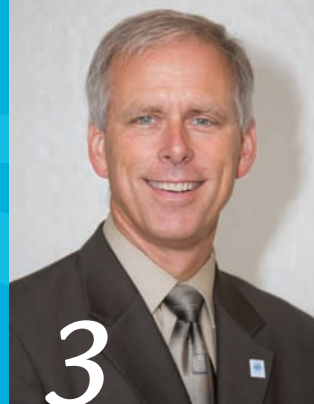


Jeff Theerman was elected NACWA President for 2010-2011 on July 21. Theerman is the Executive Director of the Metropolitan St. Louis Sewer District in Missouri.



A Clear Commitment to America's Waters

AUGUST/SEPTEMBER 2010

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Major Comment Efforts Highlight Increased Regulatory Activity at EPA

The past several months have been very active on the regulatory front. The U.S. Environmental Protection Agency (EPA) has proposed rules or solicited comments on a long list of issues this summer, top among them being an information collection effort on sanitary sewer systems and a proposed rule defining sewage sludge as a non-hazardous solid waste. These EPA actions, in particular, could have major impacts on the clean water community and NACWA has focused significant resources on its input to the Agency.

NACWA Responds to Sanitary Sewer System Information Request

In comments on EPA's notice regarding potential sanitary sewer collection system regulations, NACWA applauded the Agency for taking an important first step towards addressing sanitary sewer overflows (SSOs) and encouraged EPA to pursue a comprehensive, holistic approach to the regulation that includes both collection system issues and peak flow-related issues, such as blending. The comments also outlined NACWA's position on a number of sanitary sewer collection system

issues, including reporting and notification; capacity, management, operation, and maintenance (CMOM) requirements; and, permitting of satellite collection systems.

The Association's comments marked the culmination of NACWA's participation in EPA's stakeholder input process, including attendance at all of EPA's Listening Sessions – and a public statement at the Washington, DC Listening Session in July. The Agency has set no official timetable for proposing a rule, so NACWA will remain in close contact with EPA regarding the Agency's next steps.

Association Letter Comments on Sewage Sludge as Non-Hazardous Solid Waste

While EPA has downplayed the impact of its proposed rule that defines sewage sludge bound for incineration as a non-hazardous solid waste, NACWA's comments noted that the proposal, if finalized, will have an immediate and significant impact on the ability of many of Association members to manage the sewage sludge they generate on a daily basis. NACWA's letter underscored that EPA's proposed action will have a devastating impact

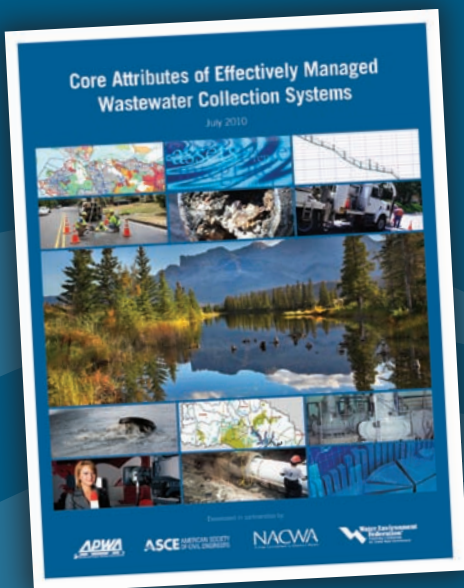
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Core Attributes of Effective Collection System Management Unveiled

Led by NACWA, a group of volunteers from the American Public Works Association (APWA), the American Society of Civil Engineers (ASCE), and the Water Environment Federation (WEF) recently completed work on the *Core Attributes of Effectively Managed Wastewater Collection Systems* – a compilation of the essential program elements for maintaining an efficient and well run wastewater collection system. Although regulation and guidance has been developed for combined sewer systems, the clean water community has sought similar clarity on the management of sanitary sewer systems for nearly two decades. While several attempts have been made, and a new effort recently initiated, the U.S. Environmental Protection Agency (EPA) has yet to establish the necessary policies and/or guidance for the operation of sanitary sewer systems.

