

CLEAN WATER ADVOCATE

NACWA Member Agency the New York City Department of Environmental Protection was among those presented with the Clean Water America Alliance's inaugural U.S. Water Prize. Here, Commissioner Caswell Holloway, IV, accepts the prize on behalf the City.



A Clear Commitment to America's Waters

JUNE/JULY 2011

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NACWA Summer Conference to Feature First Class Management Approaches



With the ongoing efforts by clean water agencies to fine tune their management approaches and facility operations, NACWA's 2011 Summer Conference & 41st Annual Meeting, July 19-22, 2011 at the Westin Chicago River North in Chicago, Illinois, will provide an excellent opportunity to share experiences and learn from industry leaders and peers on the latest methods and practices. The 2011 Summer Conference, *Engineered for Success...Creating a First Class Public Utility*, will explore how utility managers are working to address the growing list of internal and external challenges – ranging from workforce concerns, a new and changing landscape for proj-

ect financing, rising energy costs, and additional regulatory burdens, to name a few. With their plates already full, utility managers are looking at how efforts to become more sustainable may ultimately help them meet their current challenges. Anchored by two highly-regarded and engaging keynote speakers, the management-focused conference will explore both emerging and existing initiatives – and the opportunities they offer utilities.

Acclaimed Designer and Architect William McDonough to Keynote, Conduct Workshop

William McDonough, internationally renowned designer and architect – and co-author of

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NACWA Files Challenges to SSI Rule

NACWA has initiated both a legal and administrative challenge to the U.S. Environmental Protection Agency's (EPA) final Sewage Sludge Incinerator (SSI) rule, marking the beginning of the Association's aggressive legal advocacy efforts to protect clean water utilities with SSIs from the flawed regulation. The Association filed a legal petition for review of the rule on May 6 with the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit), kicking off the start of NACWA's lawsuit against EPA over the rule. The filing is the first procedural step in the case and will be followed over the coming months with more substantive documents outlining NACWA's legal and technical arguments against the rule. Briefing in the case is expected to occur later this year.

NACWA also submitted an administrative petition for reconsideration of the rule with EPA on May 24, asking the Agency to reconsider the rule and to delay implementation of the new regulations pending completion of the reconsideration process. NACWA's document challenges EPA's legal basis for regulating SSIs under Section 129 of the Clean Air Act (CAA) instead of under Section 112, questions the extremely limited amount of time EPA had to respond to concerns raised by NACWA and other POTWs to the proposed rule – and to craft the final rule, and highlights the significant technical and scientific flaws in the emissions limits established by the final rule. The document also requests that EPA stay the final rule, outlining the significant environmental and economic harm that will

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NACWA Receives Turner Grant for Farm Bill Initiatives

NACWA has received a \$50,000 grant from the Turner Foundation to support outreach and communication efforts focused on reauthorization of the Farm Bill. The Association has been convening a coalition of stakeholders from among the municipal water community, state regulators, conservation and sustainable agriculture community in support of a legislative strategy to strengthen links between agricultural policy and water quality, specifically in the area of nutrient management on agricultural lands. Federal agricultural policy is determined every five years by Congress in comprehensive legislation referred to as the Farm Bill and it is this legislation that is the focus of NACWA's efforts.

White Paper to Offer Urban Perspective

The reauthorization of the Farm Bill provides an opportunity to make greater strides toward reducing nutrient pol-

lution from agricultural lands, thereby mitigating adverse water quality impacts from excess nutrient run-off during wet weather events. The Turner Foundation learned about NACWA's leadership role in the effort and the potential to elevate the voice of municipal water and wastewater community in the debate over agricultural water quality impacts. As a result, the Foundation invited NACWA to submit a grant proposal. Grant funds will be utilized to produce a white paper offering an urban perspective on the issue of agricultural nutrient run-off and to develop an overarching plan for a broader outreach campaign.

Healthy Waters Coalition Formed

NACWA members are directly engaged in the effort and participating in a workgroup led by former NACWA President Kevin Shafer. The workgroup has convened regularly to help develop draft policy recommendations and to review the development of the white pa-

per. In addition, NACWA has engaged a broader coalition of Washington-based non-governmental organizations (NGOs) that have an interest in the Farm Bill, now known as the *Healthy Waters Coalition*. Organizations participating the Coalition include the Water Environment Federation (WEF), the American Water Works Association (AWWA), the Association of Metropolitan Water Agencies (AMWA), the Association of State & Interstate Water Pollution Control Agencies (ASIWPCA), the Association of Public Works Agencies (APWA), the Chesapeake Bay Foundation, the Environmental Defense Fund, American Rivers, the Audubon Society, the National Wildlife Federation, the Environmental Working Group and the Izaak Walton League, among others.

