



MAYORS WATER COUNCIL



D E C E M B E R 2 0 2 2



INSIDE -

Pages 2-5 - Mayors Water Council Meeting Recap

Page 5 – New Member Welcome to the Mayors Water Council

Pages 6-8 – Water and Wastewater Regulatory Updates

Page 9 – List of Mayors Water Council Members

Page 10 – Water Development Advisory Board Members

The United States Conference of Mayors Water Council convened in Ontario, CA October 13- 14, 2022, led by Co-Chair Mayor Deborah Robertson, City of Rialto, CA. Mayors assembled with Lily Lee from U.S. EPA Region 9; Gary Gold, Deputy Assistant Secretary for Water and Science, United States Department of the Interior (DOI); Dorene D'Adamo, Vice Chair California State Water Resources Control Board; Gloria D. Gray, Chairwoman of the Board Metropolitan Water District of Southern California; and the lead focus was on drought and the urgency of reducing consumption of water and reusing supplies.

The Southern California Association of Governments (SCAG) also joined the meeting, presenting information on a major new policy resolution crafted to help local governments address the increasing water shortage and consumption reduction challenges. California cities are gearing up for at least a 10%, but as much as a 30%, reduction in water consumption. This challenge is complicated by a growing population.

Members of the Water Development Advisory Board to the Mayors Water Council discussed alternative strategies to help cities reduce water consumption. The usual strategies include water reuse, groundwater recharge, stormwater capture, drought resistant landscaping, etc. Executives from American Water, Veolia North America and Engineering firm Black & Veatch informed mayors that each percentage of water consumption reduction would incur new costs to restructure water/sewer infrastructure for reuse scenarios. Additionally, they discussed alternatives that involve Public Private Partnerships (P3s) that can leverage both financial investment and expertise to help communities transition to low water supply.

Mayors discussed the opportunity for tapping federal financial assistance made available by the Infrastructure Investment and Jobs Act, (also called the Bipartisan Infrastructure Law – BIL). More than \$22 billion in additional funding was made available by Congress for the State Revolving Fund Loan Programs (Clean Water SRF, Drinking Water SRF). EPA's Lily Lee briefed mayors on what stage of implementation of the funding is in Region 9.

Materials and the Upcoming January 2023 Mayors Water Council Meeting

You can find the meeting materials including PowerPoint presentations, agenda, and speaker biographies online at the following link: [Mayors Water Council](#)

The next Mayors Water Council meeting will be during The United States Conference of Mayors' 91st Winter Meeting in Washington D.C. The meeting is scheduled for January 18th from 9:15 – 10:30 AM. Registration links can be found at usmayors.org

Mayors Water Council Meeting – Recap



Pictured: Lily Lee, Manager, Water Infrastructure Section, U.S. Environmental Protection Agency Region 9

Lily Lee, Manager of the Water Infrastructure Section of Region 9 of the Environmental Protection Agency (EPA), briefed mayors on the current funding opportunities available through the Infrastructure Investment and Jobs Act (IIJA or BIL), specifically highlighting the historic \$50 billion provided for Drinking and Wastewater Infrastructure. According to Lee, there will be an estimated \$609 million allocated through state revolving funds (SRF), such as the Clean Water and Drinking Water state revolving funds for the state of California in Fiscal Year 2022. In total, the entire pacific southwest region will receive close to \$1 billion through SRF allotments. This money can be utilized for a wide array of projects including but not limited to water reuse, energy and water conservation, groundwater quality, stormwater management, habitat and ecosystem restoration, and source water protection.



Pictured: Gary Gold, Deputy Assistant Secretary for Water and Science, United States Department of the Interior (DOI)

Deputy Assistant Secretary Gary Gold provided a briefing on what the DOI and Bureau of Reclamation are doing to prepare for the extended drought. Gold described some of the activities at DOI to bring the western states that draw water from the Colorado River to consider how best to reduce supplies from the Colorado River. The Assistant Secretary also described the dangers ahead if the drought continues. Current electricity generation from hydro facilities at the Lake Mead and Hoover Dam are vulnerable to low flow trends that will diminish, if not eliminate, electric generation. The U.S. Supreme Court in November agreed to review a previous decision in a lawsuit by the Navajo Nation claiming the DOI has a duty to develop plans to provide the reservation with an adequate water supply involving the Colorado River.



