



November 11, 2014

Key Topics

- [Midterm Elections Change Landscape in Congress](#)
- [Dental Amalgam Separator Rule Proposed; Provide Your Input to NACWA's Comment Effort](#)
- [EPA Awards Technical Assistance for Integrated Planning; Weigh in with Congress on Behalf of Future Pilot Funding](#)
- [NACWA, Milk Producers Sign Landmark MOU; Other Collaborations on the Horizon](#)
- [Court Hears Arguments in Key Stormwater Case; NACWA Provides Litigation Support](#)
- [NACWA, Key Partners Gather for Launch of Green Infrastructure Collaborative](#)
- [NACWA Law Seminar to Feature New Offerings, Old Favorites](#)

Midterm Elections Change Landscape in Congress

The 2014 midterms put Republicans in control of both chambers of Congress. What clean water agencies might expect to see under a Republican Congress will begin to emerge over the coming days and weeks and may not be entirely clear until well into this next session. In addition to the known and potential House and Senate committee changes, which are the focus of this article, there were also a number of significant ballot measures that were approved, including California's Proposition 1 – a \$7.2 billion measure for water improvements in the state. Please let us know how the midterm elections have changed the way your state may be viewing clean water issues!

Perhaps the most immediate consequence of the elections is the shift in key House and Senate committee slots that impact water-related issues. In the House, Democrats lost three key members, one due to retirement, who held important leadership positions on environment-related committees. Retiring Congressman Jim Moran, Ranking Member of the House Appropriations Subcommittee that oversees the Environmental Protection Agency's budget, will be replaced by Representative Betty McCollum (D-MN). Congressmen Nick Rahall (D-WV) and Tim Bishop (D-NY), Ranking Members of the House Transportation and Infrastructure (T&I) Committee and the Water Resources and Environment Subcommittee respectively, lost their reelection bids. Tim Bishop is the co-chair of the House Clean Water Caucus so one priority will be to find a new Democratic co-chair for the Caucus, which focuses on Utility of the Future issues.

Representative Peter DeFazio (D-OR) will likely assume the ranking member spot for the T&I Committee though Representative John Garamendi (D-CA) has announced he will campaign for that position. The ranking member slot for the subcommittee may go to Representative Donna Edwards (D-MD), although there are other, more senior committee members that may make a push for it.

In the Senate, Senator Lisa Murkowski (R-AK) will assume the chairmanship of the Appropriations Subcommittee on Interior and EPA, while Senators Jim Inhofe (R-OK) and John Boozman (R-AR) will assume the gavels for the Senate Environment and Public Works (EPW) Committee and the Water and Wildlife (W&W) Subcommittee, respectively. Senators Barbara Boxer (D-CA) and Ben Cardin (D-MD) will assume the title of Ranking Member of the EPW Committee and W&W Subcommittee respectively.

How these leadership changes impact water-related issues is unclear at this point. Many Republicans have made EPA's proposed Waters of the U.S. rule and Clean Power Plant rule top priorities to push back on and have proposed policy riders on appropriations bills to strip EPA of any ability to move forward with them. Though this current Congress completed work on a major water infrastructure package (*The Water Resources Reform and Development Act*) and included within it a new water infrastructure loan guaranty program referred to as WIFIA, neither the House nor Senate Fiscal Year 2015 spending proposal included money to implement it. The upcoming Congress will also deal with a large transportation reauthorization package which expires in May and will require a major infusion of new revenues to meet investment needs. Also, there may be an increased willingness to consider affordability and integrated planning legislation, which will continue to be among NACWA's top priorities.

So, stay tuned for more to come on the impacts from the midterm elections!

Dental Amalgam Separator Rule Proposed; Provide Your Input to NACWA's Comment Effort

EPA's [proposed Dental Amalgam Separator rule](#) was released this month. The rule would require the over 100,000 dental offices that remove or use amalgam to install dental amalgam separators. Utilities with pretreatment programs will be required to provide oversight of these dental offices, which must also submit annual certifications and follow best management practices. EPA estimates that the proposal will result in a reduction of 860 pounds of mercury being discharged into waters of the U.S. each year, at an annual cost of \$44-49 million. NACWA's Pretreatment & Pollution Prevention Committee held a conference call on November 6, from 2:00 – 3:00 pm Eastern to discuss the approach for responding to the rule and encourages any interested state/regional partner to join in the discussion.

EPA Awards Technical Assistance for Integrated Planning; Weigh in with Congress on Behalf of Future Pilot Funding

EPA announced that the City of Springfield; MO, the Onondaga County Department of Water Environment Protection, NY; the Cities of Burlington, VT; Durham, NH; and Santa Maria, CA were selected to receive awards of technical assistance to help them develop plans under EPA's Integrated Planning Initiative. With encouragement from NACWA and Members of Congress, EPA announced the availability of \$335,000 in technical assistance that went to help the above communities.

