Legislative Affairs Take Center Stage

Richard Anderson
Chair, FSAWWA

March 31-April 5 was a busy week for Florida Section legislative initiatives. The FSAWWA’s 2011 Legislative Day was held in Tallahassee on March 31st, followed by the AWWA/WEF Joint Washington Fly-In April 4th and 5th. This month’s column will highlight both events and the Section leaders who made them a resounding success.

2011 Legislative Day

led by Utility Council Chair Pat Lehman, featured an information-packed agenda on regulatory issues, pending legislation, and budget discussions. Following group introductions of the 35 attendees, Lehman moderated an excellent panel discussion of current key issues by a diverse stakeholder group consisting of panelists Eric Draper, Diane Salz, legislative affairs consultant for Florida Water, Rich Budell, director of the Office of Agricultural Water Policy; and Diane Salz, legislative affairs consultant for several Florida utilities. New and creative funding sources, alternative water supply permitting, and collaboration among Florida’s various water stakeholders were discussed.

2011 Legislative Day Panel Discussion

A Utility Council Business Plan update was presented by Pat Lehman, followed by a regulatory review presented by Utility Council Legislative Affairs Committee Chair Lisa Wilson-Davis. Jennifer Fitzwater with the Florida Department of Environmental Protection was also on hand to discuss the Department’s perspective on issues such as numeric nutrient criteria (NNC) and sustainability permitting.

The day was closed out with a legislative update by Doug Mann, who highlighted the topics of some of the key bills currently proposed in the Florida House and Senate, such as NNC (HB239), Consumptive Use Permitting (HB1001), and dealing with the Water Management Districts (HB 649).

This year’s Legislative Day events provided an in-depth discussion of the issues with a detailed focus on regulatory and legislative proposals and bills. Overall, the event was a tremendous success and we are excited about what the future will bring for our FSAWWA legislative efforts.

The AWWA/WEF Joint Washington Fly-In was held April 4th and 5th at the Washington Marriott Metro. A total of 175 attendees from all 50 states converged on Capitol Hill to voice our concerns about water issues on a national level.

Florida provided a strong contingent with 12 delegates from seven different utilities and five different engineering, manufacturing, and construction firms. The Florida delegation was organized once again this year by Suzanne Goss, past chair of the Utility Council.

Enough can not be said about the outstanding job Suzanne did to plan and coordinate all the meetings with our senators, congressmen, and their staffs. Her hard work was evidenced by the Florida Team’s effectiveness in delivering our message to promote safe water.

In addition to Suzanne, we Capitol Hill “rookies” were fortunate to have the help of Edgar Fernandez (Miami-Dade), Chip Merriam (OUC), and Paula Dye (Tampa Bay Water). All four did an outstanding job as our group leaders and provided invaluable advice and knowledge about the legislative process, as well as tips and talking points when meeting with congressmen or their staff. The Florida Section is blessed to have these four talented folks working diligently on our behalf in Tallahassee and Washington.

This year the Fly-In focused on three key legislative issues: Chemical Facility Security, Legislating Standards for Drinking Water Contaminants, and Water Infrastructure Financing.

Chemical Facility Security

While drinking water and wastewater utilities currently are exempt from chemical facility security anti-terrorism standards, known as CFATS, there is interest in Congress in ending those exemptions. Legislation authorizing CFATS expires this year and reauthorizing legislation for that program is expected to include the water sector.

Drinking water and wastewater utilities have long been proactive in addressing security threats. They have been handling gaseous chlorine for more than 100 years and are well aware of what is required to safeguard this tool, from secure storage sites to scrubbers that neutralize leaks.

Utilities have addressed perimeter security at treatment facilities and reservoir security for years. Utilities that use certain chemicals are already subject to risk management planning provisions under section 112(r) of the Clean Air Act; to emergency planning and community notification provisions under the Emergency Planning and Community Right to Know Act; and to additional state and local standards for safe storage and handling of hazardous chemicals. When Congress passed the Public Health Protection and Bioterrorism Preparedness and Response Act of 2002, which required vulnerability assessments and updates to existing emergency response plans at drinking water providers, the sector took those requirements several steps further and developed extensive training programs and tools for utilities.

The AWWA urges support for chemical security legislation that applies to water and

The 2011 Legislative Day panel discussion: From left are panelists Eric Draper, Diane Salz, and Rich Budell.
wastewater utilities only if it:

- Excludes public water systems and publicly owned treatment works from any federal authority to order the use of “inherently safer technology.” Decisions concerning utility choice of disinfectant are complex, are based on critical local factors, and can not be made from Washington, D.C.
- Applies to drinking water and wastewater systems only if they have chemicals of concern above identified threshold quantities. Such systems should not be covered by chemical security provisions solely because they are near population centers or reach a certain size, if they do not have chemicals of concern above critical threshold levels.
- Provides adequate protection of sensitive information. Personnel (including collective bargaining agents) who are not water system employees, their contractors, or government agents, should not have access to or be involved in the development of vulnerability assessments or site security plans.

Legislating Drinking Water Contaminants

Bills have been introduced in the Senate that would force the U.S. Environmental Protection Agency to issue drinking water regulations for certain contaminants; however, the Safe Drinking Water Act (SDWA) already has in place scientific, methodical, and largely transparent processes for determining the occurrence of substances in question; their likely effects on human health; and whether or not their regulation in drinking water affords a meaningful opportunity to protect public health.

Congress specifically designed these provisions to ensure the public is protected against proven threats to our health and safety as determined by science, not popular passion. Congress should stand behind this scientific process and vote against sidestepping methodical regulatory decision-making. Water providers want to make investments that curb genuine threats to the health of the public we serve, but every dollar diverted toward speculative threats is a dollar that should have been spent on known threats or on upgrading our aging water infrastructure.

