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The Authoritative Resource on Safe Water SM

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Release May be Imminent for Revised Total Coliform Rule

While there has not been a tidal wave of environmental regulations since the November elections, the previous dam in the regulatory process has begun to leak, and in coming months we expect a steady stream of previously held regulations across multiple US EPA programs. One of the first out may be the Revised Total Coliform Rule (RTCR). The Office of Management and Budget signed off on the RTCR late last month, and we could see that rule issued very shortly, perhaps even in the midst of the holidays. We'll provide more information as soon as the rule is released. Toward the end of January AWWA will also provide a webcast on RTCR requirements, free to AWWA members. Please keep your eyes on the association's website for details.

EPA Expected to Release CCR Memo Before End of Year

We also expect US EPA to release a "final interpretative memo" on the electronic delivery of consumer confidence reports by the end of 2012. Although it will not be an official guidance or rule change, this memo will clarify which electronic delivery methods meet the federal Consumer Confidence Report (CCR) rule requirements. In the [draft memo](#) published in September, the agency discussed several electronic delivery options that utilities might be able to use with approval from their primacy agencies:

- Paper notification with a direct web link to the full CCR (on a bill, bill insert, postcard, or newsletter, for example)
- E-mail notification with a direct link or an e-mail containing the CCR itself
- Any other method that "directly delivers" the CCR to all bill paying customers

Utilities interested in implementing electronic delivery in 2013 and beyond should contact their state primacy agencies to coordinate as soon as possible after the final interpretative memo is released. Again, keep your eyes on our website for announcements. AWWA will host a webcast on February 20 on electronic delivery of CCRs, and will publish results from several utility and customer surveys in the March edition of *Journal – AWWA*.

Agency Releases Climate Change Strategy

Today EPA announced release of the agency's "National Water Program 2012 Strategy: Response to Climate Change." This document provides an overview of how EPA water programs plan to address the impacts of climate change. It also describes the agency's long-term visions, goals and strategic actions for the management of sustainable water resources for the future. It builds on EPA's 2008 climate change and water strategy and focuses on five key areas: infrastructure, watersheds and

wetlands, coastal and ocean waters, water quality, and working with tribes. More information on the strategy is available at <http://www.epa.gov/water/climatechange>.

EPA Could Agree to Reopen Stormwater Consent Decree to Allow Green Infrastructure

EPA has announced that it will support research by DC Water to see whether green infrastructure would reduce stormwater overflows enough to justify reopening the District's 2004 consent decree. That consent decree requires the construction of three huge underground tunnels to store stormwater until it can be pumped to a wastewater facility for treatment. The cost of the existing consent decree is projected to exceed \$2.6 billion by 2024. EPA has been under significant political pressure, primarily from the United States Conference of Mayors, to reduce the cost of stormwater consent decrees.

Under a "Green Infrastructure Partnership Agreement" signed last week, DC Water will conduct research into the extent to which green infrastructure – such as extensive use of green roofs, pervious surfaces, grassy swales, etc. – would reduce the flow of untreated stormwater into the Potomac River. Under the agreement, EPA will reopen the 2004 consent decree only if it is convinced that green infrastructure will perform as well as the slated tunnels. Although not definitively committed to such reopening, the agreement nonetheless marks the first time EPA has indicated that it might reconsider an existing consent decree to allow green infrastructure solutions to stormwater runoff.

Just Politics

Although there is much talk of compromise in Washington these days – and we may actually see that as Congress grapples with the fiscal cliff – much can be predicted from looking at the makeup of the new Congress. In the House, only 15 of the 234 Republicans elected in November come from Congressional districts carried by President Obama in the general election, and only 9 of the 201 Democrats elected come from Districts carried by Mitt Romney. So, only 24 members out of 435 in the House of Representatives can be thought of as coming from "swing, cross-over, or moderate" districts. If as is often said, all politics is local, and members of Congress follow the political leanings of the districts they represent, we can expect continued legislative gridlock in the years ahead on most issues. To reach our own legislative goals in Congress, we will need to work hard with both parties to show how our goals are in the interest of all Americans.

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