

Clean Water Outlook – An Update from Washington

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Region 8 Pretreatment Conference

April 30, 2019

NACWA: A Clear Commitment to Our Nation's Waters

- National trade association for public wastewater & stormwater utilities
- Represent over 300 public utilities of all sizes from around the country (19 in Region 8)
- Leader in legislative, regulatory and legal advocacy on the full spectrum of clean water issues

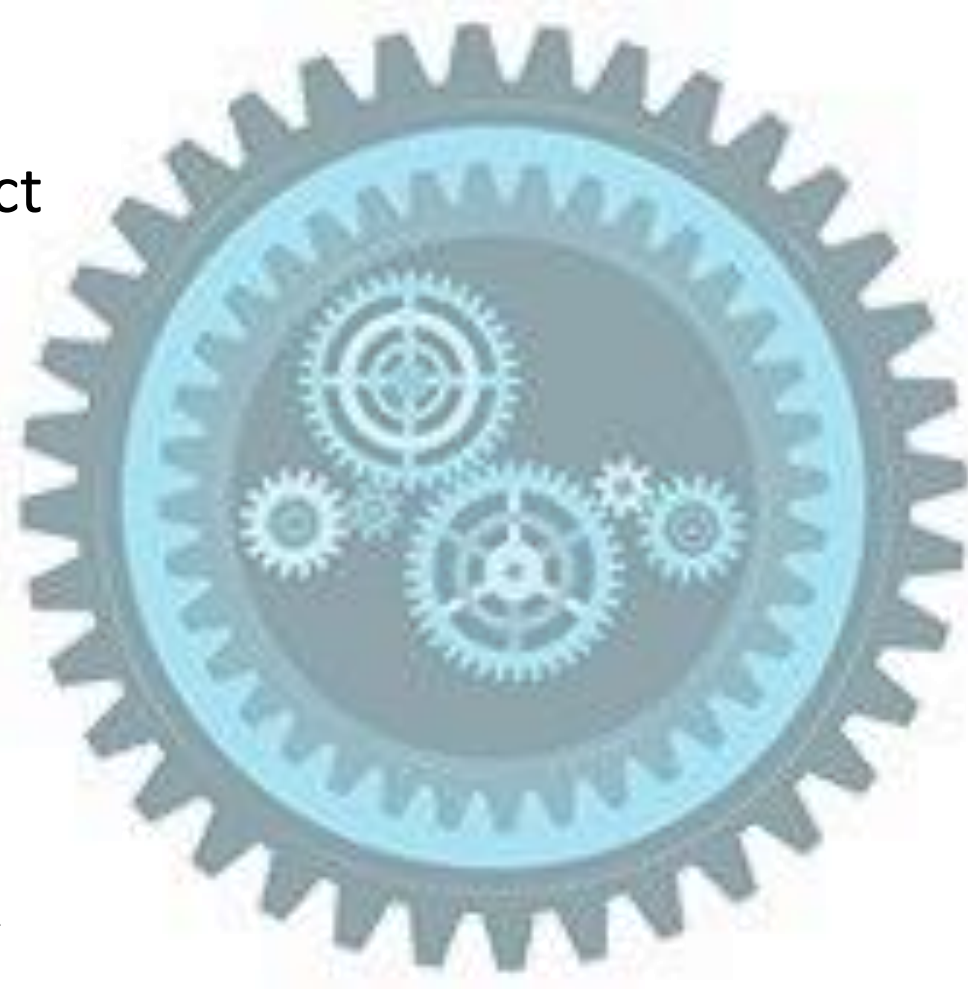


Legislative Update



Water Infrastructure Improvement Act (H.R. 7279)

- Passed House 351-10; Senate on Unanimous Consent; Signed by President January 14, 2019
- Codifies Integrated Planning in the Clean Water Act
- Expands utilities' ability to manage costs by prioritizing and sequencing wastewater and stormwater compliance obligations, plus water reuse projects, over more than one permit term
- Directs EPA to support green infrastructure in permits, consent decrees, and settlement agreements
- Establishes a Municipal Ombudsman office at EPA



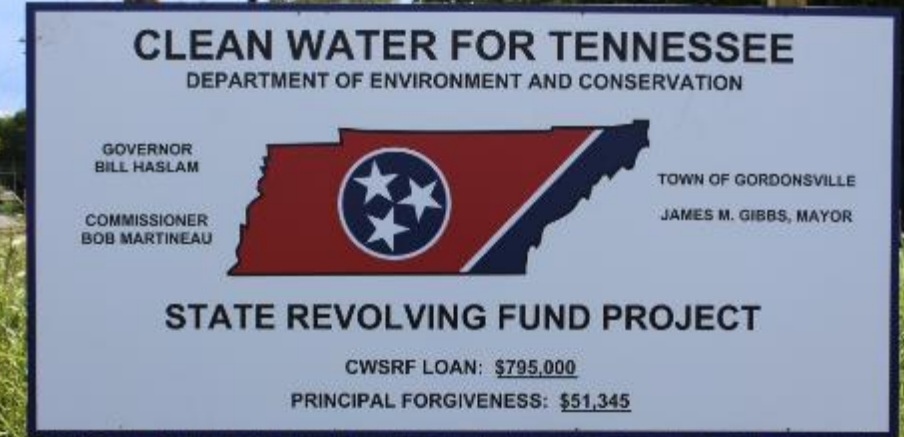
Infrastructure Investment

- Comprehensive infrastructure package appears unlikely
- Opportunities to advance clean water priorities through the 2020 Water Resources Development Act (WRDA) process
- Continuing engagement with Congress to focus on clean water issues in infrastructure investment conversation
 - Current federal government share of total water/wastewater investment is below 5%
 - EPA estimates over \$270 billion needed



Reauthorization of Clean Water State Revolving Fund (CWSRF)

- Significant interest in Congress for reauthorizing Clean Water Act (CWA) programs this year
- H.R. 1497, the *Water Quality Protection and Jobs Creation Act of 2019*
 - Would authorize largest increase ever for the CWSRF - \$20 billion over 5 years
 - Would reauthorize several CWA programs through FY2024
 - CSO/SSO/Stormwater/Reuse grants to communities (\$225M/yr)
 - Sec. 106 grants to States (\$300M/yr)



City of Portland - Berry Ave., Chesley Ave. & Edgewood Ave. Sewer Separation Project

Engineer: Sebago Technics

Contractor: Storey Brothers, Inc.

