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December 21, 2020

The Honorable Joseph R. Biden
President-Elect
1401 Constitution Ave. NW
Washington, D.C. 20230

Dear President-Elect Biden:

The California Association of Sanitation Agencies (CASA) writes to congratulate you and Vice President-Elect Kamala Harris on your successful presidential campaign. CASA is delighted that the nation will have leadership that places a premium on rebuilding our water infrastructure, with a priority to ensure that all citizens will enjoy a safe and reliable water supply. CASA is also pleased that your administration intends to address climate change and the threat it presents to our ability to deliver water quality services to the citizens of California.

CASA represents more than 125 local public agencies engaged in the collection, treatment and recycling of wastewater to protect public health and the environment. Our mission is to provide trusted information and advocacy on behalf of California clean water agencies, and to be a leader in sustainability and utilization of renewable resources. As you begin the important transition to governance, CASA provides the following recommendations on improving the federal partnership with clean water agencies that will deliver an improved quality of life and a sustainable economy.

Restore and Expand Federal Assistance for Core Clean Water Infrastructure Needs

Since the 1980's, federal assistance under the Clean Water Act's State Revolving Loan Fund (SRF) has essentially remained flat. Federal support for clean water infrastructure has failed to account for inflation and increasing demands related to population growth. Moreover, the need for innovative treatment upgrades and rehabilitation of existing treatment systems have outstripped available resources. This imbalance between needs and resources is further compounded by climate change impacts. CASA urges that any national infrastructure initiative that your administration proposes include:

- A minimum of \$5 billion per year to support SRF capitalization grants to address traditional clean water treatment infrastructure needs;
- A minimum of \$100 million annually to support WIFIA that would leverage at least \$12 billion in construction activity;
- Direct grants assistance to support the water quality infrastructure needs of disadvantaged communities;

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In addition, the administration should make efforts to address existing inequities in the SRF allocation formula. California has been particularly disadvantaged by the failure to update the federal grants allocation formula. This outdated formula penalizes states like California that have experienced dramatic population growth in recent decades. The current SRF allocation formula is based upon 1987 population data. In order to remedy this circumstance and ensure that we can continue to make progress in developing safe and reliable water supplies, CASA urges that your Administration encourage adoption of an updated SRF allocation formula that aligns with USEPA's May 2016 Report to Congress entitled [Review of the Allotment of the Clean Water State Revolving Fund \(CWSRF\)](#) to ensure the equitable allocation of SRF assistance to the States.

Promote Innovative Financing of Wastewater Infrastructure

While existing funding mechanisms such as the Clean Water SRF have been highly successful over the years, more federal support is needed to build upon the good work that is being done. The funding gap for water infrastructure across the nation continues to escalate. In California, demand for funding from the Clean Water SRF program alone for existing needs exceeds \$7 billion, yet California is providing less than \$700 million annually in project funding. CASA believes that an effective infrastructure funding policy must be innovative, diverse and robustly funded. While the Clean Water SRF program has been an unqualified success, and the WIFIA program has demonstrated that demand for capital through innovative funding is strong, additional tools are needed to supplement these core programs, including the restoration of Build America Bonds, unrestricted use of Private Activity Bonds, and the restoration of Advance Refunding Bonds.

Support Urgent COVID-19 Relief and WBE Efforts

Local clean water agencies and our ratepayers have been impacted by the COVID-19 pandemic in a myriad of ways. First, the anticipated financial shortfalls resulting from budget shortfalls and decreasing revenue will impact capital planning and operations at our agencies in the near future. That is why we ask that as part of any future COVID relief package, the Administration should support the creation of a grants program to assist clean water utilities offset revenue losses due to unpaid service bills from the COVID-19 crisis and help ratepayers who may still be economically struggling. We also support more direct federal assistance to agencies themselves to help offset costs incurred as a result of the pandemic. Finally, clean water agencies have found ways to play a more proactive role in addressing the pandemic, including the use of wastewater-based epidemiology (WBE) to help track the virus. We will continue to support and pursue partnerships with U.S. Health and Human Services and Centers for Disease Control and Prevention to utilize clean water utilities and wastewater-based epidemiology to identify and locate COVID-19 hotspots in communities and ask of the Administration's support in doing so.

Advance Approaches to Addressing PFAS Based on Sound Science

The need to address public health and environmental concerns associated with per- and polyfluoroalkyl substances (PFAS) contamination at the federal level continues to grow, particularly as it relates to PFAS contamination in our water resources. In recent years, increasing attention has been given to addressing PFAS at drinking water and clean water

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utilities whose responsibility is to ensure protection of public health the safety of our water resources. However, the development of any mandates and compliance responsibilities must recognize the reality of how such impacts occur.

Clean water utilities are not “producers” or users of PFAS and do not utilize PFAS chemicals in our treatment processes. Rather, we are “receivers” of these chemicals used by manufacturers and consumers, and merely convey or manage the traces of PFAS encountered in our daily life. The Administration should work to ensure that any liability for PFAS management and/or disposal of contaminated materials is imposed upon producers and manufacturers of these chemicals and/or products containing PFAS and related chemicals. In addition, the administration should provide federal assistance to publicly owned treatment works (POTWs) for pretreatment implementation issues related to PFAS, and also ensure that CERCLA liability does not extend to receivers of wastewater discharges for purposes of treatment and disposal of biosolids. Finally, any new requirements pertaining to monitoring and treatment of PFAS must be developed consistent with the Clean Water Act and Safe Drinking Water Act and not as standalone legislative mandates.

