

CLEAN WATER ADVOCATE

NACWA's Executive Director Ken Kirk led a team of Clean Water Warriors at the 2009 Dragon Boat Races on the Potomac River in Washington, D.C. Dragon boat racing has its roots in ancient China. The Clean Water Warriors, made up of NACWA staff, colleagues, and friends, competed with 60 other teams. Not only did the Warriors raise awareness of the importance of clean water, they received a respectable 3rd place in the 250 meter, "mixed" division.



A Clear Commitment to America's Waters

JUNE 2009

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NACWA Summer Conference Panels Provide Important Insights Gained from Experience

NACWA's 2009 Summer Conference & 39th Annual Meeting in Milwaukee is shaping up to be a must-attend offering for the water sector. *The New Regulatory Climate... Clean Water Agencies Prepare to Act* takes place from July 14-17 at the InterContinental Milwaukee. The conference's agenda will feature provocative speakers and informative committee meetings, but it is in its

panel discussions that the proverbial 'rubber hits the road'.

A panel presentation, *New Administration, Same Wet Weather Challenges*, will focus its sights on the many issue that remain to be addressed by both utilities and the U.S. Environmental Protection Agency (EPA). Despite significant progress in controlling wet weather flows, sanitary sewer over-

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» *National clean water policy and the Great Lakes will receive attention at NACWA's 2009 Summer Conference in Milwaukee, Wis. The new Administration has cited the Great Lakes as a top priority for protection and restoration, and EPA Administrator Lisa Jackson has said, "As the Great Lakes go, so goes national policy with respect to water."*

Nutrient Issues Remain Front and Center for NACWA

Nearly two years after the Natural Resources Defense Council (NRDC) filed a petition with the U.S. Environmental Protection Agency (EPA) to modify the definition of secondary treatment, there is still no official response from EPA. The questions at hand for the Agency are whether its statutory obligation to review the definition of secondary treatment from time to time requires them to also update that definition, and whether Congress intended secondary treatment to include removal of nitrogen and phosphorus. NACWA's recently completed legal and technical analysis, conducted via the Association's *Critical Issues Action Initiative*, answers both of these

questions with a resounding 'no'. Available to members for download from the Association's website, the two *NACWA Nutrient Issue Papers* outline the legal and technical arguments against a one-size-fits-all approach to nutrient control via secondary treatment and make it clear that Congress never intended secondary treatment to include nutrient removal. Even if EPA had clear authority to include limits for nitrogen and phosphorus in the definition of secondary treatment, NACWA's analysis points out the serious problems that would arise, nationwide, from a one-size-fits-all national level of control. NACWA is now setting up meetings with key EPA offices to share these critical findings.

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NACWA Summer Conference

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flows (SSOs) and combined sewer overflows (CSOs) remain top EPA enforcement priorities, challenging utilities to improve their infrastructure and consider innovative solutions. With the new Administration, EPA is implementing portions of its proposed peak flows blending policy and is once again considering a comprehensive SSO policy. The planned panel discussion will focus on how utilities can address wet weather flows and take practical steps to control CSOs and SSOs, while recognizing that new regulations will likely be coming soon.

Public Enemy Number One: Nutrients, will examine the issue of nutrient over-enrichment, as the contribution of nutrients from publicly owned treatment works (POTWs) remains the top focus for EPA's Office of Water and will no doubt remain a priority for the new administration. Speakers will provide an update on the Natural Resources Defense Council (NRDC) petition to change the definition of secondary treatment, EPA's new work in the water quality standards area, and current efforts in the field to address nutrient pollution.

The panel, *Should TMDL Become a "Four-Letter Word"*, will focus on the fact that total maximum daily loads (TMDLs) are

increasingly being looked at as a method for controlling pollutants for large bodies of water. A TMDL for bacteria is under development for the Ohio River and nutrient TMDLs are planned for the Chesapeake Bay, and ultimately TMDLs may be proposed for the Mississippi-Atchafalaya River Basin to control Gulf of Mexico hypoxia. Although these TMDLs are the preferred Clean Water Act tool for addressing impaired waters, they may not be effective in achieving results, and they may create problems for utilities that have planned their infrastructure according to previous rules and regulations. This panel will discuss the current state of TMDL development, explore how the current system can be best used, and examine how changes could be made to improve watershed health.

