

CLEAN WATER ADVOCATE

Gordon Feller, Director at Cisco Systems and Co-Founder of Meeting of the Minds, will provide one of the Utility Leadership Conference keynotes. Feller will discuss how advanced technologies can help to solve complex problems and transform the way we manage water as part of the evolution toward the 'City of the Future.'



A Clear Commitment to America's Waters



APRIL/MAY 2015

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Utility Leadership Conference & 45th Anniversary Meeting Promise to be Historic

You will not want to miss NACWA's 2015 Utility Leadership Conference & 45th Anniversary Annual Meeting, *Financing, Funding & Rates for the Future*, in Providence, Rhode Island, July 12-15. A compelling program, celebration of the Association's 45th anniversary and Ken Kirk's many contributions, and the passing of the torch to a new President will make for an historic event. Following remarks from the Honorable Gina M. Raimondo, Governor of Rhode Island, the conference keynote will set the tone for the meeting by providing a vision of the future of water management. Gordon Feller, Co-Founder of Meeting of the Minds and a Director for Cisco Systems Inc., will describe how technology and other innovations continue to transform the way we manage water and how that transformation is helping to mold the 'City of the Future'.

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NACWA Index Shows Increase in Annual Charges

NACWA's 2014 *Cost of Clean Water Index*, released in May, indicates that the average cost of wastewater services rose 4.1 percent in 2014, more than double the rate of inflation as measured by the Consumer Price Index (CPI). For the 13th consecutive year, sewer service charge increases have outpaced the rate of inflation, nearly doubling the average annual charge since 2002. The national average amount that a single-family residence pays for wastewater collection and treatment (i.e., the sewer service charge) is now \$448 per year, up from \$435 in 2013.

The values for 2014 are based on responses from 183 NACWA Member Agencies serving nearly 113 million people. The national average annual charge tells an important story, but it also masks some of the acute challenges

faced by individual communities, in some cases with annual service charges exceeding \$1,000. The *Cost of Clean Water Index Report* features national and regional data, including maximum reported charge values for each U.S. Environmental Protection Agency (EPA) Region in supplemental data tables, providing a more detailed picture.

The Association has published the *NACWA Index* annually since 1992 to track average annual single-family residential service charge increases as measured against the rate of inflation. With the wide variety of rate structures implemented at the local level, the average annual single family residential charge for sewer services provides a unique and consistent benchmark.

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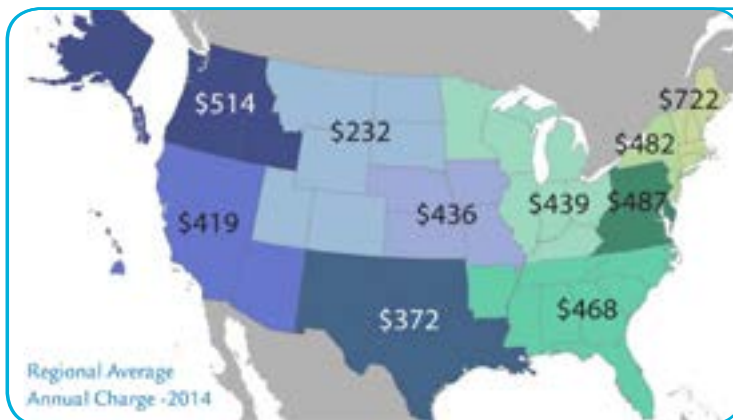
Utility Concerns Addressed in Final Clean Water Rule

The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers released their final Clean Water Rule, often referred to as the Waters of the United States or WOTUS rule, on May 27. The rule has consumed much of the Agency's time over the last several years and has been the focus of intense criticism from a range of stakeholders – and Members of Congress from both sides of the aisle. Since EPA first began work on the rule, NACWA has focused its attention on maintaining the current exemptions for wastewater treatment systems and ensuring that municipal separate storm sewer systems (MS4s), green infrastructure, and recycled water projects were not incidentally regulated as jurisdictional waters. The final definition of 'waters of the United States' maintains the key elements NACWA has fought to preserve and addresses a number of the concerns the Association raised in its comments. In particular, the final definition

