

APWA *Washington* REPORT

May 2006

ENVIRONMENT

Water & Wastewater Utilities

APWA JOINS EFFECTIVE UTILITY MANAGEMENT COLLABORATION

APWA and five other groups representing water and wastewater utilities agreed to collaborate with the Environmental Protection Agency (EPA) to identify and promote strategies to improve how utilities are managed. A *Statement of Intent* memorializing the agreement and outlining the groups' approach for promoting effective utility management within the sector was signed by EPA Assistant Administrator Benjamin Grumbles and the executive directors of Association of Metropolitan Water Agencies (AMWA), American Water Works Association (AWWA), National Association of Clean Water Agencies (NACWA), National Association of Water Companies (NAWC) and Water Environment Federation (WEF). APWA Executive Director Peter King signed the agreement on behalf of APWA at a signing ceremony held during the Clean Water Policy Forum.



In April, APWA Government Affairs Committee members met in Washington, D.C., for their spring meeting. Before visiting their Congressional leaders, the group enjoyed a breakfast briefing with **John T. Anderson**, Majority Staff Director, Subcommittee on Water Resources and the Environment for the House Transportation and Infrastructure Committee. *For more information, see pg. 8.*

The *Statement of Intent* grew out of an effort by EPA's Office of Water to promote effective asset management as a means to reduce the costs of owning and operating water and wastewater utilities. Effective asset management is a cornerstone of EPA's "Sustainable Water Infrastructure Strategy." According to EPA, each utility is responsible for making sure its system stays in good working order, regardless of the age of its components or the availability of funding. EPA maintains that long-range asset management programs, life cycle costing, proactive operations and maintenance activities and capital replacement plans based on cost-benefit analysis are the most efficient method of ensuring that utilities are sustainable. The *Statement of Intent* is important in that it represents a realistic approach to achieving sustainability and because water and wastewater utilities are joining forces as opposed to competing with each other for scarce federal resources.

Under the agreement, drinking water and wastewater systems will pool their resources to identify the key attributes of efficiently managed utilities and share those practices within the sector. In order to keep the effort moving forward, the six partners plan to appoint members to a Steering Committee that will guide the collaboration and begin to identify a set of best management practices that all water and wastewater utilities may consider as they move towards effective utility management. APWA President Bob Freudenthal, with assistance from the Water Resources Management Committee, will appoint two APWA members to serve on the Steering Committee.

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For more information on the Effective Utility Management Collaboration, contact Julia Anastasio in the Washington, D.C., office at (202) 218-6750 or janastasio@apwa.net. Read the *Statement of Intent* at <http://www.apwa.net/Advocacy/AdvocacyNews/index.asp?HotID=899&HotLocator=GOV>.

Water Pollution

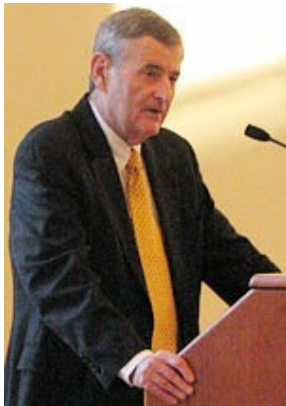
NITROGEN, PHOSPHORUS & SEDIMENT THREATEN WATER QUALITY

The Environmental Protection Agency (EPA) recently released the results of *The Wadable Streams Assessment* which found that nitrogen, phosphorus and sediment runoff are smothering fish and polluting almost half of the nation's streams. Human activities such as paving roads and removing trees played a significant factor in degrading water quality while agricultural runoff was harming aquatic life.

EPA randomly selected about 1400 streams representing a variety of ecological conditions in the lower 48 states. Forty-two percent of the stream miles studied were in poor condition. Twenty-eight percent of stream miles nationwide were in good condition, while 25 percent were in fair condition. The study found that nitrogen, phosphorus and sediment runoff, in combination with soil erosion, tree removal and paving of land are the most widespread factors stressing streams nationwide. The goals of the study were to assess biological conditions and critical factors affecting water quality in streams and to establish a baseline of stream health for further studies.

The study results demonstrated water quality in the eastern part of the country was the most degraded and the water quality in the West was the best. EPA found streams in the western United States spanning across 150,000 square miles in the best condition, with 45 percent of the length of flowing wadable waters in good condition. The streams in the eastern United States spanning over 275,000 square miles were in the worst condition. In the plains and lowland regions of the South, 30 percent of streams, almost 240,000 square miles, were in good condition and 40 percent were in poor condition. EPA plans to repeat the study in 2011 to measure progress against the baseline study.

