

Water Resources Development Act

On Thursday, September 14, the Senate passed its version of the Water Resources Development Act (WRDA) (S. 2848) by a vote of 95-3. The US\$10.6 billion bill would authorize the US Army Corps of Engineers (USACE) to carry out navigation, flood protection and ecosystem improvement projects throughout the country. The legislation would also create a water infrastructure fund and provide financial assistance for drinking water and waste water systems. With regard to the Flint, Michigan crisis, the bill would direct US\$220 million to assist Flint and other communities in upgrading drinking water technologies and infrastructure. In addition, the bill would authorize US\$125 million for USACE to immediately address coastal levees that are disintegrating.

Examples of projects included in the bill are major restoration programs for Lake Tahoe and the Great Lakes, as well as a project for water storage and treatment in the Central Everglades to address the outbreak of blue-green algae. Furthermore, the bill would require the Environmental Protection Agency (EPA) to pay for the response costs of the Gold King Mine spill within 90 days of passage and establish a long-term water-quality monitoring program of the rivers contaminated by the spill. A comprehensive list of all projects authorized in the legislation is included in this memo.

Drinking Water and Wastewater Infrastructure

S. 2848 would provide funding and establish new programs to address and repair outdated drinking water and wastewater infrastructure.

- **Drinking Water** – The legislation would authorize a grant program to assist small and disadvantaged communities to comply with requirements under the Safe Drinking Water Act, with priority given to communities without basic drinking water or wastewater services. The program begins in 2017 and would authorize a total of US\$1.4 billion over five years.
- **Infrastructure Funding** – The bill would authorize a grant program for the replacement of service lines, testing, planning, corrosion control and education concerning lead infrastructure. The program would begin in 2017 and would be funded at US\$300 million to be spent over five years. Furthermore, the bill would establish a technical assistance program for small treatment works, which would be carried out by qualified nonprofit technical service providers. The technical assistance program would be authorized at US\$75 million in total for the duration of five years.

- **Lead and Child Health** – The legislation would supply funding for childhood health programs. It would authorize a total of US\$100 million for FY2017-FY2021 to carry out a voluntary school and child care lead testing program. Furthermore, US\$10 million would be provided for each of the following programs:

- The childhood lead poisoning prevention program authorized under the Public Health Service Act
- The Healthy Homes Initiative under the Department of Housing and Urban Development
- The Healthy Start Initiative under the Public Health Service Act

- **Technology Advancement Funding** – The bill would authorize US\$50 million a year for a grant program under the EPA to accelerate the development of innovative technologies to address pressing water challenges, prioritizing projects that address human health or provide additional water supplies with minimal environmental impact.

Additionally, the bill would:

- Reauthorize the Water Resources Research Act for FY2015-FY2020 at a total of US\$9 million.
- Reauthorize the Water Desalination Act of 1986 for FY2015-FY2020 at a total of US\$48 million.
- Authorize a grant program to assist workforce development in the water utility sector for FY2017-FY2021 at a total of US\$5 million.
- Authorize projects that employ innovative technologies to be eligible for additional subsidization under a Drinking Water State Revolving Fund.
- Reauthorize grants for addressing combined sewer overflows, sanitary sewer overflows, and stormwater discharges for FY2017-FY2021 at a total of US\$1.8 billion.
- Establish a trust fund for water infrastructure to be used for capitalization grants for the Clean Water and Safe Drinking Water State Revolving Funds.
- Provide the Department of Health and Human Services US\$17.5 million to establish a voluntary lead exposure registry to be used by any city whose citizens are exposed to lead contamination in drinking water.
- Authorize an advisory committee coordinated through CDC or other relevant agencies to review federal programs that address lead exposure and identify research needs, best practices and effective services.

- Authorize EPA's voluntary WaterSense program that allows water efficient products, buildings, landscapes, facilities, processes and service to bear a "WaterSense" label.
- Require the Administrator of the EPA to appoint liaisons for minority, tribal and low-income communities in each EPA region for water health issues.
- Establish a drinking water technology clearinghouse to provide information on cost-effective, innovative and alternative drinking water delivery systems.

