



**Minutes of
July 8, 2009 Meeting
at L/E WWTP, Littleton, CO**

In Attendance:

Paul Grundemann	CWSD
Bob Anastov	City of Aurora
Amy Woodis	Metro WRD
Andrew Neuhart	WQCD
Jim Kendrick	Monument Sanitation
Sadie Hoskie	US EPA Region 8
Jerry Raisch	Vranesh & Raisch
Nancy Keller	Pueblo
Blair Corning	SACWSD
Dennis Stowe	L/E WWTP
Jill Piatt Kemper	Aurora
Dave Meyer	City of Westminster
Richard Leger	Aurora
Connie King	Colorado Springs Utilities
Mary Gardner	L/E WWTP
Ginny Johnson	Colorado Springs Utilities
Tim Grotheer	Carollo Engineers
Paul Ferraro	Ferraro Associates / CWWUC

I. EPA - The New Administration's Policies, Direction and Activities, Sadie Hoskie (US EPA, Region 8)

Sadie is the Director of the following water programs:

- Regulatory Programs of both Water and Wastewater
- NPDES
- Underground
- Public Drinking Water
- Underground Storage
- State Revolving Fund

She gave an overview of the new administration's policies, direction and activities as follows:

- Lisa Johnson is the new EPA Administrator.
- Peter Silva has been nominated to be the new Assistant Administrator for Water, but has not yet been confirmed.
- New Initiatives
 - Urban Water
 - Nutrients
 - FY10 Budget
 - Stimulus Bill
 - Clean Water Enforcement Program
 - Water Conservation
- Carol Rushin is the Acting Regional Administrator for Region VIII.
- The proposed FY10 Budget is \$10.5 Billion, which is the largest in the history of EPA and is an increase of \$2.9B over FY09 budget. State Revolving Fund Program is proposed to increase by \$1.5B to \$3.9B for FY10. The requirements include Buy American, Davis Bacon and Green.
- Sadie's full presentation is attached.

II. June Hearings - Final action by the Commission will be in August.

III. Updates

- **CWUC.** Wastewater and solid waste from water treatment facilities are under review.
- **WEF - Biosolids.** Westminster received a quick response from the State on its program.
- **Antidegradation.** A letter was sent to Steve Gunderson on June 15, 2009 responding to the Division's comments. Nothing new has come of it yet. The Division is doing some work on the issue. Members questioned if there is a need to pull all of the data from Council members and whether the Council should have a consultant compile the data. Paul G. and Mary will prepare an email on how members should submit their data.
- **WET.** Nancy submitted the following write up regarding WET:

The federal government federalized a Texas permit for the San Jacinto Water Authority. In so doing, EPA Region 6 concluded that the Texas Commission on Environmental Quality (TCEQ) WET implementation policy, which it previously approved in November 2002 as protective of Texas Surface Water Quality Standards, and on which the TCEQ's decision and state hearings were based, did not meet the requirements of federal regulations. Based on this reversal of its previous legal opinion EPA issued a final NPDES permit including both lethal and sublethal WET limits.

The San Jacinto Water Authority filed a petition for review with EPA. After much political pressure the Environmental Appeal Board withdrew the permit and indicated they would make modifications and seek public comment. Since that time San Jacinto Water Authority has continued to perform TRE testing and has shown that the toxicity is due to high alkalinity and low calcium in the groundwater that is the drinking water source. Their two treatment plants that serve different areas but have the same source water have 43% and 40% failure rate for sublethal testing. A mock effluent with the same mineral components also had a 40% failure rate. The Texas State Report that was given at the June WESTCAS conference with a list of items that are under negotiation with the position of the Coalition, TCEQ, and EPA Region 6. EPA Region 6 has not been receptive to negotiations with TCEQ nor the Coalition that represents all wastewater facilities in the State of Texas.

The Coalition is seeking assistance of National Association of Clean Water Agencies (NACWA) to negotiate with EPA Headquarters on the outstanding issues. Many of these issues will directly impact the Colorado dischargers if they are not resolved appropriately in Texas. Nancy Keller requested that the Council have Tim Moore write a letter supporting the Coalitions efforts and support their request for NACWA to work with the Coalition to negotiate with EPA Headquarters. A motion to do so was made and passed. Nancy will contact Tim Moore.

- **Stimulus Package.** The State is moving on getting the funds out.
- **Reg #38.** No report.
- **Stormwater Council.** Jill Piatt Kemper discussed the current issues.

IV. Open Discussion

- Chlorine. There are bills in Congress requiring putting Water and WWTP facilities under Homeland Security. The Council wants to stay under EPA regarding chlorine use.
- Fee Bill will be difficult to support by the WWTPs. Andy noted there will be a fee bill next year. State employees will have four furlough days without pay per year.
- EPA oversight. EPA reviewed all permits sometime ago. Two years ago - none. Now, they are commenting again.
- Tim mentioned that the Division is struggling over the definition of a collection system that will require a certified operator.

The meeting adjourned at 3:00 PM.

