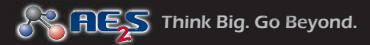


The Update

November 2009



USEPA Re-Evaluates Atrazine

The US Environmental Protection Agency (USEPA) has announced it will take steps to re-evaluate the regulation of atrazine. Atrazine is a widely used herbicide commonly used on crops such as corn and grain sorghum. Atrazine has been known to impact wildlife development and potentially human health. A Natural Resources Defense Council (NRDC) report has claimed that atrazine has contaminated watersheds and drinking water throughout much of the United States.

The USEPA said it will decide whether to revise its current risk assessment of the widely used pesticide and whether new restrictions are necessary to protect public health. Atrazine is currently regulated by the USEPA. Under the Safe Drinking Water Act (SDWA), USEPA has determined that an annual average of no more than 3 parts per billion (ppb) of atrazine may be present in drinking water. One of the chief findings of the NRDC report was that regulating atrazine on the basis of an annual average allows levels of atrazine in drinking water to peak at relatively high concentrations.

NRDC has taken a strong position on atrazine. They believe that the pesticide has limited economic value and safer agricultural methods can be substituted to achieve similar results. Therefore, they recommend phasing out the use of atrazine, more effective atrazine monitoring, and the adoption of farming techniques that can help minimize the use of atrazine to prevent

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The House Energy and Commerce Committee has approved the Drinking Water System Security Act of 2009 (HR3258) that would require the USEPA to set standards to regulate the security of public drinking water systems. This bill has raised concerns with the American Water Works Association (AWWA) due to a provision allowing the government to require chemical facilities, including water and wastewater facilities, to use inherently safer technologies (ISTs). The chemical causing the most concern is chlorine. If regulators determine that a facility is

Drinking Water System Security Act Raises Concerns

“high risk,” the bill authorizes the issuance of an order for a

utility to change its disinfectant chemicals (i.e., switch from gaseous chlorine to liquid chlorine or on-site generation). Other concerns include sensitive information in the hands of non-employees due to the requirement to describe roles and responsibilities that employees and contractor employees are expected to perform to deter or respond to intentional acts, as well as relaxing the burden of proof for holding someone liable for the release of protected information concerning vulnerability assessments, site security plans, and emergency response plans. AWWA has requested consideration of an appeals process for utilities in case amendments to preserve local decision-making are defeated.

The bill is expected to go to the House floor as Title 2 of a larger chemical security bill that will address other chemical-using sectors. It could also go as a standalone bill. It is not yet known when the approved Energy and Commerce Committee version will go to the House, but it is expected to be reconciled with the final version passed around the middle of next year. More information on this topic can be found at www.awwa.org or by contacting AE2S. AE2S will continue to follow this bill as it progresses through Congress. ■

Rural Water Appropriations

The US House and Senate have agreed on an agriculture appropriation (Conference Report #111-279) for Fiscal Year 2010 (FY2010) that gives rural water and wastewater programs more than the regular FY2009 appropriation and more than what the Obama Administration had requested.

The following is a breakdown of some of the funding in Conference Report #111-279:

- Rural Utilities: Rural Water and Waste Disposal Program — \$568.73 million
- Environmental Quality Incentives Program — \$1.18 billion
- Water Quality Research — \$12.6 million
- Natural Resources Conservation Services — \$887.6 million. This includes:
 - Grassroots Source Water Protection — \$5 million
 - Watershed Rehabilitation Program — \$40.16 million
 - Watershed and Flood Prevention — \$30 million
 - Congressionally Designated Projects — \$37 million

As noted above, the conference report provides \$568.7 million for the Rural Water and Waste Disposal Program Account, which includes \$70 million for water and wastewater programs for Native American tribes and the Hawaiian Home Lands.

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(Atrazine Re-Evaluated from first page)

it from contaminating waterways. The full NRDC report can be found at www.nrdc.org.

The American Water Works Association (AWWA) has emphasized its long-time concern about atrazine showing up in raw water sources for water utilities, as well. Utilities have had to install additional treatment processes to meet drinking water standards for atrazine and other herbicides, the cost of which is usually passed on to their customers. AWWA believes the cost and control of human exposure from pesticides and herbicides should lie with the manufacturers and users of the chemicals.

More information can be found at <http://www.awwa.org/Publications/StreamlinesArticle.cfm?ItemNumber=51578&showLogin=N>, <http://www.epa.gov/oppsrd1/reregistration/atrazine/>, or by contacting AE2S. ■

(Rural Water Appropriations from first page)

Additionally included are \$19.5 million for technical assistance to rural water and wastewater systems and \$15 million for contracting with National Rural Water Association for a circuit rider program to provide technical assistance for rural water systems. The bill has been signed by the President and became Law number 111-80 on October 21, 2009. Full text of the appropriations can be found at <http://thomas.loc.gov/>. More information can be found at www.AWWA.org or by contacting AE2S. ■

NPDES Permits

The USEPA is proposing a modification to the 2008 National Pollutant Discharge Elimination System (NPDES) general permits for stormwater discharges associated with construction activity for public comment in order to extend the expiration date of the permit by one year. The 2008 Construction General Permit (CGP) was originally issued for a period not to exceed two years. The USEPA is proposing to modify the CGP in order to extend the two-year term of the 2008 CGP by one year so that it expires on June 30, 2011, instead of June 30, 2010. If USEPA finalizes this action, the 2008 CGP will be in effect for a period of three years. By Federal law, no NPDES permit may be issued for a period that exceeds five years.

Comments on USEPA's proposal, including the draft permit, must be postmarked by November 18, 2009. Comments may be submitted by mail or electronically via www.regulations.gov. Please visit www.epa.gov or contact AE2S for more instructions or for more information. ■

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