

# **Bond Case Briefs**

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## **Mayors Buttigieg and Dupree Testify on Wastewater and Stormwater Costs Request to Congress - Pass Integrated Planning and Affordability Legislation.**

South Bend Mayor Pete Buttigieg testified on behalf of The US Conference of Mayors and Hattiesburg Mayor Johnny Dupree testified on behalf of the National League of Cities before the House Transportation and Infrastructure Subcommittee on Water Resources and the Environment, on the high costs of Clean Water Act (CWA) mandates and the need to create additional tools to assist communities achieve their goals in a cost-effective manner.

The May 18, 2017 hearing was entitled, Building a 21st Century Infrastructure for America: Improving Water Quality through Integrated Planning. Joining the Mayors were: Todd Portune, Commissioner, Hamilton County, Ohio; on behalf of the National Association of Counties; Craig Butler, Director, Ohio Environmental Protection Agency; on behalf of the Environmental Council of the States; William Spearman, Principal, WE3 Consultants on behalf of the American Public Works Association; and Lawrence Levine, Senior Attorney, Natural Resources Defense Council.

Both Mayors talked about the costs of combined and sanitary sewer consent decrees and stormwater regulations for their cities. Mayor Buttigieg said that South Bend's consent decree will cost his city \$861 million. "This is a significant burden for our residents," Buttigieg said, "with one out of every five households having to pay 10% of their household income just toward their wastewater bill and one of every ten households will pay 14%. As a result, every South Bend household spending \$1300 per year for the next 15 years for a total of \$19,500."

Both discussed how integrated planning and affordability legislation would help their cities achieve better results while making the costs more manageable.

The Conference of Mayors worked with Environmental Protection Agency (EPA) to create the concept of Integrated (or comprehensive) Planning to help cities solve their most pressing water and wastewater needs in a more cost-effective way. Joining the Conference of Mayors were the National League of Cities and National Association of Counties in negotiations with EPA. As a result of our efforts, EPA created memorandums on Green Infrastructure, Integrated Planning, and Financial Capability that they distributed to the EPA Regional Offices. However, the Regional Offices have not always been enthusiastic about allowing communities to implement any of these tools. That is why the three local government associations are seeking legislation that would codify Integrated Planning, define Financial Capability, and encourage the use of Green Infrastructure.

"While the Integrated Planning Framework and the Financial Capability Framework have been positive steps by EPA to address the high costs of meeting CWA regulatory requirements, there is more work to be done to ensure that these policy frameworks are useful tools for our communities across the country," said DuPree.

Mayor Buttigieg outlined the Conference's key priorities for the legislation including: Codifying EPA's Integrated Planning and Permitting Policy; Achieving Long Term Control of Stormwater

Through Permits; Renewing Congressional Support for Exercising Flexibility in Existing Clean Water Law; and Eliminating Civil Penalties for local governments who develop an integrated plan and make reasonable further progress into improving their water.

The members of the House are listening and the Mayors thanked them for introducing multiple bills that would address many of our priorities. Mayor Buttigieg expressed gratitude for all the introduced bills but did say that the Conference of Mayors preferred HR 465, the Water Quality Improvement Act of 2017, which was introduced by Representative Bob Gibbs (OH). HR 465 has several unique provisions that would better help communities by defining affordability, asking EPA to determine if their solutions are technically feasible, and allowing cities to solve their long-term wastewater and stormwater needs through permits, rather than through consent decrees.

The Senate has also taken the issue of Integrated Planning, Financial Capabilty, and Green Infrastructure with Lancaster Mayor Rick Gray testifying on April 4. Their bill, S.692 the Water Infrastructure Flexibilty Act, passed out of the Environment and Public Works Committee and is awaiting action by the entire Senate.

Please [click here](#) for a copy of Mayor Buttigieg's testimony, [click here](#) to download S.692 and [click here](#) to download H.R. 465.