Pictured: Dorene D'Adamo, Vice Chair California State Water Resources Control Board

Dorene D'Adamo asked for feedback from mayors and water supply managers regarding the July 2020 State Water Resilience Portfolio that includes a set of actions to meet California's water needs through the 21st century. She also solicited feedback on an August 2022 State Water Supply Strategy that lays out a series of actions aimed at preparing for an estimated 10% decrease in California's water supply by 2040 due to higher temperatures and decreased runoff by developing new water supplies through reuse, recycling, desalination and an all of the above strategy. Vice Chair D'Adamo also commented that 25% of Southern California's water supply is from the Colorado River Basin, and Governor Newsom has declared that a state of emergency exists for water supply.



Pictured: Evan Jacobs, Director of Communications and External Affairs, American Water

Evan Jacobs, Director of Communications and External Affairs, American Water briefed mayors on how American Water and its client cities are tapping the BIL for federal financial support. Director Jacobs shared that aging water infrastructure, turning nearing 100 years old, experiences a water main break every two minutes in America, losing 6 billion gallons of water daily. Jacobs stated that, currently, 15% of wastewater plants are at or beyond capacity. Unless investment levels increase the drinking water and wastewater investment gap will increase to over \$434 billion by 2029. Jacobs also acknowledged that the BIL provides over \$23 billion in grants and loans through the State Revolving Fund loan program, and this is going to help cities make increased investment.



Pictured: Jeff Neemann, California Area Director, Black & Veatch

Dr. Jeff Neemann did a deep dive review of what cities should expect as the drought creates a double financial impact when purchasing new water supplies. Director Neemann stated that the total cost of water will increase as a result of conserving water. For example, Dr. Neemann stated that all water supplies have an associated energy cost that could be very expensive depending on the distance water supplies travel to the municipal water treatment facility and to customers. One way to manage water supply costs is to seek local water sources not yet tapped. For example, brackish water, stormwater capture, water banking, ocean desalination and potable reuse are all on the table and will be sorted out by availability and cost.



Pictured: John J. Burdette III, Business Development Manager, Veolia North America

John Burdette with Veolia North America presented information on the water – energy nexus and opportunities when reducing water consumption. Burdette outlined the familiar challenges cities face when providing water services, including climate change, depleted groundwater resources, the Colorado River crisis, etc. On the optimistic side, Burdette identified several solutions to address the challenges, and, importantly, there are new federal financial resources available from the BIL (IIJA), that provides grants and loans for energy efficiency in water/sewer facilities, California State grants and financing programs, and Public Private Partnerships, investment tax credits that raise qualified project costs up to 50%, the historic level was 30%.



Sarah Jepson, Southern California Association of Governments (SCAG), Director, Planning & Programs briefed mayors on the recent comprehensive planning resolution (Resolution No. 22-647-3) adopted by their organization to prepare for water consumption reductions. SCAG developed a guidance framework to address water supply threats, economic impacts related to diminished water supplies, and impacts such as agricultural competition for water, a changing landscape brought on by groundwater uses and subsidence and identifying opportunities as cities adjust to a low water future and remedies that involve climate change. The potential future curtailment of water supplies from the lower branch of the Colorado River to California and other states figures largely in the Resolution.

Pictured: Sarah Jepson, Planning Director, Southern California Association of Governments (SCAG)



Chad Seidel, Ph.D., P.E., President of Corona Environmental and Water & Health Advisory Council member briefed mayors on a risk-based approach to regulating PFAS in drinking water. Seidel developed a science and data assessment tool that compares contaminants in drinking water and showcases potential risk to public health based on their toxicity and prevalence levels in drinking water. Compared to regulated drinking water contaminants like arsenic and uranium, PFAS presents a lower risk to public health base upon available health effects and drinking water occurrence information. With limited funding and competing risks in drinking water, policymakers must regulate and prioritize the contaminants that pose the greatest risks to public health first. Then, they should invest in the regulation and discovery of new or emerging contaminants, like PFAS.

