
AMWA comments on EPA proposed CWA hazardous substance worst case discharge planning rule

August 1, 2022 at 5:00 AM

Last week, AMWA submitted comments (<https://www.amwa.net/testimonycomments/amwa-comments-hazardous-substance-worst-case-discharge-planning>) to EPA's Office of Land and Emergency Management on its proposed (<https://www.regulations.gov/document/EPA-HQ-OLEM-2021-0585-0001>) Clean Water Act (CWA) hazardous substance worst-case discharge planning rule. This proposal would require planning for worst-case discharges of CWA hazardous substances for certain facilities that could reasonably be expected to cause substantial harm to the environment via navigable waters.

In the letter, AMWA expressed support for actions to protect drinking water sources but requested further clarification from EPA on how this rule will affect public water systems that rely on some CWA hazardous substances to provide clean, safe drinking water to the public. Specifically, AMWA urged EPA to not require utilities to duplicate efforts already in place through the Risk Management Program. EPA is required to promulgate a final rule no later than 30 months after the release of this proposal.

AMWA-backed water efficiency bill wins House passage

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The House of Representatives last week approved wide-ranging legislation that seeks to respond to the threats posed by long-term drought and increased wildfire activity. Included within the many provisions of the legislation were several new EPA grant programs to aid water systems' efforts to increase water efficiency – programs for which AMWA had previously expressed its support.

H.R. 5118, the Wildfire Response and Drought Resiliency Act
(<https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5118RH->

RCP117-57.pdf), represents a compilation of several dozen (<https://rules.house.gov/bill/117/hr-5118>) different proposals introduced in the House of Representatives over the past 18 months. Among those included in the larger bill is the Water Efficiency, Conservation, and Sustainability Act, for which AMWA expressed support (<https://www.amwa.net/article/water-efficiency-grant-bill-earns-amwas-support>) earlier this year. Under the proposal, public water systems will be eligible for two new EPA grant programs to support water-efficiency upgrades, identify and repair leaks and conduct annual water audits and establish water loss control programs, respectively. Each program would be authorized through the 2028 fiscal year.

Other components of the larger drought and wildfire legislation would:

- Authorize additional funding to support desalination research;
- Prioritize federal funding for water reuse and recycling projects that will provide more reliable water supplies for state and local governments;
- Promote the development of advanced technologies to improve water purification, desalination, reverse osmosis, or the reduction of water evaporation; and
- Develop a “National Water Data Framework” to improve national water resource management and offer federal grants to advance the development of water data infrastructure and technologies.

H.R. 5118 will now move on to the Senate, where its prospects for passage before the end of the year are unclear. AMWA will support passage of the legislation should it be brought to a vote on the Senate floor.

Senate appropriators release spending bills for 2023, propose smaller EPA funding increase than House

August 1, 2022 at 5:00 AM

The Senate Appropriations Committee released (<https://www.appropriations.senate.gov/news/majority/breaking-chairman-leahy-releases-fiscal-year-2023-senate-appropriations-bills>) its proposed versions of all twelve fiscal year 2023 spending bills last week, including an Interior-EPA measure that would provide less overall funding to the EPA than the plan passed (<https://www.amwa.net/article/house-passes-government-spending-bill-package-includes-115-billion-epa>) by the House and requested by the president's budget (<https://www.amwa.net/article/president-biden-seeks-fy23-epa-budget-boost>). Despite a consistent pattern of providing less programmatic funding than the House bill, the Senate bill would provide a modest increase in funding to state revolving funds and give EPA funding to assess low-income water ratepayer

assistance needs.

Under the spending bill

(<https://www.appropriations.senate.gov/imo/media/doc/INTFY2023.PDF>) released by the Senate, the EPA would receive a more modest increase in funds, receiving \$10.6 billion total, compared to the \$11.5 billion total funding allotted in the bill passed (<https://www.amwa.net/article/house-passes-government-spending-bill-package-includes-115-billion-epa>) by the House in July. President Biden had requested \$11.9 billion for EPA in March.

Of note, the Senate bill would provide a small increase in funding for the Drinking Water State Revolving Fund (SRF) and the Water Infrastructure Finance and Innovation Act (WIFIA) program compared to the House Interior-EPA spending bill. The Senate bill would provide \$1.176 billion for the Drinking Water State Revolving Fund, compared to \$1.126 billion provided by the House bill. Additionally, the Senate bill would provide \$75 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program, \$3 million more than proposed by the House.

Also included in the Senate proposal

(<https://www.appropriations.senate.gov/imo/media/doc/INTFY23RPT.PDF>) is \$3 million for a needs assessment of nationwide rural and urban low-income community water assistance authorized in last year's Bipartisan Infrastructure Law (BIL). The needs assessment would evaluate water assistance programs and water affordability, including data on rate structure, service disconnections due to customer nonpayment for services, service restorations following disconnection for nonpayment, customer arrearages, unpaid bills sent to the local taxing authority for collection, and any information regarding water assistance programs or payment plans offered. EPA must complete the needs assessment before standing up a new Rural and Low-Income Water Assistance Pilot Program authorized in the BIL with AMWA's strong support (<https://www.amwa.net/article/water-infrastructure-bill-marches-forward-unanimous-support-senate-committee>).

Among other water infrastructure programs, the spending bill released by the Senate would provide less funding than the House Interior-EPA spending bill, including:

- \$1.689 billion for the Clean Water State Revolving Fund, which is modestly less than the \$1.752 provided in the House bill;
- \$26 million for Reducing Lead in Drinking Water grants, or about half as much as the House bill includes; and
- \$31.5 million for lead testing in schools and childcare centers, around \$3 million less than the House bill would provide.

