

# CLEAN WATER ADVOCATE

Administrator of Sewerage &  
Drainage for the City of  
Columbus, Ohio,  
Dax Blake, was appointed to  
NACWA's Board of Directors on  
November 3.



A Clear Commitment to America's Waters



OCTOBER/NOVEMBER 2015

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## NACWA

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## Winter Conference to Explore Compliance Challenges, Innovation

NACWA's 2016 Winter Conference, *Back to Basics... Will Compliance Concerns Derail Efforts to Innovate?*, will take place February 21 - 24, 2016 at the Westin San Diego in San Diego, Calif. The conference will explore the increasing regulatory requirements and external drivers that are presenting compliance challenges for the clean water community and impacting the ability of some utilities to move in the direction of the Utility of the Future. These requirements and drivers, at the same time, are also providing tremendous opportunities for greater innovation.

### Role of 'Big Data' Examined

One such opportunity is the increasing use of data - collected on all aspects of wastewater management, as well as ambient water quality - to help guide decision making and investment. Joe Whitworth, Executive Director of The Freshwater Trust, a NACWA Supporting Affiliate, will provide a keynote address on how this growing volume of data and information can be better utilized, as outlined in his new book *Quantified - Redefining Conservation for the Next Economy*.

In *Quantified*, Whitworth draws lessons from the world's most tech-savvy, high-impact organizations to show how we can make real gains for the environment. The principles of his approach, dubbed 'quantified conservation', would be familiar to any thriving entrepreneur: situational awareness; bold outcomes; innovation and technology; data and analytics; and gain-focused investment. Whitworth's remarks will kick off a discussion on 'big data' and how it can further empower clean water utilities to address tomorrow's compliance challenges.



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## Key Partners Work to Resolve Great Lakes Overflow Rider Challenge

Congress is racing to complete work on an omnibus appropriations package to fund the federal government for the remainder of 2016 Fiscal Year (FY). A key sticking point between Republican and Democratic negotiators is what to do on the 400+ policy riders included in proposed House and Senate packages. Among them is a rider, inserted at the request of Senator Mark Kirk (R-IL), prohibiting direct and indirect dischargers to the Great Lakes from discharging combined sewer overflows or blended effluent. NACWA and its members - together with key stakeholder organizations - have actively lobbied Capitol Hill to ensure that it is not included in a final FY16 spending package.

Since the policy rider appeared in June, NACWA's legislative efforts have focus on demonstrating that the proposed CSO rider would impose \$70 billion in costs to Great Lakes region ratepayers without any demonstrated water quality improvement. Over the course of the summer and early fall, NACWA staff and members contacted nearly every Member of Congress representing a Great Lakes state to share with them the impacts this rider would have on their constituents and urge their opposition to it. The effort included surveying 184 CSO permittees that discharge to one of the Great Lakes or its tributaries and securing letters in opposition from numerous key national and regional organizations including the

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## NACWA — Impact through Advocacy

The Association weighed in on a range of advocacy fronts over the past two months, including human health criteria, enforcement, and stormwater.

### Idaho Urged to Resist EPA Pressure on Human Health Criteria

NACWA weighed in on Idaho's ongoing rulemaking to update the state's human health criteria, encouraging the state to resist pressure from U.S. Environmental Protection Agency (EPA) Region 10 to make changes to its proposal. The Association's [letter](#) highlighted that EPA's role in the water quality standards program is limited and that the Agency should not try to influence the outcome of a state rulemaking. While state standards must, by law and regulation, reflect the best available science and protect designated uses, the standards development process also incorporates numerous state policy and risk decisions. NACWA's letter highlighted that Idaho has "demonstrated a sound and thoughtful process for evaluating what policy and risk decisions will work best for the state and be consistent with the CWA" and has "done its homework" to consider the current science and EPA guidance and make the policy and risk decisions necessary to protect human health – responsibilities that lie squarely within Idaho's purview. NACWA will remain engaged in the rulemaking efforts that continue in Washington and Idaho.

