



washington dc update

September 20, 2010

Water Reuse Policy Issues for the 112th Congress

I attended the 25th Annual WaterReuse Symposium in Washington, D.C. last week. At the Tuesday morning session on the “National Legislative and Water Policy” a number of insights were provided on what to expect in the 112th Congress with regard to federal support for water reuse. The panel discussion was moderated by Jon Freedman, Chair of WaterReuse National Legislative Committee, and consisted of Dave Wegner, staff director for the House Subcommittee on Water and Power; Karen Wayland, Policy Advisor to the Speaker of the House; Betsy Cody, Natural Resources Specialist with the Congressional Research Service; and Eric Sapirstein, the WaterReuse Association’s lobbyist.

The history of federal funding of reuse, discussed by Ms. Cody, reflected on the dominant role of the Bureau of Reclamation in federal reuse support. Ironically, there a number of federal agencies and Congressional Committees with oversight and jurisdiction of various water issues but relatively few and predominantly one engaged in both reuse technology and reuse funding, the Bureau of Reclamation. Ms. Cody’s reviewed the history of Title XVI specifically; its genesis in 1992 as a response to California’s Colorado River supply problems has much to do with the fact that California has dominated the program¹. In 2004, OMB evaluated the Title XVI and concluded that the program should be scaled back because it is essentially a “local program benefiting local needs.” OMB questioned the appropriateness of federal support for reuse projects. This question has lingered over the years² and will continue to be a question for future deliberation.

Ms. Cody’s comments concerning the future of Title XVI policy and federal support for water reuse provided excellent insight that WESTCAS members should consider. For the 112th Congress, the federal reuse policy deliberations will focus on the following:

- Justifying the cost of reuse versus the other categories of beneficial water projects (flood control, levee construction, etc.);
- Expanding the Title XVI program to a truly West-wide program or even a national program;
- Responding to the need for federal involvement if states like Colorado, Texas and Florida are already implementing reuse projects without federal support; and,
- Handling the jurisdictional issues of having numerous Congressional Committees with oversight in water supply and water quality.

WESTCAS members will need to consider a position on Title XVI in light of these federal concerns. How to show that reuse is not or no longer just a “local function” but an integral part of many Western states’ water plans. Reuse and reclamation are key components of water strategies throughout the arid West.

The “backlog issue” will continue to be a major concern. Dave Wegner with the Subcommittee put the challenge in perspective: with the overall federal budget deficient, the \$600 million backlog will require prioritizing and eliminating infeasible projects. It is part of an overall reuse and water policy challenge. Mr. Wegner related three steps that the Subcommittee is taking to address the challenge:

1. An effort to educate Congressional Members on water, including renewing the Congressional Water Caucus;
2. Challenging the federal agency “silo” situation on water jurisdiction, including a first step in promoting data and information exchange; and,
3. Identifying national leaders for the water policy, citing Chairwoman Napolitano and Congressman Miller among a group of knowledgeable Members.

Karen Wayland encouraged the group to be active in taking the need for reuse policy changes to Congress. She suggested that water projects should be part of the proposed “Stimulus II” that the President recently proposed (see *HRA Washington Update* dated September 7, 2010). “Send letters to Congress; request that water projects be included in such legislation.” Come in and advocate.

From the session, the question of how the federal reuse policy unfolds during the 112th Congress will depend:

- in part on the reaction to the federal deficit and budget constraints;
- in part on the perception of ‘local need’ and the answer to the appropriateness of federal support;
- in part on whether reducing the Title XVI back-log requires an infusion of federal funds or an elimination of impracticable projects;
- in part on the leadership of the 112th Congress; and,
- fully on the exercise of water associations and interests advocating sound reuse policy changes for the nation.

WESTCAS should be a prime contributor to this process.

¹ For more information on the origin and history of the Title XVI program, see the 2006 CRS report, [“The Title XVI Water Reuse Program: Implementation and Legislative Issues”](#) co-authored by Ms. Cody.

² Ms. Cody pointed out that the Congressional questioning of whether federal funding of M&I water supply is appropriate dates to the 1958 Water Supply Act.

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