Association Committees to Discuss a Wide Range of Issues

NACWA's Standing Committees invite members to work collectively and play an active role in shaping national policy. During the Summer Conference, committee meetings give attendees a chance to become involved in current and emerging legislative, legal, regulatory, and management issues. Participation in committees offers the

unique and truly rewarding experience of being on the "cutting edge" of national environmental initiatives.

Special Events Planned

Along with a provocative agenda, other special events are planned for the conference. The 2009 *National Environmental Achievement Award* agency honorees and the 2008 *Peak Performance Award* honorees will be recognized, and NACWA's new president and slate of officers will be inducted. Other events include a special evening reception at the Harley-Davidson Museum, a facility tour of Milwaukee Metropolitan Sewerage District's Jones Island Plant, and the ever popular 2009 NACWA Open golf tournament.

Make Your Plans Now to Join Us in Milwaukee

Don't delay in making your plans to join us in Milwaukee! A complete agenda, travel information, as well as additional information on our special events and registration are available on NACWA's *Conferences & Professional Development* webpage. The deadline for reservations at the InterContinental Milwaukee is quickly approaching, so make your travel plans today! 🍷



« Among the events planned for the 2009 Summer Conference is a reception on Thursday, July 16 at the Harley-Davidson Museum. Join your clean water colleagues as we find out about Milwaukee's 'heavy metal'.

NACWA to Recognize National Environmental Achievement Award Winners

NACWA will honor member agencies with *National Environmental Achievement Awards (NEAA)* at an Awards Ceremony on July 15, 2009, during the Association's Summer Conference, *The New Regulatory Climate: Clean Water Agencies Prepare to Act*, in Milwaukee, Wis. Agencies will be recognized in three categories – *Research & Technology*, *Operations*, and *Public Information & Education*.



Research and Technology Award Recognizes Innovation

The NACWA Research and Technology Award recognizes member agencies for outstanding research projects and technological innovations. The District of Columbia Water and Sewer Authority (DCWASA) and the Alexandria Sanitation Authority, Va. will be presented with a *NEAA Research and Technology Award* for their project, *Enhancing Nitrogen Removal and Increasing Sustainability with Innovative Sidestream Treatment*. Between 2006 and 2008, Alexandria and DCWASA jointly conducted a pilot study to evaluate the operability and reliability of an innovative treatment approach that reduces nitrogen recycled from dewatering, resulting in a DEamMONification (DEMON) process; using autotrophic bacteria that can denitrify without the need for carbon addition. The findings indicated that the DEMON process could significantly reduce the wastewater industry's carbon footprint and dependence on chemicals for nitrogen removal, such as methanol, ultimately resulting in a safer environment for the local community.

Three Agencies Honored for Operational Efficiency

NACWA's *Operations Award* is presented to member agencies for outstanding initiatives in wastewater treatment plant operations that are both cost-effective and environmentally-sound. This year, two utilities will be honored for programs involving the reduction of Infiltration/Inflow (I/I). The Metropolitan Council Environmental Services, Minn. developed an *Inflow/Infiltration Reduction Program* to mitigate the issue of inflow and infiltration of clear water into the system due to aging infrastructure in the surrounding communities. The Agency established a task force to pinpoint the contributors to the problem and implemented I/I goals – either surcharging contributors for excessive I/I or providing rebates as mitigation work was implemented. The Council is on track to achieve its goal of eliminating all excess I/I by 2013, and has achieved perfect compliance with federal and state clean water standards with no combined sewer overflows in the last year.

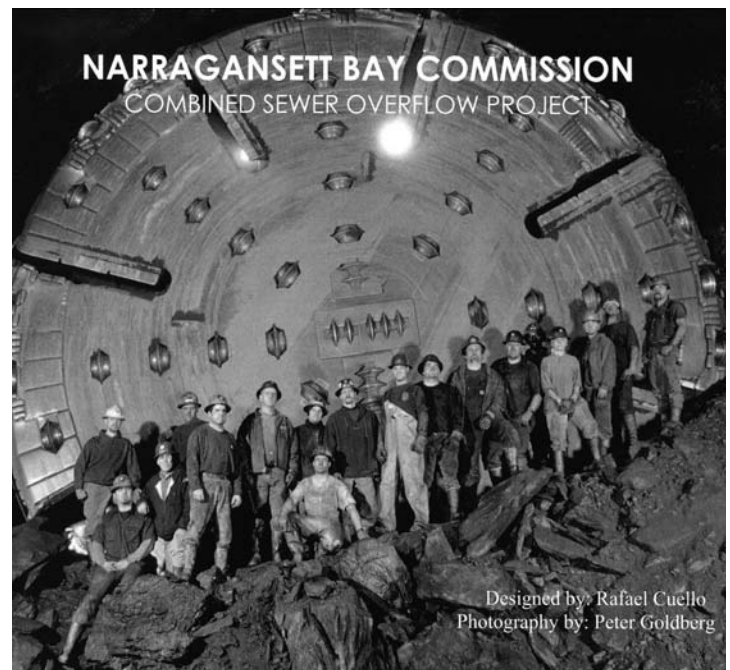
Similarly, the Charleston Water System, S.C. will be recognized for innovative and integrated strategies used to optimize the results

