

APWA *Washington* REPORT

October 2007

TRANSPORTATION

Traffic Signals

NATIONAL REPORT CARD GRADES TRAFFIC SIGNALS WITH A D

The American Public Works Association (APWA), as part of the National Transportation Operations Coalition (NTOC), participated in the release of the 2007 Traffic Signal Report Card during a press conference on Oct. 9 in Washington, D.C. The report graded traffic signals with a D, a slight improvement over the D- from the 2005 assessment.

Marshall Elizer, Jr., P.E., APWA's representative to NTOC, hosted the press conference, which included additional speakers Rep. Lloyd Doggett (D-TX), Ron Kirby with the Metropolitan Washington Council of Governments and Elizabeth Ramirez, assistant director of public works and transportation with the city of Dallas, Texas.

The full report is available at www.ite.org/reportcard/.

“This is not about traffic signals turning green, yellow and red,” said APWA President Larry Frevert. “Just because signals continue to change color does not mean they operate efficiently. Increased demands and limited resources are complicating the ability of public agencies to manage efficient systems and reduce congestion. Allocating funds to improve these services will produce far-reaching, immediate results.”

According to the report’s findings, an investment in signal timing improvements as little as \$3 per U.S. household each year will produce benefits of \$45 billion per year and will yield shorter commute times, improved air quality, better fuel efficiency and happier drivers.

The report card shows how local jurisdictions such as cities, counties and states can reap large rewards, such as mitigating congestion and lessening fuel consumption, by making small changes in the way they manage and operate their traffic signal systems. The report also highlights several jurisdictions that have been successful in making changes since the 2005 report card was released.



Marshall Elizer, Jr., P.E., represented APWA on the National Transportation Operations Coalition (NTOC) and hosted a press conference for the 2007 Traffic Signal Report Card in Washington, D.C., on Oct. 9.

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The Traffic Signal Report Card findings are based on self-assessment surveys completed by 417 agencies in 47 states, including many APWA member agencies.

“Local agencies can easily make better use of their existing transportation networks by investing in traffic signal operations,” said Peter King, Executive Director of APWA. “These improvements can be made today if funds are available. The result is a more efficient use of existing streets and roads.”

Traffic Congestion

NEW REPORT SHOWS CONGESTION WORSENING

Traffic congestion continues to worsen in American cities of all sizes, creating a \$78 billion annual drain on the U.S. economy in the form of 4.2 billion lost hours and 2.9 billion gallons of wasted fuel, the Texas Transportation Institute’s 2007 Urban Mobility Report finds.

The 2007 mobility report, released in September, notes that congestion causes the average peak period traveler to spend an extra 38 hours of travel time and consume an additional 26 gallons of fuel, amounting to a cost of \$710 per traveler.

The study expands the estimates of the effect of congestion to all 437 U.S. urban areas and provides detailed information for 85 specific urban areas. The report also focuses on the problems presented by “irregular events” – crashes, stalled vehicles, work zones, weather problems and special events – that cause unreliable travel times and contribute significantly to the overall congestion problem.

The report’s researchers identify multiple solutions to the congestion problem that must be used together to be effective. These include: get as much service as possible from existing infrastructure; add road and transit system capacity in critical corridors; relieve chokepoints; change usage patterns; provide choices; diversify the development patterns; and keep expectations realistic.

The report is available at <http://mobility.tamu.edu/ums/>.

Transportation Appropriations

TEMPORARY EXTENSION KEEPS TRANSPORTATION PROGRAMS FUNDED

The fiscal year ended September 30 without enactment of a fiscal year (FY) 2008 transportation appropriations bill, but a Continuing Resolution will keep programs funded through November 16. President Bush has issued veto threats against both the House- and Senate-approved versions because of their spending levels, and a Conference Committee has yet to meet to begin reconciling the two bills. There is growing speculation that the transportation bill may be wrapped into a larger omnibus spending measure with other unfinished bills.

The Senate approved its FY 2008 transportation appropriations bill in September, adding \$1 billion for the Highway Bridge program in response to concerns over the condition of the nation’s bridges. The measure passed by a vote of 88-7.

