

APWA Washington REPORT

TRANSPORTATION

Rural Transportation Planning

MEMBERS ASKED TO URGE FHWA TO FINALIZE 2000 RURAL PLANNING REG

APWA is urging members to submit individual comments to the Federal Highway Administration (FHWA) to withdraw US DOT's latest rural transportation planning proposal and promulgate the May 2000 rule as it was offered over two years ago. The deadline to comment is August 19, 2002. APWA President Richard Ridings and Small Cities/Rural Communities Forum Chair Greg Dore, submitted comments on behalf of APWA.

In a supplemental notice of proposed rulemaking, FHWA and the Federal Transit Administration (FTA) on June 19, 2002 offered a new version of the proposed regulation governing non-metropolitan local official consultation in the statewide transportation planning process. The new option is in addition to, and significantly alters, one published in the Federal Register in May 2000 that APWA supports.

The Transportation Equity Act for the 21st Century (TEA-21) called for "enhanced" consultation with local officials in rural areas. The May 2000 proposal strengthened the role of rural officials in planning by requiring states to have a documented process, cooperatively developed, with non-metropolitan local officials for consultation in rural areas.

The new option in the supplementary notice would rollback the May 2000 proposal by allowing states to determine who non-metropolitan local officials are and how to consult with them. In addition, it requires states to have only a documented process as opposed to one cooperatively developed.

All comments should contain the docket number, FHWA-99-5933. They can be mailed to the US Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590 or submitted electronically at <http://dmses.dot.gov/submit>. In comments submitted to FHWA, the following points should be stressed (further explanation is available on APWA's web page at www.apwa.net and select Govt Affairs):

- * APWA supports the original definitions and regulations issued in May 2000.
- * APWA supports having a documented process developed by both state and local non metro officials.
- * Selection of the local officials to be involved in the planning process should be part of the documented process developed through conferring with the affected parties and not the sole prerogative of the state.
- * The supplement to the original proposed regulation would simply maintain the status quo of inequities
- * Definition of non-metropolitan local official should be included.
- * Since APWA does not agree with altering the definitions, the remaining sections 450.206, 212, 214 and 216 which eliminate consulting through an established process and give states the authority to select who participates in the planning are not acceptable.

The supplemental notice is available on the Federal Register's homepage at <http://www.nara.gov/fedreg> and the Government Printing Office's web page at <http://www.access.gpo.gov/nara>. For more background information on APWA's position, contact Jim Fahey or Beth Denniston at APWA's Washington Office, 202-408-9541 or jfahey@apwa.net or bdenniston@apwa.net.

INSIDE YOU'LL FIND...

MORE TRANSPORTATION, **P2:** Rural Transit Spending, FY 03 Transportation Spending; **P3:** Pipeline Safety, MUTCD; INTERGOVERNMENTAL, **P3:** FY 03 Congressional Appropriations, Supplemental Appropriations; **P5:** New Public Works Advocacy Initiative; EMERGENCY MANAGEMENT; DISASTER MITIGATION, **P5:**

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AMERICAN PUBLIC WORKS ASSOCIATION • WASHINGTON OFFICE

Peter B. King, Executive Director • 1401 K Street, NW, 11th Floor, Washington DC 20005
(202) 408-9541 • (202) 408-9542 fax • apwa.dc@apwa.net • www.apwa.net/govtaffairs

Rural Transit Funding

MAJOR INCREASE IN RURAL TRANSIT INVESTMENT BILL INTRODUCED BY SENATOR BAUCUS

A bill, the Maximum Economic Growth for America through Rural, Elderly and Disabled Transit Investment (MEGA RED Act) that would in some instances double, and significantly increase some others, the current federal investment in rural transit has been introduced by Senator Max Baucus (D-Mont).

MEGA RED, using interest from the Mass Transit Account to supplement other investment, would authorize:

- * Doubling the authorizations for Section 5310 (elderly and disabled transit, and guaranteeing each of the 50 states at least \$1 million per year in this program;
- * Guaranteeing each of the states at least \$5 million per year in their Section 5311 (rural and economically disadvantaged transit) allocation;
- * Guaranteeing each state with areas of between 50,000 and 200,000 population at least \$5 million per year in their "small urban" Section 5307 allocations;
- * Establishing a \$30 million Essential Intercity Bus Service program to be managed by each of the states.