Total Project Cost: \$1,730,554.75

Financed By: SRF Program; Maine Dept. of Environmental Protection & Maine Municipal Bond Bank

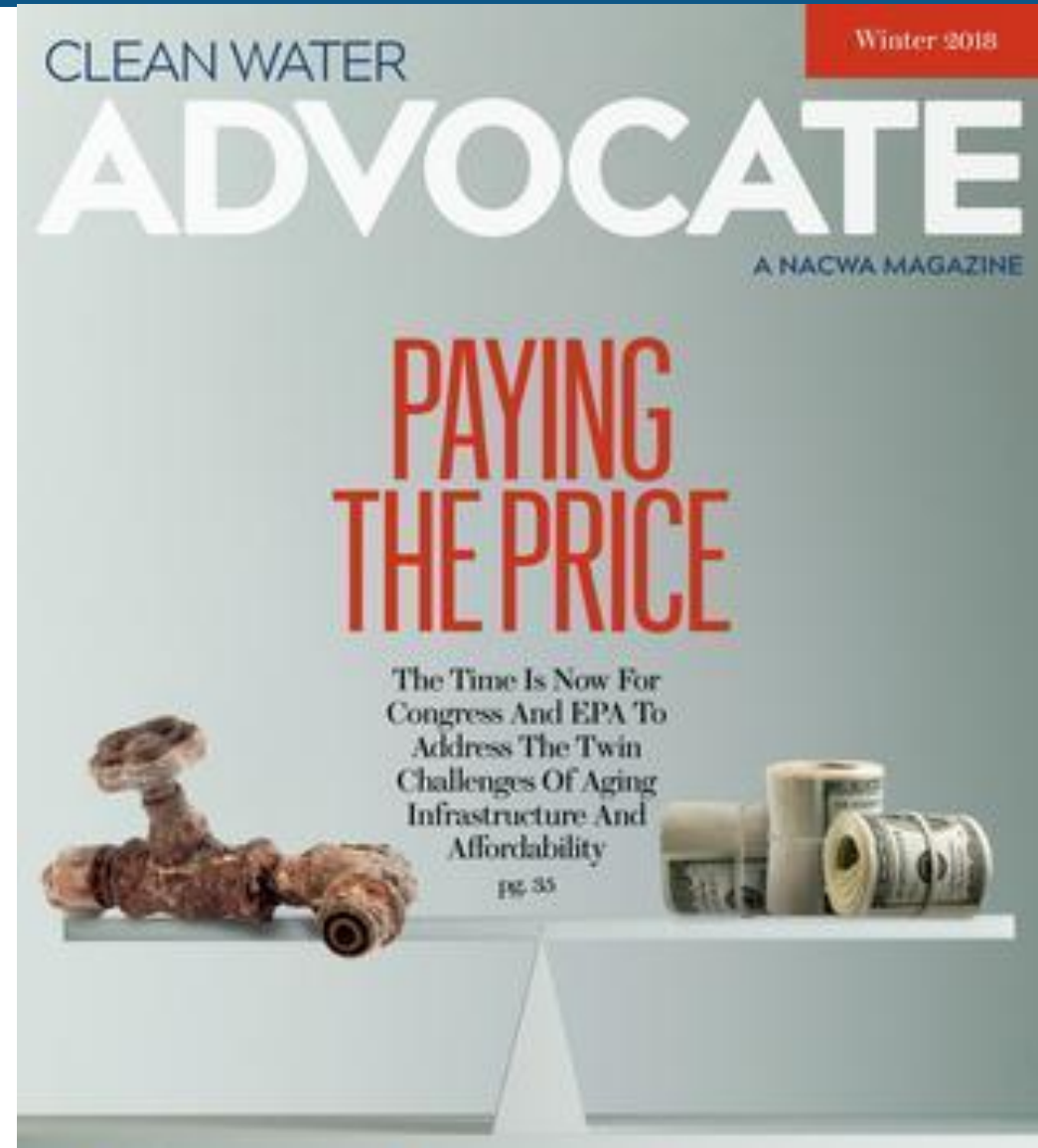


State Revolving Loan Fund

This institution is an equal opportunity provider.

Fiscal Year 2020 Appropriations

- NACWA's requests:
 - \$3.4 billion for CWSRF (double current level)
 - \$2 million for advancing Integrated Planning law and establishing the new Office of the Municipal Ombudsman at EPA
 - \$225 million for Sewer Overflow and Stormwater Reuse Municipal Grants
 - \$1 million for Innovative Water Infrastructure Workforce Development Program

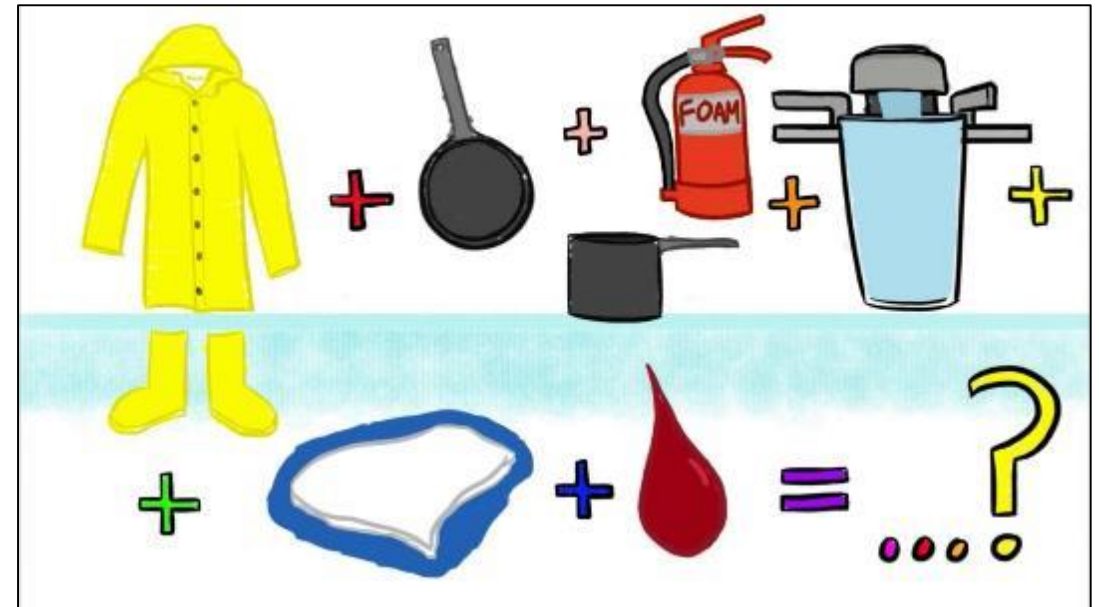


Regulatory Update



Per- and Polyfluoroalkyl Substances (PFAS)

- EPA published its Action Plan for PFAS on February 14, 2019
 - Initiate rulemaking for developing MCLs for PFOA and PFOS
 - Designate PFOA/PFOS as CERCLA hazardous substances
 - Expand analytical test methods for PFAS
 - Develop groundwater cleanup recommendations for PFOA/PFOS
- Current EPA drinking water health advisories for PFOA/PFOS are 70 ppt



State says sludge must be tested for 'forever chemicals' before it's used as fertilizer

| March 23, 2019

By KEVIN MILLER
Portland Press Herald

Nutrients



- Increased interest in market-based approaches, such as water quality trading
 - EPA updated its trading policy in a February 6 memorandum
- EPA convening in Baton Rouge, May 2019
- EPA Nutrient Survey is currently on hold
- Concerns remain in Long Island Sound as EPA skirts TMDL process

Blending Rule

- April 2018 – EPA announces intent to begin rulemaking
- October 2018 – EPA Stakeholder Roundtable and public meetings
- October 31, 2018 – Public comment period ended
- Proposal expected this fall
- Final rule expected next year
- *Our best guess:* EPA will look to authorize blending with certain “guardrails”