In an effort to fill this void, NACWA, APWA, ASCE, and WEF worked collaboratively over the past two years to identify and develop the good engineering practices and core attributes

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Senate Introduces Companion Green Infrastructure Bill

Senators Tom Udall (D-N.M.) and Sheldon Whitehouse (D-R.I.) recently introduced *The Green Infrastructure for Clean Water Act* (S. 3561) in the U.S. Senate. The introduction of the legislation was preceded by significant encouragement by NACWA, in partnership with the Natural Resources Defense Council (NRDC) and American Rivers.

S. 3561 is a companion bill to H.R. 4202, introduced by Representative Donna Edwards (D-Md.). Like its House counterpart the Senate legislation seeks to improve water quality by encouraging research, development, and promotion of green infrastructure (GI) technologies in stormwater management. Specifically, the bill would create a green infrastructure program at the U.S. Environmental Protection Agency (EPA), provide a dedicated source of funding for the planning and construction of green infrastructure projects, and establish up to five regional centers of excellence for GI. Despite their similarities, there are minor differences between the House and Senate bills. Unlike its House counterpart, the Senate bill does not provide a specified level of funding for the grant program it seeks to authorize, but instead provides an authorization for 'such



sums as may be necessary' to carry out the provision of the bill.

NACWA Board Member Ray Marshall, Executive Director of the Narragansett Bay Commission in Providence, R.I., was quoted in Senator Udall's and Whitehouse's official press release, stating he and his agency applaud "them for their leadership on this important issue, and look forward to working with them in increasing the federal resources available for the implementation of green infrastructure projects and in raising the profile of the many benefits these investments provide." NACWA also issued a press release highlighting the introduction of the legislation including a quote from Kevin

Shafer, Executive Director of the Milwaukee Metropolitan Sewerage District and Past President of NACWA. The release and the Senate bill can be found on the Association's website at www.nacwa.org.

Momentum for the House bill continues to grow. During July the legislation gained six new co-sponsors including Reps. Sam Farr (D-Calif.), Patrick Murphy (D-Pa.) Laura Richardson (D-Calif.), John Garamendi (D-Calif.), Mazie Hirono (D-Hawaii) and James McGovern (D-Mass.) bringing the total number to 43. NACWA continues to urge its members to contact their Representatives and Senators and encourage their support for H.R. 4202 and S. 3561. 🌱

NACWA Advocacy Inspires Legislation on Stormwater Fees

NACWA's strong advocacy on stormwater management was instrumental in the introduction of legislation in the House and Senate that seeks to clarify the federal government's responsibility to pay reasonable fees for stormwater management services provided by local utilities. The issue arose in April when the General Services Administration (GSA), which provides a broad of spectrum of federal agency support functions including paying federal utility bills, delivered a preliminary determination that federal facilities in Washington, D.C., are not required to pay an impervious area charge levied by DC Water to implement their federally mandated long-term control plan (LTCP). The GSA claimed the fee amounts to a tax on the federal government and, as such, is unconstitutional.

Recognizing the impacts such a decision could have if applied nationally, NACWA sent a survey to its public Member Agencies to determine the scope of the problem and found that members in 10 states faced similar federal payment refusals. NACWA met with numerous Members of Congress seeking the introduction of legislation that would require federal payment of these fees. Following initial discussions, Senator Benjamin Cardin (D-Md.), Chairman of the Water & Wildlife Subcommittee, introduced legislation (S. 3481) that clarifies that fees charged for the control and abatement of water pollution, including stormwater management fees, shall not be considered a tax, and therefore, must be paid by Federal agencies pursuant to their obligations under Section 313 of the Clean Water Act (CWA).

NACWA then sought the introduction of companion legislation with the assistance of NACWA Member DC Water. This effort resulted in Representative Eleanor Holmes Norton (D-D.C.) introducing an identical companion bill (H.R. 5724) in the U.S. House of Representatives.