Additionally, the bill, which has support from colleagues from neighboring states, Senators Michael B. Enzi (R-WY), Michael D. Crapo (R-ID) and Tim Johnson (D-SD), would authorize states to make Section 5311 funds available for operating assistance, just as Section 5310 funds are and increase the federal share of transit grants made in states with unusually high proportions of tribal or federally owned lands where the federal share could increase to as much as 95 percent.

For details of the legislation go to www.apwa.net and click Govt. Affairs, then legislative action center, then issues and legislation and give bill # S2884 or www.nationalrtap.org for a link to the bill text. Or contact Beth Denniston or Andrea Fisher in APWA's Washington Office at 202-408-9541 or email bdenniston@apwa.net or afisher@apwa.net.

FY 03 Transportation Spending

SENATE APPROPRIATORS PASS Fiscal 2003 TRANSPORTATION FUNDING BILL

An overall funding level of \$64.66 billion for fiscal year 2003 transportation spending passed the full Senate Appropriations Committee.

Included in the, as yet, unnumbered legislation is a restoration of \$8.6 billion above the level requested by the President in his February budget proposal for the federal aid highway program. The President had requested a funding level of \$23.2 billion, nearly \$9 billion below the FY '02 funding level. The reason behind the proposed funding drop is tied to a decrease in the revenue aligned budget authority (RABA) which was created by the Transportation Equity Act for the 21st Century (TEA-21). RABA allows for an increase or decrease in transportation funding based on collections of money from the fuel tax and other factors.

The committee has recommended that the FY 03 funding to the Federal Highway Administration (FHWA) be set at \$33.2 billion and that \$31.8 billion go to the core federal aid highway program. Congress has passed the FY '02 Supplemental Appropriations bill (HR 4775) which provides a funding restoration to the highway funding program of \$4.4 billion. (See Supplemental Appropriation article on page 3)

The President is expected to sign the supplemental appropriation into law. Although President Bush supports the \$4.4 billion restoration to the highway funding program, it is uncertain if he would support the larger Senate figure. Below are some of the other funding level recommendations included in the Senate FY 03 Transportation Appropriations bill:

- * Federal Transit Administration, \$7.326 billion
- * Federal Aviation Administration, \$13.59 billion
- * Federal Railroad Administration, \$1.4 billion
- * Transportation Security Administration, \$4.95 billion
- * Coast Guard, \$6.07 billion
- * Research and Special Programs, \$38.4 million
- * Office of Pipeline Safety, \$63.2 million
- * Amtrak, \$1.2 billion

Senate appropriators also proposed that \$200 million of the \$320 million in contract authority under the core formula federal highway program, rescinded from the states with the passage of HR 4775, be restored. The House Appropriations Committee has not yet passed its version of the FY 03 Transportation Spending bill.

Pipeline Safety

INFRASTRUCTURE PROTECTION LEGISLATION PASSED BY THE HOUSE

Before leaving Washington for the August congressional recess, the House of Representatives passed H.R. 3609, the Pipeline Infrastructure Protection to Enhance Security and Safety Act. The legislation would:

- Authorize \$1 million in pipeline safety technical assistance grants to communities and groups of individuals for fiscal years 2003 through 2006. For profit entities would be excluded from receiving these grants;
- Call for a study on population encroachment and its impact on land use practices and zoning ordinances. The bill also requests that the Secretary of Transportation provide to Congress a report from the study identifying practices, laws and ordinances that are most successful in addressing safety issues of right of way encroachment.
- Require the Department of Transportation to issue a rule within a year of enactment outlining qualifications for pipeline workers and once adopted would require pipeline operators to implement these rules within two years;
- Prohibit any preemption of federal, state and local environmental laws for the purpose of streamlining the process for pipeline system repairs.

It remains to be seen whether the House and Senate may ever come to agreement on pipeline safety legislation. Several bills have been introduced in the past year on both sides of the Capitol but so far none have been sent to the President for his signature.

MUTCD Regulation

FHWA ISSUES FINAL RULE ON COLOR SPECIFICATIONS

The Federal Highway Administration (FHWA) is revising its color specifications for retro reflective signing materials and has issued a final rule effective August 30, 2002. The notice of final rule-making was published in the July 31 Federal Register. The revision includes daytime and nighttime specifications for both assigned and unassigned colors found in the Manual on Uniform Traffic Control Devices (MUTCD).

The current color specifications used in traffic control were developed in the late 1960s. The technological advances in the manufacturing of signing and markings materials and the measurement of color have required the FHWA to revise and expand the color specifications.