Pictured: Chad Seidel, Ph.D., P.E., President, Corona Environmental and Member of the Water & Health Advisory Council

Acknowledgements

*The Mayors Water Council would like to thank our Co-Chair **Mayor Deborah Robertson and her staff including Angela Perry, Tom Crowley, and Marcus Fuller** for organizing and hosting the meeting in Ontario, California. We would also like to thank the **City of Rialto** for sponsoring the Friday morning breakfast as well as **Veolia North America** including **Larry Cook, Soheil Sadighil, and Chandrasekar Venkatraman** for sponsoring the opening night reception. We greatly appreciate your contributions in making the meeting a success. Thank you.*

Photos Courtesy of Rialto Network



Pictured L to R: **Mayor Eunice Ulloa**, City of Chino CA; **Councilmember Diana Mahmud**, South Pasadena, CA; **Water Council Co-Chair Mayor Deborah Robertson** City of Rialto CA; and **Mayor Mary Lou Pauly**, City of Issaquah, WA

Welcome Mayor Mary Lou Pauly of Issaquah, WA *New Member to the Mayors Water Council*



Mayor Pauly was first appointed to the Issaquah City Council in 2013 and elected as mayor in 2017. Utilizing her professional background in civil engineering and environmental consulting, Mayor Pauly has made the environment a top priority for the City of Issaquah. Under her leadership, the city has prioritized supporting legislation that interweaves climate sustainability, resiliency, economic and equity goals. These efforts include, but are not limited to, promoting the implementation of the city's local climate action plan, supporting policies that incentivize the electrification of the transportation and building sectors, and working with regional partners to evaluate PFAS/PFOS chemicals in the Issaquah Valley Aquifer and ensure our drinking water meets or exceeds drinking water standards.

Additionally, Mayor Pauly currently serves on several regional organizations that shape and develop policy on a broad range of issues such as climate, transportation, and water. These include the Cascade Water Alliance Board, Mountains to Sound Greenway Advisory Board, King County Cities for Climate Collaboration, Puget Sound Regional Council, Southeast Alliance Transportation Coalition, and the PSRC Transportation Policy Board. Mayor Pauly is looking forward to engaging with the Mayors' Water Council and contributing her insights regarding PFAS contamination and potential federal legislation impacts on local water and wastewater services.

Regulatory Tracking and Advocacy - Water and Wastewater

By: Judy Sheahan and Rich Anderson

EPA is working on rules and guidance policies intended to protect public health that will impact local drinking and wastewater services and impose new costs on ratepayers. The Mayors Water Council (MWC) is focused on priority issues and is working closely with the National League of Cities (NLC) and National Association of Counties (NACo) as well as professional industry sector organizations to monitor and advocate on behalf of local government on these issues.

A brief description of the status of these priority issues:

Lead and Copper Rule (LCR) – The Trump EPA LCR involved requiring cities to map lead pipe locations, use an action trigger level of 15 parts per billion (ppb), and allow communities 33 years to replace these pipes, recognizing the public activity on private property may complicate pipe replacement progress. The Biden EPA has reset the road map and dramatically shortened the compliance period to address lead. Currently under consideration is lowering the action trigger level to 10 ppb, and every indication is that they may require communities to remove all pipes with lead on a much faster timeframe. The IIJA included \$15 billion in grant/loan aid to the states. Credible cost estimates to remove all lead pipes ranges between \$45 billion to \$60 billion. The degree of difficulty to remove lead pipes is increased because the preponderance of lead pipes are on private property, and a city must get homeowner permission to go on a property to replace lead, and perhaps even galvanized pipes that are coated with zinc.

The USCM along with other organizations will be submitting comments to EPA that are due on December 13, 2022. For previous letters, please see [link to letter](#)

PFOS/PFOA –These are called “forever chemicals” and were used as a firefighting foam at airports and found on cookware (Teflon pans) among other industrial and consumer uses. Environmental contamination from firefighting foam and contamination of water resources has led EPA to establish a game plan for regulating the chemicals.

EPA has launched several regulatory review efforts aimed at land and water contamination. The land contamination approach involves an EPA proposal to designate PFOS/PFOA as a hazardous substance under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This regulatory regime, when finalized by EPA, would set a regulatory level of contamination at which a contaminated site or other media could be a candidate for Superfund or specific remediation requirements.

A CERCLA hazardous substance designation also triggers regulatory action in other media containing the chemicals. For example, the EPA is working toward setting a limit in drinking water in the coming months under authority of the Safe Drinking Water Act (SDWA). For now, there are health advisory levels that vary in different states. The state regulatory levels and the levels EPA is considering, are much more stringent than World Health Organization health advisory levels. Further, the anticipated regulatory levels are likely to require new technology in place to remove PFOS and PFOA from drinking water including: granular activated carbon or reverse osmosis, both of which are energy intensive and expensive to operate and maintain.

