

June 2010

APWA Member Reappointed to FEMA National Advisory Council

On June 16th, APWA member Teresa Scott, P.E. was reappointed by Federal Emergency Management Agency (FEMA) Administrator Craig Fugate to serve on the National Advisory Council (NAC) for a three-year term. Scott is the Public Works Director for the City of Gainesville, Florida and currently sits on APWA's Emergency Management Technical Committee. As a member of the NAC, Scott will work with influential, senior leaders from a diverse cross-section of professional and geographic areas from state, local and tribal governments, the private sector and non-governmental organizations.

The NAC was established in 2007 as mandated by the Post-Katrina Emergency Management Reform Act of 2006 (PL 109-295) and is charged with advising the FEMA Administrator on emergency management issues related to mitigation planning and preparedness, disaster recovery, public assistance efforts and strategic partnerships geared toward improving communities' emergency capabilities. Importantly, the NAC is responsible for developing and revising the National Incident Management System and National Response Plan, the national preparedness goal and the national preparedness system.

For additional information on the National Advisory Council, go to: <http://www.fema.gov/about/nac>.

Obama Administration Gears Up for 2010 Hurricane Season

With the arrival of the metrological summer on June 1st, so began the 2010 hurricane season. The White House and the Department of Homeland Security (DHS) have been busy increasing its emergency preparedness operations for this year's round of turbulent weather.

According to the White House Office of the Press Secretary, President Obama issued a proclamation that declared May 23-29, 2010 as National Hurricane Preparedness Week. During that week, FEMA Administrator Craig Fugate continued to reach out to state, local, tribal, federal and private sector partners to increase preparedness, and coordinate response and recovery operations if a hurricane were to strike.

DHS' *Ready Campaign* (www.ready.gov) also kicked off preparations for its seventh annual National Preparedness Month (NPM) which takes place in September. The NPM coalition consists of national, regional, state, and local organizations—including APWA. Coalition members work to combine their efforts to encourage all Americans to take steps to prepare for emergencies before they happen.

The *Ready Campaign* and Citizen Corps (www.citizencorps.gov) encourage individuals across the nation to take important preparedness steps that will greatly improve their ability to survive and recover from all

types of emergencies, whether natural or man-made. These steps include putting together an emergency supply kit, making a family emergency plan, staying informed about the different emergencies that may affect them, and becoming involved in community preparedness and response efforts.

Disaster Relief Fund Legislation Moves through Congress

On May 27th, the Senate passed the Supplemental Appropriations Act of 2010 (H.R. 4899) by a vote of 67 to 28. The House passed H.R. 4899 on March 25th by a vote of 239 to 175. The legislation would allocate an additional \$5.1 billion to the Disaster Relief Fund (DRF). The DRF provides a portion of the total federal response to victims in declared major disasters and emergencies.

The \$5.1 billion in supplemental funds requested by the administration earlier this year for the DRF is intended to cover all known claims from Hurricane Katrina and the anticipated expenses of Fiscal Year 2010, if there are no large scale disasters. However, if the DRF is not replenished by June, the federal response to disasters will be seriously compromised, putting citizens and the nation at greater risk for loss of life and property.

The House and Senate are currently resolving differences in conference before H.R. 4899 is sent to President Obama for his signature.

EPA Initiates Rulemaking on Sanitary Sewer Overflows

The US Environmental Protection Agency (EPA) is initiating a rulemaking to reduce the harmful effects on sanitary sewer overflows (SSO) and basement backups. The agency is considering two modifications to the existing regulations: (1) establishing standard National Pollution Discharge Elimination System (NPDES) permit conditions for publicly owned treatment works permits that specifically address sanitary sewer collection systems and SSOs; and (2) clarifying the regulatory framework for applying NPDES permit conditions to municipal satellite collection systems.

Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a publicly owned treatment works operated by a different municipality. As part of this effort, the agency is also considering whether to address long standing questions about peak wet weather flows at municipal wastewater treatment plants to allow for a holistic, integrated approach to reducing SSOs while at the same time addressing peak flows at publicly owned treatment works. EPA will hold a series of listening sessions on the proposal and accept comments from the public for 60 days. Comments are due by August 1, 2010. For additional information on the listening sessions and to read the proposed rule please visit: www.epa.gov/npdes.

EPA Proposes New Permit Requirements for Pesticide Discharges

The US Environmental Protection Agency (EPA) is proposing new permit requirements that would decrease the amount of pesticides discharged to waterways. This action is in response to an April 9, 2009 court decision that found pesticide discharges to US waters were pollutants, thus requiring a permit. The proposed permit would require all operators to reduce pesticide discharges by using the lowest effective amount of pesticide, prevent leaks and spills, calibrate equipment and monitor for and

report adverse incidents. Additional controls, such as integrated pest management practices, are built into the permit for operators who exceed an annual treatment threshold. The draft permit covers the following pesticide uses: mosquito and other flying insect pest control, aquatic weed and algae control, aquatic nuisance annual control and forest canopy pest control. The agency plans to finalize the permit in December 2010. More information on the draft permit can be found at www.epa.gov/npdes.