For more information or to review copies of the assessment visit <http://www.epa.gov/owow/streamsurvey>.



Tom Dunne, newly appointed EPA Associate Administrator for Homeland Security

Water Security

NEW REPORT SHOWS LACK OF FUNDING MAY IMPACT SECURITY AT WASTEWATER FACILITIES

A new report issued by the Government Accounting Office (GAO) found that more than 200 of the largest wastewater utilities have made security improvements since the terrorist attacks of 9/11 and most utilities have completed, or intend to complete, some type of security assessment to evaluate the state of security at their facility. Security threats at wastewater utilities include the use of sewer lines to gain access to the treatment facility, as an avenue to inject hazardous substances that could harm the plant or to release dangerous chemicals into downstream water supplies.

Most security measures taken by wastewater utilities to date have focused on controlling access through visual surveillance, security lighting and employee and visitor credentialing rules. Many utilities have also taken steps to limit their use of gaseous chlorine as a disinfectant because of the danger in securely storing such a harmful chemical agent. The report found, however, that little effort has been made to address collection system vulnerabilities. Many wastewater utilities cite the complexity and expense in securing collection systems that cover large areas and have many access points. The report concludes that limited funding and poor coordination by federal agencies is likely to further impede progress in wastewater security improvements. The Department of Homeland Security (DHS) bears responsibility for overall infrastructure security nationwide, while EPA's role is limited to responsibility for drinking water and wastewater security.

In an effort to better coordinate homeland security and disaster response efforts, EPA recently created a new position of Associate Administrator for Homeland Security. Tom Dunne, formerly Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response, was named as the new associate administrator with responsibility for directing homeland security efforts within EPA. Dune's office will direct the agency's homeland security responsibilities by providing agency-wide policy guidance and direction. Dune will also serve as the primary agency contact with DHS and the White House Homeland Security Council.

Securing Wastewater Facilities: Utilities Have Made Important Upgrades but Further Improvements to Key System Components May Be Limited By Costs and Other Constraints (GAO-06-390) is available at <http://www.gao.gov>.

Waste

FINAL RULE FOR LARGE MUNICIPAL WASTE COMBUSTORS TIGHTENS EMISSIONS LIMITS

The Environmental Protection Agency (EPA) recently issued a final rule tightening emissions limits on large municipal waste combustors. The rule applies to municipal waste combustor units that burn more than 250 tons of municipal solid waste per day. The rule is expected to affect approximately 70 sources and formalizes emissions limits established in 1995 by EPA, locking in those emissions reductions.

The new rule tightens emissions standards for nitrogen oxides and hazardous air pollutants such as mercury and other heavy metals. It also tightens emission limits for dioxins and furans at existing large municipal waste combustors from 60 nanograms per cubic meter to 13 nanograms per cubic meter.

Further information can be found at <http://www.epa.gov/oarpg/new.html>.

EMERGENCY MANAGEMENT/DISASTER MITIGATION

FEMA

NOMINATION HEARING SET FOR FEMA ACTING DIRECTOR PAULISON

A Senate hearing has been tentatively set for May 18 on the nomination of David R. Paulison to the post of Federal Emergency Management Agency (FEMA) Director. Currently, Mr. Paulison serves in the temporary capacity of Acting Director.

The President formally nominated Mr. Paulison to the full Director position last month after serving as Acting Director since September 2005. Paulison replaced the controversial former Director of FEMA, Michael Brown, who resigned in the wake of Hurricane Katrina.

Paulison, a former Fire Chief experienced in dealing with disasters, has wide support within the first responder community and is anticipated to be confirmed to the post.

Preparedness

NATIONAL PANDEMIC FLU PLAN OUTLINES LOCAL PREPAREDNESS GOALS

The United States Centers for Disease Control and Prevention have created a state and local planning and response Web site at www.pandemicflu.gov. Here, local planners can find information on each state's pandemic plan, summit materials, formal agreements and other pandemic information pertaining to the state. To help disseminate this information and help in the coordination of planning, the U.S. Department of Health & Human Services (HHS) and other federal agencies held pandemic planning summits with public health and emergency management and response leaders in each state. A chart listing the summit outcomes (showing

expected federal funding by state for pandemic preparedness) can be found at <http://www.pandemicflu.gov/plan/summits.html>.

Late last year, at the direction of President Bush, HHS Secretary Michael Leavitt convened senior state and local officials from across the country to establish an integrated federal-state influenza-pandemic planning process. The White House Homeland Security Council, the U.S. Department of Homeland Security and the U.S. Department of Agriculture also participated in the meeting.

