

The Clean Water America Alliance has named Ben Grumbles as its new President. He succeeds Ken Kirk, who successfully shepherded the Alliance for its first three years, while also leading NACWA as its Executive Director.



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A Clear Commitment to America's Waters

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NACWA Winter Conference to Emphasize Smarter Investment Under Current and Future Regulations

NACWA's Winter Conference, *Understanding the New Paradigm for Wet Weather & Collection System Management*, will take place February 1-4 at the Hyatt Regency Pier Sixty-Six in Ft. Lauderdale, Florida. The conference will provide an in-depth look at how utilities can best adapt to the substantial changes to wet weather regulations that are on the horizon, and how prioritized investment in infrastructure will become more and more important as new regulatory requirements further strain tight budgets. Speakers and panelists will also explore creative solutions to the challenges of collection system management – as well as privately-owned systems and laterals – regardless of whether they are located in a wet or arid region.

NACWA's current *Money Matters* campaign seeks to ensure that municipalities have the flexibility to prioritize regulatory compliance initiatives and investments in a way that is affordable to their ratepayers. This flexibility will only become more necessary with the new stormwater rule under development by the U.S. Environmental Protection



Agency (EPA), and a possible comprehensive rule for sanitary sewer overflows, collection system management, and blending. As a prelude to the Association's March 1-2 *Money Matters Summit* &

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NACWA Maintains Pressure on EPA Over Pending Rules on Incineration

Since July of 2009, NACWA has been actively engaged on several fronts related to the regulatory status of biosolids and the development of Clean Air Act (CAA) standards for sewage sludge incinerators (SSIs). Following the U.S. Environmental Protection Agency's (EPA) preliminary determination last summer that combusted sewage sludge is considered a 'non-hazardous solid waste', the Agency has been working at breakneck speed to develop emissions standards for SSIs under Section 129 of the CAA. At the same time, NACWA has been meeting with numerous EPA officials, the EPA Office of General Counsel, and the White House Office of Management & Budget to underscore how the Agency's actions are inconsistent with their mandate in the CAA.

Part of NACWA's strategy has been focused on informing the air emission standards EPA does develop. The Agency's proposed SSI emission standards were released on October 14. NACWA submitted comprehensive comments on the proposal on November 29. The Association's comments underscored how the rapid pace EPA has maintained over the last year has not enabled the Agency to fully consider NACWA's legal and technical arguments – and has ultimately undermined the validity of the proposed standards. In its comments, NACWA continued to assert that SSIs must be regulated under Section 112 of the CAA, not Section 129, citing Section 112(e)(5) of the CAA that specifically directs EPA to regulate publicly owned treatment works, and the SSIs they operate, under

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Watershed Principles Endorsed by NACWA, Other Organizations

NACWA and its Strategic Watershed Task Force have worked during the past year to build support for the watershed approach to protecting and restoring the physical, chemical, and biological integrity of the nation's waters. This approach has now been formally supported by other organizations through their endorsement of the *Principles for a Viable Watershed Approach* (at left and available at www.nacwa.org/watershedprinciples.pdf). The 12 principles are based directly on the October 2007 report of the Association's Strategic Watershed Task Force, *Recommendations for a Viable and Vital 21st Century Water Policy*.

The Water Environment Federation (WEF), the Natural Resources Defense Council (NRDC), the Association of State & Interstate Water Pollution Control Administrators (ASIWPCA), and the Environmental Law & Policy Center have joined NACWA in endorsing the *Principles*. These groups engaged in discussions with NACWA earlier this year about the Association's draft 21st Century Watershed Act. These discussions led to the development of the *Principles* as a first step towards the legislative goal of updating the Clean Water Act to better provide for a holistic watershed approach. The growing consensus around the *Principles*, as demonstrated by these stakeholder groups, will help advance legislation through Congress – showing diverse support for these goals.