For more information contact Mr. Ernest Huckaby, Office of Transportation Operations, FHWA, at 202-366-9064. For legal information contact Mr. Raymond Cuprill, Office of the Chief Counsel, at 202 366-1377. The website address to view the Federal Register notices is: <http://frwebgate.access.gpo.gov> .

INTERGOVERNMENTAL

FY03 Congressional Appropriations

NONE OF THE 13 APPROPRIATIONS BILLS ENACTED AS CONGRESS RECESSES

House and Senate lawmakers left Washington for the month-long August recess with none of the 13 fiscal year 2003 appropriations bills ready to be signed into law.

Just five bills have been passed in the House of Representatives-- the Defense, Interior, Legislative Branch, Military Construction and Treasury/Postal bills.

The Senate has further to go, having completed only three bills-- the Legislative Branch, Military Construction and Defense bills.

The House and Senate did not agree to a budget resolution this year. Appropriations committees use the budget resolution to allocate spending levels among the 13 appropriations bills. Without a budget resolution, moving the

appropriations process forward has proven to be difficult. The House, nevertheless, is proceeding under its own budget resolution, which set a discretionary spending cap of \$759 billion for fiscal year 2003. The Senate did not approve a resolution, but appropriators have agreed to target a discretionary spending ceiling of \$768 billion.

The 13 appropriations bills fund the agencies and programs of the federal government. After approval by House and Senate committees, the full House and Senate each approve their own versions of the appropriations bills passed in committee. The two different bills next are reconciled in a conference committee and then sent back to the House and Senate floor for each chamber to approve the conference report. With approval of the conference report, the bill is ready to be signed into law by the President.

In the Senate, all 13 bills have been approved by the Senate Appropriations Committee, including the Transportation Appropriations bill and the VA-HUD and Independent Agencies Appropriations bill, which provides funding for the US Environmental Protection Agency and the Federal Emergency Management Agency. The House Appropriations Committee has yet to approve its version of the two bills.

As the table below shows, all 13 appropriations bills still require conference approval. Congress returns from the August recess the week of September 2, 2002, with less than one month to complete work on the bills before the current fiscal year ends on September 30. In the past, Congress has approved extensions known as continuing resolutions to keep any programs without an appropriation operating until one is signed into law.

Status of FY2003 Appropriations Bills
Checkmark indicates approval.

Appropriations Bill	House Committee Approval	House Passage	Senate Committee Approval	Senate Passage	House Conference Approval	Senate Conference Approval	Signed into Law
Agriculture	✓		✓				
Commerce/Justice/State			✓				
Defense	✓	✓	✓	✓			
District of Columbia			✓				
Energy & Water			✓				
Foreign Operations			✓				
Interior	✓	✓	✓				
Labor/HHS/ Education			✓				
Legislative Branch	✓	✓	✓	✓			
Military Construction	✓	✓	✓	✓			
Transportation			✓				
Treasury/Postal	✓	✓	✓				
VA/HUD/ Independent Agencies			✓				

Supplemental Appropriations

PRESIDENT SIGNS \$28.9 BILLION SUPPLEMENTAL SPENDING BILL INTO LAW

A \$28.9 billion supplemental spending bill for fiscal year 2002 was signed into law by President Bush August 2, 2002. The measure provides funds for the Department of Defense, for homeland security needs and for recovery efforts in New York.

Included in the funding package is \$50 million for the US Environmental Protection Agency to assist small and medium-sized communities in conducting drinking water vulnerability assessments required under the Bioterrorism bill, which was enacted in June.

In addition, the supplemental provides \$205 million in emergency funding for Amtrak and restores \$4.4 billion of the \$8.6 billion proposed cut in the 2003 federal highway program by setting the revenue aligned budget authority (RABA) calculation at zero and setting the guaranteed level at \$27.7 billion. The President's budget proposed cutting next year's federal highway program as a result of the drop in RABA, a budgetary mechanism that ties highway funding to Federal Highway Trust Fund receipts. (See FY 03 Transportation Spending article on page 2)

The supplemental grants the President 30 days to authorize the expenditure of an additional \$5.1 billion for projects and programs ranging from election reform to road repair and international aid and relief efforts, if the President deems them to be emergencies.

The enacted bill's funding level reflects the House proposal rather than the Senate version's \$31.6 billion. The President had issued a veto threat if a conference agreement had exceeded the House level.

New Public Works Advocacy Initiative

PRESIDENT RIDINGS ASKS MEMBERS TO JOIN ADVOCACY TASK FORCE

All APWA members are being invited by APWA President Richard Ridings to join a new Legislative Advocacy Task Force (LATF) created to strengthen APWA's advocacy voice at the local, state, provincial and national level.

