

*Technical Action Fund Project Overview and Status Report
Current to May 3, 2004*

Air Quality

Evaluation of WATER9 Computer-Based Model

The project will evaluate EPA's WATER9 model to ensure that hazardous air pollutant (HAP) emissions estimates developed using the model are based on sound science. The project team met last year with EPA staff in Research Triangle Park, NC to discuss the project scope and to open a line of communication with the Agency in order to share the findings of the project. The Agency indicated that it was willing to work closely with AMSA as it conducted the review. The contractor (CH2M Hill) has finished Phase 1, which entailed a comprehensive literature review of available data on emissions from wastewater collection, storage, treatment, and disposal facilities and evaluating results of running the WATER9 model, in comparison to two alternative models, with the appropriate data. It is anticipated that the draft report from Phase 1 will be completed by mid-May, at which time AMSA will review the report and discuss recommendations for Phase II, an evaluation of the algorithms/codes used by the model. This multi-phase project was funded at a total of \$39,800, \$24,250 for Phase I and \$15,550 for Phase II. Phase II approval was conditional on completion and review of Phase I.

Biosolids Management

Radioactivity Dose Model Development

This effort, initiated in 2000, was initially designed to develop a dose model or guide for biosolids managers to use in concert with the results from the U.S. Environmental Protection Agency (EPA) and Nuclear Regulatory Commission (NRC) survey conducted to evaluate the level of radionuclides in biosolids. Given recent developments, AMSA's draft dose model document will be used as the foundation for an implementation guide for evaluating the level of radioactive materials in biosolids (see separate TAF project description below). With the release of the final EPA/NRC survey report, the technical experts assisting with this effort also aided AMSA in the preparation of comments on the associated dose assessment and recommendations documents. This multi-year project was funded at \$41,500 and will conclude by the end of calendar year 2004.

Biosolids Manager's Guide to Radioactivity

AMSA's Biosolids Management Committee is concerned with the complexity of an EPA/NRC recommendations document on radioactive materials in biosolids (see Dose

Model Project above) and believes that vital pieces of information have been omitted. This project is designed to provide biosolids managers with additional guidance on implementing the recommendations. The project funds are being used to retain the services of Barry Koh, of Partners Environmental, and Lisa Stetar, subcontractor to Partners, to assist the Committee in the development of an easy-to-use guide to implementing the EPA/NRC recommendations for biosolids managers. In addition, those POTWs that participated in the EPA/NRC survey already have sampling results and will need guidance on what to do with that data, and it is important that those POTWs who decide to follow the recommendations understand that they have the flexibility to deviate from the recommendations and customize the exposure scenarios to their particular situation. The AMSA Guide will give biosolids managers the information they need to better understand the recommendations. Work has not yet begun on this project. The Committee plans to develop the Guide so that it would be ready for release when the EPA/NRC recommendations document is finalized later this year. A total of \$10,000 was approved for this project.

Management and Operations

CleanWater Central

AMSA retained contractor Mark Hoeke to coordinate population of the CleanWater Central Database. Created in 1999, the CleanWater Central Database serves as a central hub for future data collection activities, such as the financial survey and AMSA Index, and as a repository for information vital to the wastewater treatment community. A project advisory committee comprised of AMSA and Water Environment Research Foundation representatives developed a set of policies and a fee structure that were approved by the Board in May 2003. AMSA and WERF completed the beta test of the system on June 30 and launched the database during the AMSA Summer Conference in Boston. AMSA and WERF are now working to implement a marketing strategy to increase the number of users on the system. This is an ongoing project with expenditures for database administration each year. Total AMSA funding approved for this project in FY 2004 is \$20,000.

The Changing Workforce: Crisis and Opportunity Publication

The Changing Workforce publication was published and released on March 30, 2004 to members of AMSA and the Association of Metropolitan Water Agencies (AMWA).

A collaborative effort between AMSA and AMWA, this new publication examines the changing face of the public utility workforce and what factors public utilities must consider as they face a potential shortage of employees. The current workforce is gradually reaching retirement age, and as the workforce retires and leaves the public sector these key staff people take along much-needed institutional knowledge. *The Changing Workforce* handbook provides much needed information on how to develop a new generation of staff

while retaining needed institutional information. The total funding approved for this project in FY 2004 is \$33,500 (AMWA's share of project costs totaled \$24,400).

International Standards Organization Wastewater and Water Supply Standard Support

The development of international standards (ISO/TC 224) for the wastewater sector by the International Organization for Standardization (ISO) is now in full-throttle and it has become necessary to provide ongoing funding for this project. The funds are needed to continue to retain consultant Mark Hoeke and to send Mark, and when necessary, other registered experts, including Stephen Hayashi, who is heading up AMSA's ISO Advisory Committee, to ongoing ISO meetings that take place abroad. This participation ensures the input of U.S. publicly owned treatment works into wastewater standards that could have broad domestic ramifications. The drafting process is now in full swing and key technical issues have begun to emerge, including whether to merge the wastewater standards document with similar ISO/TC 224 standard documents for the drinking water and water/wastewater services customer sectors. AMSA provided its most recent input into the wastewater sector draft standard at a meeting in mid-April in Daejeon, Korea.

