

CLEAN WATER NEWS

Rep. Thelma Drake (R-VA), Member of the House Resources Committee, received her Federal Public Service award from NACWA at the joint NACWA/Water Environment Federation National Clean Water Policy Forum on May 2, 2006.



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A Clear Commitment to America's Waters

April 2006

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NACWA's Summer Conference Will Challenge Traditional Approaches to Water Quality

NACWA's 2006 Summer Conference, *Cross-Cutting Clean Water and Drinking Water Issues...Challenging Traditional Boundaries*, will explore how current and future water quality and quantity demands will continue to blur the lines between what has historically been considered 'wastewater' and drinking water. New initiatives, including recent regulations that will change how drinking water providers disinfect their water, will also be drivers. NACWA, along with the American Water Works Association (AWWA), the Association of Metropolitan Water Agencies (AMWA), and the Water Environment Federation (WEF), are collaborating on the development of the program for NACWA's 2006 Summer Conference in an effort to inform utility leaders about the challenges clean water agencies

face and foster additional cooperation to hopefully prevent future conflicts.

Ben Grumbles, Assistant Administrator for EPA's Office of Water, has been invited to keynote the conference. With responsibilities for both water and wastewater functions at the Agency, Grumbles has first-hand knowledge of all the cross-cutting issues that the conference will cover. Grumbles will be joined by other EPA officials, as well as municipal representatives and other water experts, to further explore the current conflicts that have arisen in the water/wastewater sector and how a concerted, sector-wide collaboration will be needed to address these issues in the future.

NACWA's 2006 Summer Conference will be held July 18-21, at the Westin Seattle in Seattle, Wash. Other panels will explore emerging pollut-



Join NACWA July 18-21 in Seattle, Wash. for the 2006 Summer Conference and 36th Annual Meeting.

ant issues, demand for reuse-quality water, and pathogen issues. Details will be posted soon on NACWA's *Conferences & Meetings* website (<http://www.nacwa.org/meetings/>) and provided in future editions of the *Clean Water News*. ☘



Homeland Security

Science and Technology Directorate
Homeland Security Advanced Research Projects Agency

Chlorine Gas Decision Tool for Water and Wastewater Utilities
March 2006

Software Provided With Word and Excel. ©2006 Homeland Security

Chlorine Gas Decision Tool Now Available

NACWA has completed work on the *Chlorine Gas Decision Tool*, a CD-based application the Association developed for the Department of Homeland Security's (DHS) Advanced Research Projects Agency. While DHS understands that there may be no way to completely eliminate the use of chlorine gas in the water and wastewater industry, the Department is interested in encouraging utilities currently us-

ing gaseous chlorine for disinfection to consider alternatives. The *Chlorine Gas Decision Tool* is designed to provide water and wastewater utilities with a quick, but thorough, means of evaluating alternative disinfection options. The *Tool* allows users to identify the characteristics of a disinfection option that are most important to their agency (e.g., process reliability, safety to

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NACWA-WERF UAA Web Seminar Series to go “Beyond the Basics”

Mark your calendars now for NACWA and the Water Environment Research Foundation’s (WERF) unique web seminar series focused on the joint publication released earlier this year, *Collaborative Water Quality Solutions: Exploring Use Attainability Analyses (UAA Handbook)*. The web seminar series will be conducted in two sessions – the first on June 28 and the second on July 12 – from 2:00 to 3:30 p.m. eastern time on both days.

This series will enable utilities to inform large groups of staff on a key clean water issue without travel expense and with reduced time out of the office. The program is priced “per site,” allowing multiple

staff from the same utility to participate for one price. Web seminar registrations include both web seminars and one complimentary copy of the *UAA Handbook*, which the faculty will reference extensively throughout the seminar. Additional copies of the book can be purchased for staff participating in the web series for only \$25 per copy.

We are pleased to announce that faculty for the web seminar series will include several authors of the publication, including Tom Dupuis, John Spencer, Sherrill Doran, Bill McMillin, and Linda MacPherson of CH2M Hill, and Lori Terry of Foster Pepper PLLC. This group of experts will come together via the web seminar series

to provide participants with “beyond the basics” information and case studies focused on UAAs. Participants will be able to ask questions via e-mail or as part of a live question and answer session at the end of each seminar.

Some of the high-level topics to be addressed over the course of the series include stakeholder involvement, strategies for a successful UAA, conducting UAAs for aquatic life designated uses, conducting UAAs for uses related to human health, economic considerations, and implementation of UAA recommendations. The web seminar series also will cover some of the unique factors associated with UAAs for wet weather situations, modified urban environments, effluent-

dominated waters, ephemeral and intermittent waters, anti-degradation, antidegradation, and protection of downstream and other states’ water quality standards. Recognizing that a UAA may not be appropriate in every situation, the seminar series also will discuss UAA alternatives, including site-specific criteria, translators, adaptive management, variances, natural background conditions, water quality credit trading and offsets, changing compliance points, mixing zones, and revisiting instream low flow assumptions.

Register now for this cutting edge learning opportunity by visiting the NACWA or WERF websites (www.nacwa.org or www.werf.org). ♦

NACWA, Wet Weather Partnership Hosting Fourth CSO Workshop

NACWA will be working once again with the Wet Weather Partnership (WWP), in cooperation with the U.S. Environmental Protection Agency (EPA), on the fourth in a series of unique national workshops focusing on water quality compliance strategies and evolving issues in combined sewer overflow (CSO) long-term control plan (LTCP) development. To be held June 1-2 in Chicago, Illinois, the Work-

shop is specifically designed for, and presented by, municipal officials and their consultants and attorneys with responsibility for the oversight of their CSO control programs.

