TESTIMONY OF

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ON BEHALF OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES (NACWA)

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"The Clean Water Act at Fifty: Highlights and Lessons Learned from a Half Century of Transformative Legislation"

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Chairs DeFazio and Napolitano, Ranking Members Graves and Rouzer, and all members of the Subcommittee—good morning. Thank you for the opportunity to testify on behalf of the National Association of Clean Water Agencies, or NACWA, as the country prepares to celebrate the Clean Water Act's 50th Anniversary next month. It is an honor to be with you this morning to discuss the vital role that public clean water agencies have played in implementing the far-reaching goals of the Act—improving water quality in our nation's waterbodies and protecting public health and the environment.

My name is Michael Witt, and I am General Counsel for the Passaic Valley Sewerage Commission, or PVSC, in Newark, New Jersey. Formed in 1897, PVSC is one of the oldest environmental agencies in the United States and has provided public sewer service for nearly a century. PVSC operates the fifth-largest wastewater facility in the nation, treating over 250 million gallons of

wastewater per day and providing service to 1.5 million residents in 48 municipalities across northeastern New Jersey.

I am also a Board member of NACWA, the nation's leading organization of public clean water utilities that, like PVSC, are on the front lines each day working to enhance public health in the communities we proudly serve.

While it is difficult to imagine today, prior to the 1970s, the most common form of industrial, commercial, and residential wastewater "treatment" was simply to discharge it with little to no actual processing into the nearest stream, river, lake, or ocean. This practice directly impacted human health and the environment, causing illnesses and even deaths from waterborne disease, and destroying entire natural habitats. Indeed, many waterbodies were declared to be "dead zones" that could no longer support basic ecosystems.

Realizing the dire and growing public health concerns and environmental degradation, many cities started developing public treatment systems after World War II. The systems transported sewage from homes and businesses to treatment works for basic filtration, or "primary treatment." While a good start, these early efforts could not keep up with increasing population and industrial development, and the resulting increase in water pollution. This problem was shockingly immortalized in the late 1960's with the powerful images of the Cuyahoga River in Cleveland, Ohio catching fire; an indelible image that helped galvanize national action, culminating in the passage of the Clean Water Act in 1972.

By many measures, the Clean Water Act has fulfilled the goals of its drafters. More than $60 billion dollars provided through the Act's Construction Grants Program in the 1970s and 1980s

helped create vital partnerships among the federal, state and local governments to improve wastewater treatment facilities. Over the last 50 years, the effects of the Clean Water Act and its subsequent amendments have had a profoundly positive impact on improving our nation's water quality and public health.

Public clean water utilities have resoundingly responded to the challenge in what can only be described as one of the greatest success stories of modern engineering, science, and planning, highlighting the power of the local-state-federal partnership created by the Act.

There are many examples of this success. 50 years after the Cuyahoga unfortunately served as the posterchild for water pollution, the Ohio Environmental Protection Agency declared that the river had been restored to the level where it is now safe to eat fish caught there. Along with the passage of the Act, my colleagues at the Northeast Ohio Regional Sewer District and its member communities deserve much of the credit for that success.

Other examples include the City of Seattle, Washington, which is using innovative Green Stormwater Infrastructure to control its combined sewer system, enabling the city to cut pollution to its waterways by 75%. In Alexandria, Virginia, just across the Potomac River from where we are sitting, Alexandria Renew Enterprises is capturing and reusing biogas from its treatment process to use as a heating fuel. As a result, it has realized a 25% reduction in greenhouse gas generation since 2005. These projects were funded in part by the Clean Water Act.

At my place of work, PVSC used Clean Water Act construction grants to construct an advanced "secondary treatment" process that went operational in 1981. This allows us to provide

wastewater treatment services for one out of every six people in the entire state, making PVSC the single most important public health infrastructure investment to date in the State of New Jersey.

These are just a handful of the clean water utility success stories under the Clean Water Act. There are many others, including those recorded in NACWA's 50th Anniversary Report – which we celebrated in 2020 – at www.nacwa50report.org.

As environmental stewards of our communities, NACWA members take pride in these achievements. But the story goes beyond just the environmental impact; it is also about the positive social and economic impacts the Clean Water Act has had on virtually every community. Thanks to water quality improvement over the last 50 years, access to outdoor recreational opportunities has been greatly upgraded and expanded to tens of millions of Americans who enjoy fishing, swimming, kayaking, and other water activities. These activities generate $175 billion dollars in annual spending and are directly responsible for more than 1.5 million jobs.