NACWA is currently conducting strategic outreach to additional potential endorsers in order to add value to the *Principles*. NACWA members are encouraged to share the *Principles* document with organizations they are engaged with on watershed issues. Additional suggestions for groups that NACWA should contact may be provided to Cynthia Finley at cfinley@nacwa.org. 🌱

Principles for a Viable Watershed Approach

1. The physical, chemical, and biological integrity of the nation's waters must be protected and restored, and addressing water quantity, water quality, and habitat impacts must be integrated through scientifically sound watershed planning and management.
2. Water quality protection efforts should generally be watershed-based, and a framework must be established to deal with watersheds that cross traditional jurisdictional boundaries.
3. All sources and activities contributing to pollution and degradation of the health of our watersheds must be identified and addressed collectively and effectively.
4. Existing tools in the Clean Water Act, such as watershed planning, should be revised so they can be more effectively used to facilitate fully integrated site-specific watershed planning.
5. More comprehensive measures must be pursued to address agricultural and other nonpoint sources, including air deposition and unregulated wet weather runoff.
6. Local stakeholder involvement and public education is required to address watershed-specific concerns.
7. Priorities for existing programs and new regulations should address the most significant sources of impairment and watershed degradation.
8. Innovative solutions, such as green infrastructure, and market-based solutions, such as water quality trading, should be encouraged and given sufficient time to become effective. These strategies, however, must not sacrifice enforceability or confidence in pollution reductions.
9. An improved monitoring and evaluation program is necessary to evaluate the chemical, physical, and biological attributes of watersheds.
10. All contributors to watershed pollution and degradation should be responsible for the costs of watershed improvements.
11. Significant federal investment is required to implement these watershed principles in a viable manner; such financial assistance should be allocated equitably among all contributors, both point and nonpoint, and should require sufficient accountability by all recipients.
12. Requirements to improve and sustain watershed health must be imposed and enforceable upon any contributors to pollution and watershed degradation.

NACWA's Clean Water Careers: Your Online Recruitment Resource

Public agencies and consulting firms across the United States have discovered the value of NACWA's *Clean Water Careers* employment resource. The *Clean Water Careers* page features employment opportunities at clean water, stormwater and drinking water

agencies – as well as openings at consulting firms—nationwide, and has historically been one of NACWA's most-visited pages. You can advertise employment openings for only \$250 per 30 days of posting with the certainty that your ad targets water sector professionals. Visit NACWA's *Clean Water*

Careers 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 & Print Management at 202-533-1802 or rdavis@nacwa.org to advertise today. 🌱

NACWA Peak Performance Awards Celebrate NPDES Compliance

Applications for NACWA's 2010 *Peak Performance Awards* will be available in mid-January 2011. Recognizing the clear commitment of the Association'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 pres-

ents awards in three categories – Platinum, Gold and Silver. Last year, over 450 facilities



were honored for their outstanding achievement. 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.

Completed applications are due in early April 2011. To learn more about the eligibility requirements for this awards program, and to download an application, please visit the NACWA website at www.nacwa.org/peak-performance.

Grumbles Named CWAA President



« *The Clean Water America Alliance has named Ben Grumbles, as its new President. Grumbles served most recently as Director of the Arizona Department of Environmental Quality, but is best known to NACWA as the longest serving Assistant Administrator for Water at the U.S. Environmental Protection Agency (EPA), a position he held from January 2004 – January 2009.*

Grumbles has served on the Clean Water America Alliance Board of Directors since April 2009 and has chaired the organization's successful national dialogue series. He succeeds Ken Kirk, who successfully shepherded the Alliance for its first three years, while also leading NACWA as its Executive Director. "New leadership is critical at this time to move the Alliance forward" says Kirk. "I believe strongly in the Alliance's objectives and hope to continue my participation in the Alliance in other capacities going forward."

NACWA Maintains Pressure on EPA Over Pending Rules on Incineration

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Section 112. EPA has taken the position that Section 112(e)(5) "does not apply to SSI units", but has provided no additional information to justify this interpretation.

