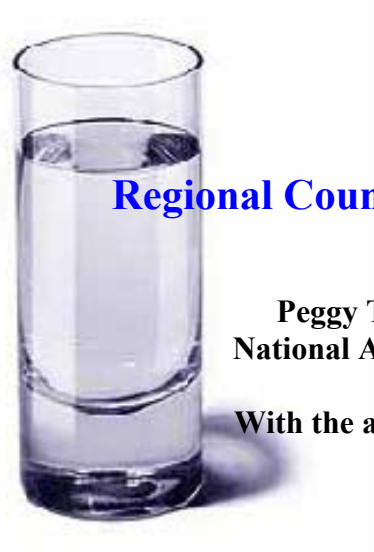

Regional Councils' Critical Role in Water Planning

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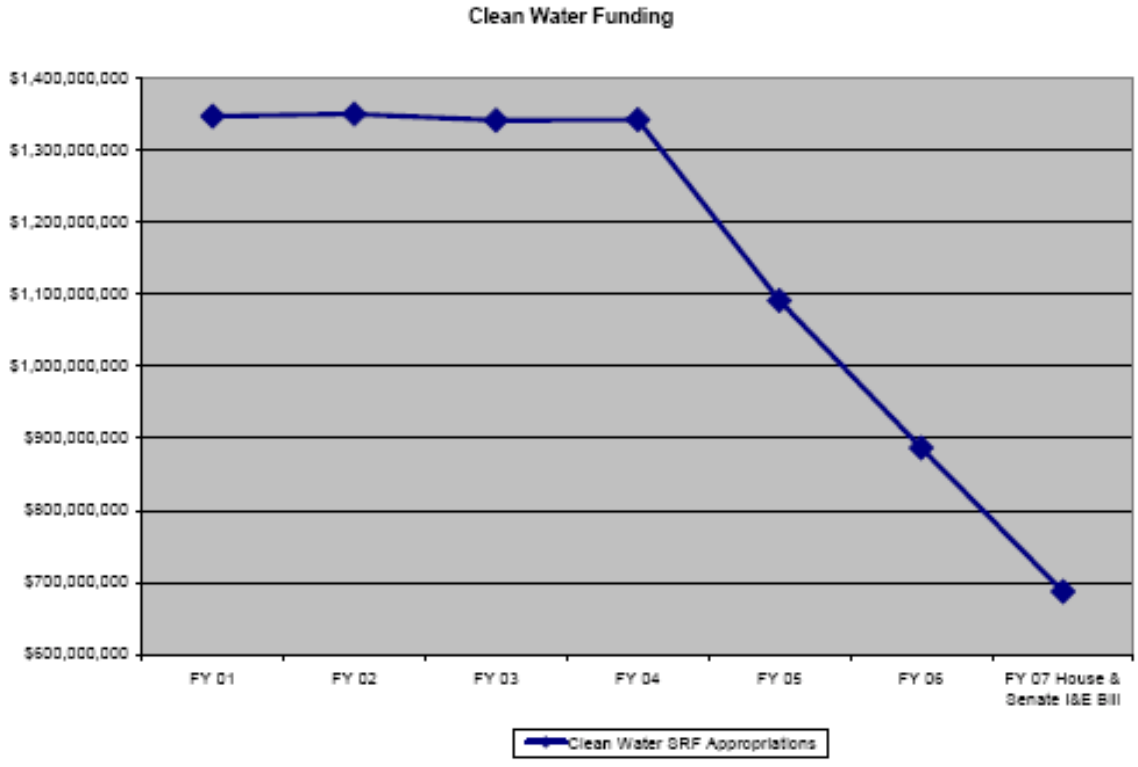
The role of local and regional water planning is at a critical juncture. For the first time in history, the federal government has consecutively cut water funding three years in a row. This trend has brought concern to state, local, and regional entities worried about their ability to fund critical water resource and infrastructure projects previously covered by the federal government.



Source: American Rivers

Water pollution control has been a part of the federal policy, appropriations, and regulatory system since 1972. Laws and their subsequent amendments, largely due to the onset of the Clean Water Act (CWA/1972) and the Safe Drinking Water Act (SDWA/1974), have guided action for regulating discharges of point and nonpoint source pollution into water systems throughout the United States. These policies and regulations have given the U.S. Environmental Protection Agency (EPA) the authority to implement

and fund a diverse set of pollution control programs in an effort to rid surface and groundwater from waste and contaminants and to build proper wastewater treatments that provide clean drinking water to the public. CWA and SDWA appropriations have provided funding for storm water, wastewater, drinking water, and watershed programs. Recently, the EPA has implemented and funded programs that focus on water quality planning and watershed clean-up to compliment its traditional programs.

