

NACWA's Strategic Watershed Planning Event December 12, 2006 Kansas City

With 2007 just around the corner, NACWA staff and leadership are preparing to consider a more targeted course of action for the Association – one that is both ‘green’ and focused on the value of strategic partnerships. Building on the discussions of the Board and committee leadership this past September, the Association will hold a facilitated gathering of clean water community leaders, *NACWA's Strategic Watershed Agenda . . . an Action Planning Session*, on December 12 in Kansas City.

The coming year brings with it the 35th anniversary of the Clean Water Act, and a new Congress with new leadership. With its traditional advocacy agenda as the foundation, NACWA's leaders have acknowledged the need to explore new initiatives on key emerging issues that advance the goals of the clean water community. The strategy session in Kansas City will provide the opportunity to do just that. The goal of the Action Planning Session is to produce a “road map” for future water quality improvement and think strategically about the emerging issue areas identified in this document.

NACWA recognizes that not everyone is able to attend the meeting and requests that members read over this document and provide comments they may have on any of the issue areas. The following questions can be used to guide the thinking on each of these areas.

- 1) What are the roles and responsibilities of utilities in these issue areas?
- 2) How would utilities benefit from increased activity in these areas?
- 3) Are there new stakeholders that NACWA should partner with to advance its members' interests?
- 4) What more can NACWA do to advance the interests of its members?

While members are encouraged to explore and discuss their own questions pertaining to each issue, specific examples of relevant questions are included at the end of each section to stimulate thoughts for comment.

I. Clean Water/Drinking Water/Water Reuse

NACWA has increasingly heard stakeholders using the expression “water is water,” meaning that the divide between the traditional regulatory categories of wastewater and drinking water is shrinking. With this, traditional jurisdictional boundaries are being challenged and “silo” thinking is becoming a thing of the past. NACWA wants to identify the opportunities for tackling some of the challenges presented by the overlap of these two issues that can no longer be viewed separately. Source water protection is one such area where there is significant overlap between the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). As EPA contemplates water quality standards for bacteria, and as unregulated emerging contaminants raise concerns in many regions of the country, the role of clean water agencies in source water protection efforts becomes more prominent. Also, even though water reclamation and reuse have enormous benefits, especially in the arid west and areas experiencing water shortages, public acceptance of this practice continues to be a challenge.

- The case of *City of Cincinnati v. Sanitation District No. 1 (Ky.)* shows that disputes between drinking water and wastewater facilities over who has responsibility for removing emerging pollutants, such as endocrine disruptors, may be coming to a court near you. Do you foresee these types of disputes increasing and how can NACWA's members proactively deal with these issues?

- EPA is currently strengthening its regulations to protect groundwater and source water. Although these are traditionally SDWA areas, how will NACWA member agencies potentially be affected by these rules and what is NACWA's role as an advocacy organization on these cross-cutting issues?

II. Nonpoint Sources of Pollution

NACWA has long argued that water quality goals will not be met in the absence of a concerted and viable strategy for addressing nonpoint sources of pollution. According to EPA figures, nearly half of U.S. waterways do not meet water quality standards. Indeed, nonpoint sources of pollution remain the greatest obstacle toward achieving the fishable, swimmable goals laid out in the Clean Water Act. Agricultural runoff is the single largest uncontrolled source of contamination to U.S. rivers and streams. One option is to tackle the stormwater/nonpoint source problem through a broad-based approach that incorporates a variety of control strategies.

NACWA's aggressive involvement in the upcoming Farm Bill negotiations will further spotlight the breadth and gravity of this problem while simultaneously informing lawmakers and the public on the need to significantly boost funding for agricultural incentives that will lead to real water quality improvements. In addition to a white paper, *2007 Farm Bill Reauthorization and Potential Benefits for NACWA Members*, the Association has drafted legislative language for review that will be shared with other stakeholder groups and with members of Congress and their staffs.

- NACWA has an opportunity in 2007 to affect the outcome of Farm Bill negotiations. How can public agency member partnerships at the local level be leveraged to gain traction for the national effort? Also, should NACWA be more active in the regulatory sphere regarding agricultural policy, such as with concentrated animal feeding operations (CAFOs)?
- The nonpoint source issue goes beyond the Farm Bill. What sort of legislative or regulatory fix should NACWA pursue to address the broader issue of nonpoint sources?

III. Urban/Suburban Stormwater

Addressing stormwater also means refocusing efforts to control urban runoff. This involves challenging traditional "silo" thinking because stormwater management responsibilities may fall under an independent municipal jurisdiction. This may require some new partnerships to deal with these challenges. Some NACWA member agencies are already implementing innovative programs to acquire green spaces in urban areas that are not only aesthetically pleasing, but serve to slow and absorb stormwater flows that otherwise might carry pollutants directly into nearby waterways.

Clearly, the roles and responsibilities of utilities in reducing the impacts from stormwater on U.S. waterways must be further explored, and facilitated discussion will help shed light on these activities.

- Given the fact that stormwater jurisdiction is often separate from wastewater treatment services, how can these two critical functions be coordinated to achieving water quality objectives?
- What additional means of stormwater control may be available to address this challenge?