Lack of Data Impacting Process

Most of the flaws in the Agency's proposed emission standards stem from EPA's limited data and its lack of understanding regarding the unique aspects of sewage sludge. NACWA's comments strongly criticized the Agency for relying on the public comment

process to bolster its database. NACWA highlighted that EPA has primary responsibility for gathering the data and that asking public agencies to provide costly stack test data during a very short, 45-day public comment period, is inappropriate. NACWA also outlined where EPA's erroneous assumptions and calculation errors have understated the cost of compliance with the standards. While EPA claims that total capital costs for the rule should not exceed \$200 million, NACWA provided estimates indicating that the capital

costs to comply with the mercury limit alone would exceed \$1 billion.

NACWA is now scheduling a meeting with key EPA air and waste officials to again outline its legal arguments and is exploring whether members of Congress could weigh in on the intended meaning of the CAA provisions being disputed. EPA is currently under a court-ordered deadline to finalize the CAA standards by January 14, 2011, and has provided no indication that it will seek an extension from the court.

NACWA Board Acts on Florida Nutrient Criteria Litigation

NACWA's Board of Directors met on November 15 in Santa Fe, New Mexico for its first meeting of FY 2011. Key among the items considered was the Association's level of engagement in anticipated legislation regarding the Florida nutrient criteria released that same day.

The Board was in agreement that involvement in litigation arising from the criteria is critical, both to support Association members that will be impacted, and because of the potential national implications of the U.S. Environmental Protection Agency's (EPA) actions. As a result, the Board approved NACWA engagement as an *amicus curiae*, or friend of the court, in a challenge to the rule that is expected to be filed by the Florida Water Environment Association's Utility Council. This effort will be supported with funding through the Association's Targeted Action Fund (TAF).



Congressional Delegation, Governor Echo Permittee Objections

EPA issued its final numeric nutrient criteria for Florida's lakes and flowing waters over the objections of permittees in the state, many in Florida's Congressional delegation, and the state's newly-elected Governor. NACWA had raised concerns over the criteria this past April in extensive comments on EPA's proposal and will now support the position of its Florida members against the criteria and present the perspective of the national municipal clean water community regarding this important issue. 💧

'Engineered for Success' to be Focus of 2011 Summer Conference

At their November 15 meeting, NACWA's Board of Directors endorsed *Engineered for Success...*

Creating a First Class Public Utility as the theme for the 2011 Summer Conference – July 19-22, 2011 at the Westin Chicago River North in Chicago, Illinois. The conference will focus on emerging practices and concepts, as well as efforts underway at utilities, which serve to evaluate and enhance the sustainability of management practices and overall operation. As an added feature, NACWA will offer significantly discounted registration to Gen X/Gen Y staff attending with their Member Agency representative—and feature multigenerational perspectives in presentations and panels.

Join NACWA for its Money Matters Summit & Fly-In

Make your plans today for NACWA's *Money Matters Summit & Fly-In* scheduled for March 1-2, 2011 in Washington DC. The Summit will bring together clean water utility executives from across the Nation to discuss financial and affordability challenges they face as they work to improve and protect water quality.

On the morning of March 1, members will have an opportunity to share their challenges and recommendations with representatives from Congress and the U.S. Environmental Protection Agency (EPA) as they discuss ways in which federal clean water mandates can be applied that enable communities to both better protect the environment and sustain them financially. The highlight of the Summit will take place on the afternoon of March 1, when attendees will travel to Capitol Hill



Money Matters™

for a luncheon and key meetings with their Members of Congress.

Day two of the *Summit* features representatives from EPA and the U.S. Conference of Mayors discussing their efforts to on this issue, and round robin discussion by the utilities present on effective ways to communicate with rate-payers about affordability issues and how

the *Money Matters* campaign can support these efforts.

Make Your Plans to Attend By Registering Today!