NACWA members interested in becoming involved in the effort are encouraged to contact Patricia Sinicropi, NACWA's Legislative Director at psinicropi@nacwa.org. 🌊

The Clean Water America Alliance Honors NACWA Members with U.S. Water Prize



« The Clean Water America Alliance honored their inaugural class of U.S. Water Prize honorees during a ceremony and reception on May 9. Among the five honorees, were NACWA Member Agencies the City of Los Angeles and the New York City Department of Environmental Protection. Both were recognized for their watershed-based models and programs that advance the U.S. toward greater water sustainability. Pictured here the Honorable Antonio Villaraigosa, Mayor of the City of Los Angeles, Calif. (right) is presented the U.S. Water Prize by Ben Grumbles, President of the Clean Water America Alliance.

Additional details can be found at www.uswaterprize.org.



NACWA Inducts Two into Hall of Fame

« NACWA inducted Jon Schellpfeffer, former Chief Engineer & Director of the Madison Metropolitan Sewerage District (pictured left with Jeff Theerman, NACWA President) and Donnie Wheeler, former General Manager of the Hampton Roads Sanitation District into the Association's Hall of Fame at an Awards Ceremony & Luncheon on May 10, 2011. Established in 2010, the NACWA Hall of Fame honors individuals who, through their actions and commitment to the organization, have made a significant positive impact on either the evolution of the Association or its ability to effectively represent the interest of the clean water community on specific issue. Also recognized at this meeting were NACWA's individual National Environmental Achievement Awardees.

NACWA Ramps up Legal Advocacy on Key Issues

NACWA has stepped up its legal advocacy efforts in recent weeks, addressing a variety of issues ranging from nutrients to nonpoint source control to municipal wet weather consent decrees – all of which could significantly impact NACWA members. In addition to the Association's extensive work on sewage sludge incineration (SSI) issues (*see related article*), NACWA is also involved in a number of other critical cases as described below.

Florida Nutrients Litigation

NACWA filed a *Motion to Participate as Amicus Curiae* in early April in this case, following NACWA Board of Director's approval to participate in November 2010. The litigation is a challenge to numeric nutrient criteria developed by the U.S. Environmental Protection Agency (EPA) for freshwater lakes, streams, and rivers in the State of Florida. NACWA is participating in the case to support its Florida utility members in a challenge to the criteria and to provide an important national perspective on this critical issue. The criteria, which were finalized in November, were developed using controversial scientific methods that NACWA believes are inappropriate. The Association will use its participation in the case to challenge the criteria for Florida and to argue that a similar approach should not be used for nutrient criteria in other parts of the country. Briefing on summary judgment motions is expected to occur in June, and NACWA will file a brief at that time.

Chesapeake Bay TMDL Litigation

The NACWA Board gave approval for participation in this case in early May, which involves a challenge to the final total maximum daily load (TMDL) developed by EPA for the Chesapeake Bay. The case is being brought by agricultural interests attempting to remove themselves from the TMDL process and arguing that EPA has no authority to regulate or assign allocations to nonpoint agricultural sources. These claims present a significant threat to the compre-

hensive watershed approach upon which point source interests are highly dependent and which NACWA strongly supports – and could result in increased regulatory pressure on point sources such as municipal wastewater and stormwater dischargers. For this reason, NACWA filed court papers on May 25 to intervene in the litigation on the side of EPA to ensure that the interests of NACWA's public utility members are protected, and to preserve EPA's ability address nonpoint sources and administer a holistic watershed approach through the TMDL program. NACWA is participating in the case along with wastewater utility associations from Maryland and Virginia, and will be filing additional pleading in the litigation over the coming months.

Akron Consent Decree Appeal

The NACWA Board also gave approval in May for the Association to support its member, the City of Akron, Ohio, in appealing a decision by a federal district court to reject a proposed wet weather consent decree. The court, in a highly unusual judicial action, refused to enter the proposed decree even though it had been agreed to and was supported by the City, the federal government, and the state government. NACWA will be supporting Akron's appeal of this decision via an amicus brief focused on the importance of district court judges granting deference to the consent decree negotiation process, especially to a decree that has been mutually agreed upon by the municipality and the federal and state governments following a comprehensive negotiation process. NACWA's brief will also highlight – from a national perspective – how disruptive it would be to the overall consent decree negotiation process if cities cannot rely on the federal courts to approve the agreements that they reach with federal and state regulators. Briefing in the case is expected to occur in mid-July.

Additional information on all of NACWA's litigation activities is available on the Litigation Tracking page of the Association's website at www.nacwa.org.