Next Meeting: August 12, 2009 at 1 PM at L/E WWTP

Presentation to the Wastewater Utility Council

7/8/09

Sadie Hoskie

Good afternoon. I appreciate the opportunity to talk to you today about a few topics from the Environmental Protection Agency. I've been asked to cover the new **Administration's priorities**. So I'll share information on the pieces of the agenda that are already in place: **Urban Waters, Nutrients, and EPA's proposed FY 10 budget**, the new **American Recovery and Reinvestment Act or ARRA**, and last but not least the **Clean Water Act enforcement** initiative which is very new (but I will share some details with you) and a little bit on **Water Sense**.

As you all know, we have a new Administration in Washington. We also have a new EPA Administrator - Lisa Jackson. A number of key positions in our HQ office, such as the **Assistant Administrator for the Office of Water are still vacant**, although the President has nominated Peter Silva to serve in this position. The status of his nomination and confirmation is - he had his Senate Environment and Public Works Committee hearing on May 12th. The Committee voted to approve his nomination on June 10th, and the next step is consideration by the full Senate. We don't know exactly when the vote will be -- presumably very soon.

In terms of some background for Mr. Silva - he is a Civil engineer with nearly 32 years of experience in the water and wastewater fields. He has served in varying capacities in the public sector specializing in water resources policy with extensive experience in US-Mexico border issues. His last job was with the Metropolitan Water District for Southern California as a Senior Policy Adviser.

Locally, here in the Denver Regional Office, the position of **Region 8 Regional Administrator is still vacant**, and Carol Rushin has been serving as our Acting RA.

Administrator's Priorities

The administrator has emphasized **science-based decision-making, the rule of law, transparency and accountability** in many of her speeches. She is also very interested in **vulnerable communities** (communities at risk, EJ). These themes and values drive her priorities.

The Administrator has shared with us some of her priorities for our Agency. They are ensuring greenhouse gas reductions are achieved, air quality is improved, chemical risks are better managed, more hazardous waste sites are cleaned, and **America's waters are better protected**.

Administrator Jackson is clearly committed to moving forward on President Obama's and her priorities. She has already taken several actions and decisions that have given us the opportunity to proceed with some very important actions with regard to the National Water Program. Some key examples include:

- Implementing the American Recovery and Reinvestment Act of 2009.
- Working with the Administrator and Congress to clarify the definition of "waters of the U.S." and CWA jurisdiction.
- Strengthening our efforts to restore the Chesapeake Bay under the President's Executive Order.
- Developing an 'Urban Waters Initiative'.
- Developing a nutrients strategy to address this pervasive water quality problem.
- Continuing to work on several challenging rulemakings and lawsuits.
- Planning a Tribal Summit to continue building the capacity of tribal governments to implement environmental programs.

- Responding to public health threats, such as the TVA ash spill, and the Decatur, Alabama perfluorinated compounds in soil and sludge samples.
- Expanding cross-office efforts to adapt our programs to impacts of climate change.
- Working to fashion a new inter-agency approach to regulating mountaintop mining and to review pending permits.
- Addressing critical wetlands decisions.

This list is by no means complete – it is mainly to let you know that even while we don't have a confirmed AA, we have been continuing to not only conduct 'business as usual,' but we have been moving forward with Agency priorities.

Urban Waters

EPA Administrator Jackson has asked the Office of Water to lead an "Urban Waters" effort focused on reconnecting urban communities with their water environments - rivers and other water bodies. Currently, there is a workgroup of managers and staff from the Office of Water, the Office of Environmental Justice, and the Office of General Counsel at the initial stages of scoping out possibilities for this effort; the workgroup will soon include representatives from the OPPTS and OSWER.

Nutrients

Nutrient contamination has dramatically escalated over the past 50 years and now poses significant water quality and public health problems across the United States. In terms of growing drinking water impacts, expanding impaired inland waters and compromised coastal estuaries, nitrogen and phosphorus pollution has the potential to become one of the costliest, most difficult environmental problems we face in the 21st century.

The four major sources of excess nitrogen and phosphorus pollution derive from agriculture (livestock and row-crop activities), municipal wastewater treatment, urban storm water runoff, and atmospheric deposition of nitrous oxide from motor vehicles and fossil fuel power generation plants.

Current efforts to control nutrients have been hard-fought but collectively insufficient at both a state-wide and national scale. Perhaps even more disturbing than our currently inadequate nutrient control strategies, is the certain knowledge that as our population increases by over 150 million over the next 40 years, the rate and impact of nitrogen and phosphorus pollution will accelerate – diminishing even further our progress-to date.

The Administrator's new initiative to address nutrients would provide increased funding to address point sources and non-point sources of nitrogen and phosphorus pollution, and to address air deposition contributions to the nutrient problem. Specifically, the initiative will accelerate and expand the implementation of the nutrient reduction strategies.

FY-10 FUNDING

In the President's budget for FY2010, it is proposed that EPA will receive one of the highest budget increases ever in its history. This is good news. In the last ten years EPA's budget has ranged from \$7.4 to \$8.4 billion. In FY 2010 the budget for EPA is **proposed to be at \$10.5 billion**. This proposed increase is a **\$2.9 billion increase over the FY 2009 enacted budget**, and substantial increases in high-profile areas such as **wastewater and drinking water infrastructure**.

