

Testimony of:

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Taking Responsibility for Clean Water

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Thank you, Senator Cardin, for the opportunity to take part in this event today and for your leadership in enacting S. 3481 to clarify the federal government's responsibility for paying reasonable charges associated with local stormwater management programs.

My name is Ken Kirk and I am Executive Director of the National Association of Clean Water Agencies (NACWA). NACWA represents public wastewater and stormwater utilities across the country and has worked for many years to ensure that the federal government remains a full partner with local communities in achieving our nation's water quality goals.

When the General Services Administration announced last April that federal facilities located in Washington, D.C. were not responsible for paying local stormwater management fees, NACWA was shocked and disappointed. As a matter of principle, it was disappointing that the same federal government that is demanding increasingly stringent water quality standards would, at the same time, shirk its responsibility under the federal Clean Water Act to pay its equitable and reasonable share of these charges.

Clearly, the federal government must play its role in ensuring compliance with the Clean Water Act and NACWA and its members are very grateful that you immediately saw the inequity of this situation and took action to correct it. NACWA was pleased to be a partner with you in this effort.

Incidents of federal facilities refusing to pay local stormwater fees are unfortunately not isolated to those located in our nation's capital but have occurred throughout the country for many years and resulted in millions of dollars in unpaid municipal stormwater bills. When the federal government refuses to pay local stormwater management

fees, the costs of paying for these services don't disappear; they are left to the families and businesses of the community to foot the federal government's portion of the bill. This is neither fair nor what Congress intended when it originally crafted the Clean Water Act.

As guidance is developed for implementation of the Act, we hope that federal agencies will be instructed to pay stormwater bills in the same way that all other utility bills are paid, using the same budget accounts that provide funds to pay other utility services and that federal agencies need not seek a special and separate appropriation just for payment of stormwater services.

Additionally, we recommend that federal agencies be required to pay reasonable stormwater service charges not only going forward but also be required to pay any outstanding charges for stormwater service that are still owed to municipal utilities.

Communities have made significant gains in water quality since the enactment of the Clean Water Act, primarily through the reduction of point source discharges. However, pollution from stormwater

runoff is becoming the fastest growing source of water quality impairment in many regions of the country and municipal stormwater agencies are under increasing regulatory pressure to reduce their communities' contribution of stormwater pollution.

Communities are increasingly being asked to do more to reduce pollution runoff with no additional funding at the national level to help. This must change. NACWA appreciates your leadership in spotlighting the need for more federal resources to help communities with their clean water challenges and is especially pleased that you stepped forward to undo a misguided decision on the part of the federal government.

S. 3481 will provide a level playing field to ensure all federal facilities pay for this service so long as they benefit from its presence and it is levied in a fair and equitable way. This is especially important in working to protect our treasured watersheds like the Chesapeake Bay and in meeting more stringent requirements likely to come from the pending national stormwater rulemaking, as well as other numerous

and costly Clean Water Act regulations that will pose additional financial challenges to our Nation's municipalities.

Thank you for the opportunity to take part in this discussion and I look forward to answering any questions you may have.