

## Mid-Year Meeting 2019

## MARCH 19 - 20, 2019 HILTON ALEXANDRIA OLD TOWN, VA

ACWA \* 1634 EYE STREET, NW \* SUITE 750 \* WASHINGTON, DC 20006 THE VOICE OF STATES & INTERSTATES

## Association of Clean Water Administrators 2019 Mid – Year Meeting

Hilton Alexandria Old Town Alexandria, Virginia March 19-20, 2019



## **MONDAY, MARCH 18**

Madison Room (Mezzanine Level)		
12:00-5:00 PM	BOARD OF DIRECTORS MEETING	

6:00-9:00 PM

**BOARD OF DIRECTORS/COMMITTEE LEADERSHIP DINNER** The Warehouse 214 King St, Alexandria, VA 22314

## **TUESDAY, MARCH 19**

Grand Ballroom Salon A 7:00-9:00 AM	& B Foyer REGISTRATION/CONTINENTAL BREAKFAST
7.00-5.00 AM	
Grand Ballroom Salons	A & B
9:00-9:45 AM	WELCOME & OPENING REMARKS
	Allison Woodall, ACWA President, Texas Commission on Environmental Quality David Ross, Assistant Administrator, United States Environmental Protection Agency, Office of Water Donald Welsh, Executive Director, Environmental Council of the States
9:45-10:45 AM	ACWA/ASDWA CONTAMINANTS OF EMERGING CONCERN ASSESSMENT FRAMEWORK Over the past few months volunteers from ACWA and ASDWA have worked on developing an assessment framework for state regulators as they encounter contaminants of emerging concern. The goal is to improve the emerging contaminants assessment process, better engage the Federal statutes that regulate the introduction of substances into commerce for source control purposes, better coordinate SDWA and CWA interventions to optimize the control of impacts across the entire water cycle. Representatives from the workgroup will join us to provide an update on the results of their work.
	Jennifer Wigal, Water Quality Deputy Administrator, Oregon Department of Environmental Quality Brandon Kernen, Hydrology and Water Conservation and Water Use Program Manager, New Hampshire Department of Environmental Services Leslie McGeorge, Administrator, Bureau of Freshwater & Biological Monitoring, New Jersey Department of Environmental Protection
10:45-11:00 AM	BREAK
11:00 AM-12:15 PM	<b>ROLE OF STATES IN PROMOTING WATER REUSE</b> As water resources become more constrained, states are seeking innovative approaches to water reuse. What role do state regulators play in promoting these new innovative approaches and what barriers or challenges must be overcome to ensure success.
	<ul> <li>Shellie Chard, Water Quality Division Director, Oklahoma Department of Environmental Quality</li> <li>Jeff Lape, Deputy Director, United States Environmental Protection Agency, Office of Science and Technology, Office of Water</li> <li>Allison Woodall, ACWA President, Texas Commission on Environmental Quality</li> <li>Alan Roberson, Executive Director, Association of State Drinking Water Agencies</li> </ul>

## **TUESDAY, MARCH 19**

Grand Ballroom Salon A 12:15-1:30 PM	& B Foyer LUNCH PROVIDED TO ATTENDEES
Grand Ballroom Salons A	. & В
1:30-2:45 PM	PARTNER ASSOCIATIONS DISCUSSION
1.30-2.45 FW	Representatives from ACWA's state partner organizations will join in a moderated panel
	discussion focusing on key CWA issues and areas ripe for collaboration and cooperation.
	discussion rocusing on key ewanssues and areas tipe for contaboration and cooperation.
	Melanie Davenport, Director, Water Division, Virginia Department of Environmental Quality Alan Roberson, Executive Director, Association of State Drinking Water Agencies Dan Yates, Deputy Executive Director, Ground Water Protection Council Marla Stelk, Executive Director, Association of State Wetland Managers
	Alex Schaffer, Legislative Director, National Governors Association
2:45-3:00 PM	BREAK
3:00-4:00 PM	A VIEW FROM CAPITOL HILL
	What lies ahead in the 116 <sup>th</sup> Congress? Will water make the short list? Will we see CWA
	amendments? A new infrastructure fund? How will the budget look for EPA? This panel will
	touch on the prospects for these and other important issues.
	Challie Chard Water Quality Division Disectory Oldehama Department of Environmental Quality
	Shellie Chard, Water Quality Division Director, Oklahoma Department of Environmental Quality
	Ryan Seiger, Majority Senior Counsel, Subcommittee on Water Resources and Environment,
	Committee on Transportation and Infrastructure
	Christophe Tulou, Senior Minority Counsel, Senate Environment and Public Works Committee
4:00-5:15 PM	WHAT'S NEXT NOW THAT INTEGRATED PLANNING IS NOW LAW
	Congress recently enacted law that codified EPA's 2012 policy framework that sought to ease
	municipalities' compliance with wastewater and stormwater requirements on a pollution-
	reduction priority basis, rather than all at once. Now that Integrated Planning is law, what role
	can states play in facilitating its implementation.
	Tiffani Kavalec, Chief of Division of Surface Water, Ohio Environmental Protection Agency
	Judy Sheahan, Assistant Executive Director, US Conference of Mayors
	Nathan Gardner-Andrews, Chief Advocacy Officer, National Association of Clean Water Agencies
	Chris Kloss, National Green Infrastructure Coordinator, Office of Wastewater Management
	United States Environmental Protection Agency
5:15 PM	WRAP UP DAY 1
Washington/Jefferson Fo	
6:30-8:00 PM	RECEPTION FOR ATTENDEES AND INVITED GUESTS