IV. Wetlands

NACWA views the use of wetlands and national policies promoting their protection as a growing area of importance. An informal survey by NACWA staff found that member agencies are increasingly looking to wetlands as an effective, economical treatment option to reduce nutrient levels in POTW

effluent. Their use has been gaining traction as a viable solution that not only captures polluted runoff for treatment through nature's own filters, but also provides critical wildlife habitat. The efforts of several NACWA members in this arena were touted in an article in the Oct. 27 issue of *USA Today*. The use of treatment wetlands also gives NACWA member agencies the opportunity to highlight their roles as environmental stewards implementing cutting-edge technologies and strategies for achieving real water quality improvements.

These strategies provide opportunities for NACWA to create partnerships with leaders in the conservation community – partnerships that can strengthen our position to advocate for a renewed federal commitment to funding for clean water infrastructure and innovative and cost-saving measures.

- What benefits can NACWA members derive from an increased focus on wetlands?
- NACWA has had preliminary discussions about possible legislation to provide incentives for pilot projects involving constructed wetlands. Should this be a priority area for NACWA's advocacy?
- How can NACWA address differences of opinion among members on this topic?

V. Green Infrastructure

NACWA's name reflects its commitment to clean water and the role of its member agencies as environmental stewards. This opens the door not only to new partnerships, but to a new way of thinking that stretches traditional boundaries and approaches to meeting existing regulatory requirements. A greater focus on watersheds rather than on individual waters and innovative strategies to address conventional challenges through unconventional means are components of NACWA's commitment to clean water. What do we mean by green infrastructure? The obvious examples include roof gardens in urban areas. These not only provide a diversion for stormwater, but also can curb the urban heat island effect by reducing the amount of heat absorbing materials exposed to the sun, serve as "sinks" that absorb carbon dioxide, and enhance the aesthetics of urban areas. Other forms of green infrastructure include rain barrels and more porous pavement to reduce the amount of impervious surfaces that contribute so much to the stormwater problem.

While NACWA members generally appreciate the benefits of green infrastructure, they must carefully consider how much of their scarce resources to devote to these types of projects. Green infrastructure involves an investment of time and money, and the exploration of new partnerships. Utilities, however, also need to know that they will reap a real benefit with reasonable assurances that they will get credit for innovative measures they implement.

- Do you perceive green infrastructure as a viable option for dealing with capacity and sewer overflow challenges relating to wet weather?
- To the extent municipalities proceed with green infrastructure projects, what type of credit, such as regulatory relief, would be appropriate for these efforts?

VI. Septics (Decentralized Systems)

Septic tanks, also known as decentralized systems, pose an emerging challenge to meeting water quality goals. As communities expand further from the central cities, they also move away from existing networks of the water and sewer infrastructure. What is the best way to proceed on this issue? Anti-sprawl activists argue against extending water and sewer lines farther out, saying that to do so further encourages sprawl. Yet, refusing to extend this vital infrastructure merely means more septic systems, which are largely unregulated. EPA has taken small steps to look at the problem but has come out with

no plan of action. In 2005, Ben Grumbles, the EPA assistant administrator for water, said failing septic systems are the second leading cause of groundwater contamination and are responsible for 32 percent of the shellfish bed closures. The agency also estimates that nationwide up to 20 percent of decentralized systems do not properly treat wastewater because of inadequate site location, poor design, or lack of maintenance. While septic systems were once the province of rural areas, their use is more widespread and affects about 20 percent of the housing stock and serves about 70 million people. News that the U.S. population has reached the 300 million mark and is expected to increase by another 100 million by 2040 further heightens the challenge posed by decentralized systems.

Other demographic trends that may intensify this concern include the retirement of baby boomers. Many of these retirees plan to move to coastal vacation areas that tend to have high concentrations of septic systems.

- With nearly 25 percent of the nation's population using decentralized systems, and another 100 million people to be added to the nation's population in the next 35 years, how does this affect water quality and your agencies' efforts to meet permit requirements?
- Should NACWA be discussing the benefits of getting these areas connected to public sewer systems?
- Should NACWA pursue stronger management requirements or other regulatory/legislative fixes to address septic systems?

VII. Collection Systems

As NACWA renews its push for a consistent national rule to address sanitary sewer overflows (SSOs), the role of collection systems cannot be overstated. Aging and poorly managed collection systems result in greater amounts of wastewater being delivered to treatment plants. These aging systems also contribute to more SSO occurrences. NACWA wants to bring collection systems to the table in this important dialogue and develop a thoughtful way to factor them into the Association's advocacy efforts. The challenge in doing so, however, as with the case of drinking water utilities and stormwater control agencies, is one of separate jurisdictions and the lack of a holistic approach to dealing with these challenges.

- NACWA is pursuing an SSO rule that would require the permitting of collection systems. Are there other options NACWA should consider to address problems with poorly managed and aging collection systems?
- Where jurisdictions are separate, how can the relationship between these entities be structured to meet water quality objectives?

VIII. Conclusion

NACWA views the meeting in Kansas City and any comments received on this document as critical steps in charting the Association's path forward and defining its role and that of its member agencies as key players in shaping clean water policy in the 21st century. Please submit comments on these matters by Dec. 15 to Ken Kirk,