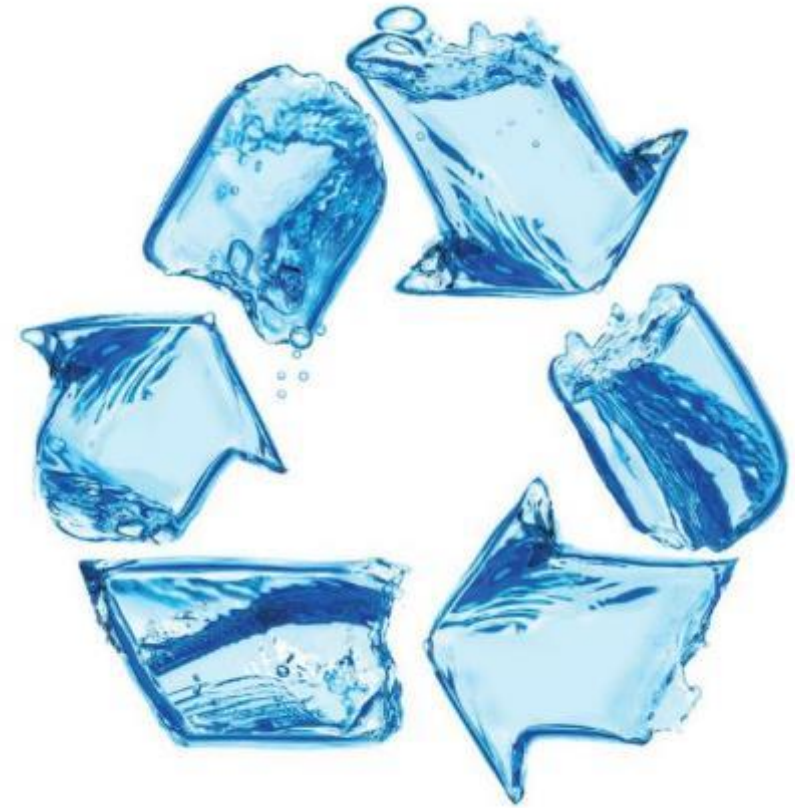
Waters of the U.S. Rule (WOTUS)

- Court decision keeps 2015 WOTUS Rule in place in all 50 states
- New WOTUS Rule is a two-step process:
 - *Step 1*: Repeal 2015 Clean Water Rule
 - *Step 2*: Revise the definition of WOTUS
- Proposal published on February 14, 2019
 - Omits “significant nexus”
 - Tributaries, wetlands, lakes, ponds included if they affect jurisdictional waters in a “typical year”



Water Reuse

- Water reuse is a priority for EPA Administrator Wheeler
- EPA opening docket for public comment to inform EPA Action Plan on Water Reuse
- Action Plan expected at WaterReuse Symposium in September
 - Support water reuse as part of integrated water resources management plan
 - Inform greater understanding of the incentives and barriers to reuse

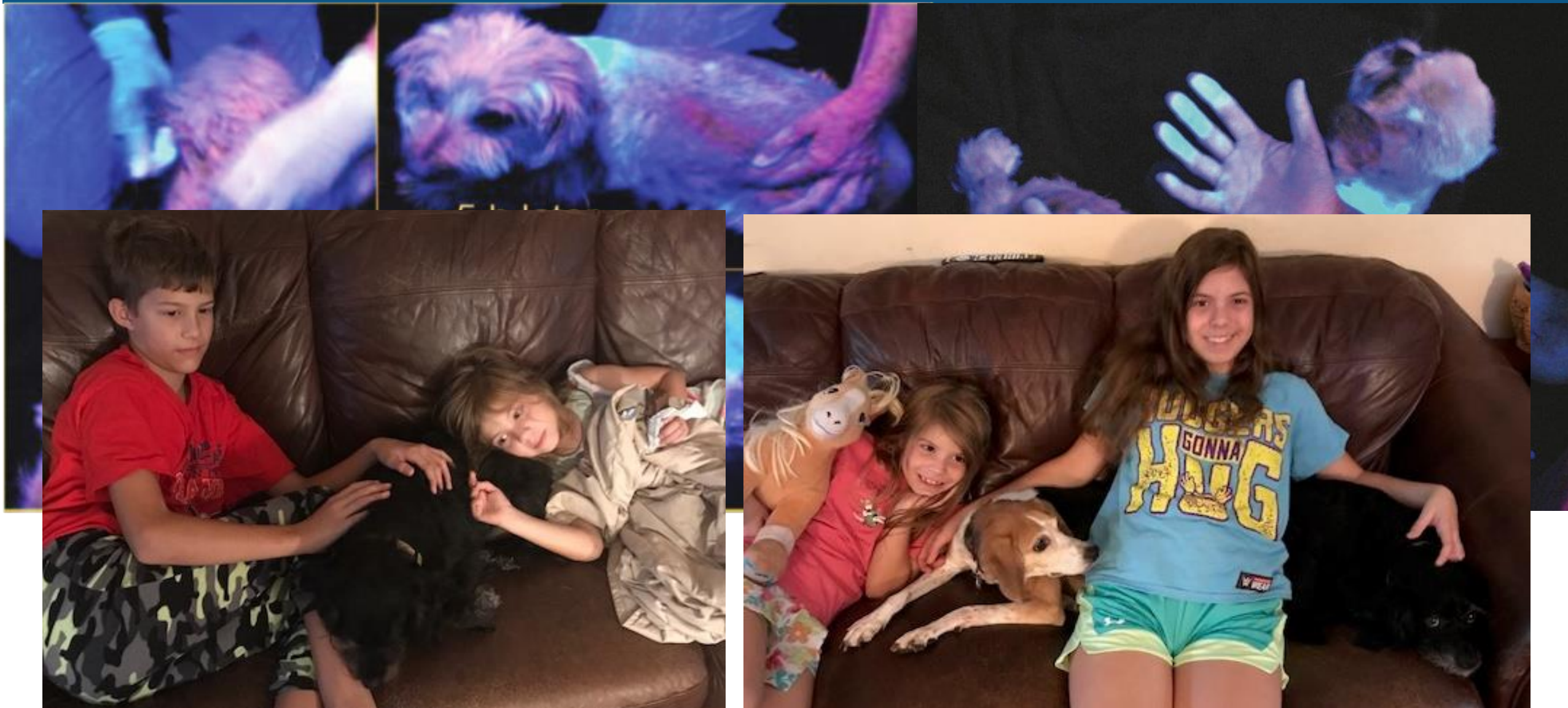


Dental Amalgam Rule

- Published 2017; goes into effect for existing dental offices July 14, 2020
- Requires dental amalgam separators in most dental offices
 - One-time compliance report required
 - Best management practices must be followed
- Responsibilities of POTW pretreatment programs still not clear



Pesticides – Fipronil Example



Litigation Update



EPA National Compliance (Enforcement) Initiatives

- Updated every 3 years
- “Keeping Raw Sewage & Contaminated Stormwater Out of Our Nation’s Waters” began in 2000
- Proposed removal for fiscal years 2020-2023 because EPA has taken action at:
 - 97% of large combined sewer systems
 - 92% of large sanitary sewer systems
 - 79% of Phase 1 municipal separate stormwater systems