Among the issues to be covered are: EPA’s approach to Phase II CSO permit requirements – what every CSO program manager will face when a program is “complete”; trends in establishing CSO performance measures; innovative and significant aspects

of several recent CSO-related federal/state consent decrees; progress in conducting use attainability analyses (UAAs) for CSO systems; total maximum daily load (TMDL) developments affecting CSO long-term control planning; CSO blending/bypass operations; EPA’s proposal to establish significant noncompliance criteria for wet weather; highlights from NACWA’s recent *Financial Capability and Affordability in Wet Weather Negotiations* White

Paper; and highlights from the Water Environment Federation’s (WEF’s) latest guidance manual on *Managing Wet Weather Flows*, emphasizing risk/watershed-based approaches.

The NACWA/WWP workshops held in Spring 2005 and Spring and Fall 2004 sold out quickly, so make your plans to attend today. Registration information is available on NACWA’s website (www.nacwa.org) by clicking the *Conferences & Meetings* icon on the toolbar. ♦

NACWA Actively Engages EPA on Regulatory Initiatives

NACWA continues to work with the U.S. Environmental Protection Agency (EPA) by providing the Agency with input on a host of regulatory issues that are of significant importance to the clean water community. Current issues NACWA is involved in include an update of the Agency's 50 POTW (publicly owned treatment work) Study, providing documentation for affordability guidance, input on enforcement initiatives, and pollution remediation efforts.

NACWA Offers EPA Assistance in Sampling at POTWs

NACWA sent a letter to EPA on March 6 offering assistance in the Agency's effort to collect wastewater samples from a limited number of POTWs and requesting that the sampling be expanded to update the 50 POTW Study from 1982. The current EPA effort is intended to study the range of pollutants entering the headworks and assess the removal efficiencies of the plants. NACWA offered to provide EPA access to facility data collected by its members, which also meet EPA's standards for quality assurance and quality control, providing the best measure of the efficiency and effectiveness of control technologies used by clean water facilities today.

EPA Considers NACWA Report on Affordability

EPA's Assistant Administrator for Water, Benjamin Grumbles, said the Agency is "taking a hard look" at a white paper, *Financial Capability and Affordability in Wet*

Weather Negotiations, released by NACWA in November 2005 (<http://www.nacwa.org/getfile.cfm?fn=2005-10NACWAWhitePprFinCapAff.pdf>). Grumbles made his remarks at a meeting of the Environmental Financial Advisory Board at which he said EPA was developing affordability guidance that can be considered in the implementation of Clean Water Act programs. NACWA urges EPA to consider the cost of the full spectrum of Clean Water Act regulations when assessing the financial capability of wastewater utilities.

NACWA Plans to Meet with EPA on Upcoming Enforcement Policy

NACWA is planning to meet with representatives from EPA's Office of Enforcement and Compliance Assurance (OECA) on a draft enforcement policy being developed by the Agency. A draft of the policy was circulated among members of a state/EPA workgroup, but has not yet been made available to a broader group. NACWA is concerned about an effort by environmental activists to have EPA render clean water utilities in significant noncompliance if they have not implemented a long-term control plan or other measures to reduce combined sewer overflows (CSOs). OECA officials are keeping their plans under wraps, but said they are interested in the perspective of the wastewater treatment community.

NACWA Reviews GASB Standard on Pollution Obligations

NACWA is asking its members to review a new, proposed standard from the Government

Accounting Standards Board (GASB) – *Accounting and Financial Reporting for Pollution Remediation Obligations (Draft Standard)*. The *Draft Standard* is intended to improve how state and local governments account for any liabilities or expenses associated with the clean-up of pollution. The new GASB *Draft Standard* outlines when and how 'pollution remediation obligations,' in other words any liabilities (e.g., cost outlays) associated with addressing the current or potential effects of existing pollution by participating in remediation activities, should be reported in a government's financial statements. The *Draft Standard* appears to apply to the obligations of a local government to clean up a 'polluted' water body, for example under the total maximum daily load (TMDL) program. In fact, the *Draft Standard* references the Clean Water Act in its definitions section. However, the *Draft Standard* also notes that pollution remediation obligations do not include pollution prevention or control obligations with respect to current operations. NACWA is clarifying this issue with GASB and is requesting additional time, beyond the May 1, 2006, deadline to provide comments. For more information on this initiative, NACWA members can refer to Regulatory Alert 06-01 (<http://www.nacwa.org/private/regalerts/ra06-01.cfm>). 📌

NACWA Prepares Swift Response to “Daily” Load Court Ruling

In a decision with national implications, the U.S. Court of Appeals for the D.C. Circuit ruled on April 25, in *Friends of the Earth v. EPA*, that all total maximum daily loads (TMDLs) must specify daily pollutant loadings, and that if this is not possible EPA should either 1) seek an amendment to Clean Water Act (CWA) § 303(d) or 2) change the federal TMDL regulations. The court’s decision is posted on NACWA’s *Litigation Tracker* (<http://www.nacwa.org/getfile.cfm?fn=2006-04-25foeop.pdf>).

Recognizing the importance of a swift response to this decision, NACWA’s Board, and its Water Quality and Legal Affairs Committees, discussed strategic next steps in response to the court’s decision at NACWA’s pre-National Clean Water Policy Forum (*Forum*) meetings on April 30. To ensure that NACWA takes all necessary steps toward a sound approach to the TMDL case, the Association’s Board voted to provide Targeted Action Funds (TAF) for advocacy on all key potential fronts, including: 1) seeking Congressional support to amend the Clean Water Act’s TMDL definition; 2) preparing and filing a petition with EPA seeking to remove certain pollutants, which are unsuitable for daily loads, from the TMDL program; and 3) participating in any rehearing of the case before the DC Circuit or, given the new split of opinion on this very issue between the DC Circuit and the Second Circuit, perhaps before the U.S. Supreme Court.