Although the scientific process outlined in the SDWA can feel frustratingly slow, the Administration has endorsed these principles, as described by the March 9, 2009, Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity. These principles are important to ensure that the Agency directs water providers to address actual risks and doesn’t misdirect limited resources based on incomplete or faulty information.

The bottom line is that Congress should not legislate individual drinking water standards. We should allow the best available science, not the political process, to be the ultimate determinant in these important regulatory decisions.

WIFIA

To lower the cost of infrastructure investments and to increase the availability of lower-cost capital, the AWWA urges Congress to create a “Water Infrastructure Finance Innovations Authority” (WIFIA), modeled after the successful Transportation Infrastructure Finance and Innovation Authority (commonly called TIFIA). Such a mechanism could lower the cost of capital for water utilities while having no little effect on the federal budget deficit. The WIFIA would access funds from the U.S. Treasury at Treasury rates and use those funds to support loans and other credit mechanisms for water projects. Such loans would be repaid to the Authority and thence to the Treasury with interest.

The SRF Program

It is also important for the federal government to continue to directly capitalize state revolving funds, which can be used to both broadly lower the costs of water infrastructure.

---

CALL FOR PAPERS

ABSTRACTS MUST BE SUBMITTED BY: Thursday, June 9, 2011.

Abstract Submittal
Abstracts will be accepted in WORD 2003 ONLY via email to:
Frederick Bloetscher, Ph.D., P.E.,
Technical Program Chair at
h2o_man@bellsouth.net
Please attach a cover page to the abstract which includes the following information:
a) Suggested Session Category
b) Paper Title
c) Names of Authors
d) Name of Presenter(s)
e) Main contact including name, title, affiliation, address, phone, fax, and email.
Accepted abstracts will be notified in mid-August. All authors are expected to submit a final paper by September 20th.
Questions? Call 239-250-2423

Potential Session Categories
01 Public Information Program
02 Membrane Treatment Solutions
03 The Energy/Water Nexus: conflicts & opportunities
04 Evaluating Infrastructure Condition
05 Succession Planning for Utilities and Engineers
06 Reuse Projects That Supplement Water Supplies
07 Public Health Impacts of Infrastructure Condition
08 Surviving or Thriving in Economic Recession
09 Water Conservation Symposium
10 Improving Plant Operations
11 Getting the Bang for Your Buck in Construction

Best Paper Competition
Each year awards are presented to the best papers during the Conference Business Luncheon.

Thank you for your interest in the FSAWWA.
low-pressure sewer collection systems are an economical alternative to providing centralized wastewater collection to areas where the groundwater table is high and to converting areas which are serviced by septic tanks with drain fields to centralized sewer service. The typical low-pressure sewer system consists of smaller-diameter force mains that can be aligned easily and constructed along easements and right-of-ways with service laterals that provide connection to a pressurized pumping unit. Usually located within private property, however within deeded easements, the pressurized pumping unit can be thought of as a mini-lift station to service the account holder.

It is fairly simple to convert a service area which employs decentralized wastewater treatment in the form of septic tanks with a drain field for effluent disposal to a centralized low-pressure transmission collection operation. This conversion process usually involves the abandonment of the gravity drain field and the installation of a pump which will dispose of the effluent by pumping into the low-pressure transmission force main.

The conversion also includes a control panel, floats, and alarms to operate the pump inside the pressurized unit. As a basis for system design, the interested reader may get additional guidance and specifications from the Florida Department of Environmental Protection publication titled “Design and Specifications Guidelines for Low Pressure Sewer Systems,” 1981, prepared by a technical advisory committee.

A low-pressure collection system has several advantages and disadvantages when compared to the traditional gravity collection system. For example, in gravity systems grades are extremely important, while in low-pressure systems they are not as critical as long as air relief facilities are provided.

In installations with a high groundwater table, which will require extensive dewatering in order to attain gravity sewer grades, the costs can be excessive to install a centralized gravity collection system; however, in these cases, a low-pressure collection system that is not dependent on grades to attain system design flows likely will not require dewatering with a 30- to 36-inch pipe cover all along the topography of a fairly flat terrain. Since all wastewater generated is pumped, manholes to changes in direction and alignment are not required for low-pressure collection systems.

Utilities also save in operational costs of wastewater treatment facilities. Solid loadings and BOD loading on the plant are significantly less, making it easier for operators to meet permitted effluent disposal requirements.

The low-pressure tank provides anaerobic treatment which decomposes most of the solids locally on site; this operation reduces the loading on the centralized wastewater facility and also provides savings in sludge wasting, dewatering, and handling/hauling operations. System infiltration should also be minimal. Since the system is usually designed to remain pressurized, there is less chance of infiltration. The electricity cost to operate the on-site pumping unit is the responsibility of the homeowner or business owner. Most utilities are responsible for repairs to the pressurized pumping units, but most of them also have adopted policies that pass on repair costs to residential and commercial customers at a base cost without markup. All these factors usually save money in processing wastewater at the treatment plant.

Speaking Out

Continued from page 65 investment and to address the needs of communities in hardship or special circumstances. The AWWA proposes several enhancements to the State Revolving Fund programs to allow them to better serve our communities.

Private Activity Bonds

Currently municipal bonds that meet certain private-use tests are subject to state-by-state volume caps which severely limit the amount of private activity bonds (PABs) issued for water facilities. To encourage public-private partnerships and reduce financing costs, PABs for community water systems should be exempted from the state volume cap, just as PABs for publicly owned solid waste facilities are currently exempted.

America does not face a water infrastructure crisis at the present, but action is needed now to avert more serious problems in the years to come. The tenets outlined in this month’s column provide a path toward truly sustainable water infrastructure for all Americans.