Environmental Fees in the Arid West

Stringent, costly standards for ephemeral streams and reclaimed water

Environmental fees must be structured to support reclamation of wastewater, water sustainability
Federal government must comply with Clean Water Act

“...in the same manner, and to the same extent as any nongovernmental entity, including the payment of reasonable service charges.”

- Waiver of Sovereign Immunity, CWA Section 313(a)
NACWA and WESTCAS advocate with General Accountability Office (GAO)

GAO advised that DC Water fees are legitimate under CWA

Federal agencies claim that fees do not correspond to actual activity on their facilities, so constitute an illegal tax

Federal agencies claim environmental projects for their facilities should have bare minimum costs, if any
Why Now?

Very little existing case law or precedent

Financial crisis is bringing question to the forefront

Who?

Department of Defense (Air Force, Navy) and General Services Administration
NACWA and WESTCAS are taking the lead

NACWA letter to Department of Justice on September 10, 2010

NACWA and WESTCAS have proposed legislation to clarify environmental fees as part of Department of Defense appropriation bill
We Need Your Support!

Report instances of this practice to NACWA (Nathan Gardener-Andrews) and WESTCAS (Harlan Agnew)

Help define “Reasonable environmental service charge” through NACWA and WESTCAS working groups

Continue work with 112th Congress

Stay involved!