NACWA's advocacy generated interest in the fees v. tax issue with key committees of jurisdiction, including the House Transportation & Infrastructure Committee and Senate Environment & Public Works Committee. Following the conclusion of the August recess, NACWA will work to expand congressional support for these bills and continue to seek passage during the 111th Congress. To learn more about the issue and NACWA's efforts please visit NACWA's website, www.nacwa.org. 🌱

Jeff Theerman Elected NACWA President for 2010-2011

Jeff Theerman was elected NACWA President for 2010-2011 by the Association's Board of Directors on July 21. Theerman is the executive director for the Metropolitan St. Louis Sewer District in Missouri and has had a distinguished career within the clean water community. Also elected were the following NACWA officers: Vice President, David Williams, director of wastewater, East Bay Municipal Utility District, Calif.; Treasurer, Suzanne Goss, government relations specialist for the JEA (Electric, Water & Sewer), Fla.; and, Secretary, Julius Ciaccia, executive director, Northeast Ohio Regional Sewer District, Ohio. The Association expresses its sincere appreciation to outgoing President, Kevin Shafer, executive director of the Milwaukee Metropolitan Sewerage District, Wis., for his dedicated service as NACWA President over this past year.

NACWA Welcomes New Board Members

During the *Annual Association Business Meeting*, NACWA's membership elected three individuals as new members of its Board of Directors. Michael Hornbrook, chief operating officer of the Massachusetts Water Resources Authority, Mass. was elected to represent Region 1. Region 2's representation on the Board will now include Kevin Aiello, environmental quality administrator, Middlesex County Utilities



⌘ NACWA's Officers for 2010-2011 were elected during the 2010 Summer Conference & 40th Anniversary Annual Meeting. Pictured left to right, NACWA Vice President, David Williams, director of wastewater, East Bay Municipal Utility District, Calif.; NACWA President, Jeff Theerman, executive director of the Metropolitan St. Louis Sewer District, Mo.; NACWA Treasurer, Suzanne Goss, government relations specialist for the JEA (Electric, Water & Sewer), Fla.; and, NACWA Secretary, Julius Ciaccia, executive director, Northeast Ohio Regional Sewer District, Ohio.

Authority, N.J. Former Region 10 Board Member, Charles Logue, who now serves as Director of Technical Services, Renewable Water Resources, S.C., was elected to represent Region 4.

The following board members were elected or appointed to new terms: Karen Pallansch, general manager, Alexandria

Sanitation Authority, VA (Region 3); Debra McCarty, deputy commissioner, Philadelphia Water Department, Pa. (Region 3); James 'Tony' Parrott, executive director, Metropolitan Sewer District of Greater Cincinnati, Ohio (Region 5); Patricia Cleveland, manager of operations – northern region, Trinity River Authority of Texas, Texas (Region 6); and, Norman E. LeBlanc, director of water quality, Hampton Roads Sanitation District, Va. (At-Large).

NACWA congratulates its new and re-elected Board Members and extends its thanks and appreciation to its outgoing Board members for their committed service to the Association. Those leaving the NACWA Board this past year are Marian Orfeo, formerly with the Massachusetts Water Resources Authority (Region 1); Brian Christiansen, formerly with the Passaic Valley Sewerage Commissioners, N.J.; and, George Barnes, formerly with the City of Atlanta, Ga. (Region 4).

In other action NACWA's Board of Directors adopted both the General Fund and Targeted Action Fund (TAF) budgets for Fiscal Year (FY) 2011 with no increase in dues for Association members; endorsed NACWA's *Money Matters* outreach campaign (see related article this issue); and, approved *Understanding the New Paradigm for Wet Weather & Collection System Management*, as the theme for the Association's 2011 Winter Conference, February 1-4, in Ft. Lauderdale, Fla. 🌊

Clean Water Begins with You—NACWA Video Makes its Debut

NACWA's new video, *One Voice for Clean Water*, premiered at the Association's 2010 Summer Conference & 40th Anniversary Annual Meeting in San Francisco last month, and can now be viewed on the Association's homepage and on the popular internet video site, YouTube. NACWA, *One Voice for Clean Water* distinguishes the Association as the preeminent advocacy organization representing the interests of the clean water community.

