

MWEA Government Affairs Committee Teleconference No. 02 Notes

Date: June 30, 2009
Prepared By: Waldo A. Margheim
Subject: Teleconference, June 18, 2009

1. The goals of the Government Affairs Committee are to disseminate and comment on water and wastewater related local, state, and national legislative and regulatory issues and foster positive relations with the EPA, MDNR, and MML.
2. The following people are members of the committee:

<u>CO-CHAIRS</u>	<u>Participated in Teleconference</u>
Jim Ross (JR), Bartlett & West, jim.ross@bartwest.com	X
Waldo Margheim (WM), GBA, wmargheim@gbateam.com	X
 <u>MEMBERS</u>	
Bruce Hattig (BH), Bartlett & West, bruce.hattig@bartwest.com	X
Mary West (MW), Jacobs, mary.west@jacobs.com	X
Mike Pessina (MP), Olsson Associates, mpessina@oaconsulting.com	X
Philip Walsack (PW), MPUA, pwalsack@mpua.org	X
Ed Galbraith (EG), Barr Engineering, egalbraith@barr.com	X
Trent Strober (TS), MEC Water Resources, tstober@mecwater.com	X
Dorris Bender (DB), Independence WPC, dbender@indepmo.org	
Molly Pesce (MoP), Bartlett & West, molly.pesce@bartwest.com	X
Jim Rhodes (JRh), MDNR, jim.rhodes@dnr.mo.gov	X
Sean Deweese (SD), City of St. Joseph, Sdeweese@ci.st-joseph.mo.us	X

INTERESTED PARTIES

Denise Burkett (DB), KCMO Water Services Dept., MWEA Watershed Management Committee Chair, denise_burkett@kcmo.org

Bob Davis (BD), KCMO Water Services Dept., robert_davis@kcmo.org

Christine Smith (CS), City of Independence, CSMITH@indepmo.org

3. The teleconference began at 2:00 pm.

4. The following items were discussed:

ITEM	DESCRIPTION	BALL-IN-COURT	EST. DATE OF RESOLUTION/COMPLETION
I.	LEGISLATIVE AND REGULATORY ISSUES MONITORING AND DISSEMINATION		
I.01.01	<p>(04/21/09) MW and MP both attended the MDNR Wet Weather Advisory Group meeting in Jefferson City on April 20th. MW indicated that MDNR is moving from compliance mode to enforcement mode. Discussion was also held regarding the <i>Costs Associated with the Removal of Permit Limits that Allow Discharges of Partially-Treated Wastewater During Peak Wet-Weather Flows</i> document that was presented at the meeting. MDNR is required to develop estimated costs for proposed regulations; however, this was not done for this proposed regulation. As a result, the Clean Water Commission told MDNR that the estimated costs did need to be prepared. This document is MDNR's response to the Clean Water Commission's request. It was decided to prepare a letter in response to this document that identifies how the proposed regulation will affect Missouri communities and how much. JR will spearhead the effort to prepare this response letter. Any committee members with comments should provide comments to JR by the close of business on April 27th. After drafting the letter, JR will communicate with the executive committee.</p> <p>(06/18/09) PW noted that MPUA prepared a letter in response to the <i>Costs Associated with the Removal of Permit Limits that Allow Discharges of Partially-Treated Wastewater During Peak Wet-Weather Flows</i> document. He has since updated the response letter by basing the median household income (MHI) data on the 2000 census data; PW will forward the revised data to JR. MW also provided oral comments to the Clean Water Commission regarding the document; MW will forward these comments to JR. JR will prepare a letter to the Clean Water Commission in response to the document based on MPUA's letter and MW's comments for consideration by the executive committee.</p>	JR	07/01/09
I.02.01	<p>(06/18/09) WM reported that NACWA met a few weeks ago with EPA Office of Wastewater Management officials to discuss the Agency's current approach to addressing peak flow blending in Clean Water Act permits and to provide the clean water community's perspective on this vital wet weather issue. NACWA reemphasized concerns that EPA was using the 2005 draft peak flows policy, a policy that was never finalized, to</p>	Closed	Closed

