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The Association of Clean Water Administrators Written Public Testimony on FY24 Appropriations for the U.S. Environmental Protection Agency for Water Programs

July 14, 2023

Chair Kay Granger
Ranking Member Rosa DeLauro
House Appropriations Committee
United States House of Representatives
Washington, D.C. 20515

To Chair Granger and Ranking Member DeLauro,

The Association of Clean Water Administrators (ACWA) offers the following recommendations as the Committee begins work on appropriations for FY24. As the national voice of state, interstate, and territorial officials responsible for the implementation of programs that protect surface waters across the nation, ACWA recommends an appropriations of \$263.5M for water programs funded through the section 106 State and Tribal Assistance Grants (STAG), \$190M for section 319 programs, and robust funding for geographic programs like the Chesapeake Bay, the Long Island Sound, and the Gulf Hypoxia Task Force.

Congress purposefully and clearly designated states as having primary responsibility for controlling water pollution and protecting their resources under the Clean Water Act (CWA). The scope and breadth of state surface water program responsibilities is ever expanding. Addressing PFAS contamination is a good example of how state water programs responsibilities have expanded over time. State and Interstate water programs are taking on sampling and monitoring requirements, analyzing data, and responding to citizen concerns. In addition to the challenges posed by emerging contaminants, there are new federal expectations regarding the implementation of delegated programs, such as stepped-up community engagement, consideration of disparate impacts on marginalized communities when issuing certain permits, support for public involvement, cybersecurity protection, and other activities that require expanded state activities to support permit issuance and other delegated activities.

Categorical Grant funding to states and interstates is the most significant federal support for core day-to-day delegated program activity and state staff capacity. However, increasing inflation has reduced the impact of the dollar and forced programs to do more with less. At the same time, inflationary pressures

make it hard for states to keep up with recruitment and retention of key staff given the rising cost of living. There is also an increasing need for investment in modern infrastructure like electronic permitting and a corresponding need for analysis of growing environmental monitoring data. In sum, federal support to states has eroded.

Federal funding of the sec. 106 and sec. 319 programs comprises approximately 33% of the funds states and interstates rely on to carry out the CWA's mandates. Section 319 funding has been on the decline since 2005¹, and the states currently absorb over two thirds of the cost of mandated state and delegated federal water quality programs. Additional federal funding would enable states and interstates to build upon the successes of the 319 program and work to improve the states'/interstates' water quality protection activities and ability to carry out the basic requirements of the CWA.

While appropriation increases have occurred over time since the inception of these programs, a more comprehensive analysis shows federal funding has remained nearly flat throughout the past decade, and its purchasing power has diminished when taking inflation into account. For example, CWA sec. 106 funding in 2010 was \$229 million; after a rise in funding in 2011 and 2012, funding levels settled to \$231 million over 2014 – 2019. Section 106 funding in 2020 fell to \$223 million. If you look at a more recent time horizon, the Section 106 enacted level was \$230,806,000 in FY2016 and \$230,000,000 in FY2021, a reduction of \$806,000. This funding is especially critical as CWA programs have grown much larger. The NPDES permitting program now covers 900,000 municipal, industrial, stormwater and construction facilities today. Additionally, the water quality issues facing the states and interstates are more complex and more challenging. Nutrient reduction in surface waters, stormwater management, alterations in hydrology, in part due to climate change, considerations of ground water, e-reporting requirements, emerging contaminants such as PFAS, and now social considerations of environmental justice are complications not envisioned when the CWA became law 50 years ago.

Similarly, the increase in federal infrastructure funding has added additional responsibilities on state programs. State surface water programs play an integral role in building water infrastructure, from planning to design permitting to construction to compliance and robust section 106 funding is critical. State agencies are responsible for a myriad of infrastructure-related tasks including providing technical assistance to small, rural, disadvantaged, and underserved communities; marketing investments in green infrastructure; processing loan and grant applications; prioritizing projects to meet the greatest need; conducting environmental reviews; performing engineering analyses; permitting projects; monitoring compliance; and preventing fraud and waste. Any upcoming gaps in funding would undercut the proven success of these programs and jeopardize the essential assistance they provide to states. The case against funding cuts is only strengthened when considering that increases in federal investment could help

¹ In 2005, the 319 program was appropriated \$209 million and in 2022, the program was appropriated \$178 million.

reverse declines in water quality, create hundreds to thousands of construction jobs, boost the national economy, and benefit private-sector development. With this in mind, ACWA asks for your support in delivering states the resources they need to carry out these critical programs.

The states welcome the focus on injecting resources into the system to spur infrastructure development and repair. This money is certainly needed. However, the states also need increased resources to support states in meeting their obligations to the CWA through, Sec. 106 grants, 319 grants, and funding for regional programs like the Chesapeake Bay, the Long Island Sound, or the Mississippi River/ Gulf of Mexico Hypoxia Task Force. States are also being asked to address PFAS and other emerging contaminants and to support environmental justice priorities and screening initiatives. Much of the federal funding has focused on specific outcomes and projects without much attention to the crucial seasoned state staff that execute vital support and analytic functions. Robust funding for CWA programs is necessary to ensure states have the capacity to handle an increase in funding for water infrastructure, manage permitting programs, and provide technical assistance to disadvantaged communities. Fully funding sec. 106 and similar programs will ensure that insufficient staffing and administrative resources do not cause delays or bottlenecks with projects moving to construction with the appropriate public health safeguards and environmental permits.

In conclusion, we recommend that the Subcommittee appropriate \$263.5M for sec. 106, \$190M for sec. 319 funding, and robust funding for key regional geographic programs like the Chesapeake Bay to provide states with the funding they need. These investments will have tangible benefits for states, interstates, territories, and Americans across the country by making progress toward our nation's water quality goals, not to mention the other benefits of stimulating economic growth, supporting tourism, providing recreation, and promoting nationwide health with a clean water supply. The states cannot do it alone, so we ask for a strong federal-state partnership through the FY24 appropriations process. Federal government support for ACWA's work – and states' work – is essential.

Sincerely,



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