quality issues. The *Flow Series* will provide timely and relevant information for all of NACWA's members.

A single registration for the *Flow Series* will allow your utility to assemble all involved staff in one location to take full advantage of the information provided. Registration is available for the complete four-seminar series or for each web seminar individually. Please visit NACWA's website at www.nacwa.org to register and be sure to join your clean water colleagues for these exciting and informative events! 🌱