



Call for Change

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Overview

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For more than 45 years the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) has served as the voice of State, Interstate, and Territorial officials responsible for the implementation of programs that protect surface water. Since the Clean Water Act (CWA) passed in 1972, ASIWPCA has been the primary liaison between States and the Federal government, fostering a strong partnership between the States and the U.S. Environmental Protection Agency (EPA).

Until recently, this partnership has been a successful collaborative effort as States and EPA worked together to address critical environmental issues. EPA has provided assistance to States to achieve significant improvements in water quality through a combination of sound policy, regulation, and funding. However, a disturbing trend has developed during the last several years jeopardizing this effective partnership and the realization of on-the-ground environmental improvements. Increased and unwarranted administrative program requirements, coupled with decreased federal funding, are crippling States’ abilities to implement core CWA programs. ASIWPCA issues this **Call for Change** to reverse this troubling trend.

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Erosion of the Partnership

The effective State-EPA partnership of the past was based on negotiation and compromise to achieve the mutual goals of protecting and improving the quality of the nation’s water resources. We endeavored to resolve issues and find workable solutions. However, EPA’s actions in recent years have undermined our successful and productive partnership.

Under the guise of efficiency, consistency, and optimization, EPA instituted a number of new program requirements, performance

measures, rules, and initiatives without meaningful consideration of State input. While the agency has touted the benefits of these mandates to States, the reality is quite opposite. The mandates have placed additional administrative and resource intensive burdens on State programs and add little or no value. More importantly, these mandates have not added to the protection or improvement of water quality. EPA has repeatedly disregarded States' comments about the limitations, inappropriateness, or unreasonable expectations associated with these new mandates. Despite a majority of States' objections, the EPA moved ahead with these mandates. Such an approach is neither collaborative nor supportive of the work States are doing to fulfill the basic intent of the CWA.

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Inadequate Federal Funding for State Programs

Federal funding for core CWA programs has not kept pace with increased costs of doing business. Funding has also failed to keep pace with increased demands and complexities of addressing the broad range of water quality issues facing the nation today and for the foreseeable future. States vitally need additional funding and flexibility to direct that funding to State needs and priorities. This is paramount to the continued implementation and success of water quality programs in States.

In April 2002, the *State Water Quality Management Resource Analysis Task Force* released a report that surveyed States regarding their annual expenditures for water quality program management and estimates of current resource needs. According to the report, "At the highest level of aggregation, this resource gap indicates that state agencies are receiving less than one-half of the resources that they need to fully implement the requirements of the federal Clean Water Act." The report went on to identify that the State resource gap was \$800 million nationally. Adjusted for inflation, that number today is approaching \$1 billion.

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The President's budget proposal for fiscal year 2009 for EPA is the lowest since 1997. Since 2004, the Federal government has decreased the EPA's budget by \$1.23 billion. In turn, EPA has reduced State and Tribal Assistance Grants (STAG) by \$1.28 billion during this same period.¹ In simple terms, the States and Tribes have been subject to more than 100 percent of the cuts in EPA's budget. Just as unsettling as the funding declines is EPA's direct involvement in how States will fund their water programs. One example was EPA earmarking of dollars from CWA Section 106 grants for States to pay for EPA priorities that do not support the core programs.

States recognize Federal funding limitations and are willing to economize, streamline, and essentially "do more with less." However,

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the States’ abilities to improve and protect water resources are severely compromised by EPA budget reductions, Section 106 set-asides, unfunded mandates, and excessive requirements. All combine to reduce the States’ flexibility to use limited funding for highest priority work.

Call for Change

ASIWPCA and the States and Interstates it represents believe the time for change has come to ensure that water quality improvements that were accomplished over the past few decades remain intact, and to enable States and the Federal government to address the current and future environmental challenges that confront us. Together, we must restore an effective, collaborative State-EPA partnership and adequate Federal funding under the following principles:

1. **Equal Partnership**: EPA must recognize States as equal partners in administering water quality programs under the Clean Water Act.
2. **Fundamental Goals**: EPA and the States must recognize the fundamental goals of this vital partnership are to identify overarching national as well as state-specific environmental issues, and collaborate on workable solutions to these problems.
3. **State Leadership**: States must be afforded the latitude and flexibility to determine the best course of action to address environmental problems, taking into consideration funding, staff resources, and other state-specific issues.
4. **EPA Role**: The States achieve and maintain the nation’s water quality goals. EPA must assist the States in meeting these goals by providing up-to-date scientific information, technical expertise, innovative technology, broad non-prescriptive policy frameworks, and adequate funding.
5. **Funding Gap**: EPA must work with States, OMB and Congress to develop a long term plan to close the \$1.0 billion gap between Clean Water Act requirements and current levels of funding.
6. **106 Allocation**: States and Interstates must receive their full CWA 106 allocation and be allowed the flexibility to administer the funds as they deem necessary for water quality programs and priorities without EPA directives on how these funds will be utilized.
7. **Budget Priorities**: EPA must work with States to jointly determine water program budget priorities during the development of appropriation requests. More generally, all Federal initiatives, policies, and rules must be fully funded without diverting funds from State allocations.

8. **Measuring Performance:** States support performance measures to ensure that money is being well spent and programs attain their goals. However, EPA must refrain from establishing inappropriate national measurement standards. A one-size-fits-all approach is counterproductive and unsuited for the diverse geographic, climatic, social, economic, and political frameworks of the 50 individual States.
9. **Reporting:** States must have the flexibility to determine the most appropriate and efficient methods to report progress toward meeting environmental goals. EPA must evaluate States on an individual basis to determine the progress each State is making.
10. **Effective Communication:** EPA must work together with States to develop an effective communication strategy to inform the Administration and Congress about trends and progress made toward meeting the goals of the Clean Water Act, and more importantly about significant Federal funding shortfalls that are hampering achievement of these goals.

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We are at a critical juncture. Enormous existing and emerging environmental issues confront the nation today. These include nonpoint source pollution from diffuse, hard-to-trace sources; aging infrastructure, endocrine disruptors, personal care products and pharmaceuticals, mercury, and the effects of climate change. These complex challenges will not be solved with prescriptive databases, penalizing fee rules, bureaucratic oversight mechanisms, or the diversion, restriction, or elimination of funding.

This **Call for Change** is an invitation to the Federal government. Join the States and reestablish an effective partnership and forge a new course of action to protect and improve the nation’s water resources. We look forward to an on-going constructive dialogue with EPA and the new Administration to meet this challenge.

NOTE: Throughout this document reference to States also refers to Interstate Water Pollution Control Agencies.