

March 15, 2010

**DHS Infrastructure Protection Point Man
Added To Water Policy Conference Slate**

Rand Beers, Under Secretary for the National Protection and Programs Directorate at the Department of Homeland Security, will speak at AMWA's 2010 Water Policy Conference next week in Washington, D.C. Beers heads DHS efforts to reduce risks to the nation's infrastructure from physical and cyber threats and is an authority on risk management.

Also headlining the program is EPA

Administrator Lisa Jackson who has actively pursued regulatory efforts to address issues such as climate change, toxic chemicals, and air and water quality during her 14 months in office. From Capitol Hill, Sen. Ben Cardin, Reps. Lois Capps and Jim Costa, and Alex McDonough, Legislative Counsel to Senate Majority Leader Harry Reid, will speak on topics of concern to water utility executives.

Other key speakers include Anne Castle, Assistant Secretary for Water and Science at the Department of the Interior; Stephen Flynn, President of the Center for National Policy; Kathy Jacobs, White House Office of Science and Technology Policy; and Chet Koblinsky, Director of NOAA's Climate Program Office. In addition to Jackson, EPA will be represented by Nancy Stoner, Deputy Assistant Administrator of the Office of Water; Cynthia Dougherty, Director of the Office of Ground Water and Drinking Water; and Jim Hanlon, Director of the Office of Wastewater Management.

The conference will be held March 21-24 at the Renaissance Washington, DC Dupont Circle Hotel. Information and online registration are available at www.amwa.net/cs/2010WPC.

New Earmark Rules Could Limit Funding Opportunities

House Republican leaders announced last week that their caucus would submit no earmark requests for the 2011 fiscal year, a decision that could limit opportunities for some water systems to receive targeted federal funding assistance.

As a result of the policy, any water system or other local entity that had planned to seek an FY11 earmark from a Republican House member will have to find another member of Congress to submit its request. House Democrats still plan to submit earmark requests on behalf of not-for-profit entities, and Senate

This Week In Congress

The Senate is expected to vote this week on a \$17.5 billion jobs bill recently approved by the House and may continue work on a Federal Aviation Administration reauthorization bill.

In the House, Democratic leaders hope to finalize the details of their latest version of a healthcare reform package and could vote on the measure by the end of the week.

Republicans and Democrats have not, as of yet, announced any plans to enact their own earmark ban – though some senators are pushing the idea.

While politically controversial, annual earmarked appropriations make up a relatively small percentage of overall federal spending. For example, of the \$1.13 trillion in the federal government's fiscal year 2010 discretionary appropriations, only \$10.2 billion in funds were earmarked. EPA's final FY10 spending plan included \$157 million in congressionally requested water and wastewater infrastructure earmarks.

Cities Sue Over Atrazine Cleanup Costs

Seventeen cities in six Midwestern states filed suit in federal court last week against Syngenta AG and its U.S. counterpart to recoup costs to remove the herbicide atrazine from drinking water supplies. Atrazine is commonly used in the U.S. and other countries, but it is banned in Europe. Syngenta is the primary manufacturer of the controversial herbicide.

The lawsuit was filed in U.S. District Court for the Southern District of Illinois by 17 cities in Kansas, Illinois, Indiana, Ohio, Missouri and Iowa.

Stephen Tillery, a lawyer for the plaintiffs, alleges that the cities have spent nearly \$350 million to filter the chemical. Attorneys for Syngenta called the lawsuit frivolous and argued that it would only hurt U.S. farmers.

Scott Summy, with the firm Baron & Budd, also represents the plaintiffs. "This case is extremely important to the water industry because it will help determine whether public water providers must bear the burden of removing contaminants that are placed into society with the manufacturer knowing that it will result in public water contamination," he said.

House Committee May Take Up DWSRF Reauthorization Later This Year, Senate Bill Remains Stalled

Staff for the House Energy and Commerce Committee told AMWA recently that the committee may markup legislation to reauthorize the Drinking Water State Revolving Fund (DWSRF) this year, although the legislation would probably not change current SRF provisions that require states to give preference to water projects that address the most serious public health impacts or bring water systems into compliance with the Safe Drinking Water Act. AMWA believes these provisions tend to give funding preferences to small water systems at the expense of those serving metropolitan areas.

While the House begins to formulate its DWSRF bill, similar water infrastructure legislation remains stalled in the Senate. Last summer, the Environment and Public Works Committee approved S. 1005, which would reauthorize both the Drinking Water and Clean Water SRFs for five years. However, while the bill won bipartisan support in committee, Senate Republicans have since blocked consideration of the measure on the floor because of plans announced by EPA to apply Davis-Bacon prevailing wage requirements to all projects funded through SRFs. The new policy will apply not only to the federal portion of the SRFs, but also to state contributions to the funds – leading Republicans to charge that the change would make water projects much more costly to states.

S. 1005 would authorize \$14.7 billion over five years for the DWSRF and \$20 billion over five years for the CWSRF. The bill would also update the CWSRF state allotment formula, create new grant programs

to target assistance for combined sewer overflows, and direct states to give greater weight to applications from utilities that implement best management practices, such as asset management plans. AMWA also helped draft report language that highlights the infrastructure needs of urban water systems, though the legislation does not grant such systems any funding preferences.

Senators Bash Proposed Army Corps Cuts

Like their House counterparts last month, members of the Senate Energy and Water Development Appropriations Subcommittee harshly criticized President Obama's plan to cut the Army Corps of Engineers' budget by 10 percent next year and vowed to boost the funding level in their spending bill. The Administration's FY11 budget proposed cutting the Army Corps' budget to \$4.9 billion, a drop of \$500 million from its 2010 level.

"The consensus of this committee will not be to support cutting a half a billion dollars of the corps' funding at this time," said subcommittee Chairman Byron Dorgan (D-N.D.) at a hearing last week. Sen. Robert Bennett of Utah, the subcommittee's lead Republican, said that his party would also oppose the cuts.

EPA Releases Revised Public Notification Guidance

EPA recently published its *Revised Public Notification Handbook* online at www.epa.gov/ogwdw/publicnotification/compliancehelp.html. The updated document now includes templates and guidance from EPA regarding public notification under the Ground Water Rule, Long Term 2 Enhanced Surface Water Treatment Rule, Stage 2 Disinfection Byproducts Rule and short-term revisions to the Lead and Copper Rule.

WaterSense Announces Showerhead Specs, Facebook Page

EPA's WaterSense program recently added showerheads to its portfolio of products. Showerheads that meet the EPA specification of using no more than 2.0 gallons per minute are expected in stores by late April. The WaterSense program also has a new Facebook page. Additional information is available on EPA's newly designed WaterSense webpage: www.epa.gov/watersense.