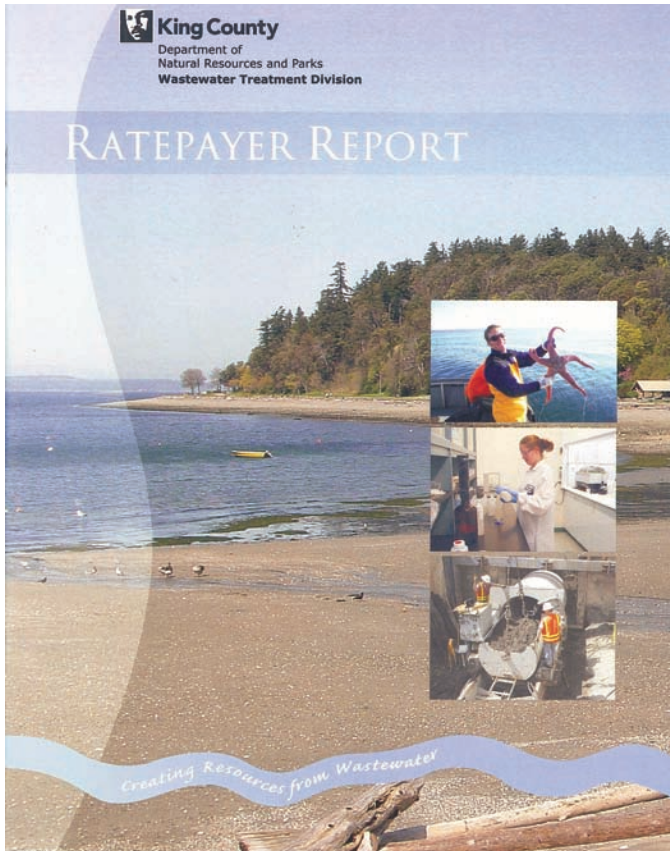
of their *Infiltration/Inflow Reduction Project*. The Utility brought together a cross-functional, organizational team to follow the project from implementation through results monitoring. Project execution strategies were implemented to manage data, assess the problem, prioritize and identify the most appropriate rehabilitation technology. Results of the program have been so successful, it has become a model for other utilities seeking to optimize rehabilitation efforts at a reduced cost, while meeting desired wastewater collection environmental performance standards.

Orange County Sanitation District, Calif. (OCS D) will be recognized for operational innovation for their *Groundwater Replenishment System* project. This advanced water recycling program has the capability to convert 94 MGD of wastewater into 70 MGD of the high quality drinking water, resulting in a reduction in flow to OCS D's ocean outfall. Through a series of changes, including revisions to their long-term strategic plan, construction of new facilities, coordination of operational efforts, and enhancements to source control, the agency developed a program that can serve as a model for addressing the global water crisis.

Public Information & Education Awards Recognize Creativity

NACWA's *Public Information & Education Awards* honor agencies for their inventive efforts to educate the public. This year's winners are in the Printed Publication and Education Program categories. Two agency projects will be honored for their exceptional printed publications. The Narragansett Bay Commission, R.I. will be recognized for their publication, *Narragansett Bay Commission: Combined Sewer Overflow Project*, which highlights Phase I of the construction of Agency's Combined Sewer Overflow Abatement Project. The pub-





lication documents with professional photography and personal essays each aspect of the project, highlighting both the technological and human elements necessary to protect the water quality of Providence's urban rivers and Rhode Island's Narragansett Bay. By marrying the worlds of wastewater infrastructure and fine art, this publication has served as a vehicle to inform and educate the Commission's ratepayers.

