

# CLEAN WATER ADVOCATE

On February 21, NACWA's Board of Directors appointed Leisa Thompson, General Manager of the Environmental Services Division of The Metropolitan Council in Minneapolis, Minnesota to a Region 5 seat on the Association's governing body.



A Clear Commitment to America's Waters



FEBRUARY/MARCH 2016



## Water Resources Utility of the Future in the Spotlight

As leaders in the clean water community, NACWA Board Members are taking the lead to implement innovative and integrated approaches to water management in their communities. Across the country – from Virginia to Minnesota to New Mexico – the following Member Agencies have truly embraced the future.

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## NACWA

National Association of  
Clean Water Agencies

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## Administration's FY 2017 Budget Signals Shift in Water Investment

President Obama's Fiscal Year (FY) 2017 Budget proposal, released February 9, signaled a dramatic shift in water investment priorities. While the Administration is touting a \$300 million proposed investment in water innovation and water supply, it also proposes a significant cut of more than \$414 million to the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund (CWSRF). NACWA stands strongly in favor of federal efforts to spur innovation in the water sector; however, federal investment in clean water infrastructure through long-standing programs like the CWSRF must also be maintained. Additional details on the budget request are available in [Advocacy Alert 16-03](#).

### Members of Congress Rally to Support Revolving Funds

By the time the FY 17 Budget proposal was released, Congressional attention to clean and safe water was already heightened due to the crisis in Flint, Michigan, the drought in the West, and severe flooding events around the country. The Congressional response to the Administration's proposal was strong and swift, with Members of Congress from both parties denouncing the proposed cuts to the CWSRF.

The FY 17 Appropriations process on Capitol Hill has to date included circulation of several water infrastructure letters signed by Members of Congress and sent to Appropriations Committee leadership. Notably in the House, the minority leadership of the Transportation & Infrastructure and Energy & Commerce committees circulated a request for \$4 billion in federal funding for the State Revolving Funds in FY 17, to be split equally between the CWSRF and the Drinking Water State Revolving Fund (DWSRF). In a strong demonstration of support for the SRFs, nearly 100 House Democrats signed this [letter](#) to appropriators. A House bipartisan letter requesting support for the SRFs (without specifying a dollar amount) also received nearly 40 signatures.

In the Senate, a bipartisan letter was circulated requesting no less than the FY 16 funding levels for the CWSRF and DWSRF, which would reverse the dramatic cuts proposed by the Administration this year. The letter received strong support and was signed by 43 of the 100 Senators.

FULL STORY ON PAGE 7 >>

## Water Sector Takes on Washington

NACWA's President, Adel Hagekhalil has observed that "For the first time in years, water has become a predominant issue in our nation's consciousness. With the twin challenges of the ongoing crisis in Flint and the drought in the West, legislators are introducing bills at an unprecedented pace to address our pressing water infrastructure needs." Without a doubt, now is the time for the municipal clean water community to speak to federal policymakers with one voice – and Water Week 2016 and the [National Water Policy Forum, Fly-In & Expo](#) provided exceptional opportunities to do just that.

The week of April 10 – 16, the water sector convened in Washington, DC, for [Water Week 2016](#) – with the [National Water Policy Forum, Fly-In & Expo](#), April 11 – 13, anchoring the week. This year's [Forum & Fly-In](#) was packed with compelling speakers and important events.

Washington insider, Amy Walter, National Editor of the Cook Political Report, kicked-off the first day of the Forum as attendees explored advocacy perspectives and priorities. Waters was joined by U.S. Environmental Protection Agency (EPA) Assistant Administrator for Water Joel Beauvais, as well former Representative Jim Moran (D-VA). NACWA [National Environmental Achievement Public Service Award](#) winner Senator Rob Portman (R-OH) addressed attendees, along with U.S. Representative Dan Kildee (D-MI), who represents Flint, Michigan in Congress, and numerous other Members of Congress and federal officials.

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## NACWA Seeks Integrated Stormwater Management in Water Resources Debate

NACWA Member Agencies understand first-hand that water resources management is quickly becoming a complex challenge for local communities. As their communities confront challenges such as persistent drought in the West and extreme wet weather events in the Midwest and East, drinking water supplies are diminishing, water quality is being impaired, or potentially both. Depending on where a utility is located, storm events can either lead to replenished water supplies or to water quality impairments and even dead zones. Increasingly, NACWA members are seeking better integration of water resources to ensure that when storm events occur, they are optimized to benefit local stormwater management goals.

### WRDA Reauthorization Provides Opportunity

In the upcoming reauthorization effort of the Water Resources Development Act (WRDA), NACWA has an opportunity to strengthen federal water policy in support of integrated water resources management. Member Agencies located in wet climates in the Midwest and the eastern seaboard, for example, are spending increasing amounts of local ratepayer dollars on controlling urban stormwater runoff to mitigate adverse water quality impacts. Enhanced coordination between the U.S. Army Corps of Engineers (ACOE) and local stormwater agencies would help efforts addressing water quality challenges succeed and ensure that federal and ratepayer investments are being efficiently utilized.

