

# **CLEAN WATER EXCHANGE-NEWS ALERT**

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The **Clean Water Exchange News Alert** is provided as a service to Clean Water Exchange participants by the American Public Works Association (APWA), the National Association of Clean Water Agencies (NACWA), and the Water Environment Federation (WEF). The News Alert highlights and summarizes selected legislative, regulatory, and legal developments affecting the clean water community.

If there are local or regional clean water issues that could benefit from attention at the national level, please do not hesitate to notify us. The goal of the Clean Water Exchange is not only to inform you of important national issues, but also to allow our partners at the local and regional level to share information about emerging issues. Suggestions or questions may be sent to Nathan Gardner-Andrews at [ngardner-andrews@nacwa.org](mailto:ngardner-andrews@nacwa.org).

## **GAO Releases Report on Vulnerability Assessment and Conversion Costs; Senate Bill Introduced**

On May 1, the Government Accountability Office (GAO) released a report (<http://www.gao.gov/highlights/d07480high.pdf>) that demonstrates the wide range of costs local municipal utilities may face in performing vulnerability assessments and switching to alternative disinfection methods. The report found that costs to prepare vulnerability assessments ranged from \$1,000 to \$175,000, and costs to prepare risk management plans ranged from under \$1000 to over \$31,000. Conversion costs ranged from \$650,000 to over \$13 million for the 38 large utilities interviewed by GAO that converted from chlorine gas to alternative disinfection methods. Additionally, the Wastewater Treatment Works Security Act of 2007 (S. 1303) was introduced in the Senate that would provide \$200 million to utilities who voluntarily seek the funds to perform vulnerability assessments or make security enhancements.

## **Legislation Expected to Redefine Waters of the U.S.**

Legislation is expected to be introduced soon that would alter the scope of water bodies covered by the Clean Water Act (CWA). Specifically, the legislation would eliminate the word "navigable" as a way of expanding the reach of the Clean Water Act's jurisdiction. Instead, the term "waters of the United States" would be spelled out in greater detail. The legislation comes in response to a number of recent Supreme Court decisions which have created confusion over CWA jurisdiction. Environmental groups state that the changes would simply restore CWA jurisdiction to where it was before the recent Supreme Court decisions,

while some industry groups have expressed concern that the proposed language would significantly increase the jurisdiction of the CWA.

### **EPA Holds Experts Workshop on Recreational Water Quality Criteria**

More than 40 scientists, academics, regulators, and others met at a recent EPA workshop to begin the process of developing new, scientifically-based recreational water quality criteria that protect human health. The main topics discussed at the workshop, which was not open to the public, were pathogen and fecal contamination indicators, implementation approaches for the new criteria, and assessment of human health risks. EPA hopes to use the feedback from the experts to develop the criteria, which are required by the Beaches Environmental Assessment and Coastal Health Act of 2000 (BEACH Act).

### **Schedule for Work on EPA Appropriations Bills Not Expected Until June**

House and Senate appropriators have not released a schedule yet for when they will begin work on legislation to fund the U.S. Environmental Protection Agency (EPA) in fiscal year (FY) 2008, which begins Oct. 1. The House and Senate appropriations committees said they do not expect to release a schedule for considering the funding bills until after the Memorial Day recess. Congress, however, did approve a conference agreement May 16 on a \$2.9 trillion budget resolution that would provide \$33.4 billion in discretionary spending for environment and natural resource programs, including EPA funding. The Senate version of the budget resolution contained \$8.1 billion for EPA, which is \$877 million above the President's FY 2008 request and \$170 million above the FY 2007 level. The White House Office of Management and Budget (OMB) is recommending the budget resolution be vetoed because it exceeds the President's proposal by \$21 billion.

### **Water Sector Representatives Discuss Proposals for Upcoming Farm Bill**

Representatives from several water sector and municipal organizations met with White House Office of Management and Budget (OMB) officials recently to gather more information about the Bush administration's position on conservation funding for the upcoming Farm Bill reauthorization, including a proposal to create a Regional Water Enhancement Program (RWEPP) that would be funded at about \$175 million annually. RWEPP would be designed to encourage multiple landowners within a watershed to work with other stakeholder groups, which could include municipalities and/or water districts, to come up with a project for improving the water quality of a particular waterway. A RWEPP-type program was also included in draft conservation title language being circulated by House Agricultural Committee Chairman Collin Peterson (D-Minn.), though at lower funding levels than the President's proposal.

### **Congress Holds Hearing on Green Infrastructure**

The House Science and Technology Subcommittee on Technology and Innovation held a hearing May 10 that featured testimony from both municipalities and the construction industry on innovative green infrastructure

projects. Witnesses testified before the subcommittee both about the benefits of green infrastructure techniques and the many regulatory and enforcement barriers that cities and developers can face when implementing green infrastructure plans. Members of the subcommittee were very receptive to the testimony and expressed interest in easing the regulatory hurdles currently facing green infrastructure initiatives.

### **Senate May Be Nearing SRF Reauthorization Bill, Now that WRDA Has Passed**

With passage May 16 of its \$14 billion Water Resources Development Act (WRDA) bill (S. 1248), the Senate may be closer to considering legislation that would reauthorize the state revolving fund (SRF). The House approved \$14 billion over four years in reauthorizing the clean water SRF in March, but no bill has been offered in the Senate yet. However, interest in an SRF bill may be building now that work on WRDA, which also contains millions in water infrastructure grants, is expected to move to conference.

For more information, contact:

Julia Anastasio APWA  
[janastasio@apwa.net](mailto:janastasio@apwa.net)

Pat Sinicropi WEF  
[psinicropi@wef.org](mailto:psinicropi@wef.org)

Nathan Gardner-Andrews NACWA  
[ngardner-andrews@nacwa.org](mailto:ngardner-andrews@nacwa.org)