

## **Issue Number 4**

### **August 2007**

Work Continues With Key Senate Staff on **SRF Reauthorization Bill**  
**Members of the Water Infrastructure Network (WIN)** continue to meet with key staff members to advocate for legislation in the Senate reauthorizing the clean water state revolving fund (CWSRF), similar to the Water Quality Financing Act of 2007 (H.R. 720) passed by the House in March with a strong bipartisan vote of 308-103. The House bill would provide \$14 billion to the CWSRF over four years and require a Government Accountability Office (GAO) study of feasible revenue sources for a clean water trust fund. Sen. Frank Lautenberg (D-N.J.), chairman of the Senate Environment and Public Works (EPW) Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, is expected to introduce a bill sometime after the August recess. The Senate has a number of issues to address in considering companion legislation however, including whether the legislation will provide funding for drinking water and wastewater projects. Additionally, the inclusion of the Davis-Bacon prevailing wage provisions in the Senate bill is expected to generate more controversy than in the House. Members of the clean water community will continue to work with the Senate to address these concerns and secure passage of this vital legislation.

### **California Court Grants Major Victory in Biosolids Case**

A federal court in California on August 10 issued a final judgment sought by the City of Los Angeles and several Southern California clean water agencies that overturns Kern County, CA's ban on biosolids, thus allowing the continued application of biosolids on farmland. The court's ruling makes permanent a November 2006 preliminary injunction that prevented the enforcement of the biosolids ban, which was approved by Kern County voters in June 2006. The ban would have halted all land application of biosolids in the county and would have significantly impacted the City of Los Angeles, which applies its biosolids on a 5,000-acre farm it owns in Kern County. In its ruling, the court explained that the proposed ban "demonstrated irreparable harm" because it violated the U.S. Constitution by unfairly discriminating against biosolids from metropolitan Los Angeles and other areas of Southern California. The court further endorsed land application, ruling that it "constitutes a 'beneficial use' of biosolids," and noting that "government agencies cannot decide to stop producing biosolids and instead must find ways to manage those that are produced." The court emphasized that land application is an important and environmentally safe way to recycle biosolids. The decision marks a major victory for the land application of biosolids and is a strong ruling that will help clean water agencies involved in land application not only in California but in other parts of the nation as well.

### **Water Sector, Federal Government Focus on Chlorine Gas Issues**

Due to the use of chlorine gas in improvised weapons in Iraq and thefts of chlorine gas canisters from a water treatment facility in the U.S., Congress and

the Department of Homeland Security (DHS) are continuing to discuss potential regulations for chlorine gas security at water and wastewater utilities. As a result, drinking water and wastewater associations now believe that more immediate, detailed information about chlorine gas safety at utilities is necessary to help shape any upcoming legislation or regulations and preserve local choice on chlorine gas use. Accordingly, the Critical Infrastructure Partnership Advisory Council (CIPAC) Metrics Workgroup has developed a draft set of measures to gauge the security progress of the water sector, and is also considering a specific metric to evaluate the water sector's consideration of chlorine gas safety. The measurement system developed by the Workgroup is scheduled for dissemination early in 2008 and will rely on anonymous, voluntary reporting by drinking water and wastewater utilities. The results of the survey will help guide advocacy efforts with Congress and DHS regarding any new chlorine gas security regulations for the water sector.

### **Senate Approves Legislation Establishing Commission to Study Infrastructure**

The Senate approved by unanimous consent legislation (S. 775) on August 2 that would set up a commission to study the state of U.S. infrastructure. Introduced in March by Sen. Thomas Carper (D-Del.), the National Infrastructure Improvement Act of 2007 would look at the capacity of infrastructure improvements to sustain economic development and competitiveness; the age of infrastructure as well as the methods used to finance it and recommend ideas for developing a national infrastructure plan detailing national priorities. An amendment by Sen. Mark Pryor (D-Ark.) was included that would require the commission to consider non-structural, or green infrastructure, in its assessment. The legislation gained footing in the wake of the tragic bridge collapse in Minneapolis, which drew attention to the dire situation of America's aging and crumbling infrastructure, including that for water and wastewater. The Minneapolis tragedy has helped shed light on the need to focus more attention and resources to repair and upgrade the vital infrastructure needed to maintain strong public health and environmental protections as well as economic well-being.

### **EPA Releases Draft Reports on Water-Related Climate Change Effects**

On August 10, EPA's National Center for Environmental Assessment (NCEA) released three draft reports that examine the effects of climate change on watersheds and aquatic ecosystems. The reports give an indication of climate change considerations that may affect publicly owned treatment works (POTWs) in the future. *Climate and Land Use Change Effects on Ecological Resources in Three Watersheds: A Synthesis Report* provides watershed planners and managers with improved capabilities to consider climate and land use change, and provides summaries and comparisons from case studies of various watersheds conducted by NCEA's Global Change Research Program. *Climate Change Effects on Stream and River Biological Indicators: A Preliminary Analysis* describes how biological indicators of ecosystem health may respond to climate

change, and concludes that data from current sampling methods may be used to detect climate change impacts. *Effects of Climate Change on Aquatic Invasive Species and Implications for Management* examines state-level invasive species management plans and their capability to incorporate changing environmental conditions, particularly climate change, and concludes that more research and data collection are needed for optimal invasive species management considering climate change. The three reports are available on the NCEA website (<http://cfpub.epa.gov/ncea/>).

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