## WEDNESDAY, MARCH 20

#### CLOSED SESSIONS - OPEN TO STATES,

#### EPA OFFICE OF WATER PARTNERS, AND INVITED GUESTS ONLY

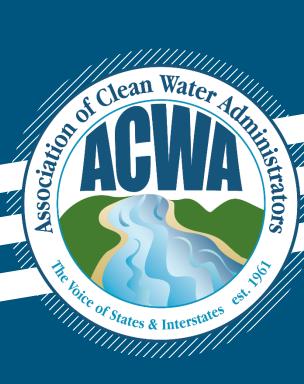
Grand Ballroom Salon A 8:00-9:00 AM	& B Foyer CONTINENTAL BREAKFAST
Grand Ballroom Salons A	A & B
8:30-9:30 AM	<b>INNOVATIVE STATE NUTRIENT REDUCTION APPROACHES</b> States have been very active in attempting new and unique methods to reduce nutrient pollution outside of numeric nutrient criteria. Presenters will offer case studies describing how their states have managed reductions in nutrient loads through strategic partnerships, market- based methods, incentive programs, and more.
	Adam Schnieders, Water Quality Resource Coordinator, Iowa Department of Natural Resources Anna Wildeman, Principal Deputy Assistant Administrator, Office of Water, United States Environmental Protection Agency Chris Wieberg, Director, Water Protection Program, Missouri Department of Natural Resources Nicole Rowan, Clean Water Program Manager, Colorado Department of Public Health and Environment
9:30-10:15 AM	<ul> <li>HOT TOPICS DISCUSSION</li> <li>Representatives from ACWA and EPA will lead dialogues on 4 current priorities. The goals of these intensive discussions are to solicit input from attendees, identify opportunities for collaboration, and identify prospective strategic issues for the coming year. Attendees will be encouraged to participate in the discussions by asking questions and providing input.</li> <li>Moderator:</li> <li>Allison Woodall, ACWA President, Texas Commission on Environmental Quality</li> <li>1. Significant Non-Compliance (SNC)         <ul> <li>Dan Palmer, Deputy Director, Planning Measures and Oversight Division, Office of Compliance, United States Environmental Protection Agency</li> <li>2. 304(a) Joint Prioritization</li></ul></li></ul>
	<b>Colleen Flaherty</b> , Deputy Director, Health and Ecological Criteria Division, Office of Water, United States Environmental Protection Agency
10:15-10:30 AM	BREAK
10:30-11:15 AM	<ol> <li>Waters of the U.S. Step 2 Martha Clark Mettler, Assistant Commissioner, Office of Water Quality, Indiana Department of Environmental Management John Goodin, Director, Office of Wetlands, Oceans and Watersheds, United States Environmental Protection Agency Cindy S. Barger, Environmental Planner, Office of the Assistant Secretary of the Army (Civil Works)</li> </ol>

4. Combined Sewer Overflow – Are they in compliance?

	Andrew Sawyers, Director, Office of Wastewater Management, United States Environmental Protection Agency Peter Goodmann, Director, Division of Water, Kentucky Department of Environmental Protection Susan Braley, Environmental Manager, Water Quality Program, Washington Department of Ecology
11:15 AM-12:00 PM	<b>PROGRAM AND PERMIT OVERSIGHT</b> ECOS and EPA have been working to identify a set of principles outlining the ways in EPA should oversee delegated program implementation in order to improve environmental outcomes and maximize efficiency. This session will provide an update on these efforts.
	<b>Carolyn Hanson</b> , Deputy Director, Environmental Council of the States <b>Elizabeth Kingsland</b> , Chief, Bureau of Water Pollution Control, Nevada Division of Environmental Protection <b>Sally Gutierrez</b> , Director, Permits Division, Office of Wastewater Management, United States Environmental Protection Agency
12:00 PM	WRAP UP & CLOSING REMARKS

SAFE TRAVELS HOME & WE HOPE TO SEE YOU at the 2019 ANNUAL MEETING, AUGUST 27-29, 2019!

# COMMITEE & WORKGROUP ACTIVITIES





#### Legal Affairs Committee

#### **Background Information**

Chairs:

*Carin Spreitzer*, Associate Attorney, Office of General Counsel, New York State Department of Environmental Conservation

*Robert Brown,* Deputy Assistant Commissioner for the Bureau of Water Resources, Massachusetts Department of Environmental Protection

#### ACWA Representative: Mark Patrick McGuire

The ACWA Legal Affairs Committee is made up of ACWA members and their staff, both technical and legal. The Committee also includes some state attorneys general and members of private firms that work on clean water issues. The Committee holds four calls each year, one each quarter. Typically, each call covers two recent clean water legal issues (typically, the co-chairs solicit presentations on recent reported decisions believed to be of high interest to the members).

#### **Activities**

#### Calls

The Legal Affairs Committee held multiple calls since the last ACWA meeting. The September 2018 call focused on the Massachusetts and New Hampshire MS4 permits litigation. The Massachusetts Department of Environmental Protection's Bob Brown set the stage and Justin Curtis of AquaLaw and Jeff Longsworth of Barnes & Thornburg LLP, representing the National and Massachusetts Homebuilders Associations, discussed the on-going litigation. Among the issues raised in the litigation is EPA's authority to impose water quality-based effluent limitations in municipal stormwater permits under Section 402(p)(3)(B)(iii) of the Clean Water Act.

The December 2018 call focused two issues. First, Attorney Sarah Fort of NRDC presented on *Los Angeles Waterkeeper, et al. v. Pruitt, et al.* In the case, the U.S. District Court for the Central District of California gave environmental groups a significant win in their bid to force EPA to regulate new sources of stormwater discharges under the Clean Water Act. The court read CWA Sections 301 and 402 not to afford EPA discretion to leave unregulated a source of stormwater found to contribute to violations of water quality standards. The court also concluded that EPA cannot decide Residual Designation Authority petitions based on the availability of other federal, state, and local controls to address the source of stormwater pollution. Instead, the Court found that the text of Section 402(p) limits the factors that EPA may consider strictly to whether a stormwater discharge (a) contributes to a violation of water quality standards or (b) is a significant contributor of pollutants.

Second, David Johnston and Brian Dudley of the Massachusetts Department of Environmental Protection presented on a new approach to watershed-based permitting being piloted for the Massachusetts towns of Brewster, Chatham, Harwich and Orleans on Cape Cod to implement a TMDL. The estuaries and embayments of the Pleasant Bay system have experienced anthropogenic loads of nitrogen delivered through groundwater, primarily by septic systems, and surface water sources. The towns which comprise the Pleasant Bay watershed agreed to allocate responsibility for nitrogen reductions under a watershed-based permit using an adaptive management approach.