The Senate’s Transportation, Housing and Urban Development and Related Agencies bill contains \$41.2 billion for the federal-aid highway program, an increase of \$1 billion over the House-passed version, and \$9.59 billion for the Federal Transit Administration programs. The measure includes \$195 million for reconstruction of the Minneapolis I-35W bridge which collapsed on August 1.

The House of Representatives passed its version in July. It would provide \$40.2 billion for highways, \$600 million more than the Administration requested, and \$9.7 billion for public transportation, \$300 million more than the Administration’s request.

The House and Senate bills do not eliminate the \$631 million in Revenue Aligned Budget Authority (RABA) as recommended in the Administration's budget. The Senate version directs RABA funding to earmarks and the U.S. Department of Transportation's Congestion Initiative, as opposed to the formula programs directed by the House bill. RABA is a budgetary mechanism designed to maintain highway funding at actual and anticipated revenue levels.

Like the House-passed bill, the Senate measure includes a \$3 billion rescission of unobligated highway funding apportionments. The House bill requires they be allocated proportionately across all federal-aid highway programs. The Senate bill allows states to apply rescissions to any program except safety programs.

The Senate bill provides \$3.5 billion for the Airport Improvement Program (AIP) and \$1.37 billion for Amtrak, while the House the bill includes \$3.6 billion for AIP and \$1.4 billion for Amtrak, about \$600 million more than requested by the Administration.

Rights-of-Way

NEW GUIDE PUBLISHED ON RIGHTS-OF-WAY ALTERATIONS

The U.S. Access Board announced the availability of a new design guide on achieving accessibility in alterations projects involving public streets and sidewalks. *Accessible Public Rights-of-Way: Planning and Designing for Alterations* explains how to maximize accessibility in the course of alterations through careful planning, an understanding of current regulations and access criteria and strategies for negotiating constraints.

The guide outlines and illustrates design solutions and model sidewalks and includes case studies and other resources. The information was developed by a group of former members of the Access Board's Public Rights-of-Way Access Advisory Committee, which prepared recommendations for the Board's use in developing new guidelines for public rights-of-ways. In the course of its work, the Committee determined that guidance specific to alterations was needed as a supplement to future guidelines.

The guide was published by the Institute of Transportation Engineers with support from the Board and will soon be available at www.access-board.gov.



Image courtesy of the Jim Martin Public Works Photo Library at www.apwa.net.

Bridge Hearings

APWA PRESIDENT URGES ACTION TO ADDRESS BRIDGE DEFICIENCIES

APWA President Larry Frevert presented statements on behalf of APWA for two Congressional hearings on structurally deficient bridges. On September 19, the U.S. House of Representatives' Committee on Science and Technology held a hearing on *Bridge Safety: Next steps to Protect the Nation's Critical Infrastructure*. The Senate Committee on Environment and Public Works held a hearing September 20 titled, *Oversight Hearing to Examine the Condition of Our Nation's Bridges*.

President Frevert's statement, submitted as testimony for the record, points out that the U.S. has significant bridge needs and calls on Congress to act immediately to increase bridge

investment to eliminate the bridge deficiency backlog and to increase funding to strengthen bridge inspections and training programs.

APWA also submitted a statement to the House Transportation & Infrastructure Committee, which held its hearing on structurally deficient bridges September 5, the week Congress returned from its August Recess.

House and Senate Committees held hearings to consider the views of representatives from federal, state and local governments and the private sector with respect to the condition of bridges and solutions to address bridge needs.

APWA's testimony is posted at www.apwa.net/advocacy.

Structurally Deficient Bridges

HOUSE T&I COMMITTEE CHAIR PROPOSES BRIDGE FUNDING BILL

House Transportation and Infrastructure (T&I) Committee Chairman James Oberstar (D-MN) will markup legislation to repair, replace and rehabilitate structurally deficient bridges on the National Highway System (NHS), which includes Interstates and other major highways.

Oberstar's National Highway System Bridge Reconstruction Initiative would provide dedicated funding, improve bridge inspection requirements, prohibit earmarks and establish a trust fund for NHS bridge reconstruction.

Possible revenue sources include a temporary motor fuel tax dedicated to the initiative or a tax on imported oil. President Bush has indicated he would not support a tax increase. The House T&I Committee is scheduled to consider the measure in October.