- Makes no substantive changes to the existing exclusion for waste treatment systems designed to meet the requirements of the Clean Water Act (CWA);
- Exempts groundwater and groundwater drained through subsurface drainage systems from federal jurisdictional reach;

- Adds a new exclusion for control features constructed to convey, treat, or store stormwater that are created in dry land. EPA clarifies in the preamble that this exclusion is intended to apply to municipal separate storm sewer systems (MS4s) and green infrastructure – a major recommendation from NACWA's comments on the proposed rule; and,
- Adds a new exclusion for "wastewater recycling structures constructed in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling." Protecting water recycling activities from CWA jurisdiction was another major recommendation from NACWA's comments.

Both the House and Senate have been working on measures to limit EPA's ability to finalize or implement the rule, but the White House has promised to veto any such measure. Currently it appears that those in favor of stopping EPA and the Corps from moving forward with the current rule do not have the votes to override a veto. It is unclear how Congress will proceed at this point, but the matter is likely not settled. NACWA fully anticipates that legal challenges will be filed shortly after the final rule is officially published in the *Federal Register*.



NACWA Index CONTINUED FROM PAGE 1

The national average of \$448 per single-family residence provides only part of the picture. Sewer service charges vary widely among EPA regions and states, and are affected by demographics, geography, aging infrastructure, local water quality issues (e.g., TMDLs, nutrients), wet weather infrastructure needs, etc. As an example of these variations, the *Regional Average Annual Charge* map (left) shows a breakdown of average charges by EPA region. The average service charge by EPA Region varies from a low of \$232 in Region 8 to a high of \$722 in Region 1.

NACWA Continues Legal Engagement & Information-Sharing

The Association legal advocacy agenda continues to be active and robust – serving as an important complement to the legislative and regulatory advocacy undertaken by NACWA.

Association Instrumental in Stormwater Legal Victories

On April 2, a Maryland appellate court issued a [decision](#) in a closely-watched case involving the appropriate regulatory standards for municipal stormwater permits, giving NACWA and its municipal partners in the case an important legal win. The decision in [Maryland Department of the Environment v. Anacostia Riverkeeper](#) reaffirmed that the Clean Water Act's (CWA) "maximum extent practicable" (MEP)

standard for municipal separate storm sewer systems (MS4s) does not require strict compliance with water quality standards.

The New York Court of Appeals provided another legal win for the municipal stormwater community on May 5, issuing a [ruling](#) that dismissed challenges to the state general stormwater permit program and endorsed arguments made by NACWA and other municipal advocates in the case. The decision in [Natural Resources Defense Council, et al. v. New York State Department of Environmental Conservation](#) upholds the current approach used by New York (and, by extension, many other

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**WATER
RESOURCES
UTILITY OF
THE
FUTURE**

In the Spotlight

The *Utility of the Future Spotlight* is a new feature that seeks to highlight 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 transform water utilities from 'sewerage agencies' to 'resource recovery agencies' by adopting innovative technologies and taking a more holistic, watershed-level approach to water management to stretch ratepayer dollars and maximize 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.

Philadelphia Collaborates to 'Go Green (Infrastructure)'

Philadelphia is the first city in the nation to fully embrace and adopt a green stormwater infrastructure (GSI) plan to manage their overflow problems. In 2011, the Philadelphia Water Department (PWD), the Pennsylvania Department of Environment, and the U.S. Environmental Protection Agency signed agreements committing to a green infrastructure approach to reduce sewage overflows in Philadelphia. This led to the adoption of the *Green City, Clean Water* (GCCW) program – a \$2.4 billion, 25-year plan to significantly reduce sewage overflow on 10,000 acres of impervious surface. GCCW is not just a wet weather management program, but a way to charter a more sustainable future for the city and revitalize neighborhoods by working with many community partners. Through GCCW, PWD is strongly expanding its role from a traditional public utility to a Utility of the Future.



photo courtesy of Philadelphia Water Department

Ceremony for a \$2.7 million Stormwater Management Incentives Program (SMIP) grant for the installation of three stormwater management facilities on a 35-acre private lot that will manage more than 800,000 gallons.