The February 2019 call also focused on two issues. First, Attorney Thane D. Somerville of Morisset, Schlosser, Jozwiak & Somerville presented on *Hoopa Valley Tribe v. Federal Energy Regulatory Commission*, a D.C. Circuit Court decision in which the court concluded that the withdrawal-and-resubmission of water quality certification requests does not trigger new statutory periods of review under section 401 of the Clean Water Act.

Second, Attorney Sarah Geers of Midwest Environmental Advocates presented on a Wisconsin state court decision in *Dairy Business Association v. Wisconsin Department of Natural Resources* in which the judge ruled that an agreement between the Wisconsin Department of Natural Resources and the State's largest dairy business lobby violated state law. The settlement agreement at issue, which resulted from a lawsuit brought by the Dairy Business Association against the DNR, had allegedly limited DNR's authority to protect water quality through the science-based application of state law intended to prevent pollution from Wisconsin's largest concentrated livestock feeding operations.

#### Other

In 2018, the Legal Affairs Committee partnered with the Permitting and Compliance Committee to draft and submit a comment letter responding to EPA's request for comment on *Clean Water Act Coverage of "Discharges of Pollutants" via Direct Hydrologic Connection to Surface Water*. EPA sought public comment on the Agency's previous statements that pollutant discharges from point sources that reach jurisdictional surface water via groundwater or other subsurface flow may be subject to CWA permitting requirements under certain circumstances. In April 2018, former ACWA president Martha Clark Mettler and Assistant Commissioner for the Office of Water Quality at the Indiana Department of Environmental Management testified on behalf of ACWA in front of the Senate Committee on Environment and Public Works on the issue.

A major Ninth Circuit decision concerning discharges to surface water via hydrologically connected to groundwater, *County of Maui v. Hawaii Wildlife Fund*, was granted certiorari in February 2019 by the United States Supreme Court. The Court will consider one question: Whether the Clean Water Act requires a permit when pollutants originate from a point source but are conveyed to navigable waters by a nonpoint source, such as groundwater. The Legal Affairs Committee continues to follow the issue.

#### Contact

For more information on the Legal Affairs Committee, contact ACWA's Mark Patrick McGuire at <u>mpmcguire@acwa-us.org</u>.

#### Nutrients Policy Committee

#### **Background Information**

#### Chairs:

*Nicole Rowan*, Clean Water Program Manager, Colorado Dept. of Public Health and Environment *Adam Schnieders*, Water Quality Resource Coordinator, Iowa Department of Natural Resources

#### ACWA Representative: Mark Patrick McGuire

The Nutrients Policy Committee has around 170 members. Much of the Committee's work is done through the Nutrients Working Group (the "NWG"), a group of over 20 individuals from ACWA, ASDWA, NASDA, EPA Office of Water, and EPA Regions that meets quarterly. The NWG is managed by a Steering Committee of 9 individuals.

#### **Activities**

While the Nutrient Policy Committee focuses specifically on nutrients-related issues, ACWA's work on nutrients pollution is broad. Multiple committees and workgroups, including the Permitting & Compliance Committee, Watersheds Committee, and Monitoring, Standards, & Assessment Committee, work on nutrients-related issues, such as cyanotoxin criteria and advisory level development, lake numeric nutrients criteria development, variances, NPDES permitting, TMDLs, source water protection, and water quality trading.

#### Prioritization and New Projects

The Nutrients Working Group recently worked to identify state priorities regarding nutrients. The top five priorities identified are:

- Technology implementation for POTWs (e.g., optimization, new nutrients removal technology, etc.),
- Harmful algal bloom ("HAB") management (including scientific research to help understand how and when toxic HABs occur),
- Nonpoint source management (including 319 funds/resource availability),
- Small Facilities/Lagoons (specifically the issue of affordability in small towns where construction, maintenance, and operation of mechanical biological nutrient reduction is unaffordable), and
- Improving coordination with agricultural agencies and interests.

Currently, the NWG is working to identify projects responsive to state priorities.

#### Nutrients Reduction Progress Tracker

In March 2018, the NWG finalized a report on the data received from the *Nutrients Reduction Progress Tracker Version 1.0 – 2017*. The report can be found at <u>https://www.acwa-us.org/focus-areas/nutrients-policy/nutrients-reduction-progress-tracker/</u>.

This year, the NWG will release Version 2.0 of the Tracker to states. Version 2.0 will follow Version 1.0 to help establish state nutrient reduction trends while also requesting more detail from states regarding

nutrient reduction efforts. Recently, the NWG completed a draft of Version 2.0 of the Tracker. The final version will be completed and released by September 2019

#### Nutrients Permitting Workshops

ACWA hosted the third Nutrients Permitting Workshop from November 6-8, 2018 in Gulfport, Mississippi. The workshop focused on nutrient TMDLs and permitting. In November 2019, ACWA will host the fourth workshop in Alexandria, Virginia. The workshop will focus on water quality standards for nutrients.

#### NSmart

Members of the NWG continued to be involved in EPA's formation of NutrientSmart (also referred to as "NSmart), a proposed voluntary program to recognize progress made towards reducing nutrients in waterbodies by water resource recovery facilities ("WRRFs") and their watershed partners. The program will acknowledge the work that has been done and will facilitate further efforts through peer-to-peer information sharing to members and their constituents. NSmart will likely officially launch in 2019. EPA will host informational webinars April 10, 2019, 1 - 2pm EDT and April 11, 2019, 3 – 4pm EDT. For more information, please contact EPA's Mary Reiley (<u>Reiley.Mary@epa.gov</u>).

#### Contact

For more information on the Nutrients Policy Committee, contact ACWA's Mark Patrick McGuire at <u>mpmcguire@acwa-us.org</u> or 202-756-0604.