Support Addressing Plastics Pollution Through Source Control and Consumer Awareness

CASA supports legislation to address the sources of plastic pollution, specifically efforts that focus on source control and consumer awareness. CASA has worked with Congressional offices to introduce language to require clear labeling of wet wipes (many of which contain microfibers and microplastics) as “Do Not Flush” if they are intended for the trash and prohibiting wipes from being marketed as flushable if they contain synthetic or plastic content. We also generally support plastic pollution reduction and prevention legislation, including development of standardized monitoring methodologies for microplastics in a variety of environmental media.

Prepare the Next Generation of Essential Clean Water Professionals

The ability to deliver reliable clean water services depends upon an educated workforce. As technology advances and the challenge of treating a litany of new and ever-changing constituents becomes increasingly complex, it is vital that our nation invest in the next generation of clean water professionals, who will be responsible for providing improved public health services and the protection of our nation’s waters. CASA requests that, similar to other federal educational programs like the Department of Commerce’s Employment and Training Administration, designed to advance our nation’s ability to successfully meet complex problems, any water infrastructure initiative provides funding to help educate the next generation of water quality leaders.

Modernize the Clean Water Act Regulatory Framework

The Clean Water Act was enacted fifty years ago to address water quality impairments epitomized by the untreated release of sewage into the nation’s lakes, rivers, bays and coastal waters. Since the 1970’s, significant improvements have been made to wastewater treatment facilities that have made monumental improvements to public health and the environment. Today, water quality agencies focus on an increasingly complex array of treatment needs, ranging from a variety of industrial chemicals such as PFAS to nutrients and microplastics. By

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statute, point sources such as POTWs are frequently required to comply with permitting timelines that are costly, administratively inefficient and reflect the circumstances of the 1970's rather than today's needs. We urge that any water infrastructure initiative include Clean Water Act revisions to allow for permitting and compliance mandates that recognize the lifecycle of treatment technologies, extensive planning, and design and construction schedules that extend beyond five years, and compliance agreements that can extend beyond a decade. Specifically, we request that the Administration support extension of NPDES permit terms to up to 10 years for municipal wastewater agencies. The modernization of the CWA regulatory framework would promote administrative efficiency and address ratepayer affordability concerns without impeding progress in water quality improvements.

Support for Ratepayer Assistance

The novel Coronavirus (COVID-19) has served as a dramatic reminder of the essential role that clean water services provide to public health and the welfare of communities. At the same time, the financial impact of COVID-19 revealed the precarious circumstances that many ratepayers find themselves in when confronting economic disruptions. CASA believes that federal assistance to support ratepayers in dire economic circumstances, similar to the Low-Income Heat Energy Assistance Program, must be available to preserve this vital public health service and avoid service interruption.

Engage in Research and Development to Deliver Sustainable Energy and Resource Recovery

CASA believes the exceptional advances that clean water agencies have achieved since the 1970's are in large measure due to the creativity of our water leaders and a powerful funding commitment. The ever-increasing challenge from climate change that includes drought, floods, sea level rise and population migration will require even more creative solutions and a strong federal partnership. CASA agencies have made important progress in developing sustainable solutions to capture the embedded energy in the wastewater stream through anaerobic digestion and other mechanisms. These projects utilize renewable resources and reduce greenhouse gas emissions, helping address the impacts of climate change. However, much more could be achieved through a comprehensive federal partnership with clean water agencies that would deliver clean and sustainable energy and resource recovery. The creation of a water-focused Advanced Research Program Agency would provide the public sector with the ability to advance the development, demonstration, and implementation of novel approaches to achieve sustainable energy and reduce wastes from the wastewater treatment process.

Promote the Modernization of Wastewater Infrastructure through Smart Water Technologies

Any national infrastructure policy must promote and advance the use of innovative technologies to reduce lifecycle costs, improve the reliability of treatment and deliver affordability to ratepayers. The integration of smart water technologies that provide real-time monitoring, asset management, and data management to leverage the capacity of existing or new infrastructure, could deliver significant improvements in financial capability of clean water systems and help reduce long-term upward pressure on rates. CASA urges your administration to implement a direct grants assistance program to encourage clean water agency operators to adopt innovative smart water technologies. In the House-passed Moving Forward Act, Title IX

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provides \$500 million in direct grants assistance to local clean water agencies to assist in the adoption of such technologies.

Conclusion

Taken together, the above referenced clean water priorities represent a package of actions the Administration can support that will help local agencies deliver clean water while protecting public health and the environment. CASA believes that taken together the implementation of these priorities will establish a national water infrastructure policy and program for our future that meets the challenges of environmental justice, improved public health, restoration and preservation of our natural resources and can serve as a catalyst for a robust economy. We look forward to working with your administration on these issues in the coming years.

Sincerely yours,



Jason R. Dow
CASA President

cc: The Honorable Kamala Harris