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. ♦



National Environmental Policy Forum Highlights Association's Advocacy Efforts

« NACWA's 2011 National Environmental Policy Forum took place May 8 – 11, 2011 in Washington, DC, and underscored the influential role the Association continues to play in helping shape the nation's clean water agenda. Perhaps the most vital component of the meeting, however, was the large number of public agency members who took the national clean water message on federal funding, regulatory prioritization, and the need to address nonpoint sources of pollution to their Member of Congress. The Money Matters™ message was echoed in remarks by at the Forum's Capitol Hill Reception which featured a number of note-worthy guests, including Senator Jack Reed (D-R.I.), Chair of the Senate Interior & Environment Appropriations Subcommittee (pictured), who urged NACWA to continue its strong advocacy support for federal funding, noting that this year would be a particularly difficult one in terms of protecting even the current levels of clean water state revolving fund dollars.

NACWA Ramps Up Congressional Outreach as FY 2012 Appropriations fight Looms

As Congress prepares to take up the fiscal year (FY) 2012 budget for the U.S. Environmental Protection Agency (EPA) next month, the talk of greater austerity continues to be a key theme in Congress. Given that the Clean Water State Revolving Fund (CWSRF) is the largest program within EPA's budget, budget hawks are eyeing the CWSRF for significant cuts. While NACWA believes more money must be put on the table by the federal government to meet the growing clean water infrastructure funding gap – as well as expanding federal regulatory requirements – it is critical to take a strong stand now to safeguard the one existing federal clean water funding source – the CWSRF.

In line with this, NACWA has worked closely on a bipartisan basis with the leadership of the Senate Environment & Public Works (EPW) Committee. Senators Barbara Boxer (D-Calif.), James Inhofe (R-Okla.) and Benjamin Cardin (D-Md.) helped to circulate a Senate "Dear Colleague" letter asking for strong and continued federal investments for the CWSRF in the Fiscal Year (FY) 2012 budget. NACWA took a leadership role in both developing the letter and in ensuring solid bipartisan support for it during a period when many Senators have significant concerns about weighing in on funding specific environmental programs. The letter gained the support of over 30 Senators including 5 Republicans – Sen. Inhofe, Sen. Crapo (Idaho), Sen. Snowe (Me.), Sen.

Boozman (Ark.) and Sen. Thune (N.D.).

NACWA also sent correspondence to key Senators and Representatives urging their support for funding the CWSRF at no less than the \$1.5 billion that was requested in the President's FY 2012 budget. In part because the "Dear Colleague" letter previously discussed did not have a specific funding level request, it was critical to have both these letters timed together. NACWA's letter also advocated for continuing the additional subsidization and green reserve provisions that stemmed from the *American Recovery and Reinvestment Act* (ARRA or stimulus package) and have continued to be a part of annual appropriations bills since. Clearly, there is more to come as this significant issue is debated on Capitol Hill. ♦

NACWA Membership Offers Strength in Numbers

NACWA's work is essential to ensuring that well-informed regulatory and legislative decisions are made in Washington. The Association recognizes that there is much to be gained when public utilities with a direct stake in clean water work together to make certain their priorities receive attention and their common concerns are heard. NACWA is pleased to welcome seven new members in three membership categories – Public Agency, Legal Affiliate and Supporting Affiliate.

Public Agencies

City of Sacramento, CA **Represented by Marty Hanneman,** **Director, Department of Utilities**

The City of Sacramento is a founding member of NACWA, and after a brief hiatus in membership has rejoined the Association. Serving a population of 248,000, the City of Sacramento provides water, sewer collection, storm drainage and solid waste services. Please visit www.cityofsacramento.org/utilities to learn more about the City of Sacramento.

Glenbard Wastewater Authority, IL **Represented by Erik Lanphier, Senior** **Plant Operator**

The Glenbard Wastewater Authority serves the Villages of Glen Ellyn and Lombard through a joint intergovernmental agreement. The Authority provides both collection and treatment services to 67,000 residents. To learn more about returning Member, the Glenbard Wastewater Authority, please visit www.glenellyn.org.



Rock River Water Reclamation District, IL **Represented by Steve Graceffa, District Director**

Located in Rockford, Illinois, the District covers nearly 88 square miles of Winnebago County and serves over 250,000 people. To learn more about re-joining Member, the Rock River Water Reclamation District, please visit www.rrwrd.dst.il.us.

Albany County Sewer District, NY **Represented by Richard Lyons,** **Executive Director**

The Albany County Sewer District, providing wastewater services since 1974, owns and operates two treatment facilities that serve eight communities in Albany County. To learn more about the Albany County Sewer District please visit www.albanycounty.com/sewerdistricthttp://www.cityofvancouver.us/publicworks.

Legal Affiliate

McGuire Woods, LLP, VA **Represented by David Evans, Partner**

McGuire Woods's environmental practice provides a diverse array of services from permitting, rulemaking and enforcement to avoidance of future problems, capitalizing on environmental assets and search-

ing for more sustainable practices for its clients. Please visit www.mcguirewoods.com for more information on McGuire Woods, LLP.