PWD relies on a number of innovative public and private partnerships to find sites and implement green infrastructure projects. One successful partnership has been with local schools to create greener school grounds with permeable surfaces and rain gardens to retain runoff. To date, eight schoolyard projects have been completed (private, public, and charter) with 20 more schools in the works. The benefits of collaboration go beyond the schoolyard into the classroom as teachers take advantage of the new greenspace as a living classroom for students to experience nature and incorporate subjects like the urban watershed into their curriculum and teach students the values of environmental stewardship.

PWD also collaborates with other public agencies like the Philadelphia Department of Parks and Recreation (PPR) to identify and implement projects on public lands. Construction recently started on a \$500,000 renovation of Stinger Square Park to plant rain gardens and new trees, redo entryways, refurbish the playground, and add an amphitheater. This project will simultaneously help retain stormwater while helping to revitalize the neighborhood. PWD also works with civic groups that help implement and maintain GSI sites.

PWD is also engaging in public-private partnerships (PPPs) through two grant programs to attract private sector investment. Their *Greened Acre Retrofit Program Grant* and *Stormwater Management Incentives Program* provide funding for private GSI projects. The two programs have so far awarded \$26 million to 55 projects covering 340 acres.



photo courtesy of Philadelphia Water Department

The newly renovated school grounds at George W. Nebinger School include a rain garden, bioswale, a porous play surface, porous pavers, a below-ground basin and a landscaped border.

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With a Focus on Finance, NACWA Partners on American Water Summit

NACWA has partnered with Global Water Intelligence on the [American Water Summit: Scalable Solutions](#), taking place October 20 – 21 in Denver, Colo. As a partner, the Association has had significant input into the agenda, which will focus on creating a dialogue between private and public interests on array of issues related to private financing of public infrastructure.

A benefit of NACWA's partnership is a discounted registration fee of \$595 for member and non-member public utility representatives. The registration fee is less than half the cost for private sector attendees and \$100 below other government and non-profit registrants. The Association encourages Member Agency Executive Directors and General Managers to attend along with their CFOs, CIOs, COOs or other key agency officials interested in the arena of public-private partnerships (P3s).

As the American Water Summit's website notes, "[w]ith federal, state and municipal budgets under ever-increasing pressure, many in the water sector and beyond are looking to the private sector to provide

more investment in public infrastructure. NACWA has chosen to be a supporter of the American Water Summit to make sure that the public and private sectors are not only speaking about one-another, but to one-another, and that a relationship of increased trust based on shared solutions can ensue.

By focusing on a public-private dialogue, the Summit will further build on its record of spurring innovative finance, viable public-private partnerships, and cutting-edge technologies. This in turn will advance environmental and public health protections while spurring jobs and the economy – a worthy set of shared goals that NACWA is proud to support."

The issue of clean water financing and the role of the private sector will also be a focus of NACWA's [2015 Utility Leadership Conference, Financing, Funding and Rates for the Future](#), July 13 – 15 in Providence, Rhode Island (see related article this issue). NACWA is also making sure the appropriate public agency experts are providing guidance to the Association on these emerging finance issues through a newly-created Clean Water Finance Workgroup. ■



Associations to Revisit EUM Attributes

The NACWA Board during its April meeting approved funding from the FY 2015 Targeted Action Fund (TAF) to support a collaborative effort to revisit and potentially refresh the *Attributes of Effectively Managed Utilities* (EUM) and *Keys to Management Success*. Since the signing in 2008 of the Statement of Support by six major associations – NACWA, the Water Environment Federation (WEF), the Association of Metropolitan Water Agencies (AMWA), the American Water Works Association (AWWA), the National Association of Water Companies (NAWC), and the American Public Works Association (APWA) – and the U.S. Environmental Protection Agency (EPA), the EUM framework has been widely-embraced and implemented across the clean water sector, including in NACWA's *Excellence in Management Recognition Program*. The EUM attributes and keys are used by a growing number of water and wastewater utilities to help guide their path toward improving their effectiveness and becoming truly sustainable over time.