Remarks by Ben Grumbles, EPA’s Assistant Administrator for Water, at the *Forum* confirmed that NACWA is evaluating the same pathways as the Agency. Specifically, Grumbles stated that EPA will be looking “at whether or not we can respond to the decision in a non-regulatory way, we will look at it to see if we need to revise our regulations on TMDLs, and we will also look at if the best approach is working with Congress on a targeted statutory change.”

This case specifically concerns TMDLs for dissolved oxygen (DO) and total suspended solids (TSS) for D.C.’s Anacostia River, which were expressed as annual and seasonal averages, respectively. The court did not accept EPA’s urging that the word “daily” in TMDL did not preclude expressing TMDLs in non-daily terms (such as seasonal or annual) where the pollutant of concern was not suitable for calculating daily loadings. The court reasoned that “daily means daily, nothing else.” The court further explained:

“The CWA requires the establishment of TMDLs only for “suitable” pollutants, 33 U.S.C. § 1313(d)(1)(C), and although a 1978 EPA regulation provides that “[a]ll pollutants ... are suitable for the calculation of total maximum daily loads,” 43 *Fed. Reg.* at 60,665, EPA conceded at oral argument that nothing forecloses the agency from reconsidering that position. Given that EPA’s entire justification for establishing non-daily load limits is that certain pollutants are unsuitable for daily load limits, we are at a loss as to why it neglected this

straightforward regulatory fix in favor of the tortured argument that “daily” means something other than daily. At any rate, EPA can change its regulation; we cannot rewrite the Clean Water Act.”

The court ultimately invites EPA to change its regulation stating that “[t]he parties may move to stay the district court’s order on remand to give ... EPA a chance to amend its regulation [that] declares ‘all pollutants ... suitable’ for daily loads.”

Practical arguments made by NACWA and the CSO Partnership (CSOP) in a 2005 *amicus curiae* brief were considered, but essentially brushed aside by the court’s straightforward analysis. Our brief showed how a stringent interpretation of the word daily in CWA § 303(d) would undermine CWA § 402(q)’s program for combined sewer systems and CWA’s § 402(p)’s

approach to municipal separate storm sewer (MS4) discharges. Responding to similar points made at oral argument by NACWA member agency the District of Columbia Water and Sewer Authority (DCWASA), the court stated “the tension between the CSO Policy’s flexibility and the perceived rigidity of daily loads exists only if daily loads must of necessity be set so low that any storm-event discharge would violate them – a premise unsupported anywhere in the record.” Again, the court concludes that “[i]f adherence to this mandate leads to unintended consequences for water quality or for municipal pocketbooks, interested parties should direct their concerns to EPA or to Congress.”

NACWA will keep the membership apprised of developments in this important case in the coming months. ♣



Among the highlights of the NACWA/Water Environment Federation (WEF) National Clean Water Policy Forum, May 1-3 in Washington, D.C., was a signing ceremony of a Statement of Intent formalizing a collaborative effort between six key water/wastewater sector organizations and the U.S. Environmental Protection Agency on behalf of effective water sector utility management initiatives. A representative from each organization and Ben Grambles (center) are pictured above. The executive directors of NACWA, WEF, the American Water Works Association (AWWA), the Association of Metropolitan Water Agencies (AMWA), the American Public Works Association (APWA), and the National Association of Water Companies (NAWC) signed the Statement of Intent, along with EPA’s Assistant Administrator for Water, Benjamin Grumbles. Grumbles referred to the Statement of Intent as “an historic step forward in cementing our partnership on sustainable infrastructure.”

Legal Briefs

NACWA continues its strategic legal presence on behalf of the clean water community. These *Legal Briefs* detail relevant legal activity and new developments. Additional details on NACWA's Clean Water Act (CWA) cases can be found in the Legal section of NACWA's *Member Pipeline* at www.nacwa.org by clicking on *Litigation Tracking*.



NACWA Efforts Yield Beneficial Changes to MS4 Permit

On March 14, EPA Region 3 transmitted the *Final Modification* to the District of Columbia's (D.C.) municipal separate storm sewer (MS4) permit. The *Final Modification* responds clearly to the August 2005 comments on the Region's *Proposed Modification*, filed by NACWA, the National League of Cities (NLC), the National Association of Flood and Stormwater Management Agencies (NAFSMA), the CSO Partnership (CSOP), the West Virginia Municipal League (WVML), and the Virginia Municipal League (VML) ("the municipal coalition"). The municipal coalition commented that the *Final Modification* must reference CWA § 402(p)'s specific standard for MS4s – that cities remove stormwater pollutants to the maximum extent

practicable (MEP) using best management practices. The *Final Modification* clearly states that D.C. is required to implement those MS4 controls necessary to reduce pollutants to the MEP to meet the water-quality based effluent limits of the permit, and to achieve effluent limits consistent with the wasteload allocations in relevant total maximum daily loads (TMDLs). Documents accompanying the *Final Modification* helpfully state that the permit language is designed to be consistent with the discussion of MEP articulated by the U.S. Court of Appeals in the 1999 *Defenders of Wildlife* case – the precedent-setting case on the MEP issue in which NACWA actively participated.