Cities both large and small are experiencing major revitalizations of their once polluted waterfronts with major investments being made in housing, small businesses development, and entertainment venues. Places like the Santa Monica Bay; the Puget Sound; the Potomac River here in Washington, DC; and Boston Harbor, to name a few—which were once considered some of the most polluted in the U.S–are now considered some of our most valued and treasured bodies of water and support numerous recreational opportunities.

Further, it is estimated that one out of every 300 working Americans is employed in the clean water sector in a variety of well-paid, local jobs. These jobs span a diverse spectrum of education

and skills ranging from technology, science, and engineering to finance, legal, human resources, and communications, to tradespeople of all kinds such as mechanics, electricians, plumbers, and steamfitters. Without the investments made under the Clean Water Act and the subsequent hard work initiated by utilities, these positive impacts would not have been realized.

But while we celebrate the success of the past 50 years, we must acknowledge the challenges that lie ahead. These include maintaining and updating the clean water infrastructure we have, while expanding our treatment systems and technologies to address new pollutant standards, population growth, industrial and agricultural expansion, land development pressures, and a changing climate that directly impacts water and wastewater systems.

Central to addressing these future challenges will be maintaining—and strengthening—the partnership between the federal, state, and local governments, especially on the issue of clean water infrastructure funding. While the Clean Water State Revolving Fund (CWSRF), a federal loan program which replaced the Construction Grants Program in the 1980s, and other federal funding initiatives including the recently enacted bipartisan Infrastructure Investment and Jobs Act (IIJA) provide vital funding support, they do not meet the total need for clean water infrastructure investment which is in the hundreds of billions of dollars.

The IIJA is the most important infrastructure bill in a generation, and NACWA and its members are extremely grateful to Congress for advancing it. The IIJA authorized and in some cases directly appropriated historic levels of investment in clean water not seen since the creation of the Construction Grants Program. It is imperative that in the coming fiscal years Congress fully appropriate the funding authorized under the IIJA, both for existing programs such as WIFIA and

EPA's Sewer Overflow and Stormwater Reuse Municipal Grants program, as well as for newly authorized programs including low-income water customer assistance and Clean Water Infrastructure Resilience and Sustainability grants. Full funding for these programs will also, critically, help ensure that disadvantaged communities—rural and urban—are able to fully realize the clean water success stories brought about by the Clean Water Act.

Even with the stepped-up federal assistance, the vast majority of investment in clean water infrastructure will continue to be made by our customers through the rates they pay. These rates are anticipated to continue rising as communities address aging infrastructure, compliance obligations, the effects of climate change, and increasingly complex water quality challenges – pushing many against the limits of affordability. As we face all these challenges, we must fully embrace the concepts of environmental justice and ensuring equitable provision of clean water services for all.

As such, to continue advancing clean water progress, Congress, regulators, and local clean water utilities must commit to strengthening constructive collaboration. For one, the enhanced use of Integrated Planning by states and communities in both the enforcement and permitting contexts is imperative to help communities better manage costs and prioritize their growing list of clean water investments and obligations affordably over time to best serve their ratepayers. A critical step toward advancing this collaborative approach was taken when, under the bipartisan leadership of members of this Committee, Integrated Planning was codified into the Clean Water Act in 2018.

Together, public clean water utilities, states and the federal government can continue progress on both the investment and policy fronts to ensure the next fifty years of the Clean Water Act results in even greater achievements than those of the last fifty. Indeed, collaboration, partnerships, and shared responsibility are embodied within the Clean Water Act's "cooperative federalism" framework. As the successes of the past 50 years have shown, the nation's public clean water utilities have earned the right to be a full partner with the federal government in charting the next 50 years of clean water success. This must include a greater focus by all stakeholders on enhanced resource recovery and use of innovative technologies by public clean water utilities, managing escalating capital, operations and maintenance costs, alleviating supply chain concerns, and responding to workforce retention and development challenges. Together we will be able to address overarching priorities including ensuring water affordability, advancing environmental justice, and managing climate uncertainty.

NACWA and its public utility members remain ready and committed to do our part!

Thank you again for the opportunity to testify before you today. This concludes my testimony, and I would be happy to answer any questions the Committee may have.