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August 23, 2010

NACWA President Establishes *Money Matters* Affordability Task Force

NACWA President, Jeff Theerman, Executive Director of the Metropolitan St. Louis Sewer District, Mo., took action recently to form a *Money Matters* Affordability Task Force. The Task Force will be chaired by George Hawkins, General Manager of DC Water, and bring together a diverse array of committed Member Agency representatives. The new Task Force will oversee, and provide strategic guidance to, NACWA's regulatory, legislative, and legal efforts as the Association works with the U.S. Environmental Protection Agency (EPA), Congress, and key stakeholders such as the U.S. Conference of Mayors, to develop a new approach to Clean Water Act (CWA) affordability. Such an approach must maximize municipal flexibility to address CWA requirements through a system that trusts municipal innovation – and public agency expertise – to get the most water quality benefit out of each rate-payer dollar spent. The Task Force was carefully assembled to ensure the participation of key NACWA member committee leaders, as well as participants from across the country. The first meeting of the Task Force will take place after Labor Day and will help ensure that NACWA is poised with the appropriate tools and resources to bring its message on CWA affordability to the forefront as part of the upcoming Congressional election season and beyond. For more information on this effort please contact Adam Krantz at akrantz@nacwa.org or 202.833.4651.

Water Sector Groups Meet with EPA Water Chief on Top Strategic Issues

NACWA staff and representatives of several other municipal organizations met with U.S. Environmental Protection Agency (EPA) Assistant Administrator for Water Pete Silva and other key Office of Water staff as part of a series of scheduled bi-monthly discussions to ensure that EPA and the municipal sector are working together on top Clean Water Act (CWA) and Safe Drinking Water Act (SDWA) issues. NACWA expressed its desire to work with EPA toward revising its approach to CWA affordability issues and provided an overview of the Association's *Money Matters* affordability campaign. Other organizations present also confirmed that affordability was equally a drinking water priority. Silva and other EPA staff expressed significant interest in working with NACWA on the affordability and in pursuing a more formal dialogue with the municipal community on this vital issue that would help highlight the financial difficulties municipalities are facing. Silva also noted that Bill Anderson, of EPA's staff, has been picked to look into revising EPA's 1997 combined sewer overflow financial capability guidance and to provide recommendations to Silva on how to proceed with this. NACWA will be meeting with Anderson soon to discuss this process and how the Association can play a meaningful role in this process.

NACWA also reiterated concerns it had expressed to Silva earlier this year on two Agency rulemakings that will have major impacts on biosolids management. EPA's proposed definition of non-hazardous solid waste, which defines sewage sludge bound for combustion as a solid waste, will impact sewage sludge incinerators (SSIs) and have a detrimental impact on future use of biosolids as a renewable fuel. The rule has triggered the development of new Clean Air Act (CAA) standards for SSIs. Though NACWA has not seen the draft emission

limits, EPA is estimating that more than 25 percent of the current utilities that practice incineration will shut down rather than upgrade to meet the new limits and send their sludge to a landfill. NACWA urged Silva and his staff to remain engaged in the rulemaking process to ensure that both EPA's waste and air offices understand the wastewater-specific issues and acknowledge that the 40 CFR Part 503 biosolids management regulations should govern.

EPA also expressed an interest in NACWA and the drinking water organizations exploring the possibility of a joint water-energy nexus forum with the involvement of EPA — an issue that NACWA will explore further with Agency staff, other key stakeholders, and NACWA members.

NACWA Urges Senate to Ensure Local Flexibility in Chemical Security Decisions

NACWA sent correspondence to the Senate Environment & Public Works (EPW) Committee highlighting the need for local autonomy in determining individual facilities' treatment technologies. The letter was the Association's response to the Committee's July 28 hearing on *Securing America's Water Facilities* which examined proposed changes to the Department of Homeland Security's (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) program, including adding wastewater and drinking water utilities to the security regime. A key focus of the hearing was the "*Secure Water Facilities Act*" (S. 3598) introduced by Senator Frank Lautenberg (D-N.J.). Lautenberg's legislation seeks to end the CFATS exemption for wastewater and drinking water utilities and to add a provision that would require certain utilities to use "inherently safer technologies," or ISTs, in their treatment processes. NACWA's letter re-emphasized some of the cumulative findings and data provided by Association members, which demonstrated that a large percentage of clean water agencies are currently implementing responsible security protocols on a voluntary basis. The letter also underscored the fact that utilities are using IST voluntarily if it meets the treatment requirements of the utility and other critical local factors, such as the readily available supply chain for such treatment alternatives. The letter also referenced that a large percentage of utilities currently using a chemical of concern are examining IST with intentions to switch treatment processes in the near future.

NACWA Comments on EPA's Proposed Changes to Analytical Methods

NACWA submitted comments on a June 23 EPA [proposal](#) to modify its National Pollutant Discharge Elimination System (NPDES) regulations to require permit-holders to use analytical methods that are "sufficiently sensitive" when completing permit applications and when performing sampling and analysis pursuant to monitoring requirements in their permits. The issue of sufficiently sensitive methods was first raised when EPA issued new, significantly more sensitive methods for analyzing mercury that were capable of detecting mercury at levels below current water quality criteria levels. EPA issued a policy memo indicating that all permit-holders with the potential to discharge mercury should provide data with their NPDES permit applications using methods of sufficient sensitivity to indicate whether the discharge was above or below the criterion value.

EPA's June 23 proposal seeks to make that policy clarification for mercury a part of the NPDES regulations and applicable to all pollutants, not just mercury. While NACWA's comments supported the goal of ensuring NPDES permits were based on accurate analytical results, several concerns were raised about the timing of EPA's proposal and the way in which EPA was incorporating the new requirements into the regulations. NACWA's overarching concern is that EPA's proposed action seems premature given the Agency's ongoing assessment of the recommendations from the Federal Advisory Committee on Detection and Quantitation, which EPA convened in 2005 and on which NACWA was an active participant, regarding the need for a new and consistent definition of method detection level and minimum level, among other things. The June 23 proposal relies heavily on the minimum level concept, despite the fact that most stakeholders, including the states and EPA, believe the current minimum level definition is flawed. In addition, the proposed rule appears to require the use of methods that have not been approved by EPA through the 40 CFR Part 136 process and that may not have undergone validation or any other scientific review. Similar concerns were raised by other stakeholders and NACWA will be

seeking a meeting with EPA to discuss the Agency's next steps.

One Voice for Clean Water Video Debuts Nationally on NACWA Website

The Association is pleased to present its new video — *NACWA, One Voice for Clean Water*. The video, which premiered at the Association's *2010 Summer Conference & 40th Anniversary Annual Meeting* in San Francisco, can now be viewed on NACWA's [homepage](#). *NACWA, One Voice for Clean Water* distinguishes the Association as the preeminent advocacy organization representing the interests of the clean water community.

The video features members' views on the value of membership while reinforcing the Association's commitment to effectively and proactively represent the clean water community on Capitol Hill, at EPA, and in the Nation's courtrooms. The video will maintain a prominent place on the front page of the NACWA website – and potentially other internet locations – and will play a pivotal role in the Association's membership development and retention efforts. We encourage you to view the video and share it with colleagues who would benefit from Association membership.

Please feel free to contact Thea Graybill, Government Affairs Assistant with any questions or concerns at tgraybill@nacwa.org.