The CWA and the SDWA are robust regulatory programs and require a significant amount of time, effort, and funding trickled down from the federal government to the state and then to the local level. While these programs are mandated at the federal level, almost all of them are implemented by state, local, and regional entities. As mentioned, federal investment in these programs has been considerably reduced in recent years. As a result, funds have more frequently been matched by state and local governments in order to meet federal water quality standards.

The top-down funding dynamic combined with continued federal disinvestment mean that local governments are trying to find the most effective and innovative approaches to plan and implement water projects. One particular way that local governments are achieving success in water planning is through the help of their regional councils. Local governments have utilized regional councils to classify polluted waters, create plans for waste treatment centers, and implement various other forms of watershed management projects.

There are more than 500 regional councils across the nation. Regional councils are multi-purpose, multi-jurisdictional, public organizations created by local governments to respond to federal, state, and local programs. Regional councils foster cooperation, planning, and service delivery. They have a variety of names, ranging from Councils of Governments (COGs), Regional Commissions, and Metropolitan Planning Organizations (MPOs).

As of 2002, approximately 120 regional councils in 39 states across the country have received money filtered down from state and local governments to create water quality plans for their affiliate local governments. The regional councils that have received this money have been classified as Water Quality Planning Agencies. Depending on how policy is set at the state level and how the initiatives are funded by local governments, these regional councils can play critical roles in creating water plans in their respective states and regions.

In particular, section 205 (j) (1) of the CWA directs states to conduct water quality planning, while section 604 (b) establishes the actual funding authority. The funds are derived from State Revolving Fund (SRF) appropriations under Title VI of the CWA,

using a legislatively mandated formula. The following chart depicts a sampling of states utilizing 604 (b) funds.

State	Uses of 604(b) Funding
AZ	Pass-through to designated planning agencies
CO	State support of water planning and pass-through to designated planning agencies
CT	State support of water planning
GA	State support of water planning and pass-through to designated planning agencies
IL	State support of water planning and pass-through to designated planning agencies
ME	Pass-through to designated planning agencies
MI	State support of water planning and pass-through to designated planning agencies
MS	State support of water planning
MO	State support of water planning and pass-through to designated planning agencies
NV	State support of water planning and pass-through to designated planning agencies
NY	State support of water planning and pass-through to designated planning agencies
OH	State support of water planning and pass-through to designated planning agencies
OK	State support of water planning and pass-through to designated planning agencies
OR	State support of water planning
TN	State support of water planning and pass-through to designated planning agencies
TX	State support of water planning and pass-through to designated planning agencies
UT	State support of water planning
VT	State support of water planning and pass-through to designated planning agencies
WI	State support of water planning and pass-through to designated planning agencies
WY	State support of water planning and pass-through to designated planning agencies

Source: Association of State and Interstate Water Pollution Control Administrators

Additionally, state and local governments can fund regional councils under the CWA to help local communities:

- Create comprehensive water quality management plans for their states, under section 104;
- Create wastewater treatment management plans, under section 208;
- Inventory and identify waters within their jurisdictional boundaries that do not meet water quality standards, under section 303;
- Create nonpoint source management planning, under section 319;
- And, utilize the 1% mandated by each state, under section 604, to plan for programs in sections 205 and 303.

There are other ways that regional councils have been funded and carry out water quality planning functions for their regions. For example, New York regional councils have a

partnership with the state, which provides them with funding directly, instead of passing it to local governments first. The Atlanta Regional Commission, on the other hand, has a staff that is used by the state as personnel for a larger Water Quality District in the region. This particular staff has dual responsibility for creating water plans for both the Water District and the Commission. In other areas, regional councils have helped local governments bring in foundation and other private investments as a means to pay for critical infrastructure needs.

The National Association of Regional Councils (NARC) interviewed a number of regional councils in an effort to learn more about how they develop, finance, and implement water planning projects in the current atmosphere of decreased federal funding. The regional councils that NARC interviewed include: the Indian Nations Council of Government in Tulsa, Oklahoma; Southeastern Michigan Council of Governments in Detroit, Michigan; Atlanta Regional Commission in Atlanta, Georgia; the Central New York Regional Planning and Development Board in Albany, New York; and, the Toledo Metropolitan Area Council of Governments in Toledo, Ohio.