King County Department of Natural Resources & Parks, Wastewater Treatment Division, Wash. will be honored for their *Ratepayer Report Newsletter*. Faced with the need to propose significant increases in sewer rates and hook-up fees, the Agency launched an extensive public information campaign to convey to ratepayers the need for the increase and how it would positively affect the agency's ability serve the community. At the heart of this campaign was the *Ratepayer Report Newsletter* – a comprehensive look at the regional wastewater treatment system and how it serves the 1.4 million people who rely on it for safe, environmentally-responsible wastewater treatment. While rate increases are a challenge for every community, the effective distribution of this publication resulted in overall public acceptance of the increase, factual media coverage, and stakeholders that were well-educated in their community's infrastructure.

The multi-agency collaborative effort of the Virginia Biosolids Council will be acknowledged in the category of *Educational Programming*. The *Council* consists of the District of Columbia Water and Sewer Authority, D.C., Alexandria Sanitation Authority, Va., Arlington County Department of Environmental Services, Va., Chesterfield County Utilities Department, Va., Hampton Roads Sanitation District, Va., Henrico County Public Utilities, Va., and Western Virginia Water Authority, Va. and was developed as an information resource to the agriculture community and the media on the beneficial uses of biosolids. As a result of the Council's efforts, through the use of white papers, fact sheets, educational programming, and an informative website, the participating agencies have seen greater acceptance of biosolids land application and recycling throughout the state of Virginia.

NACWA would like to commend all of these *National Environmental Achievement Award* winners on their clear commitment to clean water and a safe, sustainable environment. If you would like to learn more about past *National Environmental Achievement Award* winners or the NACWA awards program in general, please visit the website at www.nacwa.org/awards.



www.virginiabiosolids.com

NACWA's Critical Issues Action Initiative Delivers— Clean Water Agency Priorities Protected

NACWA's Board-endorsed and member-supported *Critical Issues Action Initiative (CIAI)* continues to generate valuable data and provides key expertise and analysis needed to ensure that clean water agency interests are effectively represented in the areas of nutrients, climate change, pharmaceuticals, watershed management, infrastructure sustainability and security. The *Clean Water Advocate* serves as the forum for monthly updates on this important initiative.

NOW AVAILABLE: NACWA Nutrient Issues Papers

Two new issue papers outlining the technical and legal arguments against the modification of the definition of secondary treatment to address nutrient discharges at clean water agencies are now available for download via the NACWA website *Water Quality* page. The *NACWA Nutrient Issue Papers* provide information critical to preventing a wholesale rewriting of the secondary treatment requirements and will serve as the foundation for any legal action that may become necessary. NACWA is now working to set up meetings with EPA to discuss the issue papers and how they should help the Agency justify denying any request to change the definition of secondary treatment.

NOW AVAILABLE: *Chemical Security Legislation: Economic, Environmental, and Public Safety Implications from a POTW Perspective*

Chemical Security Legislation: Economic, Environmental, and Public Safety Implications from a POTW Perspective, provides a series of key advocacy arguments for use during congressional debate on reauthorization of the Chemical Facility Anti-Terrorism Standards (CFATS) legislation. The White Paper was widely distributed on Capitol Hill and is available for download via the NACWA website—*Security & Emergency Preparedness* page.

NOW AVAILABLE: *Getting Into the Game: How POTWs Can Take Advantage of Carbon Trading*

Getting into the Game: How POTWs Can Take Advantage of Carbon Trading, offers valuable information to agencies confronting complex decisions relating to climate change and helps municipal clean water utilities better understand the challenges and opportunities presented by emerging carbon markets. The publication is available to NACWA members as a free download from the Association's website on the *Climate Change* page and may be purchased by nonmembers on the *Publications* page of NACWA's website.



BENEFITS REALIZED: Greenhouse Gas Inventory

Funding through the Association's *CIAI* significantly enhanced NACWA's comments on EPA's *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2007, Expert Review Draft* and resulted in modifications to EPA's emissions estimation methods, helping to lower the nitrous oxide emissions estimates by over 40 percent. The *Inventory* was also used as the basis for EPA's proposed Greenhouse Gas Reporting Rule, which specifically excludes wastewater treatment process from reporting their emissions.

