

# WESTCAS

## Washington Update & Legislative Report

---

Legislative Session

Thursday, June 25, 2009

Hicks-Ray Associates

*Fred Hicks and Tom Ray*



# Update & Report Items

---

- Clean Water Restoration Act (S.787)
  - EPW Action
  - Review Amended Version
  - Opposition in Senate
  - WESTCAS Actions
- Other Legislative Issues
- Appropriations/Increased Funding Requests
- Programs
- Nominees
- Questions/Discussion

# S.787 Clean Water Restoration Act

- ❑ S-787, "Waters of the U.S.", passed the full Senate Environment and Public Works Committee on a party line vote on June 18<sup>th</sup>.
- ❑ An "amendment in the nature of a substitute offered by Senators Baucus [D:MT], Klobuchar [D: MN], and Boxer [D:CA] substitutes for much of the original text.
- ❑ Several Republican amendments were offered but all were defeated by a straight party line vote of 12-7.
- ❑ With the Senate vote, S. 787 is out of Committee. Next step is consideration by the full Senate.
- ❑ Chairman Oberstar and the House Transportation and Infrastructure Committee are moving along similar lines concerning "Waters of the US" but have not introduced a bill yet.



# S.787 - Opposition

---

- ❑ Despite being co-sponsored by 24 Senators, including most of the EPW Committee Democrats, there is strong opposition to the bill moving forward.
- ❑ This includes a number of western Senators on both sides of the isle.
- ❑ Senator Crapo [R:ID] has already put a hold on S. 787.
- ❑ Ranking Republican Inhofe has promised to join Senator Crapo in launching a filibuster should the bill ever get to the Senate floor.



# S.787 – Outlook for Floor Action

---

- ❑ This may not happen in the near-term because the Congressional schedule is crowded with major issues including health insurance and energy.
- ❑ If concerns could be reduced down to one single issue many believe it would be whether the term “navigable” will be retained in any final version of the bill.
- ❑ This is a great opportunity for groups like WESTCAS to play a major role in helping to shape a compromise on this legislation.
- ❑ How?

# S.787 – WESTCAS Action

---

- The WESTCAS membership includes water community professionals with a vast knowledge and experience of the very issues that are central to S. 787.
- WESTCAS, as an organization has the ability to engage with key decision-makers on the Hill and in Federal agencies.
- Our task now is to mobilize our forces at this crucial moment and work to improve S. 787.

# S.787 – WESTCAS Action

---

- ❑ Step one has been to send out a survey to the membership concerning how our membership feels about S. 787.
- ❑ 37% of those who received the survey completed it. Not only have the survey questions been answered but there were also many thoughtful comments as well.
- ❑ Step two is to create a WESTCAS policy position which we'll be doing tomorrow afternoon.
- ❑ Once that policy has been established, we urge you to move forward and become engaged with regard to this legislation.

# S.787 – WESTCAS Action

---

- ❑ Step three is for our members to write to their Senators and House members with regard to S. 787 as passed by the Senate EPA Committee.
- ❑ WESTCAS will provide drafts for your convenience and we strongly urge you to build in your own unique experiences.
- ❑ Step four is for WESTCAS to continue to coordinate and cooperate closely with other water community organizations.
- ❑ On occasion, WESTCAS needs to speak with a unique voice. On others, our voice is best when added to that of other organizations. We'll be doing both.



# S.787 – WESTCAS Action

---

- And step five, we are suggesting a WESTCAS Washington retreat, probably in the fall.
- Participants will have the opportunity to engage directly with key Members of Congress with regard to S. 787 and other key issues.
- All politics are local and the most effective way to engage in politics is face to face with people who know what they are talking about.
- That's what we hope will happen this fall.

# Other Legislative Issues

---

- There are many other issues of great interest to WESTCAS. They include:
  - The Water Infrastructure Financing Act [HR 1262 and S. 1005.]
  - This legislation increases authorized funding for Clean Water and Drinking Water SRF programs.
  - And it provides important new rule changes including the ability to qualify for low income loans based on only a portion of a service area.
  - The House has already passed this legislation by a veto-proof majority on March 12 and Senate EPW on 6-18.

# Other Legislative Issues

---

- ❑ Legislation to protect beaches and near-shore waters has been passed by both House and Senate committees.
- ❑ This is HR 2093 and S. 878. S. 878 is the “Clean Coastal Environment and Public Health Act.
- ❑ These bills call for the publication of a pathogen list and a pathogen-indicator list by USEPA.
- ❑ They also call for the development of new tests by EPA within two years that would produce results within two hours as opposed to days.
- ❑ Sounds good. But what about EPA and the development of tests? And wouldn't the nearest wastewater agency be the easiest target for enforcement?

# FY10 Appropriations

---

- ❑ FY10 Appropriations.
- ❑ Appropriations markups have started in the House. House Energy and Water Appropriations will mark up in Subcommittee on June 24<sup>th</sup>.
- ❑ The expressed intent of House leaders is to pass all their FY10 Appropriations bills by the start of the August recess. The Senate hopes to pass all their bills by October 1.
- ❑ This should allow the possibility for FY10 Appropriations bills to be passed in regular order as opposed to having to resort to an Omnibus or a year-long CR.

# Funding Requests

---

- The Obama Administration has requested a 157% increase in EPA Clean Water/Drinking Water SRF funding for FY10.
- This is a huge increase that will likely be supported by the Congress.
- And remember that the authorization legislation increasing Clean and Drinking Water SRF funding is also moving through the Congress.

# Programs

---

- ❑ Other water related aspects of the Obama FY10 proposed budget are much more disappointing.
- ❑ This includes essentially flat funding for the Corps of Engineers.
- ❑ And essentially flat funding for the Bureau of Reclamation.
- ❑ The FY10 request for Title 16 Bureau of Rec funding has been reduced from \$39 million in FY09 to \$9 million in FY10
- ❑ It is unlikely that Appropriators will be able to significantly increase overall funding for the Corps or the Bureau.

# Title 16 Issue

---

- Recent letter from Bureau of Reclamation to local agencies that had been selected to receive Title 16 Stimulus funding.
- The letter required agencies to certify that none of the Stimulus funding would be used to provide reclaimed water for either golf courses or casinos.
- Obviously one of the major uses of reclaimed water is to water golf courses so this guidance goes against the very basis of the program.
- Also, up to now, local and regional water agencies decided on who their customers would be. The Bureau apparently thinks that local control shouldn't continue.
- WESTCAS has joined with a number of other western water organizations in writing to Secretary Salazar asking that this policy be rescinded.

# Nominees

---

- ❑ Nominees for key Administration appointments are at various stages of the process.
- ❑ Mike Connor has been confirmed by the Senate as Commissioner of Reclamation and is on the job.
- ❑ Pete Silva has been approved by the Senate EPA Committee and is awaiting a vote in the full Senate.
- ❑ Jo-Ellen Darcey's nomination to be Assistant Secretary of the Army for Civil Works is currently on hold in the Senate.



# Questions & Discussion

---