Central CSO Policy Questions Raised by Utility's Phase II Permit Appeal

On March 10, the Environmental Appeals Board (EAB) stayed until May 16 the appeal of NACWA member agency the District of Columbia Water and Sewer Authority's (DC WASA's) Phase II combined sewer overflow (CSO) permit appeal while settlement discussions continue. The EAB has noted NACWA and the CSO Partnership's May 2005 motion to participate in the appeal should it progress. This appeal has the potential to raise several precedent setting CSO issues, including whether EPA has the legal authority to include water quality based requirements in CSO Phase II permits in addi-

tion to LTCP derived numeric performance standards, and whether inclusion of a general narrative standard violates a permittee's ability to know, in advance, the scope of its compliance obligations. If the appeal proceeds, NACWA and the CSOP will provide the EAB with a national perspective on these questions.

Effluent Guidelines Case Ready for Oral Argument

Between January and March 2006, Our Children's Earth Foundation (OCEF) filed a series of ultimately unsuccessful motions seeking a significant number of extra pages for its final brief before the U.S. Court of Appeals for the Ninth Circuit in OCEF's appeal of the May 2005 federal court order affirming EPA's recent activities to implement the CWA's effluent limitations guidelines (ELG) program. As an intervenor in the case in support of the Agency, NACWA urged the appeals court in November 2005 to affirm the finding that EPA is implementing the ELG program properly and consistent with Congress' intent. NACWA plans to continue its support for the Agency by participating in oral argument before the appeals court, which will be held in California in early 2007.

EPA to Propose Rule Exempting Interbasin Transfers from Permit Program

Recently, NACWA filed amicus curiae briefs in two cases to support its member agencies

that move or pump untreated natural water for water management purposes, such as flood control or drinking water supply. In NACWA's briefs in *Catskill Mountains Chapter of Trout Unlimited, Inc. (TU) v. City of New York (City)* and *South Florida Water Management District v. Miccosukee Tribe of Indians*, the Association has asserted that the mere pumping or movement of untreated water by local governments does not require a National Pollutant Discharge Elimination System (NPDES) permit. In an encouraging turn, EPA has crafted a proposed rule which will codify – for the first time – the Agency's position that water transfers do not require permits. EPA initially expressed this position in briefs in the *Miccosukee* case, and subsequently in a 19-page August 2005 memorandum. The Agency has sent the proposed rule to the White House Office of Management and Budget and is anticipated to be re-released for public review in Mid-May 2006. ♠



NACWA Pays Tribute to 2006 National Environmental

NACWA is pleased to showcase its 2006 *National Environmental Achievement Award* (NEAA) winners in this issue of *Clean Water News*.

The NEAA program recognizes outstanding individuals and clean water agencies promoting environmental excellence. The 2006

NEAA winners were honored at NACWA's *Welcoming Reception* on Sunday, April 30, and during a special Awards Luncheon on

Monday, May 1, held in conjunction with the 2006 *National Clean Water Policy Forum*.

Senator Clinton and Representatives Drake, Dicks, and Johnson Honored with Federal Public Service Awards

NACWA is recognizing four national policymakers with Federal Public Service Awards for displaying extraordinary appreciation for the challenges facing clean water agencies. These honorees are:



- **Senator Hillary Clinton (D-NY)**, who continues to focus the nation's attention on the need for a federal recommitment to clean water issues. In 2005, she co-sponsored the bipartisan Water Infrastructure Financing Act – a bill to improve water and wastewater infrastructure funding by supporting the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund, Drinking Water State Revolving Fund, and grants for critical clean water and drinking water projects. This award also recognizes Clinton's continued advocacy for the water quality of New York State's treasured waterways as demonstrated by the passage of the Great Lakes Legacy Act and the Daniel Patrick Moynihan Lake Champlain Basin Act.



- **Representative Thelma Drake (R-VA)**, who is committed to meaningful, environmentally beneficial water protection efforts as demonstrated by her active support of blending as an acceptable method of addressing peak wet weather flows. Drake is also an active advocate of the recycling of biosolids.



- **Representative Norman Dicks (D-WA)**, whose advocacy and leadership have enabled cities like Tacoma, Wash., to be a leader in sustainable wastewater management. Dicks has been a consistent supporter of innovative and environmentally sound management of biosolids as demonstrated by his dedication to the National Biosolids Partnership. His unwavering support for clean water funding has also aided the wastewater industry, thus helping safeguard our nation's waterways and protecting our communities, economies and quality of life.



- **Representative Eddie Bernice Johnson (D-TX)**, an ardent supporter of increased federal funding for the nation's treatment plants through a clean water trust fund. Johnson has helped secure hundreds of millions of dollars for key water, air and other environmental priorities. She also consistently supports the need for strong science in developing environmental and water policy and is a leader on environmental justice issues.

Wilcher Honored with Public Service Award for Dedication to Environmentally Responsible Economic Growth



As head of the Kentucky Environmental and Public Protection Cabinet, **Secretary LaJuana S. Wilcher** is dedicated to helping the state raise the standard of living for all citizens through economic growth that is environmentally responsible and sustainable. Wilcher's Public Service Award recognizes her focus on building consensus among government, industry and public interest advocates, improving regulatory compliance, and revising laws and regulations to better protect the public and environment.

Four Leaders Recognized for Municipal Public Service

The following municipal leaders are recognized by NACWA for displaying extraordinary appreciation for the challenges facing clean water agencies. They are:

- King County Executive **Ron Sims**, who consistently finds innovative ways for King County to grow and thrive, while holding to the highest principles of environmental stewardship. Whether securing funding for a state-of-the-art wastewater treatment plant, or to purchase open space for natural stormwater management, or supporting the development of a fuel cell project to use methane gas for electricity, or a nationally recognized program for recycling biosolids, Sims demonstrates boldness and foresight in environmental protection, fiscal management, and innovative wastewater operations.

