



AMERICAN PUBLIC WORKS ASSOCIATION

Your Comprehensive
Public Works Resource

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August 5, 2020

The Honorable Peter DeFazio
Chairman
House Transportation and Infrastructure Committee
2134 Rayburn Office Building
Washington, DC 20515

The Honorable Sam Graves
Ranking Member
House Transportation and Infrastructure Committee
1135 Longworth Office Building
Washington, DC 20515

The Honorable John Barrasso
Chairman
Senate Environment and Public Works Committee
307 Dirksen Senate Office Building
Washington, DC 20515

The Honorable Tom Carper
Ranking Member
Senate Environment and Public Works Committee
513 Hart Senate Office Building
Washington, DC 20515

Dear Chairman DeFazio, Ranking Member Graves, Chairman Barrasso, and Ranking Member Carper:

On behalf of the American Public Works Association (APWA) and our more than 30,000 members, we are writing to thank you for your continued work and focus on our nation's infrastructure. The current economic climate in our nation is ripe for robust investments in our nation's water infrastructure. Your emphasis on working to craft legislation to make those investments is a testament to your commitment to the men and women who serve in public works. Specifically, we applaud your work on: Title II of Division F of H.R. 2, the Moving Forward Act of 2020; H.R. 7575, the Water Resources Development Act of 2020; S. 3590, the Drinking Water Infrastructure Act of 2020; and S. 3591, America's Water Infrastructure Act of 2020.

As you work towards a conference committee on these bills in order to complete a Water Resources Development Act bill this year, APWA urges you to retain specific provisions from each of these bills in order to best serve the public, public works professionals, and our nation as a whole. Below is a list of provisions from these bills that APWA members would like to see included in the final legislation produced by the conference committee.

H.R. 2, Moving Forward Act of 2020

- Sec. 22105, amending section 220 of the Clean Water Act to authorize a total of \$600 million for grants to carry out alternative water source projects;

PRESIDENT
William E. (Bill) Spearman III, PE.

CHIEF EXECUTIVE OFFICER
Scott D. Grayson



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- Sec. 22106, increasing the authorization of appropriations for the Sewer Overflow and Stormwater Reuse grants program under section 221 of the Clean Water Act to \$400 million annually through fiscal year 2025; and
- Sec. 22113, reauthorizing the Clean Water State Revolving Fund program and increasing funding to \$8 billion annually through fiscal year 2025.

S. 3590, the Drinking Water Infrastructure Act of 2020

- Sec. 7, creating a pilot program for system operators to locate lead service lines in their drinking water systems;
- Sec. 10, requiring the Administrator of the Environmental Protection Agency to study low-income households without affordable public drinking water services; and
- Sec. 14, creating a new grant program, modeled after the state revolving funds, providing loans to public water systems to take actions that will facilitate compliance with national primary drinking water regulations or significantly further health protections.

S. 3591, America's Water Infrastructure Act of 2020

- Sec. 2008, reauthorizing the competitive grant program enacted in AWIA 2018 to promote workforce development in the water utility sector, and modifying the program to make public works departments and agencies eligible for grants;
- Sec. 2014, reauthorizing the Water Infrastructure Finance and Innovation Act (WIFIA) program through the year 2024;
- Sec. 2016, creating a new grant program for publicly owned treatment works that need assistance coming into compliance with federal regulations and laws; and
- Sec. 3010, amending the WIFIA program to require project applicants to provide only one final Agency rating opinion letter.

All these elements, combined with the language in H.R. 7575 enabling the Army Corps of Engineers to undertake important projects throughout the country, will combine to make this package a tremendous step in finding solutions to our nation's water infrastructure problems.

However, APWA members are disappointed that language related to the National Pollution Discharge Elimination System (NPDES) program was not included in any of these bills. We urge you to add this important language to this package. Legislation was introduced last year (H.R. 1764) that would extend permit lifecycles from five years to 10

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years under the NPDES program. For these agencies that have a proven track record of compliance with NPDES, a 10-year term for a NPDES permit would be much more efficient than the current 5-year term, due to the inordinate amount of time, effort, and expense involved in reviewing permits every five years. These costs are all resources that are used on the permitting process rather than actual permit implementation. The processes involved in the permit, including watershed planning and development of Total Maximum Daily Load levels, have lengthy implementation schedules, often longer than five years. APWA and its members are happy to discuss this change to the NPDES program and how it can be incorporated in the final version of this legislation.

Additionally, on behalf of APWA and its 30,000 members we would like to include language related to voluntary partnerships in water utilities (S. 2596). This language would encourage water systems in significant noncompliance to voluntary partner with successful utilities, while limiting the liability for the "Good Samaritan" water utility. Many successful utilities have expressed the desire to help systems that are struggling but are hesitant to do so because of the potential transfer of liability. This voluntary decision to partner with a "Good Samaritan" would be made solely by the local community with the struggling water system, not the EPA, the state, or any other utility.

Each day public works professionals are diligently working to protect and maintain the critical infrastructure that is so essential to protecting our health and quality of life. Because of our shared commitment, APWA looks forward to continuing to work with you and your staff on this legislation to help public works professionals meet our water infrastructure challenges. If you have questions or comments regarding this letter or APWA's water priorities, please contact APWA Government Affairs Manager Sean Garcia at (202)218-6734 or sgarcia@apwa.net.

Sincerely,

William (Bill) Spearman, III, P.E.
President

Scott D. Grayson, CAE
Chief Executive Officer

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