The video features members' views on the value of membership while reinforcing the Association's commitment to effectively and proactively represent the clean water community on Capitol Hill, at the U.S. Environmental Protection Agency, and in the Nation's courtrooms. The video will maintain a prominent place on the front page of the NACWA website and will play a pivotal role in the Association's membership development and retention efforts.

NACWA
*One Voice for
Clean Water*

Board Takes Action on Business Plan, Budget, and Money Matters Campaign

NACWA's Board of Directors took several key actions during NACWA's *2010 Summer Conference & 40th Anniversary Annual Meeting* in July in San Francisco, Calif. The Board made sure the Association is on a solid financial and programmatic path going forward, voting to approve the fiscal year (FY) *2011 Association Business Plan* which sets out the goals, objectives, strategies and actions for the upcoming fiscal year.

The Board also approved both the FY 2011 General Fund and Targeted Action Fund (TAF) budgets, putting NACWA on a sound path forward to ensure that its advocacy efforts and offerings remain strong. Central to the discussions of both the business plan and the budgets was the Board's approval to move forward aggressively with the Association's *Money Matters* Clean Water Act (CWA) affordability campaign. The campaign seeks to ensure that the U.S.

Environmental Protection Agency (EPA) and Congress support moving forward with a more flexible approach to affordability determinations while maximizing municipal flexibility to target limited dollars to those CWA programs that offer the greatest environmental benefit. This effort will be supported through voluntary contributions by NACWA Member Agencies and Affiliates. Both the Board and NACWA committees expressed significant support for this effort with members expressing their frustration with the rising costs to comply with CWA requirements, especially in the context of the ongoing economic downturn.

Task Force to Oversee and Coordinate Advocacy Efforts

NACWA's President, Jeff Theerman, Executive Director of the Metropolitan St. Louis Sewer District, Mo., recently appointed members to a Money Matters Affordability Task Force to work closely

with the National Office staff as the campaign moves forward. The Task Force will be chaired by George Hawkins, General Manager of DC Water, and has public agency representatives from a diverse array of geographic regions, including Miami, Denver, Honolulu and St. Louis, among others.

TAF Funds Support ISO and WERF Initiatives

The Board also approved two specific Targeted Action Fund requests at the Summer Conference. The first is NACWA's continued engagement in the International Organization for Standardization (ISO) work on asset and crisis management standard development. The second project will provide NACWA support for a Water Environment Research Foundation (WERF) nutrient-related project, *Linking Receiving Water Impacts to Sources and to Water Quality Management Decisions*. 💧

Trust Fund Briefing Garner Significant Attention on Capitol Hill

NACWA, in conjunction with the Water Infrastructure Network (WIN), the Associated General Contractors of America (AGC), United Rentals and the National Wildlife Federation (NWF), held a briefing on Capitol Hill July 26 highlighting the need for Congress to enact a dedicated trust fund for water and wastewater infrastructure investments. The briefing garnered significant attention with over 100 attendees, representing Members of Congress and key stakeholder groups.

A diverse set of panelists highlighted the economic, environmental and job-creation benefits a trust fund would provide. George Hawkins, General Manager of DC Water, represented NACWA at the briefing. Hawkins was joined by Shirley Franklin, former Mayor of Atlanta (2002-2010); Tom McCauley, Mayor of Buhl, Idaho; Ken Simonson, AGC's Chief Economist; Paul I. McDonnell, Senior Vice President of United Rentals; and Maria Hale, NWF's Director of National Restoration & Water Resources Campaigns. In his remarks, George Hawkins underscored the importance of advancing the *Water Protection and Reinvestment Act of 2009 (H.R. 3202)*. His comments emphasized the nation's clean water infrastructure needs as estimated in the recently released U.S. Environmental Protection Agency (EPA) *Clean Watersheds Needs Survey* and provided examples of aging infrastructure issues in DC Water's conveyance system. Hawkins stressed the benefits of H.R. 3202 underscoring

that it would be deficit-neutral and provide significant job creation and economic benefits, while re-establishing the federal government as an active partner with states and municipalities in clean water investments.

