

Federal Legislation: Water Infrastructure Improvements for Nation Act (WIIN) Passage



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The United States Senate enacted S.612, *The Water Infrastructure Improvements for the Nation (WIIN) Act* which passed by a vote of 78-21.

The legislation includes provisions both generally and specifically related to the State of Arkansas.

The legislation is expected to be signed by President Obama in the next several days.

Advocates of the legislation have stated that it would help ensure the United States Army Corps of Engineers has the ability to effectively expedite projects, prioritize investments, provide resilience, protect communities and maintain the United States waterways, ports, channels, dams and levees.

The WIIN Act includes the Water Resources Development Act of 2016 which had previously passed the House in September. The legislation addresses a variety of issues such as:

- Harbors
- Locks
- Dams
- Flood protection
- Drinking water infrastructure
- Control of coal combustion residuals
- Water storage improvement and delivery (including drought related provisions)
- Federal dam maintenance backlogs
- Approval of water settlement agreements

U.S. Senator John Boozman (Arkansas) issued a statement noting that he authored provisions in the bill such as:

- Improving the Water Infrastructure Finance and Innovation Act.

Senator Boozman's statement notes:

In an effort to make the WIFIA program a viable option for critical agricultural water-supply projects in Arkansas, Boozman included language in the WRDA bill to reform the WIFIA program. The WIFIA program can only finance up to 49 percent of a project's cost. The Boozman language clarifies that costs incurred and in-kind contributions made before the receipt of a WIFIA loan count toward the 51 percent of the project that must be financed by non-WIFIA dollars. This is a great first step to open up a new financing option to ensure that farmers have access to the water necessary to keep Arkansas agriculture strong.

- Expanding the mission of the Ouachita-Black River system.
- Partnership for Corps parks
- Providing technical assistance to small community water systems
- Protecting the Arkansas River 12-foot channel project
- Funding for harbor maintenance programs

Water and wastewater related funding in the legislation include:

- \$300 million for small and disadvantaged communities to meet Clean Water Act and Safe Drinking Water Act mandates
- Improvement of the existing Water Infrastructure Financing and Innovation Act
- Reauthorization of the Great Lakes Restoration Initiative providing \$1.5 billion for clean water infrastructure and habitat improvement projects
- \$50 million in new funding to advance water infrastructure research in the use of innovation water technologies
- \$300 million to replace lead drinking water infrastructure in communities and schools
- \$100 million for drinking water infrastructure emergencies identified by the President
- \$515 million in new funding for Water Recycling, Water Resource and water storage projects
- Reauthorization of the Water Desalination Act of 1996

A non-water resource measure is also included in the bill. It addresses the United States Environmental Agency's ("EPA") rule establishing federal requirements for the management of coal combustion residuals ("CCR") as a non-hazardous waste. Groups such as the National Rural Electric Cooperative Association ("NRECA") had supported EPA's decision to regulate CCR in this manner, but sought legislation to codify the agency's decision and give states clear enforcement authority.

The NRECA issued a statement noting in part:

The WIIN Act will help electric co-ops provide affordable, reliable electricity to rural America by authorizing and promoting infrastructure projects pertaining to hydropower, flood control, water supply and emergency management, quoting the organization's Chief Executive Officer.

The statement also notes that:

...the bill also injects greatly needed certainty into the regulation of coal ash by giving states clear permitting and enforcement authority and reducing litigation, while providing for its continued beneficial use. . . .

[A summary of the WIIN Act along with a statement from Senator Boozman's office regarding the legislation can be downloaded here.](#)