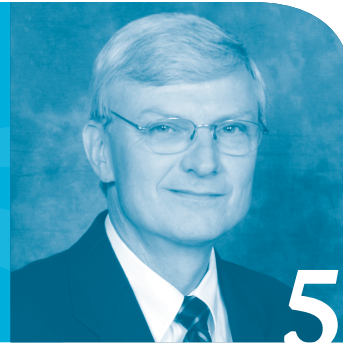


CLEAN WATER ADVOCATE

Dick Champion was elected NACWA President for 2006-2007. Champion is the Director of the Independence Water Pollution Control Department in Independence, Mo.



5

A Clear Commitment to America's Waters

July/August 2006

INSIDE

NACWA	2
NACWA	2
NACWA	3
NACWA	3
sdfdsf	4
sdfdsf	5
NACWA	5
Clean Water Central™ Clips	6

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NACWA Pretreatment Workshop & Law Seminar to Deliver Exciting, Informative Programs

NACWA is offering two exciting conferences this fall to provide clean water professionals the most up-to-date information on regulatory and legal environmental policy. The 2006 Pretreatment and Pollution Prevention Workshop in New Orleans and the 2006 Developments in Clean Water Law: A Seminar for Public Agency Managers and Attorneys in Boston will continue their tradition of high-quality panels and unique opportunities for utility officials to network and exchange critical information about issues that affect their daily operations.

Pretreatment Workshop to Focus on Streamlining Implementation, Emerging Contaminants

NACWA's 2006 Pretreatment & Pollution Prevention Workshop will be held in New

Orleans, October 4-6, and will provide its traditional fare of information about regulatory happenings at the federal, state, and local level. Of particular interest will be sessions on issues and concerns that states and localities face as they try to implement provisions of the nearly year-old Pretreatment Streamlining Rule. While some states have easily adopted the required changes, obstacles remain in others. In addition, the Workshop will provide updates on efforts to review and revise effluent limitation guidelines (ELGs), including the current state of play regarding ELGs the U.S. Environmental Protection Agency (EPA) is considering for residuals from drinking water facilities and air-polluting operations.

The challenges posed by emerging contaminants continue to demand a constant vigilance and a proactive advocacy re-



⤴ Caption caption

sponse. The Workshop will include sessions on contaminants, including pharmaceuticals, insecticides, and ionic silver, entering

CONTINUED ON PAGE 5 >>

NACWA Options Paper Eyes 2007 Farm Bill as Opportunity for Water Quality Improvements

NACWA has circulated to its members an options paper detailing how and why the Nation's clean water utilities must become involved in the upcoming discussions regarding the reauthorization of the Farm Bill. The options paper, 2007 Farm Bill Reauthorization and Potential Benefits for Municipalities, is based on the expectation

that a unique opportunity exists to increase funding for conservation programs, including water quality projects, due to possible offsetting cuts in other Farm Bill programs. Among the Farm Bill programs that could benefit from such offsets and help clean water utilities meet water quality objectives are the Wetlands Reserve Program (WRP), the Environmental Quality Incentives

Program (EQIP), the Conservation Security Program (CSP), and the Conservation Reserve Program (CRP).

NACWA has already begun collaborative discussions with like-minded conservation and environmental groups and reached out to the U.S. Environmental Protection

CONTINUED ON PAGE 6 >>

Dick Champion Elected NACWA President for 2006-2007

Dick Champion was elected NACWA President for 2006-2007 by the Association's Board of Directors July 19. Champion is the Director of the Independence Water Pollution Control Department in Independence, Mo., where he has worked for 27 years. He has served as the utility's director since 1983. Taking the Association's helm from Donnie R. Wheeler, General Manager of the Hampton Roads Sanitation District in Virginia Beach, Va., who retired at the end of July, Champion will continue as a strong advocate for NACWA and will help focus the Association's efforts on behalf of infrastructure funding needs and the importance of innovative or green infrastructure projects.

