Utilities lobby for fewer controls

Federal orders can turn costly

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FORT WRIGHT – With local sewage bills soaring, Sewer District No. 1 hopes the timing is right to craft significant changes to the federal Clean Water Act, almost 40 years after the landmark anti-pollution law was approved in 1972.

A convergence of big-city mayors – many of them Democrats with influence inside the Obama administration – and Republican fiscal conservatives fed up with costly federal mandates that are driving up sewer costs nationwide may make political conditions ideal in Congress for a rethinking and reform of the federal law aimed at curbing water pollution, believes Mike Apgar, SD1's director of government affairs.

About four miles northwest of SD1's headquarters, leaders of the Northern Kentucky Water District hope they can have similar impact on containing water rates by influencing the way the U.S. Environmental Protection Agency enforces the federal Clean Drinking Water Act.

SD1 customers have seen rates climb all but two of the years since 2000, including jumps of 15 percent apiece the past two years. SD1's board and the judges-executive of Boone, Kenton and Campbell counties now are considering three sets of increases that could cause rates to climb between 107 percent and 126 percent by 2019. Depending on which rate trajectory is picked, homeowners could see their sewer bills climb 9.5 percent, 12.5 percent or 15 percent both this and next.

Bills are inflating because SD1, like many sewer utilities nationwide, is under federal mandate to significantly decrease the 2.1 billion gallons of diluted sewage that spew from its pipes on an average year, in violation of the Clean Water Act. SD1 plans to spend $1.2 billion by 2025 to do that and create other pollution remedies.

At the same time, Northern Kentucky Water District customers this year saw their bills increase halfway toward the overall 25 percent increase that will happen by early next year. Water district officials attribute about half that increase to mandates connected to the federal Safe

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Drinking Water Act. Local water leaders also hope the new political dynamic can help rein in unfunded federal regulations that helped spark creation of the tea party movement.

On March 1 and 2, the National Association of Clean Water Agencies will lead sewer utilities from across the country to flood Congress and federal regulators with visits during what local officials figuratively call a "March on Washington." This "march" won't be like protests with banners. Instead, advocates will illustrate for environmental regulators and then Congress the costs that counties and cities are facing because of sewer regulations.

At the same time the U.S. Conference of Mayors, led by one of its past presidents, Akron Mayor Donald Plusquellic, has begun resisting the "traditional track" of improvements the EPA pressures local governments to make, which usually involve more construction of sewers.

In Akron, "what they have discovered is that this traditional track that the U.S. EPA has forced them down, is not returning the environmental return, and EPA is now back asking them to do more," Apgar said.

"Mayor Plusquellic's response when Akron was asked to do more was, 'We have an environmental responsibility, we're not denying that. But to do more of the same and expect a different result is insane, and we're not going to build it,'" Apgar said.

"So his response is we need to have a national policy change before we're going to spend another dime – and have some assurances that the environment's going to actually improve, before we spend another dime," Apgar said.

Sewer utilities don't mind spending money on improvements nearly as much when they see that the improvements will make a difference, Apgar said:

"It takes a lot of time and money for the EPA to invest the proper science to ensure that the money spent is going to really bring the environmental improvement, rather than just assuming that it will. They like to make assumptions – and we can't afford assumptions."

If that sounds like something the Northern Kentucky Tea Party movement might say, it is. But officials from SD1 and NKWD say they were working to influence federal and state lawmakers and regulators years before the tea party movement was born.

Like a spider feeling its way across new places, NKWD has eight legs that carry it through corridors of Congress, hallways of the U.S. Environmental Protection Agency and their counterparts in Frankfort.

One leg is the American Waterworks Association, a nonprofit scientific and educational society that calls itself "the authoritative resource on safe water."

The association and its committees monitor federal and state legislation and the administrative rules that later determine how environmental agencies will enforce approved legislation. Richard Harrison, a water district's vice president, is chairman of one board within the agency that helps monitor federal and state law changes.

The Water Research Foundation is another leg that conducts scientific research of water issues.

Then there are the Association of Metropolitan Water Agencies; the Kentucky Drinking Water Advisory Committee; Rural Water Association; the Kentucky Water and Wastewater Operators' Association; large engineering firms that regularly issue legislative alerts; and finally, informal networks with other water utilities.

Water district staffers are active with many of those groups, and that is how Northern Kentucky Water keeps track of – and tries to influence – federal and state regulations that may increase local water rates a year or decade-plus into the future.

Ron Lovan, the water district's CEO and president, says his agency isn't lobbying any harder today than in the past.

"We're still as careful as we were a decade ago, and as concerned," Lovan said. "I think what's different today is the dialogue that's going on – because of the economy, because of the elections. It's a more open and public debate going on at the state and federal level, which is good."

Over at the sewer district, "SD1 has really been a leader on this, nationally," Apgar said.

Apgar and former SD1 General Manager Jeff Eger helped the U.S. Conference of Mayors adopt a four-point plan for reforms to enforcement of federal environmental laws that can make regulations more effective and affordable.

"I can tell you from the meetings I've attended: The mayors are not going to take 'no' for an answer," Apgar said.

Nationwide, water suppliers have been less likely than sewer utilities to knock heads with environmental regulators, said Lovan, who has worked in both industries.

For many years utilities took the attitude: "If we got it to the river, it's gone – so be it," Lovan said. But for water providers, "Our margin of error is so much smaller. We produce a product that is consumed every day by the majority of the folks in this region. It's a product that you've got to have to live."

Water district employees keep an eye on such things as EPA's list of about 100 water pollutants, including minuscule amounts of some pharmaceuticals, that the EPA may someday regulate.

While the EPA is deciding whether those pollutants should be regulated, "there's all kinds of pressures from different (environmental) groups that they should just abandon that (watch list) and regulate things," Harrison said.

"So it really is a balancing act.

"You have the tea party's welcomed involvement, but you also have a number of other organizations pushing, and saying, 'No, you're not doing enough. You need to do much, much more.' So for us it's a balancing act, trying to respond to that."

Lovan agrees the tea party movement's participation is welcome.

"Everybody else is down there (in Frankfort and Washington)," Lovan said. "They need to have a seat at the table, if they're serious about it."

Ray Hartke of Florence recently started watching issues in Frankfort for the Northern Kentucky Tea Party movement. He said neither he nor the tea party wants to see pollution spilling into the environment. But the movement's members want taxes spent effectively.

"If they can show where there's a need, well, fine," Hartke said. "But it doesn't seem like they do that."