

Senator Sherrod Brown (D-Ohio) will receive NACWA's National Environmental Achievement Award for public service along with his congressional colleagues Reps. Steven LaTourette (D-OH) and Russ Carnahan (D-MO).



A Clear Commitment to America's Waters

APRIL/MAY 2011

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National Environmental Policy Forum to Feature Key Policymakers, Issues



As the Federal government continues to place water quality issues high on its agenda in both the regulatory and legislative landscapes, make your plans today to join other NACWA members and clean water professionals in Washington, D.C. for the *2011 National Environmental Policy Forum*, May 8 - 11 at the Westin Washington DC City Center.

The *Policy Forum* is an unparalleled opportunity

for the clean water community to dig deep into the latest federal legislative, regulatory, and legal developments. Compelling speakers and consecutive, rather than concurrent, committee meetings will ensure that each attendee comes away with the maximum amount of information on issues sure to impact their utility back home. The program features high level discussions on hot topics

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NACWA Releases Service Charge Index

Increases in Residential Service Charges, Still More Than Double the Rate of Inflation

The latest edition of NACWA's *Service Charge Index* finds that utilities continue to fund needed infrastructure repairs and maintain current levels of service despite the economic challenges of the past year. Enclosed with this issue of the *Clean Water Advocate* is NACWA's 2010 *Service Charge Index*. The 2010 *NACWA Index* shows that the average cost of wastewater services for a single-family residence increased by approximately 4.6 percent in 2010. While 2010's percent increase was approximately half that of the previous year's figure – and well short of the projected value of 7.5 percent – the 4.6 percent increase still outpaced the rate of inflation as measured by the Consumer Price Index, which only increased by 1.6 percent over the survey period (measured as an average of inflation for the period 2009-2010).

Customers pay for sewer services in a variety of ways. Charges may be based on property values or gallons of water used, or they may simply be a flat rate. Because of this variability, the *NACWA Index* compares what the average single-family residence pays annually as a more consistent measure for tracking the cost of services over the years. The 2010 *Index* shows that the average single family's actual annual cost for wastewater services topped \$374 nationally.

Long-Term Upward Trend Continues, Economic Downturn Limits Increase in Charge

More than three quarters of respondents to the *Index* survey have approved or planned rate increases for 2011, averaging about 6.5 percent, and roughly 50-60 percent of respondents have approved

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SSI Advocacy Efforts Shift into High Gear

NACWA is quickly accelerating its advocacy work on sewage sludge incinerators (SSIs), pulling together a rapidly growing Sewage Sludge Incineration Advocacy Coalition (SSIAC) to support the Association in an upcoming legal challenge to the U.S. Environmental Protection Agency's (EPA) recent air and solid waste rules regulating the use of SSIs. NACWA formed the SSIAC in February after EPA published new regulations requiring more stringent and costly emissions limits for SSI units. EPA's final air rule governing SSIs contained improvements over the proposal, thanks in large part to NACWA's tireless advocacy. The final rules, however, are still so significantly flawed – from a scientific and legal perspective – that NACWA believes it is necessary to file a legal challenge to both rules to protect the interests of the clean water utility community.

Coalition Demonstrates Strength in Numbers

The SSIAC is a key component of NACWA's strategy to challenge the new SSI regulations by allowing those utilities that will be most directly impacted by the rules to support NACWA's advocacy work and receive the most up-to-date information on SSI developments. All clean water utilities in the country that operate SSI units, including both NACWA Member Agencies, as well as nonmember utilities,

have been invited to join the SSIAC. Funds raised through the coalition effort will support NACWA in filing legal challenges to the SSI emission standards and solid waste rule on behalf of all impacted clean water agencies. The response to the SSIAC has been very positive, with over 30 utilities pledging to join the coalition. Additional utilities are expected to join the SSIAC in the coming weeks.

