

Testimony of April Snell, Executive Director, Oregon Water Resources Congress  
Submitted to the United States Senate Appropriations  
Subcommittee on Interior, Environment, and Related Agencies

March 18, 2015

**RE: FY 2016 Budget for the U.S. Environmental Protection Agency's Clean Water State Revolving Fund Loan Program**

The Oregon Water Resources Congress (OWRC) is concerned about continued reductions to the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund Loan Program (CWSRF) and is requesting that appropriations for this program be increased to at least **\$2 billion** in FY 2016. The CWSRF is an effective loan program that addresses critical water infrastructure needs while benefitting the environment, local communities, and the economy. However, OWRC is also concerned about efforts by EPA to increase regulatory authority and we urge the Subcommittee to direct funding towards the CWSRF program and not towards implementing the controversial "Waters of the US" rule drafted by EPA and the Army Corps of Engineers (ACOE). EPA's actions to increase its regulatory authority over water resources planning are counterproductive to collaborative planning and detract from the positive solutions achieved through the CWSRF program.

OWRC was established in 1912 as a trade association to support the protection of water rights and promote the wise stewardship of water resources statewide. OWRC members are local governmental entities, which include irrigation districts, water control districts, drainage districts, water improvement districts, and other agricultural water suppliers that deliver water to roughly 1/3 of all irrigated land in Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

**FY 2016 Appropriations**

We recognize that our country is facing difficult economic times and that we must make strategic investments with scarce resources. The CWSRF is a perfect example of the type of program that should have funding increased because it creates jobs while benefitting the environment, and is an efficient return on taxpayer investment. Oregon is facing record levels of unemployment and the CWSRF funded projects provide much needed construction and professional services jobs. Moreover, as a loan program, it is a wise investment that allows local communities to leverage their limited resources and address critical infrastructure needs that would otherwise be unmet.

Nationally, there are large and growing critical water infrastructure needs. In EPA's most recent needs surveys, *The Clean Watersheds Needs Survey 2008: Report to Congress and Drinking Water Infrastructure Needs Survey and Assessment: Fourth Report to Congress*, the estimated funding need for drinking water infrastructure totaled \$335 billion (in 2007 dollars) and wastewater infrastructure needs totaled \$298 billion (in 2008 dollars). Appropriations for water infrastructure, specifically CWSRF, should not be declining but remaining strong in order to meet these critical needs. In 2014 appropriations for the CWSRF program was approximately \$2.021 billion and declined to \$1.448 billion in FY 2015. The President's FY 2016 Budget

proposes only \$1.116 billion for the CWSRF program; a \$332 million reduction from FY 2015 levels. We are concerned as we see this negative downward trend continuing while the infrastructure needs only become more critical.

OWRC is supportive of the President's Climate Action Plan and related efforts to support actions that help address, mitigate, and adapt to severe weather events, like drought, that are related to climate change. It is important that climate issues are addressed through programs like the CWSRF, and to date, despite a direct connection to water infrastructure the CWSRF funding continues to diminish. In fact, there has not been an increase in funding for CWSRF since 2009; meanwhile, both infrastructure needs and the costs to address those needs continue to grow each year. Continued funding reductions has led to delaying repairs or upgrades which in turn increase the potential for catastrophic failure and is counterproductive to the Administration's desire to encourage asset management and sustainable water infrastructure. To the extent practicable, funding for climate change should be incorporated into existing programs with proven successes like the CWSRF.

We also continue to be highly supportive of the Administration's desire to expand "green infrastructure," in fact, irrigation districts and other water suppliers in Oregon are on the forefront of "green infrastructure" through innovative piping projects that provide multiple environmental benefits, which is discussed in greater detail below. However, continually reducing the amount of funds available for these types of worthwhile projects is counterproductive to the Administration's desire and has created increased uncertainty for potential borrowers about whether adequate funding will be available in future years. CWSRF is often an integral part of an overall package of state, federal and local funding that necessitates a stronger level of assurance that loan funds will be available for planned water infrastructure projects. Reductions in the CWSRF could lead to loss of grant funding and delay or derail beneficial projects that irrigation districts have been developing for years.

Additionally, OWRC is pleased to see that EPA will continue "strategic partnerships" with the USDA's Natural Resources Conservation Services (NRCS) and other federal agencies to improve water quality and address nonpoint source pollution. Oregon had two priority watersheds eligible for funding through the National Water Quality Initiative in 2014 and anticipates that additional watersheds will be included in the future. As Oregon is a delegated state, OWRC also feels strongly that the Oregon Department of Environmental Quality (DEQ) is best situated to develop and implement activities to improve these and other impaired waterways in the state. DEQ and its administration of the CWSRF has been an extremely valuable tool in Oregon for improving water quality and efficiently addressing infrastructure challenges that are otherwise cost-prohibitive.

