



April 28, 2020

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

On behalf of America's 3,069 counties, parishes and boroughs, the National Association of Counties (NACo) thanks you for your bipartisan leadership to deliver new water resources and drinking water authorizations that will provide badly needed port infrastructure projects for county-owned and operated ports, as well as funding certainty to local governments, who are responsible for funding 95 percent of all local water infrastructure needs.

Counties appreciate lawmakers' successful efforts to include a directive in the 2018 Water Resources Development Act (WRDA) authorization instructing the U.S. Army Corps of Engineers (Corps) to consult with local governments on future and pending WRDA projects, as well as annual district budgets, deauthorized projects and guidance documents. In 2016, counties spent \$22 billion on sewage and solid waste management alone, and we annually invest \$134 billion in the construction of infrastructure and maintenance and operation of public works, including public water and wastewater systems. As committed public servants with significant infrastructure responsibilities, ensuring our residents have affordable access to safe, clean public drinking water is a top priority for counties. We look forward to working with this Congress to once again achieve our shared goals as new water authorizations are considered.

As front line administrators of local government, county officials know where federal resources can be maximized and must have a seat at the table as water projects with the potential to impact our local communities are considered. A strong intergovernmental partnership is critical as water legislation is developed, and we appreciate the opportunity to provide input on the Committee's drafts. As the Committee considers the *America's Water Infrastructure Act of 2020 (AWIA 2020)* and the *Drinking Water Infrastructure Act of 2020 (DWIA)*, we offer the following considerations for counties:

Maintain biennial authorizations

WRDA is critical in assisting county governments to protect, maintain and further develop our water infrastructure systems, including ports, waterways and clean and safe drinking water. The biennial timeline of this legislation provides state and local governments with added stability and certainty to meet water infrastructure needs while also supporting the safety, environmental protection and economic development of our communities. Following a seven-year gap in the passage of legislation, counties appreciate lawmakers' efforts to successfully enact P.L. 113-121, the *Water Resources Reform and Development Act of 2014* (WRRDA), P.L. 114-322, the *Water Infrastructure Improvements for the Nation Act of 2016* (WIIN) and P.L. 115-270, the *America's Water Infrastructure Act of 2018* (AWIA 2018), each on a bipartisan basis. We strongly urge Congress to stay this course and approve bipartisan WRDA legislation in 2020 and on a biennial cycle moving forward.

Extend section 404 permits from five to ten years

Counties appreciate the inclusion of AWIA 2020 Sec. 1022, Expediting Repairs and Recovery from Flooding, as it directs the Corps to prioritize and expedite processing of Clean Water Act (CWA) Section 404 permits to complete repairs, reconstruction, improvements and upgrades to flood control infrastructure damaged by flooding events that occurred during calendar years 2017 through 2020.

We have seen critical water infrastructure projects significantly delayed due to the permitting process and urge the Committee to further streamline this directive by removing routine maintenance of human-made public flood protection facilities and infrastructure when no endangered species habitat is present, expanding eligibility beyond flooding events and extending all CWA Section 404 permits from five years to ten years.

Expand consultation with local governments

Counties appreciate the inclusion of local government consultation in AWIA 2018 regarding decertified levees and urge the Committee to further expand upon this provision in AWIA 2020. Counties also applaud the inclusion of AWIA 2020 Sec. 1011, Non-Federal Implementation Pilot Program, which extends the pilot program allowing counties to sponsor water projects through FY 2026.

Counties support, in consultation with federal and/or state governments, the preservation of local decision-making in undertaking water resource projects within a county's jurisdiction to ensure that community concerns are incorporated into project planning. Further, we support the requirement for the federal government to consult with local governments in the decision-making process, which includes the authority to assume full responsibility for planning and implementing flood control projects, assessing and mitigating environmental impacts and determining the necessity or advisability of flood control projects by the federal government.

Reauthorize state revolving loan funds

Counties support federal funding for any and all current and future federal mandates. We also support the State Revolving Loan Fund (SRF) programs, the Clean Water State Revolving Loan Fund (CWSRF) and the Drinking Water State Revolving Loan Fund (DWSRF), as supplements to, not substitutes for, direct federal grant programs. While these funds provide communities low-cost financing for a wide range of water quality infrastructure projects, counties urge Congress to also make available grants and technical assistance to small, rural and/or disadvantaged communities that are unable to meet community needs solely with loans and to direct states to provide adequate matches to federal funds provided through the SRF, while also ensuring flexibility in the administration of these loans.

Counties appreciate the inclusion of AWIA 2020 Sec. 2015, Reauthorization of Clean Water State Revolving Funds, that would provide \$7.5 billion over FY 2022 through FY 2024 to the CWSRF, as well as Sec. 4 of DWIA that would provide \$300 million in FY 2021 to the DWSRF for contaminant remediation activities and also mandate that a state use 20 percent of its funds to assist communities who may be struggling to meet regulatory compliance.

Unlock the Harbor Maintenance Trust Fund

Counties appreciate recent action by Congress in P.L. 116-136 to unlock annual receipts from the Harbor Maintenance Trust Fund (HMTF) for use by the Corps to deliver badly needed water resource projects and urge the Committee to continue on this course of action by fully unlocking the HMTF in AWIA 2020 to address the over \$90 billion backlog in authorized water resource projects.

