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The Authoritative Resource on Safe Water SM

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Senate to Take Up Water Resources Development Act

Next week the Senate is expected to begin consideration of the conference report on the Water Resources Development Act of 2007 (WRDA). A conference report represents the compromise between House and Senate versions of a bill and must be voted up or down without amendments.

This bill authorizes \$21 billion for water resources development projects administered by the U.S. Army Corps of Engineers. Senate passage of the bill was stalled prior to the August recess over objections related to the cost of the bill and provisions that reform the way the Corps of Engineers operates. Those objections appear to have been worked out. The bill would authorize roughly 940 projects pertaining to flood control, navigation, water supply, environmental restoration, and infrastructure across the nation, including a number of projects related to hurricane damage along the Gulf of Mexico.

President Bush has threatened to veto the bill over the price tag and approximately \$5 billion worth of drinking water and wastewater projects ("earmarks") that he considers unrelated to the Corps' central mission. The House passed the bill on August 1 with enough votes to override such a veto, and the Senate is expected to do the same, but it's too early to predict that with confidence.

Action on Water Infrastructure Finance

The Senate Committee on Environment and Public Works held a hearing this week on wastewater infrastructure finance, and a member of the House Ways and Means Committee has asked AWWA to participate in a "conversation" on water infrastructure.

The Senate Committee heard from witnesses representing the EPA, the U.S. Conference of Mayors, state infrastructure finance authorities, environmental organizations, the National Rural Water Association (concerning small waste water systems), and the National Association of Clean Water Agencies (NACWA), on the subject of financing waste water infrastructure. NACWA urged the creation of a national trust fund for clean water grants, while the other groups discussed the need to substantially increase the size of the Clean Water State Revolving Fund. Committee Chair Sen. Barbara Boxer, D-Calif., has indicated her desire to report an SRF modernization and expansion bill by the end of the year. AWWA staff has met with committee staff concerning the Drinking Water SRF. It is not clear at this time whether the committee will work separately on water and waste water SRFs, or seek to deal with both in a single comprehensive bill.

In the meantime, U.S. Rep, Earl Blumenauer, D-Ore., has invited AWWA (and other groups) to engage in an upcoming "Conversation on Federal Investment in Water Infrastructure" he is sponsoring on the

morning of September 25 in the Library of Congress. Blumenauer was a member of the House Transportation and Infrastructure Committee for 10 years, but left that panel in this session of Congress to join the Ways and Means Committee. The latter committee is responsible for tax and trade policy.

Blumenauer's interest in water infrastructure goes back to his service as water commissioner for the City of Portland, Ore. He is interested in discussing a national water trust fund and other ideas for financing investments in water and wastewater infrastructure. On the trust fund, Blumenauer is specifically seeking ideas on how it might be financed.

Markup of Perchlorate Bill Likely Soon

Staff for the House Energy and Commerce Committee have told AWWA that they hope soon to conduct a markup session for H.R. 1747, which would require the U.S. Environmental Protection Agency to issue a regulation for perchlorate. Action is likely before the end of October, although a specific date has not been set.

The bill, titled The Safe Drinking Water for Healthy Communities Act of 2007, would require that the agency issue a draft regulation within one year of the bill's enactment, and then a final rule no later than 18 months after that. The bill does not specify a maximum contaminant level for perchlorate. Similar legislation (S. 150) is pending in the Senate Committee on Environment and Public Works, and could also be marked up soon. The American Academy of Pediatrics and various environmental groups have reportedly endorsed the house bill. AWWA has not submitted a written position on the bill at this time.

In the meantime, the "grapevine" has it that an EPA decision on whether or not to regulate perchlorate is likely in the near future. Earlier this year EPA invited comment on whether or not the agency should determine to regulate perchlorate. AWWA recommended that EPA make an affirmative decision on this question, based on a number of factors. However, in meetings with House staff this week, AWWA drew a distinction between a regulatory decision by EPA and an act of Congress, suggesting that the decision whether or not to regulate a given contaminant should be made in the regulatory arena, not in Congress.

TCR Advisory Committee Focuses on SDWA Basics, Available Data

In the second of 10 planned meetings of the Total Coliform Rule / Distribution System Federal Advisory Committee this week, participants focused on having a common and correct understanding of the Safe Drinking Water Act's framework and on the information available to inform their deliberations. Meeting in Washington on September 18-19, the participants' discussed aspects of current TCR implementation that may deserve greater scrutiny. The Committee also directed the Technical Workgroup (TWG) to prepare additional background materials and analysis for the upcoming meetings, with the next FACA meeting scheduled for Washington in mid October.

The advisory committee has 16 members, representing a broad range of organizations, including utilities, federal and state regulatory bodies, public health departments, local elected officials, and environmental organizations. Carrie Lewis represents AWWA on the Committee.

As always, please get in touch with your AWWA Washington Office if you have questions or comments.