#### Pretreatment Workgroup

#### **Background Information**

#### Co-Chairs:

*Jen Robinson,* Environmental Scientist III, Div. of Water Quality, Utah Dept. of Environmental Quality *Vivien Zhong,* Pretreatment Coordinator, North Carolina Dept. of Environmental Quality

#### ACWA Representative: Mark Patrick McGuire

The ACWA Pretreatment Workgroup is made up of ACWA members and their staff involved in pretreatment issues. The Workgroup holds calls ad hoc and works with EPA to share information using the monthly EPA state pretreatment coordinator calls and listserv.

#### **Activities**

#### National Pretreatment Meetings

ACWA held the 2018 National Pretreatment Meeting from April 17-18 in Silver Spring, Maryland at the Tommy Douglas Conference Center. The meeting included over eighty attendees from twenty-five states, EPA Headquarters, and nine EPA Regional offices. ACWA also streamed the meeting for those unable to attend in person. Topics at the meeting included requirements under the NPDES Compliance Monitoring Strategy, highlights of recent enforcement cases, dental amalgam rule implementation, audits and compliance inspections, contaminants of emerging concern, NPDES E-Reporting Rule, pretreatment data, small facilities, deindustrialization and changing industries, and more. After the meeting, ACWA released presentation slides and solicited feedback from attendees and streaming participants on the meeting. Feedback was mostly very positive.

The next National Pretreatment Meeting will be in 2020. Planning for the meeting is ongoing.

#### Other

ACWA continued to work with the state pretreatment coordinators to identify webinar topics on monthly calls. In October 2018, ACWA hosted a session on Michigan's efforts to combat PFAS contamination using pretreatment. In February 2019, ACWA hosted a discussion on the relationship between pretreatment and NPDES programs.

#### Contact

For more information on the Pretreatment Workgroup, contact ACWA's Mark Patrick McGuire at <u>mpmcguire@acwa-us.org</u>.

#### Water Quality Trading

#### **Background Information**

#### ACWA Representative: Mark Patrick McGuire

ACWA supports water quality trading as a tool to assist states in meeting water quality goals. As such, ACWA is a steering committee member of the National Network on Water Quality Trading ("NNWQT"), a group of diverse organizations representing agriculture, wastewater utilities, environmental groups, regulatory agencies, and the practitioners delivering water quality trading programs to improve consistency, innovation, and integrity in water quality trading.

#### **Activities**

In late 2018, ACWA assisted in the completion and promotion of the NNWQT report titled, "Breaking Down Barriers: Priority Actions for Water Quality Trading". The report delves into the common barriers that keep utilities and municipalities from pursuing trading to achieve their clean water goals, and what proponents of trading can do to move beyond today's challenges. You can access the report at <u>http://www.nnwqt.org/action</u>.

ACWA also worked with the NNWQT to complete a retrospective of the work performed with the group over the past few years.

Lastly, ACWA worked to procure additional case studies on state trading programs and posted them on the ACWA website at <u>https://www.acwa-us.org/water-quality-trading-case-studies/</u>.

#### <u>Contact</u>

For more information, contact ACWA's Mark Patrick McGuire at mpmcguire@acwa-us.org.

#### Monitoring Standards and Assessment Committee

#### **Background Information**

Co-Chairs:

*Tom Frick,* Division Director, Florida Department of Environmental Protection *Connie Brower,* WQS Coordinator, North Carolina Department of Environment & Natural Resources

#### ACWA Representative: Frances Bothfeld

The Monitoring Standards and Assessment ("MSA") Committee has around 270 members and three workgroups: Variance Policy Workgroup, Complex Criteria Workgroup, HABs Recreational Criteria Workgroup, and Contaminant of Emerging Concern Workgroup. These workgroups have about 5-14 participants from the MSA committee.

#### **Activities**

#### Contaminants of Emerging Concern

Since the 2018 ACWA Mid Year Meeting, the MSA committee began focusing on contaminants of emerging concern. ACWA created a Contaminants of Emerging Concern Work Group along with the Association of Clean Water Administrators (ASDWA). The goal is to improve the contaminants of emerging concern assessment process, better engage the Federal statutes that regulate the introduction of substances into commerce for source control purposes, better coordinate SDWA and CWA interventions to optimize the control of impacts across the entire water cycle. The workgroup is currently working on putting together suggestions to help states dealing with contaminants of emerging concern. The workgroup had two face to face meetings and generated a draft report of suggestions for the ACWA and ASDWA boards.

#### Criteria and Implementation Guidance

The MSA Committee continues to play a critical role in developing implementation guidance for new and updated criteria. The HABS Focus Group continues to work the with EPA on finalizing the Cyanotoxins Criteria/Advisory and the related Lake Numeric Nutrient Criteria. The focus of these efforts is to combat harmful algal blooms ("HABs"). The complex criteria and HABs workgroups presented the draft implementation guidance to the MSA committee in early March and the EPA is requesting state input before making the guidance final.

#### Variance Policy

The Variance Workshop in November 2017 revealed the need for a continued conversation on variances. The variance workgroup meets once a month and engages in dialogue with state representatives on various national policy issues related to WQS variances. This effort will help ensure state co-regulator input is considered in variance policy development.

#### Assessment Updates

The MSA committee continues working on refreshing the assessment process. Specifically, the committee is trying to define what consistency in the assessment process would look like. Thus far 30 states have weighed in on this topic. The chairs and staff liaison are now working to consolidate all the feedback to present to the EPA.

#### **Contact**

For more information on the Monitoring Standards and Assessment Committee, contact ACWA's Frances Bothfeld at <u>FBothfeld@acwa-us.org</u>.