### NACWA to EPA - Wet Weather Enforcement Can't Address Watershed Issues

NACWA filed [comments](#) on EPA's proposed national enforcement pri-

orities for fiscal years 2017 – 2019, expressing concern over the Agency's continued focus on municipal wet weather enforcement. The comments noted that a focus on municipal wet weather issues without addressing other sources of water quality impairment – especially nonpoint source runoff – will fail to achieve meaningful water quality improvements. NACWA's comments also highlighted the recent EPA Inspector General report on the Agency's wet weather enforcement program. The report called on EPA to improve tracking and reporting on the degree to which water quality benefit is resulting from wet weather enforcement initiatives and consent decrees in the wet weather arena.

### NACWA Seeks to Protect Key MEP Stormwater Standard

NACWA filed pre-proposal [comments](#) with EPA on upcoming rulemaking that will make changes to the Phase II municipal stormwater program. In its comments, the Association noted that the proposal should be as narrowly tailored as possible and should not attempt to define the "maximum extent practicable" (MEP) standard for municipal stormwater dischargers. NACWA also encouraged EPA to ensure that any changes to the Phase II program do not significantly alter the current Phase II regulations or impose additional administrative burdens on the municipal stormwater community. The Agency is trying to meet a negotiated deadline of December 17, 2015 for a proposed rule and November 17, 2016 for a final rule. NACWA will continue to engage with EPA and collect input from the membership during the upcoming public comment period on the proposed rule. 🌱

## Association Advocacy Moves Forward With New TAF Projects

NACWA's Board of Directors approved a slate of new initiatives supported by the Association's *Targeted Action Fund* (TAF) at their recent meeting on November 3, advancing a number of key projects that will enhance NACWA's advocacy efforts. The TAF approvals include:

- Additional funding for continued NACWA participation in litigation over numeric nutrient standards in the Mississippi River Basin. The Association has been successful in [pushing back](#) against legal efforts by environmental activist groups to impose federal numeric nutrient criteria for the entire river basin, and the Association will continue its strong defense of municipal clean water agencies in the next phase of the litigation.
- Financial support for an audit of NACWA's communications functions to ensure that the Association is pursuing the most effective communications strategies – both within the organization and with outside parties – to advance its advocacy goals.
- Collaboration with other water sector organizations to develop a report analyzing the legal and regulatory issues associ-

ated with variable clean water rates and rate subsidy programs around the country, including identification of case studies where these types of programs are in effect.

- Participation in development of a white paper examining the viability of an "Environmental Utility" concept that would work with both urban and rural partners on a watershed basis to help reduce nutrient impairments in key watersheds throughout the Midwest.



The NACWA Board also approved the creation of a special *TAF Resiliency Fund* to provide additional support to the TAF and enable a quick response to urgent, unanticipated advocacy needs.

The TAF is supported directly through membership dues and provides a critical foundation for all of NACWA's advocacy initiatives. The Board's recent actions not only will advance a number of important advocacy priorities through the TAF, but will also ensure the TAF's long-term viability well into the future. 🌱



**WATER  
RESOURCES  
UTILITY OF  
THE  
FUTURE**

## *In the Spotlight*

*The Water Resources Utility of the Future Spotlight seeks to highlight innovative efforts that advance the Utility of the Future initiative 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 support the transformation of water utilities by facilitating the adoption of innovative technologies and holistic, watershed-level approaches that stretch ratepayer dollars and maximize environmental benefits.*

## Alexandria Renew Enterprises – Taking Community Engagement to the Next Level

A new multi-purpose athletic field is now open for public use in Alexandria, Virginia. Although it may not be obvious, this field is very unique – it is built on top of an 18 million gallon nutrient management facility. The nutrient management facility was AlexRenew's way of investing in technology to make its water product cleaner and to lead the way to a cleaner Chesapeake Bay for the region. Yet, the process is odorless, making it difficult for field users to even imagine what is happening right under their feet.