NACWA used the momentum created by the briefing to continue outreach to Members of Congress seeking their co-sponsorship of H.R. 3202 and urged its members to encourage their Representatives to add their names to the 40 co-sponsors of the bill. 💧



⌘ George Hawkins, General Manager of DC Water, spoke on behalf of NACWA at a briefing on Capitol Hill on July 26.

National Environmental Achievement Awards—Call for Nominations

NACWA is now accepting nominations for the 2011 *National Environmental Achievement Awards (NEAA)* program. For over 25 years, the NEAA program has recognized local, state and federal officials for their contributions to water quality and the environment, as well as Member Agencies who are committed to developing and promoting innovative clean water solutions, and community outreach and education programs.

The NEAA program is arranged into two comprehensive categories: *Individual Achievement Awards* and *Member Agency Achievement Awards*. *Individual Achievement Awards* contain three subcategories, including *Public Service Awards* for federal, state or local elected or appointed officials; *Distinguished Service Awards* for member agency leaders' dedication to NACWA; and the *Environment Award*, recognizing service and commitment to the environment. The *Member Agency Achievement Awards* are open for the following categories: *Research & Technology* for innovative programs; *Operations* for effective treatment methods and projects; *Public Service* for voluntary environmental contributions within the community; and *Public Information & Education* (including subcategories for video, printed publication, educational program, and e-media) for significant outreach to the agen-

cy's constituents.

This year, NACWA's 2011 NEAA Agency Awards will be presented during the Association's Winter Conference February 1-4 in Ft. Lauderdale, Fla. Individual awards will continue to be presented during the *National Environmental Policy Forum* in May in Washington, D.C. All NACWA Member Agencies are eligible to apply for any of the seven award categories.



≈ NACWA's NEAA Awards recognize individuals and member agencies who are committed to developing and promoting innovative clean water solutions, and community outreach and education programs. Los Angeles Councilwoman Jan Perry (center left) was among the 2010 NEAA Honorees. Do you have programs or individuals who would have clean water accomplishments? Nominations are due Friday, October 8.

More information, including applications, nomination criteria and a list of past honorees are available on the NACWA website at www.nacwa.org/awards. The deadline for nominations is Friday, October 8, 2010.

Core Attributes of Effective Collection System Management Unveiled

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essential to managing and operating separate sanitary collection systems. The attributes are designed to complement and support existing state programs, and can be tailored to suit the needs of agencies of all sizes. They can serve as guidance for wastewater agency collection system managers to evaluate their existing programs, or form the foundation of a management system for a utility that has yet to craft a formal program.

"The Core Attributes represent a significant step toward a consistent national framework for the management of separate sanitary collection systems – and a critical element of any future federal rule or guidance to address sanitary sewer issues holistically."

—Ken Kirk, Executive Director, NACWA

Core Attributes of Effectively Managed Wastewater Collection Systems is now available for download, free of charge, at www.nacwa.org/publications, as well as on the websites of each of the partner organizations. NACWA would like to thank all of its members who helped to write the attributes or provide comments over the past two years. Special thanks are due to Adel Hagekhalil, NACWA Board Member and Assistant Director, City of Los Angeles Bureau of Sanitation, for his leadership and dedication to this effort.



NACWA Summer Conference Highlights Past, Focuses on Future

NACWA's 2010 Summer Conference & 40th Anniversary Annual Meeting, *Sustainable Resource Management - Lessons from Clean Water's Past and Present*, took place July 20 - 23 in San Francisco, Calif., with over 200 attendees. The conference keynote speaker, Peter Gleick, President and Co-Founder of the Pacific Institute, provided insightful remarks noting that he was optimistic that because of sound water management, technological advances, and a stronger sense of stewardship, water use in the U.S. has remained constant despite massive population, economic, industrial, and agricultural expansion. He cautioned, however, that certain trends could imperil this positive pattern, including population expansion to dry/arid areas, the growing reliance on bottled water, and the impacts of climate change. He called on utility leaders to use all available methods to keep educating the public about the importance of clean and safe water and urged them to look at existing, and develop innovative, rate structure designs that can ensure sustainable investment in their systems. Other issues that received significant focus during the meeting were the growing reliance on reuse technologies and the increasing role the energy-water nexus will play in terms of both future water and energy policies and practices.

