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WRRDA Passes in Congress, Overhauls the Clean Water State Revolving Fund in Line with Utility of the Future Priorities

By a vote of 412-4 in the U.S. House of Representatives and 91-7 in the U.S. Senate, Congress passed the Water Resources Reform & Development Act (WRRDA) in May. President Obama signed the bipartisan Water Resources Reform and Development Act (WRRDA) into law in early June.

Modifications to the Clean Water State Revolving Fund (CWSRF) program include: 1) extending the CWSRF loan repayment period from 20 years up to 30 years; 2) codifying additional subsidization provisions enabling economically distressed communities to receive more affordable financing; 3) incentivizing investments in energy efficiency, water efficiency and reuse; 4) incentivizing partnerships between municipal wastewater utilities and upstream property owners to collaboratively tackle non-point source pollution and improve water quality; and, 5) incentivizing wastewater utilities to undertake practices to ensure increased resiliency against man-made and/or natural disasters. These changes are very much aligned with the collaborative Water Resources Utility of the Future (UOTF) initiative as they recognize the changing wastewater sector landscape and encourage greater investment in more sustainable infrastructure to help communities better – and more affordably – manage their clean water needs. The new CWSRF provisions also mirror many of the ideas NACWA is proposing in its Technology Innovation & Resource Recovery Fund (TIRRF) legislative proposal, which expands a carve-out in the CWSRF to the suite of UOTF-related innovative technologies, in addition to green infrastructure and energy efficiency. WRRDA's embrace of these concepts eliminates the need for TIRRF proceeding as a separate proposal.

The WRRDA bill also includes a new pilot program for drinking water and wastewater infrastructure projects known as the Water Infrastructure Finance & Innovation Authority (WIFIA). The WIFIA will be managed by the U.S. Environmental Protection Agency (EPA) and will provide loan guarantees and loans for a limited number of drinking water or wastewater projects. WIFIA, as currently crafted by the legislation, requires that public agencies finance 51% of the project cost, but prohibits them from using tax-exempt bond-generated revenue for their 51% project share. Given this fact, would you or utilities in your state still be interested in, or even able to, apply for WIFIA?

NACWA Supports State Groups in Key Stormwater Cases; How Can We Help You?

NACWA joined with the Association of Ohio Metropolitan Wastewater Agencies (AOMWA) on May 12 to submit a brief in an important legal case over stormwater fees before the Ohio Supreme Court. The brief, filed in support of NACWA member the Northeast Ohio Regional Sewer District (NEORS), urges the state supreme court to overturn a lower court ruling that invalidated NEORS's stormwater management program. It argues that the increasing complexity and cost of municipal stormwater regulations necessitate a more affordable, equitable, and effective method for utilities to manage and charge for stormwater services. Accordingly, the brief highlights the importance of providing legal recognition and protection for stormwater management programs like the one developed by NEORS, including the ability for utilities to fund such programs.

NACWA is joining the Maryland Municipal Stormwater Association (MAMSA) in a "friend of the court" amicus brief effort urging reversal of the unfortunate circuit court ruling in December against Montgomery County, MD (and the Maryland Department of Environment) in the Anacostia Riverkeeper's challenge to the County's MS4 permit. The major issue presented in this case is whether the federal Clean Water Act (CWA) requires MS4 permits to mandate "strict compliance" with water quality standards and related total maximum daily loads (TMDLs). The trial court in this case agreed with arguments presented by activist groups that the challenged MS4 permit did not contain enough "specific, enforceable standards." The issue of whether the federal CWA mandates inclusion of numeric limits in MS4 permits will now be squarely before the Maryland appellate court, and how the court answers this question has potentially significant implications not just for Maryland MS4s but for other state courts and MS4s elsewhere in the nation. NACWA has aggressively defended municipal stormwater programs and MEP standard in the past and will continue to do so moving forward. If you would like NACWA's support on a stormwater issue, please let us know!

Comment Period Extended for EPA's Proposed Waters of the U.S. Rule, NACWA Releases Fact Sheet

The EPA and the U.S. Army Corps of Engineers recently released a [draft](#) Waters of the U.S. (WOTUS) rule which addresses the jurisdictional reach of the Clean Water Act. The rule's 90-day public comment period deadline was originally set for July 21, but the agencies responded this week to requests by multiple interest groups **by extending the deadline to October 20, 2014**. NACWA is preparing formal comments on the draft rule and has developed a WOTUS Fact Sheet that provides a summary of the key elements of the proposal for the municipal clean water community. The *Fact Sheet* can also serve as talking points for utilities in discussions with their elected/appointed officials and the media on this issue – and may assist those utilities developing their own comments. If your organization would like a copy of the fact sheet, please email Brenna Mannion, Manager of Regulatory Affairs, at bmannon@nacwa.org. NACWA is also interested in whether your state's implementation of CWA jurisdiction will be affected by this proposal?

NACWA Encourages Clean Water Utilities to Apply for Regional Conservation Partnership Program Funds

The U.S. Department of Agriculture (USDA) released its Regional Conservation Partnership Program (RCPP) [Application for Project Funding](#) (APF) on May 27, soliciting proposals from eligible entities, including municipal clean water agencies, to enter into partnerships with local farmers on conservation and water quality activities. The 2014 Farm Bill established the RCPP, which is designed to support partnerships between farmers and non-farming entities to tackle various conservation and environmental issues on a regional scale. NACWA led the Healthy

Waters Coalition's advocacy for stronger links between agricultural policy and water quality which led to key provisions in the RCPP that will ensure program resources are targeted toward better nutrient management and water quality. The Natural Resource Conservation Service (NRCS), an agency within the USDA, will oversee the program implementation. The RCPP provides an excellent opportunity for interested utilities to implement innovative nutrient management solutions with agricultural non-point sources to improve local water quality. ***Pre-proposal applications are due to USDA by July 14.***

Input Sought on Utility Impacts from Microbeads

Plastic microbeads, which are found in many personal care products, continue to be a [hot topic](#) among mainstream media outlets as regions take action to prevent them from entering their waterways. NACWA is tracking various state-level efforts to study microbeads in [Minnesota](#), and ban the sale of cosmetic products containing microbeads in [New York](#), [New Jersey](#), [Ohio](#), [Illinois](#), and [California](#). If your utility is fielding inquiries about these microbeads, or has experienced their impact on treatment plant operations, please contact Brenna Mannion at bmannon@nacwa.org. The Association plans to support as appropriate, state legislative efforts on microbeads.

