State and Local Perspectives on Critical Water Resource Issues

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National Association of Counties
Dusty Williams testified on behalf of NACo and NAFSMA before the House Transportation and Infrastructure Committee’s Subcommittee on Water Resources and Environment on the Potential Impacts of the Proposed Changes to the CWA Jurisdictional Rule on June 11, 2014

Dusty Williams
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About NACo

MISSION

The National Association of Counties (NACo) unites America’s 3,069 county governments. Through NACo, county officials:

• Advocate with a collective voice on national policy
• Exchange ideas and build new skills
• Innovate transformational county solutions
• Enhance the public’s understanding of county government and
• Exercise exemplary leadership in public service
Counties Nationally

- Populations vary widely, as does land mass
- 48 states have operational county governments
- Counties, boroughs and parishes are functionally equivalent subdivisions of the states
- 70 percent of counties are considered rural with populations less than 50,000
County Responsibilities

• Maintain public records and coordinate elections
• Support and maintain public infrastructure, transportation and economic development assets
• Provide vital justice, law enforcement and public safety services
• Counties play a major role in maintaining:
  • local jails and courthouses
  • public hospitals
  • libraries
  • parks, solid waste water and sewage systems.
Why Counties Matter

- Invest over $482 billion annually & employ more than three million people
- 45 percent of America’s road miles
- Invest $70 billion for community health & hospitals annually
- Spend $70 billion in justice & public safety services
- Invest almost $26 billion for economic development efforts
- Fund & oversee 144,000 polling places every two years
NACo Overarching Priorities

• Securing passage of a long-term reauthorization of MAP-21 and fixing the Highway Trust Fund

• Fighting the repeal or scaling back of tax-exempt municipal bonds

• Pursuing adoption of the Marketplace Fairness Act

• Seeking full funding for Payments In Lieu of Taxes (PILT) and funding the Secure Rural Schools (SRS) program

• Reforming the proposed “Waters of the United States” rule
Waters of the U.S. Resources

- NACo’s “Waters of the U.S.” informational hub—www.naco.org/wotus
- NACo analysis and comparison chart
- Multiple NACo testimonies on “Waters of the U.S.”
- And more
Potential Areas of Joint Interest

- Waters of the U.S.
- Stormwater
- Waters Resources Development Act
- National Flood Insurance Program Reauthorization

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<thead>
<tr>
<th>ENVIRONMENTAL PROTECTION AGENCY</th>
<th>UNFUNDED MANDATES AND OTHER REGULATORY IMPACTS ON COUNTIES</th>
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<tr>
<td>Clean Air Act</td>
<td>Compliance with federal air pollution standards, including, but not limited to, monitoring air quality; retrofitting stationary and mobile sources of pollution and obtaining required permits; ozone and particulate matter (PM) standards for PM 10 and PM 2.5. While tighter standards for PM 10 have been temporarily tabled, the reconsideration process for air standards resets every five years.</td>
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<td>Particulate Matter Standards</td>
<td>Mentioned briefly above, lowering PM standards is problematic, especially for rural areas, where practices governing regular everyday events such as cars driving down dirt roads and agricultural practices that sustain local economies could become regulated, as could natural events such as wildfires, droughts or wind storms. Because of the high, naturally occurring, dust levels found in arid climates, many western counties have a difficult time meeting the current PM standard. This, in turn, affects their economic base, which will further restrain economic recovery. Based on previous experience, non-attainment areas have difficulty maintaining and attracting businesses to their regions, since these businesses would have to operate under the tighter standards. Most businesses chose to relocate or not even build in a non-attainment area.</td>
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<td>Ozone Standards</td>
<td>The EPA is currently assessing whether to tighten the current National Ambient Air Quality Standards (NAAQS) for ozone. 358 to 368 additional counties would be considered in non-attainment under the standards for counties designated as being in non-attainment, this impacts both economic development and transportation conformity projects.</td>
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<td>Clean Water Act</td>
<td>Compliance with federal regulations and mandates related to county owned water and wastewater treatment regulations; combined and sanitary sewer overflow consent decree; “Waters of the U.S.” definition changes (refer below for more specific problems with the navigable “waters of the U.S.” regulation program); regulation of point and non-point discharges (including those from forest roads), including standards for improving and maintaining water quality, stormwater regulations; and inconsistent blending and bypass rules.</td>
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<td>Pesticide Regulation</td>
<td>The general permit for pesticides became effective the end of October, 2011. NACo has heard mixed reviews from our counties. Some counties, have changed spraying patterns, which may not be as effective as previous practices. The general permit has a heavier paperwork burden for spraying activities. This in turn has changed the way counties administer the program. Since county governments serve as primary service providers for their residents, this permit has significant effects on county programs, particularly mosquito abatement and noxious weed control efforts, creating unfunded mandates for both urban and rural counties through the tight reporting requirements. Additionally, the final “Waters of the U.S.” rule may trigger expanded regulation for counties.</td>
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<td>Stormwater Regulations</td>
<td>CWA stormwater regulations, also known as municipal separate storm sewer systems (MS4s), apply to counties with populations of 100 thousand or more and certain counties in or near urban areas. MS4s are required to meet water criteria standards, generally through Best Management Practices (BMPs). However, in recent years MS4 permits are moving away from BMPs to stricter nutrient numerical limits which can make it both inflexible and very expensive to comply with permit requirements.</td>
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Working Together

- Engage in all phases of NACo policy making
- Make it personal... put our policies into context of your county’s roles, capacity and mandates
- Match facts and data with policies
- Offer solutions
- Educate other local and state government officials
Thank you!

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