



**American Water Works
Association**

Government Affairs Office
1401 New York Avenue NW
Suite 640
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 WaterSM

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Water Utilities Achieve Big Win in Chemical Security Negotiations

Water utilities won a major legislative victory this week when House and Senate negotiators agreed to exempt drinking water and wastewater utilities from chemical security legislation being folded into a homeland security appropriations bill.

AWWA members made many calls and e-mails to their own members of Congress, and focused particularly on those that were negotiating the appropriations bill, HR 5441.

The backdrop for this was the determined interest of several members of Congress to pass some form of legislation this year aimed at improving security at chemical facilities. Water utilities were swept up in those bills because of their use of chlorine and other chemicals. However, the stand-alone bills addressing chemical security stalled. That's when members of the Senate decided to fold chemical security legislation into the annual appropriations bill for the Department of Homeland Security for fiscal year 2007. The House passed its own version of that bill in June and the Senate passed its version in July.

Members of the House and Senate began preliminary negotiations last week to iron out a compromise bill. "Consensus" language was written by some negotiators that would have answered many concerns of water utilities. Those included possible requirements for the use of "inherently safer technologies (a back-door way to ban chlorine), the protection of sensitive information that saboteurs could use, and the potential for water utilities to be placed under the jurisdiction of two different federal agencies for security, and the potential there for redundant or conflicting regulations.

Early this morning, we learned of the language that the negotiators agreed to. The portion dealing with water utilities reads, "Provided further, that the Secretary shall not apply regulations issued pursuant to this section to ...Public Water Systems, as defined by section 1401 of the Safe Drinking Water Act, Pub. L. 93-523, as amended; Treatment Works as defined in section 212 of the Federal Water Pollution Control Act, Pub. L. 92-500, as amended;....

Sen. James Inhofe of Oklahoma, chair of the Senate Environment and Public Works Committee had argued strongly that all issues concerning water utilities and nuclear facilities fell under the jurisdiction of his committee.

AWWA worked on this effort in conjunction with the Association of Metropolitan Water Agencies, American Public Works Association, Association of California Water Agencies, Water Environment Federation, Western Coalition of Arid States, National Association of Clean Water Agencies, National

Association of Water Companies, National Association of Counties, National Water Resources Association, and other organizations.

As for the next steps for HR 5441, House and Senate negotiators will formally convene their conference committee on Monday. They are expected to wrap up their work fairly quickly and have the bill on the floor of the House and Senate around the middle of the week. While it is still possible for other amendments to pop up, it is unlikely that members of Congress will want to reargue the issues covered this week again.

Comments on Lead and Copper Rule Sent to EPA

AWWA submitted formal comments to the U.S. Environmental Protection Agency this week on the agency's proposed revisions to the Lead and Copper Rule. Among the recommendations made were that the agency retain its current health effects language in the existing rule instead of using the proposed language, which AWWA sees as scientifically unsupported, difficult to understand, and unduly alarming.

AWWA also took exception to a proposed requirement that public water systems notify the state prior to any change in treatment or source water that may affect optimized corrosion control. "This proposal is so broad it is impractical," AWWA said. The association made a number of other technical comments, the full text of which can be found on AWWA's website at

http://www.awwa.org/Advocacy/Govtaff/Documents/Lead_Comments_Sept_06.pdf

EPA Taking Comments on Methods for Estimating Waterborne Disease

EPA is taking public comment until October 16 on its draft document "Approaches to Estimating the Waterborne Disease Burden in the United States: Uses and Limitations of the Waterborne Disease Outbreak Surveillance System."

The document is significant to drinking water utilities because of the need to better determine the exact sources of waterborne disease so that regulations address the correct sources. The Government Affairs Office and Water Utility Council are investigating conducting an independent study along these lines.

WUC to Meet in Denver on September 29-30

The AWWA Water Utility Council will conduct its fall meeting September 29-30 at the Hyatt Regency in downtown Denver. Agenda highlights include deliberations over regional collaboration, small system variances, utility sustainability, and upcoming legislative and regulatory developments.

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