#### Permitting & Compliance Committee

#### **Background Information**

Co-Chairs:

*Emilee Adamson,* VPDES Team Lead, Virginia Department of Environmental Quality *Thomas Stiles,* Assistant Director, Bureau of Water, Kansas Department of Health & Environment

ACWA Representative: Sean Rolland

#### NPDES Applications and Program Updates Rule

Over the last 3 years this Committee participated in numerous conference calls with EPA staff discussing and working through several provisions provided in the proposed rule. On Tuesday, February 12, 2019 EPA published phase I of the final rule which included a limited number of provision updates including: 1) permit application requirements; 2) inclusion of both SIC and NAICS; 3) mailing addresses, email addresses, web addresses, and information sources; 4) pesticide program related definitions; 5) allowing notice of permitting actions on publicly available websites; 6) retaining the 24-month requirement for non-POTWs to submit effluent data. **EPA noted that they would be deferring action on the following proposed provisions:** 1) definition of proposed permit; 2) definition of whole effluent toxicity (WET); 3) application requirements—latitude and longitude; 4) reasonable potential determinations for new discharges; 5) dilution allowances; 6) antidegradation reference; 7) anti-backsliding; 8) design flows for POTWs: 9) objection to administratively continued permits; 10) CWA section 401 certification process; 11) fact sheet requirements. There is no indication from EPA on when they might take up updating those provisions in the future.

#### **OECA SNC Rate Reduction Initiative**

In the FY 2018-2022 EPA Strategic Plan, EPA identified a new priority to refocus efforts toward areas with significant noncompliance issues) EPA selected CWA NPDES as the first program for initiating the effort to increase compliance rates, setting a goal of reducing the rate of significant noncompliance in the NPDES program by 50% (to a rate of 12%) by the end of FY 2022) EPA has set up 4 state/EPA workgroups that are looking at different issues: 1) Data Quality and DMR Non-receipt; 2) Effluent Violation Deterrence; 3) Federal Facilities; and 4) Communications and Outreach. There is a face to face workgroup meeting scheduled for late April 2019. EPA will also provide initiative updates at ACWA membership meetings.

#### NPDES eReporting and ICIS Updates

During this quarter EPA and ACWA also discussed on a call updates to ICIS and the impacts those updates will likely have on meeting the NPDES eReporting Rule regulatory deadlines in 2020. EPA requested state input on two issues: 1) should states grant temporary waivers to permittees that cannot submit electronically; 2) should EPA attempt concurrent/tandem updates to NeT and ICIS or do them consecutively. EPA will be briefing states in late March on expected impacts and next steps.

#### NPDES Permit Writers Clearinghouse Workgroup

At the 2017 Nation NPDES Program Manager Meeting there was a discussion regarding the need to have a one stop shop where permit writers could find regulatory resources, guidance documents, example permit language, models, and other tools from around the country that would help them do their jobs. Several states have been participating on workgroup helping develop a conceptual framework for building and populating a NPDES Permit Writers Clearinghouse. Once the framework is finalized, states and EPA will be asked to start populating the environment.

#### **Peak Flows Management**

Last year EPA started collecting information from states, municipalities, environmental groups, and other stakeholders on the handling of peak flows at separate sewer/stormwater systems. In October 2018, States and ACWA participated in a face to face meeting in Washington, DC to discuss the challenges associated with managing facilities that receive peak flows that exceed facility capacity during wet weather events. ACWA submitted a formal comment letter. EPA is expected to propose a rule by summer of 2019 and finalize by summer of 2020.

#### **SMART Tools**

States through ACWA and ECOS are working with EPA to develop a suite of superior digital tools (software and hardware) to change the way environmental inspection programs are operated and managed. The goal of this effort is to improve the quality and consistency of inspections and reports by assisting with: inspection planning, assignment, tracking and management; field data collection improving quality, consistency and efficiency; robust and secure evidence management and retention; seamless data flow with EPA programmatic databases; and support for timely completion and release of inspection reports. Several states have volunteered to assist with this effort for the NPDES program.

#### 2019 National NPDES Permit Writers Workshop

This meeting is scheduled to occur September 17-19, 2019 in Washington, DC and is intended to help support states and EPA by showcasing permit writer innovations, assisting with analysis of training, guidance, tools, and other supporting materials, improving administrative efficiencies, clarifing roles and responsibilities, building stronger linkages to WQS & TMDLs, modernizing permit terms and data management, discussing program performance measures, and identifying program areas where targeted technical assistance would be most beneficial. The agenda for this meeting is currently being developed with several states participating. Through an EPA cooperative agreement, ACWA will be able to provide travel support to this meeting as well.

#### Contact

For more information on the Permitting & Compliance Committee, contact ACWA's Sean Rolland at srolland@acwa-us.org.

#### Cooling Water Steam Electric Workgroup

#### Background Information

#### Co-Chairs:

*Jason Knutson,* Environmental Engineer Supervisor, Wisconsin Department of Natural Resources *Michael Moe,* Engineering Manager III, Oklahoma Department of Environmental Quality

#### ACWA Representative: Sean Rolland

This workgroup is heavily focused on technical presentations and discussions associated with implementation of the Cooling Water Intake Structure Rule, the Steam Electric Power Plant ELG Rule, and the Disposal of Coal Combustion Residuals from Electric Utilities Rule. The agendas for call and webcasts are set by states and EPA. Call/webcast summaries can be found below.

On September 27, 2018the ACWA Cooling Water Steam Electric Workgroup participated in a call with EPA. Topics for this call include Independent Supplier requirements and a general survey of all 316(b) regulations. States were given the chance to ask questions and discuss how they were implementing the program.

On October 25, 2018 the ACWA Cooling Water Steam Electric Workgroup participated in a call with EPA that focused on the state interactions with the services, the interplay between 316(a) and 316(b), low capacity utilization, and BPJ facilities.

On December 6, 2018 the ACWA Cooling Water Steam Electric Workgroup participated in a call with EPA. EPRI provided an overview of some of the presentations given at the 5<sup>th</sup> *Thermal Ecology and Regulation Workshop*. The meeting was attended by more than 70 professionals from power companies, academia, government, and consulting and included 30 technical presentations and a discussion session at the close of the Workshop. Representatives from EPRI's Fish Protection Program will provide the ACWA workgroup with an overview of the technical presentations including key findings and identified research needs. Example studies included ESA Consultation, thermal impacts to fisheries, thermal tolerance metrics, thermal stressors, alternative thermal limits, drones and imaging, acoustic telemetry, and several others.

The call scheduled for January 24, 2019 was cancelled due to the federal government shutdown.

