

Down the Pipeline

EPA Enforcement Office Issues Interim Guidance on Cooperative Federalism

Earlier this year, EPA's Office of Enforcement and Compliance Assurance (OECA) issued a memo to all Regional Offices in order to immediately begin the movement toward a more collaborative partnership between the EPA and authorized States. The memo suggests that EPA is looking to allow states to play a more proactive role in enforcement issues, including additional compliance assistance to help utilities with compliance concerns instead of immediate enforcement actions.

Of course, there remain specific situations that could warrant EPA becoming involved in individual inspections and

enforcement. These include such things as program audits indicating state program deficiency needing to be addressed. Or, emergency situations where there is significant risk to public health and environment. Federal and state owned/operated facilities might warrant early EPA intervention. Situations where specialized EPA equipment and/or expertise would be required would also be a trigger. Finally, serious violations that need to be investigated and addressed by EPA's criminal enforcement program.

The Environmental Council of the States has been urging EPA to establish an audit sys-

tem under which the agency would not review individual state implementation decisions on a routine basis unless an audit recognizes that there is an obvious problem.

Two panels, or working groups, have been formed. One is focusing on streamlining EPA's permitting oversight, the other is focusing on auditing state enforcement programs.



Nutrient Regulation Update

Legislation to mitigate the statewide impacts of EPA's 2013 water quality criteria for ammonia has been signed into law by Governor Northam.

A long-term phased implementation program consistent with the Clean Water Act to reasonably plan, finance and construct any necessary treatment upgrades is now established.

The Department of Environmental Quality

is now required to identify any other states that have adopted EPA's 2013 criteria as of July 1, 2018, identify specific procedures that would both minimize the impact of the criteria on Virginia WWTPs and be permissible under the Clean Water Act, and report its findings to the State legislature by November 1, 2018. The Department must also report to the legislature the estimated range of costs for all POTWs if the State Water Control Board adopts this criteria.

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July 1, 2018 was the BRWA's 5th anniversary!

It has been a lightning fast five years since consolidation of the old City of Bedford's wastewater and water treatment departments with the Public Service Authority of Bedford County. Many things have happened since the merger.

The Smith Mountain Water Treatment Plant was built and put into service. Two long interconnecting water lines were laid down across the county. More people were hired to fill the growing needs of the Authority to properly service the water distribution system and the wastewater collection systems.

Our customer service department was reconfigured, expanded, and then put a new billing format into place. Maintenance is expanding to begin handling capital improvement projects that are necessary for water to continue to flow dependably across our county.

The Central WWTP in Bedford is in the midst of converting from chlorine gas to liquid hypochlorite for disinfecting the water before it is discharged to the Little Otter River. This has been long overdue and is a very welcome change.

EPA National Nutrient Removal Questionnaire



EPA plans to move forward very soon with the first stage of its nutrient study. EPA's questionnaire will be sent to about 17,000 POTWs nationwide. Responses are voluntary, EPA will not be sending it as a Clean Water Act Section 308 information request that must be answered.

Once this survey is completed, it will identify POTWs with secondary treatment that are achieving "significant" nutrient removal. EPA's goal with these plants is documenting the capability of different types of POTWs to reduce nutrient discharges by implementing

changes to operations and maintenance, but without retrofitting to biological nutrient removal (BNR), making chemical additions, or committing to extensive capital investments. EPA expects the full study to take four to five years.

This process could eventually lead to reconsideration of the secondary treatment standard defining certain permit limits expressed on a monthly/weekly basis.

Environmental groups have mounted repeated efforts over the years to reopen this standard in order to add a technology-based standard for nutri-

ents. In 2012, EPA rejected these rulemaking petitions, citing insufficient data regarding the incidental removal of nutrients from secondary treatment. However, this study will eliminate this basis as a ground for rejecting future rulemaking petitions, and could encourage environmental groups to renew their efforts to reopen this permit standard for treatment plants nationwide.