FEMA and DHS

HOUSE SET TO INTRODUCE TWO DIFFERENT BILLS AIMED AT FIXING FEMA

A group of bi-partisan lawmakers in the House introduced legislation on May 9th that would remove the Federal Emergency Management Agency (FEMA) from the Department of Homeland Security (DHS). Among other things, the bill would recreate FEMA as a cabinet-level agency, requiring its director to have professional emergency management qualifications and report directly to the President. The House version differs from a similarly themed Senate bill in that it does not give the agency a name change.

Speaking of the Senate attempt to fix the beleaguered agency, Rep Tom Davis (R-VA) who sponsored the legislation, said, “[The Senate bill] only rearranges the deck chairs on the good ship DHS, while failing to address the most basic structural flaws that all agree hobbled the nation's response to the storm.”

Rep. Davis, a member of the House Transportation and Infrastructure (T&I) Committee which shares jurisdiction over FEMA with the House Committee on Homeland Security, has been critical of the agency in recent weeks in the run-up to introduction of this legislation. House T&I Committee Chairman Don Young (R-AK) expressed his support by saying that the bill will essentially return the agency to the status it enjoyed before being merged into DHS.

“We believe FEMA is broken,” said Chairman Young. “They cannot respond adequately to Mother Nature when disasters occur.”

The House Homeland Security Committee is also anticipated to introduce legislation in the coming days that would revamp the agency without removing it from DHS.

Hurricanes

NEW YORK PREPARING FOR A BUSY HURRICANE SEASON

Planners in both New York City and the National Oceanic & Atmospheric Administration (NOAA) are gearing up for another potentially devastating hurricane season which officially starts on June 1st.

“The City of New York has worked vigorously over the past several months to revise the Coastal Storm Plan in light of lessons learned from Hurricane Katrina,” said MaryAnn Marrocolo, APWA Emergency Management Committee Chair and Assistant Commissioner for Planning and Preparedness in New York City’s Office of Emergency Management. “The full resources of the City will be brought to bear in the response to the threat of a hurricane – to evacuate 3 million New Yorkers, shelter 600,000 people and assisting individuals with special needs and pets.”

In addition, APWA and the National Oceanic & Atmospheric Administration (NOAA) will be holding a Congressional Briefing on Capitol Hill for National Public Works Week (May 21-27) on the subject of “Preparing Constituencies for Hurricanes and Other Large-



Speakers at APWA's catastrophic disaster preparedness Congressional Briefing, to be held during National Public Works Week, include **MaryAnn Marrocolo**, Assistant Commissioner for Planning and Preparedness, New York City Office of Emergency Management; and **Max Mayfield**, National Oceanic and Atmospheric Administration Hurricane Center Director.

Scale Disasters.” Ms. Marrocolo will speak about efforts to prepare for a hurricane in NYC while Max Mayfield, Director of the National Hurricane Center, will speak about what the nation can expect from future hurricanes and how best to prepare.

According to recent news reports, the northeastern seaboard of the United States, which includes cities like Washington, D.C., and New York City, faces an increased risk of hurricanes this year as some of the forecasting models have predicted warmer ocean currents similar to those which have led to increased hurricane activity in the past.

TRANSPORTATION

Port Security and Operations

APWA BOARD MEMBER BRIEFS CONGRESSIONAL STAFF ABOUT PORT ISSUES

Following a wave of recent news reports and dialogue on Capitol Hill about U.S. port security and operations, APWA Board Member John Okamoto lent a first-hand perspective on global competitiveness, security challenges and how the federal government can help ensure port efficiency and security during a congressional staff briefing in April. Okamoto is Chief Administrative Officer for the Port of Seattle in Seattle, Wash.

“Targeted federal investment in ports and port infrastructure can help our country be more competitive, generate additional local, state and federal revenues, keep people working and bolster U.S. business,” said Okamoto.



APWA Board Member **John Okamoto** discussed ports with Congressional staff during a briefing in April. Similar briefings are held throughout the year as part of an awareness campaign to provide congressional staff with information about the role and needs of public works and infrastructure in local communities.

According to Okamoto, the nation's ability to compete effectively in a global economy depends on sound port infrastructure as public agencies, seaports and airports perform a valuable role for the private sector, providing infrastructure to facilitate business growth and jobs. The value of trade goods entering both airports and seaports is more than one trillion dollars annually, activity which also generates billions of dollars in tax revenues, fees and duties to the U.S. Treasury.