### Coordination Enhances Both Water Quality & Supply

Where this coordination is occurring, NACWA Members Agencies are seeing water quality benefits. Milwaukee, Wisconsin has proposed a flood mitigation project to be undertaken with the ACOE along the

Underwood Creek tributary of the Menomonee River. Through coordination with the City's stormwater management efforts, the Corps is designing a project to construct a series of pools and riffles in a low-flow channel to not only enhance the aquatic habitat of Underwood Creek, but also help meet the City's water quality objectives in the Menomonee River by reducing high fecal coliform levels caused by urban stormwater run-off.

Integration between flood control projects and stormwater projects also improves water supplies. The City of Los Angeles Department of Water & Power (LADWP) is undertaking a stormwater capture project in an effort to reduce reliance on expensive imported water. LA's water goal includes reducing purchases of imported water by 50% by 2025 and sourcing 50% of water locally by 2035. Meeting these goals will include an increase to 150,000 acre-feet per year (AFY) of stormwater capture – the capture of rainfall and runoff from open space and urban lands for direct use or groundwater storage. Currently 27,000 AFY (8.8 billion gallons) is captured. These efforts will be influenced by ACOE actions and have the potential to impact the Corps work in the community and potentially upstream.

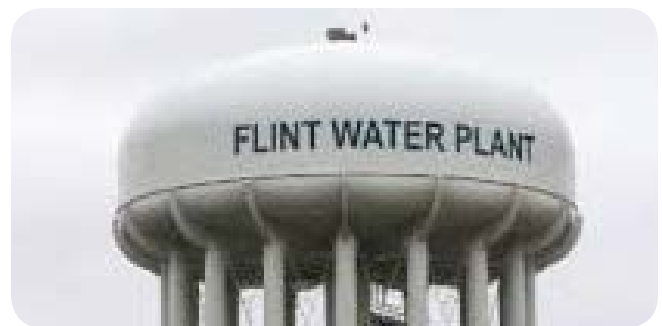
While there are a number of good examples of coordination between ACOE flood management and local urban stormwater control, NACWA is urging lawmakers to include specific language in the Water Resources Development Act (WRDA) to encourage continued and greater coordination of these efforts. If successful, this could lead to better coordination with between the ACOE and NACWA members and ultimately to better stormwater management in support of municipal water supply and water quality goals. 🌊

## Flint Crisis Focuses Spotlight on Water Infrastructure Issues

The evolving crisis in Flint, Michigan has brought the challenges facing the nation's water infrastructure front and center in the public's eye, leading to a significant increase in water-related legislation in Congress – and galvanizing the broader water sector to inspire a coordinated sector response.

### National Organizations Actively Engage

In early February, NACWA joined with other key national water sector organizations in delivering a [joint statement](#) about the crisis, emphasizing the common concern, shared by all, for the people of Flint and demonstrating a collaborative commitment to ensuring a swift and appropriate response. NACWA played a prominent role in crafting the message. Signatory groups included the American Water Works Association (AWWA), the Association of Metropolitan Water Agencies (AMWA), the National Association of Water Companies (NAWC), the U.S. Water Alliance (USWA), the Water Environment Federation (WEF), the Water Environment Research Foundation (WERF), and the Water Research Foundation (WRF).



Municipal groups have also weighed in, with the National League of Cities (NLC) passing a [resolution](#) calling on Congress and the Administration to resolve the crisis, and the U.S. Conference of Mayors (USCM) [calling](#) for more federal assistance to help Flint. In the media, both U.S. Environmental Protection Agency (EPA) [Administrator Gina McCarthy](#) and [AWWA](#) have written op-eds highlighting the broader

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**WATER  
RESOURCES  
UTILITY OF  
THE  
FUTURE**

## In the Spotlight

*The Water Resources Utility of the Future initiative (UOTF) is a collaboration among NACWA, the Water Environment Federation (WEF), the Water Environment Research Foundation (WERF) and WaterReuse. The initiative highlights the transformation of utilities from 'sewerage agencies' to 'resource recovery agencies' through the adoption of innovative technologies and holistic, watershed-level approaches to stretch ratepayer dollars and maximize environmental benefits. This feature, Water Resources Utility of the Future in the Spotlight, showcases innovative efforts in the areas of technology, finance, communications and outreach, collaboration, and more.*

## Board Members Embrace the Future

As leaders in the clean water community, NACWA Board Members are taking the lead to implement innovative and integrated approaches to water management in their communities. Across the country – from Virginia to Minnesota to New Mexico – the following Member Agencies have truly embraced the future.

### Albuquerque Bernalillo County Water Utility Authority – Albuquerque, NM

The Albuquerque Bernalillo County Water Utility Authority has successfully developed and implemented a holistic water management strategy that has increased water supply during record drought.

Since discovering that the local aquifer was not being recharged by the Rio Grande River in the mid-1990s – and that groundwater levels had dropped by as much as 120 feet – the Water Authority has implemented a four-pronged water management plan consisting of conservation, reuse, aquifer storage and recovery, and the addition of a new drinking water source.

Each component of this plan has been vital to creating a sustainable water supply and replenishing the aquifer. The Authority's aggressive push for conservation, offering various incentives, helped cut per capita water use by half – from 250 gallons per day in the 1990s to 127 GPD in 2015. Reuse of treated water for landscaping and other non-potable



Conservation incentives in Albuquerque include rebates for replacement of water-guzzling turf with desert-friendly xeriscaping.

uses now accounts for about 10% of all consumptive water use. The utility's Bear Canyon project, which stores water underground during the winter for use in the summer, was the first underground water storage project in New Mexico and has helped to build water supply by cutting down on losses to evaporation. Lastly, the Water Authority turned to surface water as a source of supply to decrease withdrawals from the aquifer, which has significantly increased water levels in the aquifer. Albuquerque's story in implementing this water management plan can be seen in this [video](#).