Achievement Award Honorees



• **John A. Coleman**, Board of Directors, East Bay Municipal Utility District and Vice Chair of the Dublin San Ramon Services District and East Bay MUD Recycled Water Authority, for his tremendous understanding of complex water and wastewater issues and his significant contributions to cutting-edge solutions to a variety of environmental challenges in the state of California through his extraordinary dedication to community service.



• City of Indianapolis **Mayor Bart Peterson** – a true clean water champion who has aggressively addressed Indianapolis' combined sewer overflows (CSO) problem by implementing the 1999 Peterson Plan – a bold, detailed vision that included an initial \$200 million investment in CSO-related projects and a large public outreach and education program to help pass significant sewer rate increases to fund improvements to the city's neglected wastewater infrastructure system.



• **Mayor Bruce Paone**, of Onancock, Va., for being a driving force in water quality policy and valid science in the state of Virginia. Under his leadership, Onancock used a permit appeal as a platform to support the Virginia Department of Environmental Quality's research intensive effort to develop new, scientifically-supported water quality standards. He is also an advocate for the consideration of financial burden on communities, and for funding for facility upgrades.

Anderson and Nellor Receive Distinguished Performance Award

The Distinguished Performance Award is reserved for individuals formerly representing NACWA member agencies who maintained an active role in the Association during their tenure. Receiving 2006 Distinguished Performance Awards are:



• **Blake Anderson**, former General Manager, Orange County Sanitation District, Fountain Valley, Calif., Blake was chosen for distinguishing himself as a leader in the Association's work on watershed management, serving as chair of NACWA's Comprehensive Watershed Management Committee in the early 1990s. While others doubted the need to address critical water issues on a watershed basis, Blake's vision, leadership and successful collaboration with clean water colleagues led to the development of the Comprehensive Watershed Management Act of 1993, which outlined early thinking on this important issue. Blake also made significant contributions to the Association's 2004-2005 *Strategic Planning Initiative*.



• **Margaret "Margie" Nellor**, former Assistant Department Head of Technical Services with the Sanitation Districts of Los Angeles County, Whittier, Calif. Margie's contributions to NACWA over the years continue to have a lasting and influential impact on the direction and intensity of the Association's pretreatment, water quality and mercury efforts. Under Margie's leadership, NACWA's Mercury Workgroup positioned the Association as a national leader and resource for information and guidance on the critical issues surrounding mercury in our nation's waters. In the pretreatment and water quality arenas, Margie's leadership on the Effluent Limitations Guidelines Task Force and the expert panel that continues its work on the issue of adaptive implementation of total maximum daily loads (TMDL) has been instrumental. Margie also led the Association's policy setting efforts as the Chair of NACWA's Regulatory Policy Committee for several years.

2006 President's Award Honors Aydlett, Dominak and Taylor

The President's Award is presented to individuals who have made a significant contribution toward achieving the goals and objectives of the Association. NACWA's 2005-2006 President, Donnie R. Wheeler, General Manager of the Hampton Roads Sanitation District in Virginia Beach, Va., has selected three distinguished individuals to receive this prestigious award. This year's awardees have contributed their passion, time and expertise to the Association and the clean water community as a whole. NACWA is most appreciative of the many contributions made by this year's President's Award honorees:



• **Guy M. Aydlett**, former Director of Water Quality, Hampton Roads Sanitation District, Virginia Beach, Va., was part of several standing committees for the Association. He is probably best known for his work as chair of NACWA's Pretreatment & Pollution Prevention Committee from 1993 - 2006 where he spearheaded several critical initiatives. For more than 10 years, Guy worked with other wastewater treatment officials and EPA to improve the National Pretreatment Program and ensure its effectiveness and efficiency. One result of his tireless effort is the Pretreatment Streamlining Rule, which was promulgated in December 2005.

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NACWA Pays Tribute with Selection of 2006 National

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• **Robert P. Dominak**, Residuals and Air Emissions Manager, Northeast Ohio Regional Sewer District Cleveland, Ohio, and **David S. Taylor**, Director of Special Projects, Madison Metropolitan Sewerage District, Madison, Wisc., receive 2006 President's Awards for their exceptional dedication to NACWA in overseeing the development and publication of "*Biosolids Management: Options, Opportunities and Challenges: A NACWA Handbook*." As co-chairs of NACWA's Biosolids Management Committee, Dominak and Taylor remained committed to this project from its beginning in early 2004 to the *Handbook's* release to the membership this May. Without question, the *Handbook* will be a ready reference and thought-provoking tool for public agency managers, key staff, and lawyers for years to come. The unwavering efforts of these two individuals significantly contributed to NACWA's tradition of developing and releasing top quality publications for the clean water community.



Three Gulf Coast Utility Leaders Honored with Special Recognition Awards

NACWA's Special Recognition Award is reserved for those occasions when commitment and service clearly makes a difference. Honored with this award in 2006 are three well-deserving wastewater utility leaders from the Gulf Coast region who distinguished themselves during the recovery following Hurricane Katrina. While all utilities in the Gulf Coast region responded to the crisis in heroic fashion, under these honorees' leadership, the wastewater utilities serving the cities of New Orleans, Biloxi, Gulfport, Ocean Springs, and Pascagoula quickly restored sewer services to the vast majority of homes and businesses that were still standing in these hard-hit coastal communities. These 2006 Special Recognition Awardees are:

- **Marcia St. Martin**
Director, Sewerage and Water Board of New Orleans, La.
- **Curtis Miller**
General Manager, Mississippi Gulf Coast Regional Wastewater Authority, Miss.
- **Kamran Pahlavanm**
Executive Director, Harrison County Wastewater & Solid Waste Management District, Miss.

