

## A Message from the Executive Director

By Carol Batterton, Executive Director



We had a tremendous turnout for the Water Quality Regulatory session at Texas Water. Special thanks go to **Tim Williams**, Managing Director of Government Affairs at WEF, for a very informative update on current activities in Congress. If you missed this year's session, we hope you will make plans to attend next year.

### Update on TCEQ Rulemaking

**Design Criteria.** The deadline for comment on the Chapter 217 design criteria rules was April 14, 2008. WEAT anticipates supported adoption of the rules, and submitted comments prepared by the Biosolids and Collection System Committees. The estimated adoption date for these rules is September 2008.

**Surface Water Quality Standards.** Representatives of WEAT along with representatives of TWCA, TACWA, and TML met with TCEQ staff on March 24 to present the joint resolution from our associations and to discuss approaches to revision of the Texas Surface Water Quality Standards. TCEQ staff were receptive to our concerns, and we are optimistic that our requested changes will be seriously considered. However, TCEQ also has to follow directives from EPA, particularly with respect to implementation procedures for sub-lethal effects. We will be considering how to pursue these issues with EPA Region 6. TCEQ expects to have a working draft of proposed rule changes on their website the week of April 7, and will schedule another stakeholder meeting for early May.

**Compliance History.** The rules were scheduled once again for proposal on April 11, 2008, but postponed. This proposal provides changes to the CH formula which would exclude self-reported data from CH determinations unless the data were used in an enforcement action, add complexity to the formula, and include positive factors in the CH calculation. It would also redefine repeat violators as having more than one of the same major violations. As of this writing, WEAT anticipates supporting proposal of these rules. The Government Affairs Committee will be evaluating these proposed rules and determining if WEAT should make any comments.

### **Reclaimed Water Production Facilities Rule.**

These rules provide for a streamlined authorization process for construction and operation of reclaimed water production facilities at a location other than a permitted wastewater treatment facility. Scheduled proposal date

is June 4, 2008. WEAT supported initiation of this rule-making. WEAT's Reuse Committee will be reviewing the proposed rules.

**HB 2654: UIC Class I Nonhazardous Rules for Water Treatment Residuals.** This rulemaking will allow the commission to issue a general permit for Class I nonhazardous wells injecting desalination concentrate and other water treatment residuals from public water systems. This rulemaking will also revise technical standards to be equivalent with federal Class I nonhazardous regulations. WEAT's Ground Water Committee reviewed these rules and provided comments.

### Congressional Update

Patricia Sinicropi, WEF Legislative Counsel, recently distributed the following summary of activities to date on H.R. 5577, the Chemical Facilities Anti-Terrorism Act of 2008. This bill would remove the current exemptions enacted in 2006, and require water and wastewater

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facilities to conduct vulnerability assessments, site security plans and emergency response plans and submit these plans to the Department of Homeland Security (DHS).

“During the 110th Congress, the House Homeland Security Committee, chaired by Congressman Bennie Thompson (D-MS), introduced legislation, H.R. 5577, the Chemical Facilities Anti-Terrorism Act of 2008 which would, among other things, discontinue the current exemption for water and wastewater facilities. The legislation was reported out of the House Homeland Security Committee in early March and referred to the House Energy and Commerce Committee for review based on this committee’s jurisdiction over hazardous chemicals. A request for jurisdictional review has also been made by the House Transportation and Infrastructure Committee because the legislation requires wastewater utilities to comply with it.

Specific highlights of H.R. 5577 relevant to wastewater utilities include:

- Requirement that covered facilities submit vulnerability assessments and site security plans to the Secretary of DHS, with additional requirements for facilities deemed to be high-risk by the Secretary.
- Enforcement provisions that include DHS authority to shut-down high-risk drinking water and wastewater facilities that do not comply with DHS orders if DHS determines continued operations would pose a danger to homeland security.
- DHS authority to require drinking water and waste water facilities use alternative disinfection technologies, if funding is provided.

Competing House legislation has been introduced by Congressman Albert Wynn (D-MD) with the same title, H.R. 5533. This legislation basically mirrors the legislative language enacted in 2006 and continues current exemptions granted in that law, including the exemption granted to drinking water and wastewater facilities. H.R. 5533 was introduced and immediately referred to the House Energy and Commerce Committee where it awaits action.

The Water Environment Federation has taken the position that publicly-owned treatment works should continue to be exempted from DHS regulatory requirements, and, in the alternative, that legislation regarding security at wastewater treatment facilities should be enacted that takes into consideration the unique responsibilities and characteristics of municipal wastewater utilities, with oversight given to the Environmental Protection Agency, rather than to DHS. For this reason, WEF wrote

a letter to Transportation and Infrastructure Committee chairman James Oberstar (D-MN) that supported his committee’s request for jurisdiction over the POTW-related provisions of H.R. 5577.

WET Tech Talk Continued from page 11**SUMMARY**

On the whole, the pilot study was very successful, producing an abundance of data for indirect potable reuse technologies, providing a critical comparison of tertiary filtration options, generating baseline design information, and allowing Plant personnel to become familiar with the new technologies being considered for full-scale use. With the exceedingly high proportion of dissolved phosphorus in Southside’s wastewater, it would be advantageous to examine potential upstream treatment options such as chemically-enhanced primary treatment, or a pretreatment scheme designed specifically for phosphorus removal to ease the burden on the tertiary/membrane process. With a decreased level of precipitated phosphorus being applied to the membranes, sustainable flux rates would see a dramatic increase, thereby reducing capital and operations costs.

**ABOUT THE AUTHOR(S)**

Adam Evans is a water/wastewater engineer in HDR’s Dallas office. HDR is at the forefront of the reuse and sustainability landscape in Texas and the greater Southwest region, providing consulting and design for indirect potable reuse, direct Type I and II reuse, collection system scalping plants, and LEED-certified facilities. Adam can be reached at Adam.Evans@hdrinc.com.

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In other news, we also hope you have a chance to attend the 2008 WEF Young Professionals Summit being held in Austin on May 1st. And a special thank you to the WEAT Leadership for sponsoring the Young Professionals Social at the Iron Cactus on 6th Street. We will have a blast!!!

Please note that if you are in a section that currently does not have a YP section representative, we would love to have someone step up and take that job. Additionally, if you would like more information on how to start a WEAT Student chapter or have any questions about being part of the WEAT Young Professionals, please feel free to contact Trooper Smith (tws@freese.com) or Alissa Shackelford (ShackelfordAR@cdm.com), your WEAT Young Professionals Co-Chairs.