On February 28, 2019 ACWA Cooling Water Steam Electric Workgroup participated in a call with EPA. The first discussion topic for the call was the annual Endangered Species Act reporting that permitting authorities must complete and send in to EPA to share with the Services. Other topics for the call included a discussion regarding the Service consultation, implementation of BTA, a permit checklist, and the upcoming 2019 NPDES Permit Writers Workshop. There will be an entire day dedicated to 316(b) permitting challenges.

#### <u>Contact</u>

For more information on the Cooling Water Steam Electric Workgroup, contact ACWA's Sean Rolland at <u>srolland@acwa-us.org</u>.

#### **Rural Workgroup**

#### **Background Information**

Co-Chairs:

*Kent Woodmansey,* Engineering Manager, Feedlot Permit Program, South Dakota Department of Environment & Natural Resources *Gary Kelman,* Head. AFO Division, Maryland Department of the Environment

ACWA Representative: Sean Rolland

#### 2018 National CAFO Roundtable

The 2018 National CAFO Roundtable was held in Boise, Idaho September 25-27, 2018. Topics for the meeting included a history of animal agriculture in Idaho; planning, collaboration, and assessment when reissuing NPDES permits; the pros and cons to using a two permit system; making nutrient management plans simpler; common ownership; microbial source tracking; compliance inspections; challenges in dealing with AFOs; how to consider WLAs; electronic application and reporting tools; and NPDES eReporting rule updates.

#### Animal Agriculture Discussion Group

In 2013 EPA Office of Water, a couple state program managers, and animal agriculture stakeholders established the Animal Agriculture Discussion Group (AADG) to work together to protect water quality through voluntary collaborations that supplement existing regulatory programs. The group convenes via meetings and calls, as well as on farms and at agricultural events around the country, to keep lines of communication open and develop a shared understanding of how to enhance agricultural practices and maintain clean water. Both of ACWA's Rural Workgroup Chairs participate on this group. At the October 2018 meeting, presentations were given on the Dairy Sustainability Alliance, the Indiana Conservation Partnership and Agriculture Nutrient Alliance, anaerobic digester and nutrient recover technology, market-based approaches for nutrient reductions, research and ag/water innovations and innovative solutions for manure management recovery. ACWA's Rural Workgroup may work closer with the AADG as time goes on.

#### NRCS Conservation Practice Standard 590: Nutrient Management

USDA is currently finalizing the national 590 standard. The updated standard was scheduled to be released in February 2019, but the government shutdown has delayed finalization. Once finalized, USDA has agreed to schedule a call with ACWA's Rural Workgroup to brief states on changes and updates.

#### Contact

For more information on the Rural Workgroup, contact ACWA's Sean Rolland at srolland@acwa-us.org.

#### Stormwater Workgroup

#### **Background Information**

Co-Chairs:

Alicia Good, Assistant Director, Office of Water Resources, Rhode Island Department of Environmental Management

Rebecca Villalba, Stormwater & Pretreatment Team Leader, Texas Commission on Environmental Quality

ACWA Representative: Sean Rolland

#### Conference Calls and Webcasts

On December 12, 2018 the ACWA Stormwater Workgroup hosted a call with EPA to discuss updates including preliminary dates for the 2020 National Stormwater Roundtable, an over view of the Blending comments, proposed updates to the CGP, and updates to EPA's website including Phase II fact sheets transportation compendium, and Spanish speaking resources (Appendix – Stormwater).

In late December 2018, ACWA also set up a call with EPA HQ staff to discuss the MEP initiative. In particular ACWA discussed the goal of providing state stormwater program managers and permit writers with a multitude of resources, including reference documents, permits, legal decisions, advocacy materials, stakeholder presentations, and ultimately a white paper that summarizes options/considerations. The timeframe for this project would likely be 6-8 months.

On February 6, 2019 the State/EPA Stormwater Workgroup held a short call to discuss several federal updates. These includes the proposed construction general permit updates, the 2020 Multi Sector General Permit and National Academy of Sciences study on industrial stormwater, WIIA and potential next steps for the integrated planning efforts, and request for future call topics.

ACWA also continued to participate on and promote EPA related calls/webcasts:

10/30/2018	Incentives for Green Infrastructure on Private Property
11/1/2018	Supporting DoD Installation Sustainability
11/8/2018	Building Resilience in Partnerships w/Vulnerable Communities
11/15/2018	Investing in Infrastructure Resilience
2/20/2019	Building Productive Agriculture-Municipal Partnerships

#### 2020 National Stormwater Roundtable

ACWA has been identified San Antonio, Texas as the location for the 2020 National Stormwater Roundtable. The meeting will take place February 2-6, 2020. In May ACWA will start pulling together a planning State/EPA Agenda Planning Committee. Please let us know if your state would like to participate on that Committee.

#### **Contact**

For more information on the Stormwater Workgroup, contact ACWA's Sean Rolland at <u>srolland@acwa-us.org</u>.

#### 319/Nonpoint Source Workgroup

#### **Background Information**

Chair:

*Tom Frick*, Director, Division of Environmental Assessment & Restoration, Florida Department of Environmental Protection

ACWA Representative: Julian Gonzalez, Environmental Program Manager

The 319/Nonpoint Source workgroup, technically a subgroup within the Watersheds Committee, has its own chair and essentially operates as an individual committee even though calls are often jointly-shared with the Watersheds committee due to topical overlap. The workgroup discusses a variety of 319 implementation program topics, often with EPA, and usually has 1-3 calls per quarter.

#### **Activities**

#### Calls

Since the last ACWA meeting, the committee held calls with EPA to update states on the progress of the National Water Quality Initiative pilot programs as well as planned changes going into FY19. The workgroup also held a call where EPA 319 program staff and leadership discussed and received feedback on a cross-office project they are developing titled "Best Practices Guide for Using Clean Water State Revolving Funds to help Manage Nonpoint Source Pollution."

#### Nonpoint Source Management Plans

Early in 2018, the workgroup surveyed states to gather information on where various states were regarding submission and implementation of Nonpoint Source Management plans. The workgroup held a call with EPA where states discussed success stories, and EPA discussed basic NPSMP requirements and had a Q&A with states. Building off of those earlier engagements, as well as EPA's National Nonpoint Source Training Workshop (which was attended by many ACWA members) ACWA began this year collecting additional information from states on NPSMPs to help prepare for a series of calls on more specific aspects of NPSMPs.