USACE and FEMA

The legislation would allow for USACE to provide technical assistance to nonfederal sponsors; raise existing per-project funding limits for storm damage reduction projects; provide funding for dam rehabilitation; and establish two new infrastructure maintenance pilot projects.

Technical Assistance to Non-Federal Sponsors – S. 2848 would expand local involvement in water infrastructure projects by authorizing USACE to provide technical assistance to non-federal sponsors that are developing their own feasibility studies and to accept funds, materials and services from states and local governments to carry out water resources projects. Furthermore, the legislation would authorize USACE to review proposals made by nonfederal interests to increase water supplies by increasing storage capacity or modifying project management.

Storm Damage Reduction Projects – In addition, the legislation would increase the per-project funding limit for hurricane and storm damage reduction projects to US\$10 million.

Dam Rehabilitation – The bill would also authorize US\$435 million over the next 10 years for a Federal Emergency Management Agency (FEMA) program for rehabilitation of high hazard potential dams.

Infrastructure Maintenance – The bill would also establish two new pilot programs to address infrastructure maintenance. The first would authorize a nonfederal interest to maintain a federal navigation project with its own equipment and personnel, and permit the participant to be eligible for reimbursement of personnel time. The second would authorize US\$125 million for USACE to immediately address coastal levees that are disintegrating.

S. 2848 Project Authorizations or Modifications

New and modified projects included in the bill are provided below.

Aquaculture studies in: Chesapeake Bay; Gulf Coast; State of California; and State of Washington

Cape Arundel Disposal Site five-year extension

Operations and Maintenance of Inland Mississippi River Ports

Great Lakes Navigation System

Chicagoland Underflow Plan, Illinois Expedited Completion of Authorized Projects

Cedar River, Cedar Rapids, Iowa Expedited Completion of Authorized Projects

Comite River, Louisiana Expedited Completion of Authorized Projects

Amite River and Tributaries, Louisiana Expedited Completion of Authorized Projects

Cumberland River Basin Dam Repairs

Gulf Coast Oyster Bed Recovery Plan

Lower Columbia River Basin

Columbia and Lower Willamette Rivers below Vancouver Study

Upper Missouri River Basin Reservoir Sediment Management

Puget Sound Nearshore Ecosystem Restoration Increase in Per-Project Limit

Upper Missouri River Basin Ice Jam Prevention and Mitigation

Chesapeake Bay Oyster Restoration

Rio Grande Environmental Management Program Extension

Upper Mississippi and Illinois Rivers Comprehensive Flood Risk Management

South Atlantic Coastal Study

Kanawha River Basin Feasibility Study

Table Rock Lake, Arkansas and Missouri

Pearl River Basin, Mississippi Expedite on Review

Brazos Island Harbor, Texas Navigation Final Feasibility Study

Calcasieu Lock, Louisiana Navigation Final Feasibility Study

Portsmouth Harbor and Piscataqua River, New Hampshire and Maine Navigation Final Feasibility Study

Green and Barren Rivers, Kentucky Navigation Final Feasibility Study

Port Everglades, Florida Navigation Final Feasibility Study

Little Diomedea, Alaska Navigation Final Feasibility Study

Charleston Harbor, Charleston, South Carolina Navigation Final Feasibility Study

Craig Harbor, Alaska Navigation Final Feasibility Study

Upper Ohio River, Allegheny and Beaver Counties Navigation Final Feasibility Study

Leon Creek Watershed, San Antonio, Texas Flood Risk Management

Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries, Kansas City, Kansas and Kansas City, Missouri Flood

Risk Management

City of Manhattan, Kansas Flood Risk Management

Upper Turkey Creek Basin, Merriam, Kansas Flood Risk Management

Princeville, North Carolina Flood Risk Management

West Sacramento, California Flood Risk Management

American River Common Features, California Flood Risk Management

Mill Creek, Tennessee Flood Risk Management

Town of Edisto Beach, Colleton County, South Carolina Hurricane and Storm Damage Risk Reduction

Flagler County, Florida – The project for hurricane and storm damage reduction, Flagler County, Florida Hurricane and Storm Damage Risk Reduction