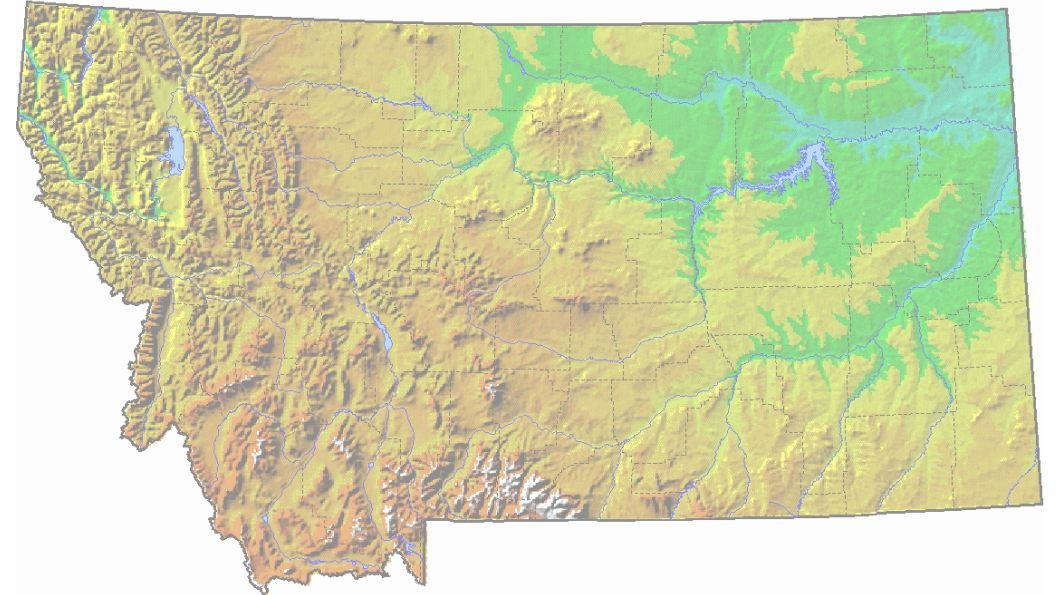
County of Maui v. Hawaii Wildlife Fund

- Supreme Court will hear case in October 2019 term
 - Does the CWA require a permit when pollutants originate from a point source but are conveyed to navigable waters by a nonpoint source, groundwater
- NACWA position:
 - NPDES program never intended/ill-suited to address such discharges
 - Other/better tools to regulate these discharges
 - Unintended consequences possible: retention ponds, collection systems, green infrastructure



Montana General Nutrient Variance

- Montana - first state to develop scientifically based nitrogen & phosphorus criteria to protect water quality with an achievable implementation strategy via a general variance
- Environmental groups challenged variance
- March 2019, federal district court upheld the variance, but rejected length
- Montana general variance should be a model for other states when water quality standards are recognized as unattainable in the near term by a group of dischargers



WIPES



Shittens 

Disposable mitten-shaped moist wipes!

[ORDER NOW!](#) [Testimonials](#) [FAQ](#) [Privacy](#) [Contact](#) [Home](#)

LIMITED TIME ONLY! BUY 1 PACKAGE OF SHITTENS

Includes 20 DISPOSABLE MITTEN-SHAPED MOST WIPES FOR ONLY

\$9.95 Plus \$5-ff

ORDER NOW!

Shittens! Everybody needs one!

- Mark Cuban above Testimonials

For Baby  For Pets  For Grandpa  For You 

Shittens 



Charleston, SC



'Simply not flushable': Thousands of pounds of wipes clog sewer system



The system had to send in the divers nearly 100 feet (30 meters) into a sewer well after the wipes, congealed by grease and other items sent into the pipes, clogged the suction intake pumps to the Plum Island Wastewater Treatment Center on James Island.

Divers swim through 90 feet of raw sewage to unclog giant, hairy 'fatberg'



Workers take dive into deep doo to unclog sewer pumps



Toilets Are Not Trashcans!

Protecting our Pipes, Pumps, Plants, & Personnel



To solve the problem of wipes and other non-dispersible products, we need:

1.



Clear labeling of non-flushable products

2.



Flushable products that are safe for sewer systems

3.



Consumer education

Code of Practice for Labeling Non-Flushable Wipes

2013



2018



Code of Practice for Labeling Non-Flushable Wipes



How Do Wipes Perform in Real Sewers?

48" pipe, 22" WW depth, 42 min. travel time

Toilet Paper



"Flushable" Wipes



Flushability Standard for Flushable Wipes

2013: "GD3" – Wipes Industry Voluntary Guidelines



2018: International Water Services Flushability Group (IWSFG) Specification



Slosh Box Test



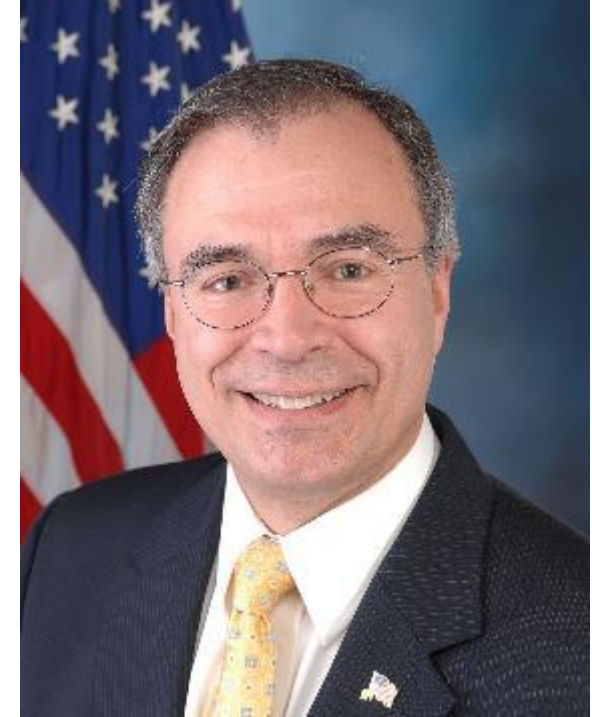
D.C. Council Passes First Wipes Law in U.S.

Wipes legislation passed by D.C. Council in December 2016

- Establishes flushability standard for flushable wipes
- Requires “Do not flush” labeling on non-flushable wipes
- Requires the D.C. Department of Energy & Environment (DOEE) to set regulations for determining flushability and labeling non-flushable products



Wipes Go to Capitol Hill...



Rep. Andy Harris (R-Md) offered an amendment to the Financial Services & General Appropriations Bill that would block implementation of the D.C. wipes law.