Highway Funding

SENATE PANEL PASSES BILL TO CLOSE HIGHWAY TRUST FUND SHORTFALL

The Senate Finance Committee passed a bill which would provide about \$5 billion to the Highway Account of the Highway Trust Fund to ensure its solvency through 2009.

The legislation does so by replenishing emergency spending from the highway trust fund with general fund dollars, suspending transfers from the highway trust fund for certain repayments and credits and through fuel fraud measures. The bill provides for offsets to the general fund costs.

Current estimates show that the Highway Account will fall into deficit by \$4.3 billion in 2009 as a result of declining motor fuel tax revenues.

The provisions were included in legislation reauthorizing the Aviation Trust Fund as part of a broader Federal Aviation Administration reauthorization package. The House-passed aviation reauthorization bill does not contain language addressing the Highway Trust Fund shortfall.

UTILITIES AND PUBLIC RIGHTS-OF-WAY

Video Franchising

LOCAL GOVERNMENTS OPPOSE FCC VIDEO FRANCHISING ORDER

The Federal Communications Commission (FCC) is reportedly expected to decree soon that any company now under contract with a local government to provide video services may have the right to renegotiate better terms. Organizations representing local elected officials, including the National League of Cities, the U.S. Conference of Mayors and the National Association of Counties, oppose the expected ruling, saying it puts at risk America's public access channels, first-responder communications capability and millions of dollars in franchise fees used by cities and towns for public safety and infrastructure.

The FCC is expected to rule that existing cable operators can, under certain circumstances, back out of key provisions in their current franchise contracts with local governments, renegotiate lower municipal fees and reduce the benefits they currently provide to the public.

The local government groups are already suing the FCC over an order issued in March, which in their view improperly strips local governments of their authority to protect the public health, education, welfare and safety of local residents, in violation of the Cable Act. They argue that the latest effort by the FCC, far from simplifying or streamlining matters, would only multiply the potential problems and disputes that cities have with cable operators.

In March, the FCC issued a Report and Order concluding that the “local franchising process in many jurisdictions constitutes an unreasonable barrier to entry,” and therefore issued rules pre-empting local franchising authority. The FCC’s order sets fixed deadlines on local franchising authorities to rule on video franchise applications – 90 days for entities with pre-existing access to the rights of way, 180 days for those without. In addition, it limits build-out requirements and restricts compensation in the franchise agreement and sets other requirements.

EMERGENCY MANAGEMENT/DISASTER MITIGATION

FEMA

APWA & FEMA SIGN MEMORANDUM OF UNDERSTANDING

On September 11, 2007 during APWA’s Congress in San Antonio, Texas, APWA signed a “Memorandum of Understanding” (MOU) with the Federal Emergency Management Agency (FEMA). The agreement will serve as a framework for the next several years of relationship building between the two organizations.

The memorandum, signed on the anniversary of the terrorist attacks in New York City, Washington and Pennsylvania, came on the heels of an important meeting between APWA leadership and FEMA Administrator R. David Paulison in Washington, D.C. Leaders of both organizations discussed continuing issues affecting public works officials in the Gulf States, reaffirmed their commitment to better communication during disasters and agreed to open up new possibilities to work together in the future on such topics as education and training. One of the first steps in this new era of cooperation was the signing of the MOU.

APWA has always maintained a strong relationship with FEMA. However, the signing of the MOU is significant in many ways. For starters, the agreement is a statement of intent by each party to work with one another to “promote greater understanding and coordination of emergency management programs, such as mitigation, preparedness, response and recovery carried out by emergency services personnel, including public works and emergency officials in communities across America.” But beyond this intent, the MOU is officially authorized by Congress, via the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

APWA President Larry Frevert expressed his enthusiasm for the agreement by saying, “This agreement shows FEMA’s recognition of public works professionals and their role as first responders. It represents a major advance allowing our members and the public works community access to the training, equipment, resources and recognition so much deserved as we stand arm in arm with our public service professionals from fire, police and emergency services in assisting Americans with disaster recovery.”



APWA Past-President Bill Verkest and FEMA Assistant Administrator for Disaster Preparedness Carlos Castillo signed a Memorandum of Understanding during the 2007 APWA International Public Works Congress and Exposition in September.