Counties support the full expenditure of HMTF collections on dredging and harbor maintenance activities and also encourage Congress to provide equity for deep draft ports, who make significant contributions to the HMTF but do not have significant dredging needs, by allowing them to utilize trust fund dollars for limited port-related uses other than dredging.

Update the benefit-cost analysis for federally funded water infrastructure projects

Counties believe that the current process for conducting cost-benefit analyses for flood control projects does not properly acknowledge the value of agricultural land or socio-economic factors. To address this, we urge the Committee to require the Corps and the White House Office of Management and Budget (OMB) to add a quantitative indexed value to life-safety, agricultural land value and the impacts of crop flooding, protection of low-income communities and environmental benefits to determine the benefit of federal investments in flood control projects.

Counties support authorizing the Corps to implement the 2013 *Principles and Guidelines (P&G) for Federal Investments in Water Resources* to allow rural communities to fairly compete for federal funding by considering non population-based criteria for water projects.

Increase funds for utilizing natural infrastructure to improve community resilience to storms, floods

Counties welcome the inclusion of natural infrastructure throughout the AWIA 2020 discussion draft and ask that these provisions remain. We support continued and increased funding for federal programs that assist counties with planning, implementing or modifying projects that enhance the resiliency of natural infrastructure.

Support research into harmful algal bloom prevention and mitigation

Harmful algal blooms and hypoxic events are some of the most scientifically complex and economically damaging obstacles challenging our ability to protect our nation's aquatic ecosystems. A single bloom can cost a local economy millions of dollars. In Sarasota County, Florida, it is estimated to cost \$4 million to treat respiratory illnesses alone caused by an algal bloom. On average, \$22 million are lost annually during blooms. Alarmingly, almost every state in the U.S. is facing some HAB event, with the number of hypoxic water bodies in the U.S. increasing dramatically by 30-fold since the 1960s and impacting over 300 aquatic life systems.

Counties appreciate the inclusion of AWIA 2020 Sec. 1093, Harmful Algal Blooms Demonstration Program, in the discussion draft and support the full renewal of the *Harmful Algal Bloom and Hypoxia Research and Control Act* (HABHRCA). We also encourage the Committee to expand the locations for HABHRCA-eligible projects beyond the Great Lakes, Lake Okeechobee, Florida and its other current applicable tributaries and to direct the U.S. Environmental Protection Agency (EPA) to collaborate with other federal agencies to identify nutrient reduction strategies and scalable HAB mitigation processes.

Increase funding for publicly owned dams and levees

Federal funding should be made available through grants, loans and federal cost-share programs designed to assure that unsafe or deficient dams and levees are brought into compliance with national minimum safety standards and to assure that necessary maintenance and upgrades can be conducted to meet these standards on an ongoing basis.

Counties appreciate the efforts made by the Committee to include new EPA grant funding opportunities to assist publicly owned treatment works. We also support increased federal commitments to fund the repair and rehabilitation of America's nonfederal, publicly-owned dams and levees with priority funding given to structures presenting the highest risk of failure to homes, schools, businesses or important infrastructure. Further, we urge Congress to strengthen the intergovernmental partnership by requiring consultation between federal, state and local governments when the EPA elects to undertake rehabilitation projects for unsafe or deficient dams and levees located within a county jurisdiction.

Invest in transboundary water and sewage infrastructure along America's international borders

Counties support authorizing funding for projects identified by the EPA and other appropriate federal agencies that would address transboundary sewage and/or contaminated water flows that occur along our country's international borders.

AWIA 2020 includes provisions for establishing international checkpoints for invasive species along the U.S. and international borders, and counties urge Congress to establish a similar program that will address sewage and contaminated water flows entering our systems from neighboring countries. In 2017, millions of gallons of toxic chemicals and raw sewage were dumped into the Tijuana River, impacting U.S. Border Patrol agents and water quality along the U.S. and Mexico border.

Maintain funding for continued consumer education and scientific study of ocean acidification

Counties support federal efforts to address the increasing problem of marine debris. This includes, but is not limited to, the following:

- Support for the continued reauthorization of P.L. 109-449, the *Marine Debris Research, Prevention, and Reduction Act (MDRPRA)*, or similar legislation, and increased authorization for the National Oceanic and Atmospheric Administration (NOAA) to provide additional resources for grants to coastal counties for beach cleanup efforts and derelict fishing gear removal
- Research on the effectiveness of offshore cleanup methods
- Federal policies that encourage states and localities to educate small business communities and consumers about the significant environmental harm of single-use plastic bags/bottles, the benefits of associated county-wide bans and the benefits associated with implementing reuse/recycle policies at the local level

As the Committee continues to draft AWIA 2020, counties urge you to consider the importance of programs that address ocean acidification and marine debris removal. These programs provide important environmental benefits to coastal counties and parishes and have a direct impact on the national aquatic ecosystem.

Thank you for your bipartisan action to deliver new and timely water reauthorizations. Further, we appreciate the opportunity to offer input on behalf of America’s counties and stand ready to work with our federal partners to strengthen the intergovernmental partnership and ensure that the safety and modernization of our nation’s water infrastructure needs and the ability of all our residents to access safe, clean drinking water remain top national priorities.

Sincerely,



Matthew D. Chase
CEO/Executive Director
National Association of Counties