Utility of the Future Implications to be Examined

A number of important challenges and opportunities have emerged in the years since the EUM framework was first developed – including those related to resource recovery, economic and affordability, and resiliency. Many of these are embodied in the Water Resources Utility of the Future Blueprint (UOTF), developed by NACWA, WEF and WERF. Complementary efforts have also emerged from the drinking water community. In light of these developments, EPA and the original EUM partners are now planning to convene a group of water and wastewater utility leaders to examine the current framework and determine if any adjustments, modifications, or other revisions are necessary to enhance and improve its overall value. The first meeting of the utility leaders will take place in late July. A final report, outlining any recommended revisions to the EUM framework, is anticipated by WEFTEC 2015. ■



Pretreatment Workshop Features Timely Issues

In May, over 140 pretreatment professionals from across the country gathered at NACWA's *Pretreatment & Pollution Prevention Workshop* in Greenville, S.C. In the panel discussion, *Pretreatment of Ebola Patient Waste: The Knowns and Unknowns*, the management of risk from Ebola and other viruses was discussed by panelists (pictured L to R) Matt Arduino, Chief of the Clinical and Environmental Microbiology Branch at the Centers for Disease Control; Jonathan Reeves, Manager of the Office of Emergency Management for DC Water; and Lola Olabade, Program Director at the Water Environment Research Foundation. Other topics of discussion at the *Workshop* included EPA's proposed dental amalgam rule, pretreatment program management, flushable wipes, and emerging contaminants. On the day before the *Workshop*, over 90 individuals participated in two training sessions: an introduction to the pretreatment program and an advanced course on local limits.

114th Congress Addresses Clean Water Affordability

The issue of clean water affordability was placed back on Congress's agenda in late March when Representative Bob Latta (R-OH) along with Representative Tim Walz (D-MN) introduced the H.R. 1705, [Clean Water Affordability Act](#). The CWAA addresses key affordability concerns that many utilities face in meeting Clean Water Act (CWA) challenges – in particular issues relating to wet weather management. Specifically, the legislation codifies the Integrated Planning Framework and enables NPDES permits to be extended for communities with an approved integrated plan. It also requires the U.S. Environmental Protection Agency (EPA) to revise guidance for determining a community's financial capability to meet wet weather-related CWA compliance obligations, provides communities with more tools for managing peak wet weather flows, and establishes a 15% set-aside for rural communities within the Clean Water State Revolving Fund program. NACWA collaborated with both Members to develop the package, which builds on affordability discussions in prior Congressional sessions and expands the approach to deal more specifically with wet weather challenges in sanitary sewer systems.

Integrated Planning a Focus

Utilities are becoming increasingly interested in developing integrated plans to better address the array of clean water and other environmental challenges they face. Last year, the EPA provided upwards to \$50,000 of technical assistance to five communities to help them develop plans, and the Agency proposed \$13 million in its FY16 Budget Request to help more communities. Integrated Planning has the potential to save communities money over the long run by allowing them to prioritize water quality investments according to a schedule that meets their financial capability. The proposed legislative language in the CWAA would codify Integrated Planning as the standard compliance approach for municipalities under the CWA, ensuring its availability beyond the end of President Obama's Administration. Extending NPDES permits for communities that develop integrated plans provides an additional assurance that long-term commitments

made in a community's plan are locked-in beyond the current five-year permit term.

