

December 21, 2009

Happy Holidays!

Best wishes for the holidays from the AMWA staff. With Congress on hiatus, the *Monday Morning Briefing* will not be published again until January 11; any breaking news will be delivered by *Special Briefing*. The AMWA offices will be closed on December 25 and January 1.

This Week In Congress

The House of Representatives has already completed its work for the year, but the Senate will be in session this week as Democratic leaders are hoping to pass a healthcare reform package by Christmas Eve. Senators are also expected to vote on an increase to the U.S. debt limit either this week or next.

Jobs Bill Includes \$1 Billion For Drinking Water Infrastructure

The House last week narrowly approved job creation legislation that included \$1 billion each for the Drinking Water and Clean Water State Revolving Funds (SRF). The Senate is expected to take up a version of the legislation in January.

The “Jobs for Main Street Act” (H.R. 2847) would charge states with distributing the Act’s water infrastructure dollars to communities through their SRF programs, while waiving state matching requirements and directing states to use at least 50 percent of their funding share for loan forgiveness and 20 percent for “green infrastructure” projects. States would also be required to give priority to projects that can begin construction within 12 months, and EPA would have to reclaim funds targeted for projects that are not under contract or construction within eight months after the bill’s enactment.

While AMWA is pleased that the legislation funds drinking water infrastructure equally with that of wastewater, distributing the money through the SRF could hamper the ability of urban utilities to receive a portion of their state’s funds. An AMWA analysis of drinking water infrastructure funding distributed through the DWSRF under last February’s economic stimulus legislation shows that utilities serving more than 100,000 people have received only 16 percent of the funds, though they serve 46 percent of the American population and represent 35 percent of the long-term drinking water infrastructure need.

Save The Date

**AMWA’s 2010
Water Policy Conference**

**March 21-24
Renaissance M Street Hotel
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www.amwa.net/cs/2010WPC

H.R. 2847 would also force all water projects receiving funds under the bill to comply with federal Davis-Bacon prevailing wage standards and to meet “Buy American” requirements that limit the use of foreign-made materials and components. Similar requirements were included in the economic stimulus bill, and numerous utilities have complained that the standards significantly increase the cost of projects. Aside from the SRF dollars, H.R. 2847 would provide the Bureau of Reclamation with \$100 million for rural water supply projects and the U.S. Army Corps of Engineers with \$715 million for environmental restoration, flood protection, hydropower and navigation infrastructure projects.

EPA OIG Reports On Use Of Stimulus Funds

EPA’s Office of Inspector General (OIG) issued a report last week (www.epa.gov/oig/reports/2010/20091217-10-R-0049.pdf) on its audit of the agency’s progress in ensuring compliance with the American Recovery and Reinvestment Act of 2009 (ARRA) requirements. The OIG looked at impediments to having projects under contract or construction by February 17, 2010 and steps EPA has taken to ensure projects meet the deadline.

The audit found that 257 projects totaling \$323 million were under contract, which is only 17 percent of the \$1.9 billion in ARRA funds awarded for drinking water state revolving funds projects. The report cited the challenges facing states, including: delays in contracting at the local level; state and local budget cuts; difficulties in understanding and implementing ARRA requirements; and the waiver process for ARRA's Buy American provisions. The OIG observed the need for better monitoring of projects nationwide, an action plan and milestone dates to help states with projects not under contract, and identification of actions EPA will take to implement its ARRA Risk Mitigation (Stewardship) Plan to identify states at risk of not meeting the deadline.

Lieberman To Defer To EPW On Water Security Legislation

Staff for the Senate Homeland Security and Governmental Affairs Committee recently told AMWA that Committee Chairman Joe Lieberman (I-Conn.) does not plan to seek the inclusion of drinking water and wastewater facilities under the DHS CFATS chemical security program, perhaps seeking to avoid a jurisdictional standoff similar to what delayed action on chemical security legislation for months in the House. This appears to clear the way for the Senate Environment and Public Works (EPW) Committee to develop its own water security proposal, though substantive work on the issue has yet to begin.

In November, the House of Representatives passed H.R. 2868 (the “Chemical and Water Security Act”), which would maintain the current CFATS exemption for water and wastewater facilities but subject them to new security regulations overseen by EPA. House leaders reached this compromise after months of stalemate, as House Homeland Security Committee Chairman Bennie Thompson (D-Miss.) had hoped to bring water utilities into the CFATS program. Thompson’s plan was met with strong opposition from the Energy and Commerce and Transportation and Infrastructure panels, which respectively regulate drinking water and wastewater policy.

There had been speculation that Sen. Lieberman might make a similar push for water utility oversight, given that in 2006 his committee (while under Republican control) reported a measure that would place water systems under CFATS. But according to current committee staff, the Obama Administration’s support for maintaining the CFATS exemption – as long as it is accompanied by a similar EPA security program for water systems – heavily influenced Lieberman’s position to cede water utility authority to EPW.