Indian Nations Council of Governments

INCOG

The Indian Nations Council of Governments (INCOG) in Tulsa, Oklahoma is the designated Water Quality Management Planning Agency for its regional planning area. INCOG has a number of federally supported water quality studies that address point sources as well as urban and rural nonpoint sources.

Federal and state programs have increasingly required cities to consider water quality impact in their growth and economic development. Examples are EPA's "Phase II" storm water urban nonpoint source program, which has been incorporated into EPA's point source permitting regulations and implementation of Total Maximum Daily Loads (TMDLs) on local streams. Regional councils, such as INCOG, are closer to local problems and conditions. Due to this proximity, the councils are afforded the opportunity to apply their expertise to local issues on behalf of their membership.

Programs & Funding

INCOG is responsible for developing TMDLs for all municipal dischargers within its jurisdiction, including conducting water quality studies. INCOG has organized all designated cities and counties affected by EPA's Phase II storm water rules. Similar to its successful *Ozone Alert!* air quality program, INCOG provides many technical services, including public education materials and programs, a regional storm water website, assistance with mapping of storm drain systems, training of

municipal staff, and assistance with storm water ordinances and data management. INCOG also conducts field sampling of streams to determine impairment status under Section 303(d) of the Clean Water Act.

INCOG's water quality projects are funded by EPA grants under Section 104(b)(3) and 604(b) and from contracts with the Oklahoma Department of Environmental Quality and Oklahoma Conservation Commission. The recent decision by EPA to halt funding of 104(b)(3) cooperative agreement grants will have more of a negative impact on Oklahoma state agencies than on INCOG. This is because EPA Region VI has, for the past few years, set priorities for grant awards to only statewide projects, such as development of eco-regions or water quality standards within Oklahoma. This shift means that INCOG is no longer qualified to receive cooperative agreement grant funds unless it is partnered with a state agency on a portion of the project. However, EPA continues to support other 104(b)(3) programs useful to INCOG, such as funding of projects for wetlands and TMDL studies.

Without continued financial support of regional planning services and water quality studies under the Clean Water Act grant programs listed above, INCOG's water quality projects would have to be supported entirely by local funds.

Southeastern Michigan Council of Governments

Southeast Michigan Council of Governments
SEMCOG ...Local Governments Advancing Southeast Michigan

As the regional planning agency for the seven counties in Southeast Michigan, including the Detroit metropolitan area, the Southeast Michigan Council of Governments (SEMCOG), is the designated Metropolitan Planning Organization and Areawide Water Quality Planning Agency.

Programs & Funding

As a designated Water Quality Planning Agency, SEMCOG receives money filtered down from the state and local governments to create water quality plans for their affiliate local governments. The EPA-issued "Phase II" Storm Water Rule required municipalities with separated storm water systems, located within a U.S. Census-defined Urbanized Boundary, to obtain a storm water permit by March 10, 2003. This permit program affected over 160 communities in Southeastern Michigan and is administered by the Michigan Department of Environmental Quality (MDEQ).

SEMCOG helps its "Phase II" member communities meet their permit requirements. Initial activities focused on helping their member governments understand their responsibilities under "Phase II" and helps them meet their public education and outreach

obligations. Some key activities SEMCOG has undertaken on behalf of its members include: development and maintenance of a water information clearinghouse; establishment and facilitation of the Southeast Michigan Partners for Clean Water; development and coordination of a water quality public outreach campaign; distribution and computation of a regional survey to gauge the public's awareness about water quality issues; and, coordination of the first annual "Water Week" in June 2005. SEMCOG and the Southeast Michigan Partners for Clean Water are now turning their attention to training municipal employees on planning practices that can assist communities in meeting their Phase II requirements. This initiative includes developing a manual of best management practices to use in the training sessions.

Lastly, SEMCOG is actively involved in providing its member governments with technical assistance on watershed management issues, including fostering partnerships between counties and local governments on water quality concerns. One example of this is SEMCOG's assistance provided to the Macomb/St. Clair Inter-County Watershed Management Advisory Group.

Atlanta Regional Commission

The Atlanta Regional Commission (ARC) is a key behind-the-scenes player in efforts throughout the Atlanta region to more effectively manage water resources that are overburdened by rapid growth and under-replenished because of loss of moisture-absorbing ground surface to impervious man-made surfaces.