### Hampton Roads Sanitation District – Virginia Beach, VA

The Hampton Roads Sanitation District (HRSD) is working on an ambitious plan to simultaneously address multiple water related challenges with an integrated plan. HRSD is proposing to eliminate dry-weather discharge from several of its treatment plants into local rivers and instead treat the wastewater to drinking water standards to inject into the Potomac aquifer. By eliminating daily discharge, HRSD will drastically cut nutrient pollution discharged to the Chesapeake Bay offsetting the stormwater nutrient and sediment reductions required by the Chesapeake Bay TMDL from the communities HRSD serves. This plan achieves more nutrient and sediment reduction at a lower cost. The savings can be redirected to address sea-level rise mitigation activities throughout the region. This integrated approach must be approved by US EPA and Virginia DEQ but early indications are both agencies are supportive of this approach.



The sustainable water recycling initiative provides additional benefits including providing a sustainable source of groundwater for all of eastern Virginia, creating a barrier to saltwater intrusion, and slowing or halting the portion of land subsidence related to aquifer compaction. In eastern Virginia this compaction is estimated to contribute up to

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## Legal Advocacy Focuses on Critical Issues

The Association's legal advocacy on behalf of its Member Agencies continues to defend clean water agency interests and ensure protection of the environment. Recent engagements have spanned the U.S. and include defense of the watershed approach.

### NACWA Files Brief in Groundwater Conduit Theory Litigation

On March 28, NACWA joined the National League of Cities, the National Association of Counties and the California Association of Sewerage Agencies, among others, in filing a [joint amicus brief](#) in a Ninth Circuit appeal of a federal district court decision imposing CWA liability under a novel groundwater conduit theory.

In [Hawaii Wildlife Fund v. County of Maui](#), the lower court erroneously imposed liability under the CWA based on the migration of pollutants into navigable waters via groundwater, which is neither a Water of the United States nor a point source itself. The decision, if upheld by the Ninth Circuit, could expose NACWA Member Agencies to a new arena of citizen suits, which will be costly and will likely have a negligible benefit on water quality. Clean water utilities could be found in violation of the CWA for releases to groundwater as a result of exfiltration from collection systems and treatment facilities; surface water impoundments; and low impact development and other green infrastructure approaches that retain, infiltrate, and percolate stormwater flows into groundwater. See [NACWA Litigation Tracking](#) and the April 4 [Clean Water Current](#) for more details on the case and the Association's involvement.

### U.S. Supreme Court Declines Review of Bay TMDL Decision

On February 29, the Supreme Court denied the petition filed by the American Farm Bureau and allies on the Chesapeake Bay Total Maximum Daily Load (TMDL). By doing so, the high court affirmed the ruling of the U.S. District Court for the Middle District

of Pennsylvania and subsequent unanimous ruling of the 3rd U.S. Circuit Court of Appeal in [American Farm Bureau, et al. v. EPA](#).

The decision puts an end to the Farm Bureau's challenge of the TMDL, and represents a solid endorsement of the watershed approach requiring pollution reduction from all sources of impairment, including nonpoint sources. NACWA and its municipal partners played a key role in the case as an [intervenor](#). Additional details on the case and NACWA's involvement are available in the Association's [Litigation Tracking](#), the February 29 [Clean Water Current](#), the January 22 [Clean Water Current](#), and [Advocacy Alert 15-13](#).

### NACWA Files Brief in Mississippi River Nutrients Case

On January 14, NACWA and a coalition of industrial and agricultural organizations opposed to federally mandated numeric nutrient criteria (NNC) filed a [joint brief](#) in the remanded [Gulf Restoration Network, et al. v. EPA](#). The case involves the U.S. Environmental Protection Agency's (EPA) response to a petition from activist organizations requesting that the Agency develop federal NNC for the Mississippi River Basin and northern Gulf of Mexico. EPA declined to make a necessity determination on the need for NNC and, in 2012, the activist groups sued the Agency. NACWA has been involved in the case since 2012, when it successfully [intervened](#) to protect the interests of its Member Agencies.

The brief argues that EPA provided a reasonable explanation, grounded in the Clean Water Act (CWA), for declining to make a necessity determination and emphasizes the permissible factors that the Agency considered. See NACWA [Litigation Tracking](#) and the January 22 [Clean Water Current](#) for more details on the case and the Association's involvement. NACWA also featured this case on the March 16 [Hot Topics in Clean Water Law Web Seminar](#).

