



MEMORANDUM

TO: Rebecca Long
FROM: Eric Sapirstein
DATE: August 19, 2019
SUBJECT: Washington Update

Congress remained in recess for the past month and, as a result, minimal formal legislative work transpired. However, congressional staff did continue discussions on finding common ground on key legislation that is considered important for passage in the remaining months of the session that concludes in mid-December. The following provides an update of issues of interest to OCSD.

Fiscal Year 2020 Spending Decisions to be Finalized in Coming Months

The budget agreement reached prior to the August recess put in place the path forward to complete final spending bills for the coming fiscal year 2020 that begins on October 1. According to the Senate Committee on Appropriations leadership, the goal is to package spending bills into “mini-buses” similar to the House-passed spending bills. Assuming that this approach is successful, it is conceivable that final agreements on some of the twelve annual spending bills could be achieved by the end of September. However, it is more likely that the limited time in September to finalize spending bills could require a short-term stopgap spending bill to continue governmental operations through October. Regardless of this situation, it appears increasingly likely that the Senate will agree with the House funding levels for water infrastructure spending programs, paving the way for adequate funding of the Clean Water State Revolving Fund (SRF), Water Infrastructure Finance and Innovation Act (WIFIA) and other water quality programs.

Regulation and Remediation of PFAS/PFOA

The ongoing focus in Congress to develop a process to address the monitoring and cleanup of Per- and Polyfluoroalkyl Substances – (PFAS/PFOA) sites and discharges remains in play. The House and Senate committees with jurisdiction over clean water and drinking water laws continue to work on the development of compromise language that could lead to a national drinking water standard for PFAS/PFOA chemicals, along with monitoring requirements. A key issue of discussion involves efforts by the House to require the designation of PFAS/PFOA chemicals as hazardous waste under Superfund. This mandate, if enacted into law, could subject agencies that discharge effluent with the chemicals or whose biosolids have traces of the chemicals to be subject to management standards for hazardous waste disposal and/or liability for subsequent cleanups. Additionally, provisions that would require US Environmental Protection Agency (USEPA) to issue guidance on the management and disposal of biosolids and other materials that might be contaminated with the chemicals is also under review. Because the White House has issued a veto threat on the legislation (National Defense Authorization Act) that includes the PFAS/PFOA provisions, it remains unclear whether a final bill will actually contain these objectionable provisions.

Clean Water SRF Infrastructure Bill Slated for Mark-Up

Efforts in the House Committee on Transportation & Infrastructure to mark-up H.R. 1497 that would renew the clean water SRF program at \$15 billion over five years appear to be nearing a decision to proceed with votes. According to congressional staff, a mid-September mark-up is anticipated. Within this bill, we expect that the legislation will also address funding of green infrastructure, disadvantaged community assistance, workforce assistance, and affordability mandates. Currently, staff continue to discuss options to address the authority to issue National Pollutant Discharge Elimination System (NPDES) permit terms for a period of up to ten years.