*Alexandria City officials at the opening of AlexRenew's multi-purpose athletic field.*

This project is the first in a larger undertaking by Alexandria Renew Enterprises (AlexRenew) to better serve its community, make a positive impact, and increase community engagement. The South Carlyle Strategy, now in development for a decade, strives to revive an industrial neighborhood that once served as a landfill through an innovative and successful public-private partnership between AlexRenew, Carlyle

Partners, and the City of Alexandria.

In addition to the field, a LEED Platinum certified Environmental Center will be opening in June 2016 to make room for additional water treatment processes and to provide a space for community engagement and public education. The Alexandria Renew Environmental Center will reconnect visitors with their watershed through exhibits on the history of water in the Alexandria area, how water flows from homes to AlexRenew, and the water resource recovery process. It will also feature space for Customer Service functions to improve customer experiences.

AlexRenew will also showcase its high quality bluRenew reclaimed water by using it in a fountain at the main entrance of the Environmental Center, and for irrigation and landscaping purposes in the South Carlyle mixed-use development project. This public use of reclaimed water will be a great way to show customers about the benefits of reclaimed water use as AlexRenew completes its reclaimed water bulk fill

station. All of these projects were designed through the collaboration to best integrate the facilities into the surroundings and meet community needs.

AlexRenew has gone above and beyond to become an agent of positive change in its community, fully embracing the Utility of the Future. Instead of just building a new treatment plant to meet EPA's nutrient standards, AlexRenew seized the opportunity to rebrand its identity and work with partners to better serve its customers. Through this innovative partnership, they were able to help transform an industrial neighborhood by expanding recreational greenspace, providing a public education center, and promoting the value of reclaimed water – and this was all possible without impacting rates due to the innovative financial agreements with partners. 💧



*Overview of The South Carlyle Strategy, a cooperative development with AlexRenew, Carlyle Partners and the City of Alexandria..*

*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. We welcome input about projects that should be featured. Please contact [Amber Kim](#) with your recommendations.*



## FTC Takes Action on “Flushable” Wipes

The Federal Trade Commission (FTC) finalized a [consent order](#) on October 30 with Nice-Pak Products, Inc. requiring that company to stop advertising its wipes as “flushable” unless it can substantiate the claim. This is the first action by a government agency on flushability. [NACWA](#), along with wastewater utilities and other associations submitting [comments to the FTC](#), supported this consent agreement.

As part of its *Toilets Are Not Trashcans™* campaign, NACWA is working with other wastewater associations and the wipes industry to develop new flushability guidelines for wipes, to ensure that any wipe called “flushable” will be safe for sewer systems. The FTC’s consent order supports this work by providing a clear statement about what must be considered for a wipe to be called flushable. As stated in the consent order, to make a claim of flushability, there must be “competent and reliable scientific evidence . . . to substantiate that the representation is true.” This includes evidence that the product “disperses in a sufficiently short amount of time after flushing to avoid clogging, or other operational problems in, household and municipal sewage



NACWA's logo for the *Toilets Are Not Trashcans™* Campaign is available for [download](#) free of charge. Developed to as way to reach ratepayers on the appropriate disposal of these products, the logo is only one aspect of NACWA's work to bring this issue into the public consciousness.

TOILETS ARE NOT TRASHCANS™

lines, septic systems, and other standard wastewater equipment.” Tests for flushability must “substantially replicate the physical conditions of the environment in which the Covered Product is claimed . . . to be properly disposed of.”

Although the FTC consent order – and the development of new flushability guidelines – will help ensure that “flushable” wipes do not present challenges for wastewater utilities, the problems caused by wipes that are not designed to be flushed must still be addressed. These high-strength products are found in sewer systems in greater quantities than flushable wipes, and a change in consumer behavior is essential to stop these products from being flushed. [NACWA](#), other wastewater associations, and the wipes industry are beginning a product stewardship initiative to improve labeling of non-flushable wipes and increase consumer awareness about what can and cannot be flushed. 🌱