Bogue Banks, Carteret County, North Carolina Hurricane and Storm Damage Risk Reduction

Hereford Inlet to Cape May Inlet, New Jersey Shoreline Protection, Cape May County, New Jersey Hurricane and Storm Damage Risk Reduction

West Shore Lake Pontchartrain, Louisiana Hurricane and Storm Damage Risk Reduction

Encinitas-Solana Beach Coastal Storm Damage Reduction, California Hurricane and Storm Damage Risk Reduction

Southwest Coastal Louisiana, Louisiana Hurricane and Storm Damage Risk Reduction

Upper Des Plaines River and Tributaries, Illinois and Wisconsin Flood Risk Management and Environmental Restoration

South San Francisco Bay, California Flood Risk Management and

Environmental Restoration

Central Everglades Planning Project, Florida Environmental Restoration

Lower Willamette River Environmental Dredging, Oregon Environmental Restoration

Skokomish River, Mason County, Washington Environmental Restoration

Los Angeles River, California Environmental Restoration

Turkey Creek Basin, Kansas and Missouri Project Modification

Blue River Basin, (Dodson Industrial District) Kansas City, Missouri Project Modification

Picayune Strand, Florida Project Modification

Ohio River Shoreline, Paducah, Kentucky Project Modification

Houston Ship Channel, Texas Project Modification

Rio de Flag, Flagstaff, Arizona Project Modification

Swope Park Industrial Area, Blue River, Missouri Project Modification

St. George Harbor, Alaska Expedited Completion of Report

Rahway River Basin, New Jersey Expedited Completion of Report

Great Lakes Restoration Initiative

Lake Tahoe Restoration

Long Island Sound Restoration

Delaware River Basin Conservation

Columbia River Basin Restoration

Gold King Mine Spill Recovery

Authorization of Feasibility Studies and Modifications:

- Arctic Deep Draft Port Development Partnerships
- Ouachita-Black Rivers, Arkansas and Louisiana
- Cache Creek Basin, California
- Coyote Valley Dam, California
- Del Rosa Drainage Area, California
- Merced County, California
- Mission-Zanja Drainage Area, California
- Santa Ana River Basin, California
- Delaware Bay Coastline, Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware
- Mispillion Inlet, Conch Bar, Delaware
- Daytona Beach Flood Protection, Florida
- Brunswick Harbor, Georgia
- Savannah River below Augusta, Georgia
- Dubuque, Iowa
- Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana
- St. Tammany Parish Government Comprehensive Coastal Master Plan, Louisiana
- Cayuga Inlet, Ithaca, New York
- Chautauqua County, New York
- Delaware River Basin, New York, New Jersey, Pennsylvania, Delaware
- Cincinnati, Ohio
- Tulsa and West Tulsa, Arkansas River, Oklahoma
- Johnstown, Pennsylvania
- Chacon Creek, Texas
- Corpus Christi Ship Channel, Texas
- Trinity River and Tributaries, Texas
- Chincoteague Island, Virginia
- Burley Creek Watershed, Washington

House Bill

The House is expected to vote on its version of the legislation, H.R. 5303. The US\$5 billion bill would authorize 28 Army Corps of Engineers water infrastructure projects, require mandatory biennial reauthorization of WRDA and would mandate future funds collected in the Harbor Maintenance Trust Fund to be used strictly for harbor maintenance. The House version of bill does not include funding for drinking water and wastewater projects.

Forecast

Leaders in both the Senate and House have voiced their determination to pass a final WRDA bill before the end of the year. The largest obstacle the chambers will face when conferencing the bills will be negotiating the drinking water and wastewater funding contained within in the Senate's version of the bill, including aid to Flint.

The Senate Environment and Public Works Committee Chairman, Jim Inhofe (R-OK), encouraged members of the House to pass their version of the water resources bill immediately despite its absence of drinking water funding, but vowed to fight for the aid for Flint in the final bill. House Transportation and Infrastructure Committee Chairman, Bill Shuster (R-PA), has expressed his desire to move the bill through the House as quickly as possible in order to promptly begin negotiations through a conference committee.

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