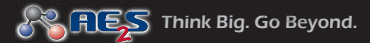


The Update

February 2009



Water Projects May Benefit from Stimulus Package

Although at press time Congress was still working to deliver federal economic recovery legislation to the President for signature, it is anticipated that finalized legislation will bring needed funding to the Clean Water and Drinking Water State Revolving Funds. The Rural Development Community Development Block Grant Programs are also anticipated to receive a share of funding, which could be utilized for infrastructure projects. In the meantime, state agencies are developing criteria for the use of any federal funds received and soon will be preparing lists of priority projects that may be eligible for such funds. For more information, contact your agency representation. ■

Proposed Pharmaceutical Bill

A bill to develop a task force to recommend proper disposal of unused pharmaceuticals has been introduced to the House of Representatives as the "Drug Free Water Act of 2009". If the bill is approved, the task force would be asked to develop recommendations to prevent or reduce the harmful effects on the environment and human health caused by introducing unused pharmaceuticals, directly or indirectly, into water systems. The task force would also develop a strategy to educate the public on these recommendations and would be given one year to develop its recommendations and submit its report to Congress. ■

The Natural Resources Committee introduced a bill on behalf of the Industrial Commission (IC) at the North Dakota 61st Legislative Assembly relating to the geologic storage of carbon dioxide (CO₂). As introduced in the September issue of *The Update*, this topic does not directly apply to water utilities, but groundwater contamination is a concern with CO₂ storage. The bill would repeal section 38-08-24 of the North Dakota Century Code (NDCC) relating to priorities

States in the Region Address Carbon Dioxide Storage

in permitting CO₂ geologic storage projects, to administer a penalty, and to oversee a continuing appropriation. This

bill would give the IC the authority to regulate activities relating to a storage facility, including construction, operation, and closure. It would also allow the IC to inspect equipment and facilities; to observe, monitor, and investigate operations; and to inspect records required to be maintained at the facility. The bill describes how to apply for a permit, the fees involved, and the requirements of holding that permit. The bill also states the penalty for violating this section of the NDCC which includes a monetary fine. More information can be found at <http://www.legis.nd.gov/assembly/61-2009/bill-index/bi2095.html>.

In other states in the region, Minnesota has funded studies by the Minnesota Geological Survey and the University of Minnesota Department of Geology and Geophysics for the assessment of geologic carbon sequestration. A search of the National Council of State Legislatures website did not identify any legislation addressing CO₂ sequestration in the current South Dakota legislative session. In the Montana legislature, a fiscal note for the 2011 Biennium has been made that indicates the need to create a new regulatory program to monitor the underground injection of CO₂. The note specifies that rules for such a program will be adopted during the 2011 biennium, but no program would be operated until the 2013 biennium.

An Advanced Coal and Carbon Capture and Storage Platform developed by the Midwestern Governors Association (MGA) sets a goal of developing a regional legal and regulatory framework to provide direction for regulators and industry by 2010. MGA provided comment to the United States Environmental Protection Agency (USEPA) on a proposed regulation regarding geologic sequestration, stressing support for an adaptive approach to regulation, where relevant data based on demonstrations and commercial scale projects will be used to determine if the rule continues to appropriately meet the Safe Drinking Water Act (SDWA) objectives. MGA also encouraged the USEPA to avoid creating barriers to widespread commercial development of responsible CO₂-Enhanced Oil Recovery projects that make the transition to long-term sequestration. Lastly, MGA noted that several states in the region have experience with the injection of CO₂ through Class II and Class V wells. As a result, MGA encouraged the USEPA to consider approval for states to obtain primacy for Class VI wells, independent of other well classes. ■

Spill Prevention, Control, and Countermeasure Rule Date Extension

The USEPA is extending the compliance date for facilities subject to the Spill Prevention, Control, and Countermeasure (SPCC) rule. The amendment will extend the date by which an SPCC regulated facility must prepare or amend and implement its SPCC plan. The new date for a facility that does not meet qualified farm or facility criteria is November 20, 2009. The new date for a qualified farm or facility is November 20, 2013. All farms and facilities that were in operation prior to August 16, 2002 must maintain their existing SPCC Plan. ■

Perchlorate Update

The USEPA has issued an interim health advisory addressing the amount of perchlorate that is safe in drinking water. Effective immediately, the interim level is 15 parts per billion (ppb). Due to the review of the comments received on the draft advisory, the USEPA is deferring its decision on whether or not a national standard needs to be set. Comments relating to the use of a physiologically-based pharmacokinetic (PBPK) model to assess potential effects on sensitive populations have prompted the USEPA to seek more advice from the National Academy of Sciences (NAS). The USEPA would also like to see the NAS evaluation of its derivation of the reference level of 15 ppb and the implication of recent biomonitoring studies. Reverse osmosis technology has been certified by the National Sanitation Foundation as an effective method for removing perchlorate from drinking water, and has proven to reduce levels from 130 ppb to 4 ppb. It is not yet known when these studies will be completed. *The Update* staff will continue to follow this topic and provide further information on the potential effects to water utilities in upcoming issues. For more information on this topic, visit <http://www.epa.gov/OGWDW/contaminants/unregulated/perchlorate.html>. ■

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