## Policy Forum CONTINUED FROM PAGE 1

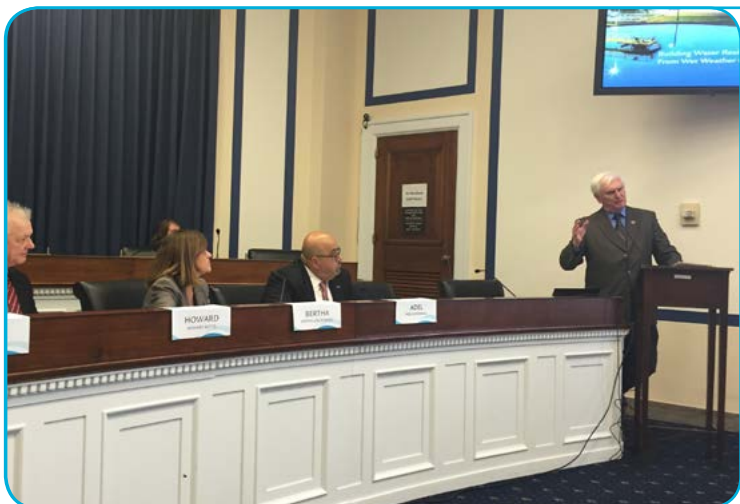
The *Forum & Fly-In* also included important utility meetings with Members of Congress to share key perspectives on clean water policy and the importance water resources to constituents nationwide. Capping a day of Capitol Hill Visits was the *Water Week Congressional Reception*, bringing together Members of Congress, their staffs, representatives from both municipal and water sector organizations, and

utilities and sector leaders from across the country.

The Water & Wastewater Equipment Manufacturers (WWEMA) and the American Water Works Association (AWWA) were among the organizations convening in Washington, DC for *Water Week 2016*. And over [60 organizations and entities](#) from across the country signed on in support of the week-long series of water-focused events and meet-



The City of South Bend, Indiana was well represented among NACWA's *National Environmental Achievement Awards* (NEAA) winners in February. The Association recognized South Bend's Mayor, Pete Buttigieg, an ardent and outspoken champion of the City's data-driven Smart City, Smart Sewer program with an NEAA Public Service Award. CSOnet, a mesh network of 150+ sensors and data analytics computing nodes distributed throughout the City's collection system, was also a NACWA award winner. Eric Horvath, South Bend's Director of Public Works (pictured in center here with NACWA President, Adel Hagekhalil, left, and Awards Committee Chair, Ted Henifin, right) was on hand to accept the honors.



### Clean Water Caucus Briefing Addresses Water Resiliency, Sustainability Issues

Rep. John Duncan, Jr. (R-TN), Co-Chair of the Congressional Clean Water Caucus (*pictured speaking*), addresses the audience at a Capitol Hill [briefing](#) on March 16 while invited speakers – including NACWA President Adel Hagekhalil – listen. Caucus Co-Chair Rep. Daniel Lipinski (D-IL) and Rep. Richard Hanna (R-NY) also provided remarks, as did representatives from Member Agencies the Miami-Dade Water & Sewer Department and the Metropolitan St. Louis Sewer District, NACWA Affiliate Arcadis, and Core Logic. The briefing focused on how the municipal clean water sector is dealing with growing water resiliency challenges and how the federal government can best assist local communities and improve national water security and resilience.

## Drought & Resilience Take Center Stage on the Hill, at the White House

Western drought and water resilience issues continue to be a priority issue – and point of contention – on Capitol Hill. At the same time, the White House is using innovation as the cornerstone for its approach to addressing water issues, while cutting federal funding. Disagreements between members of Congress and with the Administration persist in regards to both policy and funding. The drought has heightened the stakes on long-running debates between environmentalists, farmers, and others concerned with western water use.

### White House Water Summit

On March 22 – [World Water Day](#) – the White House hosted an important [Water Summit](#) focused on building a sustainable water future for the United States. Themes of innovation, resiliency, and sustainability played an important role in the day's events, but there was also significant attention on the water infrastructure challenges facing communities around the nation – especially when it comes to funding needed infrastructure investments and the disproportionate impact this can have on poorer households. Speakers from around the country and from different water sectors participated in the event, and all echoed the need for a more coherent national water policy to better manage the nation's water supplies and water quality.

The White House is to be commended for shining such an important spotlight on water issues. At the same time, it is unfortunate that it took until the last year of an eight-year term for this Administration to fully focus on water sustainability issues. Even more concerning, the Administration's most recent budget proposal to Congress calls for deep cuts in federal investment in water infrastructure – a particularly stunning and perplexing position given that the ongoing water crisis in Flint, Michigan is front and center in the public's eye. Speaker after speaker noted that we must do a better job investing in our water infrastructure, especially in poorer communities, and many referenced the crisis in Flint as an example of what can happen when legacy infrastructure issues are not addressed.

### Legislative Developments on Drought Issues

Key legislative developments in the new year include Sen. Dianne Feinstein's (D-CA) introduction February 10 of the [California Drought Relief Act](#). The bill includes provisions addressing long-term western water supply needs, including water recycling. The bill references the study of water recycling potential that NACWA and partner organizations carried out last year. NACWA provided a [letter](#) in support of certain provisions in the bill. NACWA also held a briefing in March on water utility resilience.

In addition to this legislation, Sen. Feinstein's continues to press for a robust Bureau of Reclamation response to the drought through her role as Ranking Member on the Senate Energy & Water Development Appropriations Subcommittee. Subcommittee Chairman Lamar Alexander (R-TN) has indicated he hopes to avoid policy riders in the FY17 Energy & Water Appropriations bill. NACWA anticipates the FY17 bill will be released by the end of April.

Democratic Staff for Sen. Cantwell (D-WA), Ranking Member of the Senate Energy and Natural Resources Committee, released a white paper in late March outlining a national policy framework to address drought and water security in the U.S. The white paper can be reviewed [here](#).

