

Wet Weather & Funding Update

Ken Kirk
Executive Director

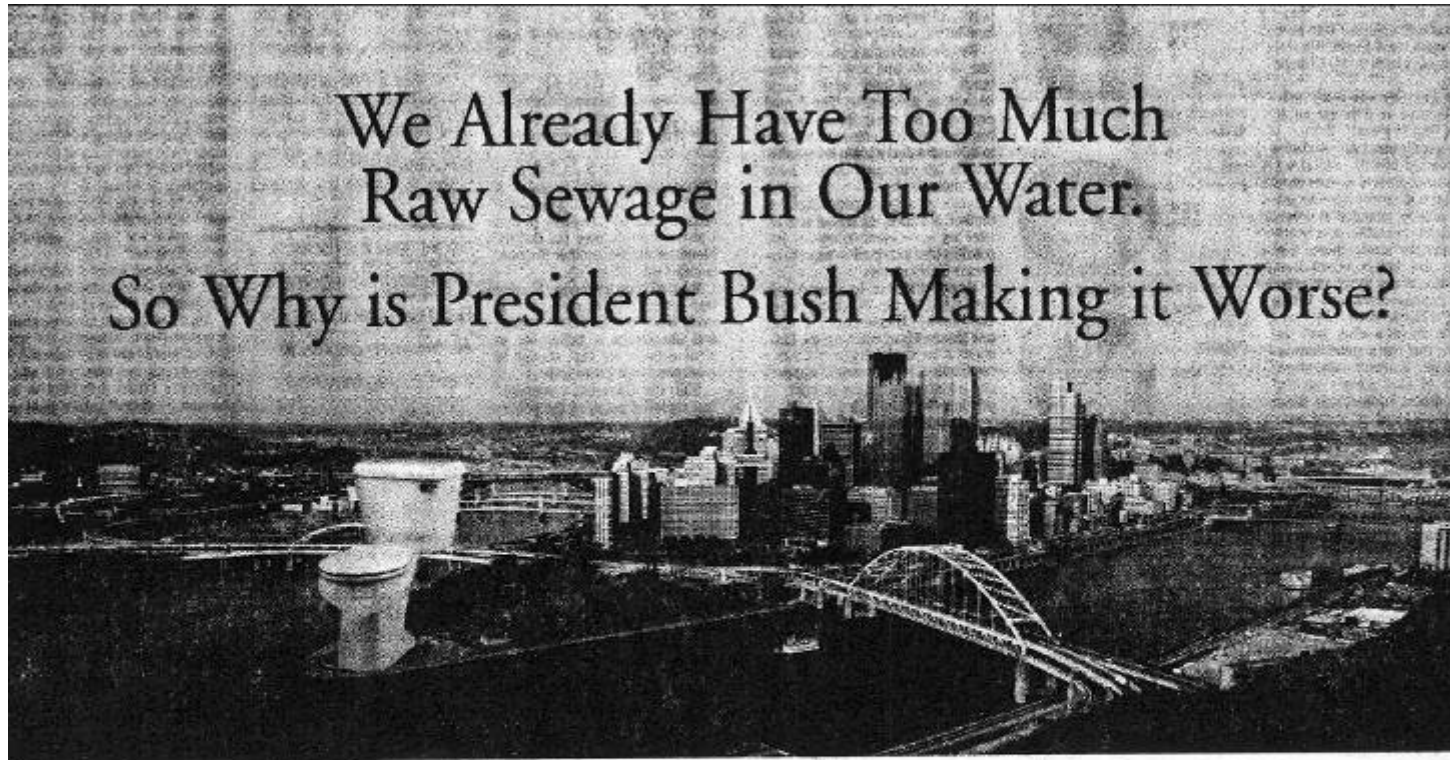


Topics



- ④ **Blending**
- ④ **Separate Sewer (SSO) Issues**
- ④ **Combined Sewer (CSO) Issues**
- ④ **Costs & Enforcement**
- ④ **Where Will the Money Come From?**

Blending as a Rollback?



We Already Have Too Much
Raw Sewage in Our Water.
So Why is President Bush Making it Worse?