All LATF members automatically become subscribers to APWA's InfoNOW Government Affairs Community, a source for legislative and regulatory information sent via email. Members will be notified through InfoNOW Government Affairs of public works issues about which they should respond, either by sending letters, emailing or personally calling on legislators and other decision-makers. Letters can be sent easily and instantly using APWA's Legislative Action Center on APWA's website.

Current subscribers to InfoNOW Government Affairs received a message from APWA President Richard Ridings on June 28, 2002 informing them of their automatic appointment to LATF. If you are not currently a subscriber to InfoNOW Government Affairs, you will need to join LATF by going to APWA's website, www.apwa.net and clicking on the icon "Join the APWA Legislative Advocacy Task Force." You will need your member ID to join, which you can look up on the website if you do not have it handy at the time you are enrolling. All new members receive a certificate of Presidential appointment.

EMERGENCY MANAGEMENT/DISASTER MITIGATION

Federal Emergency Management Spending

VA HUD APPROPRIATION HAS \$44.35 BILLION FOR FEMA

Included in the Senate's FY 03 VA-HUD spending bill is \$4.435 billion in funding for the Federal Emergency Management Agency (FEMA).

It is becoming likely that FEMA will have some or all of its responsibilities rolled into the new, yet to be created and currently being debated, Department of Homeland Security. The funding recommendations for FEMA include the following:

- \$1.84 billion for disaster relief, with \$1.5 billion of that designated for emergency spending;
- \$25 million for pre-disaster mitigation;
- \$1.7 billion for emergency planning and assistance, including \$900 million for the fire grant program, \$180 million for interoperable communications, \$75 million for state and local emergency planning grants, \$60 million for emergency responder training, and \$15 million for mutual aid;
- \$300 million for the FEMA Flood Map Modernization Program. (APWA has worked with 17 other state and local organizations as a coalition in helping to secure the funding recommendation of \$300 million for flood map modernization. The President also requested the amount in his FY '03 budget proposal this past February).

Senate appropriators also included \$1.5 billion in funding for first responder emergency funding. The President had requested \$3.5 billion in his budget proposal but the Senate appropriators have requested that the remaining \$2 billion in funding be included in similar programs under the Commerce, Justice and State appropriations bill. There is a great deal of support for the \$3.5 billion in funding for first responders and separate pieces of legislation have been introduced in both the House and the Senate. House appropriators have not begun their work on the VA-HUD spending measure but are expected to do so upon their return from the August congressional recess.

Homeland Security Legislation

HOUSE PASSES MEASURE TO MOVE 22 AGENCIES INTO NEW DEPARTMENT

On July 26, before leaving Washington to begin the August congressional recess, the House of Representatives passed its version of the Homeland Security Act (HR 5005). The legislation calls for the creation of the Department of Homeland Security with a budget of \$37.5 billion and 170,000 employees.

If enacted, HR 5005 would move 22 federal agencies into the new department, including the Federal Emergency Management Agency (FEMA), the Coast Guard, the Immigration and Naturalization Service (INS) and the Secret Service.

Several contentious issues were raised during the floor debate including whether to create special provisions for the Department with regards to civil service rules and collective bargaining rights. As passed, HR 5005 would allow for the new Department to create its own personnel rules and to waive some civil service protections. The President has asked for greater flexibility in hiring practices so the new Department will “prepare America for the permanent duty of defending the homeland.”

The current deadline of December 31, 2002 requiring that all checked luggage be screened for explosives at the nation’s airports was extended one year in the approved bill. Further it was decided that liability protections and caps remain in place for aviation screening companies.

The full Senate postponed action on legislation creating the new Department until September. However, the Senate Governmental Affairs Committee did mark up a counterpart bill to HR 5005. Called the National Emergency Preparedness Enhancement Act of 2002 (S. 2452) introduced by Chair of the Senate Governmental Affairs Committee Joseph Lieberman (D-CT) in May. As passed by the Committee, S. 2452 is very similar to HR 5005 with a few notable exceptions. These differences include the creation of a counterterrorism office within the White House, no allowance for special provisions with regards to civil service rules and collective bargaining rights, and the December 31, 2002 checked luggage screening deadline would stand.

