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The Clean Water Exchange is pleased to provide you with this September News Alert, providing updates on important legislative, regulatory, and legal issues affecting the clean water community.

Senate Holds Hearing on Clean Water Funding

The Senate Environment and Public Works Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality held a hearing September 19 to address the need for more federal clean water funding. A number of representatives from the clean water community testified before the subcommittee and discussed the need for the federal government to recommit itself to the ideals that inspired the 1972 Clean Water Act and establish a viable, long-term source of funding for the nation's clean water infrastructure. Senators at the hearing were very supportive of increasing federal funding for clean water infrastructure, and promised action on both: the Water Quality Investment Act of 2007 (S. 836), [which would provide 1.8 billion in grants to local communities for sewer overflow control projects], and on reauthorization of the Clean Water State Revolving Fund (CWSRF). The House passed a bill, the Water Quality Financing Act (H.R. 720), funding the CWSRF in March, which would provide \$14 billion over four years for the CWSRF; Senate action is expected in the coming months.

Sewer Overflow Notification Bill Introduced in Senate

Sen. Frank Lautenberg, Chair of the Senate Environment and Public Works Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, introduced the Sewage Overflow Right-to-Know Act (S. 2080) on September 21. The bill is similar to one introduced in the House (H.R. 2452) in May. Both bills would require clean water utilities to develop monitoring systems to detect any overflows, and also require utilities to report overflows to the public within 24 hours. Additionally, the bills contain reporting requirements for overflows to local public health authorities, state regulators, and the U.S. Environmental Protection Agency (EPA). Both bills are currently in committee, and movement to the floor of the House or Senate is not expected anytime soon. Although the clean water community supports public notification of sewer overflows, there is concern that the bills currently before Congress do not adequately take into account existing state and regional reporting requirements. Additionally, many municipalities feel strongly that any federal reporting requirements should be part of a broader, more comprehensive sanitary sewer overflow (SSO) policy. Members of the clean water community will continue to work with Congress on the two bills.

EPA Encourages Use of Green Infrastructure in Permitting, Enforcement

EPA has recently released a memorandum to clarify how green infrastructure can be incorporated into existing regulatory programs in an effort to improve water quality. The Water Permits Division and Water Enforcement Division of the Office of Enforcement and Compliance Assurance (OECA) issued the memo to regional EPA water division directors and enforcement coordinators, as well as all state National Pollutant Discharge Elimination System (NPDES) program directors. The memo states: "in developing permit requirements, permitting authorities may structure their permits, as well as guidance or criteria for stormwater plans and CSO [combined sewer overflow] long-term control plans, to encourage permittees to utilize green infrastructure approaches, where appropriate, in lieu of or in addition to more traditional controls." For enforcement activities, EPA will consider the feasibility of using green infrastructure as a pollution control option and encourages states to do this as well. This memo is part of EPA's recent engagement on green infrastructure issues, including a new green infrastructure homepage providing a variety of on-line resources.

New Guidance on Watershed Permitting Issued

EPA recently published its technical guidance on integrating NPDES permits into watershed management plans. Watershed-Based NPDES Permitting Technical Guidance is a follow-up to the 2003 watershed permitting implementation guidance, and it leads interested parties through the analysis of watershed data and the development of a framework for implementing a NPDES program. The guidance includes case studies describing how watershed approaches involving NPDES permitting have been implemented across

the country. The agency is accepting comments on the guidance on a continuing basis. An electronic copy of the guidance is available on EPA's website.

EPA Convenes Peer Consultation on Characterization of Nanomaterials

EPA held a peer consultation public meeting on September 6-7 to help the Agency develop its Nanoscale Materials Stewardship Program (NMSP) under the Toxic Substances Control Act (TSCA). With over 800 companies and other entities in the U.S. currently working with nanotechnologies and the use of nanomaterials in pharmaceuticals and consumer products increasing, publicly owned treatment works (POTWs) are probably already receiving nanomaterial waste. The life cycle, environmental consequences, and human health effects of nanomaterials are not yet known, and their use and disposal is not regulated. The NMSP will potentially include voluntary reporting of nanomaterial characteristics by entities that produce and use nanomaterials, which will help EPA and the public better understand the types, volumes, and uses of engineered nanomaterials.

Clean Water Advocacy Center to Debut at WEFTEC

The National Association of Clean Water Agencies (NACWA), the Water Environment Federation (WEF) and the American Public Works Association (APWA) are joining forces to host the first-ever Clean Water Advocacy Center at WEFTEC.07, October 15-17, in San Diego, Calif. The Advocacy Center (Booth #4537) will be in a central, high-traffic location on the WEFTEC exhibit floor and will feature the joint advocacy efforts of these three organizations representing clean water agencies and their interests nationwide. The overarching goal is to energize WEFTEC attendees about the vital importance advocacy plays, both in the Nation's Capital and in their communities, and to express that technology and innovation cannot be divorced from legislative, regulatory and legal drivers. The Advocacy Center will highlight key initiatives such as NACWA's Clean Water America grassroots website (www.cleanwateramerica.org), WEF's Water Is Life and Infrastructure Makes It Happen campaign and APWA's Public Works Week campaign. Joint position statements on key issue areas will also be made available at the Advocacy Center, with the goal of garnering additional support for the priorities of the clean water community. If you are attending WEFTEC, be sure to stop by and visit us!

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