D.C. Fights Back

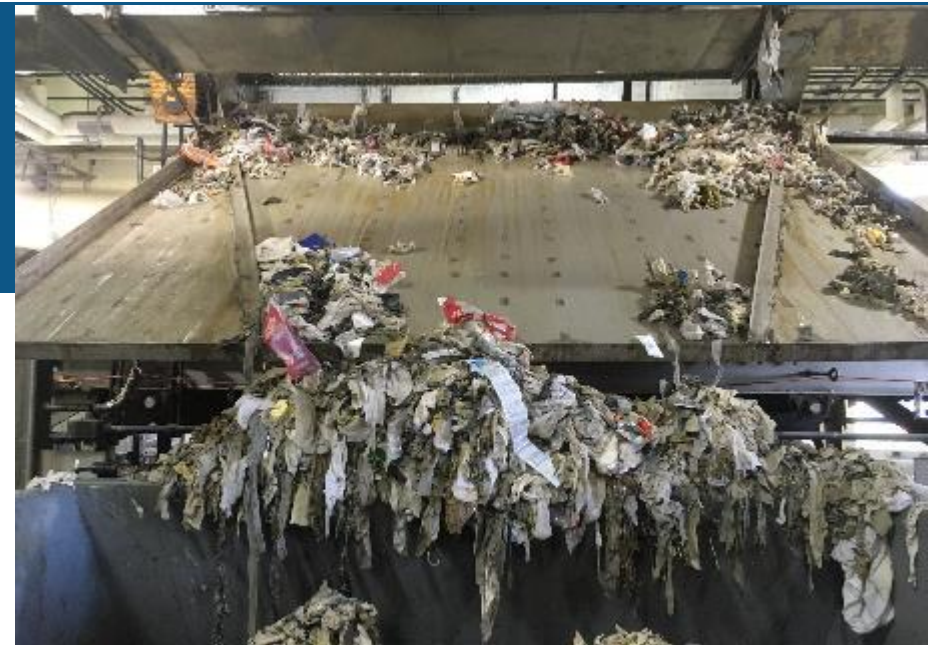


Wipes Leave Capitol Hill...

“It’s amazing what you learn about with this committee because this is the amendment that has to do with the flushables issue in the District of Columbia. I’m going to be very brief because I’m going to ... withdraw the amendment because there’s still time for the District Council to figure things out right...

“Here’s the fact, and by the way, I love this picture, because either the District of Columbia mixes its storm sewers with its septic sewers, or they somehow managed to flush a red Solo cup down the toilet. I don’t know how that is.

“I’m a grandfather, I was a father, I know the difference. you all know the difference. if we ban flushable wipes. everybody’s going to flush non-flushable wipes...”



It's Not a Ban!

“We’re not banning these wipes. Let’s be really clear about that. We’re just saying they should tell the truth and shouldn’t label them as flushable when they’re not.”

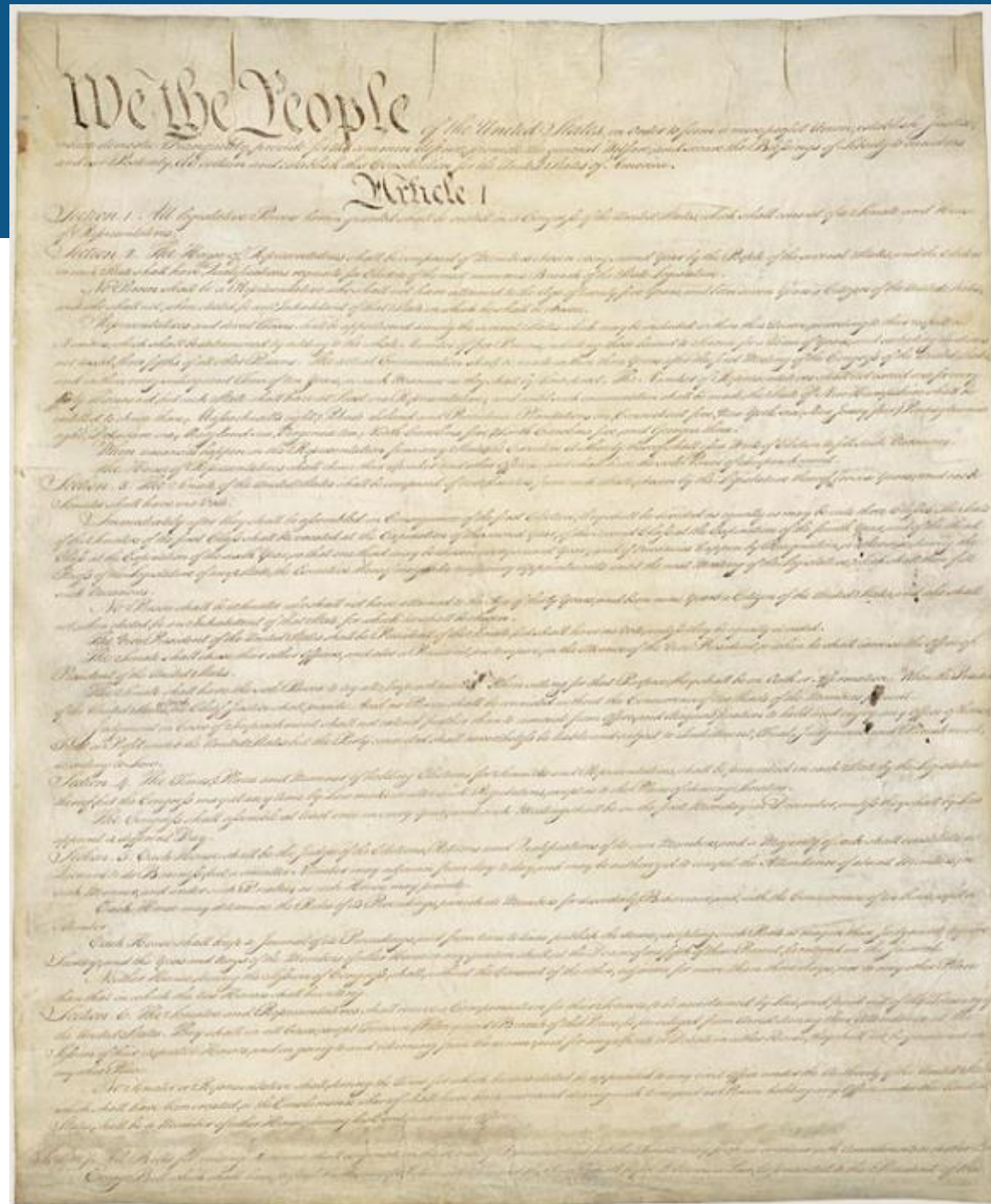
**--Mary Cheh,
DC Councilmember**



Wipes Go to Court

D.C. law challenged by Kimberly-Clark due to alleged violations of:

- Commerce Clause
- First Amendment
- Due Process



Commerce Clause

But Council member Mary Cheh (D-Ward 3), who wrote the new law and is also a constitutional law professor at George Washington University, says neither argument was convincing to her.

“Guess what? A lot of our safety regulations affect manufacturers out of state — it kind of goes with the territory,” she says on the Commerce Clause claim. “If a local jurisdiction says, ‘On all lawnmowers sold in this state, you have to have safety guards,’ that’s totally fine. Does it matter that all the other states don’t give a damn about that? No, it doesn’t matter.”

First Amendment

As for the First Amendment claim, Cheh similarly dismisses it.

“Honestly, we compel speech all the time,” she says. “We tell food vendors that they have to label their products. We have labeling requirement all the time, and to characterize it as compelled speech is really no argument at all.”

What do Wipes and Twinkies have in common?



“It is true that the FDA, for instance, could require Hostess to disclose the calorie count of Twinkies, even if the company’s marketing arm might prefer otherwise,” the judge wrote. “But it cannot require that company to tell consumers its sugary treat ‘should not be eaten’ nor ban it from labeling that product ‘edible.’”

Preliminary Injunction Granted; Issues Not Resolved

“Lurking beneath this city’s streets lies a purported scourge of our sewer system: nonwoven disposable wipes. While unwitting consumers might blithely flush baby or facial wipes down the toilet, little do they know, those wipes may bind together in the subterranean realm, creating plumbing clogs of substantial proportions....”