## Fall Retreat Focuses on Strategic Advocacy & Finance

NACWA's November 2-3 *Fall Strategic Leadership Retreat* provided a unique opportunity for the Association's Board of Directors and standing committee, workgroup, and task force leaders to engage in strategic discussions and plan for the new fiscal year. In this transitional year for NACWA, a number of key strategic issues were discussed as the Association's leadership considered an updated and streamlined *Strategic Plan* – aligned with a new multi-year *Financial Plan*. The proposed Strategic Plan focuses in three key areas for NACWA – Advocacy;

Membership Development & Engagement; and Communication – outlining both goals and the strategies to achieve them. Similarly, the proposed Financial Plan links the goals of the Association's *Strategic Plan* to key financial outcomes, charting a path for growth over the coming years. Input received at the *Retreat* will be incorporated into the two proposed plans, which will be presented to the Board of Directors for approval in the future. 🌱

### NACWA Financial Survey: Insight into the Financing and Management of Clean Water Utilities

NACWA's *Financial Survey: Opportunities and Challenges in Clean Water Utility Financing and Management* presents industry statistics and trend data on utility revenues, expenses, debt financing, capital needs, sewer service charges, residential and industrial rates and rate structures, staffing levels, and salaries. In addition, the *Survey* expands on this baseline of data and presents information on the status of asset management programs, financial statement data, staff licensing requirements, and energy use and costs.

The 2014 *Financial Survey: Opportunities and Challenges in Clean Water Utility Financing and Management* includes the full report and appendices, a spreadsheet with all of the *Survey* data, and a 36-page summary document highlighting the key findings and conclusions. Also now available is an updated raw data spreadsheet, current to October, 2015.

[Download](#) your copy today!



## Briefs Filed in Two Regulatory Overreach Cases

On October 30, NACWA filed an *amicus curiae* brief in litigation before a federal Court of Appeals pushing back against the U.S. Environmental Protection Agency's (EPA) regulatory approach to blending and arguing that a previous federal appellate court ruling on the issue should be applied nationwide. The Association is participating in this case due to the importance of blending for many NACWA members and the leading role it has played in the blending debate over the past two decades.

NACWA's brief in *Center for Regulatory Reasonableness (CRR) v. EPA* provides a critical national utility perspective on the important issue of blending. It highlights why NACWA believes the 2013 U.S. Court of Appeals for the Eighth Circuit *decision* in *Iowa League of Cities v. EPA* – which struck down EPA's efforts to regulate blending through application of secondary treatment limits internal to the treatment plant – should be applied nationally by EPA. The brief further articulates the Association's position that blending, when done consistent with the design and operation of a treatment plant, is not a bypass.

A second *amicus curiae* brief was filed by NACWA on November 5 in pending litigation in federal district court on the application of certain testing requirements for whole effluent toxicity ("WET"). Despite the fact that EPA has issued no further guidance beyond a 2010 draft on the Test of Significant Toxicity (TST) to evaluate WET tests – and failed to seek formal public comment on the procedure – Region 9 has continued to push for its use in permits, particularly in California. Especially troubling for some permittees is the use of the TST together with a modified WET test design that limits them to a single test concentration and a control, eliminating the safeguard of evaluating multiple test concentrations to confirm the results of a WET test.

NACWA's brief challenges the ability of EPA to indirectly impose requirements on dischargers by pressuring state agencies to adopt the Agency's desired policies without going through the rulemaking process required by the Administrative Procedures Act. This litigation presents an excellent opportunity for the Association to raise concerns about the use of the TST, and push back against inappropriate EPA influence in state permitting activities. 🌊



### American Water Summit Features Public Sector Perspectives

NACWA CEO Adam Krantz moderated a panel discussion of mayors from across the country during the *American Water Summit* in October. Representatives from more than 30 public water and wastewater utilities and nearly 20 NACWA Corporate Affiliates joined delegates from the private sector, state and federal government and the investment banking community at the Summit. NACWA collaborated with Global Water Intelligence, the convener of the *Summit*, to develop the program and ensure the public sector voice was strongly represented.

