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The Honorable John Barrasso, Chairman
Committee on Environment and Public Works
United States Senate

The Honorable Tom Carper, Ranking Member
Committee on Environment and Public Works
United States Senate

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of our hundreds of municipal agencies, businesses, and institutional members, we thank you for your commitment to developing strong, bipartisan water infrastructure legislation in 2020.

The two bills released last week—America’s Water Infrastructure Act of 2020 and the Drinking Water Infrastructure Act of 2020—include important policy changes and critical investments in water management programs, including programs that support the use of water recycling across the country. We commend you for your persistence in developing this legislation while having to concurrently respond to the economic and public health impacts of the coronavirus pandemic.

As you proceed to markup of the Drinking Water Infrastructure Act of 2020 and America’s Water Infrastructure Act of 2020, we urge the following modifications for inclusion in a manager’s amendment:

Pilot Program for Alternative Water Source Grants (Section 2006 of AWIA)

We thank the Committee in particular for including language to reauthorize the Pilot Program for Alternative Water Source Grants. More and more communities across the country are turning to water recycling to establish a safe, clean, sustainable water supply, to build local economies and create jobs, and to meet growing environmental and public health challenges. The Pilot Program for Alternative Water Source Grants will ensure that communities in all 50 states can access water recycling tools and resources in order to solve local challenges.

While we strongly support the reauthorization of this program, we are concerned with a provision contained in the underlying statute that arbitrarily prohibits certain Western projects from qualifying for Alternative Water Source Grant funding. The provision — 33 USC 1300 (d)(1) — prevents entities from receiving Alternative Water Source Grant funds for projects that have also received funding through the Bureau of Reclamation’s Title XVI Program. As a result, communities that have received Title XVI funding for planning purposes are not eligible to apply for Alternative Water Source Grant funding for testing or construction activities. We believe this limitation is too broad and recommend narrowing it slightly so that projects that have received Title XVI funding for planning and design purposes are not put at a disadvantage.

We urge the following modification to Sec. 2006 (new language underlined, proposed deletions in strikethrough):

SEC. 2006. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended—

(1) in subsection (b), in the heading, by striking “IN GENERAL” and inserting “ESTABLISHMENT”;

(2) in subsection (d)—

(A) by amending paragraph (1) to read as follows: “(1) LIMITATION ON ELIGIBILITY.—A project that has received construction funds under the Reclamation Projects Authorization and Adjustment Act of 1992 Act shall not be eligible for grant assistance under this section.”; and

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

The above modification narrows the scope of the existing limitation so that it applies only to Title XVI projects that have received construction money, not to those that have received funding for planning and design. This would allow western entities to begin the process of developing a project through Title XVI, and seek construction support through the Alternative Water Source Grants Program.

Interagency Working Group on Water Recycling

In February 2020, the U.S. Environmental Protection Agency released the National Water Reuse Action Plan (WRAP) after more than a year of collaboration with other federal agencies and a range of external stakeholders. Through this effort, EPA broke down silos within the federal bureaucracy, and secured tangible commitments from sister agencies to help advance sound policy in support of water recycling where appropriate. For example, the U.S. Department of Agriculture is integrating water recycling into its conservation programs; the Department of State is promoting water recycling around the globe; and eight different federal agencies are working together to compile existing federal funding sources and develop an interagency decision support tool.

This EPA-led collaboration is effectively leveraging and coordinating available tools and resources throughout the federal family, has broad support among the stakeholder community, and warrants Congressional authorization to ensure it continues. As this Committee recognizes, water recycling can provide safe and sustainable water supplies to communities and businesses and is becoming an essential element in our nation’s water management strategy. We value the EPA-led effort and urge that it be continued and built upon in the years ahead. We believe that this can be accomplished through the establishment of an interagency working group on water reuse to provide continuity and establish a more formal structure for engagement across federal agencies and with external stakeholders.

Therefore, we offer the following language for inclusion in AWIA:

Sec. _____. Water Reuse Interagency Working Group.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish and Chair an Interagency Working Group on Water Reuse for the purpose of developing and coordinating federal policy, initiatives, funding, and other resources to advance water reuse nationally. The Interagency Working Group shall be comprised of senior representatives from such federal agencies as determined by the Administrator. In carrying out the work of this working group, the Administrator shall consult regularly with representatives of relevant stakeholder organizations, including



stakeholders from the municipal water sector, industry, and non-governmental organizations. Every two years, the Administrator shall submit to Congress a report on the activities and findings of the interagency working group.

Support for Other Provisions

The WateReuse Association supports the following provisions, and we urge their continued inclusion in the bills:

- The Clean Water Infrastructure Resiliency and Sustainability Program (Section 2001 of AWIA);
- Reauthorization of the Clean Water State Revolving Fund Program at the levels provided for in the bill (Section 2015 of AWIA);
- Reauthorization of the Sewer Overflow and Stormwater Reuse Grant Program (Section 2007 of AWIA);
- Reauthorization of the Water Infrastructure Finance and Innovation Act (WIFIA) Program;
- Provision of \$300 million for groundwater remediation for contaminants of concern, such as PFAS (Section 4(b) in DWIA 2020);
- WateReuse endorses the testimony submitted by the Association of Metropolitan Water Agencies (AMWA) with respect to Section 6(a)(6) and Section 9 of DWIA 2020.

Thank you for considering our views.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patricia Sinicropi', with a stylized flourish at the end.

Patricia Sinicropi
Executive Director