NACWA has also begun work on drafting the necessary documents for a challenge to the final SSI and solid waste rules. The Association is planning both an administrative petition for reconsideration and a legal petition for review to the final SSI air rule setting new emissions standards for SSIs, as well as a legal challenge to the final definition of solid waste rule that classifies biosolids that are combusted as a solid waste. The petition for reconsideration and the two legal petitions for review are expected to be filed later this spring, with the court cases likely stretching into 2012.

Additional information on NACWA's SSI advocacy efforts is available on the *Biosolids Management/Incineration* page of the Association's website at www.nacwa.org. Anyone with additional questions about the SSIAC or NACWA's planned legal challenges to the final SSI regulations may contact NACWA staff members Nathan Gardner-Andrews (ngardner-andrews@nacwa.org) or Chris Hornback (chornback@nacwa.org). ♦

NACWA Builds Upon Advocacy Success on Stormwater Issues

NACWA's victories on the stormwater advocacy front continued during March with the release by the U.S. Department of Justice (DOJ) of a legal opinion confirming the Association's interpretation of recently passed legislation requiring the payment of stormwater fees by federal agencies – and the announcement by the U.S. Environmental Protection Agency (EPA) that it will consider making revisions to a controversial stormwater memorandum.

DOJ Guidance Clarifies Payment Process for Stormwater Fees

The DOJ guidance document and legal opinion, released to the public on March 18, provides a legal analysis of a recently enacted amendment to the Clean Water Act which directs federal government facilities to pay local stormwater charges. The DOJ guidance clarifies that under the recent legislation championed by NACWA, federal government facilities may pay local stormwater service charges from annual lump-sum appropriations for general operating expenses, and do not need additional stormwater-specific appropriations for payment of stormwater fees.

When the legislation was passed questions arose regarding whether appropriations for stormwater charges could come from annual funds appropriated for general agency operating expenses or required a specific additional appropriation just for stormwater fees. DOJ's legal opinion makes clear that stormwater-specific appropriations are not needed and that federal stormwater charges can be paid from an-

ual lump-sum appropriations, including current appropriations for normal operating expenses that federal agencies already have. DOJ's interpretation of the legislative language is consistent with the position advocated by NACWA and marks a significant victory for the Association and its members charged with stormwater management on this important issue. Additional information on the DOJ guidance can be found in NACWA *Advocacy Alert 11-09*, which is available on the Association's website.

EPA Agrees to Public Comment Period on Stormwater Memo

In a related development, EPA announced on March 17 that the Agency was opening up a formal 60-day public comment period on a controversial stormwater memorandum released in November 2010 dealing with numeric limits in stormwater permits. EPA's decision comes after significant pressure from NACWA and other groups criticizing the Agency both for the content of the memo and the process used to develop it. NACWA, along with a number of other municipal organizations, sent a sharply worded letter to EPA in January highlighting the substantive and procedural flaws with the memo and urging the Agency to withdraw it. EPA's decision to open up a public comment period on the document – as well as the possibility of revising or withdrawing the memo based on the comments received – marks an important victory for NACWA's stormwater advocacy efforts and affirms the importance of stakeholder input on stormwater issues. The Agency will be accepting comment on the memo until May 16. ♦

NACWA's 2011 *National Environmental Achievement Awards* Recognize Clean Water Champions

NACWA will recognize fourteen individuals with a 2011 *National Environmental Achievement Award (NEAA)* at a special ceremony during NACWA's *National Environmental Policy Forum* on May 10, 2011. The NEAA program recognizes both individuals (in May) and member agencies (in February 2011) that have made outstanding contributions to environmental protection and the clean water community.

Three Congressional Clean Water Advocates Honored

Senator Sherrod Brown (D-OH), Representative Steven LaTourette (D-OH) and Representative Russ Carnahan (D-MO)

will all be recognized with the Association's Federal Public Service Award. The bipartisan, bicameral partnership of Senator Sherrod Brown and Representative Steven LaTourette has clearly demonstrated their commitment to Ohio, the environment, and NACWA priorities. Both have advocated tirelessly for increased investments in the nation's water and sewer infrastructure and for responsible and pragmatic policies in mitigating the nation's water quality challenges. Representative Carnahan has equally established himself as a leader in advocating for smarter investments to ensure the health of our nation's water resources.



