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

House and Senate to Approve Farm Bill, Increase Water Quality Funding
The Senate plans to re-pass the five-year, \$289 billion farm bill this week (the House having already done so just before leaving town for the Memorial Day recess), so the President can veto it again, and the Congress for the second time can overwhelmingly override the veto. The legislation, which boosts federal funding for programs to protect environmentally sensitive lands and water resources to about \$25 billion over five years, was originally approved by a Senate vote of 81-15 and a House vote of 318-106. All the extra effort is necessitated by the miscue of the trade title not appearing in the printed version of the bill that went to the President to sign or veto on May 16. While technically the entire bill other than the trade title is already law, the easiest route to getting the trade title enacted is to go through the entire process one more time.

The Congressional Budget Office (CBO) has reported that authorized spending under the farm bill's conservation title would increase about \$4 billion under the lifespan of the bill (fiscal years 2008 through 2012). The bill would provide an additional \$2.4 billion for the Environmental Quality Incentives Program (EQIP), which offers cost-share assistance to help farmers make environmentally friendly improvements on their land. As part of the EQIP program, this bill establishes the Agricultural Water Enhancement Program (AWEP), which funds partnerships between farmers and other key stakeholders, including water and wastewater agencies, to advance watershed protection efforts. AWEP is funded at \$73 million for FY 2009 and FY 2010; \$74 million for FY 2011; and \$60 million for FY 2012. Finally, the bill includes \$690 million over ten years for cleaning up the Chesapeake Bay, and made some minor cuts in tax subsidies for ethanol production. Although improvements have been made to this legislation that recognize the nexus between agriculture and water quality, this constitutes a very small step in the right direction and water sector groups will continue to make the case that agriculture must be held accountable for its share of water impairment.

Water Sector Groups Meet with EPA Water Office Chief on Utility Management

The executive directors and key staff from key water sector groups, including APWA, WEF, and NACWA, that are participating in the Effective Utility Management Collaborative Effort met on April 30 with Ben Grumbles, EPA assistant administrator for water, to discuss the significant progress made since the groups signed the historic agreement in May 2007. The groups have been working with EPA over the past year to implement a set of short- and long-term actions identified by the steering committee of utility representatives that developed the 10 attributes of effectively managed utilities. Together with some

representatives from the initial steering committee, the collaborating organizations have worked to develop a primer on the 10 attributes and a set of example measures that utilities can use to assess their own agency's performance. The meeting with Grumbles focused on what can be done in the coming years to continue this effort and encourage more utilities to embrace the concepts in the 10 attributes.

EPA Clarifies Wet Weather Enforcement Initiatives

EPA's Office of Enforcement and Compliance Assurance (OECA) sent a letter on April 30 about a potential new wet weather enforcement initiative affecting combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). Water Sector representatives had requested clarification on the current guidance to the EPA regional offices after hearing reports from municipal utilities and state regulatory agencies in Regions V and VI that EPA officials had recently discussed a "new enforcement initiative" from EPA Headquarters on wet weather issues, particularly CSOs and SSOs. EPA stated that there is no new initiative, but that CSOs and SSOs continue to be a "national enforcement priority area." EPA designated CSOs and SSOs as enforcement priorities for fiscal years 2005 through 2007, then renewed these priorities for fiscal years 2008 through 2010. OECA's response indicates that EPA's April 2005 memorandum on Guidelines for Federal Enforcement in CSO/SSO Cases continues to be the most recent guidance to states and regional offices and that there have been no recent updates or revisions to that guidance.

House Committee Approves Sewer Overflow Notification Bill

On May 15, the House Transportation and Infrastructure (T&I) Committee unanimously approved H.R. 2452, the Sewage Overflow Community Right-to-Know Act, which would set a consistent standard for the notification and reporting of sewer overflows. The T&I Water Resources and Environment Subcommittee approved the bill May 7. The marked-up version of the bill removed the entire Findings section that was contained in the original legislation. Some of these findings, especially those seeking to link illnesses to sewer overflows, were misleading and their removal constitutes an improvement to the legislation. The bill's conference report will provide additional clarifications to the bill and is expected to include language regarding satellite collection systems, the need for a comprehensive sanitary sewer overflow rule, as well as the treatment of combined sewer overflows and long-term control plans. This is critical should the legislation pass in terms of determining congressional intent regarding the bill's provisions.

The Senate Environment and Public Works (EPW) Committee will likely also use the substitute language for its companion legislation, S. 2080. The Senate, however, has not set a timetable yet for the bill's consideration.

New Handbook on Watershed Planning Now Available

EPA's Office of Wetlands, Oceans, and Watersheds has released a new document, the Handbook for Developing Watershed Plans to Restore and Protect Our Waters, which is designed to help communities, watershed

organizations, water and wastewater utilities, and local, state, tribal, and federal environmental agencies develop and implement watershed plans to meet water quality standards and protect water resources. It contains in-depth guidance on quantifying existing pollutant loads, developing estimates of the load reductions required to meet water quality standards, developing effective management measures, and tracking progress once the plan is implemented. The document is available on EPA's website.

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