The Board also approved the slate of other NACWA officers: for 2006-2007: Vice President, Christopher M. Westhoff, Assistant City Attorney - Public Works General Counsel, City of Los Angeles, Calif.; Treasurer, Marian Orfeo, Director of Planning & Coordination, Massachusetts Water Resources Authority, Boston, Mass.; and Secretary, Kevin Shafer, Executive Director of the Milwaukee Metropolitan Sewerage District, Milwaukee, Wis. ♦



NACWA Welcomes Three New Board Members

On July 19, three new Board of Directors members joined NACWA's leadership. NACWA welcomes to its Board: Robert Moore, Chief Administrative Officer for The Metropolitan District, Hartford, Conn. (Region 1); Leonard Kaiser, Executive Director, Bergen County Utilities Authority, Little Ferry, N.J. (Region

2); and Richard Lanyon, General Superintendent, Metropolitan Water Reclamation District of Greater Chicago (At-Large). In addition, Jerry Johnson, General Manager of the District of Columbia Water and Sewer Authority, moved from an At-Large seat on the Board to be one of Region 3's representatives.

NACWA also congratulates the following Board Members

who were elected to new terms: Kevin Shafer, Executive Director of the Milwaukee Metropolitan Sewerage District, Wis. (Region 5); Charlie Ganze, General Manager, Gulf Coast Waste Disposal Authority, Houston, Texas (Region 6); Dick Champion, Director of the Independence Water Pollution Control Department in Independence, Mo. (Region

7); Dennis Stowe, Manager, Littleton/Englewood Wastewater Treatment Plant, Englewood, Colo. (Region 8); Philip Friess, Head, Sewerage Department, Sanitation Districts of Los Angeles County, Los Angeles, Calif. (Region 9); and Charles Logue, Director, Regulatory Affairs Department, Clean Water Services, Hillsboro, Ore. (Region 10). ♦



NACWA Extends Appreciation to Dedicated Service of Outgoing Board Members

NACWA would also like to extend its thanks and appreciation to its outgoing Board members for their committed service to the Association. Those leaving the NACWA Board include two former NACWA presidents, Paul Pinault, Executive Director of the Narragansett Bay Commission, Providence, R.I., who served in 2002-2003 and Donnie Wheeler, General Manager of the Hampton Roads Sanitation District in Virginia Beach, Va., who just completed his term as President. ♦

Regulatory Briefs:

NACWA continues to be a strong voice advocating on behalf of the Nation's clean water agencies to influence regulatory policy through substantive comments, meetings, and outreach. Recent weeks found the Association active with regard to the following matters.

- NACWA submitted comments August 4 generally supporting, but recommending improvements to, a U.S. Environmental Protection Agency (EPA) proposal codifying the Agency's long-standing approach for addressing water transfers outside the National Pollutant Discharge Elimination System (NPDES) permitting program. NACWA cautioned that in situations where a violation of water quality standards may result, the transfer should be controlled so that other dischargers to the receiving water do not face additional regulatory burdens. In addition, the Association urged EPA to develop follow-up guidance on methods to control pollution from flow diversions.
- NACWA submitted comments July 27 in response to EPA's draft July 11 guidance memo providing guidance on how to resolve concerns regarding "daily" limits for certain pollutants in the wake of an April decision by the U.S. Court of Appeals for the District of Columbia Circuit. NACWA stated that EPA's memo "takes a moderated approach to a very difficult legal decision." The Association overall "supports EPA's efforts to minimize disruption to the existing TMDL [total maximum daily load] program." NACWA also stated that the approach will likely lead to additional lawsuits by environmental activists and noted that many pollutants, such as nutrients, bioaccumulative toxics, and solids cannot simply be addressed through daily limits.
- As part of its growing involvement in regional issues, NACWA and representatives from several Southern California member agencies met with EPA to discuss the ramifications of a referendum banning the land application of biosolids in Kern County, Calif. NACWA is pushing EPA to demonstrate its support for local communities facing opposition to this biosolids management practice. Meanwhile, the Association will continue its advocacy and public education efforts to ensure communities understand the importance of local flexibility in making decisions about biosolids management.
- On August 14, NACWA sent comments to EPA articulating its continued belief that sewage sludge incinerators (SSIs) were not intended to be regulated under a Clean Air Act rule to control emissions from "other" solid waste incinerator (OSWI) units. Although the Association had thought the issue was finally settled when EPA promulgated a final rule in December reflecting NACWA's position, EPA, in response to a Sierra Club petition, announced June 28 that it would reconsider that rulemaking. NACWA will continue to voice its long-held view that incineration is a safe, effective biosolids management technique that results in sanitary, non-hazardous ash.

