



February 3, 2016

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## Flint Water Crisis Gains National Attention, Water Sector Works On Coordinated Response

The importance of safe and reliable water infrastructure is once again front and center in the public's eye as the drinking water crisis in Flint, Michigan continues to grab national headlines. As the facts in Flint continue to unfold, all can agree that the residents of Flint deserve much better and that there was a core breakdown in what should have been a local-state-federal partnership aimed at protecting the residents of Flint and the basic access to safe water. It has also served as an important reminder to all Americans about the fundamental importance of safe and reliable water treatment.

NACWA has been actively tracking developments regarding the Flint situation, addressing the crisis on its [blog](#) and [speaking to the media](#). NACWA also been coordinating closely with other water sector organizations, including the American Water Works Association and the Association of Metropolitan Water Agencies, to ensure a common water sector response and that any technical questions about the Flint situation are directed to the appropriate utility experts at the national level.

Regardless of the root cause of the crisis, at a national level Flint has reignited interest from policy-makers and key stakeholder groups in addressing our aging water infrastructure challenges and to ensure approaches that allow for smarter, prioritized and integrated investments in our drinking water and clean water infrastructure. Members of Congress have been reaching out to NACWA and other water sector organizations seeking to introduce legislation to address the Flint crisis and broader water infrastructure concerns. NACWA will continue to closely monitor developments in Flint in the days and weeks ahead and coordinate with other water sector organizations.

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## State, Regional Groups Help Score Key Victories In Year End Congressional Spending Deal

Congressional negotiators reached agreement on a final [Fiscal Year \(FY\) 2016 appropriations package](#) at the end of December, and key outreach from state and regional groups helped ensure the bill included a number of major advocacy victories for the clean water community. Most significantly, Senate appropriators backed off demands that dischargers to the Great Lakes eliminate combined sewer overflows (CSO) and the use of blending during wet weather events. The CSO elimination policy rider was [inserted earlier this year](#) in a proposed Senate Appropriations Committee spending package for EPA at the request of Senator Mark Kirk (R-IL).

NACWA pursued every available advocacy avenue on this issue, leading a coalition of Association members, state organizations, drinking water interests, and water sector and municipal groups to oppose the language. In the end, the Association helped forge a compromise between Sen. Kirk and other key Great Lakes Senators keen on avoiding a costly new mandate. The compromise agreement:

- Does not include any requirements on elimination of CSOs or blending;
- Authorizes the Great Lakes Restoration Initiative (GLRI) for one year with \$300 million in funding;
- Replaces proposed cuts to the Clean Water State Revolving Fund (CWSRF), with \$1.393 billion being appropriated; and
- Includes language for reporting CSO discharges to the Great Lakes, consistent with current CSO Policy and other existing reporting requirements under the Clean Water Act.

NACWA is pleased that common sense clean water policy prevailed in Congress, and is grateful to all who sent letters, made phone calls, and engaged in other advocacy to help influence this outcome. Additional details on the bill are included in a NACWA [press release](#).

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## Toilets Are Not Trashcans Campaign Advances With Microbead Ban, Pharmaceutical Disposal Rule



NACWA's [Toilets Are Not Trashcans](#) (TANT) campaign, which provides advocacy and resources to reduce harmful products that are flushed or drained into the sewer system, has helped achieve some important recent advances for municipal clean water agencies. TANT has received significant support from state and regional groups as well, contributing to its success.

President Obama signed the *Microbead-Free Waters Act of 2015* on December 28, an important victory for the clean water utilities and NACWA. The law bans the manufacture of rinse-off cosmetic products containing plastic microbeads after July 1, 2017, and prohibits the sale of these products after July 1, 2018. The House of Representatives unanimously passed [H.R. 1321](#) on December 7, followed by Senate approval on December 18.

NACWA was a strong advocate for the legislation and previously shared information through the Clean Water Exchange on the various state and local microbead bans that preceded the federal legislation. Microbeads are difficult to remove during typical wastewater treatment processes and are harmful to aquatic life and ecosystems, but can be easily substituted with natural alternatives. The federal law will preempt the majority of any existing state laws controlling manufacture or sale of products containing microbeads. If you have any concerns about your state law provisions being preempted, NACWA would like to know – please contact [Cynthia Finley](#).

As part of the TANT campaign, NACWA has also been pushing back on the Food & Drug Administration's (FDA) recommendations to flush certain medications. In January, the Association joined more than 70 water sector organizations, utilities and other stakeholder groups [urging](#) the FDA to end its recommendation that certain medications be disposed of by flushing.

Additionally, NACWA submitted [comments](#) on December 23 on EPA's [proposed rule](#), *Management Standards for Hazardous Waste Pharmaceuticals*, supporting the proposed ban on healthcare facilities "disposing of hazardous waste pharmaceuticals down the toilet or drain." NACWA supported the broad range of healthcare facilities included in the proposal, such as pharmacies, coroners, and long-term healthcare facilities, and recommended that the proposal be clarified so that the ban also applies to septic systems and decentralized wastewater treatment systems, not just to sewers leading to publicly owned treatment works (POTWs).

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## NACWA, State & Regional Groups To Comment On EPA Phase II Stormwater Rule

EPA's proposed rule on changes to the Phase II Municipal Separate Storm Sewer System (MS4) regulations was [published](#) in the *Federal Register* on Jan. 6, setting a comment deadline of March 21. Additional information on the rule is also available on EPA's [website](#).