ENVIRONMENT

Superfund Sites

SEVERAL FEDERAL AGENCIES PARTNERING TO REVITALIZE CONTAMINATED AREAS

Over 25 federal agencies are planning to form a partnership with the Environmental Protection Agency to help revitalize communities blighted by contaminated unused property, an agency official said July 15. The agencies, in addition to EPA will include the Department of Housing and Urban Development, the Interior Department, the Department of Labor, the US Army Corp of Engineers and 20 other agencies.

The agencies will work together to form a partnership that will look at resources the federal government can feasibly offer when it comes to cleaning up brownfield sites and they will offer their assistance to communities that request it.

Sanitary Sewer Overflows (SSOs)

CITIES CLAIM HAPHAZARD APPLICATION OF WET WEATHER MANDATES

Three cities, through their municipal leagues have filed a formal complaint in the U.S. District Court for the District of Columbia alleging uneven enforcement of mandates referring to the Sanitary Sewer Overflow rule.

The Pennsylvania Municipal Authorities Association, the Tennessee Municipal League, and the City of Little Rock Sanitary Sewer Committee claim that the Environmental Protection Agency (EPA) has unevenly applied various mandates relating to sanitary sewer overflows and other wet weather issues. The suit claims that EPA Regions have distributed policy stating that the practice of routing excess storm water around a Publicly Owned Treatment Works (POTWs) secondary treatment, then blending it with treated water before discharging it, a process referred to as blending, is illegal. Municipal officials disagree that blending is illegal.

The cities are asking the court to find that blending is not prohibited under the Clean Water Act; EPA lacks the authority to direct plan design or use of specific processes to achieve effluent limitations; emergency outfalls in municipal

collection systems must be permitted under the NPDES system; and the best available technology should apply to SSOs, not secondary standards.

EPA Assistant Named

SUAREZ TO BE NEW ENFORCEMENT OFFICE AT EPA

The Senate Environment and Public Works Committee (EPW) voted to name President Bush's nominee, John Peter Suarez to EPA Assistant Administrator for the Office of Enforcement and Compliance Assurance July 25.

Suarez comes from New Jersey where he was director of the state's Division of Gaming Enforcement, which oversees the state's casino industry.

Water Infrastructure

SEN. SMITH INTRODUCES ALTERNATIVE TO S. 1961

Senator Bob Smith (R-NH), responding to disgruntled water and wastewater treatment industries, has introduced a bill, S 2813, considered to be a "streamlined and less contentious version" of the infrastructure bill recently passed by the Senate Environment and Public Works Committee.

An alternative to S 1961, the Water Investment Act of 2002, the bill that the drinking water and wastewater community was unable to support citing that it created unneeded obstacles for utilities seeking funding, Smith's bill has eliminated the contentious issues, including the deletion of the Davis-Bacon language, and elimination of some of the requirements on utilities that S 1961 included. It also includes a different funding formula. No position has been taken by the drinking water and wastewater community on the Smith bill.

US EPA Funding

\$8.3 BILLION FOR US EPA IN SENATE'S VA/HUD FY 03 FUNDING BILL

The Senate Appropriations Committee passed the VA/HUD and Independent Agencies annual appropriations bill for fiscal year 2003 allocating \$8.3 billion for the US Environmental Protection Agency (EPA).

EPA's appropriation of \$8.3 billion represents \$400 million more than fiscal year 2002 and \$600 million above the \$7.7 billion requested by the Bush Administration for FY 03.

The legislation provides:

- \$1.45 billion for the clean water state revolving loan fund, and increase of \$100 million from fiscal year 2002;
- \$875 million for the drinking water SRF, \$25 million more than current funding levels;
- \$140 million for water infrastructure grants to San Antonio, Anchorage, Kansas City MO, Akron, Fairfax County, VA, Sacramento, Omaha, Honolulu, Milwaukee, Atlanta, Washoe County Nevada, Nashua and Manchester NH, Orleans Parish LA, Charleston and others;
- \$20 million as requested by EPA for drinking water system vulnerability assessments;
- \$238 million to address nonpoint sources of water pollution;
- \$21 million is included for EPA's new watershed initiative program. The program, introduced just this year by the Administration would focus on up to 20 high profile projects at the state and local level to address water quality problems on a watershed by watershed basis;
- Brownfield sites would receive the \$200 million requested by the President;
- Superfund program was funded at \$1.2 billion;
- Air grants will be funded at \$225 million, a slight decrease from the \$232.6 million approved for fiscal year 2002 and requested by the Administration;
- EPA would also receive \$20 million above the administration's request for enforcement personnel. The bill did reject an Administration request for \$15 million for a state enforcement grant program. A similar request had been made in the fiscal year 2002 budget process but was not approved.