For additional information on NACWA's regulatory initiatives, visit <http://www.nacwa.org> and click on the Regulatory section of the Member Pipeline. 💧

Utilities Tackle Challenge of Growing Clean Water, Drinking Water Nexus

Population growth and dwindling water supplies are making it increasingly evident that thinking separately about Clean Water Act (CWA) and Safe Drinking Water Act (SDWA) requirements is a thing of the past. NACWA's 2006 Summer Conference, Cross-Cutting Clean Water and Drinking Water Issues...Challenging Traditional Boundaries, in Seattle focused on ways to think holistically about CWA and SDWA issues so as to avoid potential obstacles to meeting the Nation's water quality goals. Susan Richardson, partner with Kilpatrick Stockton, in Atlanta, Ga., was the featured speaker who provided an overview of the two laws and where they intersect. 💧



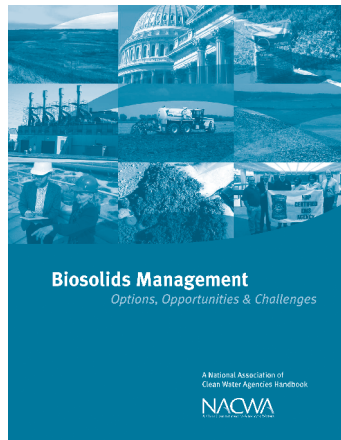
⤴ **Jim Hanlon, EPA Director of Wastewater Management; Steve Heare, EPA Director of the Drinking Water Protection Division; Alan Vicory, Executive Director of ORSANCO; Paul Schwartz, National Campaigns Director of Clean Water Action; and Chuck Clark, Director of Seattle Public Utilities** discuss the intersection between the Clean Water and Safe Drinking Water Acts. Vicory noted that overall the laws are compatible, but the problems occur in the gaps. The panelists generally agreed that achieving the goals of both laws will require a greater focus on pollution prevention and controlling contamination at the point of discharge. One recurring theme was that better communication among drinking water and wastewater stakeholders is needed to set priorities and ensure conflicts are resolved at an early stage.

NACWA To Release Biosolids Management Handbook

Biosolids management remains a hot topic for clean water agencies. Biosolids Management: Options, Opportunities & Challenges – A National Association of Clean Water Agencies Handbook. The Handbook provides a general overview of the current regulatory, policy, and legal developments concerning management practices, while outlining strategies on how to address these issues. The publication was developed by a team of NACWA public agency and private affiliate representatives, with the assistance of NACWA Legal Affiliate Beveridge & Diamond, PC. NACWA's Biosolids Management Committee Co-Chairs Robert P. Dominak, Residuals and Air Emissions Manager, Northeast Ohio Regional Sewer District, OH and David S. Taylor, Director of Special Projects, Madison Metropolitan

Sewerage District, WI, received the 2006 President's Award for their efforts on the *Handbook*.

Given the breadth of biosolids management options available, the Handbook focuses on the five options most commonly used today by public utilities. These are: agricultural land application; distribution and marketing (includes pelletizing,



composting, soil amendments, and packaging for commercial and home use); incineration; landfilling (includes use as landfill cover); and surface disposal. The Handbook also features an online library of key biosolids reference documents and other hard-to-find materials, which will serve as an invaluable resource for NACWA members.

The Handbook contains an extensive discussion of Clean Water Act (CWA) based requirements. Given that many biosolids management facilities – such as incinerators, pelletizers, and dryers, as well as individual sources like boilers, engines, turbines, and flares – also may be subject to the federal Clean Air Act (CAA) and state and local air regulations, the Handbook also addresses CAA requirements. Due to the delicate balance between federal and state authority over biosolids management, the Handbook addresses

the role of the federal government in regulating biosolids, but also provides helpful examples of the various state and local regulatory programs that impact much of the day-to-day regulation of biosolids.

Communicating with the public is an essential part of managing biosolids. The Handbook therefore contains a broad overview of communication issues that affect all public agencies – regardless of the biosolids management option employed. Other Handbook chapters focus on important biosolids legal decisions and discuss various ways clean water utilities can prepare for the future, and capture and share essential knowledge on biosolids management at their agencies.

