Regulatory Talks

By Neda Simeonova

2009 legislative and regulatory overview

Since the enactment of the Safe Drinking Water Act (SDWA), public water systems must meet extensive regulations. The U.S. Environmental Protection Agency (EPA) has regulated approximately 90 drinking water contaminants, and more regulations are pending in an effort to assure high-quality water supplies. As the new administration began making its mark in 2009, a significant number of water and wastewater bills were introduced in the House of Representatives or the Senate. To date, not many of these bills have actually passed into law, but there has been plenty of activity.

Year in Review

In July 2009, the Safe Drinking Water for Healthy Communities Act of 2009 was introduced to the House. The act amends the SDWA to require the EPA to promulgate a national primary drinking water regulation for perchlorate within 12 months of the bill's enactment. Since then, this bill has been referred to the House Committee on Energy and Commerce.

2009 was also the year in which the public became aware of the presence of pharmaceuticals and personal care products in drinking water sources. This resulted in the National Water Research and Development Initiative Act of 2009, which passed the House and was sent to the Senate. The act is designed to coordinate national research and development efforts regarding water use and supply, and it calls for federal research on the impact of trace amounts of the compounds in treated drinking water.

The Safe Drug Disposal Act of 2009 followed shortly after. Currently in Congress, the act will require the disposal of controlled substances by ultimate users and caretakers through state take-back disposal programs and prohibit recommendations on drug labels for disposal by flushing. As a result of this act, some states across the country already are making changes. For example, effective Jan. 1, 2010, public and private health care institutions operating in Illinois will not be allowed to flush any unused medications into public wastewater collection systems or septic systems.

In 2009, the water and wastewater industry also saw a big push on everything "green." For example, the House passed the Energy and Water Research Integration Act, which would require the Department of Energy to promote water and energy-efficiency technologies and practices as well as the use of nontraditional water sources as part of its research, development and demonstration programs.

The green push continued with the introduction of the Green Infrastructure for Clean Water Act. The bill would establish an official green infrastructure program at the EPA to help communities plan and implement green infrastructure projects.

Other 2009 water regulatory news items included the requirements for monitoring of microbes in groundwater under the SDWA; the EPA rule to reduce pollution from construction sites; and guidance on the water body impact of storm water runoff from federal development projects. The list goes on.

Challenges & Comments

Despite all the progress, complying with existing and upcoming regulations continues to be a top concern for industry professionals.

According to the 2009 *WWD* State of the Industry Report, state and federal regulations/compliance was rated the highest in importance (8.7 on a scale of 1 to 10, with one being not at all important and 10 being very important).

In order to gain a better understanding of these issues, *WWD* invited water and wastewater facility managers to share how their facilities are handling regulatory challenges. Unfortunately, while this is a priority issue, we received few comments on the topic. Here is what some of you had to say:

"We are a local government water and sewer department in Harford County, Md., generally located between Baltimore and Philadelphia along the Route 95 corridor, with Aberdeen Proving Grounds and Edgewood Arsenal lying to the east. Within our development envelope, we serve 44,000 customers through 600 miles of water and approximately the same number of miles of sewer.

EPA, through the Maryland Department of Environment, sets and enforces compliance regarding our daily emergency and preventative maintenance activities. Meeting regulatory issues is not a problem. The general economy, however, does pose problems—budget restraints, layoffs, furlough days and limited spending all add to our challenges in providing service."

– Dick Rex, Superintendent of Maintenance

"My specialty is providing required documentation to comply with regulations. Among them is the O&M [operation and management] manual. I used to work as an engineer in wastewater for years, and later consulted to develop the O&M manuals. Based on this experience, I developed a product called O&M Writer, which is basically a database system that creates the manual automatically from all the information gathered. People have been using it for about 10 years.

An often forgotten aspect of regulations is safety. Some wastewater plants do not have to comply with OSHA [Occupational Safety and Health Administration] like private businesses do. That will be changing soon, however. Unfortunately, OSHA is a huge regulation that is difficult to manage, so products like O&M Writer and Easy Sign Maker were designed to provide the safety documents they will need. A confined-space entry plan, for example, is critical to sewer workers.

The Easy Sign Maker is also very important to the industry. As more Spanish-speaking workers are hired, little help is available from OSHA to help them understand safety and put up the required signs."

– Lidia LoPinto, engineer, maintenance, safety and municipal software developer

WWD welcomes your comments on this issue. Please e-mail us at wwdeditor@sgcmail.com. WWD

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