### **CWSRF Local Success and Needs**

Six OWRC member districts have successfully received loans from the CWSRF over the last several years and many more will apply if funds are available. Numerous irrigation districts and other water suppliers need to pipe currently open canals, thereby improving water quality by eliminating run-off into the canals and increasing water availability for fish and irrigators by reducing water loss from the delivery system. Four irrigation districts received over \$11 million

funding in Oregon from the 2009 American Recovery and Reinvestment Act (ARRA) funding through the CWSRF for projects which created valuable jobs while improving water quality. These four projects were essential to DEQ not only meeting but exceeding the minimum requirement that 20% of the total ARRA funding for the CWSRF be used for “green” projects. Those districts’ applications had been on DEQ’s list of eligible projects for many years and would probably still be on that list had the ARRA funding not been made available. We provide that comment not to complain, but to emphasize the need for additional funding for this program.

What is being proposed for FY 2016 is far short of what is needed to address critical water infrastructure needs in Oregon and across the nation. This will lead to fewer water infrastructure projects, and therefore a reduction in improvements to water quality. The DEQ’s most recent “Proposed Intended Use Plan Update #1 - State Fiscal Year 2015,” lists 14 projects in need of a total of \$144,926,822 in Oregon alone. The federal capitalization grant funding awarded FY 2014 will total \$15,839,000, which is wholly inadequate to address and complete these much needed projects.

Unfortunately, due to recent cutbacks and lack of availability of funds, only one water improvement district submitted an application for funding in 2015, Rock Creek District Improvement Company. Rock Creek requested \$270,786 for the design and construction of HDPE piping along 1.76 miles of main canal, and qualifies for water efficiency green project reserve funding. OWRC is hopeful that with an increase in money available, more districts will apply for funding to complete projects that will not only benefit the environment and the patrons served by the water delivery system, but also benefit the economy.

### **The Importance and Success of Local Watershed Planning**

Oregon’s success in watershed planning illustrates that planning efforts work best when diverse interests develop and implement plans at the local watershed level with support from state government. Oregon has recently revised their CWSRF rules; thus making conservation easier and its benefits to be better achieved in the State. That is why OWRC is very concerned about EPA’s recent efforts to increase regulatory authority under the Clean Water Act without appropriate public process or legislative oversight. The proposed “Waters of the US” rule would greatly broaden EPA authority and illustrates an apparent desire to dictate watershed planning methods for the nation using a top-down regulatory approach from a desk in Washington DC. This regulatory overreach will lead to uncertainty for landowners and water users, increased litigation and destroy collaborative efforts (including CWSRF projects) already underway in Oregon and across the nation. OWRC would like to reiterate our request made in formal comment that the ACOE Regulatory Guidance Letter (RGL 07-02 from July 4<sup>th</sup>, 2007) be codified in the final rule which would provide our members with better clarity about how and when the rule would be used in relation to district facilities.

As the national model for watershed planning, Oregon does not need a new federal agency or Executive Branch office to oversee conservation and restoration efforts. Planning activities are conducted through local watershed councils, volunteer-driven organizations that work with local, state and federal agencies, economic and environmental interests, agricultural, industrial and municipal water users, local landowners, tribes, and other members of the community. There are over 60 individual watershed councils in Oregon that are already deeply engaged in watershed

planning and restoration activities. Watershed planning in Oregon formally began in 1995 with the development of the Oregon Plan for Salmon Recovery and Watershed Enhancement, a statewide strategy developed in response to the federal listing of several fish species. This strategy led to the creation of the Oregon Watershed Enhancement Board (OWEB), a state agency and policy oversight board that funds and promotes voluntary and collaborative efforts that “help create and maintain healthy watersheds and natural habitats that support thriving communities and strong economies” in 1999.

### **Conclusion**

In conclusion, we applaud the CWSRF program for allowing Oregon's DEQ to make targeted loans that address Clean Water Act issues and improve water quality but also help incentivize innovative water management solutions that benefit local communities, agricultural economies, and the environment. This voluntary approach creates and promotes cooperation and collaborative solutions to complex water resources challenges. Conversely, regulatory overreach destroys cooperation, creates mistrust and has a very negative effect on jobs and local economies. We respectfully request the appropriation of at least \$2 billion for the U.S. Environmental Protection Agency's Clean Water State Revolving Loan Fund for FY 2016.

Sincerely,

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