One complimentary copy of the Handbook will be provided to each NACWA member. Additional copies may be purchased from the NACWA bookstore at www.nacwa.org. 6

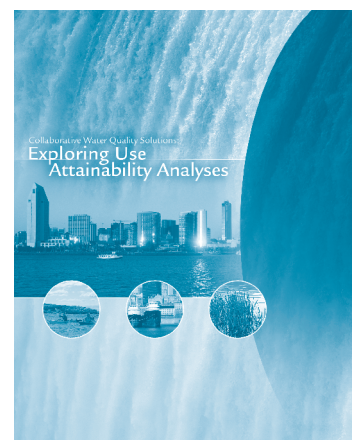
Web Seminar Focuses on Strategies for Conducting Use Attainability Analyses

NACWA and the Water Environment Research Foundation (WERF) hosted a two-part web seminar on Use Attainability Analyses (UAAs), based on their jointly issued publication, Collaborative Water Quality Solutions: Exploring Use Attainability Analyses. The seminar, the first of its kind for NACWA, laid out the process for undertaking a UAA and looked at possible strategies. Seminar presenters made the point that because UAAs involve the review and possible revision of water

quality standards, they can quickly become controversial and have to potential to be both emotional and political. The NACWA/WERF seminar informed participants on the need to work with other dischargers and to engage interest groups as early as possible. UAAs can be a time-consuming and costly process, and communities need to decide early on whether such an undertaking would be worthwhile or whether other options should be explored. The seminar touched on some of these options and brought information on this

important issue to 75 sites with more than 100 participants.

The web seminar had 75 log-ons, demonstrating broad interest in this important issue. NACWA plans to host other web seminars in the future on such topics as effective ways to communicate with the public. The Association views these types of forums as yet another prong of service to provide value-added information to its member agencies. NACWA will keep members apprised of future web seminars through its usual channels of communications. 6



Board Approves Two New TAF Projects

NACWA's Board of Directors approved two new Targeted Action Fund (TAF) projects at its meeting July 19. The first involves a lawsuit by the City of Salem, Ohio, against the U.S. Environmental Protection Agency challenging total maximum daily load (TMDL) limits set for phosphorus in several Ohio

Rivers. The Association of Ohio Municipal Wastewater Agencies (AOMWA) asked NACWA to join in an amicus brief on behalf of Salem. The Board approved \$5,000 to cover NACWA's share of the cost for the brief.

The second TAF request approved by the Board would provide \$10,000 in both fiscal year 2006 and FY 2007 to update NACWA's October 2005 white paper on Financial Capability and Affordability in Wet Weather Negotiations (<http://www.nacwa.org/getfile.cfm?fn=2005-10NACWAWhitePprFinCapAff.pdf>.) The 2005 document has

received significant attention from EPA and its Environmental Financial Advisory Board, including mention this past June by Ben Grumbles, the EPA Assistant Administrator for Water, that the Agency would use it as a resource when it revises its own 1997 document on affordability.

In addition, the Board approved another \$28,800 in FY 2006 and \$4,000 in FY 2007 TAF funds for ongoing legal support, consisting of \$4,800 to support New York City's request for Supreme Court review in the Catskill Mountains Chapter of Trout Unlimited v. City of

New York, in which the city was fined for operating a drinking water tunnel without a NPDES permit; \$20,000 for general support to consult outside counsel on various legal and regulatory issues; and \$4,000 to assist the District of Columbia Water and Sewer Authority (DC WASA) fight numeric effluent limits for stormwater being sought by Friends of the Earth and Defenders of Wildlife before the Environmental Appeals Board.

For more information on these and other ongoing TAF projects, please click on the TAF icon on NACWA's website (<http://www.nacwa.org>). ♦



2007 Winter Conference to Focus on Key Utility Management Challenges

NACWA's Board of Directors acted in July to select a topic for the 2007 Winter Conference, January 30 - February 2, 2007, at the Renaissance Vinoy in St. Petersburg, Florida. The 2007 Winter Conference agenda will focus on the increasing pressure being exerted on the pocketbooks of the nation's public utilities by external, sometimes global forces.

The Board acknowledged that the consequences of a rapidly growing global economy, most notably the demand in China for construction and other materials, is already having real impacts on the costs of those materials in the United States. Hurricanes, flooding, and other natural disasters also



have wreaked havoc on supply chains and fuel costs - the ripple of these impacts is being felt by public entities nationwide, not just in the effected areas.

It seems certain that increasing energy costs, workforce and immigration issues, dwin-

dling supplies, and uncertainty abroad, will continue to impact public works construction in the US. Undoubtedly, municipalities will have to work to cope with rising costs across their operations brought about by these unexpected economic pressures.

With environmental regulations, consent decrees, and other mandates forcing municipalities to plan their public works budgets five, ten, and maybe twenty or more years into the future, the added level of uncertainty with regard to how far the public dollar will go in the out years is of critical importance. The content of the 2007 Winter Conference, as envisioned, would focus of these issues. The financial capability of our communities to continue to meet these growing challenges would be a major topic of discussion, as would the importance of asset management and the need for new financial paradigms.

