



# The United States Conference of Mayors

1620 Eye Street, N.W. • Washington, D.C. 20006  
Phone (202) 293-7330 • Fax (202) 293-2352  
E-mail: [info@usmayors.org](mailto:info@usmayors.org) URL: [usmayors.org](http://usmayors.org)

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Contact:  
Elena Temple-Webb, 202-286-1100 [etemple@usmayors.org](mailto:etemple@usmayors.org)  
Lina Garcia, 202-341-6113, [lgarcia@usmayors.org](mailto:lgarcia@usmayors.org)  
Karen Hinton, 703-798-3109, [karen@hintoncommunications.com](mailto:karen@hintoncommunications.com)

## Mayors Discuss Urgent Need for New Strategies As Clean Water Act Turns 40

### *City Leaders Question Whether Continued Clean Water Progress Requires Amending the Act or Changing the Way EPA Implements It*

**Washington, D.C.** – To mark the 40th anniversary of the Clean Water Act (CWA), a landmark federal law protecting water resources in the United States, the U.S. Conference of Mayors (USCM) hosted a panel discussion on **Thursday, May 31** about the urgent need for regulatory reform as aggressive unfunded water mandates are guided by outdated regulatory approaches and collide with the ability of cities and their rate payers to pay for them. During the discussion, Mayors called on Congress to either amend the Act or ask EPA to change the way it implements the Act to meet a more current, cost-efficient and smart approach.

“Protecting our nation’s water resources has always been a priority and success for mayors, but cities are almost single-handedly shouldering the monumental financial burden placed by unfunded water mandates, as they are already struggling with increased long-term debt and shrinking municipal funds,” said Tom Cochran, USCM CEO & Executive Director. “Serious changes must be made to decrease the excessive costs being passed down to taxpayers through enormous rate hikes, hitting our citizens where it hurts the most.”

Currently, the third most costly municipal expenditure for cities is providing safe and adequate water and wastewater infrastructure. Additionally, inflation, population growth and an aging infrastructure base continue to increase the needed investment each year. Yet, even with these pre-existing costs, EPA continues to pursue an aggressive program of advancing new water regulations and enforcement actions that expand a city's responsibility, but offer only marginal environmental or health benefits.

Despite struggling with severe budget cuts, local government, more than any other level of government, continues to invest public resources in ever growing amounts to clean water goals: \$50 billion in 1995 to over \$103 billion in 2009; a total of \$1.6 trillion from 1956 to 2008. Meanwhile, the Federal Government provides less than \$2 billion per year to the States who provide loans, not grants, to local government. Estimates of needed investments over the next 20 years are staggering, and are often in the trillions of dollars.

At USCM’s urging, the EPA unveiled in October 2011 a new Integrated Planning and Permitting Policy (IP3) that is intended to provide a framework for sewer overflows and stormwater management allowing federal, state and municipal governments to collaborate more effectively.

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However, cities continue to be frustrated by the way in which the EPA, and especially EPA's regional offices, is implementing the Clean Water Act and contend that the agency's overall expectations that local government continually increase investments to comply with clean water rules is unrealistic and ignores the reality of limited public finances.

Below is the list of mayors who participated in the panel (see quote sheet attached):

Hallandale Beach, FL Mayor Joy Cooper - Chair, USCM Environment Committee

Chicopee, MA Mayor Michael Bissonnette - Vice-Chair, USCM Environment Committee

Chattanooga, TN Mayor Ron Littlefield

Lima, OH Mayor Dave Berger

Omaha, NE Mayor Jim Suttle

**MODERNIZING SOLUTIONS:** The EPA's fledgling Integrated Planning and Permitting Policy (IP3), a new regulatory model, is potentially a welcome answer to balancing the need to invest in progress toward clean water goals without over taxing low, moderate and fixed income households. Thus, mayors are suggesting that EPA either revise the Act or to change the way it is being implemented. More suggestions are listed below:

### **Amending the Clean Water Act**

- Require EPA Accountability for Identifying the Cumulative Cost Impact of Water and Wastewater Mandates and a Realistic Accounting of Public Benefits
- Consider a Congressionally Imposed Cap on Overall Water Compliance Costs
- Institutionalize Flexibility and Incentivize Smart Investments
- Shield Local Governments from Third Party Suits if they are Engaged in a Permit to Achieve Compliance
- Match Compliance Schedules to Local Affordability

### **Adjusting the EPA Regulatory Approach**

- EPA Should be Partners not Prosecutors
- Clean Water should be Measured by Results not Headlines Touting Forced Billions of Investment, Penalties and Fines
- Recognition that Cities are Directly Addressing the Nexus of Human Settlements and Large-Scale Natural Phenomenon Which Need Long-term Planning, and EPA Resources Should be Redirected to Build Watershed Planning Capacity at the State Level

### **Quotes from Participating Mayors**

"As Mayors, we don't have the luxury of focusing on only one issue," said **Hallandale Beach (FL) Mayor Joy Cooper, Chair of the U.S. Conference of Mayors, Environmental Committee**. "We have to look at the whole array of environmental needs and given our financial constraints, determine the best course of action that best protects the health of our citizens, our environment, and our economy."

"Cities have so many local challenges to meet including coming up with the most efficient and cost-effective ways to address local water and infrastructure needs as well as unfunded mandates," said **Chicopee (MA) Mayor Michael Bissonnette**.

"This is the perfect time to call for a 'Time Out', to pause, catch up on improvements, and not add more of a financial burden on our ratepayers."

"Cities continue to shoulder an overwhelming responsibility of compliance," said **Chattanooga (TN) Mayor Ron Littlefield**. "I look forward to the day when federal regulations are administered on a regional basis. Forthcoming change has been discussed and promised for decades yet never implemented. This unequal

enforcement encourages sprawl and unsustainable development on the perimeter of municipalities and contributes to numerous water quality problems without the offenders being held to the same standard of regulation. Something has got to change soon.”

“The current situation facing communities is neither productive nor sustainable, said **Lima (OH) Mayor Dave Berger**. “Congressional action is absolutely necessary: Congress needs to either appropriate sufficient grant funding to meet the CWA obligations as they are being enforced by USEPA, or pass amendments to the CWA which provide adequate relief and flexibility for communities facing unaffordable mandates.”

“Omaha has asked the Environmental Protection Agency to allow city’s flexibility in achieving clean water standards,” said **Omaha (NE) Mayor Jim Suttle**. “We believe we could reduce the costs of our Combined Sewer Overflow Project by, exploring new technologies and incorporating stronger green solutions.”

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*The U.S. Conference of Mayors is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,309 such cities in the country today, and each city is represented in the Conference by its chief elected official, the mayor. Like us on Facebook at [facebook.com/usmayors](https://www.facebook.com/usmayors), or follow us on Twitter at [twitter.com/usmayors](https://twitter.com/usmayors).*