Registration for the *Money Matters Summit & Fly-In* is free of charge to NACWA Member Agencies. Space is limited so please visit NACWA's website at www.nacwa.org/11flyin to register today. Also, be sure to make your hotel reservations at The Fairmont Washington, DC—where much of the *Summit* will take place—by calling 202.429.2400 and referencing that you are a “NACWA *Money Matters*” attendee. For answers to questions regarding the *Summit* agenda, or assistance in arranging meetings with your congressional delegation, please don't hesitate to contact John Krohn, NACWA's Manager of Legislative Affairs, at jkrohn@nacwa.org. 💧

Republicans Gain Senate Seats and House Majority in Mid-Term Elections

Republicans notched major victories in the mid-term elections as the GOP gained control of the House of Representatives and closed the Democratic advantage in the Senate. In the House, Republicans picked up more than 60 seats to gain 242 seats to Democrats' 191, resulting in a Republican majority four years after being ousted by Democrats. One noteworthy outcome of the election was the defeat of House Transportation & Infrastructure Committee (T&I) Chair James Oberstar (D-Minn.). Mr. Oberstar served 18 terms in Congress and was a strong champion for water quality issues. He led efforts to provide federal funding to meet the goals of the Clean Water Act, aggressively pursued wetlands protection and restoration, and promoted non-point source pollution controls among other clean water priorities. Mr. Oberstar's defeat allows Representative Nick Rahall (D-W.V.) to assume the post of ranking member of the T&I Committee. Mr. Rahall previously served as Chair of the House Natural Resources Committee. In addition, Representative John Mica (R-Fl.) will become Chair of the Committee, having served as Ranking Member while in the minority. NACWA has worked well with Representative Congressman Mica in the past and we look forward to a continued positive relationship.

In the Senate, Barbara Boxer (D-Calif.) won re-election to a fourth term. As a result, Senator Boxer will retain her position as Chairman of the Senate Environment & Public Works (EPW) Committee which has jurisdiction over Clean Water Act issues. Senator James Inhofe (R-Okla.) will also retain his position as Ranking Member of the EPW Committee. Also likely to retain their leadership positions are Senator Ben Cardin (D-Md.) and Mike Crapo (R-Idaho) who serve as Chair and Ranking Member of the Water & Wildlife Subcommittee.

Significant Impact on Environmental Policy Anticipated

The Republican gains in the House and Senate will have a significant impact on environmental policy. It is expected that the



Republican House will initiate greater oversight of the Obama Administration, specifically targeting the U.S. Environmental Protection Agency's (EPA) efforts to control greenhouse gas emissions under the Clean Air Act – and will surely not advance any comprehensive legislation dealing with the climate change issue. It is anticipated that the new House Majority will be focused on deficit reduction, want to cut spending where possible, and have greater support for doing so in the Senate. This focus will likely mean significant program cuts in many environmental areas, although the Republican majority may be sensitive to the need to continue robust investments in infrastructure because of the strong support among the business community for this type of government spending.

NACWA could see more interest in leveraging private forms of capital to spur investment in infrastructure, including water and wastewater infrastructure – and the Association will be looking for opportunities capitalize on these ideas. NACWA also expects the Republican majority to be interested in its *Money Matters* campaign and to support policy solutions for communities confronting affordability challenges in meeting their clean water obligations.

Although comprehensive climate change legislation is off the table, there is a good chance that Congress will attempt to tackle energy legislation. If so, and if a Renewable Energy Standard is considered, NACWA will again seek to have energy generated by a wastewater treatment plant eligible for credits under the program.

Farm Bill Likely for Reauthorization

Congress is expected to take up Farm Bill reauthorization legislation. This will provide NACWA – and the water sector in general – an opportunity to focus attention on the need for better management practices for nutrients on farmlands to avoid adverse water quality impacts. Although this Congress will likely not be sympathetic to greater regulatory burdens placed on agriculture, NACWA will make the argument that ratepayers living in urban centers are paying the cost of nutrient controls at the wastewater treatment plant that could, more cost-effectively, be achieved through nutrient reductions on farms.

It is too early to tell exactly what will form the agenda for this new Congress will take; however, it will no doubt will provide for interesting policy discussions in which NACWA will be actively engaged. 🌱

NACWA Membership Working as One

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 its newest Legal Affiliate.