Another important provision in the CWAA would enable sanitary sewer systems to manage peak wet weather events through auxiliary treatment methods without violating EPA secondary treatment policy. It does so by requiring EPA to issue guidance for use of auxiliary treatment methods and provides the Agency the ability to authorize use of these methods for utilities in compliance with the guidance through the normal NPDES permit negotiation process. The proposal would provide sanitary sewer systems with more affordable tools to manage peak wet weather events and eliminate overflows of untreated sewerage.

NACWA has engaged key Congressional committees and stakeholder groups to discuss support for the CWAA and is developing a strategy for moving it forward toward enactment. In the highly-charged environment on Capitol Hill, achieving consensus for enactment of the CWAA will be key to its success, which is why NACWA is pleased that Republican Representative Bob Latta and Democratic Representative Tim Walz are collaborating to move this debate forward. NACWA is working hard in the Senate to achieve a similar outcome. 🇺🇸



Leadership Conference CONTINUED FROM PAGE 1

Sessions to Focus on Innovative Financing, Sustainable Rates & More

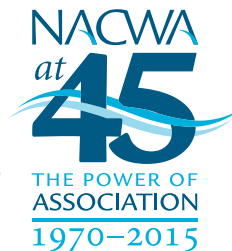
The Summer Conference's focus on financing, funding and rates will highlight the challenges utilities currently face in raising necessary revenues – without overburdening ratepayers or their long-term fiscal sustainability. One session during the conference will explore efforts utilities have underway to develop sustainable rate structures, includ-

ing work to develop and deploy programs to assist low income and disadvantaged populations. Other sessions will explore public-private partnerships and private financing, as well as new and innovative financing approaches. Key U.S. Environmental Protection Agency (EPA) staff will also be on hand to discuss how the Agency and the federal government more broadly are increasing their engagement on water infrastructure financing issues. ■

Special Events to Highlight Achievements & Milestones

In addition to a compelling conference program, this summer NACWA's Utility Leadership Conference & 45th Anniversary Annual Meeting will mark important milestones, join us for the celebration!

- Join us July 13, from 6:00 – 10:00 pm for our *45th Anniversary Celebratory Reception & Dinner honoring Ken Kirk*. A warm, entertaining evening of memories, appreciation, and recognition is planned.
- On Tuesday evening, July 14, our *Awards Ceremony & President's Reception* will recognize high performing Member Agencies through the Association's *Excellence in Management Recognition Program*. Exceptional performance by Member Agency facilities will also be recognized through the *Peak Performance Awards*. We will also officially 'pass the torch' to a new NACWA President and thank our outgoing President. Later that evening, NACWA will host a *Dessert Reception & WaterFire Providence® Lighting*.



- Following the Conference we invite you to tour the NACWA *Peak Performance Award*-winning Narragansett Bay Commission's (NBC) Field's Point Wastewater Treatment Facility. On the tour, you will learn more about the innovative work underway at Field's Point, including the use of wind turbines to generate power. Featured will be the largest application in the world of an Integrated Fixed Film Activated Sludge (IFAS) process, as an element of the facility's biological nutrient removal efforts, as well as the NBC's CSO tunnel facilities.

Utility of the Future Spotlight CONTINUED FROM PAGE 3

Philadelphia is a leader paving the path in using GSI to tackle wet weather issues at a large scale. Now in its fourth year, 113 GSI projects have been completed with 200 more underway. PWD is not just working to deal with its own problems, but is also developing guides and resources to share and build a knowledge base that can help others looking to navigate the GSI world.

NACWA welcomes recommendations of projects to be featured in the *Utility of the Future Spotlight*. Please contact [Amber Kim](#) with your recommendations. ■



photo courtesy of Philadelphia Water Department
Community group replanting stormwater bumpouts.

Searching for the Best Job Candidate?

Advertise on NACWA's Clean Water Careers Page!

www.nacwa.org/jobs

New Members Join NACWA

NACWA is pleased to announce the addition of two new members to the Association.

NACWA welcomes new member the [Pittsburgh Water & Sewer Authority \(PWSA\)](#) located in Pittsburgh, Pennsylvania. PWSA is a stormwater management agency that provides quality water and services to approximately 83,000 customers. The Authority's vision is to provide water and wastewater services that meet or exceed regulations and customer expectations at the lowest possible cost.