“I would propose that Congress consider making road and rail improvement a major theme of the next transportation authorization bill, to link U.S. ports to their major markets,” said Okamoto.

Okamoto also encouraged lawmakers to make secure seaports a higher priority –through additional funding, standardized screening processes and support for agencies charged with port protection.

Transportation Management

FHWA SEEKS COMMENTS ON REAL-TIME INFORMATION PROGRAM

The Federal Highway Administration (FHWA) issued a notice in the May 4th *Federal Register*, requesting comments on provisions and parameters for the Real-Time System Management Information Program contained in SAFETEA-LU.

Section 1201 of the act requires the Secretary of Transportation to establish the program to provide all states the capability to monitor, in real-time, the traffic and travel conditions of the major highways of the United States and to share that information to improve the security of the surface transportation system, to address congestion problems, to support improved response to weather events and surface transportation incidents and to facilitate national and regional highway traveler information.

Comments must be received on or before July 3, 2006. For further information contact Robert Rupert, Transportation Information Management Team, FHWA Office of Operations, (202) 366-2194, or via at robert.rupert@fhwa.dot.gov. The Federal Register notice is available at http://www.access.gpo.gov/su_docs/fedreg/a060404c.html.

Highway Safety Report

FHWA PREPARES GUIDANCE ON THE “FIVE PERCENT REPORT”

The Federal Highway Administration (FHWA) has prepared guidance to assist FHWA Division Offices and states in preparation and review of a safety report, known as the *Five Percent Report*, required under SAFETEA-LU’s new Highway Safety Improvement Program (HSIP).

Effective October 1, 2005, SAFETEA-LU created HSIP as a core federal highway program with separate funding, replacing the Hazard Elimination Program. The purpose of HSIP is to reduce traffic fatalities and serious injuries on public roads.

Under the new program, states are required to submit an annual report describing not less than five percent of their highway locations exhibiting the most severe safety needs. The intent of this provision is to raise the public awareness of the highway safety needs and challenges in the states. The guidance indicates that the report should address locations exhibiting the most severe safety needs on all public roads.

Detailed information is posted at <http://safety.fhwa.dot.gov/safetealu/fiveguidance.htm>.

FHWA Administrator Nomination

SENATE COMMITTEE APPROVES CAPKA TO BE HIGHWAY ADMINISTRATOR

On April 26, the Senate Environment and Public Works Committee approved the nomination of Federal Highway Acting Administrator (FHWA) J. Richard Capka to be Federal Highway Administrator. His nomination now goes to the full Senate.

President Bush nominated Capka in March. He has served as Acting Administrator since August 1, 2005, when former Federal Highway Administrator Mary Peters resigned her post. Before becoming Acting Administrator, Capka served as the agency’s Deputy Administrator since August 2002.

Traffic Control Devices

FHWA PROPOSES REVISIONS TO TRAFFIC CONTROL DEVICES REGS

The Federal Highway Administration (FHWA) issued a notice of proposed rulemaking and is seeking comments on a proposal to revise its regulation that prescribes procedures for obtaining basic uniformity of traffic control devices on Federal-aid and other streets and highways.

The notice, which appeared in the April 25th *Federal Register*, makes some nomenclature changes, provides clarification on the meaning of “substantial conformance” and “roads open to public travel” and removes certain outdated references.

Comments must be received on or before June 26, 2006. For further information contact Linda Brown, Office of Transportation Operations, (202) 366-2192. The *Federal Register* notice is available at http://www.access.gpo.gov/su_docs/fedreg/a060425c.html.

Worker Visibility

FHWA SEEKS COMMENTS ON HIGH-VISIBILITY APPAREL REQUIREMENT

The Federal Highway Administration (FHWA) is seeking comments on a proposed rulemaking to require the use of high-visibility safety apparel for workers who are working within the Federal-aid highway rights-of-way. The proposal appeared as a notice of proposed rulemaking in the April 24th *Federal Register*.

The action would decrease the likelihood of fatalities or injuries to workers on foot who are exposed to either traffic (vehicles using the highway for purposes of travel) or construction vehicles or equipment while working within the rights-of-ways of Federal-aid highways. The proposal is in response to section 1402 of SAFETEA-LU.

Comments must be received on or before June 23, 2006. For further information contact Hari Kalla, Office of Transportation Operations, (202) 366-5915. The *Federal Register* notice is available at http://www.access.gpo.gov/su_docs/fedreg/a060424c.html.