Steven LaTourette

Dedicated State and Local Leaders Recognized

The contributions of state and local elected and appointed leaders are celebrated by the Association. NACWA is recognizing **Marcia Willhite**, Chief, Bureau of Water, Illinois Environmental Protection Agency and **Ellen Gilinsky**, Director, Division of Water Quality, Virginia Department of Environmental Quality for public service on behalf of clean water community. Both Willhite and Gilinsky have been strong leaders on nutrient issues in their home states – and on a national level. They have been actively involved in the States U.S.

Environmental Protection Agency (EPA) Nutrient Innovations Task Group in addition to contributing to the development of NACWA's draft *21st Century Watershed Act* legislation and Principles for a Viable Watershed Approach.

At the local level, NACWA will acknowledge **Andrew "Chuck" Vaccaro**, Chairman, Bergen County Utilities Authority Board of Commissioners, for a long and distinguished career in public service, always exhibiting a dedication and vision to the environment and clean water initiatives. Another local leader to be recognized is **Sidney Holbrook**, Executive Director, Greater New Haven Water Pollution Control Authority, for his leadership and focus on sustainability utilizing innovative, green solutions.



Andrew Vaccaro

NACWA Honors Two Individuals for Their Environmental Stewardship

The recipients of NACWA's 2011 *Environment Award* are **Dick Champion**, Chair, Clean Water America Alliance (CWAA) Board of Directors and Director, Independence Water Pollution Control Department, Independence, Missouri. Through his role as the first Chair of the CWAA's Board, Dick has been a strong and knowledgeable voice for the Alliance and its goals. NACWA also honors **Arleen Navarret**, former Regulatory Manager, City & County of San Francisco Public Utilities Commission, with this prestigious award for her dedication and passion for protecting the environment while finding workable solutions to water pollution control and regulatory problems.

Celebrating Distinguished Service

NACWA's Distinguished Service Award honors individuals who have represented NACWA member agencies and maintained an active role in the Association. This year we are proud to honor four outstanding individuals who have demonstrated a true and lasting commitment to the Association and the clean water industry. **Michael Gritzuk**,

former Director, Pima County Regional Wastewater Reclamation Department, Arizona; **Robert Moore**, former Chief Administrative Officer, The Metropolitan District, Connecticut; **Jon Schellpfeffer**, former Chief Engineer & Director, Madison Metropolitan Sewerage District, Wisconsin; and **Richard Lanyon**, former Executive Director, Metropolitan Water Reclamation District of Greater Chicago, Illinois. Each of these individual's contributions will have a lasting impact on their utilities, the industry and the Association.



Richard Lanyon

Presidential Honors Recognize McGlinchy, Biggs

Through NACWA's *President's Award* the Association's President recognizes significant contributions toward achieving the goals and objectives of the Association. NACWA's President, Jeff Theerman, Executive Director, Metropolitan St. Louis Sewer District, Missouri, selected two individuals who have dedicated their time and expertise to the advancing the goals of the Association and the clean water community as a whole. **Michael McGlinchy**, Public Utilities Manager at the City of Akron Public Utilities Bureau, Akron, Ohio is being honored for his significant contributions to, and support of, the Association's regulatory prioritization and affordability initiatives. Additionally, Theerman will recognize **Barbara Biggs**, Government Affairs Officer for the Metro Wastewater Reclamation District, Denver, Colorado for her leadership of NACWA's Water Quality Committee and her impactful contributions to multiple Association initiatives.

NACWA commends all of these individuals on their clear commitment to clean water and thanks its Awards Committee, chaired by Philip Friess, Department Head, Technical Services of the Sanitation Districts of Los Angeles County, Calif., for their significant contribution of time and expertise in selecting the 2011 honorees. ♦

Regulation of Greenhouse Gas Emissions— What Utilities Need to Know

While Congress continues to consider legislation to reduce or remove the U.S. Environmental Protection Agency's (EPA) authority to regulate greenhouse gases (GHGs) under the Clean Air Act, President Obama threatens to veto the legislation. The future of GHG regulation is unclear, but publicly owned treatment works (POTWs) must still meet their obligations according to the regulations already in place.

