



# Metropolitan Washington Council of Governments

## 2013 Legislative Priority: Water Quality Protection

22 JURISDICTIONS 5+ MILLION PEOPLE 300 ELECTED OFFICIALS



### BACKGROUND

Local governments and utilities in the region face sharply escalating costs and accelerated implementation schedules to comply with new state and federal regulations under the Clean Water and Safe Drinking Water Acts. Many of these new requirements derive from ambitious pollution reduction goals under the Chesapeake Bay Total Maximum Daily Load (TMDL), issued in 2010, and a growing number of TMDLs for local watersheds. Meeting these Clean Water Act requirements helps to address Safe Drinking Water Act requirements.

A major challenge is controlling the pollution that occurs during wet weather; which includes stormwater runoff, flows from combined sewer and stormwater systems in several parts of the region, and even leaks and overflows from sanitary sewers. In the case of stormwater runoff, the challenge is complicated by the need to address runoff from existing developed areas, many of which were built without the “best management practices” for improving water quality that have become commonplace – but only since the 1980s. Retrofitting stormwater pollutant controls into older developed areas is inherently complex, time consuming and highly expensive. (continued on back)

### WATER QUALITY PROTECTION

Protecting water quality in metropolitan Washington to achieve the goals of the federal Clean Water and Safe Drinking Water Acts requires that EPA, state regulatory agencies, the state legislatures and United States Congress support actions to: 1) identify local government and utility funding needs and financial impacts, 2) develop feasible implementation schedules; 3) utilize regulatory flexibility such as integrated planning/permitting solutions.



### REGULATORY AND LEGISLATIVE AGENDA

1. Federal government: Define clear affordability criteria to ensure that local governments and utilities can pay for permit requirements without unduly burdening ratepayers and taxpayers, and without compromising other critical local programs.
  - Affordability criteria should take into account the cumulative costs for complying with drinking water, wastewater and stormwater regulations, as well as trade-offs between environmental sector costs and other local responsibilities.
2. State government: Ensure that the extent and pace of implementation proposed under the new generation of local government stormwater permits (MS4s) is feasible and cost-effective.
  - Continue to apply the “Maximum Extent Practicable” (MEP) standard so that stormwater permits reflect what can reasonably be accomplished within their 5-year permit terms.
3. Federal and state government: Use the flexibility inherent in existing regulations and policies, as well as EPA’s ‘integrated planning/permitting’ policy to allow local governments and utilities to prioritize spending on water quality projects.
  - Allow localities to experiment with new technology, such as green infrastructure, and use trading between different sources of pollution to meet permit requirements on a cost-effective basis.

ONE REGION **MOVING FORWARD**

www.mwcog.org  www.regionforward.org



# Metropolitan Washington Council of Governments

## 2013 Legislative Priority: Water Quality Protection

**22 JURISDICTIONS 5+ MILLION PEOPLE 300 ELECTED OFFICIALS**



### **BACKGROUND** (continued)

Because meeting permit requirements is a local responsibility, and because state and federal governments provide little cost-share assistance in the Washington region (as compared to the past), funding has become a major challenge for local governments and utilities. To meet these obligations, they are raising water-based rates and taxes at a rate well above inflation. They are also making new investments in infrastructure at the same time as they are struggling to pay for the maintenance of existing infrastructure. As a result, conflicts are developing between paying for water quality requirements and funding other necessary local government services.

Better use of existing regulatory flexibility and application of integrated permits/planning that allows localities to address their wastewater, stormwater and drinking water needs in an integrated and prioritized manner would help localities meet permit requirements with limited resources. This includes permit implementation schedules that recognize limitations due to affordability and other criteria. Beyond this, additional cost-share funding from state and federal governments would accelerate progress toward reducing pollutant loads.

For more information about COG, this Water Quality Legislative Priority, or any other of COG's Legislative Priorities, please contact Nicole Hange, COG's Government Relations Coordinator at 202.962.3231 or [nhange@mwkog.org](mailto:nhange@mwkog.org)

**ONE REGION MOVING FORWARD**

[www.mwkog.org](http://www.mwkog.org)



[www.regionforward.org](http://www.regionforward.org)