NACWA Pays Tribute to Robbi Savage as she Departs ASIWPCA



Roberta "Robbi" Savage, who has been the Executive Director of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) for nearly thirty years, is a recipient of a NACWA Special Recognition Award for the integral role she has played in federal and state water policy formulation and implementation at the helm of ASIWPCA.

NACWA Honors 22 Member Agency Initiatives For Contributions to Environmental Excellence

Each year, NACWA's Awards Committee reviews a large number of worthy nominations for *National Environmental Achievement Awards*. This year's projects clearly demonstrate the Association's belief that wastewater utilities and their employees are true environmental stewards. NACWA congratulates all of this year's winners.

East Bay MUD Research Demonstrates Cost-Effective Production of Class A Biosolids

NACWA's Research and Technology Award is presented to member agencies for their contributions to the field of wastewater treatment or biosolids utilization and disposal. This year, **East Bay Municipal Utility District**, Oakland, Calif., is being recognized for their research to help clean water facilities better select thermophilic processes for pathogen reduction — a significant contribution to the industry as more local jurisdictions nationwide ban land application of Class B biosolids. Using East Bay MUD's research model — *The Contribution of Ammonia and Volatile Acids to Pathogen Destruction During Mesophilic and Thermophilic Anaerobic Digestion* — utilities can select an economical thermophilic anaerobic digestion process that minimizes modifications to their existing mesophilic anaerobic digestion system.

East Bay MUD Educational Partnership Helps Save the Bay

East Bay Municipal Utility District, Oakland, Calif., is also receiving a Public Information and Education Award for their unique public outreach and education campaign — *Pollution Prevention Partnership to Protect San Francisco Bay*, which they launched in 2005 with partner, Save the Bay. The partnership's goal is to reduce sources of residential water pollution through programs such as mercury thermometer exchanges, medication drop-offs, and a Bay-friendly car wash. Their effective public-NGO collaboration also leverages each organization's resources in new ways and beyond what either could have accomplished individually.

onal Environmental Achievement Award Honorees

City of Oxnard Recognized with Two Public Information and Education Awards

The **City of Oxnard Wastewater Division**, Oxnard, Calif., is the recipient of two 2006 *National Environmental Achievement Awards* in the Public Information & Education category. The first award is for their video project, *Follow that Flush 2*, a follow-up to the Wastewater Division's 1998 public outreach video that educates city residents about the Division's state-of-the-art facilities and their positive impact on the environment. *Follow that Flush 2* captures additional system demands and technological improvements and their immediate and long-term positive impact on the environment.

The City of Oxnard's second award is in the Public Information & Education – E-Media category for the development of the new Wastewater Division Website, www.OxnardWastewater.org. The E-Media award category recognizes outstanding member agency websites or downloadable programs that relate to wastewater treatment or pollution prevention.

Narragansett Bay Commission DVD Chronicles Rhode Island's Largest Public Works Project



^ *The Biggest Project You'll Never See* DVD shows rate payers CSO work taking place 300 feet below Providence.

Narragansett Bay Commission, R.I., is a Public Information and Education Award winner for their DVD, *The Biggest Project You'll Never See*, which describes the Narragansett Bay Commission (NBC) Combined Sewer Overflow (CSO) Abatement Project. The Commission's 360,000 rate-payers have seen their sewer rates double over the past four years to help finance the billion dollar CSO Project, which is Rhode Island's largest public works project ever. This DVD offers them a compelling visual chronicle that illustrates the connection between federal clean water mandates and local sewer rates. More information is available on NBC's website (<http://www.narragansettbay.com/CSO.asp>).

Hampton Roads 65th Anniversary Commemorative Calendar Honors Employees' Role as Environmental Stewards

The **Hampton Roads Sanitation District**, Va., is a recipient of a Public Information and Education Award for their publication, *The Seasons of Hampton Roads, Commemorating 65 Years of Environmental Protection*. This 14-month calendar features photographs of sunsets, shorelines and other scenes from the community taken by employees of Hampton Roads. The calendar also includes photos of individual employees in dedication to all Hampton Roads staff – the true environmental stewards who appreciate the beauty of the environment they labor each day to protect.

Western Carolina's Friendly Frog Encourages Children to Protect Water Resources



Western Carolina Regional Sewer Authority, S.C., is recognized with a Public Information and Education Award for their project: *The Freshwater Freddie Ultimate Water Guide for Kids*. This eight-page booklet is part of the Authority's ongoing effort to increase awareness about the importance of the wastewater treatment process in protecting local waterways. The guide, distributed through local newspapers and school districts, includes facts about water, the wastewater treatment process, and environmental issues and includes games and experiments children can participate in to understand the processes more thoroughly.

Toxic Dude Reminds Metro Water Services Customers to Not Treat Storm Drains as Dumps



Metro Water Services, Nashville, Tenn., is recognized with a Public Information and Education Award for their ongoing *Toxic Dude Campaign*. For many years, Nashville area citizens have referred to storm drains as storm sewers, implying that they are routed to a treatment plant. Metro Water Services' cartoon character, Toxic Dude, represents the average 'dude' who does not realize the ramifications of using storm drains as dumps. Toxic Dude raises awareness about stormwater issues and the link between stormwater management and water quality. This message is spread throughout the community by distribution of T-shirts, bus advertising, and the area's government access channel.

Metro Water Services Uses Thermography to Detect Leaks and Illicit Discharges into Waterways

Metro Water Services is also the recipient of a NACWA Operations Award for their use of thermography to identify leaking sanitary sewers and various other illicit discharges. Partnering with the Metro Police Department's Division of Aviation, Metro conducts flights in nearly all county watersheds to isolate water/sewer leaks as well as illegal discharges to streams. Metro has found thermography to be a powerful tool in helping clean up their water resources and remove streams from the 303 (d) list. They believe thermography holds promise in making periodic, wide scale leak/discharge detection investigations in urban settings not only possible, but cost-effective.