House appropriators have not begun their work on the VA-HUD spending measure.

Water Facilities Vulnerability

WATER SUPPLY SAFETY AND SECURITY GRANTS AVAILABLE

The U.S. Environmental Protection Agency (EPA) is accepting applications for grants to support vulnerability assessments, emergency response plans, and security enhancement planning and design at large, privately-owned community drinking water facilities.

Large, privately-owned community water systems serving 100,000 or more people are eligible for these grants. Both non- and for-profit utilities may apply. Applications are due by 4:00 p.m. Eastern Standard Time on August 30, 2002, but utilities are encouraged to apply as soon as possible.

Documents to be submitted with an application can be found at www.epa.gov/ogd/AppKit/application.htm. For further details or your regional EPA contact information, visit http://www.epa.gov/safewater/security/rfa_private_grants.pdf or call the EPA Drinking Water hotline at 800/426-4791 and tell the hotline operator you are calling about the "Grants Program to Privately-Owned Utilities for Vulnerability Assessments."

Clean Water Act

LEGISLATION INTRODUCED TO RESTORE SOME WETLANDS PROTECTIONS

Senator Russ Feingold (D-WI) along with Representatives Jim Oberstar (D-MN) and John Dingell (D-MI) introduced the Clean Water Authority Restoration Act of 2002 on July 24, 2002. The Act, S. 2780, and its House companion, HR 5194, provide federal protection for isolated wetlands. Both are designed to "restore the intent" of the Clean Water Act of 1972.

The legislation was introduced in light of the January 2001 Supreme Court case, Solid Waste Agency of Northern Cook County v. U.S. Army Corps. The ruling determined that the protection of small water bodies, including thousands of wetlands which serve as a habitat for migratory birds, is beyond the reach of the Clean Water Act. Until the decision, section 404 of the Clean Water Act had served as the primary federal protection for wetlands that serve important water quality functions. The bills outline three actions:

- It adopts a statutory definition of "Waters of the United States," based on a longstanding definition of waters in the Corps of Engineers' regulations
- It deletes the term "navigable" from the Clean Water Act to clarify that Congress' primary concern in 1972 was to protect the nation's waters from pollution, rather than just a reference to the navigability of waterways, and to reinforce that original intent.
- It includes a set of findings that explain the factual basis for Congress to assert its constitutional authority over waters and wetlands, including those referred to as isolated including the Commerce Clause, the Property Clause, the Treaty Clause and the Necessary and Proper Clause.

Wastewater Vulnerability

SELF ASSESSMENT SOFTWARE AVAILABLE TO ANALYZE THREATS

The Vulnerability Self-Assessment Software Tool (VSAT) is now available free to all public wastewater utilities for use in analyzing how vulnerable they are to both intentional threats and natural disasters.

VSAT was funded by the U.S. Environmental Protection Agency (EPA) and developed by the Association of Metropolitan Sewerage Agencies (AMSA) in collaboration with the Pennsylvania Consulting Group and SCIENTECH, Inc., VSAT organizes data, supports and documents vulnerability analyses, and manages information for the full suite of potential utility assets including physical plant, employees, knowledge base, information technology, and customers.

VSAT training opportunities are slated to begin in August 2002. For more information or to request a copy of the VSAT wastewater software. Visit <http://www.VSATusers.net>.

Discharge Permits

PUBLIC INTEREST GROUP SITES WIDESPREAD VIOLATIONS

A report released August 6 by the U.S. Public Interest Research Group (US PIRG) estimates that 30 percent of the nation's 6,114 largest industrial, municipal and federal facilities were in violation of the Clean Water Act at least one time during a 15-month period.

The report indicates that during the 15 month period between January 2000 and March 2001, 39 of 93 major federal facilities reported a significant noncompliance status.

According to the report, a facility can achieve significant noncompliance through a variety of ways including: exceeding monthly effluent limits, exceeding daily or non-monthly effluent limits, failure to submit a discharge monitoring report, violation of the Clean Water Act compliance schedule, and failure to submit a compliance schedule report.

EPA officials found the report's conclusions to be misleading. An EPA spokesman stated, "A lot of those reported are technical violations that have no impact and don't necessarily trigger enforcement actions."

Contributors to this month's Washington Report were: Beth Denniston, Jim Fahey, Andrea Fisher and Heather McTavish

The Washington Report is edited by Beth Denniston