We all want clean, healthy water. But every time it rains in Allegheny County our old sewage system is overwhelmed and raw sewage runs into Allegheny County's creeks and rivers. And this is the worst year ever for sewage overflows in the county: Between May 15 and September 30 of this year, we had 109 days when untreated sewage was dumped in our water. Some tests of county waters found levels of fecal coliform 50 times the legal limit, and that poses a serious health risk. Public health experts estimate that there are 7.1 million cases of mild to moderate and 560,000 cases of moderate to severe infectious waterborne disease in the United States each year.

But instead of helping us solve this health-threatening problem, the Bush administration is making it worse by cutting funding for sewage treatment plants and by allowing "the blending" of raw sewage with treated sewage instead of treating all of it before it is dumped in our rivers.

There is a better way. President Bush: Help us keep raw sewage out of the Three Rivers. Keep the bacteria, viruses and parasites out of our water and keep our kids and communities from risk.

Blending Background

11/03:

- ✦ EPA proposed policy receives 98,000 comments
- ✦ DC District Court dismisses lawsuit over EPA regional actions as not-final agency actions; case appealed; uncertainty remains legally

4/13/05: Oversight hearing on issue in House

5/19/05:

- ✦ Anti-blending rider passes House (language included in 7/26 FY 2006 EPA appropriations bill, PL 109-54)
- ✦ EPA pulls 11/03 guidance as proposed; looking at other options

6/05:

- ✦ DC Circuit Court upholds lower court's finding that EPA regional actions are not final & thus not reviewable
- ✦ HR 1126: *Save our Waters from Sewage Act*



December 22, 2005

✧ EPA proposes peak flow policy based on NACWA/NRDC proposal

✧ Reflects a middle ground approach



NACWA
A Clear Commitment to America's Waters

What Does the Guidance Do?

- **The *Policy*:**
 - Is good for the Nation’s communities, public health, and water quality – it is a win-win;
 - Clarifies the standard that wastewater treatment plants have to meet;
 - Addresses “peak wet weather flow diversions” around secondary treatment units that are recombined before discharge;
 - Applies to only separate sanitary sewer systems, as diversions at combined sewer system facilities are addressed in the *1994 CSO Policy*;
 - Emphasizes wastewater treatment plants maintaining and upgrading their facilities and collection systems to avoid diverting peak flows whenever feasible;
 - Involves the public in the discussion of peak flow management at the local level;
 - Reduces potential public exposure to waterborne diseases;
 - Provides needed certainty to all parties
 - Will increase costs based on feasibility analysis

Blending Next Steps

- ✧ **Comments under review**
- ✧ **Function of time & political will**
- ✧ **EPA says early fall**
- ✧ **Based on the science we have today**
- ✧ **Science will be improved**
- ✧ **Where will the money come from?**



SSOs

- ✧ EPA has committed several times since 2001 to initiate rulemaking, most recently “after blending”
- ✧ EPA’s 2004 Report to Congress:
 - ✧ Is there a basis for a zero discharge standard?
 - ✧ SSO annual volume is estimated at 3-10 billion gallons, down from 311 billion gallons in the 2001 rule
 - ✧ EPA’s cost figures for SSO elimination have risen from \$9.6 billion to \$88 billion



SSO Next Steps

- ✦ **Yes, we need a rule**
- ✦ **We need a defense for unavoidable overflows**
- ✦ **CMOM is the standard for collection systems**
- ✦ **States filling the gaps in the meantime...**
- ✦ **Where will the money come from?**