While Mr. Paulison was originally scheduled to sign the document in San Antonio, he was required to testify before the U.S. Congress the day of the signing. FEMA Assistant Administrator for Disaster Preparedness, Carlos Castillo, attended in his place. Because the original draft of the MOU was agreed upon during APWA Past-President Bill Verkest's term, he and Mr. Castillo were the actual signatories to the agreement.

To ensure the relationship is not just limited to paper, President Frevert adds, "I have tasked our FEMA Advisory Task Force to meet at least annually with FEMA representatives in an 'across the table' exchange. These professionals will serve as our 'think tank' experts as we further advance the roles and responsibilities of the public works community in emergency preparedness and response."

Training Grants

DHS ANNOUNCES GRANTS FOR PREPAREDNESS TRAINING

The Department of Homeland Security (DHS) recently announced the awarding of more than \$113 million in grant money under two programs that strengthen the coordinated training efforts of homeland security preparedness. The two programs are the Homeland Security National Training Program (HSNTP) and the Competitive Training Grant Program (CTGP).

Under the HSNTP, the department awarded \$84 million in cooperative and inter-agency agreements to applicants to design, develop and deliver training content, as well as support federal, state, local, and tribal jurisdictions in accordance with DHS guidance and approved homeland security strategies. The announcement is in addition to more than \$98 million in HSNTP funds previously awarded by the department in FY 2007. Under the CTGP, the department awarded \$29.1 million to state, local, tribal and territorial governments, national associations, higher education institutions, non-profit organizations and the private sector to develop and deliver innovative training programs addressing high priority national homeland security training needs.

Separately, the Department announced more than \$24 million in grants for FY 2007 under the Urban Areas Security Initiative (UASI) Nonprofit Security Grant Program. These awards, required by Congress, support target hardening and security screening activities in select non-profit organizations that are deemed at high-risk of a potential terrorist attack.

Commenting on the UASI grants, Secretary Chertoff said, "Risk is not exclusive to political jurisdictions or critical infrastructure. These investments will strengthen security and contribute to local preparedness at hundreds of non-profit organizations nationwide."

More information about these and other grant announcements is available at <http://www.dhs.gov/xnews/index.shtm>.

Preparedness Guidelines

DHS RELEASES NATIONAL PREPAREDNESS GUIDELINES

DHS announced publication of two important tools to strengthen, organize and synchronize national preparedness efforts: (1) the National Preparedness Guidelines, which establish a vision for national preparedness and provide a systematic approach for prioritizing preparedness efforts across the nation; and (2) the Target Capabilities List, which describes the collective national capabilities required to prevent, protect against, respond to and recover from terrorist attacks, major disasters and other emergencies.

"The National Preparedness Guidelines and Target Capabilities List are the culmination of extensive efforts to define the specific plans and capabilities our nation must possess in order to address catastrophic threats," said Homeland Security Secretary Chertoff. "These documents will help focus policy, planning, and investments at all levels of government and the private sector in order to strengthen our collective capabilities and better prepare for major incidents."

Publication of the Guidelines and Target Capabilities List fulfills a major component of Homeland Security Presidential Directive 8, "National Preparedness," and establishes a framework for understanding what it means for the nation to be prepared for all hazards.

More information is available at www.dhs.gov/xnews/releases/pr_1189720458491.shtm.

DHS

SECRETARY CHERTOFF ANNOUNCES RESIGNATION OF DEPUTY SECRETARY JACKSON

Department of Homeland Security Secretary Michael Chertoff announced the resignation of Deputy Secretary Michael Jackson, effective Oct. 26. He noted that Jackson has served the department as its chief operating officer since January 2005, and is the longest serving deputy secretary in the department. The secretary described some of his many contributions, saying that he "has devoted enormous energy, talent, and thought to making it a stronger, more integrated and mature organization. He is a remarkable chief operating officer, my most trusted counselor, and a close personal friend."

Jackson's contributions to homeland security predate his position at DHS. As deputy secretary at the Department of Transportation, he helped to stand up the Transportation Security Administration and managed the recovery efforts for the nation's aviation industry after 9/11.

"Our homeland is more secure and better prepared as result of Deputy Secretary Jackson's tireless service, and on behalf of all Americans, I offer him our deep gratitude," said Chertoff.