### Association Releases Climate Resilience Resource Menu for Clean Water Agencies

NACWA's [Climate Resilience Resource Menu for Clean Water Agencies](#) is a new way for utilities to access a wide array of climate resources, reports, and data to inform their resilience planning. Recognizing the huge volume of information on climate change, mitigation, adaptation and resilience that has been produced, the Association's Climate & Resilience Committee saw an opportunity to collect the most relevant resources for clean water utilities in one place. Clean water professionals can find initiatives, reports, funding sources, scientific data, case studies, and more in the *Menu* to help guide their resiliency efforts. 🌊



In February, nearly 300 clean water professionals gathered in San Diego to participate in NACWA's [2016 Winter Conference](#), *Back to the Basics . . . Will Compliance Concerns Derail Efforts to Innovate?* Attendees engaged in important discussions around the regulatory challenges facing utilities, external drivers such as the drought gripping much of the West, and how utilities are embracing new technologies to advance the Water Resources Utility of the Future.

Felicia Marcus (*pictured*), Chair of the California State Water Resources Control Board and recipient of NACWA's 2016 *National Environmental Achievement Award for Public Service* (*pictured*), headlined a roundtable discussion on the future of the Clean Water Act, exploring whether the current statute can meet the country's water resources needs going forward. Rounding out the stellar group of speakers for the discussion were Diane Taniguchi-Dennis, NACWA Board Member and Deputy General Manager for Clean Water Services in Hillsboro, Oregon; Angela Licata, Regulatory Vice Chair for NACWA's Policy Committee and Deputy Commissioner of Sustainability for the New York City Department of Environmental Protection; and Jeff Odefey, Director of Clean Water Supply Programs for American Rivers.

## February Sees Board Focus on Strategy, Partnerships, Advocacy

NACWA's Board of Directors met on February 21 at the start of the Association's 2016 Winter Conference in San Diego. Led by President Adel Hagekhalil, Assistant Director of the City of Los Angeles – LA Sanitation, the Board convened a wide ranging discussion of the Flint, Michigan water crisis, addressed important Association governance issues, and continued collaboration with key partners. Recent months have found the Association's Board and committee leadership engaged in thoughtful discussions focused on the Association's *Strategic Plan*. These discussions culminated in the adoption of a new *Strategic Plan* at the February Board Meeting. The Plan includes key guidance for NACWA's advocacy, membership and communications efforts and will provide the overall strategic direction for the Association for the next 3 years. The Board also acted to approve the Association's 2015 *Audited Financial Statements*.

### Guest Speakers Focus on Collaboration

Board Members welcomed the opportunity to engage with important strategic partner organizations as part of their meeting. Eleanor Allen, CEO of Water for People, discussed the key priorities her organization is working on and joined President Hagekhalil in signing a *Memorandum of Understanding*. The Board also heard from Radhika Fox, CEO of the U.S. Water Alliance; Melissa Meeker, Executive Director of WaterReuse and the Water Environment Research Foundation; and Debra Coy, a Partner with XPV Capital Corporation. All of these discussions highlighted ways in which NACWA can continue collaborative work with a variety of stakeholders.



### Targeted Advocacy & Litigation Projects Approved

As part of its meeting in San Diego, the Association's Board of Directors approved a number of critical projects to receive funding from the Association's Targeted Action Fund (TAF). Projects receiving funding included participation with the Water Environment Federation (WEF) and the Water Environment Research Foundation (WERF) in a Leaders Innovation Forum for Technology (LIFT)

scholarship program to support travel by utility employees to learn about new and innovative technologies – and a strategic review of NACWA's triennial financial survey. In the legislative arena, the Board endorsed a project aimed at improving coordination between federal flood control projects and municipal stormwater regulatory efforts as part of the reauthorization of the Water Resources Development Act (WRDA), expected later this year

(see related article *this issue*).

NACWA participation in an important new litigation matter that could impact the liability of clean water utilities under the Clean Water Act (CWA) was also approved. The Association will be engaging on an *amicus* brief before the U.S. Court of Appeals for the Ninth Circuit in litigation addressing a novel theory of CWA liability based on groundwater connection, even if there is no direct discharge to a navigable waterbody. The case, *Hawaii Wildlife Fund v. County of Maui*, addresses the question of whether the "conduit theory" of liability involving groundwater is valid under the CWA. NACWA will be joining a coalition in opposition to this theory of liability (see related article *this issue*). The TAF provides critical support for NACWA initiatives that help to advance the Association's work in a number of important areas. 🌊



## Federal Budget CONTINUED FROM PAGE 1

### Strong Water, Municipal Coalition Urges Increase

NACWA engaged with nine water and municipal organizations to develop a unified coalition request for FY 17 funding. The resulting [letter](#) was sent to the Appropriations Committees in both the House and Senate, and shared with all Congressional offices. The Association is now advancing discussions regarding federal funding for water infrastructure and highlighting these 'asks' in meetings with the Hill. Messaging in support of the CWSRF will also be a key part of the 2016 *National Water Policy Forum & Fly-In* in April.

NACWA has also submitted [written testimony](#) to the Appropriations Committee, and met with Committee staff. Many Association members have also contacted their Congressional Representatives to encourage their support.