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NACWA Pays Tribute with Selection of 2006 National Environmental Achievement Award Honorees

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New Solids Management Building Reduces Fuel Costs, Air Emissions and Odors

Metropolitan Council Environmental Services, Minn., has been selected for the 2006 Operations Award for their new \$160 million Solids Management Building (SMB) located on the Mississippi River in St. Paul, Minn. The new SMB incinerators, along with new processes and equipment for solids dewatering, are reducing fuel costs, air emissions and odors resulting in a projected savings of \$3,400,000 for 2006. The system also recovers a significant amount of heat from the combustion process resulting in a savings from \$500,000 to \$600,000 annually. Enhanced air pollution control equipment is achieving upward of 90 percent reduction from 2004 emission levels for pollutants such as particulates, metals, carbon monoxide, and nitrogen and sulfur oxides. More information on the new facility is available on the Metro Council's website (<http://www.metro-council.org/directions/water/incinerators.htm>).

FlaWarn Partners Receive 2006 Public Service Award

Twelve NACWA member agencies are being recognized with a Public Service Award for their role in organizing and participating in the Florida Water and Wastewater Agency Response Network (FlaWARN). FlaWARN is the formalized system of "utilities helping utilities" to provide mutual aid during emergency situations. By requesting assistance through the FlaWARN website, utilities can match available resources to requests for assistance. Congratulations to the twelve NACWA members agencies leading the FlaWARN network: **JEA, Orange County Utilities, Toho Water Authority, Palm Beach County Water Utilities, Broward County Water and Wastewater Services, City of Tampa, City of Tallahassee Water Utility, City of St. Petersburg, Emerald Coast Utilities Authority, Collier County Public Utilities, South Central Regional Treatment Board, and City of Boca Raton Utility Service Department.** You can read more about FlaWARN at <http://www.flawarn.org>.

Greenseams Program Acquires Undeveloped Land to Preserve Hydric Soils

Milwaukee Metropolitan Sewerage District (MMSD), Wis., is the recipient of a 2006 Special Recognition Award for their Greenseams Program. Initiated in 2000, the Greenseams program works with landowners, local community groups, and municipalities to purchase undeveloped land along stream corridors within the District's area watersheds. The land is then utilized to preserve the ability of native soils to infiltrate stormwater and help reduce the risk of flooding. Greenseams is an innovative, non-structural flood management program that permanently protects key lands containing water-absorbing soils within the MMSD service area. In addition to protecting hydric soils, the program ultimately protects local river and stream corridors that connect the region's public properties, providing secondary benefits of habitat, public recreation and water quality enhancement. For more information on MMSD's Greenseams program, visit their website (<http://www.mmsd.com/floodmanagement/greenseams.cfm>).

Get Your Agency Recognized!

All NACWA member agencies are eligible for the National Environmental Achievement Award Program. Information, criteria, and application materials for the 2007 National Environmental Achievement Awards Program will be distributed via a *Member Update* and made available on NACWA's homepage (www.nacwa.org) in late 2006. For more information on NACWA's awards and recognition programs, please contact Shawnita Dickens at 202/833-1449 or sdickens@nacwa.org. ♦

Nanotechnology – Environmental Boon or Emerging ‘Pollutant’?

NACWA is closely tracking an emerging issue that will no doubt have implications for wastewater utilities in the future. The U.S. Environmental Protection Agency (EPA) has looked to nanotechnology for its potential to assist in environmental clean-up activities, but the unique properties that make nanomaterials effective at cleaning up pollution also make their behavior in the environment

unpredictable. Nanotechnology refers simply to the manipulation of materials at dimensions of roughly 1 to 100 nanometers, where some substances exhibit unique properties. Silver, for example, acts as a powerful antimicrobial at the nanoscale. NACWA recently learned of a new line of washing machines that relies on the disinfection properties of silver molecules, and wrote EPA's Administrator, Stephen John-son, to alert the Agency to the potential

impact these types of consumer products have on water quality. Designed to introduce silver ions into every load of wash, the impact of the silver discharges from these machines was apparently not a consideration when it was originally designed and approved for sale to consumers.

This lack of a complete life-cycle analysis for the product is indicative of a larger problem at the federal level. Most, if not all, of the emerging pollutants that have

NACWA, Stakeholder Groups Seek Co-Sponsors for Trust Fund Legislation

NACWA has used, and other national organizations comprising the Water Infrastructure Network (WIN) will be using, their Washington, D.C., Spring 2006 meetings and legislative fly-ins to generate congressional support for the *Clean Water Trust Act of 2005* (H.R. 4560). NACWA is urging member water utilities to recruit their Representatives as co-sponsors of the bill. H.R. 4560, introduced in December 2005 by Representative John J. Duncan, Jr. (R-TN), Chairman of the House Transportation and Infrastructure Subcommittee on Water Resources and Environment, establishes a federal clean water trust fund that would provide approximately \$7.5 billion annually from fiscal year (FY) 2006 through FY 2010. The five-year, \$38 billion legislation would create a sustainable, reliable source of

federal funding to supplement existing local revenue for communities to address wastewater infrastructure needs.

Significantly, Chairman Duncan recently released a "Dear Colleague" letter that urges other Representatives to support H.R. 4560.