“Because the Court agrees that the Act likely treads impermissibly on Plaintiff’s First Amendment rights, it will grant the injunction. As the District is still in the process of promulgating regulations to implement the Act, the Court will subsequently reassess whether the injunction remains appropriate once those regulations become final.”

Labeling that would not violate the free speech rights of wipes

Labeling should be “purely factual and uncontroversial information.”

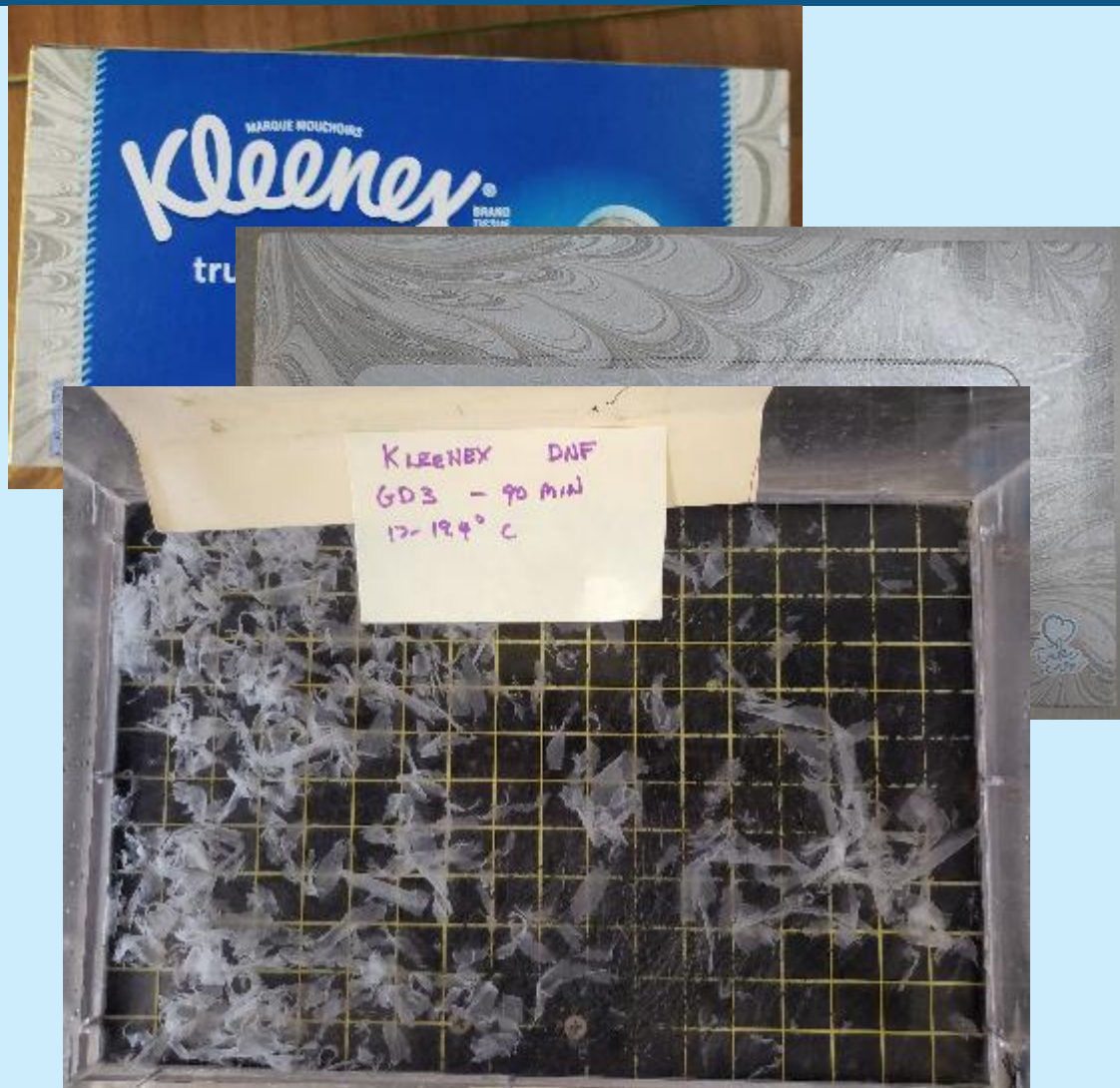
The District of Columbia
this product cannot

Flushing these wipes
to clogs in the sewer

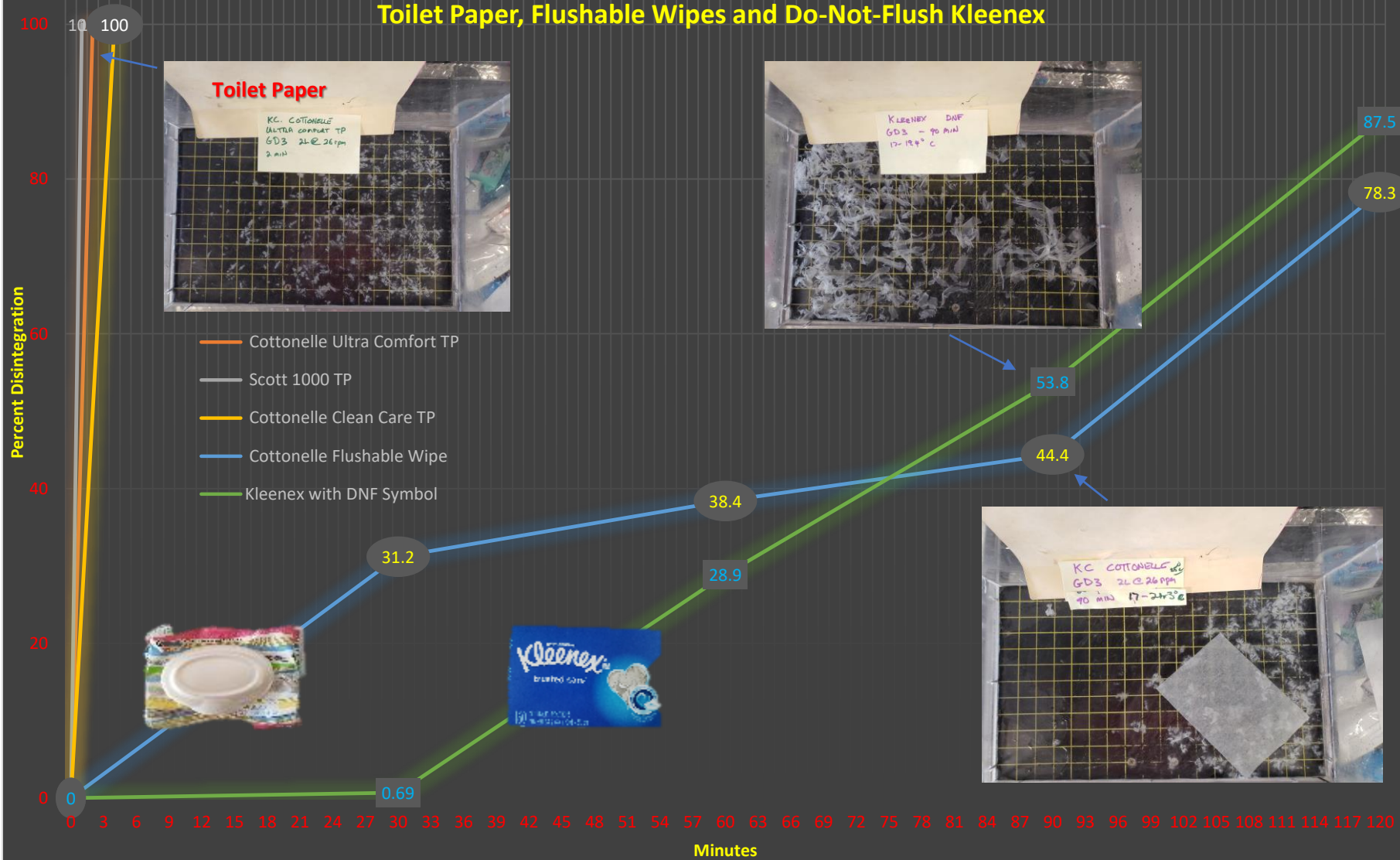


Flushing these wipes contributes to clogs in the sewer system.