Joining as a new Corporate Affiliate member, NACWA welcomes [RMC Water & Environment](#). RMC Water & Environment is a California-based environmental engineering company focused on developing innovative solutions to the complex challenges of using and protecting water—one of the earth's most vital resources. From integrated regional water management planning and climate change

analysis to potable reuse—RMC's wide range of services help agencies and local communities effectively address their water and environmental challenges.

Organizational by design, NACWA membership offers key staff at member agencies and affiliate companies and law firms the opportunity to actively engage with the Association through invaluable actionable analysis, participation on committees, presentations and attendance at national meetings and workshops, and through participation in discussions on the Association's online network, [Engage™](#). Is your organization taking full advantage of its NACWA membership or do you know of a company or public agency that would benefit from the unprecedented information and analysis NACWA provides? Get the most out of your membership and help grow our advocacy presence! Contact [Kelly Brocato](#), Director of Membership Development to learn more. 📌

Legal Engagement CONTINUED FROM PAGE 2

states) in implementing general stormwater permits under the U.S. Environmental Protection Agency's (EPA) Phase II stormwater regulations, but also sets the stage for future legal battles over the Phase II program.

The issues involved in both cases reflect the continued legal and regulatory challenges being mounted against the current CWA stormwater regulations – especially in the absence of further EPA work on a national stormwater rule – and highlight the importance of NACWA's continued engagement on these issues in the legal arena. Additional information on both cases is available on the Association's [Litigation Tracking](#) ➡ page.

Appeals Court Issues Win in Key Nutrients Litigation

The U.S. Court of Appeals for the Fifth Circuit issued a much anticipated [decision](#) on April 7 in litigation over nutrient regulation in the Mississippi River Basin (MRB), striking a blow to efforts by environmental activist groups to require federal numeric nutrient criteria (NNC) for the entire MRB.

The ruling in [Gulf Restoration Network, et al. v. EPA](#) ➡ provides EPA with significant discretion over how it may respond to an activist group petition requesting federal NNC, finding that EPA can decline to make a determination as long as the Agency provides sufficient justification. The Fifth Circuit remanded the case back to the district court to decide whether EPA's explanation for why it declined to make a determination on federal NNC was legally sufficient. The decision marks an important win for the Agency and for NACWA, which has opposed federal NNC during the litigation. See NACWA's [Litigation Tracking](#) ➡ page for more details on this case.

Wet Weather Consent Decree Workshop Draws Big Crowd

NACWA held its [Wet Weather Consent Decree Workshop](#) in Philadelphia at the end of April. Nearly 100 clean water professionals gathered to share tips for renegotiating existing decrees or negotiating new decrees to

achieve the most cost-effective environmental outcomes. Top municipal clean water experts presented on the latest trends in clean water enforcement; real world case studies; available tools; effective negotiation strategies; and, areas of evolving regulatory flexibility.

A highlight of this year's Workshop was the panel of senior U.S. Environmental Protection Agency (EPA) officials – from both headquarters and regional offices – who shared their perspectives on wet weather enforcement, including insights on how regulators approach wet weather negotiations and what kinds of approaches they find most and least effective. Presentations from the Workshop are available on NACWA's [website](#). 📌

NACWA Releases Updates Consent Decree Handbook

In May, NACWA released its 2015 revised [Wet Weather Consent Decree Handbook](#). The *Handbook* includes updated information on affordability, supplemental environmental projects and decrees lodged, entered or modified since release of the 2014 edition. This resource will continue to provide NACWA members with unparalleled information, analysis, and strategies on wet weather enforcement issues including negotiation, renegotiation, implementation, and modification of wet weather enforcement orders and decrees. The *Handbook* along with NACWA's online [Consent Decree e-Library](#) ➡ serve as the premier tools for municipal clean water utilities facing wet weather enforcement issues.