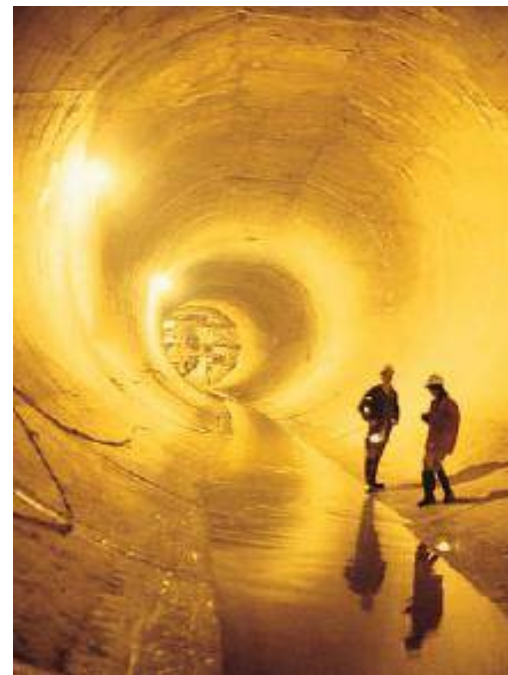


EPA Report To Congress: Progress on CSOs, SSOs

✧ EPA 8/04 Report to Congress on CSO/SSO

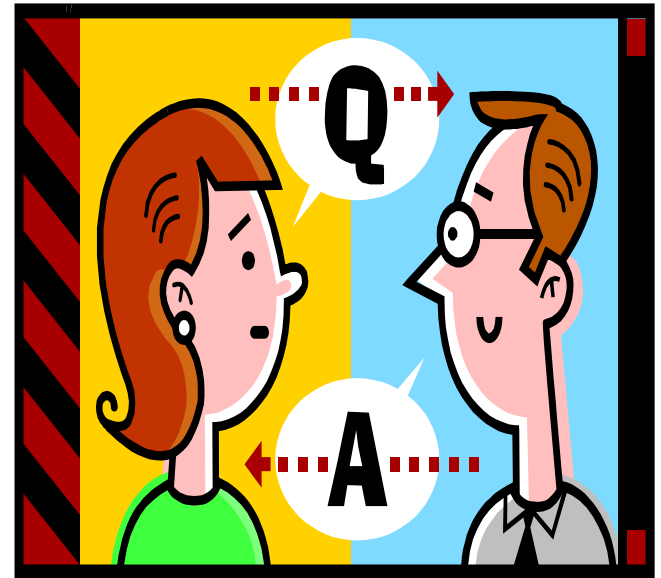
Impacts:

- ✧ CSO volume down from over 1 trillion gal/yr to 850 billion gal/yr;**
- ✧ # of CSO long-term control plans submitted to permitting authorities increased from 34 to 59% since 2001;**
- ✧ \$6 billion spent by cities on CSO control since 2002;**
- ✧ Reduces estimate of total SSO volume from 311 billion gal/yr to 3-10 billion gal/yr; and**
- ✧ Estimates that over the next 20 years, \$88 billion needed to control SSOs, \$50.6 billion to control CSOs**



CSO Next Steps

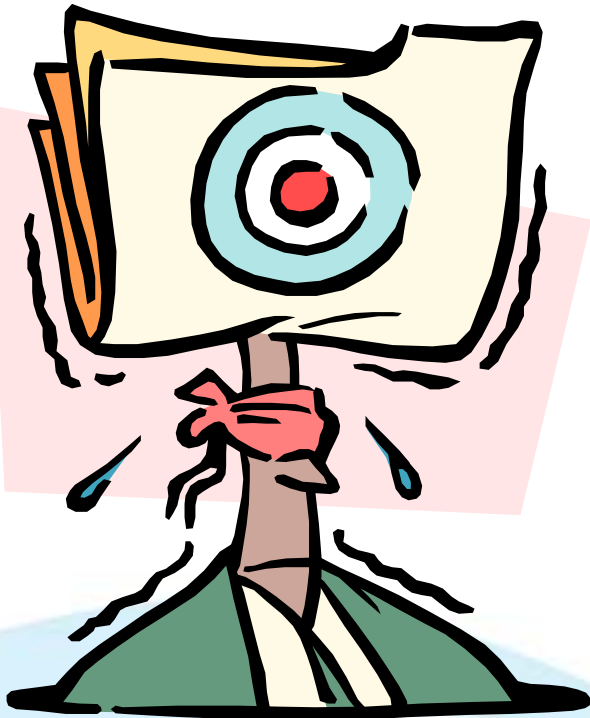
- ✧ **Seek watershed approach in CSO-related Federal/State consent decrees**
- ✧ **Urge Use Attainability Analyses (UAAs) for CSO receiving waters**
 - ✧ **NACWA UAA Handbook and upcoming web seminar**
- ✧ **Urge sound affordability measures**
 - ✧ ***NACWA's Financial Capability and Affordability in Wet Weather Negotiations* White Paper**
- ✧ **Where will the money come from?**