Intelligent Transportation

DOT SEEKS PROPOSALS FOR COORDINATED TRANSPORTATION SYSTEMS

The U.S. Department of Transportation (USDOT) is requesting proposals (RFP) for system development and design of enhanced human service transportation models. USDOT seeks up to 10 local communities to carry out detailed development and design of coordinated human service transportation systems that utilize Intelligent Transportation Systems capabilities.

The expected results from phase one include up to 10 “deployment-ready,” replicable and scalable system-detailed designs for enhanced human service transportation delivery models in communities representing a variety of operational environments and scenarios.

Proposals will be accepted immediately. All proposals must be submitted electronically to <http://grants.gov> by June 13 or postmarked by June 13 for consideration. All potential applicants are advised to begin the <http://grants.gov> registration process immediately, if they have not previously submitted grant applications through the site in order to meet the deadline.

For further information contact Aletha Goodine, Office of Mobility Innovation, Federal Transit Administration, at (202) 366-4148 or aletha.goodine@fta.dot.gov. The *Federal Register* notice is available at http://www.access.gpo.gov/su_docs/fedreg/a060414c.html.

UTILITIES & PUBLIC RIGHTS-OF-WAY

Communications Act

NATIONAL VIDEO FRANCHISE BILL PASSED BY HOUSE COMMITTEE

The House of Representatives Committee on Energy and Commerce approved legislation which would allow telecommunications companies to obtain a national franchise to provide video services. The Communications, Opportunity, Promotion and Enhancement Act of 2006 (COPE/Barton-Rush bill) was approved by a vote of 42-12 on April 26. It is expected to come to the floor of the House of Representatives sometime in May.

APWA and other local government organizations oppose the bill because it would strip local governments of their authority to franchise the use of their rights-of-way for video/cable services and gives that authority to the Federal Communications Commission (FCC) in Washington, D.C. The FCC has never had the authority to regulate local public rights-of-way and has no expertise concerning local streets, sidewalks, public safety or traffic patterns.

Senate, Commerce, Science and Transportation Committee Chairman Ted Stevens (R-AK) has released his version of a draft telecommunications bill. The legislation would require localities to process a franchise within 30 days after an application is filed by a telephone company interested in providing video services, or the franchise is automatically granted. The bill also addresses a number of other issues, including the universal service fund and net neutrality. The committee intends to hold hearings and go to markup in June.

APWA Advocacy

APWA MEMBERS MEET WITH SENIOR FEDERAL OFFICIALS

APWA's Government Affairs Committee (GAC) members met in Washington, D.C., April 24 and 25 for meetings with senior-level federal agency officials and Congressional representatives to talk about public works issues.

Susan Binder, Federal Highway Administration's Deputy Associate Administrator for Policy and Government Affairs, spoke about SAFETEA-LU implementation, the highway trust fund and the 50th Anniversary of the Interstate System. Tod Wells, Intergovernmental Affairs Specialist for the Federal Emergency Management Agency (FEMA), Pat Stahlschmidt, Director of FEMA's Strategic Planning and Evaluation, and Howard Stronach, FEMA's Public Assistance Branch, Recovery Division, discussed FEMA's priorities to retool for the 2006 hurricane season. The Natural Resource Conservation Service's Claudia Scheer, Conservation Engineering Division, and Andrew Johnson, Water Resources Program Branch Chief, discussed the Farm Bill's Resource Conservation and Development Program, watershed projects and watershed protection and flood prevention programs.



APWA President-Elect Bill Verkest and APWA President Bob Freudenthal participated in the Spring GAC meeting in Washington, D.C.

On the second day of the meeting GAC members met with John Anderson, Majority Staff Director, House Subcommittee on Water Resources and the Environment, at a breakfast meeting on Capitol Hill. He discussed the status of legislation to reauthorize the Water Resources Development Act and legislation sponsored by Rep. John Duncan (R-TN) to create a clean water trust fund.

After the breakfast GAC members met with their Congressional representatives to advocate APWA's advocacy priorities on water infrastructure investment, flood risk map modernization, local control of public rights of way and transportation infrastructure investment.

GAC Committee members are Ben Wolfe, Chair, Mickey Sullivan, Bob Albee, Ann Burnett, George Crombie, Bud Curtis, Neil Dobler, Greg Dore, John German, Andy Haney, Ken Hill, Bill Murphy, Richard Ridings, Sherman Smith, Gary Stockhoff and APWA President-Elect Bill Verkest. APWA President Bob Freudenthal joined Committee members for the meeting.

APWA Washington Report contributors include Julia Anastasio, Jim Fahey, Dan Jensen and Emily Lovald. Becky Wickstrom is editor of the Report.