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

EPA Appropriations Showdown Leaves Clean Water Funding in Question

Senate lawmakers are still a long way from concluding the fiscal year (FY) 2008 Interior-Environment appropriations bill that provides funding for the U.S. Environmental Protection Agency (EPA). This summer, the full House debated and approved its version of the bill (H.R. 2643) by a vote of 272-155, providing \$8.1 billion for EPA and \$1.125 billion for the clean water state revolving fund (CWSRF). Funding legislation (S. 1696) has only made it through the Appropriations Committee on the Senate side, which approved \$7.7 billion for EPA and \$887 million for the CWSRF. The full Senate has not yet voted on the bill. Both the House and Senate bills contain more than \$27 billion in 2008 discretionary spending, \$1 billion more than the current year and nearly \$2 billion more than the Presidents request.

The Bush administration has expressed a willingness to veto these bills, stating that they include irresponsible and excessive funding and objectionable provisions. Members of the clean water community continue to work with key members of Congress to prevent funding levels from falling to the Presidents budget request. However, Democrats in Congress are working on a compromise omnibus spending bill including the budgets for EPA, departments of the Interior, Energy, Agriculture, Transportation, and Commerce that could put some environmental programs such as the CWSRF at risk. Currently, federal agencies are operating under a continuing resolution that funds programs at FY 2007 levels. The Clean Water Exchange supports the current \$1 billion funding level and recipients should contact legislators urging full funding of the CWSRF.

Presidential Veto of WRDA Overturned

For the first time in President Bushs presidency, Congress overrode a veto this month and approved the Water Resources Development Act (WRDA, H.R. 1495), which President Bush claimed contained unnecessary projects. The bill, which authorizes more than \$23 billion for U.S. Army Corps of Engineers projects, includes more than 100 projects totaling \$794 million earmarked for wastewater and drinking water infrastructure projects. President Bush also opposed the bill because it authorizes direct funding for wastewater, drinking water, combined sewer overflow and mine cleanup projects that have traditionally only fallen under the purview of EPA. With bipartisan support, the Senate overrode the veto by a vote of 79-14 on Nov. 8; two days after the House did the same in a 361-54 vote. Although the override ensures these projects are

authorized, it does not guarantee that they will be funded during the appropriations process.

Farm Bill Legislation Proceeds in Senate with Greater Funding for Conservation

Legislation re-authorizing the 2002 Farm Bill for five more years, with nearly \$5 billion more per year in funding for conservation programs, was approved in October by the Senate Agriculture, Nutrition and Forestry Committee. Of interest to the clean water community are programs in the Farm Bills conservation title that are designed to benefit water quality. The Regional Water Enhancement Program (RWEP), a new program in the conservation title, lays out a framework for funding conservation projects involving multiple stakeholders. Eligible projects include those that involve water quality, quantity, or conservation plans; groundwater recharge; storm-water capture; and other water-quality related activities.

Consideration of the legislation has been delayed while Senate leaders hammer out a plan for dealing with amendments during floor debate. President Bush has already threatened to veto the Farm Bill because he said it is too costly. And with time winding down on the first session of the 110th Congress, and the Senate working on a full slate of appropriations bills, climate change legislation and an alternative minimum (AMT) tax bill, prospects for a finalized Farm Bill in 2007 are uncertain. Even if the Senate were to finish action this year, the House-Senate conference likely would not have time to meet and arrive at a final product.

Bill to Reauthorize BEACH Act Approved by House T&I Committee

The House Transportation and Infrastructure (T&I) Committee approved the Beach Protection Act of 2007 (H.R. 2537) Oct. 31, and reported the bill to the House. Introduced by Reps. Frank Pallone (D-N.J.) and Brian Bilbray (R-Calif.), H.R. 2537 would reauthorize the Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000 for fiscal years (FY) 2008-2012. The BEACH Act requires EPA to work with states to ensure they use the latest science to set up comprehensive monitoring and notification programs for beach waters to provide up-to-date information on the condition of all public beaches and provides grants to assist states in this effort.

H.R. 2537 would increase funding for grants from \$30 million annually to \$40 million and states would be required to use the money to develop and implement rapid testing methods, which can detect water contamination in two hours or less. In addition, the grants would be used to track sources of beach contamination, enhance public notification of beach contamination through a publicly accessible and searchable global information system database, and develop measures to ensure closures or advisories are issued within 24 hours. Companion legislation introduced in May by Sen. Frank Lautenberg (D-N.J.), S. 1506, has been referred to the Senate Committee on Environment and Public Works (EPW), but there is no timetable for action in the Senate.

EPA Releases Preliminary Effluent Guidelines Plan

The Preliminary 2008 Effluent Guidelines Program Plan was released by EPA in the October 30 Federal Register. The plan provides information and seeks comments about EPA's 2007 annual reviews of effluent limitation guidelines (ELGs) and pretreatment standards for both existing and non-regulated categories, as well as its preliminary plan for 2008.

The Preliminary Plan contains updates on the current detailed studies of four existing categories: Steam Electric Power Generating, Coal Mining, Oil and Gas Extraction, and Hospitals. The Hospitals category is included in a broader, detailed study on the Health Services Industry, which is a proposed new category that also includes dental clinics, long-term care facilities, veterinary clinics, and medical laboratories and diagnostic centers. This could potentially bring about 475,000 new dischargers into the pretreatment program. EPA lists specific questions that it is trying to answer for each of these categories and invites comments and information about these issues. EPA has identified Centralized Waste Treatment and Waste Combustors as two categories that require preliminary category reviews in 2008. For the categories identified in 2006, EPA will also continue to review the Ore Mining and Dressing category, but is terminating study on the Textile Mills category. Comments are due to EPA by December 31, 2007.

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