In April it is anticipated that FY 17 appropriations bills will be released in the House and Senate which will outline the specific programmatic funding levels proposed by their respective Appropriations Committees. Next Committee mark-up will follow, and then floor debate. It remains to be seen how smoothly this process will unfold. The Appropriations Committees continue to state their commitment to passing the individual FY 17 Appropriations bills without resorting to last-minute measures, such as extensions or omnibus legislation. This would likely require a significant amount of floor time before the long summer recess scheduled for this election year. 🌊



### NACWA Experiences Top-Notch Utility Service First-Hand

NACWA had its own 'infrastructure crisis' in late March when the sewer lateral serving the National Office partially collapsed and caused a basement backup. Luckily for the Association and its staff, the excellent staff from Member Agency DC Water came quickly to the rescue. In an example of the incredible work that all NACWA Member Agencies do on behalf of their customers every day, DC Water, had an evaluation team onsite within hours of the initial service call, and a full construction team onsite within 24 hours to dig up the lateral and replace it. Upon learning of NACWA's interest in sewer issues, they even provided us with a copy of the original 1880 map and street drawing from the installation, along with a piece of the 135-year-old lateral made out of terracotta.

## Flint Crisis CONTINUED FROM PAGE 2

infrastructure investment challenges across the nation that have been laid bare in Flint.

### Legislation Introduced on Capitol Hill

On the Congressional front, a host of bills have been introduced in the wake of Flint to address the infrastructure and affordability issues facing communities nationwide. Among the key pieces of legislation are [The Water Infrastructure Trust Fund Act](#) introduced by Reps. Earl Blumenauer (D-OR), Richard Hanna (R-NY), and John Duncan, Jr. (R-TN); the [Low Income Sewer & Water Assistance Program of 2016](#), introduced by Rep. Marcia Fudge (D-OH) and a number of other cosponsors from Ohio and Michigan; and the [Firm, Unwavering National Dedication to Water Act of 2016](#) (FUND Water Act), introduced by Sen. Ben Cardin (D-MD).

### NACWA Weighs in on Flint Crisis & Infrastructure Investment

NACWA has voiced [support](#) for these efforts and will continue to engage with Capitol Hill to advance legislative initiatives that not only support the residents of Flint, but also provide a much-needed boost to national clean water infrastructure funding. In an editorial featured in the Spring 2016 issue of [Public Sector Digest](#), NACWA shared the message of Flint as an example of the great need for investment in water infrastructure nationwide. The article, [Flint Michigan: The Water Crisis We](#)

[Must Not Forget](#), co-authored by NACWA CEO Adam Krantz and Deputy General Counsel Erica Spitzig, discusses the complex challenges of affordability, aging infrastructure, and an outdated regulatory framework in the context of the growing number of water issues receiving media attention in recent years. The article highlights NACWA's efforts to develop sustainable federal investment in water infrastructure and to advance the Water Resources Utility of the Future paradigm.

The Association has also created an 'ad hoc' workgroup to further discuss issues surrounding Flint and how best NACWA should engage. The workgroup's deliberations have found its members in agreement that the broader water sector must respond to the crisis with a clear message about the importance of water professionals being empowered by their political leaders to make the right decisions about safe utility management and operations. The Association, working in collaboration with other organizations and through its workgroup, will continue to make every effort to address the challenges presented by the crisis in Flint. 🌊

## In the Spotlight CONTINUED FROM PAGE 3

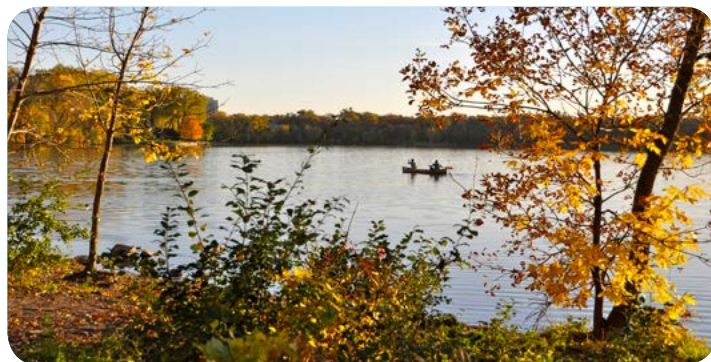
25 percent of the net impact of sea-level rise. By eliminating dry-weather discharges, the project may allow opening of currently closed parts of the watershed to oyster harvesting.

This \$1 billion project is moving forward rapidly with treatment train pilots scheduled to be operational in summer 2016 and the first production wells are scheduled to be on-line in 2022. This project truly embodies the UOTF by bringing environmental and economic benefits to the community.

### Metropolitan Council Environmental Services – Twin Cities, MN

In 2015, Metropolitan Council Environmental Services (MCES), a division of the Metropolitan Council, adopted a holistic, integrated framework, the [2040 Water Resources Policy Plan](#). The plan was created to better operate the regional wastewater system and plan for wastewater, water supply, stormwater, and surface water as part of a larger regional vision to improve and grow the Twin Cities region as prosperous, equitable, sustainable, and livable. The plan was developed through a collaboration with residents, cities, townships, counties, and watershed organizations and multiple agencies, and partners within the region.