EPA Issues 2008 Clean Watershed Needs Survey

The 2008 Clean Watershed Needs Survey (CWNS) estimates that nationwide capital investment needs for wastewater and stormwater pollution control will be more than \$298 billion over the next 20 years. The 2008 CWNS summarizes the results of the agency's 15th national survey on publicly owned treatment works needs. The estimate includes \$192 billion for wastewater treatment and collection systems, \$64 billion for combined sewer overflow corrections and \$42 billion for stormwater management. The report documents a \$43 billion increase in investment needs over the needs identified in the 2004 report. In addition to the \$298 billion in wastewater and stormwater needs, additional needs of \$23 billion and \$24 billion in need were identified for nonpoint source pollution prevention and decentralized or onsite wastewater systems respectively. The report can be viewed at www.epa.gov/cwns.

House Passes Safe Drinking Water Act Reauthorization Bill

The House Energy and Commerce Committee approved the Assistance, Quality, and Affordability Act of 2010 (H.R. 5320), which amends the Safe Drinking Water Act and authorizes appropriations of \$4.8 billion over three years. The financial assistance would be channeled through the drinking water state revolving fund programs. The bill also revises how the revolving fund money gets disbursed by giving greater weight to water systems that are planning to make preventative upgrades, are located in disadvantaged communities or that have improved management and financial stability, efficiency and environmental impact. The bill also includes provisions regarding the US Environmental Protection Agency's (EPA) screening program for substances that may disrupt the endocrine system of humans. The legislation would require chemical manufacturers to test chemicals that may be found in sources of drinking water to which a substantial population may be exposed. To read the Assistance, Quality and Affordability Act of 2010 visit www.loc.gov/thomas and search for H.R. 5320.

\$10 Million Available for Communities to Combat Climate Change

The US Environmental Protection Agency (EPA) is offering up to \$10 million in grants to local governments to establish and carry out initiatives to reduce greenhouse gas emissions (GHG). Under the Climate Showcase Communities program, EPA expects to award approximately 25 cooperative agreements ranging from \$100,000 to \$500,000. Eligible entities include local governments and Tribal governments. EPA is seeking to fund creative sustainable community actions that can be used elsewhere, generate cost effective GHG reductions and improve the environmental, economic, public health and social conditions in a community. A 50 percent cost share is required. The grant program is administered by EPA's Local Climate and Energy Program, an initiative to assist local and Tribal governments to identify, implement and track policies and programs that reduce GHG emissions within their operations and surrounding communities. Over the course of the grant, EPA will offer

training and technical support to grant recipients and share lessons learned with communities across the nation. Proposals are due by July 26, 2010. Additional information is available at www.epa.gov/statelocalclimate/local/showcase.

House Approves Bill Adding \$521 Million in Federal Highway Funds

The House of Representatives May 28th passed legislation providing an additional \$521 million in highway funding. The “hold harmless” funding was included in the tax-extenders bill, the American Jobs & Closing Tax Loopholes Act (H.R. 4213), to ensure no state lost highway funding as a result of changes the bill made to the funding distribution of two programs, SAFETEA-LU’s Projects of National and Regional Significance and National Corridor Infrastructure Improvement Programs. States which did not receive additional funding from the two programs in the Hiring Incentives to Restore Employment (HIRE) Act would receive additional funding under the bill.

In addition, the bill includes an extension of the Build America Bond Program for two years. Created by the American Recovery & Reinvestment Act of 2009, the program subsidizes interest costs for bonds paid by state/local governments to finance infrastructure projects. The extension is expected to cost the federal government \$4 billion in interest subsidies over ten years.

Since enactment of the HIRE Act in March, House Transportation & Infrastructure Committee Chairman James Oberstar had been working to amend the way the law distributed nearly \$1 billion in funding for Projects of National and Regional Significance and National Corridor Infrastructure Improvement Programs. The HIRE Act distributed the two programs’ Fiscal Year 2010 funding to 29 states that received discretionary funds under SAFETEA-LU. The tax extenders bill would revise the distribution of funding so that every state received a share of funds available under the programs.

The Senate is expected to finalize consideration of the bill the week of June 14th.

