WEF Government Affairs: Updates

Charles G. Stevens, CWP, WEF Fellow
Water Utility Officer
Water Utility
KC WATER
Federal Legislative Update

• America’s Water Infrastructure Act Provisions
  ▪ CWA SECTION 221 -- SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS
  ▪ STORMWATER INFRASTRUCTURE FINANCING TASKFORCE

• Integrated Planning Legislation
  ▪ BILL CODIFYING INTEGRATED PLANNING
  ▪ ESTABLISHING AN EPA OFFICE OF MUNICIPAL OMBUDSMAN
  ▪ AFFIRMED GREEN INFRASTRUCTURE APPROACHES AS PART OF IPS.

• Clean Watershed Needs Survey
## Fiscal Year 2020 Appropriations Update

<table>
<thead>
<tr>
<th>Program</th>
<th>FY19 Omnibus</th>
<th>Pres. FY20</th>
<th>Senate FY20 Draft</th>
<th>House FY20 Draft</th>
<th>FY20 Ask</th>
<th>Function</th>
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<tr>
<td>Clean Water SRF</td>
<td>$1.7B</td>
<td>$1.1B</td>
<td>$1.6B</td>
<td>$1.8B</td>
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<td>Wastewater &amp; Stormwater Loans</td>
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<td>$1.1B</td>
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<td>WIFIA</td>
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<td>$73M</td>
<td>$45M</td>
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<td>All Water Infrastructure Loans</td>
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<td>Rural Communities Loans and Grants</td>
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<td>AWIA – Sect. 221 Grants</td>
<td>$61M</td>
<td>$20M</td>
<td>$90M</td>
<td>$225M*</td>
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<td>Grants for CSO, SSO, and SW Infrastructure</td>
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Key Bills to Watch

• **WRDA 2020 - Coming Spring 2020!**
  ▪ CW SRF Reauthorization
  ▪ WIFIA Reauthorization
  ▪ Etc...

• **H.R. 1497* - Water Quality Protection and Job Creation Act of 2019, by Rep. Peter DeFazio**


• **H.R. 1764* - NPDES permit terms extension legislation, by Rep. John Garamendi**

* = *Calls-to-Action up on WEF.org*
Water Quality Protection and Job Creation Act of 2019 (H.R. 1497) - **PASSED BY COMMITTEE 10/29/19**

**Sponsor:** Chairman Peter DeFazio (D-OR)  
**Co-sponsors:** Grace Napolitano (D-CA), Don Young (R-AK), and John Katko (R-NY)

The key provisions of the bill include (FY20 - 24):

- Clean Water SRF reauthorized at $16B/5 years
- 1% CW SRF set-aside for wastewater workforce development assistance to utilities of $140M/5 years. *(WEF PROVISION)*
- State management assistance at $1.295B/5 years
- Watershed pilot projects at $110M/5 years
- Redefines "alternative source water projects" as wastewater, stormwater, or by treating wastewater or stormwater and authorizes $150M/5 years
- Extends authorization for grant assistance for CSO, SSO and stormwater projects for $1.125B/5 years.
Key Regulatory Issues
Recent & Pending

- The Maui Case
- Waters of the United States (aka WOTUS)
- Peak Wet Weather Rulemaking
- Affordability
- Nutrients Survey
County of Maui, Hawaii, PETITIONER v. Hawaii Wildlife Fund, ET AL.

- Current Status:
  - Council voted to settle the case; the County Mayor refuses to implement the decision and to inform Supreme Court of settlement dispute – the parties are in litigation and the case was scheduled to be heard by the Supreme Court yesterday, November 6;
  - The case......
Waters of the United States (aka WOTUS)

- On September 12, EPA and the US Corps of Engineers repealed a 2015 rule that according to them was impermissibly expanded the definition of “waters of the United States” (WOTUS) under the Clean Water Act
- The agencies are also recodifying the longstanding and familiar regulatory text that existed prior to the 2015 Rule
- They believe this will end a regulatory patchwork that required implementing two competing Clean Water Act regulations, which has created regulatory uncertainty across the United States
- This final rule is scheduled to be effective on December 23rd, 2019
- More information is available at: [http://www.epa.gov/wotus-rule](http://www.epa.gov/wotus-rule)
Peak Wet Weather Rulemaking

- In April 2018, EPA announced a new rulemaking to look at issues associated with the management and treatment of peak flows during wet weather events at publicly owned treatment works (POTWs) with separate sanitary sewer systems. Through this rulemaking, EPA will evaluate changes to its National Pollutant Discharge Elimination System (NPDES) regulations to establish a transparent and lasting framework to permitting peak flow management options;
- Before proposing any changes to its NPDES regulations, EPA is undertaking an extensive stakeholder engagement effort to encourage individual input for developing a rule that will support a consistent approach to permitting, allow for innovative flexibility, and protect human health and the environment;
- EPA expects to issue a proposed rule by the end of 2019; final is scheduled for Summer of 2020;
- For more information: https://www.epa.gov/npdes/peak-flows-sewage-treatment-plants
Affordability