Reporting Rule Deadline Extended

The Mandatory GHG Reporting Rule requires facilities that emit more than 25,000 metric tons of carbon dioxide equivalent (CO₂e) to report their emissions to EPA annually. EPA has extended the deadline for reporting 2010 emissions to September 30, 2011, while it refines its electronic reporting system. Although the wastewater treatment

process and emissions from biosolids incineration are not included in the emissions calculations, POTWs will still need to report if their emissions from stationary combustion sources exceed the threshold.

Biogenic Emissions Deferred from Clean Air Act Programs

The GHG Tailoring Rule established a tiered system for including GHG emissions in the Prevention of Significant Deterioration (PSD) and Title V permitting programs. EPA recently proposed a rule that would defer emissions from biogenic sources – including combustion of biogas and biosolids – for three years while the Agency continues to study the issue. NACWA plans to provide comments to EPA supporting this deferral and recommending that it be made permanent for all biogenic emissions related to wastewater treatment.

NACWA Works with EPA to Improve Emissions Estimates

Since EPA's annual *Inventory of U.S. Greenhouse Gas Emissions and Sinks* is often referred to as an example of how to calculate GHG emissions, NACWA again provided EPA with recommendations on how the most recent *Inventory* could be improved. NACWA believes that although this document is only used for information purposes, it should still reflect actual wastewater emissions as accurately as possible. NACWA has also asked EPA to revise and improve a recent report on biogenic emissions from wastewater treatment.

NACWA continues to monitor the Congressional and White House actions on GHG emissions—in addition to EPA's ongoing regulatory actions—and will keep members informed about the impacts of new developments on utilities. ●

NACWA Members Among Initial Recipients of U.S. Water Prize

NACWA Member Agencies will be among those recognized when the Clean Water America Alliance presents its first 2011 U.S. Water Prize in May in Washington, DC. The Prize recognizes watershed-based approaches toward water sustainability.

NACWA Member Agencies the City of Los Angeles (Bureau of Sanitation) and New York City Department of Environmental Protection will be honored for planning, integrating, and incorporating innovative green infrastructure approaches and increasing resource recovery through water reuse and other cutting edge technologies. Both cities are maximizing their resources through community partnerships and involvement. In announcing the Water Prize winners, Clean Water America Alliance President Ben Grumbles observed that "Los Angeles

is connecting the dots and drops to show the nation how integrated resource planning, from sanitation to transportation, can save water and energy for the planet and money for people."

Acknowledging the important work underway in New York City, Grumbles noted that "New York City's Department of Environmental Protection is showing the world, on a massive scale, the power of green infrastructure and resource recovery to prevent water pollution and produce clean energy."

The Milwaukee Water Council (Wis.) will also receive a U.S. Water Prize for establishing public-private collaborations that advance water technology and promote economic development. As a result, the Milwaukee area is becoming known as a "World Water Hub." NACWA Member, the Milwaukee Metropolitan Sewerage District, is an active member of

the Water Council and has been instrumental in their regional collaboration initiatives. The National Great Rivers Research & Education Center in Alton, Ill. and The Pacific Institute will also be recognized. U.S. Water Prize winners will be honored in a special ceremony on May 9, 2011. National water and environmental leaders will attend the celebration.

The Clean Water America Alliance created the U.S. Water Prize to recognize achievement and inspire action for water sustainability. Lending their support to the Prize as Lead Sponsors were NACWA Affiliate Members Pirnie/ARCADIS; Veolia; CH2M HILL; Brown & Caldwell; and, AECOM. Affiliate Members CDM; Black & Veatch; MWH; Burns & McDonnell; and HDR demonstrated their commitment as Supporting Sponsors of the inaugural U.S. Water Prize. ●