DOT Requests Proposals for \$600 Million TIGER II Grants

Following an April 26th interim notice, the US Department of Transportation (DOT) on June 1st issued a final notice of funding availability for the \$600 million National Infrastructure Investments discretionary grant program, also known as TIGER II, and requested proposals. The *Federal Register* notice, (http://www.access.gpo.gov/su_docs/fedreg/a100601c.html) announced selection criteria and pre-application and application requirements.

As with the first TIGER program authorized by the 2009 Economic Recovery Act, funds for the TIGER II program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region.

Pre-applications must be submitted by July 16, 2010 at 5 p.m. EDT. Final applications must be submitted through Grants.gov by August 23, 2010 at 5 p.m. EDT.

The DOT pre-application system will open no later than June 23, 2010 to allow prospective applicants to submit pre-applications. The Grants.gov “Apply” function will open on July 30, 2010, allowing

applicants to submit applications. DOT will evaluate all applications and announce the projects that have been selected to receive TIGER II Discretionary Grants no sooner than September 15, 2010.

Pre-applications must be submitted electronically to DOT, and applications must be submitted electronically through Grants.gov. Only pre-applications received by DOT and applications received through Grants.gov will be deemed properly filed. Instructions for submitting pre-applications to DOT and applications through Grants.gov are included in Section VIII, Pre-Application and Application Cycle, in the June 1st *Federal Register* notice.

Because this is a new program, the interim notice requested comments on the proposed selection criteria and guidance for awarding TIGER II Discretionary Grants. DOT considered the comments that were submitted in accordance with the interim notice and decided to publish the June 1st notice revising some elements of the interim notice. See the *Federal Register* notice for details.

For more information contact the TIGER II Discretionary Grant program manager via e-mail at TIGERIIGrants@dot.gov. In addition, DOT will regularly post answers to questions and requests for clarifications on DOT's Web site at <http://www.dot.gov/recovery/ost/TIGERII>.

Report to Congress Details Strategies to Cut Transportation's Greenhouse Gas Emissions

The US Department of Transportation recently released a report to Congress analyzing the full range of strategies available to reduce transportation's greenhouse gas emissions (GHG). Specific findings of the report titled, *Transportation's Role in Reducing U.S. Greenhouse Gas Emissions*, include:

- Hydrogen fuel-cell vehicles could reduce per-vehicle greenhouse gas emissions by 80 percent by relying on low-carbon sources for hydrogen production.
- Advanced gasoline vehicles could reduce per-vehicle emissions by eight percent to 30 percent, hybrid vehicles 26 percent to 54 percent, and plug-in hybrids 46 percent to 75 percent.
- More direct routing of airline flights and more efficient takeoffs and landings could reduce aviation greenhouse emissions by up to 10 percent by 2025.
- Strategies that decrease carbon intensive travel activity could reduce transportation GHG emissions by five percent to 17 percent in 2030. This approach includes measures to reduce the growth in vehicle miles traveled through pricing, compact development, improved public transportation and enhancements to bike and pedestrian facilities, as well as the promotion of eco-driving through driver education and in-vehicle feedback technology.
- Decreasing the GHG emissions per vehicle mile traveled could reduce transportation GHG emissions by 3 to 6 percent through strategies such as the enforcement of lower speed limits, traffic signal synchronization, ramp metering, and truck idle reduction.

The report also discusses policy options for implementing these strategies, such as efficiency standards, transportation planning and investment, market-based incentives, research and development, and sending price signals throughout the economy by increasing the cost of carbon. The report was mandated by the Energy Independence and Security Act of 2007.

A copy of the report is available at:

http://ntl.bts.gov/lib/32000/32700/32779/DOT_Climate_Change_Report_-_April_2010_-_Volume_1_and_2.pdf.

FTA Issues Proposed Rule on New and Small Starts Project Justification Criteria

The Federal Transit Administration (FTA) June 3rd issued an advance notice of proposed rulemaking (ANPRM) seeking public comment regarding FTA's New Starts and Small Starts project justification criteria.

In particular, FTA seeks public input on how to improve its calculation of "cost effectiveness," including whether FTA should measure quantifiable benefits other than reduced travel time. In addition, FTA seeks comment on how it should evaluate environmental benefits and economic development effects. Information gathered from this ANPRM will inform FTA's broader effort, next year, to amend the regulations that govern its New Starts and Small Starts programs. Comments are due August 2, 2010.

FTA is planning to hold a number of public listening sessions. Input received from these meetings will be incorporated into the future proposed rulemaking, before the rule becomes final. Dates and times of the outreach sessions are available by visiting: http://www.fta.dot.gov/news/calendar/news_events_11733.html. Upcoming meetings include Chicago (June 29th), San Francisco (June 30th), Dallas (July 12th) and Washington, DC (July 15th).

To view the *Federal Register* notice, visit: <http://edocket.access.gpo.gov/2010/pdf/2010-13423.pdf>.