We urge you to mark your calendar now and plan to attend this important conference. ♦

NACWA Pretreatment Workshop & Law Seminar to Deliver Exciting, Informative Programs

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the nation's waterways and will look at opportunities for collaboration with industry, EPA, and other stakeholders to address this increasingly complex problem.

NACWA looks forward to the Workshop in New Orleans and wishes the city well in its rebuilding effort.

NACWA's Clean Water Law Seminar to Focus on TMDLs, Construction Law, and Trading

Planning for the 2006 Developments in Clean Water Law: A Seminar for Public Agency Attorneys & Managers began in earnest when members of

the Association's legal community met during NACWA's Summer Conference to begin outlining the agenda for this year. The Seminar will be held November 15-17, 2006, at the Sheraton Boston, in Boston, Mass. NACWA is pleased that the American Bar Association's Environment, Energy & Resources Section and the New England Water Environment Association (NEWEA) - with membership in Connecticut, New Hampshire, Maine, Massachusetts, Rhode Island, and Vermont - will co-sponsor this year's Seminar. The Seminar promises to satisfy both new and advanced practitioners, with expected topics to include

construction law, total maximum daily loads (TMDLs) and liability issues related to water quality trading. The Seminar will also focus on traditional and non-traditional defensive tools available to municipal attorneys, including discussions on regulatory provisions relating to upsets and bypasses of the treatment process, permit shields, lab error, force majeure, common law defenses, and others. In addition, techniques for successful pairings between in-house and outside counsel to achieve success for clean water agencies will be discussed.

Professor Jody Freeman, Director of Harvard Law School's Environmental Law Program and

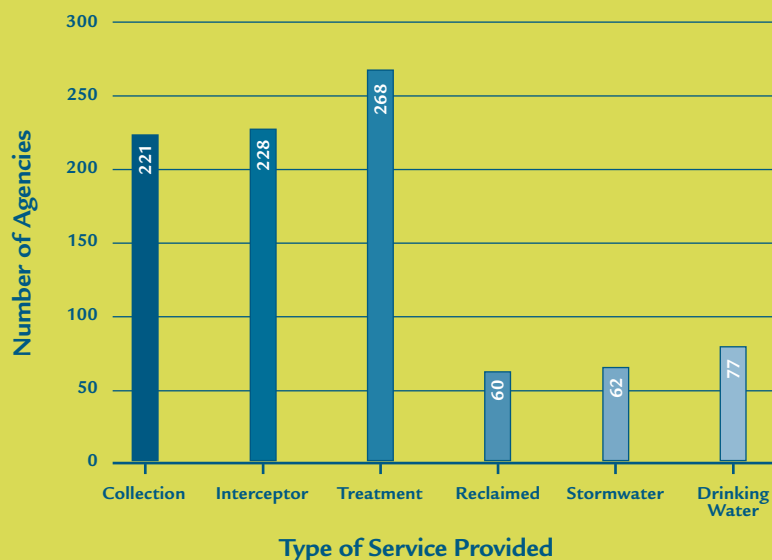
Robert Varney, Administrator of U.S. EPA's New England Region (I), have been invited to deliver addresses at the Seminar. Other topics scheduled for review at the Seminar include the latest developments in the separate sewer overflow arena from a regulatory and policy standpoint, science for lawyers, and enforcement. Registration information will be coming soon!

Keep an eye out on NACWA's Conferences & Meetings webpage for more information on the upcoming Pretreatment and Law Seminar as their agendas evolve (<http://www.nacwa.org/meetings/>). ♦

CleanWater Central™ Clips

Distribution of Agency Services

Based on 2005 Information for 280 Agencies



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NACWA Options Paper Eyes 2007 Farm Bill as Opportunity for Water Quality Improvements

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Agency (EPA) and U.S. Department of Agriculture (USDA) officials to build support for the Association's Farm Bill initiative. NACWA has long argued that despite the best efforts by publicly owned treatment works (POTWs), water quality goals cannot fully be met without a concerted effort to address nonpoint sources of pollution, particularly agricultural runoff.

The 2002 Farm Bill devoted a record amount of money to conservation measures. NACWA believes this trend is likely to continue and could dramatically benefit downstream users. NACWA will continue to work with other organizations to build strong support in Congress for increased funding for water conservation programs in the 2007 farm Bill. ♦