Do-Not-Flush Facial Tissue vs. Flushable Wipe



GD3 FG502 Slosh Box (2L@26 rpm) Comparison of Disintegration Between Kimberly Clark Toilet Paper, Flushable Wipes and Do-Not-Flush Kleenex



- Cottonelle Ultra Comfort TP
- Scott 1000 TP
- Cottonelle Clean Care TP
- Cottonelle Flushable Wipe
- Kleenex with DNF Symbol



The Evidence...

Sent: Tuesday, March 12, 2013 1:48 PM

To: Powling, David

Subject: Moist Wipes

Hi David –

Do you know if there is a big difference between the Scott Naturals and Cottonelle Fresh Care Moist Wipes in regards to their breakdown once flushed? We recently placed Cottonelle moist wipes in all the restrooms at KC North. Today we had a massive back up inside the building and when they opened the manhole, we could see all the moist wipes and they were not deteriorated or broken down at all. We have had Scott Naturals in place for some time at South and we haven't experienced this problem, so I'm wondering if Scott Naturals are easier on plumbing systems?? Should we not be using the moist wipes at all in a commercial setting because they are consumer products? Obviously the volume is a lot higher here than what one would experience at home.

Do you have any suggestions or know who could offer recommendations? At this time, we'll have to pull them since we can't risk another back-up in the building.

Thanks David!

Sara Waldschmidt, LEED GA, Facilities Operations Specialist
Facilities Management

The Evidence...

From: Lortscher, Pete [plort@kcc.com]
Sent: 3/13/2013 1:34:58 PM
To: Vogel, Nathan J [nathan.j.vogel@kcc.com]; Powling, David [dpowling@kcc.com]; McCormick, Trina R [trina.r.mccormick@kcc.com]
Subject: RE: Moist Wipes - back up at KC North

Nathan,

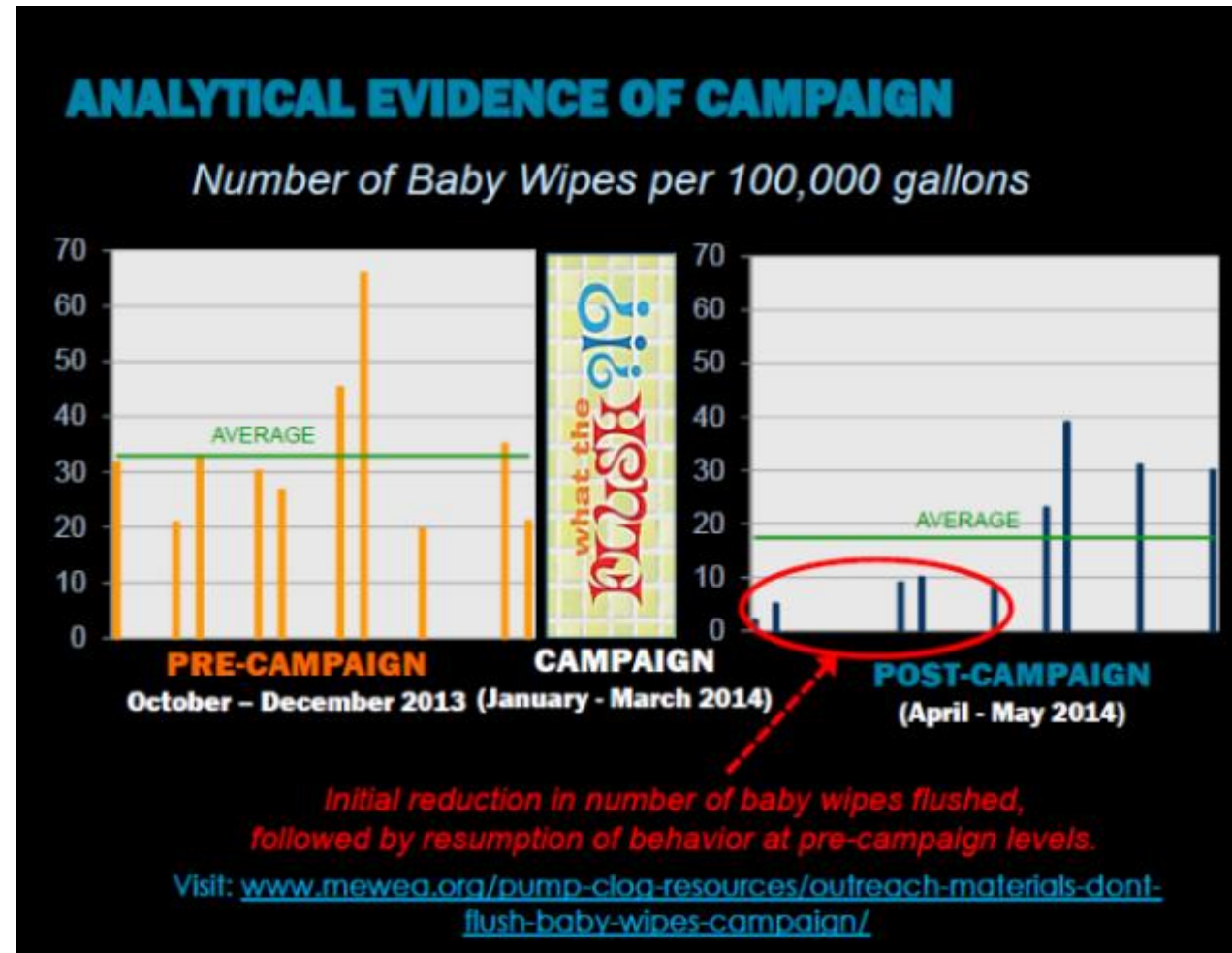
We can do some strength testing. I believe it's an infrastructure issue. The video/picture information from the lines should provide a little more clarity with the issues they are having. Believe it or not the maintenance guys took our wipes and let them soak in a bucket for about an hour to see if our claim of break-up was true (very similar to wastewater stakeholders actions). We pulled the sample out of the bucket and it was very weak so that was a good thing.

-Pete

From: Vogel, Nathan J
Sent: Tuesday, March 12, 2013 5:24 PM
To: Powling, David; McCormick, Trina R
Cc: Lortscher, Pete
Subject: RE: Moist Wipes - back up at KC North

If we get a sample tomorrow can we get a strength test on it? They recently switched to CFF so we can get some data on that by checking the wipe size. If we see some SCT sheet size that will tell us something as well – especially if they are still whole. Winter in Neenah not great for break-up, eh?

