

# DOWN THE PIPELINE

JULY, 2017

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## TRUMP ADMINISTRATION / EPA TRANSITION UPDATE

The President has suggested an EPA budget cut of 31% for 2018. Although this forces cuts in enforcement and some 50 programs it also maintains the revolving loan programs. The stated goal is to eliminate duplication between EPA and the States.

What will EPA be doing in the near future? There will not be many new/more stringent rules being promulgated nor will the agency be micro-managing the States to the same degree as in the past.

The agency will be investigating the possibility of consolidating Regions 1, 5, and 9. It will also be repealing and amending rules, policies, orders, and decrees of the past. They have already begun amending all of their guidance manuals that are used by municipalities for operating their treatment plants, for reporting their monthly data, for running their industrial pretreatment programs, etc.. The agency will also have to continue defending itself against increasing litigation from environmental groups.



What does this mean? There will be more flexibility on programs, priorities, and schedules in regards to the States. 303(d) impaired waters listings may be deferred to the States. There could be more integrated planning. In the area of wet weather sewer overflows and stormwater. This could also translate into Virginia having more discretion on Chesapeake Bay policy issues with modeling for the James River, nutrient credit trading, and sediment.

## LITIGATION UPDATES WITHIN VIRGINIA



On May 30, 2017 a general collection of environmental groups, called the Riverkeepers, filed suit in U.S. District Court against EPA over their approval of Virginia's decision to not list the Shenandoah River as "impaired" under the Clean Water Act. EPA was sued because they have approval

authority over which waterways the State lists as impaired.

The lawsuit requests EPA approval be voided and proper identification of all impaired river segments take place.

The Riverkeepers also have filed a petition for appeal of DEQ's renewal and issuance of

Massanutten PSC's VPDES permit. It challenges the effluent limitations contained in the permit and alleges that these are insufficient to protect local water quality.

These will continue to be monitored by Aqua Law and VAMWA.

**BIOSOLIDS MANAGEMENT UPDATES**

The 2016 General Assembly tasked JLARC with conducting a study on several aspects of biosolids and industrial residuals land application in HJ 120.

The JLARC staff toured Henrico County WRF, the Western VA Water Authority, and conducted phone interviews with other munic-

ipalities with biosolids programs. Questions asked covered such things as costs to achieve Class A biosolids status and what other options are available for biosolids management.

Other disposal options are composting, incineration, or pelletizing for resale as fertilizer.

JLARC will be drafting its report, probably just prior to its October 10th meeting.

As has happened in the past with other studies, this report will have the potential to spark some 2018 legislation in the General Assembly.



**SEWER USE ORDINANCE**

Section 18-2 of the County Sewer Use Ordinance lists types of discharges to the sewer that are prohibited.

Some of them are::

- Those creating fire or explosion hazards in the sewer or treatment plant.
- Having a pH outside the low/high limits in this ordinance. pH

above 12.4 makes a discharge a hazardous substance.

- Water temperature above 150 degrees Fahrenheit.
- Viscous substances that will create blockage in sewer.
- Petroleum oil, mineral oil, or non-biodegradable cutting

oil in amounts that cause plant pass through.

- Trucked wastes, except at designated discharge points.
- Medical wastes, fats, oils, and grease.
- Cleaning products in volume that impact the treatment plant.

**“The purpose of the ordinance establishes uniform requirements for all Users.”**

**THE INHERENT POWER OF WATER**

*Blue Mind*, written by Wallace J. Nichols, makes a convincing and scientific argument that being near, in, on or under water makes people happier, healthier, more connected, and better at what they do.

So, those people who work at treatment plants

and around water every day while on the job get to harvest all of the above benefits gained from being near water.

Stop and think about it. In the womb we are completely immersed in water. At birth our bodies are 78% water. And our brains, they are 80% water.

Activities on water can actually change a person’s brain chemistry. Being in water can be a very calming experience, relieving stress levels.

So stay hydrated each day, spend a little time every day near a body of water, and become a better person!



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**“ P R O V I D I N G   Q U A L I T Y   S E R V I C E   T O   E V E R Y O N E ”**

## **WATERS OF THE US (WOTUS) DEFINITION UPDATE**

After the President issued an executive order directing EPA and the Army Corps of Engineers to conduct a review of this controversial rule that was issued on June 29, 2015.

On May 2, 2017 these two agencies took the first step toward this goal by submitting a draft proposed rule to the Office of Management and Budget (OMB) for review. The prior rule dated back to 1986 with a minor amendment in 1993.

Because a federal appeals court stayed implementation of the June 2015

rule, federal agencies and the courts have continued to rely upon the 1986 rule. The draft proposed rule appears to be a straightforward recodification of the prior WOTUS rule.

The second step is expected to be developing a new rule patterned on the more limited relatively permanent waters test in the Supreme Court's plurality opinion in *Rapanos*. That has the potential to significantly reduce the scope of federal jurisdiction over waters. Such a rule, however, will undoubtedly trig-

ger another vigorous round of legal challenges.