FEMA Preparedness

FEMA'S REGIONS SPREAD THE NEWS DURING PREPAREDNESS MONTH

In September, FEMA's Community Preparedness Division joined the DHS Ready Campaign and thousands of partners, including APWA, in a nationwide effort that encourages Americans to take simple steps to prepare for emergencies. Below is roundup of some of the activities that FEMA regions have undertaken so far.

- Region V in Chicago helped spread National Preparedness Month messages at several regional conferences, and challenged regional staff to complete the Family Emergency Plan from the Ready.gov Web site.
- Region X Regional Administrator Susan Reinertson welcomed more than 30 federal and state emergency managers from across the Pacific Northwest for an all-day homeland security executive education seminar on preparedness issues Sept. 7 in Seattle.
- Region I in Boston reached out and built relationships with its partners in the private sector. The purpose was to develop relationships with individual stakeholders during "non-emergency" times so that when an incident does occur, information can be shared directly with those individuals via pre-established communications channels.
- Region II and the New York State Emergency Management Office have found a unique way to spread the word about National Preparedness Month. In a joint venture with New York-based Stewart's Shops, a locally owned chain of convenience stores in upstate New York and western Vermont, 150,000 half-gallon milk cartons are now on the shelves of the company's nearly 325 shops with a side panel that offers emergency preparedness tips.
- Region VIII supported Ready Colorado Day at the Rockies baseball game on Sept. 16, distributing information outside the stadium before the game. In addition, a Jumbotron message was displayed with this year's theme "B.READY."

ENVIRONMENT

Farm Bill

SENATE TO CONSIDER FARM BILL REAUTHORIZATION

The Senate Agriculture Committee is expected to mark-up the 2007 Farm Bill Extension Act the week of October 22. Finding money to fund the 2007 reauthorization has been a major challenge for both Houses of Congress. Lawmakers can add approximately \$20 billion onto the bill's more than \$280 billion baseline, as long as they can offset the new funding or trim subsidies.

The Senate Finance Committee took the first step in the Senate toward a new Farm Bill when it approved a \$16 billion tax package by a 17-4 vote. Under the Finance Committee package, new funding is directed toward wind and cellulosic energy development, farmland conservation programs, endangered species act recovery projects and disaster assistance. The tax package revises the conservation programs in the Farm Bill by allowing producers to choose between tax benefits and cash payments when they enroll in conservation programs. The tax bill dictates explicitly where this new money can be spent and leaves little additional money for several of Senator Tom Harkin's (D-IA) priorities for the 2007 Farm Bill including boosting conservation program funding, increasing funding for nutrition programs and for rural development programs. Harkin is Chair of the Senate Agriculture, Nutrition and Forestry Committee.

Funding for vital rural development programs and conservation funding is in danger of being ignored and it is essential that every Senator hear from APWA members about this important piece of legislation, which includes many programs such as grant and loan programs for community facility development; rural water and sewer projects; wetlands and conservation reserve projects; and new Cooperative Conservation Partnership Initiatives, which encourage conservation partnerships among producers, states, conservation districts, units of local government and others so that they are better able to take into account local and/or regional water quality priorities and needs.

According to the Rural Policy Institute, "That money, of course, won't go far enough in paying for all the planning, water, sewer, high-speed Internet, health care, workforce training and business development needed to shore up the rural economy, but it will go a lot farther than any past legislation. And the number of people calling for its passage will go a long way in determining whether the call is heard...and answered. If it isn't, we'll likely be waiting five more years until the next Farm Bill...and praying the whole time that it won't come too late."

It is essential APWA members contact their Senators' offices, urging them to commit to supporting a significant new mandatory funding in the rural development and conservation titles. Consider writing a letter to the editor in your local paper to get the message out as well. Visit the APWA Legislative Action Center to for additional information at www.apwa.net/advocacy; click on Get Involved; then click on "Legislative Action Center."

Water Quality Funding

SENATE HOLDS HEARING ON CLEAN WATER FUNDING

The Senate Environment and Public Works Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality held a hearing September 19 to address the need for more federal clean water funding. A number of representatives from the clean water community testified before the subcommittee and discussed the need for the federal government to recommit itself to the ideals that inspired the 1972 Clean Water Act and establish a viable, long-term source of funding for the nation's clean water infrastructure.