NACWA Marks 40th Anniversary with Hall of Fame

In celebration of its 40th anniversary NACWA established a *Hall of Fame* – and welcomed an inaugural class of 40 inductees to mark the occasion.

Inductees to the *NACWA Hall of Fame* have, through their actions and commitment to the organization, made a significant positive impact on either the evolution of the Association or its ability to effectively represent the interests of the clean water community. The forty inaugural inductees to the *NACWA Hall of Fame* were recognized last month during a special ceremony at the Association's *2010 Summer Conference & 40th Anniversary Annual Meeting* in San Francisco.

NACWA was privileged to have eighteen of the forty distinguished Hall of Fame recipients in San Francisco for a special ceremony and reception in their honor. A complete list of NACWA Hall of Fame honorees can be found by visiting www.nacwa.org and clicking on *Awards*. 🌱



⌘ Pictured from Left to Right. Front Row: Tom Gibbs, Chuck Kaiser, Ilga Harper (widow of Fred Harper), Bart Lynam, Ron Linton, Ann McMillan (widow of Hugh McMillan), Fred Kurtz, Wally Bishop, Bob Miele.

Back Row: Ed Wagner, Sarah Hite (widow of Bob Hite), Cecil Lue-Hing, Michele Pla, Paul Pinault, Margie Nellor, Alan Ispass, Chris Westhoff, Keith Linn.

Law Seminar to Address Critical Clean Water Legal Issues

Planning is well underway for NACWA's 2010 *Developments in Clean Water Law Seminar*. The November 17 – 19 Law Seminar promises to deliver an exciting and engaging program covering the hottest legal topics currently impacting clean water attorneys and managers. This year's Seminar will take place at the Inn at Loretto in Santa Fe, New Mexico and will feature many of the top clean water legal practitioners in the country covering the range of legal and legislative issues currently facing the clean water community. Seminar speakers will provide important analysis and insights that will be relevant to any attorney working with municipal wastewater and stormwater utilities.

Among the subjects to be addressed is the host of new regulations involving nutrients, sanitary sewer system collections issues, and stormwater issues that are now emerging from the U.S. Environmental Protection Agency (EPA). All of these regulations will present unique challenges, and the Seminar will explore their legal ramifi-

cations—including how utilities can adapt to the new regulatory framework. Recent trends involving wet weather consent decrees will also receive attention as will the most important Clean Water Act legal cases of the past year; a discussion of regional developments in areas like the Chesapeake Bay and the Great Lakes that could have national implications; and, an examination of current enforcement trends.

Continuing Legal Education Credits Offered

NACWA's Law Seminar is the only one of its kind and has become an indispensable tool for clean water practitioners. As in past years, Continuing Legal Education (CLE) credits will be available, including ethics credits. Additional details on the Seminar, including a preliminary agenda, registration and hotel information, and CLE information is available on the *Conferences & Professional Development* page of the NACWA website. Be sure to join your clean water colleagues for this important and exciting event! 🌱

Major Comment Efforts Highlight Increased Regulatory Activity at EPA

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on sewage sludge incineration – which is used to manage approximately a fifth of the sludge generated annually in the US. Under EPA's proposed approach, combustion units burning solid wastes would be regulated under the more onerous Section 129 Clean Air Act (CAA) requirements, while those burning 'legitimate secondary materials' (i.e., not solid wastes) would be regulated under Section 112 of the CAA.

Beyond its impact on incineration, EPA's proposal will also significantly limit progress toward a new, viable source of renewable energy for the country. NACWA plans to meet with EPA in the coming weeks as it reviews the comments on the proposal. In addition, NACWA is expecting the Agency to release proposed CAA Section 129 standards for sewage sludge incinerators soon, and is preparing to review and comment on that proposal as well.

Additional information on these, and other regulatory initiatives, is available at www.nacwa.org. 🌱