AMSA expects there to be at least one more meeting for this ISO project in fiscal year 2004 and several more in fiscal year 2005. AMSA also expects additional costs related to organizing advisory committee meetings as finalization of the wastewater sector document approaches. The next scheduled ISO meeting is scheduled for September 27-29 in Rabat, Morocco. The final approval of the ISO/TC 224 standard is planned for July 2005. Total funding approved for this project in FY 2004 is \$10,000 and an additional \$5,000 for FY 04 and \$15,000 for FY 05 were requested at the May meeting.

Legislative/Regulatory Policy

National Biosolids Partnership

AMSA and WEF have retained lobbyist John Montgomery to work with the Senate and House Appropriations Committees to secure full funding in fiscal year 2005 for the National Biosolids Partnership. Request letters for an additional year of funding for the NBP have been delivered to staff on the Senate and House Appropriations Subcommittees on VA, HUD & Independent Agencies. AMSA members have supplemented this effort with letters from wastewater treatment agencies to House and Senate Members asking that \$1 million for NBP be included in EPA's FY 2005 budget. Total funding for this item includes \$15,000 from AMSA and \$15,000 from WEF for FY 2004.

Advocacy Support – Legislative/Administration Initiatives

AMSA has retained The Accord Group to support the Association's efforts to advance both legislative and regulatory priorities. This is an ongoing expenditure with total funding of \$60,000 approved for FY 2004.

Water Infrastructure Network

AMSA's financial contribution to WIN's 2004 budget primarily funds a representative in Washington to advance the coalition's legislative goals that are outlined in WIN's two reports. The funds also support media relations activities, website maintenance and fund-raising efforts. Most recent efforts have focused on increasing the budget authority in the fiscal year 2005 budget resolution for the state revolving funds. This is an ongoing expenditure with total funding of \$25,000 approved for FY 2004.

Water Quality

Contribution to TMDL Adaptive Implementation Project

This amount represents AMSA's contribution to a one-year project to conduct workshops and develop a monograph on the interpretation, analytics, and execution of adaptive implementation for total maximum daily loads (TMDLs). Dr. Ken Reckhow of the Center for the Analysis and Prediction of River Basin Environmental Systems, who served as the chair of the National Research Council's (NRC's) Committee to Assess the Scientific Basis of the TMDL Approach to Water Pollution Reduction, and oversaw the issuance of the corresponding NRC report, *Assessing the TMDL Approach to Water Quality Management*, is organizing the project. AMSA's funding was contingent on Dr. Reckhow securing the necessary funding from other stakeholders. Dr. Reckhow has now secured all of the necessary funding. Materials for the workshops are under development, with the first workshop likely taking place in September 2004, the second in December 2004 and the third and final workshop in March 2005. AMSA approved a one-time contribution of \$25,000 for this effort.

Participation in the Federal Water Quality Coalition

Dues for AMSA to continue associate membership in 2005 in the Federal Water Quality Coalition (FWQC). The FWQC is coordinated by Fred Andes at AMSA affiliate law firm Barnes & Thornburg, Chicago, Ill. The FWQC provides AMSA with leveraging opportunities and information on a number of important water quality issues, including mercury, total maximum daily loads, and permitting. AMSA's annual dues (which are at a discounted rate), are \$15,000.

Creating Successful TMDLs: An AMSA Handbook

AMSA is poised to release at the *May 2004* meeting a new and comprehensive publication on total maximum daily loads (TMDLs). Developed with AMSA affiliate law firm Barnes &

Status of Ongoing TAF Projects

May 3, 2004

Page 5

Thornburg and an expert team drawn from AMSA member agencies and affiliates, the *Handbook* is the latest in a series of cutting edge association publications. The one-time \$35,000 amount allocated to this publication in FY 2004 covered legal services to develop *Handbook* content and also *Handbook* design and printing services.

Dental Amalgam Separator Study

Two-year study to examine the changes in mercury concentrations in wastewater influent, effluent, and biosolids at five POTWs in the U.S. and Canada that have already implemented regulations requiring dental clinics to install amalgam removal equipment. The Hampton Roads Sanitation District has volunteered its laboratory to conduct the analyses at cost for the duration of the study. The first sampling event took place in July 2003 and sampling is continuing as planned. Based on a revised scope and new cost estimates provided to AMSA, additional TAF funding in the amount of \$15,000 was secured in July, bringing the total project cost to \$59,000. AMSA expects to be able to use the results of the study to support a number of its advocacy efforts related to mercury. Total approved funding for this project is \$59,000, with \$37,000 approved for FY 2004 and \$22,000 for FY 2005.