NACWA
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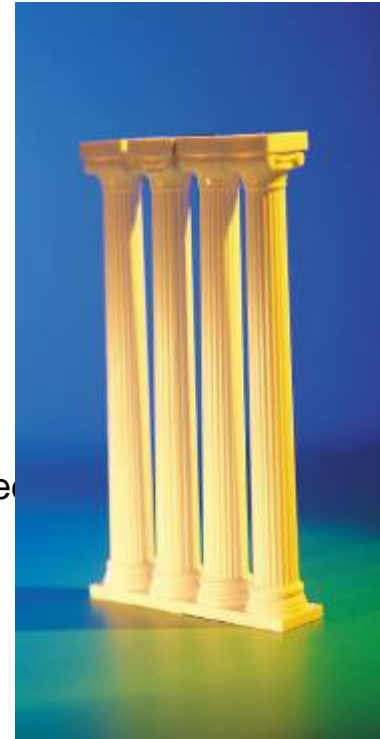
Wet Weather Enforcement

- ❖ **Wet weather is a federal enforcement priority through 2007**
- ❖ **U.S. Cities continue to enter consent agreements on wet weather**
- ❖ **EPA Office of Enforcement updating 1995 memorandum on Significant Non-Compliance to take into account wet weather**



Current Solutions Insufficient

- EPA, GAO, CBO and WIN estimate gap of \$300-500 billion over next 20 years
- CWSRF being cut, likely to be zeroed out by 2011
- EPA's Four Pillars rely solely on municipal investment:
 - Full Cost of Service
 - Is impossible to determine
 - Rates are rising at double the rate of inflation already
 - Unfunded mandates demand federal investment
 - Improved Utility Management
 - Public utilities are becoming more competitive every year
 - Detailed asset management only increases estimates of funding need
 - Efficient Water Use/Conservation
 - Will only decrease municipal revenue
 - Watershed Approach
 - The watershed approach is beneficial but cannot fund infrastructure upgrades
- Where will the money come from?



Time To Think Creatively

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"Never, ever, think outside the box."

Clean Water Trust Fund

- Water infrastructure deserves sustained federal funding like highways and airports
- December 2005: Chairman Duncan introduces Clean Water Trust Act of 2005, H.R. 4560
- Provides ~ \$38 billion over five years, primarily for infrastructure repair and replacement and wet weather controls
- Provides \$1.5 billion for CWSRF/year and increases funds for state administration of the trust fund
- Chairman Duncan has begun seeking co-sponsors
 - Four Representatives have already co-sponsored



How Would Funds Be Spent?

- **\$7.35 billion per year over 5 years**
- \$4.5 billion/year for grants
- \$1.5 billion/year in low-interest Clean Water SRF loans
- \$1.35 billion/year for targeted programs:
 - Additional research and technology -\$295 million
 - Sewer overflow grants program -\$250 million
 - Regional waters: Chesapeake Bay, Great Lakes, Long Island Sound, Gulf of Mexico -\$250 million
 - Fisheries enhancement -\$250 million
 - Management assistance to states -\$250 million
 - State wetlands program grants -\$100 million
 - Small or rural systems -\$50 million
 - Nonpoint watershed pilot project -\$20 million
 - Utility Management Center -\$5 million
 - \$125 million one year for Alternative Water Source Pilot Project

Who Supports H.R. 4560?

