



CWCC

Clean Water Construction Coalition
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ROBERT A. BRIANT, JR.
Chairman

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Water Resources Development Act

- AGC of America
- AGC of Texas
- Alabama Utility Contractors Association
- Arizona Utility Contractors Association
- Associated Pennsylvania Constructors
- Associated Utility Contractors Of Maryland *
- Connecticut Construction Industries Association
- CIC of Westchester County & Hudson Valley *
- Engineering Contractors Association
- General Contractors Association Of New York
- Georgia Utility Contractors Association
- Indiana Constructors Inc.
- Long Island Contractors Association
- Maryland Transportation Builders & Materials Association
- Michigan Infrastructure & Transportation Association
- Minnesota Utility Contractors Association*
- National Rural Water Association
- New Mexico Utility Contractors Association
- Ohio Contractors Association
- Public Works Contractors Association of Maryland
- Tennessee Road Builders Association
- Underground Contractors Association of Illinois *
- United Contractors *
- UCA of Anne Arundel County
- Utility Contractors Association of New England *
- Utility & Transportation Contractors Association of New Jersey *
- Contractors Association Of West Virginia
- Wisconsin Underground Contractors Association

* Steering Committee Member

Before leaving town, the House of Representatives, on September 28th by a vote of 399-25, passed its version (H.R. 5303) of the Corps of Engineers' Water Resources Development Act (WRDA). On September 15, by a vote of 95-3, the Senate passed its version of the bill (S. 2848) however, the bills won't be reconciled and finalized until after the election in the "Lame Duck" session, although staff negotiations are already underway. The two bills have significant differences, most particularly the House bill is a traditional Corps of Engineers only bill while the Senate bill also includes provisions on clean water, safe drinking water, innovative water financing and innovative water technologies. As an aside, both bills include funding for the Flint water crisis although the House bill authorizes less Flint related funding than the Senate bill. The House bill almost didn't pass because of Democrats' objection to a last minute change to the bill which eliminated language the engineering industry strongly supports regarding the mandatory drawdown of funding in the Harbor Maintenance Trust Fund.

Senate Bill

While the bill authorizes almost \$8B in funding for over 30 new Corps of Engineers projects and seven project modifications, it also contains significant provisions on clean water, safe drinking water and related matters. Highlights include:

- Authorizes \$1.8 B over 5 years for sewer overflow grant program to address CSO, SSO and storm water discharges.
- Authorizes \$15 M over 5 years for technical assistance to small communities (<10,000 population).
- Directs EPA to promote Green Infrastructure.
- Authorizes a pilot program related to innovative public-private partnership financing.
- Provides a number of changes/improvements to WIFIA, also stating that WIFIA appropriations must be in addition to "robust" appropriations to SRFs.
- Establishes a Water Infrastructure Investment Trust Fund. This would provide grants under the SRF with money coming from voluntary fees/labeling.
- This is modeled after H.R. 4468, the "Water Infrastructure Trust Act of 2016," introduced by Congressman Earl Blumenauer (D-OR-3), which the Coalition supports. Under this program, the Secretary of Treasury and other Federal departments would design a label that businesses could choose to add to their product, with 3 cents being collected from every unit (e.g., bottle of water). Of the fees collected, 50% would go to the CWSRF and 50% to the DWSRF (this is a change from the Committee introduced and reported bill that specified 85% to the CWSRF and 15% to the DWSRF). It also includes a provision that no grants will be provided from this fund unless the SRF appropriations exceed the average of the last 5 years.
- Authorizes an Innovative Water Technology grant program at \$50 M/year – subject to appropriations - supporting reuse. It also includes \$10 M in direct spending (via EPA).
- Reauthorizes the Water Resources Research Act at \$1.5 M annually from 2015-2020.
- Reauthorizes the Water Desalination Act at \$8M annually from 2015-2020.

- Directs EPA with other Federal agencies to develop drought resilience guidelines.
- Encourages use of SRF funding and additional subsidization for innovative technologies.

Regarding the above, of great interest to the Coalition is the Water Infrastructure Investment Trust Fund. While a voluntary program, this is the first significant step (in that it has a very high degree of being enacted into law) that the Congress has ever taken of putting both the clean water and safe drinking water programs on a path to a dedicated funding source. Like the Highway, Harbor Maintenance, and Oil Spill Liability Trust Funds, a “true” clean water/safe drinking water trust fund would represent a steady source of funding to more adequately address the nation’s public water needs. Such a fund would be free from political interference (not subject to the annual appropriations process but simply based on dollar in, dollar out), would not contribute to the national debt, and would ensure all Americans continued access to an essential resource. The Senate proposed Trust Fund is a first critical step toward that end. The bill does not re-authorize the Clean Water or Safe Drinking Water SRF’s. There may be an attempt to do so in conference, particularly given the interest of the House Democrats on the Transportation and Infrastructure Committee.

House Bill

Generally, the bill does not include anything with respect to the Clean Water or Safe Drinking Water SRF’s or any other water program. It is a Corps of Engineers bill exclusively. Highlights include:

- Authorizes investment in ports, channels, locks, dams, and other infrastructure.
- Authorizes 28 Army Corps of Engineers Chief’s Reports received since WRRDA 2014.
- Authorizes studies for future water resources projects and makes modifications to previously authorized projects.
- Utilizes the new process reforms established under WRRDA 2014 for project selection.
- De-authorizes \$5 billion in previously authorized projects, off-setting the approximately \$5 billion in new authorizations.
- Sunsets new authorizations to prevent future project backlogs.
- Reduces the inventory of projects that are not needed for the missions of the Corps
- Contains no earmarks.
- Follows the new transparent process developed in WRRDA 2014 to review and prioritize water resources development activities with Congressional oversight.
- Returns to the two-year cycle of considering WRDA legislation.

Specifically, the bill revises or authorizes various U.S. Army Corps of Engineers water resources development projects, feasibility studies, and relationships with nonfederal project sponsors. It sets forth a process to de-authorize projects with an aggregate estimated federal cost to complete of at least \$5 billion.

The bill authorizes various navigation, flood risk management, hurricane and storm damage, ecosystem restoration, recreation, or river shoreline projects in Arkansas, California, Florida, Illinois, Kansas, Kentucky, Louisiana, Maine, Missouri, New Hampshire, New Jersey, North Carolina, Oregon, South Carolina, Tennessee, Texas, Washington, and Wisconsin.

Chicago Meeting Reminder

The Clean Water Construction Coalition has been asked to participate in a two-day meeting with a new utility organization which was recently orga-nized. The meetings are being held on October 22nd and 23rd at the offices of the Underground Contractors Association of Illinois located in Itasca, Illinois a suburb of Chicago. Attached is the information on the meeting schedule and logistics. It would be good for as many members of the Co-alition as possible attend this meeting as a way of broadening our influence and efforts. On Friday during the meeting Sante Esposito will provide an update on Congressional legislative activities. Please let me know by Sep-tember 28th if you are planning on attending.

You may email me: Dennis@utcanj.org or call the UTCA office (732) 292-4300.

Key Advocates October Report

Included with this Report is Sante Esposito’s October 2016 *Insights*.