

2011 Congressional Update



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NACWA
A Clear Commitment to America's Waters



Chattanooga Times Free Press *Bennett*

New Political Dynamic

- Republicans take control of House
- Democrats maintain slim control of Senate
- Divided Congress -- Differing environmental, regulatory, and economic perspectives



New Political Dynamic (contd.)

- New Congress presents both opportunities and challenges
 - Increased oversight and hearings on key issues
 - Over 80 new Freshman
 - Strict focus on deficit reduction
 - No more earmarks?
- Economic climate continues to have impact
- House to increase EPA oversight but doesn't want to be viewed as rolling back enviro. protections

Administration/EPA Response

- Increased focus on spending cuts
- Increased focus on regulatory review
 - Executive Order 13563
 - EPA Review
- **BUT** EPA continues forward with increased regulatory & enforcement agenda



Stormwater Fee Legislation

- Congress passed S. 3481 late December 2010, clarifies federal responsibility for payment of local fees

WHOOO – HOOOOO!!



Stormwater Fee Legislation (contd.)

- Bill amends Sec. 313 of CWA to clarify federal govt. facilities must pay stormwater fees
- Key legislative priority for NACWA – big victory for municipal stormwater agencies
- DOJ guidance released in March clarifies that individual stormwater approps. not required
- Fees based on fair approximation of use – issue on payment of past-due fees

Other Stormwater Issues

- EPA Nov. 2010 Memo on permitting/TMDL issues
- NACWA, others push back hard – challenge both process and substance
- EPA announces public review period, will consider memo revisions or withdrawal
- Stormwater rule – growing Congressional interest



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Funding

- EPA Budget – FY 2011
 - Agreement funds EPA at \$8.7 billion -- \$1.6 billion below 2010 level
 - CWSRF funded at \$1.5 billion -- \$550 million below 2010 amount & 2011 request
- EPA Budget – FY 2012
 - 13% cut to EPA from 2010, including \$550 million cut to CWSRF (\$2.1B to \$1.5B)
 - Other program cuts as well
 - Enforcement, Ches. Bay program funding to increase



Funding (contd.)

- BUILD Act (S. 652)
 - Bipartisan (Kerry, Warner, Hutchison, Graham)
 - Would establish infrastructure financing authority to provide loans/guarantees for nationally/regionally important infrastructure projects
 - Supported by labor and business interests
- Building American Jobs Act (H.R. 992)
 - Encourage private investment by exempting water projects from cap on PABs, extend Build America Bonds program through 2012
- SRF Reauthorization
 - No current legislation but priority of Senate Environment and Public Works Committee – no clear timetable yet
- Trust Fund
 - Still advocacy focus, but given economic/political climate, need to also look at other options such as infrastructure bank, increased opportunities for public/private partnerships

Affordability Issues

- Clean Water Affordability Act (HR 1189) introduced by Rep. Latta (R-OH)
 - Update affordability guidance
 - Extend SRF repayment from 20 to 30 years
 - Requires 15% of SRF funds to go to municipalities with fewer than 10,000 individuals that meet affordability criteria
- Riders possible on EPA FY 2012 funding bill



NACWA's *Money Matters* Campaign

- At a time of economic challenge, every regulatory need can't be a priority
- Local govts. need flexibility to prioritize clean water investments and make smarter investments
- We need
 - Watershed-based approach
 - Commitment to innovative technologies
 - Ability for local govts. to use limited dollars for maximum benefit
- Successful Fly-In March 1 & 2
- Legislative effort based on these concepts, draft ready in early May



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The NACWA logo consists of the letters 'NACWA' in a large, blue, sans-serif font. Below it, the tagline 'A Clear Commitment to America's Waters' is written in a smaller, blue, sans-serif font. The logo is positioned in the bottom right corner of the slide, above a decorative blue wave graphic.

Farm Bill

- Reauthorization next year, discussions beginning in jurisdictional committees
- NACWA organized coalition of municipal water, conservation and other state and local organizations to advance policies that seek to reduce nutrient runoff from agricultural operations
- Letter signed by over 150 organizations delivered to Capitol Hill urging that water quality be a priority in the upcoming farm bill
- Additional efforts forthcoming



Energy/Climate Change

- House seeks to limit EPA ability to regulate greenhouse gas
- Comprehensive climate change legislation very unlikely
- Energy bill possible – NACWA working to position energy produced from biogas recovery and biosolids as renewable energy fuels under a national Clean Energy Standard
- Also looking at potential opportunities under tax code

CONFRONTING CLIMATE CHANGE: An Early Analysis of Water and Wastewater Adaptation Costs



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Green Infrastructure

- GI Bill to be reintroduced
- Establishes formal GI program at EPA
- Establishes grant program to assist communities interested in GI
- Encourages more GI research, regional GI centers, and better use of GI regulatory & enforcement actions



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STYLING: PAUL
O'NEILL

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THE MIDTERMS
ARE OVER. WHY
AREN'T YOU
LEAVING ?...

GEARING
UP FOR
2012...

THROW
THE BUMS
OUT

VOTER

Questions/Contact Information

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