Cadmium Criteria Review

In May, the Water Quality Committee requested TAF monies to conduct a critical review of EPA's 2001 Water Quality Criteria for Cadmium. Since that time, AMSA has solicited contractor proposals through a Request for Proposals process. AMSA received two proposals and awarded the contract to Chadwick Ecological Consultants of Littleton, CO. Work on the project began in August 2003. The contractor encountered difficulties in obtaining some of the necessary literature and provided preliminary results in December 2003. Total funding for this project is \$35,000 and completion of the draft report is now expected in May 2004.

Development of Nutrient Criteria for Recreational Users

These funds will be used to support an ongoing study designed to relate nutrient impacts in reservoirs to impairment of recreational uses and provide data that can assist in the establishment of use-based criteria in Texas. The results of this study should be applicable to waters outside of Texas where similar conditions exist. Development of the study was coordinated with the Texas Commission on Environmental Quality, the state agency responsible for the adoption of water quality standards and is being sponsored in part by the Texas Association of Metropolitan Sewerage Agencies (TAMSA). The project is entering its second year and AMSA's contribution will be used to assist in the collection of a second year of data and to prepare the final report (due in March 2005). A total, one-time contribution of \$10,000 has been approved for this effort.

Litigation/Legal Issues

SSO Legal White Paper

These funds were used to retain the law firm of Squire, Sanders & Dempsey to document the legal analysis underlying AMSA's position that: 1) SSOs are not prohibited by the Clean Water Act; 2) SSOs can be permitted under appropriate circumstances; 3) a genuine affirmative defense to SSOs can be established in SSO regulations; and 4) a technology-based standard (*e.g.*, the Capacity, Management, Operations & Maintenance (CMOM) approach) can be applied to the collection system and SSOs, in lieu of the secondary treatment standard for the POTW. The *White Paper* was distributed to the membership in January 2004, and we presented it to EPA in March 2004. A total of \$15,000 was approved for this project, and the total project came in slightly under budget.

Blending/SSO Litigation

Beginning in August 2002, AMSA has worked with affiliate law firm, Squire, Sanders & Dempsey, in the blending and sanitary sewer overflow case (SSO) *Pennsylvania Municipal Authorities Association v. Whitman*. The case was dismissed by the court in November 2003, but recently, AMSA motioned to intervene in a February 2004 appeal of the case. A total of \$60,000 has been budgeted and largely expended in this case throughout Fiscal Years 2002, 2003, and 2004.

Whole Effluent Toxicity (WET) Litigation

AMSA is working with affiliate law firm McGuire Woods on the March 2003 lawsuit in the D.C. Circuit challenging EPA's November 2002 final WET test methods. The Virginia Association of Municipal Wastewater Agencies, the West Virginia Municipal Water Quality Association, the Maryland Association of Municipal Wastewater Agencies, the South Carolina Water Quality Association, the California Association of Sanitation Agencies, and the Texas Association of Metropolitan Sewerage Agencies joined AMSA's filing and have contributed to the litigation. Briefing in the case is underway and oral argument is set for October 2004. AMSA's \$30,000 budget covers all costs in the case through September 30, 2004. We also collected \$30,000 from the partnering organizations, for a total project funding of \$60,000. Additional funds may be needed for the case in Fiscal Year 2005.

Residuals Management: Policy and Strategies -- An AMSA Handbook

This Handbook will be the latest in AMSA's series of top notch publications on legal and regulatory topics. Developed with AMSA affiliate law firm Beveridge & Diamond and an expert team drawn from AMSA member agencies and affiliates, the *Handbook* will cover new developments in the areas of biosolids land application, incineration, and other management approaches. The one-time \$35,000 amount allocated to this publication in FY 2004 covered legal services to develop *Handbook* content and also *Handbook* design and printing services. We are planning an early Fiscal Year 2005 release of the *Handbook*.

General Legal Support

These funds are used throughout each fiscal year to consult outside counsel on various regulatory and legal issues, and for general litigation and strategic input and support. To date, the \$40,000 budget has been used to fund AMSA's involvement in the Environmental Law Institute, legal analysis of Combined Sewer Overflow issues, tax and financial legal advice for the Water Infrastructure Network and the National Biosolids Partnership, AMSA's recent intervention in the Missouri water quality standards case, and AMSA's amicus brief in the Los Angeles/Burbank California Supreme Court case. We anticipate using nearly all of the \$40,000 by the end of Fiscal Year 2004.

Other Issues

WERF Endowment

AMSA's annual contribution to the *WERF Endowment for Innovation in Applied Water Quality Research* for the *Paul L. Busch Award*. The *WERF Endowment* was created to encourage development of scientific research and technological innovations that improve the water environment in a sustainable manner. The *Paul L. Busch Award*, presented annually by the *Endowment*, recognizes those outstanding and innovative individuals or teams who contribute significantly to research in water quality and the practical application of research in the water environment. The AMSA Board of Directors approved a total contribution of \$10,000, paid over five years. The first installment was paid in 2001, making the \$2,000 payment in FY 2005 the Association's last payment under its original agreement with WERF.