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	<p>impact design decisions that are best left to clean water agencies. NACWA is strongly urging EPA to put in writing its interpretation of the bypass and secondary treatment regulations, which will at least provide an opportunity for NACWA's members to react to and potentially work with EPA to find a mutually acceptable solution.</p>		
I.02.02	<p>(06/18/09) WM reported that the WEF GA Committee met with senior officials in EPA's Office of Water on June 4 to discuss water program priorities related to wet weather flows. The following notes were provided by the WEF GA Committee: <i>These officials confirmed that any decisions on future with regard to the 2005 proposed blending policy or regulation of sanitary sewer overflows (SSOs) will be made by the new leadership at EPA once the assistant administrator for water has been confirmed. They cautioned that wet weather issues will need to be balanced against other priorities in the water program. EPA staff is reviewing past activities and preparing briefing papers. WEF was encouraged to continue working with EPA headquarters staff on wet weather enforcement and permit issues, including the issue of interpreting how the bypass regulation (40 CFR § 122.41(m) applies to the blending of peak flows. EPA officials noted that the 2008 WEF/EPA Peak Flows guidance document remains a valuable resource for permit writers and utilities.</i></p>	Closed	Closed
I.02.03	<p>(06/18/09) WM reported that the WEF GA committee is recruiting volunteers to help update WEF position papers. If anyone is interested, contact Carl Myers, Assistant Director, WEF Government Affairs at cmyers@wef.org or (703) 684-2416.</p>	Closed	Closed
I.02.04	<p>(06/18/09) WM reported that a WEF workgroup prepared a climate change white paper titled, <i>A Call to Action for the Water Sector: Protecting Water Resources and Infrastructure From the Impacts of Climate Change</i>. A copy of the white paper is attached for those interested in reviewing the white paper.</p>	Closed	Closed
I.02.05	<p>(06/18/09) WM reported that the WEF GA Committee is preparing letters to Congress on the Water Infrastructure Financing Act of 2009-S.1005 and the reauthorization of the Surface Transportation Act. The WEF GA Committee is encouraging MAs to consider providing their own</p>	WM	06/30/09

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	letters to Congress regarding these two bills. WM will provide copies of the two letters to the committee for review. The committee will decide at the next meeting if we should draft similar letters from MWEA, with executive committee approval.		
I.02.06	(06/18/09) The next MDNR wet weather stakeholder group meeting is on August 24th. Several committee members are scheduled to attend this meeting and will report back to the committee at the subsequent teleconference.	Several	09/01/09
I.02.07	(06/18/09) The next EPA Region 7 Meeting with the four state WEF Member Associations is currently being scheduled. This year's meeting is being sponsored and coordinated by IWPCA. WM will forward additional information to the committee as it becomes available.	WM	07/07/09
I.02.08	(06/18/09) PW recommended that the committee members read an article titled, <i>Municipal Liability for Sewer Backups</i> , in the latest issue of the MML <i>Missouri Municipal Review</i> .	Closed	Closed
II.	MWEA NEWSLETTER CONTRIBUTIONS		
II.01.01	(04/21/09) MoP, with TS's assistance, volunteered to draft an article for the Fall newsletter. Several potential topics were discussed. The article submission deadline to the Newsletter Committee chair is July 9, 2009. (06/18/09) JR and MoP intend to submit the letter to the Clean Water Commission being prepared in response to the <i>Costs Associated with the Removal of Permit Limits that Allow Discharges of Partially-Treated Wastewater During Peak Wet-Weather Flows</i> document (Item I.01.01) for publication in the next Newsletter.	JR, MoP	07/09/09
II.02.01	(06/18/09) MP will prepare a Public Officials award nomination form for publication in the next issue of the Newsletter by the July 9th submittal deadline.	MP	07/09/09
III.	WEBSITE DEVELOPMENT AND MAINTENANCE		
III.01.01	(04/21/09) WM discussed a GA committee website with Todd Bolte, MWEA Website Committee Chair. Todd has prepared a blank webpage for the committee. WM volunteered to begin developing and designing the GA committee webpage. JR also offered to provide assistance. (06/18/09) WM continues to develop and design the GA committee webpage.	WM	08/01/09
IV.	ANNUAL CONFERENCE ACTIVITIES		
IV.01.01	(04/21/09) WM stated that at the Annual	MP	07/09/09

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	<p>Conference, responsibility for the Public Officials Award was delegated to the GA committee. MW said the criteria for this award is modeled after the same award presented by WEF (information is available on the WEF website). MP volunteered to obtain and review the criteria and prepare a nomination form, award description, and nomination deadline for the Newsletter.</p> <p>(06/18/09) MP obtained the Public Officials Award criteria from WEF. It was agreed to set a nomination deadline for February 1st and the award recipient selection by February 15th; MP will coordinate these dates with Clara Haenchen.</p>		
IV.02.01	<p>(06/18/09) Jeff Clarke is requesting papers for the MWEA Fall Technical Seminar to be held November 5th. Abstracts (three paragraph maximum) and author biographies are due by July 15th. MW explained that the seminar audience (about 160 people) is primarily comprised of operators and plant managers. There are two tracks of presentations; one for collection systems and the other for WWTP issues and other issues such as government affairs. PW agreed to submit an abstract on wet weather issues if his paper on I/I reduction is bumped from the collection systems track. JRh suggested an antidegradation case study paper. JRh will request that TS and Keith Forck, MDNR, jointly author a paper. EG suggested an MS4 post-construction program paper. EG will request that Ruth Wallace, MDNR, and Sheila Shockey, Shockey Consulting Services, jointly author a paper.</p>	PW, JRh, EG	07/15/09
IV.02.02	<p>(06/18/09) WM will forward abstract submittal requirements and contacts for the November 5th MWEA Fall Technical Seminar to JRh and EG.</p>	WM	06/19/09
V.	MWEA MEETINGS		
V.01.01	<p>(04/21/09) WM will prepare and submit the first quarter GA committee report to the MWEA President prior to the first quarter MWEA executive committee.</p> <p>(06/18/09) WM prepared and submitted the first quarter GA committee report to the MWEA President.</p>	Closed	Closed
V.01.02	<p>(04/21/09) WM and JR plan to attend the first quarter MWEA executive committee meeting on May 8th.</p> <p>(06/18/09) WM and JR attended the first quarter MWEA executive committee meeting.</p>	Closed	Closed
V.01.03	<p>(04/21/09) Frequency of GA committee meetings/</p>	Closed	Closed