Senators at the hearing were very supportive of increasing federal funding of clean water infrastructure, and promised action on both the *Water Quality Investment Act of 2007* (S. 836), which would provide \$1.8 billion in grants to local communities for sewer overflow control projects, and on reauthorization of the Clean Water State Revolving Fund (CWSRF). The House passed a bill in March, the Water Quality Financing Act (H.R.

720), funding the CWSRF, which would provide \$14 billion over four years for the CWSRF; Senate action is expected in the coming months.

Overflow

SEWER OVERFLOW NOTIFICATION BILL INTRODUCED IN SENATE

Senator Frank Lautenberg (D-NJ), Chair of the Senate Environment and Public Works Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, introduced the *Sewage Overflow Right-to-Know Act* (S. 2080) on September 21. The bill is similar to the House's H.R. 2452, introduced in May. Both bills would require clean water utilities to develop monitoring systems to detect any overflows, and also require utilities to report overflows to the public within 24 hours.

Additionally, the bills contain reporting requirements for overflows to local public health authorities, state regulators and the U.S. Environmental Protection Agency (EPA). The bills are currently in committee, and movement to the floor of the House or Senate is not expected anytime soon. Although the clean water community supports public notification of sewer overflows, there is concern that the bills currently before Congress do not adequately take into account existing state and regional reporting requirements.

Additionally, many municipalities feel strongly that any federal reporting requirements should be part of a broader, more comprehensive sanitary sewer overflow (SSO) policy. APWA and members of the clean water community will continue to work with Congress on the two bills.

Green Infrastructure

EPA ENCOURAGES USE OF GREEN INFRASTRUCTURE IN PERMITTING, ENFORCEMENT

The Environmental Protection Agency (EPA) recently released a memorandum to clarify how green infrastructure can be incorporated into existing regulatory programs in an effort to improve water quality. The Water Permits Division and Water Enforcement Division of the Office of Enforcement and Compliance Assurance (OECA) issued the memo to regional EPA water division directors and enforcement coordinators, as well as all state National Pollutant Discharge Elimination System (NPDES) program directors.

The memo states that “in developing permit requirements, permitting authorities may structure their permits, as well as guidance or criteria for stormwater plans and CSO [combined sewer overflow] long-term control plans, to encourage permittees to utilize green infrastructure approaches, where appropriate, in lieu of or in addition to more traditional controls.”

For enforcement activities, EPA will consider the feasibility of using green infrastructure as a pollution control option and encourages states to do this as well. The memo is part of EPA's recent engagement on green infrastructure issues, including a new [green infrastructure homepage](#) providing a variety of on-line resources.

Clean Water

CLEAN WATER ADVOCACY CENTER TO DEBUT AT WEFTEC

APWA, the National Association of Clean Water Agencies (NACWA) and the Water Environment Federation (WEF) are joining forces to host the first-ever Clean Water Advocacy Center at WEFTEC.07, October 15-17, in San Diego, Calif. The Advocacy Center (Booth #4537) will be in a central, high-traffic location on the WEFTEC exhibit floor and will feature the joint advocacy efforts of these three organizations representing clean water agencies and their interests nationwide. The overarching goal is to energize WEFTEC attendees about the vital importance advocacy plays, both in the Nation's Capital and in their communities, and to express that technology and innovation cannot be divorced from legislative, regulatory and legal drivers. The Advocacy Center will highlight key initiatives such as NACWA's *Clean Water America* grassroots website (www.cleanwateramerica.org), WEF's *Water Is Life and Infrastructure Makes It Happen* campaign and APWA's *National Public Works Week* campaign. Joint position statements on key issue areas will also be made available at the Advocacy Center, with the goal of garnering additional support for the priorities of the clean water community.

WRDA

SENATE PASSES WRDA, PRESIDENT THREATENS VETO

The Senate voted overwhelmingly by an 81-12 vote to approve the Water Resources Development Act (WRDA) Conference Report and send it to the President for his signature.