Frost Brown Todd LLP, Cincinnati, OH

Represented by Stephen N. Haughey, Partner

Frost Brown Todd's environmental practice provides legal defense, regulatory and technical advice, and strategic planning for a full range of environmental issues for a broad spectrum of clients, ranging from Fortune 500 manufacturers to municipalities. The firm's diverse,

multi-disciplinary team of lawyers works to provide clients with an advantage in solving even the most demanding environmental issues.

To learn more about Frost Brown Todd, please visit www.fbtllaw.com.

NACWA is the resource for information on current and evolving clean water issues – and the advocate for reasonable environmental policies and legislation. In the New Year, Association members will

be reaching out to non-member municipalities communicating the value of NACWA and encouraging membership. 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, NACWA's Director Membership Development at kbrocato@nacwa.org.

NACWA Winter Conference

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Fly-In, NACWA's Winter Conference will explore the regulatory, legislative, legal, and public relations initiatives of the *Money Matters* campaign, and how utilities can help promote smarter investment in clean water on both the local and national levels.

Peter Silva, Assistant Administrator for EPA's Office of Water, is invited to give an update on the Agency's plans for wet weather regulation, the outlook for finalizing regulatory proposals, and EPA's perspective on the financial issues facing utilities as new regulations come into play. Alexandra Dapolito Dunn, Executive Director & General Counsel of the Association of State & Interstate Water Pollution Control Administrators (ASIWPCA), will provide the view of the states on how the current and upcoming regulations should be implemented.

Panel to Focus on Prioritized Investment, Satellite Systems

A panel presentation on *Prioritized Investment through the Watershed Approach* will

highlight two case studies of utilities that have used comprehensive watershed evaluation and management to target investments that will result in the greatest environmental benefits. This panel will be moderated by Charlie Logue, Chair of NACWA's Strategic Watershed Task Force, who will also provide an update on NACWA's advocacy on the watershed approach.

Management of collection systems will be a focus of featured speaker Adel Hagekhalil, Assistant Director of the City of Los Angeles Bureau of Sanitation, who will discuss the recently published *Core Attributes of Effectively Managed Wastewater Collection Systems* and how they have already been implemented in Los Angeles to reduce overflows and gain the public's trust. Infiltration and inflow reduction in satellite collection systems will be discussed during a panel presentation on *The Public and Private Sides of Infiltration and Inflow*. This panel will also examine various solutions for the maintenance and repair of private laterals.

Other panel presentations will examine

how policies developed by states, and current treatment technologies, may factor into a national rule on sanitary sewer overflows (SSOs) and collections systems. Affordable solutions to SSOs and combined sewer overflows (CSOs) will also be explored, as well as the technical and legal challenges associated with using green infrastructure as a solution to these overflows.

Hotel Reservation Deadline is January 10

In addition to meetings of NACWA's standing committees, the conference will also feature the National Environmental Achievement Awards Ceremony & Reception honoring the Association's Member Agency winners. The deadline for reserving a room at the Hyatt Regency Pier Sixty-Six at 954-525-6666 for the special group rate of \$199/night is Monday, January 10. Visit NACWA's website at www.nacwa.org/11winter for an agenda, registration, and other information about the conference.



« *Robert Dreher, Principal Deputy Assistant Attorney General for the Environment & Natural Resources Division of the U.S. Department of Justice (DOJ), addresses participants at NACWA's 2010 Developments in Clean Water Law Seminar, held November 17-19 in Santa Fe, New Mexico. Dreher's comments focused on how DOJ's approach to negotiating municipal wet weather consent decrees has been influenced by the recent economic downturn, including a greater awareness of affordability constraints facing municipalities. Other speakers at the Seminar discussed a variety of currently legal and regulatory concerns facing clean water utilities, including new stormwater rules, emerging nutrient regulations, and biosolids management issues. Copies of the presentations given at the Seminar are now available on NACWA's website.*