CERCLA and SDWA regulatory efforts are advancing now at EPA, but so is activity to examine what new

rules might be used to regulate the chemicals under other statutory authority. For example, contaminated discharges of the chemicals by industry or publicly owned treatment works will be examined to determine the need for additional rules (under the Clean Water Act, CWA). The same can be said for biosolids land application under CWA, and municipal and industrial waste regulated under the Resource Conservation and Recovery Act (RCRA).

The USCM submitted comments to EPA along with other organizations – see [link to letter](#)

Reform of the Financial Capability Assessment (FCA) Guidance: The Mayors Water Council has been working with EPA since 2009 to reform the costly and inflexible method and process by which EPA determines how much your community should spend to comply with the Clean Water Act (CWA).

Any progress on reforming the FCA has stalled since the Biden EPA has stepped back from meaningful reform in terms of flexibility on timelines and the level of regulatory stringency that increased financial burdens through rate increases on low-income residents. A recent letter from multiple organizations to EPA and OMB stated important concerns about the FCA changes expected to be released this year. An excerpt from that letter states:

“Intended as a long-overdue update to the original 1997 version of the guidance¹, the new FCA will fall well short of meeting the expectations of those calling for an update, including Congress, the members of our respective organizations and other key stakeholders. While seemingly a minor guidance document impacting a small portion of EPA’s environmental portfolio, the calculations in the guidance have directed tens of billions of dollars of federally-mandated spending on Clean Water Act requirements by hundreds of communities across the country since 1997. This is a document that the Agency must get right or we will repeat the mistakes of the past and continue to put low-income and disadvantaged communities across the country in the untenable position of being unable to afford their water and sewer bills.”

The USCM submitted comments to EPA along with other organizations – see [link to letter](#)

Waters of the United States (WOTUS) – A long-standing regulatory tool used by the EPA and the United States Army Corps of Engineers (USACE), WOTUS is the rule and set of conditions by which development proposals that impact these waters are judged in permit applications. WOTUS is authorized under the CWA.

WOTUS enforcement has led to at least 4 key Supreme Court decisions and has sent EPA back to the drawing board to re-propose a regulatory program. The traditional definition of a regulated US water was defined as any water body that was considered navigable. The EPA expanded the policy and vastly expanded what water bodies would be considered regulated under the law.

The Conference of Mayors does not have strong policy defining what should be considered regulated Waters of the US, but has made formal comments to EPA and the Supreme Court in an amicus brief that outlined our position that water, wastewater, and stormwater infrastructure should NOT be considered a Waters of the United States. Additionally, USCM comments made specific reference to the inclusion of vague and undefined terms in the EPA policy.

The USCM along with other organizations submitted an amicus brief to the Supreme Court – see [link to the brief](#)

¹ Combined Sewer Overflows – Guidance for Financial Capability Assessment and Schedule Development, US Environmental Protection Agency, Office of Water, February 1997.

Consumer Confidence Report Requirements

EPA is considering updates to the Consumer Confidence Report (CCR) Rule. All community water systems (CWS), regardless of ownership, are impacted by the Consumer Confidence Report rule and any revisions to it, that includes many local governments operating water utilities. The USCM signed joint comments with NLC, NACo, and several water groups, focusing on several issues. Three key issues are cited here.

- **EPA should ensure that the National Drinking Water Advisory Council (NDWAC) recommendations are reviewed for impacts to local governments.** Recommendations made to EPA by NDWAC should be viewed as informed professional opinions without substantiation. Further consideration of each recommendation would require EPA to explore statutory limitations, feasibility, benefits, and costs using generally accepted regulatory principles.
- **EPA should use a meaningful tool to improve CCR readability, clarity, understandability, and accuracy, and minimize burdens on local and state governments.** In addressing these issues, it is essential EPA address the root cause of poor readability scores of the CCR by using the Center for Disease Control’s Clear Communication Index [3] (CCI) as a guide, as well as using the CCI as a model for future guidance and templates.
- **Modernize the CCR to streamline requirements, through increased flexibility, including electronic delivery.** The 2013 electronic delivery memo provides useful guidance on implementing electronic delivery but falls short of allowing for new and innovative ways to better reach and inform customers.