ARC staffs a special Regional Water District, manages consultants who are completing a district-wide watershed management plan, develops water task forces and manuals as needed, handles source water assessment, and manages the region's Clean Water Campaign. Although officially ARC's role is that of an intermediary, it is fully involved in the development of nonpoint water projects.

Programs & Funding

In 2001, the Georgia Storm Water Management Manual was completed. The manual, coordinated by ARC, was a collaborative effort between local governments throughout the state and the Georgia Department of Natural Resources. The manual has two volumes: Volume I provides guidance on the principles of effective storm water management in Georgia and Volume II is a technical engineering manual for implementing storm water management measures for new development and redevelopment. ARC served as a facilitator in the development of the manual with the local governments providing the funding.

Since 2001, ARC has managed the Clean Water Campaign, a cooperative effort involving 20 local governments in the Atlanta region, which provides public education on storm water pollution, particularly, nonpoint source pollution and the ways that individuals and businesses can help prevent it. Educational tools include public service announcements on radio and television, print ads, clean-up and education events, storm drain stenciling, and a web site (www.cleanwatercampaign.com).

Another area that ARC has been involved with is Source Water Assessment. ARC was contracted by the state to coordinate and facilitate the implementation of the State Source Water Assessment Program (SWAP) per the federal Safe Drinking Water Act. ARC oversaw water intake facilities in the Atlanta metropolitan area. The SWAP program identified likely sources of pollution in each watershed and assigned a risk level based on the types of pollutants and their location in the watershed. The project has since been completed and there is no continued funding for follow up data collection and evaluation. During this project, ARC worked with local water suppliers and local governments in conducting the field work, research, and development of the SWAP reports. The SWAP study was conducted by ARC within its ten-county jurisdiction, however, water supply planning and protection is currently handled by the Metropolitan North Georgia Water Planning District, which has a different number of intake facilities and covers a larger area.

The Georgia General Assembly created the Metropolitan North Georgia Water Planning District in 2001. The state senate mandated that the District develop regional water management plans in the areas of storm water, wastewater, and water supply and conservation. Local governments in the District are required to provide funding of at least $500,000 per year. In addition to this funding, the state of Georgia also provided support. In total, the District spent about $8.5 million, receiving 70 percent from local governments and 30 percent from the state. All jurisdictions within the 16-county district are required to participate and implement the regional water management plans and model ordinances as appropriate.

New York State Association of Regional Councils

The New York State Association of Regional Councils (NYSARC) works closely with the New York State Department of Environmental Conservation (NYS DEC) to provide unified and nearly statewide coverage of water resource management needs at the regional level. Examples include: watershed planning, nonpoint source pollution control, storm water and floodplain management, outreach, training and educational programs, coordination of water quality/quantity monitoring, assisting in the development of

Watershed Restoration and Protection Strategies (WRAPS), and GIS mapping and data development.

Programs & Funding

A major goal of NYSARC water projects is the transferability of products and methodology. NYSARC places great emphasis on fostering partnerships and collaboration within and across the state's regional council boundaries. NYSARC facilitates and conducts comprehensive watershed-based initiatives that incorporate economic development, land use, and water resource concerns. In doing this, NYSARC works closely with county water quality coordinating committees (WQCCs) and other local and regional parties involved in water resource protection, often enlisting the expertise and services of local agencies such as county planning departments, soil and water conservation districts, and county health departments.

In recent years, NYSARC members have worked closely with the NYS DEC and regulated Municipal Separate Storm water Sewer System operators (MS4s) to help develop effective Storm water Phase II programs. NYSARC members helped 489 MS4s, located in 14 designated urbanized areas across the state, understand the requirements of the Phase II Storm water regulatory program and to identify and develop inter-municipal compliance strategies to lower their individual program costs while maximizing regional water quality improvements. NYSARC also provides unified assistance in the areas of public education, outreach and participation, municipal training, research assistance, and efforts to secure funding for compliance.

NYSARC receives substantial funding from NYS DEC for storm water assistance programs under the Clean Water Act, Section 604(b). This funding, along with other monies provided by the EPA, ensures that NYSARC water quality programs run efficiently.

Toledo Metropolitan Area Council of Governments

The Toledo Metropolitan Area Council of Governments (TMACOG) is a regional planning organization for the Toldeo, Ohio Region and is funded as a Water Quality Agency through CWA 208 funding. TMACOG has an active water quality planning program, partially staffing three people on water issues. TMACOG's strength is in its members, who work together to solve regional environmental problems. The staff works with members and other stakeholders to develop project proposals to address the needs of TMACOG's members.