NACWA and the National Stormwater Advocacy Network (NSAN) – a network of state and regional municipal stormwater advocacy groups – are currently reviewing the proposal and plan a robust comment effort. If you have comments or questions on the proposed rule you are encouraged to join a NSAN call on the rule proposal on Friday, February 5 at 1:00 pm ET. Contact [Brenna Mannion](#) to register.

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## State Regional, Organizations Should Engage On Clean Power Plan Implementation

As the federal government and states move forward with implementation of the Clean Power Plan, state and regional clean water associations should ensure they are engaged with their state regulators on implementation issues.

NACWA filed [comments](#) January 21 on EPA's proposed federal plan requirements, model trading rules, and amendments to framework regulations for the [Clean Power Plan](#) (CPP). In the final CPP released last year, EPA recognized that the use of some biomass-derived fuels can play an important role in controlling increases of CO2 levels in the atmosphere, and that increasing renewable energy use and demand-side energy efficiency can lower CO2 emissions from electric utilities. The Agency also specifically recognized the role that water and wastewater utilities can potentially play in increasing energy efficiency and renewable energy generation. The proposed federal plan will be the implementing framework for the CPP in those states not developing their own plan, and the model trading rules were developed to help states in crafting their own plans.

In its comments, NACWA stressed that it is important for the federal plan, and both model trading rules, to specifically identify all of the energy-related activities at wastewater utilities, as mentioned in the CPP, to ensure the broadest use of biogas and biosolids as a renewable fuel nationwide. NACWA encourages state groups to work

with their state officials on any state plans being developing to maximize the opportunities for the wastewater sector.

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## NACWA Urges State & Regional Support For Clean Water Compliance & Affordability Act

NACWA sent letters of support on January 12 to [House](#) and [Senate](#) sponsors of the [Clean Water Compliance & Affordability Act](#). The legislation, if enacted, would require EPA to establish a pilot program under its Integrated Planning Initiative to work with fifteen communities across the country to develop and implement Integrated Planning programs. The bi-partisan legislation would also authorize EPA and states to extend the term of a National Pollutant Discharge Elimination System (NPDES) permit up to twenty-five years for pilot communities. Additionally, the legislation would require EPA to report to Congress at the end of five years on the effectiveness of this approach to help communities control compliance costs under the Clean Water Act.

Ohio Senators Sherrod Brown (D) and Rob Portman (R) are cosponsoring the legislation in the Senate. In the House, the lead co-sponsors are Ohio Representatives Steve Chabot (R) and Marcia Fudge (D). NACWA has supported funding an EPA pilot program for Integrated Planning in the past and is urging that funding be authorized as part of this legislation as well.

NACWA encourages state and regional groups to send similar letters to their Congressional delegations in support of the legislation. Examples of letters are provided [here](#). Please can contact [Pat Sinicropi](#) with questions.

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## Drought Issues Garner Increased Attention

Drought issues continue to be a central concern for clean water policymakers. In early January, NACWA joined a coalition of water sector organizations on a [letter](#) encouraging the U.S. Bureau of Reclamation to direct additional drought funds appropriated by Congress towards water reuse research and infrastructure. Congress approved funding to address drought issues as part of the FY 2016 Omnibus spending bill passed in December, and the coalition letter emphasizes that water reuse is an economically viable way to address drought concerns.

The letter also notes that investing in water reuse systems can provide sustainable, drought proof supplies of water not only for the current drought, but also for future water shortages as well. Many western state water groups have been advocating for these resources. The broad coalition of organizations demonstrates the strong support for water reuse within the water sector.

In a related development, a [discussion draft](#) of legislation to address drought issues in the West was released in mid-January by Sen. Diane Feinstein (D-CA). The proposal contains significant funding for water recycling and reuse. The bill also references the results of a water recycling project survey carried out by NACWA, the WaterResue Association, the California Association of Sanitation Agencies (CASA), and other groups.

Among other things, the bill would authorize \$200 million for water recycling projects that could reclaim and reuse wastewater. It would also authorize an additional \$200 million for a federal loan program to assist municipalities and other eligible entities with the financing of water projects, including recycling and reuse projects, along with \$10 million for EPA's existing WaterSense program to promote water efficiency.

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## Comments Submitted On EPA Nutrient Study

NACWA filed [comments](#) December 15 on an EPA study examining nutrient removal approaches at wastewater treatment plants. The draft document, [Case Studies on Implementing Low-Cost Modifications to Improve Nutrient](#)

[Reductions at Wastewater Treatment Plants](#), offers several case studies where wastewater treatment plants have implemented what EPA considers 'low-cost' modifications to remove nutrients. The Association's comments raised concerns that EPA has overlooked important policy and technical considerations in the document, most notably the potential loss of treatment capacity when these types of modifications are used. The Association also highlighted other limitations of the report, including the fact that most of the treatment plants were very small.

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## Upcoming Events

- [Become a supporting organization](#) of [Water Week 2016](#)! The week of April 10, 2016 has been designated as a week for the water sector to work together to highlight critical water issues shared by all states, cities, and communities.
- The Southeast Stormwater Association (SESWA), a member of the NSAN, is hosting a seminar during Water Week "[Stormwater BMPs, LID and Green Infrastructure](#)" which is scheduled for April 15th in Atlanta.