



**American Water Works
Association**

Government Affairs Office
1300 Eye St. NW
Suite 701W
Washington, DC 20005-2149
T 202.628.8303
F 202.628.2846

Headquarters Office
6666 West Quincy Avenue
Denver, CO 80235-3098
T 303.794.7711
F 303.347.0804
www.awwa.org

The Authoritative Resource on Safe Water SM

Washington D.C. Report

January 18, 2012

Mayors Meet with EPA, Discuss Clean Water Act

This morning AWWA's Washington staff was invited to attend a meeting between the US Conference of Mayors and senior EPA water officials, to discuss "integrated planning and permitting" under the Clean Water Act. A [letter](#) from the mayors' group to senior EPA water and enforcement officials formed a backdrop for the meeting. The Water Utility Council Executive Committee met by conference call earlier this week to discuss that letter and provide AWWA reaction and direction.

At the meeting, – which was attended by approximately 20 mayors of medium and larger cities – EPA's water enforcement chief, Mark Pollins, described the agency's response to the mayors' letter as a commitment to "make it work." Pollins described the EPA's overarching principles as 1) maintaining existing standards and protections while 2) allowing cities to balance all their Clean Water Act obligations in the most cost effective way possible. Pollins also articulated EPA's guiding principles as including:

1. A recognition that state plans and regulations must be respected.
2. Reliance on existing authorities and flexibilities. The agency is not interested in reopening the Clean Water Act.
3. Comprehensive analysis of alternatives and sequencing for all Clean Water Act obligations facing a local jurisdiction.
4. Openness to "green and innovative" solutions to Clean Water Act requirements.
5. Consideration of environmental justice concerns.
6. Recognition that long-term capital investments will be required for either concrete or green infrastructure solutions. And
7. A commitment to local stakeholder input.

In discussion, mayors voiced a number of common frustrations and concerns facing them all, including aging or inadequate infrastructure, the cost of needed investments, and the affordability of water and wastewater services.

Drinking water issues were not an explicit part of the mayors' discussion, though several mayors were clearly facing a combination of SDWA and CWA challenges. In separate meetings AWWA staff has held with EPA related to this topic, EPA has indicated that it first needs to "figure out" how to make integrated planning and permitting work within the context of the Clean Water Act before it explores ways of extending it to include drinking water.

Additional information on EPA's draft response to this issue and an announcement of several upcoming EPA workshops on the subject can be found at <http://cfpub.epa.gov/npdes/integratedplans.cfm>

AWWA Leads Meeting on Drinking Water

AWWA, AMWA, NAWC, and NRWA kicked off the New Year with a face-to-face meeting with Office of Ground Water and Drinking Water (OGWDW) senior staff. The meeting provided a good opportunity to make EPA aware of the drinking water community's interests and concerns and vice versa. It was clear that as the federal budget shrinks, the EPA drinking water regulatory and implementation programs will face significant constraints. Despite current fiscal conditions the agency will remain active in 2012, with activities including:

- Finalizing the third Unregulated Contaminant Monitoring Rule (UCMR) cycle,
- Finalizing revisions to the Total Coliform Rule this summer,
- Publishing its proposed third round of regulatory determinations this summer,
- Continuing the stakeholder discussion this spring on the Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) initiated in December 2011,
- Planning to propose revisions to the Lead and Copper Rule (LCR) in late 2012, and
- Preparing a perchlorate standard in early 2013.

Consumer Confidence Reports

Improving delivery of consumer confidence reports (CCRs) has been identified as one element of the final plan for a retrospective regulatory review by the Environmental Protection Agency (EPA). Optimizing CCR delivery, including potential e-mail delivery, is a topic in both the legislative and regulatory realms. On January 5, EPA kicked off its public outreach effort on CCR delivery with a conference call with the drinking water associations. The agency is currently scheduling a stakeholder webcast with a tentative date of February 23rd. It appears that the agency's Office of General Council (OGC) does not believe that the Safe Drinking Water Act specifically requires delivery of the CCR by U.S. Postal Service, but there is an on-going debate within EPA regarding exactly what constitutes "delivery" and whether various forms of electronic communication qualify. For example, one line of argument suggests that e-mail delivery of a PDF would satisfy the law, but a simple e-mail announcing the availability of a PDF on the utility web site would not. It is possible that EPA could prepare guidance that facilitates electronic delivery of CCRs by January 2013. AWWA has convened a group to consider recommendations to EPA on CCR issues. Questions on this topic may be directed to Adam Carpenter in the Washington Office. Meanwhile, staff from AWWA and other water associations are continuing discussions with congressional staff on legislation that would allow consumers to get their CCRs electronically, H.R. 1340 and S. 1578. Some congressional staff question whether EPA has the authority to allow electronic CCRs.

Outlook Dims for LightSquared's Broadband Proposal

The LightSquared saga continues into 2012. LightSquared is expected to release its business plan in the wake of repeated tests illustrating that its proposed satellite-based broadband service will interfere with global positioning system (GPS) devices. Testing indicates that there is not a practical technological solution, and with such interference occurring, it seems doubtful that the Federal Communication Commission (FCC) will grant the license approval necessary for LightSquared to operate. Licensing of the LightSquared service has been a rollercoaster ride involving media messaging, lobbying, and conflicting regulatory policy objectives. Serious concerns were raised by the Department of Defense, Federal Aviation Administration, and other federal agencies as well as the civilian GPS community. The upcoming business plan announcement is a particularly important milestone as Sprint, a key partner supplying key infrastructure for the proposed network, has indicated it will withdraw from the venture if LightSquared has not obtained FCC approval by January 30. GPS devices are key tools in many water utility operations, such as surveying, vehicle tracking and dispatch, asset management, and similar operations.

As always, please contact your AWWA Washington Office if you have questions or comments.