The Twin Cities region has a wealth of water resources, including more than 900 lakes and three major river systems – the Mississippi, Minnesota and St. Croix. They provide valuable habitat, support natural ecosystems, and offer a wide variety of recreation opportunities. In addition to their natural features, our rivers serve as important waterways for transporting agricultural products and industrial goods. Protecting these water resources and supporting development, are key goals in MCES's plan, while maintaining high-quality, affordable



wastewater collection and treatment services. MCES has developed a multi-faceted approach: looking into reusing stormwater and wastewater to recharge increasingly burdened aquifers, tackling inflow and infiltration, increasing conservation efforts, promoting use of green infrastructure and best practices to mitigate stormwater runoff, and more.

This sort of strategic, holistic planning is essential to ensure adequate wastewater treatment capacity and high-quality water resources in a rapidly growing region. MCES's role in developing this plan and leading collaborations and partnerships with other agencies and stakeholders to better coordinate and implement exemplifies itself as an agency dedicated to the Utility of the Future.

*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. 📧*

## Regulatory Issues Front & Center as 2016 Gets Underway

NACWA began 2016 with work on a wide variety of regulatory issues. The Association provided extensive comments on the U.S. Environmental Protection Agency's (EPA) proposed stormwater general permit rule and began working with Member Agencies to gather information related to the Agency's development of reporting requirements for overflows into the Great Lakes. NACWA also provided input to Congress on toxic substance regulation reforms.

### Small MS4 Remand Rule Proposal Comment Period Closes

March 21 was the deadline to submit comments to EPA on the Agency's proposed rule to change the Phase II federal stormwater regulations for small municipal separate storm sewer systems (MS4s). EPA proposed the MS4 General Permit Remand Rule (Remand Rule) in December, modifying the national small MS4 program to comply with the Ninth Circuit's 2003 *Environmental Defense Center (EDC) v. EPA* ruling stating that the small MS4 program was inherently self-regulated, lacking both review of the dischargers' notices of intent (NOI) and express requirements for public participation. NACWA's [comments](#) indicate that, of the three options presented in the Remand Rule proposal, the Association believes Option 3 (also referred to as the 'State Choice' approach) will best address the procedural and participatory elements required of the rule – while

also maintaining sufficient flexibility for permitting authorities and permittees to develop and regulate their small stormwater programs. The Association's comments also reflect member input and concerns about the Agency's potential move away from narrative and Best Management Practice (BMP)-based effluent limitations for stormwater discharges to more numeric limits. EPA's proposed rule on changes to the Phase II Municipal Separate Storm Sewer System (MS4) regulations was [published](#) in the *Federal Register* on January 6, and a final rule is due in mid-November.

### Great Lakes Utilities Discuss EPA Plans on CSO Public Notification Requirements

Utilities with combined sewer systems from across the Great Lakes region gathered by conference call on March 17 to discuss EPA's plans for addressing language in the FY 2016 appropriations bill directing the Agency to develop public notice requirements for combined sewer overflows (CSOs) into the Great Lakes. NACWA has met with EPA to discuss the Agency's plans for implementing the public notice requirements and will be working with the utilities in the Great Lakes to collect information on the burden of monitor-

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## Regulatory Roundup CONTINUED FROM PAGE 8

ing CSO outfalls to provide the dates, times, and volumes of CSO discharges. EPA will be moving quickly to develop the requirements, since Congress required that the provisions be implemented by December 2017.

Although the appropriations language was limited to CSOs in the Great Lakes, EPA has expressed interest in applying the new public notice requirements nationwide. NACWA has objected to making the requirements applicable nationwide given the limited scope of Congress' directive in the appropriations bill, but the Agency believes it likely has the authority to do so. NACWA will work with its Member Agencies to oppose any efforts to expand the notification requirements.

### NACWA Weighs in on Toxic Substances Control Reform

NACWA weighed in on negotiations between the House and Senate regarding reform of the Toxic Substances Control Act (TSCA). Bills to reform TSCA were passed by both the House and Senate late last year, and Congressional staff are now working to align the House and Senate versions. In a February 19 [letter](#) to leaders of the Senate Committee on Environment & Public Works and the House Committee on Energy & Commerce, NACWA asked that Congress consider the impacts of state and local preemption on clean water utilities, and allow for exceptions so that utilities can restrict the use of chemicals in their local areas as needed. This flexibility is vital to protect the wastewater treatment process, public health, and the environment at the local level. 🌱

## NACWA Members – Strength in Numbers

NACWA's work benefits every utility from coast to coast, however our work is only possible through growth of the membership. As we seek to have members in every Congressional District, members of all sizes – small, medium and large – and members from all regions of the country – urban, suburban and rural – we are honored to acknowledge the following utilities, organizations and associations who have joined NACWA and lent their support to our advocacy efforts.

### [Inland Empire Utilities Agency, CA](#)

Inland Empire Utilities Agency is a regional wastewater treatment agency and wholesale distributor of imported water serving approximately 830,000 people in western San Bernardino County. The Agency is focused on providing key services that include collection; interceptor; treatment; reclaimed wastewater/reuse; municipal stormwater; and wholesale drinking water.

### [City of Grand Rapids Environmental Services, MI](#)

The City of Grand Rapids is a city government department serving approximately 270,000 people in western Michigan. The utility provides services including, collection; interceptor; treatment; municipal stormwater; wholesale drinking water; and drinking water distribution.