Consumer Education – Maine Pilot Project



Courtesy of Aubrey Strause, Verdant Water



TOONHD

Teen Titans Go!

0:19



0:25

SAMSUNG

Plastics Problem

ALL THAT **PLASTIC...**
GOOD FOR EXFOLIATION
BAD FOR THE **OCEAN**



* ACTUAL AMOUNT OF PLASTIC MICROBEADS THAT ARE IN ONE 5 OZ TUBE OF FACEWASH

WASHING YOUR FACE SHOULDN'T BE AN ACT OF POLLUTION

www.truthinaging.com

ENVIRONMENT 11/20/2018 01:45 pm ET | Updated Feb 28, 2019

Dead Whale Had 1,000 Pieces Of Plastic Inside Its Stomach – Including Flip-Flops

Rescuers in Indonesia also found 115 drinking cups and 25 plastic bags.



Microplastics

The New York Times

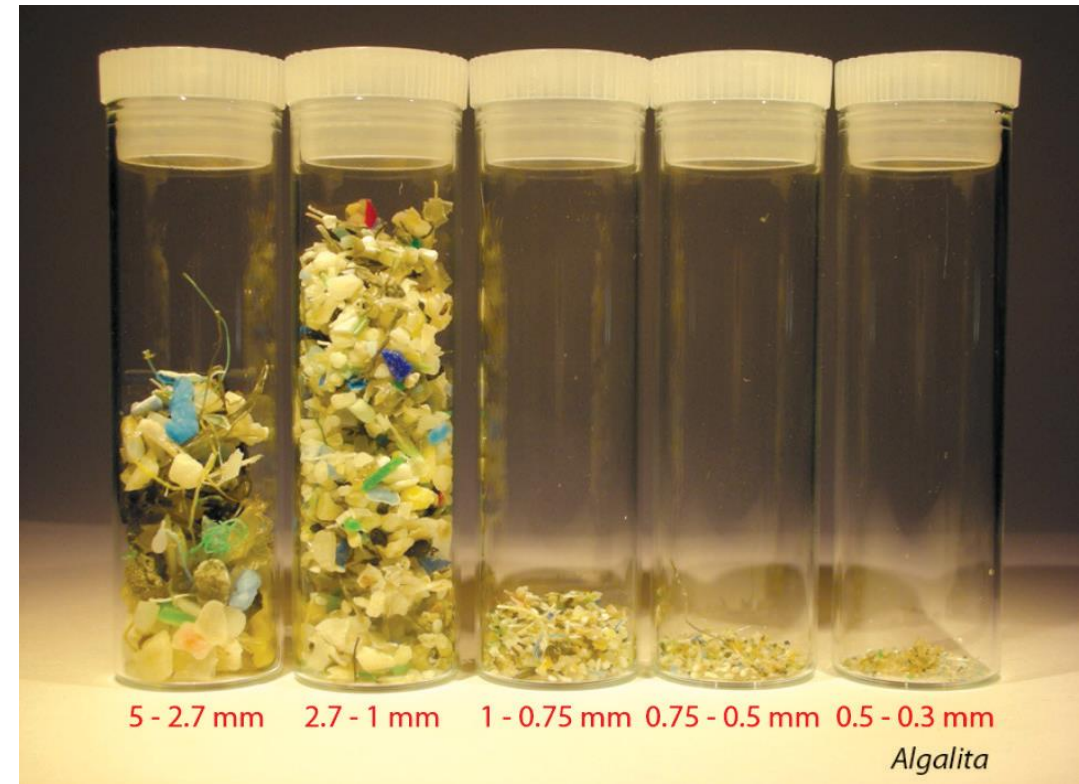
Before You Flush Your Contact Lenses, You Might Want to Know This

Flushing disposable contacts down the toilet or washing them down the drain may contribute to the problem of microplastic pollution, researchers said.

Outside

Patagonia's New Study Finds Fleece Jackets Are a Serious Pollutant

The brand commissioned a study to find out how many synthetic microfibers—the tiny bits of plastic that marine scientists say could be jeopardizing our oceans—are shed from its jackets in the wash. The results aren't pretty.



California Legislation



- AB 1672, sponsored by the California Association of Sanitation Agencies (CASA) would establish:
 - IWSFG flushability specification as the flushability standard for wipes labeled “flushable”
 - INDA/EDANA Code of Practice for labeling non-flushable wipes
- Passed first two committee votes

Wipes – The Tip of the Fatberg?

The first flushable pregnancy test

Your test, your freedom

Lia puts you in control in a way that's discreet, sanitary, and flushable.†

Sign up to be the first to know when Lia is available.

enter your email address

SIGN UP



Wipes – The Tip of the Fatberg?



Coming Soon! New and Improved...



visit www.nacwa.org/toilets

TOILETS ARE
NOT
TRASHCANS™

Only Flush the 3 Ps: Pee, Poop, and Toilet Paper

NACWA Pretreatment & Pollution Prevention Workshop



Tacoma, WA

May 15-17, 2019

Training Day: May 14

www.nacwa.org/19pret

Region 8 Members

COLORADO

Boxelder Sanitation District

Centennial Water & Sanitation District

City of Fort Collins Utilities

City of Fort Lupton

City of Greeley Water & Sewer Department

City of Pueblo Wastewater Department

Colorado Springs Utilities

Metro Wastewater Reclamation District

Platte Canyon Water & Sanitation District

South Platte Water Renewal Partners

MONTANA

City of Billings

City of Bozeman

SOUTH DAKOTA

City of Aberdeen Water Reclamation Plant

UTAH

Central Davis Sewer District

Salt Lake City Corporation

Snyderville Basin Water Reclamation District

Timpanogos Special Service District

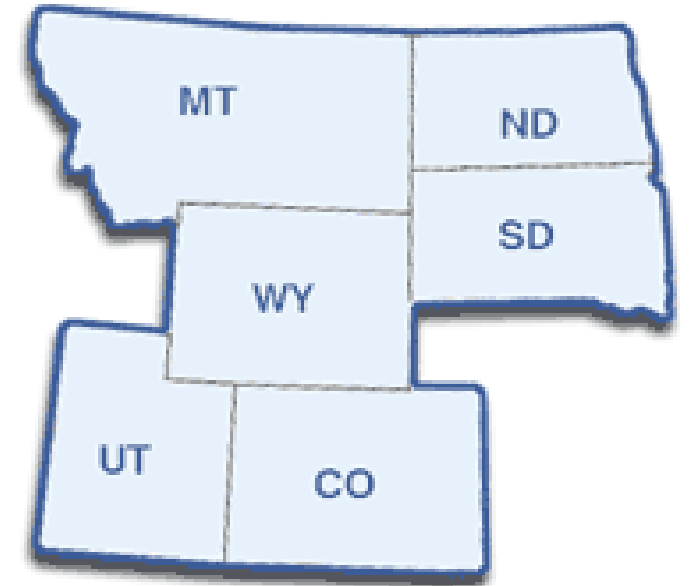
WYOMING

Board of Public Utilities- City of Cheyenne

City of Laramie

Join the NACWA Family!

Membership dues for wastewater and stormwater utilities serving populations less than 75,000 are \$750 to \$1,000/year



www.nacwa.org/membership