The USCM submitted comments to EPA along with other organizations – see [link to letter](#)
RE: Response to August 25, 2022 Federalism Consultation topics “Consumer Confidence Report Rule Revisions” and “Annual Collection of Compliance Monitoring Data”

Risk Management Requirements

Joint comments were sent from USCM, NLC and NACo to the U.S. Environmental Protection Agency’s (EPA) Proposed Rule on Accidental Release Prevention Requirements: Risk Management Program (RMP) Under the Clean Air Act; Safer Communities by Chemical Accident Prevention.

The comments urged the Agency to ensure that the costs and burdens on local governments of new/ revised RMP compliance are justified and will achieve the identified public benefits and protect public safety within the low-risk water sector, which has a demonstrated record of safety. The water sector is not representative of the chemical process safety risks that the proposed RMP rule aims to address and therefore we urge EPA to reevaluate the need for this rulemaking.

The USCM submitted comments to EPA along with other organizations – see [link to letter](#)
RE: Risk Management Program Safer Communities by Chemical Accident Prevention Proposed Rule (Docket ID No.: EPA-HQ-OLEM-2022-0174)



Mayors Water Council 2022 Mayoral Membership



Co-Chairs

Deborah Robertson, Mayor of Rialto, CA
Daniel Horrigan, Mayor of Akron, OH

Steven L. Reed
Mayor of Montgomery, AL

Deborah Robertson
Mayor of Rialto, CA

Joe Ganim
Mayor of Bridgeport, CT

Joy Cooper
Mayor of Hallandale Beach, FL

Philippe Bien-Aime
Mayor of North Miami, FL

Frank Ortis
Mayor of Pembroke Pines, FL

Rochelle Robinson
Mayor of Douglasville, GA

Michael Victorino
Mayor of Maui, HI

Frank Cownie
Mayor of Des Moines, IA

Kevin C. Richardson
Mayor of Lake Barrington, IL

John D. Noak
Mayor of Romeoville, IL

Mark W. Myers
Mayor of Greenwood, IN

LaToya Cantrell
Mayor of New Orleans, LA

Bridget Donnell Newton
Mayor of Rockville, MD

Leirion Gaylor Baird
Mayor of Lincoln, NE

Debra March
Mayor of Henderson, NV

Timothy McDonough
Mayor of Hope, NJ

David R. Mayer
Mayor of Gloucester, NJ

J. Christian Bollwage
Mayor of Elizabeth, NJ

Thomas M. Roach
Mayor of White Plains, NY

Jamael Tito Brown
Mayor of Youngstown, OH

Jack W. Bradley
Mayor of Lorain, OH

Daniel Horrigan
Mayor of Akron, OH

Glenn Lewis
Mayor of Moore, OK

Steve Callaway
Mayor of Hillsboro, OR

Danene Sorace
Mayor of Lancaster, PA

Mary Lou Pauly
Mayor of Issaquah, WA

Ryan Sorenson
Mayor of Sheboygan, WI

Shawn N. Reilly
Mayor of Waukesha, WI



2022 Water Development Advisory Board of The Mayors Water Council



Full Members

American Water, Inc.

Veolia Water North America

Associate Members

Badger Meter

Black & Veatch

Ductile Iron Pipe Research Association

Plastics Pipe Institute

Stantec

UNI-BELL PVC Pipe Association

Water & Health Advisory Council

Affiliate Members

Barnes & Thornburg LLP

Best Best & Krieger (BB&K)

Earth & Water Law

Geosyntec Consultants

Hawkins Delafield & Wood

KHAFRA Engineering, Inc.

Mayors Water Council

A Task Force of The United States Conference of Mayors

The Mayors Water Council (MWC) provides a forum for discussions of issues impacting how cities provide safe, adequate and affordable water and wastewater services and infrastructure in America's Principal Cities in the 21st Century. It is open to all Mayors, and functions as a USCM Task Force. The MWC focuses on water resources issues, including: watershed management; water supply planning; water infrastructure financing; rehabilitation of surface and sub-surface water infrastructure; water conservation; wetlands construction and education programs; water system program management and asset management. The MWC will continue to develop nonpartisan local government positions on Federal legislation, regulations and policy. The MWC acts through the USCM Environment Committee, and other Committees as appropriate, to propose and adopt resolutions on water related matters that benefits the nation's cities.