WRDA authorizes the U.S. Army Corps of Engineers to carry out more than 900 projects related to flood control, navigation, water supply, environmental restoration and infrastructure projects. The bill includes significant money for projects related to hurricane damage along the Gulf Coast. The final bill also includes new independent review requirements for projects more than \$45 million and outlines the process for de-authorizing un-built projects that are obsolete or no longer necessary. The bill includes creation of a Committee on Levee Safety that will make recommendations for a national levee safety program and a safety review of construction activities for flood and storm damage projects at the discretion of the Corps.

The House of Representatives voted on and approved, by a veto proof majority, the WRDA Conference Report in August despite the President's veto threat.

Drinking Water

EPA REVISES LEAD & COPPER RULE

The U.S. Environmental Protection Agency (EPA) announced a final rule aimed at reducing human exposure to lead in drinking water. The final rule strengthens the 1991 lead and copper rule by revising the monitoring, treatment processes, public education, customer awareness and lead service line replacement provisions. Specifically, the final rule outlines seven changes addressing: (1) the minimum number of samples a utility must take; (2) definitions of *compliance* and *monitoring periods*; (3) reduction of monitoring criteria; (4) clarification of advanced notification and approval requirements for water systems that intend to make any long-term changes in water treatment or add a new source of water; (5) requirements to provide a consumer notice of lead tap water monitoring results to consumers who occupy homes or buildings that are tested for lead; new public education requirements and clarification of the re-evaluation of lead service lines requirements that are classified as *replaced* through testing.

Additional information is available at <http://www.epa.gov/safewater/lcrrm/index.html> or at www.apwa.net/advocacy under "Federal Regulations."

Groundwater

NEW GROUNDWATER GUIDANCE DOCUMENTS AVAILABLE

The Environmental Protection Agency (EPA) recently released three new guidance documents summarizing the source water monitoring requirements in the Groundwater rule. The *Ground Water Rule Source Water Monitoring Guidance Manual* summarizes the final rule and lists requirements for monitoring source water.

Utilities using ground water and at a high risk for fecal contamination must take corrective actions. The new manual describes the eight components of a water system that must be regularly monitored under the rule: (1) source; (2) treatment; (3) distribution system; (4) finished water storage; (5) pumps, pump facilities and controls; (6) monitoring, reporting and data verification; (7) system management and operation and (8) operator compliance with state requirements.

The *Consecutive System Guidance for the Ground Water Rule* outlines rules for wholesale systems that supply ground water and to the systems that receive and distribute that water. *Complying with the Ground Water Rule: Small Systems Compliance Guide* outlines the rules for owner and operators of public systems serving fewer than 10,000 individuals.

All three guides are available at <http://www.epa.gov/safewater/disinfection/gwr/compliancehelp.html>.

Superfund

TWO SUPERFUND BILLS INTRODUCED IN THE HOUSE

Representatives Earl Blumenauer (D-OR) and Frank Pallone (D-NY) introduced legislation that would reinstate corporate taxes to pay for the clean up of superfund sites. The *Superfund Reinvestment Act of 2007* (H.R. 3636) would reinstate the corporate income tax and an excise tax on petroleum products and certain chemical feedstocks.

Earlier this year, Representative Maurice Hinchey (D-NY) introduced the *Superfund Equity and Mega Site Remediation Act of 2007* (H.R. 1887). Under the Hinchey Bill the corporate environmental income tax and excise tax increases on petroleum and chemical products would be used to pay for the clean up of hazardous waste sites costing more than \$50 million to remediate.

Additional information is available at www.apwa.net/advocacy under “Federal Legislation.”

Air Pollution

EPA CONSIDERS CHANGES TO HAZARDOUS AIR POLLUTANT EMISSION STANDARDS FOR HAZARDOUS WASTE COMBUSTORS

The Environmental Protection Agency (EPA) is seeking comment on possible changes to the hazardous air pollutant emissions standard for hazardous waste combustors. In late 2005, EPA issued national emissions standards for hazardous air pollutants emitted by various types of hazardous waste combustors. EPA has not yet issued a final rule on the 2005 proposal and following the close of the comment period on the proposal, the U.S. Court of Appeals for the District of Columbia issued an opinion calling into question the legality of some of the standards in the 2005 proposed rule. In this notice, EPA outlines those standards it believes are still consistent with the Act and current case law and which standards need to be reexamined through another rulemaking proposal.

The *Federal Register* notice announcing this proposal is available at <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-19097.pdf>.

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