#### **Contact**

For more information on the 319/Nonpoint Source workgroup, contact ACWA's Julian Gonzalez at jgonzalez@acwa-us.org

#### Water Resource Management Committee

#### **Background Information**

#### Co-Chairs:

*Jeff Manning*, Chief of Classifications, Standards & Rules Review Branch, Water Planning Section, Division of Water Resources, N.C. Department of Environmental Quality *Erica Gaddis*, Director, Division of Water Quality, Utah Department of Environmental Quality

The Water Resource Management committee historically has focused on climate adaptation and resiliency topics, and topics which are more cross cutting such as emergency response, source water protection, and water security. In 2019, the committee will be pivoting to focus more on discussions of state challenges and successes in the realm of water quantity issues, water reuse, and other water planning topics. The committee has also been involved in a few ongoing projects throughout the years such as participation in the Source Water Collaborative, participation in the Advisory Committee on Water Information, and creation of EPA's database of Water Agency Climate Adaptation practices. Typically, the committee has 1-2 webinars per quarter.

#### **Activities**

Since the last ACWA meeting, the water resource management committee has co-hosted webinars on EPA development of the "How's my Waterway" web app, and also hosted a webinar featuring an EPA presentation on their "Creating Water Resilient Utilities" tools with the goal of educating state staff about useful EPA resources that they can possibly direct local partners toward. ACWA also added a new co-chair to the committee, Erica Gaddis, the Director of Utah DEQ's Water Quality division. Erica, Jeff, and ACWA staff have began discussing several webinar topics and projects for the committee to work on in 2019, such as webinars on NOAA Drought Analysis tools, Integrated Water Management, Aquifer Storage and Recovery, and helping plan a state regulator workshop day as part of the Water Reuse Association's annual meeting.

#### <u>Contact</u>

For more information on the Water Resource Management Committee, contact ACWA's Julian Gonzalez at jgonzalez@acwa-us.org or Frances Bothfeld at <u>fbothfeld@acwa-us.org</u>.

#### Watersheds Committee

#### **Background Information**

#### Co-Chairs:

*Traci lott*, Supervising Environmental Analyst, Water Planning and Management Division, Connecticut Department of Energy and Environment *Jeff Berckes*, TMDL Program Coordinator, Iowa Department of Natural Resources

#### ACWA Representative: Julian Gonzalez

The ACWA Watersheds Committee roster contains roughly 290 state staff, and discusses issues related to TMDLs, Watershed Management, and 303(d) program implementation. In addition to that roster, the committee also now contains a "TMDL Modeling Workgroup" which is a separate roster of about 50 people. The greater Watersheds Committee meets monthly via webinar/conference call, and the TMDL modeling workgroup meets on an ad-needed basis.

#### **Activities**

#### Calls

Since the last ACWA meeting, the committee has held calls on a wide variety of topics including innovative citizen monitoring apps used by 303(d) programs, on EPA progress in development of the "How's My Waterway" web application, on a 3-month long series of interviews between ACWA staff, committee chairs and state 303(d) staff to see how programs have changed in the last few years, on the basics of variances, on EPA's new 303(d) program success metrics, on understanding bacterial impairments in public beaches, and on the intersection of modeling and outreach. The committee relies heavily on input from the roster to shape discussion, which is why topics range from technical to managerial and from national to very localized.

#### How's My Waterway

The Watersheds Committee also served as a conduit for EPA to hold regular calls with state staff over a 3month period in 2018 to discuss different elements of the "How's My Waterway" web application. EPA is in the process of revamping the app, which is a significant public outreach tool. The issue of "states telling their own water quality stories" has always been important to the committee, so EPA and ACWA agreed to hold a series of calls to improve state engagement on the development of the app. This "subgroup" met weekly for just under 3 months and will begin meeting monthly again starting in March 2019.

#### TMDL Modeling Workgroup

In July 2018, after several months of outreach to state TMDL modelers, ACWA hosted a TMDL Modeling Workshop in Denver, Colorado. The purpose of the workshop was to gather TMDL modelers and TMDL program managers (and EPA) together to discuss the ways states could build capacity regarding modeling surface water quality for TMDLs. The workshop was borne out of several state staff realizing that by simply communicating more across state lines, there was plenty of knowledge to be shared on the topic. ACWA

served as the conduit for that information sharing, and on the heels of the workshop created an online workspace for TMDL modeling workgroup members to use for conversations and document sharing. In 2019, ACWA plans on utilizing the workspace as well as committee calls to create a Best Practices document for TMDL Modeling Contracting, as well as a draft modeling decision tree to help better inform TMDL program staff as they identify what models best fit their geographic needs and their resources (staff, time, money).

#### **Contact**

For more information on the Watersheds Committee, contact ACWA's Julian Gonzalez at <u>jgonzalez@acwa-us.org</u>.

#### Funding and Congressional Relations Committee

#### **Background Information**

Chair:

Shellie Chard, Water Quality Division Director, Oklahoma Department of Environmental Quality

#### **Budget Summary**

Congress passed the Consolidated Appropriations Act, 2018 in March 23, 2018 which kept the EPA budget at \$8.1 billion. This bill funded the government until September 30th, 2018. In September there was hope for an omnibus bill for FY19. However, the Interior-EPA appropriations bill stalled and Congress passed a continuing resolution to keep the government open until December 7th, 2018. This CR funded the EPA at FY18 levels. After a 35-day shutdown, a new CR was signed and kept the government open until February 13th. This CR also kept EPA's budget at FY18 levels. Congress was able to pass an omnibus bill in February which provided a small increase to EPA funding, but kept most Office of Water related funding the same. The President's FY 20 budget came out March 11th, which requested drastic cuts to most water related programs and zeroed out many regional programs as well as Section 319 funding.