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	<p>teleconferences was discussed and it was decided to hold teleconferences monthly. The primary reason for this is to share discussions about MDNR stakeholder meetings. WM will poll the GA committee for the best time for a regular monthly teleconference and schedule the next teleconference accordingly. WM will try to schedule the teleconference via a regular email notice and also via Microsoft Outlook meeting request. WM will also submit the teleconference date and time to the MWEA Webmaster to put on the MWEA website calendar.</p> <p>(06/18/09) It was agreed to schedule the monthly teleconferences on the first Tuesday of every month at 2:00 pm. WM will schedule the meetings via Microsoft Outlook meeting request and put the meeting information on the committee website.</p>		
VI.	RELATED GROUP COORDINATION AND COMMUNICATION		
VI.01.01	<p>(04/21/09) WM will provide a link to the MDNR Water Protection Advisory Groups activities webpage (www.dnr.mo.gov/env/wpp/cwforum) on the GA committee webpage.</p> <p>(06/18/09) WM will provide a link to the MDNR Water Protection Advisory Groups activities webpage (www.dnr.mo.gov/env/wpp/cwforum) on the GA committee webpage.</p>	WM	07/01/09
VI.01.02	<p>(04/21/09) Exhibiting and submitting an abstract for presentation at the Missouri Municipal League (MML) annual meeting (Oct. 4-7 at Tan-Tar-A) was discussed. Based on previous experience with the MML, it was decided to not focus efforts towards MML and not submit an abstract. However, it was decided to draft an article regarding the <i>Costs Associated with the Removal of Permit Limits that Allow Discharges of Partially-Treated Wastewater During Peak Wet-Weather Flows</i> document that was presented at the Wet Weather Advisory Group meeting and submit it to MML for publication consideration for their June/July Public Works Newsletter. JR will contact MML for submission guidelines and deadlines and draft an article.</p> <p>(06/18/09) JR reported that the submittal deadline for the MML June/July Public Works Newsletter is mid-April; thus, no article will be submitted this year for that issue. PW will consider submitting an abstract for the MML annual meeting.</p>	PW	07/07/09
VI.01.04	<p>(04/21/09) WM stated that one of the GA Committee's responsibilities is to serve as the Association's representative at the MO-AWWA Water Industry Coordinating Council Meeting. MW</p>	Closed	Closed

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	<p>said that she believes this is an email committee rather than a face-to-face meeting. WM will contact Dave Bisintainer (314-865-4954) and get additional information regarding the council.</p> <p>(06/18/09) WM contacted Dave Bisintainer on June 12th and he provided additional information on the group. They are an informal group that monitors and shares information on regulatory issues impacting water utilities. Member groups take action as they see fit. WM is on the email list and will forward information from the MO-AWWA Water Industry Coordinating Council to the GA Committee as necessary.</p>		
VI.01.05	<p>(04/21/09) MW is on the Metro Water Infrastructure Partnership mailing list. MW stated that this group is based in St. Louis and has no desire to expand outside of the St. Louis area. The group is focused on public education and consensus building. MW will keep the GA Committee apprised of the partnership's activities.</p> <p>(06/18/09) MW stated that she cannot attend MWIP meetings because they coincide with the Clean Water Commission meetings that she attends. MW agreed to keep in contact with Nicole Young who attends the MWIP meetings and keep the GA Committee apprised of the partnership's activities.</p>	Closed	Closed
VI.01.06	<p>(04/21/09) Advocating for smaller municipalities was discussed. It was decided to look into the Missouri Association of Councils of Government (MACOG) as a forum to advocate for smaller municipalities. WM will research dates and exhibit costs for MACOG's annual meeting and newsletter article submission options.</p> <p>(06/18/09) WM contacted MACOG but has not received a response. WM will continue to follow-up with MACOG regarding dates and exhibit costs for MACOG's annual meeting and newsletter article submission options.</p>	WM	07/07/09
VI.02.01	<p>(06/18/09) MW suggested a plan to recommend adding a Stormwater committee at the next MWEA board meeting. This will be discussed at the next MWEA board meeting.</p>	MW	08/07/09
VI.02.02	<p>(06/18/09) MW suggested a quarterly article in the MML <i>Missouri Municipal Review</i> written by the MWEA GA Committee. The articles should address wastewater issues affecting municipalities and would be intended to educate elected officials. BH will contact Katie Bradley, MML Editor (573-635-9134) and discuss this suggestion with her.</p>	BH	08/04/09

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5. The teleconference ended at 3:00 pm.