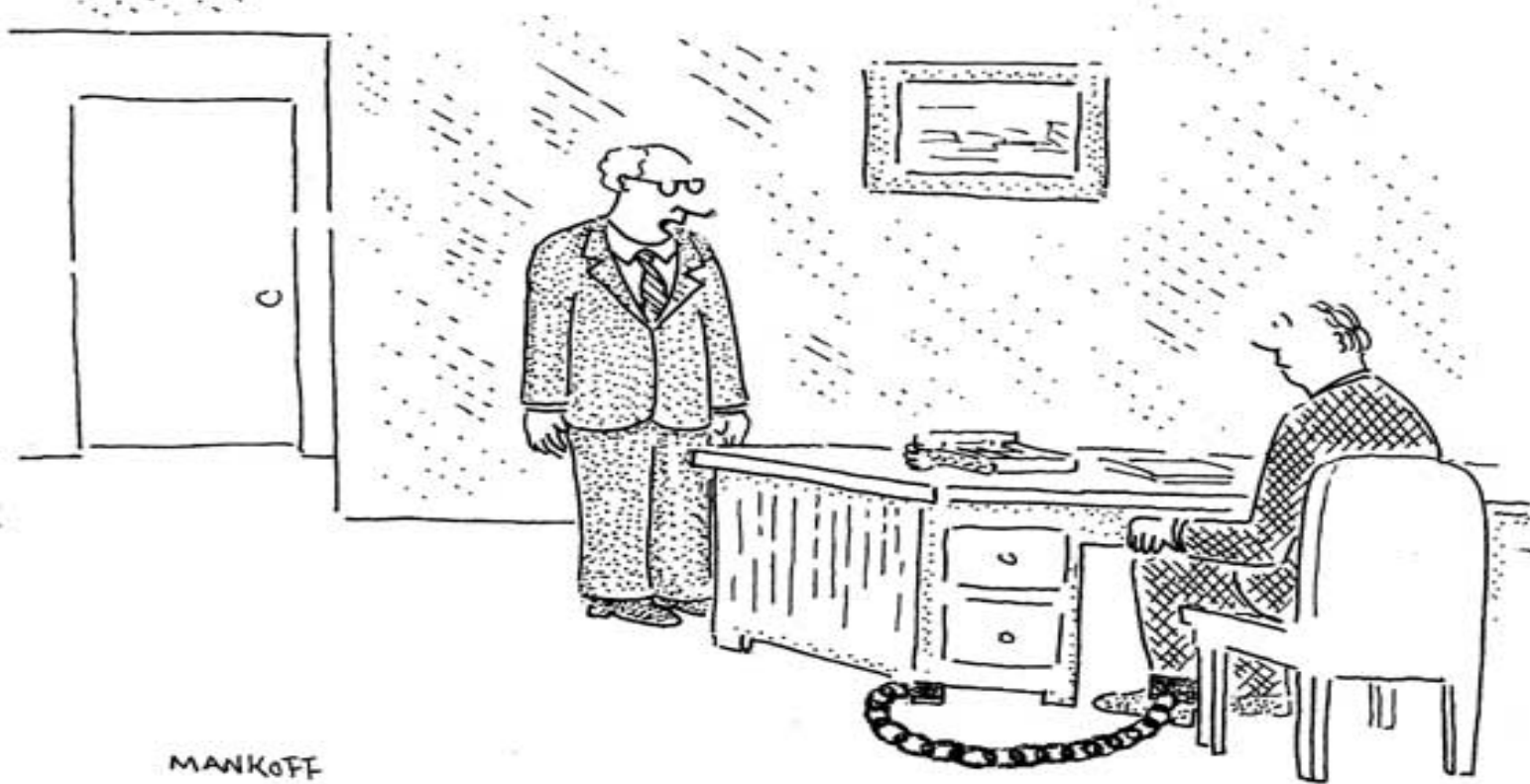
- The Associated General Contractors of America
- Ducks Unlimited
- National Association of Towns and Townships
- American Society of Civil Engineers
- Western Coalition of Arid States
- Rural Community Assistance Partnership
- National Association of Clean Water Agencies
- American Sportfishing Association
- American Council of Engineering Companies
- Theodore Roosevelt Conservation Partnership
- Construction Management Association of America
- International Association of Fish and Wildlife Agencies
- American Public Works Association
- Association of Equipment Manufacturers
- Design Build Institute of America
- Trout Unlimited
- American Rivers
- Underground Contractors Association
- Plastics Pipe Institute
- American Concrete Pressure Pipe Association
- American Supply Association
- Portland Cement Association
- Associated Equipment Distributors
- BASS/ESPN Outdoor

WE NEED YOUR SUPPORT TOO !!



Questions?

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MANKOFF

“Quit complaining. In these times, most people would be happy to have your job security.”

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