*Pictured L to R: NACWA CEO Adam Krantz, Tony T. Yarber, Mayor, City of Jackson, Miss., Lisa Baldelli-Hunt, Mayor, City of Woonsocket, R.I., John Procter, Mayor, City of Santa Paula, Calif., and Nelda Martinez, Mayor, City of Corpus Christi, Texas.*

## Kopocis Departs, New Water Office Leadership Named

Ken Kopocis, Deputy Assistant Administrator for the U.S. Environmental Protection Agency's (EPA) Office of Water, left the Agency in early November. After more than 30 years of public service, President Obama's nominee to lead the water office announced his departure in late October. Although his appointment was never confirmed by the Senate, Kopocis worked for several years in various capacities and led the Agency's Office of Water when Nancy Stoner left in August 2014. Prior to his service at EPA, Kopocis had a long and distinguished career on Capitol Hill as key staff on water issues. The White House officially withdrew his nomination on November 9.

NACWA values its decades-long relationship with Kopocis and wishes him well.

Joel Beauvais, who served previously as an associate administrator in EPA's policy office, has assumed the role of Acting Deputy Assistant Administrator for the Office of Water. NACWA has welcomed Beauvais to his new role and plans to soon meet with him to discuss the Association's priority issues. 🌊



Joel Beauvais

## Winter Conference CONTINUED FROM PAGE 1

Conference presentations will also discuss some of the most daunting regulatory requirements facing the clean water community – including stringent Total Maximum Daily Loads (TMDLs) and nutrient controls – and how utilities are innovating solutions to meet these challenges. The role of the clean water community in helping to secure a resilient water future for the United States will also receive attention.

Make your plans today to join your colleagues for a conference sure to lend new perspective to your utility's approach to regulatory requirements, innovations, and data. Additional information, including registration and an agenda are available on NACWA's [website](#). 📄

### Hate choosing between NACWA's Winter Conference and The Utility Management Conference when planning February travel? Problem solved!

In 2016, NACWA's Winter Conference and The Utility Management Conference are co-locating in San Diego – providing attendees the ability to benefit from both exceptional offerings and save time and money. Join us for NACWA's [Winter Conference](#), February 21 – 24 at the Westin San Diego and [The Utility Management Conference](#), February 24 – 27 at the Hilton San Diego Bayfront. We hope to see you there!

## Great Lakes Legislation CONTINUED FROM PAGE 1

U.S. Conference of Mayors (USCM), National League of Cities (NLC), National Association of Counties (NACo), National Association of Regional Councils (NARC), the American Public Works Association (APWA), the American Water Works Association (AWWA), the Water Environment Federation (WEF) and the Great Lakes St. Lawrence Cities Initiative. Several utilities and state organizations also weighed in directly with their Congressional delegations.

### December 11 Deadline Looms

December 11 is the deadline Congress has given itself for enacting

a FY16 omnibus appropriations bill and, along with it, resolution of these policy riders. To date no Member of Congress – other than Senator Kirk – has indicated support for the proposal, but its fate is still unclear. House and Senate appropriation conferees work behind closed doors and specific details about these riders may not emerge until a final agreement is unveiled just before voting begins. As it prepares for these final weeks, NACWA is urging its members and key stakeholders to continue to voice their opposition. 📄



### Law Seminar Draws Record Crowd

NACWA's 2015 [National Clean Water Law Seminar](#) drew a record crowd of over 130 individuals, who came together the first week of November in Henderson, Nevada, to discuss key issues in clean water law. John C. Cruden, the Assistant Attorney General for the Environment & Natural Resources Division of the U.S. Department of Justice, keynoted this year's Seminar. Cruden highlighted some of the most critical legal issues impacting clean water and delivered a powerful endorsement of the important work NACWA members do every day. Patricia Mulroy (pictured here), the former head of the Southern Nevada Water Authority and a recognized thought leader on water issues, also provided a powerful luncheon address sharing her perspective on actions and innovations that are necessary to battle the immense challenges facing the water sector.