### [City of Denton, TX](#)

The City of Denton is a city government department serving approximately 125,000 people in northeast Texas. The utility provides services including, collection; interceptor; treatment; reclaimed wastewater; municipal stormwater; wholesale drinking water; and drinking water distribution.

### [City of Mount Holly, NC](#)

The City of Mount Holly is a city government municipality serving nearly 14,000 people. The Agency is focused on providing key services that include collection; interceptor; treatment; municipal stormwater; and drinking water distribution.

### [Anaergia, Inc.](#)

Anaergia Inc. is a global leader in offering sustainable solutions for the generation of renewable energy and the conversion of waste to resources.

### [Blue Cypress Consulting, LLC](#)

Blue Cypress provides Utility Management and Community Planning services to public, non-profit, and private clients. They help utility clients optimize water, wastewater, and storm water programs to meet or exceed service level commitments to rate payers, the environment, and regulators—adding value by providing best in class service.

### [KAI Design & Build](#)

KAI Design & Build is a design & build firm performing architecture, engineering, and program management/construction management services nationwide.

### [New England Water Environment Association](#)

The New England Water Environment Association is a dynamic organization of water and wastewater professionals located throughout New England, who volunteer their time, energy, and expertise in order to preserve, protect, and manage New England's water environment.

### [The Vinyl Institute](#)

The Vinyl Institute, trade organization representing the leading manufacturers of vinyl, vinyl chloride monomer, and vinyl additives and modifiers. The Vinyl Institute serves as the voice for the vinyl industry, engaging industry stakeholders in shaping the future of the vinyl industry.

NACWA members are encouraged to manage their profile via the online [My NACWA](#) feature. [My NACWA](#) allows members to review and update their individual and organization contact information, view/print invoices for past transactions, register for events, manage NACWA communication preferences, add or remove staff from the membership, and review their engagement in the association and more. For help logging into My NACWA, please contact [membership@nacwa.org](mailto:membership@nacwa.org). 🌱

## Utility Leaders Receive Scholarships to Singapore International Water Week



NACWA will be well represented on a utility of the future-focused delegation of U.S. water sector leaders attending [Singapore International Water Week](#) (SIWW), July 10 – 14, 2016. Six recipients have been selected to receive scholarships to the biannual event which showcases best practices, innovative technologies, and business opportunities in the global water sector and brings together international water leaders to share and co-create solutions that reinforce sustainable water management strategies.

The 2016 scholarship recipients include:

**Hardeep Anand**, Deputy Director, Capital Programs & Regulatory Compliance, Miami Dade Water & Sewer Department, FL

**Michael S. Connor**, General Manager, East Bay Dischargers Authority, CA

**Cedric S. Grant**, Executive Director, Sewerage & Water Board of New Orleans, LA

**Paula Kehoe**, Director of Water Resources, San Francisco Public Utilities Commission, CA

**Alberto M. Lazaro**, Executive President, Puerto Rico Aqueduct & Sewer Authority, PR

**Enrique C. Zaldivar**, General Manager & Director, City of Los Angeles – LA Sanitation, CA

The delegation will be hosted by the Singapore Public Utility Board, and is funded collaboratively by NACWA, the Water Environment Federation (WEF) and the Water Environment Research Foundation (WERF). SIWW scholarships aim to break down international barriers, assist with the acceleration of technology transfer, and create an understanding of innovative policy options to further integrate resource recovery across the water sector. Recipients will share the perspectives gained from their experiences upon their return through presentations, blogs, and by other means. 🌐



NACWA's 2016 Winter Conference also featured the first *Smart Utility Roundtable*, a unique 'meeting within a meeting' to explore the issues around the increasing deployment of sensors and smart utility systems and the massive quantities of data being generated. At *The Smart Utility and the Promise of Big Data* participants provided a detailed overview of 'big data' and what it could mean for the clean water community.

## Pretreatment Workshop Heads to the West Coast

Join NACWA at the [National Pretreatment and Pollution Prevention Workshop & Training](#), May 17 – 20 at the Hilton Long Beach Hotel in Long Beach, Calif. for the only national conference designed especially for pretreatment professionals. Attendees at the Workshop can take full advantage of its unique education and networking opportunities, as well as updates on hot topics and in-depth discussions of issues facing utility pretreatment programs.

### Training Opportunities Include Local Limits, Wipes

Kicking off the Workshop are three opportunities for training geared especially to pretreatment professionals. These courses have become an indispensable tool for those new to the pretreatment area – and to the more seasoned professional alike – due to their thorough examination of material. This year, there will be three optional, full-day training sessions:

#### **Introduction to the Pretreatment Program for Wastewater Utilities**

Geared toward pretreatment professionals in the first few years of their pretreatment careers.

#### **Advanced Local Limits**

An in-depth focus on local limits, answering all of the "who, what, when, where, why, and how" questions about local limits.

#### **Wipes – Why They're in Your System (and How to Get Them Out!)**

Insight into why wipes are clogging wastewater systems all over the world, and tools for utilities to identify and understand the materials and make improvements in their systems.

Please note that separate registration is required for the training courses, which are taking place concurrently. A discount on registration is available for those participants that are also registering for the Pretreatment Workshop. An [agenda](#), registration, and additional information for the Workshop are available. Make your plans now to attend this important meeting for pretreatment professionals and managers. 🌐