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Bipartisan Congressional Support Grows for Clean Water Infrastructure

NACWA continues to work closely with allies on Capitol Hill to ensure key federal infrastructure investment programs receive strong support from Congressional budget writers as they embark on crafting the FY16 Budget for the U.S. Environmental Protection Agency (EPA). As Congress wrapped up work prior to its spring recess, a bi-partisan coalition of Members from both chambers voiced support for the Clean Water (CW) and Drinking Water (CW) State Revolving Fund (SRF) programs in letters to House and Senate Appropriators. Senators Mike Crapo (R-ID) and Sheldon Whitehouse (D-RI) co-sponsored a Senate [letter](#) in which 30 Senators signed-on, and in the House, Representative Jim McGovern (D-MA) sponsored a [letter](#) that garnered support from fifty-two members. Representatives Randy Hultgren (R-IL) and Dutch Ruppersberger (D-MD) are circulating a "Dear Colleague" letter urging budget writers to protect the tax-exempt status of investments in municipal bonds. And finally, a bi-partisan group of House and Senate members signaled their support for providing funding for EPA's [Integrated Planning Initiative](#). Key Congressional supporters of this initiative include Republican Representative Bob Gibbs, Chair of the House Water Resources & Environment Subcommittee, and Democratic Senator Sherrod Brown both from Ohio, a state in which several communities are facing affordability challenges under the Clean Water Act (CWA).

The Administration's FY16 Budget proposal requested a \$330 million cut in spending for the CWSRF program and an increase of \$270 million for the DWSRF. NACWA believes that any reduction to the CWSRF will result in much lower investment in clean water infrastructure at a time when utilities are facing continued regulatory pressure to deal with issues including nutrient pollution, wet weather enforcement, and new pretreatment standards. The Association sent a [letter](#) earlier this month urging Congressional budget leaders to reject the Administration's request and maintain spending for the CWSRF at current levels.

Tax-Exempt Municipal Bonds at Risk

The President's FY 2016 Budget request also proposed limiting the tax-exempt status of municipal bonds. Tax-exempt municipal bonds have been the primary financing mechanism used by local governments

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Key Legal Victory in Ohio TMDL Litigation

NACWA and its municipal partners in Ohio helped secure an important litigation win on March 24 when the Ohio Supreme Court ruled that all total maximum daily loads (TMDLs) in the state must go through a formal rule-making process, including public comment, before being incorporated into Clean Water Act (CWA) discharge permits. The court's ruling in *Fairfield County v. State of Ohio* echoes arguments made by NACWA and the Association of Ohio Metropolitan Wastewater Associations (AOMWA) in a joint brief filed in the case.

The court ruled that because a TMDL creates a legal standard and obligation which did not previously exist, it qualifies as a rule under Ohio law and must go through a rulemaking process. This includes publishing a TMDL for public comment – and allowing interested parties such as clean water utilities to challenge the scientific basis for a TMDL – before it is finalized,

sent to the U.S. Environmental Protection Agency (EPA) for approval, or incorporated in a binding CWA permit. The court noted the significant consequences for permittees that can flow from establishment of a TMDL, and determined that an opportunity for public review and challenge is necessary.

The joint NACWA/AOMWA brief argued that permittees should have an opportunity for meaningful review – and potential legal challenge – of TMDL allocations before incorporation into a discharge permit, and that the failure to provide such review is a violation of due process. While this decision is limited to Ohio (although federal TMDLs issued by EPA must already go through notice-and-comment procedures), this ruling can be very helpful to utilities seeking to make similar arguments in other states. More information on the case is available on NACWA's Litigation Tracking [webpage](#).

NACWA Urges Withdrawal of Dental Amalgam Rule

NACWA has urged the U.S. Environmental Protection Agency (EPA) to withdraw the [Dental Amalgam Separator rule](#) because the rule is unnecessary and its costs are not justified by its environmental benefits. The rule, proposed last October, would require the over 100,000 dental offices that place or remove amalgam to have separators installed. Utilities with pretreatment programs would be required to provide oversight of these dental offices, which must also submit annual certifications and follow best management practices.

NACWA's [comments](#) explained that the rule is not necessary as states and utilities have the authority to establish dental amalgam separator programs when needed, and many have already established successful programs. Utilities that do not have mercury problems with their effluent or biosolids could better spend their resources on other environmental issues.

