

Clean Water Legislative and Regulatory Update
Hawaii Water Environment Association
Governmental Affairs Committee
By David Nagamine
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Economic Stimulus Funding for Wastewater Projects - HR 7110

The Job Creation and Unemployment Relief Act of 2008 (HR 7110), which was introduced and passed in the U.S. House on September 26, 2008, proposes \$6.5 billion for the Clean Water State Revolving Fund (CWSRF). The Senate proposal introduced on November 18, 2008 calls for \$1.75 billion for the CWSRF.

The National Association of Clean Water Agencies has recommended that the stimulus package include: 1) at least \$10B for ready-to-go wastewater infrastructure projects; 2) that the funding not be limited to CWSRF eligible projects; and 3) that the funds be made available in the form of grants. Hawaii SRF applicants should submit their ready-to-go projects to the State DOH for inclusion on the CWSRF priority list to be eligible for this funding.

On December 8, 2008, Honolulu Mayor Mufi Hannemann joined mayors of other major U.S. cities to meet with House Speaker Nancy Pelosi, Senate Majority Leader Harry Reid and other key members of Congress to seek federal funding for a comprehensive package of ready-to-go wastewater and other infrastructure projects for Honolulu and cities across the nation.

Beaches Environmental Assessment and Coastal Health (BEACH) Act Update

A settlement agreement on EPA's development of recreational water quality criteria was filed in federal court on August 8, 2008 among EPA, NACWA, National Resources Defense Council (NRDC), and Los Angeles County. The Agency was sued by the NRDC in August 2006 for failure to develop recreational water quality criteria by 2003, as mandated by the BEACH Act. It is likely that the State of Hawaii will adopt applicable criteria developed by EPA. Following are highlights of the settlement agreement:

- EPA will complete the necessary scientific studies to develop new recreational water quality criteria by December 2010 and will publish the resulting criteria in the Federal Register no later than October 2012.
- EPA will ensure stakeholder involvement in the scientific studies and development of the recreational water quality criteria by keeping stakeholders informed at least semiannually and holding annual workshops in 2009, 2010, and 2011, and also an Experts Scientific Workshop in 2011.
- EPA will validate and publish a rapid test method for the new or revised criteria by October 2012.