Pretreatment Workshop to Focus on Solutions to Old & New Challenges

NACWA's 2011 Pretreatment & Pollution Prevention Workshop, May 18-20 at the St. Louis Union Station Marriott in St. Louis, Missouri, will take a close look at the latest developments in the pretreatment arena. With the theme, *Meeting Pretreatment Challenges, Old & New*, presentations at the Workshop will focus on new solutions to old problems, such as mandatory amalgam separators to reduce mercury discharges from dentists – and new programs to reduce the flushing of unused pharmaceuticals. Emerging issues will also be featured, such as treatment of wastewater from hydraulic fracturing and the beneficial uses of food wastes in wastewater treatment processes. The Workshop will also provide opportunities for pretreatment professionals to network and discuss problems and issues in small group sessions.

Program to Focus on Updates, Discussions on New Regulations

Staff from the U.S. Environmental Protection Agency (EPA) Headquarters and Regions will attend the Workshop to provide the newest information on pretreatment and pollution prevention regulation. The Workshop will begin with the annual *National Pretreatment Program Update*. During this panel presentation, EPA's Office of Wastewater Management's Water Permits Division will be represented by Brian Frazer, Acting Associate Division Director; Marcus Zobrist, Chief of the Industrial Branch; and, Jan Pickrel, National Pretreatment Team Coordinator. This distinguished panel will provide information on the Agency's activities related to pretreatment, including the recent focus on utility



acceptance of wastewater from hydraulic fracturing operations. Carey Johnston, from EPA's Office of Science and Technology, will discuss new developments in the effluent guidelines plan.

The Agency is currently developing a rule to require dental amalgam separators at all dental facilities and with 120,000 dental offices across the country, the potential burden on utilities and the states enforcing the new standards is huge.

Workshop Offers Multiple Networking Opportunities

As in past Workshops, participants will have the opportunity to meet with the pretreatment coordinators from the EPA Regions and other pretreatment professionals during the *EPA Regional Roundtable* session. Building on the success of last year's *Pretreatment Issues Roundtable*, two rounds of these discussion sessions are scheduled to allow participants to meet in small groups and talk about issues their utilities are currently facing or issues that they expect to come to the forefront in the future.

Hotel Deadline Approaching—Make Your Plans!

Once again, NACWA is offering a discounted registration rate available to public utilities that bring multiple employees to the *National Pretreatment & Pollution Prevention Workshop*. An agenda, online registration, and travel information for the Workshop is available on NACWA's *Conferences & Meetings* website. Be sure to call the St. Louis Union Station Marriott at 314.621.5262 without delay to ensure the special NACWA rate of \$129 single/double. The Association looks forward to hosting this important annual event. ♦

NACWA Releases Service Charge Index

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or planned rate increases for 2012 to 2015. Last year's *Index* survey did, however, predict a larger increase in the average annual service charge for 2010 based on approved or planned rate increases, so it appears that some of the planned rate increases for 2010 may have been reduced or not implemented based on the current condition of the economy.

The NACWA *Index* continues to predict a steady rise in the average service charge over the next five years, with annual charges approaching an average of \$510 by 2014 and \$547 by 2015. This rate of increase is faster than was predicted in previous surveys. The steady increase in service charges over the

last decade continues to demonstrate that utilities are raising revenues, and their levels of service, to address growing costs and ag-

“The average cost of wastewater services increased by approximately 4.6 percent in 2010, more than double the rate of inflation.”

Source: 2010 NACWA Index

ing infrastructure needs.

While the economic downturn continues to weigh heavily in the decision-making of utility managers, the NACWA *Index* indicates that utilities, on the whole, are not planning to scale back rate increases over the next few years. The unexpectedly smaller increase from 2009 to 2010 does suggest that utilities are being mindful of the current economic situation, but they continue to plan for additional increases into the future. NACWA's 2011 *Financial Survey*, now underway, will provide additional insight into the ongoing trends in service charges and impacts, if any, from the current economic downturn when it is released in the spring of 2012. ♦

Making a Clear Commitment with NACWA Membership

Recognizing the power that clean water agencies, as a community, have when they speak with one voice, NACWA is pleased to welcome three new public agencies and two corporate affiliates to the Association's dynamic network of dedicated public agencies and environmental stewards.