Out-of-Date Data Results in Underestimated Utility Costs

NACWA also explained why EPA's analysis to justify the rule was inaccurate. EPA used the out-of-date 50 POTW Study to determine mercury removal efficiencies, resulting in an underestimation of cur-

rent mercury removal capabilities of wastewater treatment plants. The Agency also used decade-old information on the number of dental amalgam fillings that are placed and removed, leading to an overestimation of the amount of mercury that is currently discharged to publicly owned treatment works (POTWs) from dental offices. The costs to utilities were severely underestimated, with EPA allowing less than 10 minutes to verify compliance for each dental office in the U.S.

To collect information for its comments, NACWA conducted a Mercury & Dental Amalgam Separator Survey. The survey gathered information from over 200 wastewater treatment facilities and the data submitted demonstrated that utilities already meet their effluent and biosolids requirements for mercury. Additionally, data submitted by utilities that already have dental amalgam separator programs enabled NACWA to estimate the cost of the rule to utilities and other control authorities as \$12 million/year, plus an initial cost of \$24 million to develop dental amalgam separator programs. EPA's estimate for utilities and other control authorities was \$960,000/year. NACWA is currently working to provide EPA with additional data that the Agency has requested to allow a more thorough review of the proposal's impact on utilities. ♦

National Water Policy Forum & Fly-In Days Away

The [National Water Policy Forum, Fly-in & Expo](#), the anchor event of [Water Week 2015](#), is days away and is packed with compelling speakers and important events. Confirmed presenters include U.S. Environmental Protection Agency (EPA) Administrator Gina McCarthy, as well as Washington insiders Norm Ornstein, Resident Scholar at the American Enterprise Institute, and former Representative Steven LaTourette. McCarthy will speak on top clean water priorities for the EPA, including the latest developments with the Agency's proposed Waters of the U.S. Rule. Ornstein will provide insights into the state-of-play in Washington between Congress and the Administration, and LaTourette will discuss his time in Congress and provide pointers on how to successfully engage your Member of Congress on local and national clean water issues.

The *Forum & Fly-In* includes important utility meetings with Members of Congress to share key perspectives on clean water policy and the importance water resources provide their constituents. Utilities unable to be in Washington for Water Week have been invited to host a Water Week event in their communities. Social media will be utilized to coordinate and connect efforts across the country. ♦



Water & Wastewater Leadership Center Offers Invaluable Executive Education

Students at the 2015 *Water & Wastewater Leadership Center*, March 8-19, engage in informative presentations and robust discussions during this intensive two-week leadership program at the University of North Carolina Chapel Hill. Applications for the 2016 program will be available in August 2015 and [information](#) about this unique and excellent executive education experience is on NACWA's website.



Value of Water Coalition – New Website, New Partners

With the low temperatures in many parts of the country this winter, a rash of century-old water main breaks in East Coast cities while the West Coast continues to suffer from record drought. Despite the essential role that water plays in driving critical sectors of the economy – and contributing to the quality of life we enjoy – water is often overlooked in the national discussion of infrastructure investment.

The Value of Water Coalition, of which NACWA is a Founding Member, is a collaboration between public and private water agencies, business and community leaders, and national organizations united in communicating the importance of water to the economic, environmental, and social well-being of America. In March, the Coalition announced its growth and redoubling its efforts with a [new website](#) and new partners. In addition to NACWA, Founding Members of the Coalition include:



American Water; the American Water Works Association (AWWA); the Association of Metropolitan Water Agencies (AMWA); the National Association of Water Companies (NAWC); United Water; the U.S. Water Alliance (USWA); the Water Environment Federation (WEF), and Xylem – as well as NACWA Affiliate Members CH2M HILL; MWH Global; and, Veolia. Recently, the Founding Members were joined by two leading private sector companies: Dow Chemical Company and NACWA Affiliate Black & Veatch, as well as major public utilities. New public utility partners include: NACWA Member Agencies Alexandria Renew Enterprises; the Camden County Municipal Utilities Authority; DC Water; the Hampton Roads Sanitation District; Kansas City Water Services; the Metropolitan Sewer District of Greater Cincinnati; the Metropolitan Water Reclamation District of Greater Chicago; the Northeast Ohio Regional Sewer District; the Philadelphia Water Department; and, the San Francisco Public Utilities Commission. 🌊



Winter Conference Explores Collaboration with “Strangers”

In February, NACWA members gathered in Charleston for *Leaving the Comfort Zone... Collaborating for Clean Water*, the Association's 2015 Winter Conference. The conference was highlighted by speakers and panelists who explored the need for new, innovative partnerships in an increasingly complex regulatory, legislative and financial landscape. The attendees heard an informative and entertaining keynote address from Alan Gregerman (pictured here), President & Chief Innovation Officer of Venture Works, Inc., and the author of *The Necessity of Strangers – The Intriguing Truth About Insight, Innovation, and Success*.