Programs & Funding

The CWA 208 planning grant once funded a full water quality program, but now only pays for part of one staff person's time at TMACOG. Additional funding does not come from one fixed source, but from a variety of project grants and donations. TMACOG's geographic location adds to the funding options for stream management. For example, its location at the western end of Lake Erie means that it has access to a number of state level and Great Lakes grant programs. Nevertheless, these funding sources are not easy to obtain and most have steep requirements for matching funds. While TMACOG's reliance on project grants is not ideal, it does carry with it the advantage of being able to tailor its programs to its members' needs and to remain focused on accomplishing its environmental goals.

"What we lack in steady funding, we make up for through working partnerships."

Hon. Ken Fallows,
Mayor of Haskins, OH

TMACOG has played a key role in securing research and development grants to conduct beach contamination and clean up strategies. For example, TMACOG staff worked with the University of Toledo and the United States Geological Survey to secure a research and development grant from the Ohio Water Development Authority to conduct the three-year Maumee Bay Bacteria Study. Lake Erie beaches have a high incidence of *E. coli* contamination and the study helped to identify potential sources of the bacteria.

Storm water management has also been a focus of TMACOG. In 1998, Lucas County and the City of Toledo provided funding to TMACOG to develop a watershed-based approach to storm water management. Using these funds as a match, TMACOG secured grants from the Ohio Lake Erie Protection Fund to conduct a regional storm water management needs assessment and developed a mechanism to bring the jurisdictions together.

TMACOG conducted storm water management workshops on EPA "Phase II" requirements with grants from the Great Lakes Commission. The workshops helped to develop consistent storm water design standards for all jurisdictions and readied communities to meet the new "Phase II" regulations. With additional grants from the Ohio Environmental Education Fund and partnership with the Maumee Remedial Action Plan (RAP) and Ohio EPA, TMACOG's Storm water Coalition also conducted the "Give Water a Hand" outreach campaign to fulfill Phase II public education requirements for its members. The Storm water Coalition, a self-supporting TMACOG committee, is funded by annual contributions from 18 members including county, city, village, and township governments, as well as the Ohio Department of Transportation.

TMACOG has hosted the Maumee Remedial Action Plan (RAP) since 1987. This sponsorship has not brought with it automatic funding. However, by serving as host of the RAP, TMACOG has been able to attract sponsorships and donations from businesses, Supplemental Environmental Projects, and even environmentally-minded citizens. TMACOG has therefore been able to conduct studies and implementation projects. The best example has been a series of projects funded by the US EPA Great Lakes National Program Office to remediate PCB-contaminated stream sediments of the Ottawa River.

Through partnerships with its members and active grant writing and fundraising, TMACOG has maintained a successful environmental planning program in the face of declining federal support.

As highlighted above, regional councils have played a critical role in their areas in sustaining water programs. With the continued lack of federal investment, they likely will serve in an even greater capacity in the future. Many will have to turn to private grants, foundation donations, and increased funding from their local governments. Moreover, partnerships will continue to be a key tool in regional councils being able to continue their programs.

Regional councils have been a part of the water planning process since the onset of water pollution control legislation in the 1970s. States and local governments have utilized regional councils because of their ability to bring together stakeholders and funding, access and experience to technical tools, and their proficiency in carrying out mandated sections of the Clean Water Act and Safe Drinking Water Act. Regional councils play an important role in bridging the gap between the bureaucracies of state and federal agencies and the local community interests that frequently do not have the resources and expertise to adequately address the complexities of water quality issues.

Without continued financial support of regional planning services and water quality studies by the federal government, many projects would have to be supported entirely by local funding sources, which are already cash-strapped and facing budget deficits. In order for regional councils to continue their programs to stay in federal compliance of clean water standards, they will have to regularly come up with new and innovative ways to deal with the lack of federal funding. Moreover, the decline in federal support represents a much weaker partnership with local officials who already face formidable challenges. The problem is deeper than just finding new sources of project dollars. The real danger is in losing government confidence and support in achieving the goals and objectives set forth in the Clean Water Act, which initially called for a cooperative partnership. The current picture shows an imbalance between the federal and local stakeholders that compromises not only the steady flow of funding, but also the desired environmental benefits.