Public Agencies

City of Lancaster, PA

Represented by Charlotte Katzenmoyer, Director of Public Works

Located in southeast Pennsylvania, the City's Advanced Wastewater Treatment Plant (AWWTP) collects and treats wastewater from the City of Lancaster and portions nine additional townships servicing a population of 56,000. To learn more about the City of Lancaster please visit www.cityoflanasterpa.com.

City of Vancouver, WA

Represented by Brian Carlson, Public Works Director

Vancouver's effective and efficient wastewater collection system includes approxi-

mately 662 miles of wastewater pipes and 35 pumping stations, servicing a community of over 200,000. To learn more about the City of Lancaster please visit www.cityofvancouver.us/publicworks.



Pierce County, Public Works & Utility, Surface Water Management

Represented by Dan Wrye, Water Quality Manager

Dedicated to being a responsive service organization that efficiently addresses flood control, water quality, and the preservation of natural drainage systems – Pierce County, PW&U Surface Water Management is responsible for a service area of over 380,000 residents in unincorporated Pierce County. Please visit www.co.pierce.wa.us/pc/abtus/ourorg/pwu/about/water.htm to learn more this stormwater management utility.

Corporate Affiliate

RJN Group, Inc

Represented by John Peters, Director of Business Development

Established in 1975, RJN Group, Inc. has earned national recognition as a consulting firm that provides engineering and information technology services for infrastructure planning, design, construction, maintenance, and management. Please visit www.rjn.com for more information on RJN Group, Inc.

InSinkErator

Represented by David McNair, Vice President, Marketing

The world's largest manufacturer of food waste disposers and instant hot water dispensers for home and commercial use, InSinkErator is working with municipalities to explore new technology and innovative solutions to using food waste as a renewable energy source. Please visit www.insinkerator.com for more information on InSinkErator. ♦

National Environmental Policy Forum

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issues such as affordability, Clean Water Act regulatory prioritization, nutrient control, watershed management, wet weather initiatives and infrastructure investment – to name a few. These discussions will focus on issues and concerns to all NACWA members in the current environment of increased enforcement activities being pursued by the U.S. Environmental Protection Agency (EPA).

Focused Discussions Will Highlight Water Quality Hot Topics

Participants will also have the opportunity to join other NACWA Members for a strategic dialogue on the Association's evolving *Money Matters™* campaign. This discussion will build upon the momentum created by NACWA's *March Money Matters™ Summit & Fly-In*. Contributing consultant, LaJuana Wilcher, will provide a section-by-section

summary of NACWA's proposed legislation and will facilitate a strategic dialogue on next steps that will feature a focus on key regulatory and legal issues in the context of regulatory prioritization.

Key Policymakers to Speak

The *Policy Forum* will once again feature the popular *Roundtable Breakfast*, with key staff from EPA, as well as panel discussions tackling clean water issues currently being debated in Congress and the Executive Branch. Invited congressional speakers for this year's *Policy Forum* include: Senator James Inhofe (R-Okla.), Ranking Member, Senate Environment & Public Works Committee; Senator Jack Reed (D-R.I.), Chair of the Interior & Environment Appropriations Subcommittee; Senator Sherrod Brown (D-Ohio); Representative Bob Gibbs (R-Ohio), Chair of the U.S.

House of Representatives Water Resources & Environment Subcommittee; Representative Tim Bishop (D-N.Y.) Ranking Member, U. S. House of Representatives Water Resources and Environment Subcommittee. Additional invited speakers can be found on the *Policy Forum* agenda at www.nacwa.org.

NACWA has set aside time in the agenda for Members to meet with their congressional delegations to raise issues of significance to their utility and NACWA members as a whole. *Policy Forum* attendees are encouraged to make time for these critical meetings. Please see NACWA *Advocacy Alert 11-10* for additional information on scheduling visits to Capitol Hill.

Registration information, an up-to-date agenda and additional information are available on the *Conferences & Professional Development* page of NACWA's website, www.nacwa.org. ♦