Consent Decree Workshop to Offer Insights, Analysis on Enforcement Issues

Wet weather enforcement actions are among the most difficult issues any clean water utility attorney or manager will face. NACWA's [Wet Weather Consent Decree Workshop](#) – scheduled for April 29 -30 in Philadelphia – will provide everything a utility needs to know to effectively negotiate and implement a consent decree or wet weather enforcement order. Featuring top speakers including senior U.S. Environmental Protection Agency (EPA) enforcement officials, leading clean water attorneys, and municipal wet weather experts, this conference will give attending utilities the inside edge on enforcement issues.

Anchoring the *Workshop* will be a roundtable discussion featuring EPA enforcement attorneys from EPA Headquarters and key Regional offices discussing their perspectives on enforcement negotiations with municipal utilities. This will include insights on how regulators approach wet weather negotiations, and what kinds of approaches from municipalities they find most and least effective, presenting a rare opportunity for municipal officials to have a candid discussion with their EPA counterparts.

The *Workshop* will then feature presentations from some of the nation's leading clean water experts on a variety of topics including understanding your system and your finances to best position you in negotiations; using innovative strategies like integrated planning and adaptive management to negotiate the most cost effective wet weather program; ensuring smooth implementation of an enforcement order through effective communication; and addressing implementation challenges, including the option of modification to your enforcement order.

Workshop participants will also have the opportunity to participate in separate roundtable discussion with their peers, exchanging ideas, sharing experiences, and networking with other clean water colleagues. All *Workshop* attendees will receive early access to NACWA's updated *Wet Weather Consent Decree Handbook*, an invaluable tool for any utility negotiating, implementing, or renegotiating a wet weather enforcement order. Don't miss this unique opportunity to gain unparalleled insights on wet weather enforcement issues – [register today!](#) 🌊



WATER
RESOURCES
UTILITY OF THE
FUTURE

In the Spotlight

Water Resources Utility of the Future in the Spotlight is a new Clean Water Advocate feature highlighting innovative efforts that advance the utility of the future initiative. The Water Resources Utility of the Future initiative (UOTF) was developed by the National Association of Clean Water Agencies (NACWA), the Water Environment Research Foundation (WERF), and the Water Environment Federation (WEF). The initiative seeks to inspire and document the transformation of water sector utilities as they adopt innovative technologies and take a more holistic, watershed-level approach aimed at stretching ratepayer dollars and maximizing environmental benefits. This feature is not limited to projects at clean water utilities and will spotlight a variety of efforts in the areas of technology, finance, communications and outreach, collaborations, and more.



Clean Water Brew Judges for Clean Water Service's Sewage Beer Program.

Poop Plant to Brewery: Next Frontier for Clean Water Utilities?

Everyone knows there is a 'yuck' factor associated with what has traditionally been called Toilet to Tap initiatives in the arena of water reuse; but this may be changing. Recently, Bill Gates made a splash by drinking so-called "poop" water on *The Tonight Show Starring Jimmy Fallon* to raise awareness of a new water recycling [technology](#) funded by the Bill & Melinda Gates Foundation. With this renewed national attention on the issue of potable water reuse, this UOTF Spotlight features two NACWA Member Agencies that are pushing the boundaries by transforming treated effluent into a new end-product for consumption – beer.

Clean Water Services of Hillsboro, Ore. has initiated a project to donate their high-quality treated effluent to craft brewers to make 'sewage beer' for special events. Similarly, in Milwaukee, Wis., a wastewater engineer, Theera Ratarasarn, has undertaken an independent project of brewing Activated Sludge Wheat Ale, a beer made from purified Milwaukee

Metropolitan Sewerage District wastewater plant effluent. In both cases, NACWA Member Agencies are sparking a national conversation about water reuse – and they seem to be succeeding. These initiatives have received lots of media attention, including coverage by media outlets including the [Milwaukee Journal Sentinel](#), [The Oregonian](#), and [NPR Blog](#).