## Sector Chemical Shipments Continue with Train Rule Extension

A three-year extension of the deadline to implement positive train control (PTC) technology was included in the stopgap transportation bill, [H.R. 3819](#), signed by the President on October 29. Without this extension of the original December 31 deadline, the supply chains for chlorine gas, anhydrous ammonia, and other chemicals important to water and wastewater utilities, would have been disrupted. Many railroads asserted that they were unable to comply with the PTC rule by the end of the year. NACWA and

the American Water Works Association (AWWA), Association of Metropolitan Water Agencies (AMWA), the National Association of Water Companies (NAWC), and the Association of California Water Agencies (ACWA), sent letters to the Senate Committee on Commerce, Science & Transportation and the House Committee on Transportation & Infrastructure, requesting that a PTC extension be passed without delay to avoid uncertainty for water utilities that rely on these chemicals for disinfection. 📄



## Dax Blake Appointed to NACWA Board

In early November NACWA's Board of Directors acted to appoint Dax Blake, Administrator of Sewerage & Drainage for the City of Columbus, Ohio to a Region 5 seat on the Association's Board. In September, Board Member James A. 'Tony' Parrott stepped down as Executive Director of the Metropolitan Sewer District of Greater Cincinnati, having accepted a similar position at the Louisville &

Jefferson County Metropolitan Sewer District – thus creating the vacancy. Blake was recommended for the post by the Association's Nominating Committee, having served as Co-Chair of NACWA's Facility & Collection Systems Committee and as the President of the Association of Ohio Metropolitan Wastewater Agencies (AOMWA). NACWA welcomes Dax Blake to its Board. 🐾

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## NACWA Membership – Increasing the Association's Impact

Growing NACWA's membership is critical to strengthening the Association's ability to advocate for needs of the nation's clean water utilities. The Association represents a diverse group of public utilities of all sizes from across the country. This diversity allows NACWA to more effectively tell their stories, celebrate their differences, and further highlight the many ways in which its Member Agencies are working toward a sustainable, healthy environment. The Association is proud to welcome three new members.

### **PUBLIC AGENCY**

[Joint Facility/Colchester-East Hampton, CT](#)

*Represented by Tim Smith, Public Utility Administrator*

Joining NACWA in mid-October, the Joint Facility/Colchester-East Hampton, CT is a public wastewater system that serves a population of 12,000. This regional authority offers services in collection, treatment, wholesale drinking water, and drinking water distribution.

### **LEGAL AFFILIATE**

[Edgcomb Law Group, LLP](#)

*Represented by Nancy Wilms, Partner*

Edgcomb Law Group, LLP is an AV-rated environmental law firm specializing in forging practical legal solutions to complex environmental challenges. The Edgcomb team is composed of experienced environmental attorneys that provide litigation, compliance counseling, risk management and permitting (including environmental due diligence), transactional and land use services.

### **CORPORATE AFFILIATE**

[American Infrastructure Holdings, LLC](#)

*Represented by Ken Rubin, Managing Partner*

American Infrastructure Holdings (AIH) offers advisory and direct investment services, with a focus on the North American water and wastewater sector with activities in water reuse, anaerobic digestion, innovative treatment technology, alternative conveyance, stormwater management, and real-time data networks. As trusted advisors to utilities, water and wastewater asset owners, and water technology companies for decades, AIH has been instrumental in defining and implementing public and public-private solutions for the Utility of the Future.



NACWA's most powerful tool in growing the Association is its current members. The Association thanks all who have shared the many benefits of membership with a colleague. If you are aware of a clean water agency or organization that would benefit from NACWA membership, please contact [membership@nacwa.org](mailto:membership@nacwa.org). 🐾

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## Associated Press Focuses on Water Issues

The Associated Press (AP) released a [series of articles](#) in late September and October focusing on water challenges in the US. The series examined issues including drought in the West, wet weather concerns, and the challenges from aging infrastructure. They were widely-published in media outlets throughout the country and NACWA's CEO, Adam Krantz, was interviewed and included in both [video](#) and print versions

of the series. NACWA has recommended that the AP conduct follow-up interviews with a number of key utilities across the country. The Association is proud to have been part of this feature series that provided a strong nationwide spotlight on the needs and challenges of the water sector. 🐾