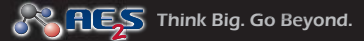


# The Update

June 2008



## *Grand Forks Places Fifth in AWWA ACE Drinking Water Taste Test*

**I**n a taste test conducted on June 9 by the American Water Works Association (AWWA), Grand Forks' drinking water won fifth place.

The Drinking Water Taste Test is part of the AWWA's Annual Conference and Exposition (ACE), which was held in Atlanta, GA this year.

Entry in the taste test was restricted to winners of Taste Test competitions of the individual AWWA Sections. Louisville Water Company from Kentucky took home first place in the ACE Taste Test. ■

## *Delays in FY09 Federal Budget Work Anticipated*

**S**ources in Washington speculate that, although Congress is beginning budget planning, it is unlikely that many spending bills will be completed before President Bush leaves office in January. A Defense Bill is expected to be completed prior to the end of the fiscal year. Bills for homeland security and veterans affairs funding are also possible. It is likely that other appropriations bills will be packaged in a continuing resolution that postpones final completion until after the November elections. As a result, it may be early in 2009 before some government agencies receive final budget approval and before utilities seeking federal assistance through

(continued on back)

**I**n early May, the United States Environmental Protection Agency (USEPA) published its semi-annual list of regulatory priorities. Rules listed in the agenda that are of specific interest to the water community include: 1) the Stage 1 Disinfectants/Disinfection By-Products (D/DBP) Rule, 2) the National Primary Drinking Water Regulation for Radon, and 3) Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues.

## **USEPA Publishes Semi-Annual Regulatory Agenda**

USEPA is currently in the prerule stage of reevaluating the Stage 1 D/DBP, which was finalized in 1998. Requirements of the Stage 2 D/DBP rule, finalized in 2006, enhanced the requirements of the Stage 1 D/DBP Rule. USEPA is evaluating whether there is a continued need for the Stage 1 D/DBP Rule, and is seeking comment from the public through August 4, 2008.

The Radon Rule, proposed in 1999, has been delayed as the EPA continues to evaluate requiring a Maximum Contaminant Level (MCL) or alternate maximum contaminant level to address radon concentrations in indoor air. The USEPA expects to take final action on this rule in April 2011.

Discussion of revisions to the Total Coliform Rule (TCR) were initiated when it was identified for review under the Six-Year Review protocol in 2003. A Federal Advisory Committee (FAC) was formed in 2007. AWWA, which is carefully tracking regulatory review efforts associated with this rule, recently reported that consensus appears to be emerging in the following areas:

- It is anticipated that the non-acute Maximum Contaminant Level Goal (MCLG) for total coliforms will be substituted with a treatment technique with triggers for a simple Level 1 self-assessment by the utility based on the current total coliform MCL and a more detailed Level 2 self-assessment that will be triggered by an acute MCL violation or a Level 2 trigger yet to be determined;
- It is also anticipated that the acute MCLG for *E. Coli* will remain the same; and
- Discussion of corrective action from the self-assessments has been suggested to be limited to "sanitary defects," where a sanitary defect follows the current TCR definition of "a pathway of the entry of microbial contaminants into the distribution system or a weakness or a failure of a barrier that is already in place".

Three more meetings of the TCR FAC have been scheduled for June, July, and September. In addition to identifying changes to the TCR, the FAC is also developing a list of research priorities related to distribution system issues. ■

(FY09 Federal Budget from first page)

earmarks receive confirmation of whether an FY09 award will be appropriated. ■

## Biological Treatment Processes Survey Underway

**C**amp Dresser & McKee, Inc. (CDM) is conducting an online survey on behalf of the AWWA Research Foundation (AwwaRF) and Department of Defense Environmental Security Technology Certification Program (ESTCP). The survey's purpose is to ascertain which biological processes are being used for treating water, as well as what technology, regulatory, and customer acceptance issues remain.

The survey is available online at [www.surveymonkey.com/drinkingwatersurvey](http://www.surveymonkey.com/drinkingwatersurvey). For further information on the survey, email [drinkingwatersurvey@cdm.com](mailto:drinkingwatersurvey@cdm.com). ■

## NPDES Not Required for Water Transfers

**T**he long awaited Water Transfer Rule (WTR) declaring that routine transfers of water from one water body to another do not require Clean Water Act (CWA) discharge permits has been adopted by USEPA.

The WTR codifies what started out as an agency interpretation that National Pollutant Discharge Elimination System (NPDES) permits are not required for transfers such as routing water through channels, tunnels, or natural stream courses for public water supplies, irrigation, flood control, power generation, and environmental restoration.

In a statement announcing the rule on June 9, USEPA Water Office Chief Ben Grumbles said, "USEPA's Water Transfer Rule gives communities greater certainty and makes clear they have the flexibility to protect water quality and promote the public good without going through a new federal permitting process. Clean water permits should focus on water pollution, not water movement. USEPA is committed to working with our state, tribal, and local partners to reduce environmental impacts associated with transfers and will continue to use all appropriate tools such as standards, best management practices, and watershed plans."

Federal courts have generally rejected USEPA's position on water transfers noted in a 2005 interpretive statement and a 2006 proposed rule. The final rule reaffirms USEPA's legal foundations for holding that transfers of waters of the United States not subject to intervening industrial, municipal, or commercial use are exempt from NPDES permitting requirements. ■

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