Supporting Affiliates

American Cleaning Institute **Represented by Paul DeLeo, Senior Director, Environmental Safety**

The American Cleaning Institute, formerly the Soap & Detergent Association, is focused on enhancing health and the quality of life through sustainable cleaning products and practices. Please visit www.cleaninginstitute.org for more information on the American Cleaning Institute.

Alliance to Save Energy **Represented by Erin Harper, Senior Manager, Public & Corporate Relations**

The Alliance to Save Energy is a nonprofit organization that promotes energy efficiency worldwide through research, education and advocacy. Please visit ase.org for more information on the Alliance to Save Energy.

In addition to welcoming these new members, NACWA encourages all members to ensure the key staff receive NACWA e-Alerts, participate on the Association's twelve standing committee, and attend conferences. If there are additional key members of your staff who would benefit from further involvement with NACWA please e-mail their name, title and e-mail address to Laura Cobb at lcobb@nacwa.org. 📧

NACWA Files Challenges to SSI Rule

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result if EPA does not delay implementation of the rule pending reconsideration.

Definition of Solid Wastes at Issue

In addition to challenging the final SSI rule, NACWA is also working on a challenge to the final definition of solid waste rule, published by EPA at the same time as the SSI rule. The rule provides a crucial regulatory foundation for the SSI regulations. NACWA is drafting a legal

petition for review to sue EPA over the final solid waste rule and anticipates filing the petition with the D.C Circuit in mid-June.

NACWA's advocacy efforts on the SSI and solid waste rules are being support by a Sewage Sludge Incineration Advocacy Coalition (SSIAC) that supports the Association's legal and administrative challenges in this area. To date nearly 40 clean water agencies with SSIs have joined

the coalition. All POTWs in the country that operate SSI unites have been invited to be a part of the coalition, and NACWA is grateful to the utilities that have pledged their support. Utilities interested in joining the SSIAC or learning more about NACWA's SSI advocacy efforts may contact NACWA staff members Nathan Gardner-Andrews (ngardner-andrews@nacwa.org) or Chris Hornback (chornback@nacwa.org). 📧

NACWA Summer Conference to Feature First Class Management Approaches

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Cradle to Cradle: Remaking the Way We Make Things – will keynote the General Session on Thursday, July 21. One of the most influential voices on sustainability, McDonough will explore how we can transform human industry – from a system that “takes, makes and wastes” to a creator of goods and services that generate ecological, social and economic value. Thursday afternoon McDonough will conduct a workshop for conference participants on how cradle-to-cradle thinking and design can be integrated into the wastewater treatment community.

Generational Strategist Jason Dorsey Explores Generational Divide

Bestselling author and generational strategist Jason Dorsey will keynote the Conference's opening General Session on Wednesday, July 20. With more of today's clean water professionals choosing to work well past their retirement dates, the current workforce now has an unprecedented range of over four generations. Dorsey's keynote, *Crossing the Generational Divide: Unlocking the Power of Generations™*, will explore each generation's preferences and priorities and provide insight into better embracing a culture of cross generation communication, innovation, engagement, teamwork, and performance in the workplace.

Industry Leaders, Panels Examine Challenges/Trends

In addition to these compelling keynotes, NACWA's Summer Conference will feature four industry leaders from some of the na-

tion's top engineering and consulting firms. The Industry Leader Roundtable, *Working to Meet Today's Top Challenges*, will focus its sights on the growing list of internal and external challenges impacting utilities.

Current and future trends in rate setting will receive important attention through an examination of the many issues that affect revenue stability. Strategies utilized by other industries to improve the utility's financial position, revenue stability and customer acceptance will be featured.

NACWA Committees Offer In-Depth Discussion & Timely Information

The Summer Conference continues the trend of consecutive committee meetings that are longer in length and allow for in-depth discussion and deliberation of critical issues. Meeting in July will be the Association's Utility Management, Climate Change, Water Quality, Facility & Collection System, and Stormwater Management Committees. NACWA's Biosolids Management and Legal Affairs Committees will meet jointly to discuss the Association's ongoing efforts to challenge two recent EPA rules impacting sewage sludge incineration and, more broadly, the use of biosolids as a fuel. The Association's Regulatory Policy and Legislative Policy Committees also plan key meetings.

A complete 2011 Summer Conference program, registration information and additional details are available on NACWA's website at www.nacwa.org. Please make your hotel reservation prior to the June 27, 2011 deadline to receive NACWA's special rate. ♻️



Jason Dorsey



William McDonough

Registration Discount Available for Gen X/Gen Y Professionals



What better way to embrace a culture of multiple generations that include them in your plans to attend the Summer Conference. As an added feature, NACWA is offering discounted registration to Gen X/Gen Y staff (defined for this purpose as individuals born 1970–1990) attending with their NACWA Member Agency or Affiliate representative. We invite you to take advantage of this special opportunity to engage your staff broadly in what is sure to be an exceptional conference.