UNDERWAY: Peer Review – Pharmaceutical Peer Review Panel

NACWA and the Association of Metropolitan Water Agencies (AMWA) will convene a panel of subject matter experts to develop a set of strategic recommendations

on the issue of pharmaceuticals in water. The panel's recommendations will be used to inform and guide an appropriate national response to this issue that is rooted in the current state of the science. The first meeting of the panel will take place on July 9 in Washington, D.C., with a final report anticipated within six months.

UNDERWAY: Viable Watershed Strategy Outreach

NACWA's Strategic Watershed Task Force released, last year, its *Recommendations for a Viable and Vital 21st Century Clean Water Policy* making key long-term and short-term recommendations toward an implementable watershed approach. Following up on this important document, the Task Force has developed legislation, the *21st Century Watershed Act*. Outreach on the proposed viable watershed strategy – to ensure that NACWA members, key stakeholders, and national policymakers are fully aware and engaged – is underway and being supported by the *CIAI*.

ONGOING: Support of Product Stewardship Institute Dialogue on Pharmaceuticals

NACWA is actively engaged with the Product Stewardship Institute in the Institute's ongoing dialogue on unused pharmaceuticals and take back programs. The first two dialogue meetings were successful in improving communication among the key federal agencies responsible for national drug policy and key obstacles to providing greater access to unused pharmaceutical take back programs nationwide. NACWA *CIAI* funds support the efforts of a Regulatory Workgroup, which is working now to identify and address the governmental barriers to better handling of unused pharmaceuticals, and a third dialogue meeting that will take place this summer in Washington, D.C. ♦

In Memoriam—Gurnie Gunter

NACWA mourns the loss of friend, colleague and clean water partner, Gurnie Gunter. Prior to his retirement in 2003, Gunter served as Director of the Kansas City Water Department, Mo. for nearly a decade and spent many years previous to that in Kansas City government. He served as the Association's President from 2001- 2002 and on NACWA's Board of Directors for eight years—as well as on various Standing Committees. NACWA recognized Gunter in 2003 with its *National Environmental Achievement Award for Distinguished Performance* honoring him for his significant service to the Association. We will miss Gurnie for his many contributions to our Association, as well as for his clear commitment to clean water. 💧



⤵ *Gurnie C. Gunter*



⤵ *Gurnie Gunter was a recognized leader in the clean water community. Following the attacks on the United States in 2001, Gunter (right) hosted President George W. Bush, U.S. Environmental Protection Agency Administrator, Christine Todd Whitman and the newly appointed Assistant to the President for Homeland Security, Tom Ridge on a tour of the Kansas City Water Department and the steps taken for securing both the water and wastewater components of the utility.*

Nutrient Issues Front and Center

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States Slow to Act, EPA Steps In

At the same time however, nutrient problems nationwide persist and clean water agencies remain a part of the solution. NACWA has long advocated for letting the water quality-based provisions of the Clean Water Act dictate controls on nutrients through the development of nutrient water quality standards and total maximum daily loads where needed. The failure of many states to develop numeric nutrient criteria, in most cases due to a lack of valid science linking nutrient levels to water quality impacts, has now reached a head. In Florida, EPA has ruled that nutrient criteria are needed and that the federal government will promulgate criteria if the state fails to do so by the end of the year. EPA has indicated that it could make similar determinations in most states. Where federal action is needed, EPA is likely to rely on its eco-regional nutrient criteria. NACWA has for years raised concerns about EPA's eco-regional criteria, noting that the percentile approach used to establish the criteria ignores the actual use of a particular waterbody and presumes that less nutrients is better in all cases.

NACWA Efforts Ensure Progress

With nutrient pollution remaining a top water quality challenge, the serious flaws in a straight one-size-fits-all approach, and the long-delayed implementation of the Clean Water Act's water quality provisions, some sort of action is clearly needed. NACWA is working on multiple fronts to ensure that additional progress can be made. While working to inform EPA's response to the NRDC petition, NACWA is also engaging the Agency in discussions on possible solutions for point source controls including hybrid technology fixes that target controls based on water quality needs and new ways of looking at water quality standards compliance. Most importantly, however, given their significant contribution to the program, NACWA is engaging on multiple fronts to ensure that nonpoint sources of nutrients are controlled in a meaningful way. No solution to the nation's nutrient problems will be complete without reliable controls on nonpoint sources. 💧