



**TESTIMONY OF
LAWRENCE M. LEVINE
SENIOR ATTORNEY
NATURAL RESOURCES DEFENSE COUNCIL**

**BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT**

**HEARING ENTITLED
“BUILDING A 21ST CENTURY INFRASTRUCTURE FOR AMERICA:
WATER STAKEHOLDERS’ PERSPECTIVES”**

SEPTEMBER 26, 2017

Good morning Chairman Graves, Ranking Member Napolitano, and members of the Subcommittee.

I am Lawrence M. Levine, senior attorney at the Natural Resources Defense Council.

I appreciate the opportunity to testify today.

First-class infrastructure to protect clean water and public health is among our most important – and most basic – needs as a nation.

Yet, in much of the country, our aging infrastructure is simply not up to the twin tasks of providing everyone with access to the safe water and sewer services they need and keeping our waterways free of harmful pollution.

In too many communities, both large and small, urban and rural, the public is still drinking water with contaminants that pose serious health risks, from systems that leak a substantial portion of the water they produce. Meanwhile, sewage and polluted runoff make our waters both unsafe for human use and too degraded to support the fisheries and natural habitat we need for sustenance, recreation, and natural flood mitigation. The effects of climate change – droughts, floods, storms, sea level rise – all threaten to degrade or damage our water infrastructure even further, as the devastation caused by hurricanes Harvey, Irma, and Maria over the last month so dramatically illustrate.

To protect our communities and our natural environment, there is a critical need for major, new investments in water, wastewater, and stormwater infrastructure.

The scale of the need is so vast that, without a large and lasting commitment of new funds from the federal government – leveraged with additional funds from the states – our communities will not be able to fund the investment they so badly need to bring their water systems into the 21st Century.

Major new federal investments – like all of our nation’s infrastructure investments – can be deployed to:

- Simultaneously deliver economic, social, and environmental benefits;
- Spur innovation in clean and efficient water and energy systems;
- Invest in climate-resilient infrastructure projects and smart technology;
- Ensure accountability for every dollar;
- Allocate flexible funding for local and regional planning; and
- Create good, forward-looking jobs, beyond the construction phase of infrastructure projects.

For water, wastewater, and stormwater infrastructure funding, specifically, we also urge Congress to embrace a number of key principles, including the following:

- Expand the State Revolving Funds (SRFs) and leverage additional investment by states and local governments;

- Direct new funds to natural and nature-based infrastructure solutions;
- Ensure that projects that are designed, sited, and built with the full consideration of the future impacts of climate change;
- Ensure that communities and families in the greatest need are not left behind; and
- Amplify benefits to the economy by incorporating Buy American domestic sourcing requirements, prevailing wage provisions, and green job opportunities.

Based on these over-arching points, NRDC offers the following specific, priority recommendations to Congress:

- **First, increase funding and improve use of existing funding.**
 - Increase the current annual appropriations to the Clean Water and Drinking Water State Revolving Funds (the SRFs) to \$6 billion. This would mark a return to a similar level, adjusted for inflation, as was appropriated under President Reagan for the CWSRF alone – and it is the level the President promised during last year’s campaign. Direct the additional funds to water use efficiency, green infrastructure, stormwater capture and reuse, hardship communities, source water protection, nutrient reduction, lead service line replacement, water loss control, and climate resilience.
 - Provide incentives to states to leverage federal funds and invest more state dollars in water infrastructure, by allowing states that exceed the minimum required match for federal SRF capitalization grants to distribute a larger share of their SRF funding as grants, rather than loans.
 - Reauthorize and improve the Clean Water Act’s sewer overflow control grant program.
 - Improve implementation of existing requirements, which Congress enacted in 2014, that promote the use of water efficiency, recapture, and reuse strategies in Clean Water SRF-funded projects.
- **Second, ensure that water and sewer service remains affordable for low-income households, even as utilities generate additional local revenue to meet clean water needs.**
 - Prioritize disadvantaged communities in water infrastructure grant programs.

- Create a federal low-income water and sewer assistance program (analogous to the Low Income Home Energy Assistance Program) to help maintain affordable costs at the household level.
- Use federal policy to spur creation of complementary state and local low-income assistance programs; promote more equitable water and sewer rate structures; and increase utilities' use of asset management, green infrastructure, and water efficiency strategies that reduce costs for all customers.
- **Third, reinstate the Federal Flood Risk Management Standard, to protect the value of federal water infrastructure investments by reducing the risk of severe damage in flood disasters.** (S. 1798, introduced two weeks ago, would do this.)
- **Fourth, support tools for effective prioritization of pipe replacement and leakage control.** (Title 3 of H.R. 3275 includes valuable provisions.)
- **Fifth, preserve and strengthen source water protections, including the Clean Water Rule, to protect health and reduce treatment costs.**

* * * * *

Thank you for the opportunity to testify today. NRDC looks forward to working with the Subcommittee on bold and effective solutions to our nation's water infrastructure challenges.