The **Clean Water and Drinking Water State Revolving Funds are slated to receive \$3.8 Billion** in FY10 as compared to \$1.5 B in FY09. These funds as you know are to sustain communities, encourage and support green infrastructure and preserve create jobs and strengthen communities' ability to finance critical projects documented by the Clean Watershed Needs Survey. DW funds are to support sustainable drinking water infrastructure. EPA, in consultation with its partners, will develop a sustainability policy to encourage conservation and provide long-term funding for future needs.

Other water specific budget news include: **\$10.7 Million Increase for Water Section 106** – for states' core water quality programs for activities such as addressing the NPDES expanded universe of regulated entities, including CAFOs and to tackle more difficult TDMLs for pollutants such as mercury and nutrients.

\$6.6 Million Increase in the Public Water System Supervision to assist the states in complying with drinking water standards; particularly to conduct sanitary surveys for the additional 140,000 ground water systems as required under SDWA and the Ground Water Rule.

Some items that were not funded include the Homeland Security grants (DW) (-\$4,950.0) These grant funds were eliminated for drinking water and wastewater systems due to low use and decreased state demand

ARRA – STIMULUS FUNDS

The new American Recovery and Reinvestment Act of 2009 was signed into law by the President on February 17, 2009. This unexpected and increased workload has kept all of us extremely busy. The Act provided **\$6 billion in CWSRF and DWSRF funds** to the States (\$4 B CW and \$2 B DW) for wastewater and drinking infrastructure. That's about **4x the average annual appropriation over the last decade!**

R8 Amounts of these funds: CW \$128 M and DW \$132 M

Grant Award Status: 10 of 12 grants awarded, 2 applications are in the final stages of being awarded.

There are new requirements that we have never had to implement before in awarding grants to States. Some of these include **green infrastructure** or green project reserve (20% of all state SRF funds have to be spent on green projects), Davis-Bacon wage requirements and the Buy American provision on goods and services. In addition, all projects funded by ARRA funds have to be under construction or contract by February 17, 2010.

Some of the green projects that we have seen come in for funding include: biogas capture, solar power/photovoltaic projects, hydropower/micro turbine and many water efficiency/conservation/reuse projects.

CWA Enforcement

This week, the U.S. Environmental Protection Agency made available comprehensive reports and data on water enforcement in all 50 states to enhance transparency and to promote the public's right to know about water quality and EPA's actions to protect it.

In a memo issued last Thursday, Administrator Jackson directed the EPA's OECA to develop an action plan to enhance public transparency regarding clean water enforcement. She called for a stronger enforcement performance at federal and state levels. She stated, "The American public has a right to expect their water will be clean, and EPA has an obligation to use its resources and authorities to the fullest to ensure this result."

These actions are among several aggressive steps taken by the Administrator to improve the nation's water quality by increasing transparency and effectiveness of the Agency's clean water act enforcement program.

The administrator's memo directed the agency to take several actions: including,

- Improve and enhance the information available on the EPA website on compliance and enforcement activities in each state, showing connections to local water quality where possible.
- Provide information in a user-friendly format that is easily understood and useable by the public.

- Raise the bar for clean water enforcement performance and ensure enforcement is taken against serious violations that threaten water quality.
- Improve EPA's enforcement performance in states where EPA directly implements the clean water program.

She further directed OECA to work with the Office of Water and to consult closely with EPA's 10 regional offices and the states on the action plan. She expects a report back in 90 days. (more information on EPA's website).

Water Sense

A last topic that I would leave with you is Water Sense. Water Sense is an EPA labeling program to promote and enhance the market for water-efficient products, services and practices. It is similar to the very well known Energy Star program. Water conservation is always encouraged and should continue to be. In our view, water conservation = energy conservation leads to a reduction in GHG emissions, which is an Agency priority, plus it just makes sense, because of our climate conditions here.

Water shortages have typically been a concern in the United States, especially here in the Western United States. By choosing products with the Water Sense label, we will save water for the future generations. And most importantly, the environment benefits from a few simple actions that we all can take without any sacrifice to quality or product performance. Main goal is to decrease water use and help customers differentiate between products in the marketplace, while ensuring product performance and encouraging innovation in manufacturing.

EPA sets criteria for water efficiency and performance. Any product that meets these criteria, as certified by a third party, is issued a Water Sense label making it easy for consumers to make smart choices for water-using products. For example: the WaterSense label appears on high-efficiency toilets that use 20 percent less water than the standard models. More than 1,000 product models have been certified to WaterSense specifications to date.

Products are now found in the Denver area. Denver regional water utilities are offering rebates to customers who purchase products. In the Denver regional market, over \$1.5 million is budgeted regionally for rebates in 2009. Local rebate programs include Aurora Water, City of Boulder, City of Thornton, City of Westminster and Denver Water. I want to express my appreciation to these cities for their endorsement of water conservation efforts through the Water Sense program.

These are all of the topics that I wanted to talk to you about and thank you for having me at your conference.