The beers are safe to drink as they are thoroughly treated to higher purity levels than tap water. In Oregon, the water undergoes ultrafiltration, reverse osmosis, and advanced oxidation process using ultraviolet light. In Milwaukee, Ratarasarn chlorinates, dechlorinates, filters, distills, tests, and adds nutrients before brewing. Furthermore, according to the President of Milwaukee's Lakefront Brewery, no known pathogen can grow in beer due to its lower pH ([see video](#)).

The beers aren't just safe, they also taste good – both beers have so far received positive taste test reviews and face growing interest from craft brewers and the public. As a plus, brewers may even prefer purified wastewater to tap water because of its flat taste that makes it easier to build in flavors as part of the brewing process.

Yet, there's a long way to go before wastewater beer can be commercially produced due to legal obstacles as well as cost uncertainties. For example, Oregon law prohibits human consumption of wastewater requiring Clean Water Services to go through a gauntlet of regulatory approvals. Although there are currently many hurdles before "sewage beer" can become a widespread reality, these wastewater beer pioneers may help to add a new component to the Utility of the Future: craft breweries.

We would love to receive input about projects that you think should be featured in the new *In the Spotlight: Utility of the Future*. If you or an organization you know would be interested in being featured, please contact [Amber Kim](#). 🍷



Jeremie Landers won second place brewer in a competition sponsored by NACWA Member, Clean Water Services of Hillsboro, Ore. Here Jeremie inspects a water sample.

NACWA Membership – Speaking with One Voice

There is strength in numbers, and NACWA continues to strengthen its influence as the leading advocate on behalf of the clean water community through a robust and active membership. As membership grows, so does the Association's ability to shape national policy. The Association is pleased to welcome four new Public Agency Members, as well as a new Corporate Affiliate and a new Legal Affiliate.

PUBLIC AGENCIES

Centennial Water & Sanitation District, CO

Represented by

Tim Grotheer, Director of Water & Wastewater Operations

The Centennial Water & Sanitation District represents a service area population of 95,000 and provides exceptional services, including treatment, reclaimed wastewater/reuse, municipal stormwater, wholesale drinking water, and drinking water distribution.

Bowling Green Municipal Utilities, KY

Represented by Mike Gardner, Water/Wastewater Systems Manager

Bowling Green Municipal Utilities has a service area population of approximately 60,000 and offers services such as interceptor, treatment, wholesale drinking water and drinking water distribution.

Daphne Utilities, AL

Represented by Danny Lyndall, General Manager

A population exceeding 23,000, Daphne Utilities provides services that include collection, treatment, reclaimed wastewater/reuse, wholesale drinking water and drinking water distribution.

DeKalb County Public Works –

Roads and Drainage Division, GA

Represented by Peggy Allen, Associate Director

Servicing a population of 700,000, this stormwater management agency is responsible for stormwater drainage system repairs, upgrades, emergency cave-ins and community assistance in with erosion mitigation throughout the county.

CORPORATE AFFILIATE

Nutrients Plus

Represented by John Moriarty, President

Based in Virginia Beach, Va., Nutrients Plus' mission is to lead self-regulatory actions to improve water quality and the environment by reducing the overuse of chemical fertilizers through sound, research-based programs and fertilizers formulated with natural ingredients.

LEGAL AFFILIATE

Graydon Head & Ritchey LLP

Represented by Erica Spitzig, Attorney

Founded in 1871, Graydon Head is the oldest general practice law firm in Cincinnati and covers seven major industry groups, including commercial real estate, construction, financial institutions, and manufacturing.

All NACWA members are encouraged to make the most of their membership through participation in the Association's active standing committees, robust award programs, or by attending conferences, workshops, and web seminars. Involvement in NACWA membership is organizational – allowing any Member Agency or Affiliate staff to take full advantage of the resources and information the Association has to offer. If there are additional key members of your staff who would benefit from receiving NACWA correspondence, or participating on Association committees, please contact [Kelly Brocato](#), Director, Membership Development & Retention. 📧

Award-Winning Efforts of NACWA Members Recognized

Representatives from DC Water and Hampton Roads Sanitation District pose with their NACWA *National Environmental Achievement Award in Research & Technology* for their collaborative project, *Mainstream Deammonification – A New “Blue Print” for Cost Effective, Sustainable Nutrient Removal*. Learn more about all of the award winning NEAA projects on the [NACWA website](#). Pictured from left to right are, Ken Kirk, NACWA Executive Director; Karen Pallansch, NACWA President; John Lisle, Chief of External Affairs, DC Water; Ted Henifin, General Manager, Hampton Roads Sanitation District; and Phil Friess, NACWA Awards Committee Chair.



