



February 18, 2020

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Paul Tonko
Chairman
Subcommittee on Environment and Climate Change
U.S. House of Representatives
Washington, D.C. 20515

RE: Association of Metropolitan Water Agencies feedback on the CLEAN Future Act

Dear Chairman Pallone and Chairman Tonko:

The Association of Metropolitan Water Agencies (AMWA) would like to commend you for the Energy and Commerce Committee’s recent release of the draft Climate Leadership and Environmental Action for our Nation’s (CLEAN) Future Act. We submit this letter in response to the committee’s request for feedback on the initial draft, and offer suggestions as to how the proposal can be strengthened to best address the needs of drinking water systems across the country.

As an organization of the nation’s largest publicly owned drinking water systems, AMWA and its members are keenly aware of the effect that a changing climate will have on the ability of water systems to provide clean and abundant drinking water to customers from coast to coast. From drought to rising sea levels to more frequent severe storms, water systems nationwide are taking steps today to prepare for the impacts of climate change and extreme weather. As Congress begins to develop legislation to address the climate challenge, the needs of water systems must not be forgotten.

Fortunately, the House and Senate have already shown an interest in helping water systems build resilience to climate and extreme-weather related challenges, and we hope the CLEAN Future Act will carry this progress forward. America’s Water Infrastructure Act (AWIA) of 2018 (P.L. 115-270) took an important step by establishing the Drinking Water System Infrastructure Resilience and Sustainability Program under section 1459A(l) of the Safe Drinking Water Act. This program will provide funding to help small and disadvantaged community water systems plan and develop infrastructure projects that will protect against natural hazards such as floods, hurricanes, wildfires, and hydrologic changes. Eligible projects include those that will increase water efficiency, modify or relocate threatened water infrastructure, enhance water supplies through defined approaches like watershed management or desalination, increase energy efficiency, or implement other measures to increase the system’s resilience. Congress authorized spending \$8 million on the program over two years, and subsequently appropriated \$3 million for the 2020 fiscal year.

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The Drinking Water System Infrastructure Resilience and Sustainability Program has also garnered bipartisan support. Despite seeking severe cuts to EPA funding in his FY21 budget proposal, and recommending the elimination of dozens of programs, President Trump is nevertheless requesting \$2 million for this initiative.

Given that the Drinking Water System Infrastructure Resilience and Sustainability Program is seemingly the first time that Congress has created a dedicated water system assistance program to help communities respond to natural hazards that may be related to climate change, and that the program was only initially authorized through the 2021 fiscal year, AMWA believes that language to reauthorize and expand the program would be a logical addition to any comprehensive climate legislation that is developed by the Energy and Commerce Committee. For this reason, we were disappointed to find no mention of the program in the CLEAN Future Act, even as the legislation proposed to extend or create several other drinking water programs that, while important, have little or no direct relation to climate change or extreme weather response.

For example, the draft CLEAN Future Act would reauthorize:

- The Drinking Water State Revolving Fund (DWSRF);
- Public water system supervision grants;
- A program facilitating voluntary testing of school drinking water for lead; and
- A program to help schools replace outdated drinking water fountains.

Additionally, the draft bill as released by the committee would establish a new grant program solely focused on providing grants to help community water systems remove per- and polyfluoroalkyl substances (PFAS) from their drinking water supplies. While AMWA supports many of these programs, we question why the CLEAN Future Act would prioritize them over reauthorizing an existing program that is specifically intended to help community water systems prepare for the likely impacts of climate change and extreme weather.

We understand that Section 624 of the draft CLEAN Future Act proposes to reauthorize the Drinking Water Infrastructure Risk and Resilience Program, which was also created by Congress as part of AWIA in 2018. We support the funding and extension of this program, but it is important for the committee to understand that it is intended to serve a much different purpose than the Drinking Water System Infrastructure Resilience and Sustainability Program. For example, grants awarded through the Risk and Resilience Program may only be used to fund certain defined projects, and which addresses a need identified in a community water system's mandated emergency response plan. Many of the eligible types of projects listed in the statute are focused on physical security and protecting against malevolent acts, so a significant portion of any funding awarded through that program could be reasonably expected to serve that purpose – rather than help water systems build resilience to natural hazards that may be tied to climate change or extreme weather.

Conversely, funding provided through the Resilience and Sustainability program will be used exclusively

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for the purpose of increasing water system resilience to natural hazards. Eligible projects include relocation of threatened drinking water infrastructure, construction of desalination facilities, water conservation or efficiency efforts, and water supply enhancements. Applicants will have to demonstrate to EPA how the project would improve the system's performance when faced with a natural hazard. AMWA believes the program is a perfect fit for any comprehensive climate legislation.

AMWA also believes there is room for improvement to the Resilience and Sustainability program. Currently, eligibility is limited only to community water systems serving small or disadvantaged communities, with a small community defined as serving fewer than 10,000 people. While these small and challenged systems are certainly worthy of targeted assistance, they serve only roughly 20 percent of Americans who get their water from community water systems. The vast majority of Americans – and virtually all of those in metropolitan areas – receive drinking water from larger community water systems that also face significant infrastructure needs related to extreme weather and climate change. AMWA therefore urges the committee, should it choose to add a reauthorization of the Resilience and Sustainability program to the CLEAN Future Act or any other legislative vehicle, to also expand the program's eligibility to encompass drinking water systems that serve communities of all sizes.

Again, AMWA appreciates the opportunity to provide feedback on the CLEAN Future Act. Our nation's drinking water infrastructure is critical to public health and economic vitality, and communities across the country are already undertaking plans to ensure the sustainability of their water systems in the face of changing climatic conditions. We trust the committee will share this objective as it continues to develop its legislative response to this important issue.

Thank you again, and we hope to continue to work with you going forward.

Sincerely,



Diane VanDe Hei
Chief Executive Officer

cc: Energy and Commerce Committee members