Fiscal Pressures Increase

The new round of cuts to clean water programs, as proposed in the FY 2007 budget of the U.S. Environmental Protection Agency (EPA), and the anticipated end of the federal contribution to the Clean Water State Revolving Fund (CWSRF) in 2011, will increase fiscal pressures on wastewater utilities' budgets to both comply with an increasing number of regulations and to repair and replace aging plants and collection systems. At a March 8 hearing in the House Subcommittee on Water Resources and Environment on



EPA's proposed FY 2007 budget, Chairman Duncan stated, "The consequences of failing to invest are severe. Without upgrades to wastewater infrastructure, not only will we fail to make progress in water quality, but as our population increases, we will lose the gains we have made over

the past 30 years." NACWA, stakeholder groups, and supporting organizations will work together for the remainder of the 109th Congress to inform lawmakers on the need for a clean water trust fund and to recruit them as co-sponsors onto H.R. 4560. ♦

been garnering so much attention lately have entered the nation's sewer systems legally through the use or consumption of materials like pharmaceuticals and personal care products. Nanotechnology is one more example of where the use of materials has outpaced our ability to evaluate their potential long-term impacts. While many have looked to wastewater treatment plants to serve as the primary vehicle in removing these emerging contaminants

from their discharges, NACWA continues to highlight the role that source control and product substitution can play should these contaminants pose a threat to human health or the environment.

Currently, the debate over nanotechnology is focused on determining what, if any, current regulatory authorities will govern the use of nanotechnology. At this point, there is very little consensus on how to approach the regulation of nanotechnology,

and there has been some discussion of congressional action. NACWA's new Emerging Contaminants Workgroup will be ramping up its activities in the coming months and nanotechnology will certainly be added to the growing list of issues for this new group to tackle. ♦

Chlorine Gas Decision Tool Now Available

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the public) and then rate the different disinfection alternatives for each characteristic. With some basic chemical use information and cost figures, the tool provides a cost-benefit analysis for the alternatives based on the agency-specific information provided; allowing the user to see what alternative(s) may be feasible.

The *Tool* is not designed to enable utilities to make the final decision of whether

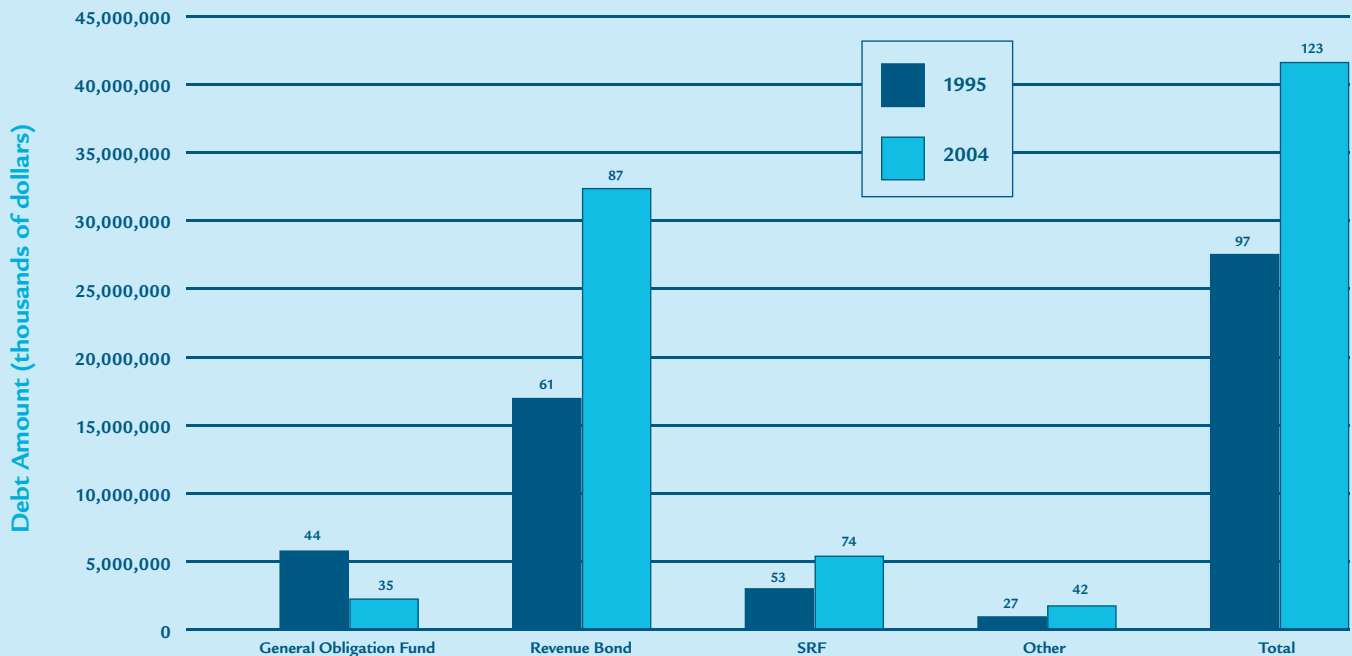
to invest in an alternative disinfection approach, but will provide them with enough information to decide whether a more formal engineering analysis is warranted. The *Tool* includes a Report Template which, with the addition of some utility-specific information, provides the user with a ready-made report to detail the results of the analysis. DHS is requesting that utilities who use the *Tool* submit these final reports to them so the Department may gain a better understanding of the security

needs in the sector. All submissions will be controlled using appropriate handling protocols to ensure they remain secure.

DHS has asked that NACWA limit distribution of the CD to only water and wastewater utilities. Consultants or other non-utility entities must have their utility clients contact NACWA to obtain a copy of the CD. To request a CD, use the following link: www.nacwa.org/dcd.cfm and click on the *Publications* link on the toolbar. 💧

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