FY16 Budget CONTINUED FROM PAGE 1

to undertake large infrastructure projects. During the past decade alone, over \$3.2 trillion have been invested in infrastructure using tax-exempt municipal bonds, with over \$250 billion invested in water and wastewater facilities. NACWA had been a vocal advocate for ensuring that investments in municipal bonds remain fully tax-exempt and co-authored a [white paper](#) with the Association of Metropolitan Water Agencies (AMWA) describing the implications of placing any limitations on the tax-exemption. Recently, the Association signed on to a [letter](#) sponsored by the U.S. Conference of Mayors to House and Senate leadership, as well as the President, supporting tax-exempt municipal bonds.

Integrated Planning Receives Important Boost

NACWA was pleased that the EPA included \$13 million in its FY16 Budget request to help communities develop integrated plans which, if appropriated, would be distributed in the form of both technical

assistance and competitive grants. Last year, EPA awarded technical assistance to five communities to help them develop integrated plans including Durham, NH; Burlington, VT; Onondaga County, NY; Springfield, MO; and, the City of Santa Maria, CA. Representative Gibbs and Senator Brown took the lead on letters requesting funding for the initiative. Gibbs was joined by his Subcommittee's Ranking Member Grace Napolitano (D-CA) in a [letter](#) to appropriators, with Ohio Representative David Joyce (R-OH) submitting a separate request. In the Senate, Republican Senators Roy Blunt and Mark Kirk are supporting the initiative, as well as a number of Democrats who joined Senator Brown's [letter](#) to appropriators including Senators Boxer (D-CA), Whitehouse (D-RI), Booker (D-NJ), Menendez (D-NJ), Schatz (D-HI), and Hirono (D-HI). NACWA plan to monitor budget developments throughout the year to ensure Congress funds these important programs. 6

Future Conferences, Workshops Offer Information & Insights

In the coming months, NACWA is hosting multiple conferences and workshops offering the most up-to-date information on legislative, regulatory, and legal developments – and providing attendees with significant opportunities to network with colleagues nationwide. The following is just a sample of the Association's offerings:

- [Water Week 2015](#)
April 12 – 18, 2015, Washington, DC
Water and wastewater professionals from communities across the country will come together to consider and advocate for national policies that advance clean and safe waters – and ensure a healthy sustainable environment.
- [National Water Policy Forum, Fly-In & Expo](#)
April 13 – 15, 2015, Washington, DC
The anchor event of Water Week 2015, the Policy Forum, Fly-In & Expo, will bring together water and wastewater professionals from across the country to meet with Members of Congress and federal regulators to share perspectives on federal clean water policy. The agenda features Congressional speakers, policy briefings, visits to Capitol Hill, and roundtable dialogues with key policymakers.
- [Wet Weather Consent Decree Workshop](#)
April 29 – 30, 2015, Philadelphia, PA
Through analysis of real world case studies, available tools, effective negotiation strategies, and areas of evolving regulatory flexibility, this day-and-a-half Workshop will equip clean water agencies with the most up-to-date consent decree information and resources to renegotiate existing decrees or negotiate new decrees that best serve their communities and the environment.
- [National Pretreatment & Pollution Prevention Workshop](#)
May 12 – 15, 2015, Greenville, SC
The Workshop program will focus on topics that promise to be important for pretreatment programs in the future, as well as issues that are currently affecting these programs. U.S. Environmental Protection Agency (EPA) officials will provide the latest updates on National Pretreatment Program initiatives, and the Center for Disease Control (CDC) will discuss the Ebola virus and other potential risks to wastewater utility workers. Panel presentations will address the proposed dental amalgam separator rule, management of pretreatment programs, emerging contaminants updates, best management practices for industrial users, and more.
- [2015 Utility Leadership Conference & 45th Annual Meeting – Financing, Funding & Rates for the Future](#)
July 12 – 15, 2015, Providence, RI
As public utilities have embraced the principles and practices of the Utility of the Future (UOTF), they have begun to stretch the boundaries of conventional municipal financing, looking for new sources of capital, using innovative financing approaches. Options include public-private partnerships for discrete projects (such as those focused on UOTF issues); century and green bonds; creative rate structures; and, more. With this growing interest in innovative financing methods, NACWA is bringing together some of the brightest minds in private and public financing to discuss the future.