NACWA believes this is a good start but is continuing its advocacy to have Congress make additional funding available to support the development of these plans. Currently, the House of Representatives has proposed an additional \$2 million in Fiscal Year (FY) 2015 for another round of awards and NACWA is working to ensure the Senate accepts the House recommendation in final negotiations over EPA's FY 2015 budget. As the House and Senate Appropriators begin to negotiate a final FY2015 budget for EPA, we need your help to ensure that the \$2 million proposed in the House bill for an EPA Integrated Planning pilot program is maintained. Available [here](#) is a form letter to Senators Jack Reed (D-RI) and Lisa Murkowski (R-AK) urging them to accept the House proposal. If your organization is able to submit a letter, please send a copy to Pat Sinicropi at psinicropi@nacwa.org.

NACWA, Milk Producers Sign Landmark MOU; Other Collaborations on the Horizon

In September, NACWA and the National Milk Producers Federation (NMPF) signed a [Memorandum of Understanding](#) (MOU) to promote increased cooperation and communication between the two organizations and their members. NACWA President and CEO of Alexandria Renew Enterprises presided over the signing ceremony. Building on NACWA's work that secured language in the Farm Bill's Regional Conservation Partnership Program (RCPP) enabling clean water agencies to form regional partnerships with farmers, the MOU seeks to align utilities with nearby dairy farms to work together to improve water quality by improving manure management practices. The event and the Association received significant attention from key national policymakers, including Members of the House and Senate, EPA, and the U.S. Department of Agriculture as detailed in the joint [press release](#).

Potential projects include cooperation on building anaerobic digesters, which can put manure to good use for generating electricity, and increasing production of water quality benefits through the use of nutrient separation technologies and land management practices, such as planting grass buffers near streams and using no-till planting in fields. As a part of the MOU, NACWA and NMPF have committed to work together to educate policymakers and regulators on the value of these partnerships and the need for clarity on whether clean water agencies can be credited for water quality improvements made upstream.

NACWA is interested in identifying other collaborations between clean water agencies and nontraditional partners around the country. If you know of any in your area, please let us know.

Court Hears Arguments in Key Stormwater Case; NACWA Provides Litigation Support

The Ohio Supreme Court held oral arguments Sept. 9 in a closely-watched legal case involving municipal stormwater management programs. The litigation in *Northeast Ohio Regional Sewer District (NEORS) v. Bath Township, et al.* addresses a challenge to a municipal stormwater management program instituted by NACWA Member Agency, the Northeast Ohio Regional Sewer District (NEORS). Legal wrangling over the program and its related stormwater fee component reached all the way to the state Supreme Court after conflicting decisions by two lower courts. Full video coverage of the arguments is available [here](#).

NACWA joined with the Association of Ohio Metropolitan Wastewater Agencies (AOMWA) to file a brief in the case supporting NEORS and emphasizing the importance of municipal stormwater management and fee programs. NACWA's participation in this litigation is part of the Association's aggressive advocacy to defend stormwater programs. The Association has engaged in similar cases in the past and will continue to do so. A decision from the court is expected in the coming months, and NACWA will report on any developments.

NACWA, Key Partners Gather for Launch of Green Infrastructure Collaborative

NACWA joined representatives of over 25 partner organizations, the White House Council on Environmental Quality (CEQ), and eight federal agencies at the Eisenhower Executive Building on October 8 to support the launch of [The Green Infrastructure Collaborative](#). The Collaborative aims to leverage efforts from the federal family, non-governmental organizations, the private sector and academia to advance green infrastructure as a means of supporting water quality and community development goals.

As part of the launch, EPA released a [statement of support](#) outlining specific commitments from NACWA and other Collaborative members to advance cooperation and coordination around green infrastructure initiatives. This statement is the culmination of NACWA's effort to re-sign the [2007 GI Statement of Intent](#).

NACWA's listed commitments reiterate the Association's continued promotion of green infrastructure and watershed-based approaches under the Water Resources Utility of the Future (UOTF) initiative and through its advocacy, outreach, and educational efforts. This will include: identifying collaborative partners for integrated planning and green infrastructure program implementation; ensuring key decision makers in the federal government are aware of the benefits of hybrid sustainable (gray and green) infrastructure; and, supporting funding and legislation for innovative approaches to wet weather management.

The Collaborative is part of the federal government's broader obligation to the President's Climate Action Plan. The Collaborative event coincided with the release of the Administration's [Climate and Natural Resources Priority Agenda](#) that represents a comprehensive commitment across the Federal Government to support improved climate resilience.

NACWA Law Seminar to Feature New Offerings, Old Favorites

NACWA's upcoming [National Clean Water Law Seminar](#) will include some new offerings along with a number of old favorites. Making its debut at the *Seminar* will be a new legal primer focused on the Clean Air Act and how it applies to clean water utilities, along with a primer on biosolids regulations and what every municipal wastewater utility should know. There will also be a new "regulatory hot topics" roundtable discussion featuring a panel of top EPA and state regulators examining the most important legal and regulatory issues facing the clean water community. These new sessions will share the program with updated versions of many of the *Seminar's* top presentations from past years, including the ever-popular *Top Clean Water Act Cases* panel and the introductory *Clean Water Act Primer*.

There is still time to register for the *Seminar*, scheduled for Nov. 19 - 21 in St. Pete Beach, Florida. A conference agenda and additional information on registration, hotel accommodations, and Continuing Legal Education (CLE) opportunities are available on NACWA's [website](#). Make your plans today!