- The National Association of Clean Water Agencies, Water Environment Federation and the American Water Works Association co-funded a new study looking into how EPA evaluates affordability – which is then used to decide how much a community can spend on wastewater and drinking water projects;

- The water sector hopes this study will assist U.S. EPA respond to recommendations from the congressionally-mandated NAPA review of the Office of Water’s existing affordability policies;

- The proposed framework is an alternative to current reliance on median household income as a singular measure of affordability in regulatory decision-making;

- The Core elements of the proposed framework reflects:
  - Recognition that individual households bear the total cost of all the water services they receive.
  - With modern America’s bi-modal income distribution and highly community-specific costs of living, no one metric can serve as a bright line for when water service is affordable for individual households.
  - Understanding the implications of affordability for water policy requires both considering the capacity of low-income households to afford service and the community’s (the water system’s) financial capability (i.e., its ability to reliably provide service and make necessary improvements over time).
Nutrients Survey

- On October 22, EPA made available a voluntary screener survey which is intended to collect basic information from all secondary treatment facilities nationwide;
- EPA is not requiring participation but is requesting that participants submit their surveys within 30 days, by November 26, 2019;
- Each POTW will receive an email message with a direct link to the survey;
- For more information: https://www.epa.gov/eg/potw-nutrient-survey
RAINFALL TO RESULTS: THE FUTURE OF STORMWATER

A VISION FOR THE FUTURE OF STORMWATER

Adriana Caldarelli, Director
Stormwater Institute, Water Environment Federation
https://wefstormwaterinstitute.org/rainfall-to-results/
TRANSFORM STORMWATER GOVERNANCE

- ENGAGEMENT WITH LAWMAKERS AND REGULATORS
- STORMWATER FUNDING TASK FORCE
- STORMWATER POLICY FORUM
STORMWATER POLICY FORUM

• Annually during Water Week
• Experts discussing latest in policy and practices
• Networking reception

Photo courtesy of Fernando Pasquel, Arcadis
CLOSE THE FUNDING GAP

- MS4 SURVEY
STORMWATER FUNDING WORK GROUP

DO WE KNOW WHAT WE DON’T KNOW?

• Work group convened
• White paper presentation at WEFTEC
• Recommended actions to follow
NATIONAL STORMWATER INFRASTRUCTURE FUNDING TASKFORCE

WATER RESOURCES DEVELOPMENT ACT 2018 (WRDA)

- Improve availability of funding
- Public and private
- Construction, rehabilitation, O&M
- Under EFAB

Information session at WEF SW/GI Symposium, May 2019
NATIONAL STORMWATER INFRASTRUCTURE FUNDING TASKFORCE TIMELINE

- **June 2019**: taskforce established
- **Summer/Fall 2019**: listening sessions
  - WEFTEC: Sunday, Sept 22 10-12, s106b
- **December 2019**: draft report submitted to EPA’s Office of Wastewater Management
- **April 2020**: Report to Congress
$7.5 billion funding gap

Continuing effort: biennial

ASCE Infrastructure Report Card

SUPPORT INNOVATION AND BEST PRACTICES

- STEPP
- NGICP
- MS4 AWARDS
STORMWATER TESTING AND EVALUATION OF PRODUCTS AND PRACTICES (STEPP)

• National program
• Verification of pollutant removal efficiencies
• Gray and green
• Proprietary and non-proprietary
• In partnership with WRF, ASTM, ITRC, ACWA, TAPE and NJCAT
NATIONAL GREEN INFRASTRUCTURE CERTIFICATION PROGRAM (NGICP)

• Provides base-level knowledge
• Construction, inspection and maintenance
• Entry-level workers
• Professional and workforce development
• National/portable
MANAGE ASSETS AND RESOURCES

- FUNDING SUBGROUP
- STORMWATER ASSET MANAGEMENT
ASSET MANAGEMENT FOR STORMWATER

- Sustainable Infrastructure Management Program Learning Environment (SIMPLE)
- In partnership with WRF
- Develop stormwater methodology

SAVE THE DATE | APRIL 28-29, 2020

2020 NATIONAL WATER POLICY FLY-IN

WASHINGTON, DC | WASHINGTON COURT HOTEL
WWW.WEF.ORG/WATERWEEK
Water Advocates Program

- WEF.org – Advocacy tab

- New Website:

- Joining the Program is easy:
Questions or Additional Info:

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