While Lieberman will not attempt to include water systems under CFATS, new water security rules could be included as a title within the Homeland Security Committee's legislation – though EPW would largely shape this water title. The Homeland Security Committee is aiming to hold a hearing on the CFATS reauthorization by late January or early February, but as of yet the EPW Committee has announced no timeframe for beginning its work on the water security issue.

WaterISAC Webinar On Harnessing Social Media Now Archived Online

A recording of the December 15 webinar on how water utilities can incorporate social media into their security communications plans is now archived on the WaterISAC portal. The presentation, co-hosted by WaterISAC and the Prince William County Service Authority (PWCSA), provides tactical-level insight on PWCSA's social media operations. Topics discussed during the webinar included internal security protocols for setting up a successful social media program and numerous examples of how Web 2.0 technology can be used to better communicate with a utility's customers during an emergency.

WaterISAC Pro subscribers can stream or download the webinar by typing "Social Media Webinar" into the portal search bar at www.waterisac.org. Non-subscribers should contact Aaron Levy at levy@amwa.net for information on obtaining free access for one year to WaterISAC Pro.

EPA Issues National Water Program Research Strategy

On Friday, EPA released its National Water Research Strategy to engage a broader range of researchers in meeting the challenges of protecting and improving the nation's water resources. The strategy identifies and promotes the research needs of EPA's national water program to potential partners. The strategy is online at www.epa.gov/waterscience/strategy, and there will be more information in AMWA's upcoming December-January *Regulatory Report*.

Office Of Water Launches "Water Is Worth It" Facebook Page

A new Facebook page – "Water Is Worth It" – was launched by EPA's Office of Water to provide a public forum to share information, encourage discussion and raise awareness about the value of water and water-related resources. EPA said it will regularly post information and discussion topics and will encourage "fans" of the page to post and interact in discussions of the nation's water and water infrastructure. The page is found by searching for "Water Is Worth It" at www.facebook.com.

Draft Study Of U.S. Lakes Released By EPA

Calling it the most comprehensive study of the nation's lakes to date, EPA last week issued a draft study that rated the condition of 56 percent of the lakes in the U.S. as good and the remainder as fair or poor. EPA said this marked the first time the agency and its partners used a nationally consistent approach to survey the ecological and water quality of lakes. The National Lakes Assessment includes a total of 1,028 lakes that were randomly sampled during 2007 by states, tribes and EPA. The draft study is online at www.epa.gov/lakessurvey.

In related news, last week EPA Administrator Lisa Jackson committed \$13 million toward measures to prevent Asian carp from migrating into the Great Lakes and Lake Michigan specifically.

White House Releases Interim Oceans Management Framework For Comment

The federal Ocean Policy Task Force recently released its *Interim Framework for Effective Coastal and Marine Spatial Planning*, a process for deciding what activities are suitable for specific areas along the nation's oceans, coasts and Great Lakes. The interim framework (www.whitehouse.gov/oceans) outlines a process for a regional planning process developed cooperatively with states, localities, public and stakeholder input.

Council for Environmental Quality (CEQ) Chairwoman Nancy Sutley said that without this improved approach, “we risk an increase in user conflicts and the potential loss of critical economic, ecosystem, social, and cultural benefits for present and future generations.”

CEQ is accepting comment on the framework until February 10, 2010.

Comment Deadline Extended For Airport Effluent Guidelines Proposal

EPA announced an extension for the comment deadline on its airport effluent guidelines proposal (www.epa.gov/guide/airport) until February 26, 2010. Working with the regulatory committee, AMWA plans to comment on the proposal as the source water quality of many AMWA utilities may be degraded by glycol during airport deicing events.

Draft EPA Document On Water Loss Control Open For Comment

EPA has drafted a document for public comment that provides guidance on water loss control programs, water metering, water audits, leak detection and O&M measures to prevent water loss. The document, entitled “Control and Mitigation of Drinking Water Losses In Distribution Systems” is online at www.epa.gov/ogwdw/new.html under December 9. Although the document is aimed at smaller systems, AMWA will seek input from its regulatory and management committees after the New Year on whether to provide comments. Comments are due February 1.

CDC’s National Report On Environmental Chemical Exposure Report Available

CDC’s *Fourth National Report on Human Exposure to Environmental Chemicals* (www.cdc.gov/exposurereport) was released last week. The report is based on blood and urine samples collected from 2,400 people every two years as part of the ongoing National Health and Nutrition Examination Survey. The report includes findings for 212 chemicals —75 of which have never before been measured in the U.S. population, including arsenic, environmental phenols, triclosan and perchlorate.