Of the \$2.865 billion provided to the DW and CW SRF programs, the Senate measure would set aside more than \$565 million for project earmarks. By comparison, the House-approved EPA spending bill included nearly \$1 billion worth of drinking water and wastewater earmarks.

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Like the House-passed bill, the Senate funding bill does not fund the president's request

(<https://www.amwa.net/article/president-biden-seeks-fy23-epa-budget-boost>) of \$25 million for a new grant program “to meet cybersecurity infrastructure needs within the water sector.” Also absent from the Senate bill is funding for EPA’s Midsize and Large Drinking Water System Infrastructure Resilience Program, which AMWA has long supported (<https://www.amwa.net/article/enactment-new-climate-resilience-program-achieves-longstanding-amwa-priority>). In fact, while the House proposed a total of \$65 million to fund the resilience program and nine other new programs authorized in the BIL, the Senate only would provide a total of \$13 million for two of the new programs.

Outside of water infrastructure, the Senate bill would provide more modest increases in funding for promoting environmental justice and addressing PFAS. The Senate bill would award \$180 million to environmental justice programs, which is less than the \$301 million in the House bill. Similarly, the Senate bill provides no funding for scientific and regulatory work on PFAS compared to the \$126 million included in the House bill.

The House and Senate will now begin negotiations to finalize FY23 programmatic funding levels for EPA and determine which projects will benefit from earmarks. While the 2023 fiscal year begins on October 1, lawmakers are unlikely to finalize an omnibus spending bill before the end of the calendar year.

EPA updates Bipartisan Infrastructure Law implementation Q&A for SRF funding

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EPA Office of Water recently updated its Q&A document guiding the allowable use of State Revolving Fund (SRF) funding provided through the Bipartisan Infrastructure Law. The latest updates include additional info on topics related to the Clean Water and Drinking Water SRFs. Among the topics covered are technical assistance, lead service line replacement, eligibility, and additional subsidization. Interested parties can access the updated document online (<https://www.epa.gov/dwsrf/frequent-questions-about-bil-state-revolving-funds>), and EPA plans to update it as needed throughout the implementation process.

Senate approves WRDA package, sets up negotiations with House

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The Senate last week approved

(<https://www.epw.senate.gov/public/index.cfm/2022/7/carper-capito-lead-senate-passage-of-water-resources-development-act>) its 2022 version of the Water Resources Development Act, biennial legislation that authorizes a variety of U.S. Army Corps of Engineers flood control, navigation, and ecosystem restoration projects and studies. The Senate's (https://www.epw.senate.gov/public/_cache/files/c/d/cd08e488-f547-44fa-aa3a-c0007577fb0a/6D41C1612AC52EC1CA392E36446F0F2E.edw22465.pdf) amended version (https://www.epw.senate.gov/public/_cache/files/c/d/cd08e488-f547-44fa-aa3a-c0007577fb0a/6D41C1612AC52EC1CA392E36446F0F2E.edw22465.pdf) of H.R. 7776 passed by a tally of 93 – 1, and it will now be used to negotiate a final water resources package with the House of Representatives.

The Senate-approved WRDA bill would authorize 36 new Army Corps feasibility studies.

Earlier this summer, the House of Representatives approved

(<https://www.amwa.net/article/house-approves-water-resources-package-authorizing-army-corps-projects>) its own WRDA proposal that carried authorizations for 72 feasibility studies, among other provisions.

Neither the House nor Senate WRDA proposals touch on drinking water or wastewater policy at EPA this year, a departure from recent practice but an expected development given the numerous water and wastewater provisions included in last year's Bipartisan Infrastructure Law. The two chambers will begin negotiations to reach a final WRDA agreement, with passage expected before the end of the year.

EPA webinar to highlight academic-water utility workforce pipelines

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Building a pipeline of professionals eager to join the water workforce is critical for creating the water workforce of the future, and academic institutions are critical to achieving this goal. In partnership with AMWA and other water groups, EPA will host the latest installment of its Creating the Water Workforce of the Future (<https://www.epa.gov/sustainable-water-infrastructure/water-sector-workforce-webinars>) series on August 24 from 1:00 to 2:30 p.m. ET.

The webinar, The Role of Academic Institutions, will feature two institutions implementing essential programs. East Central University will discuss a new K-12 STEM-based program called Educational Program on August 1, 2022. Page 15 of 17

Water/Wastewater (EdPASS H2O) to educate and prepare students for apprenticeships and jobs in utilities. Grand Rapids Community College will describe a community-based program to educate and prepare students from disadvantaged communities for utility jobs in western Michigan.

Speakers include:

- Jessica Brumley, Assistant Professor, East Central University;
- Robin Roberson, Associate Professor and Assessment Coordinator, East Central University; and
- Julie Parks, Executive Director of Workforce Training, Grand Rapids Community College.

James Horne from EPA will moderate the discussion.

Registration (https://www.zoomgov.com/webinar/register/WN_psVYmbHyTWClwdsbRZRw-A) is free but required.

Dave Tippin, former AMWA president, dies at 82

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David Tippin, the director of the Tampa Water Department for 29 years, died on July 13 (<https://www.tampabay.com/news/2022/07/25/tampas-water-wizard-dave-tippin-dies-at-82/>) at 82. He was President of AMWA from 1995-1996 and was affectionately known to AMWA staff as “Uncle Dave.” After his retirement, the city renamed one of its two surface water treatment plants the David L. Tippin Water Treatment Facility in his honor.

Leadership opportunities featured on the AMWA job board

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