#### Water Infrastructure Funding

ACWA joined a coalition of over 100 entities in urging Congress to include funding and financing for drinking water, wastewater, water reuse and stormwater infrastructure in any infrastructure package considered during the 116th Congress. Given the well-documented needs of our nation's aging water infrastructure, an infrastructure package represents an excellent opportunity to provide necessary resources to meet long-term economic, public health and environmental goals.

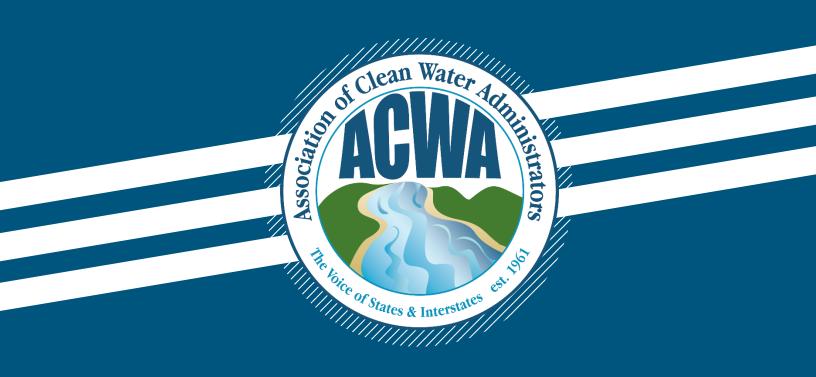
#### Water Infrastructure Improvement Act

On Monday, January 15, 2019 President Trump signed the "Water Infrastructure Improvement Act" which codifies EPA's "Integrated Planning" initiative into federal law. This law allows municipalities and permitting authorities to prioritize water infrastructure projects to maximize environmental and health benefits, while working towards compliance with all aspects of the Clean Water Act (CWA). The law requires EPA/states to notify municipalities of the availability of an integrated plan that could be incorporated into a permit and would allow compliance schedules that exceed one permit term, if appropriate. The law also requires EPA to issue a report within 2 years that describes each integrated plan developed and implemented through permit, order, or consent decree going back to 2012. The law requires EPA to create an Office of the Municipal Ombudsman that will provide assistance to municipalities related to identifying: 1) federal financial assistance; 2) flexibilities under the CWA; and 3) opportunities to develop integrated plans. Finally, the law specifically requires EPA to promote the use of Green Infrastructure in its policies. ACWA has been talking with several stakeholder groups and EPA regarding implementation and next steps.

#### **Contact**

For more information on the Water Resource Management Committee, contact ACWA's Julia Anastasio at janastasio@acwa-us.org or Frances Bothfeld at <u>fbothfeld@acwa-us.org</u>.

# PARTICIPANTS LIST



### Mid-Year Meeting 2019 \* Hilton Alexandria Old Town \* Alexandria, VA Participant List March 2019

Pre-meeting

First Name	Last Name	Title	Email	Organization
Adam	Klinger	Acting Associate Director	klinger.adam@epa.gov	U. S. Environmental Protection Agency, Headquarters
Adam	Schnieders	Water Quality Resource Coordinator	adam.schnieders@dnr.iowa.gov	Iowa Department of Natural Resources
Alan	Roberson	Executive Director	aroberson@asdwa.org	Association of State Drinking Water Administrators
Alex	Schaefer	Legislative Director, Natural Resources Committee	aschaefer@nga.org	National Governors Association
Alicia	Good	Assistant Director, Office of Water Resources	alicia.good@dem.ri.gov	Rhode Island Department of Environmental Management
Allison	Woodall	Special Assistant to Deputy of Water	allison.woodall@tceq.texas.gov	Texas Commission on Environmental Quality
Amanda	Reed	Chief, Watershed Management Section	amanda.reed@ks.gov	Kansas Department of Health & Environment
Amanda	Vincent	Environmental Scientist Manager	amanda.vincent@la.gov	Louisiana Department of Environmental Quality
Andrew	Dehoff	Executive Director	adehoff@srbc.net	Susquehanna River Basin Commission
Andrew	Gavin	Deputy Executive Director	agavin@srbc.net	Susquehanna River Basin Commission
Andrew	Sawyers	Director, Office of Wastewater Management	sawyers.andrew@epa.gov	U. S. Environmental Protection Agency, Headquarters
Ann	Clark	Assistant Chief	clarkar@dhec.sc.gov	South Carolina Department of Health & Environmental Control
Anna	Wildeman	Principal Deputy Assistant Administrator, Office of Water	wildeman.anna@epa.gov	U. S. Environmental Protection Agency, Headquarters
Anne	Clement	Senior Legislative Associate	aclement@nga.org	National Governors Association
Annette	lvey	Director of Operations	aivey@acwa-us.org	Association of Clean Water Administrators

April	Grippo	Deputy Director, Division of Water Resources	april.grippo@tn.gov	Tennessee Department of Environment and Conservation
Benita	Best-Wong	Principal Deputy Assistant Administrator, Office of Water	best-wong.benita@epa.gov	U. S. Environmental Protection Agency, Headquarters
Bill	Cauthron	Chief, Water Quality Programs Division	bill.cauthron@owrb.ok.gov	Oklahoma Water Resources Board
Brandon	Kernen	Drinking Water and Groundwater Bureau	brandon.kernen@des.nh.gov	New Hampshire Department of Environmental Services
Brian	Hall	Assistant Chief, Division of Surface Water	brian.hall@epa.ohio.gov	Ohio Environmental Protection Agency
Caleb	Osborne	Associate Director, Office of Water Quality	osbornec@adeq.state.ar.us	Arkansas Department of Environmental Quality
Carol	Lamb-LaFay	Section Chief, Bureau of Water Permits	carol.lamb-lafay@dec.ny.gov	New York State Department of Environmental Conservation
Carolyn	Hanson	Deputy Director	chanson@ecos.org	Environmental Council of the States
Catherine	Neuschler	Manager, Water Assessment Section	catherine.neuschler@state.mn. us	Minnesota Pollution Control Agency
Chris	Kloss	Chief, Municipal Branch, Water Permits Division	kloss.christopher@epa.gov	U. S. Environmental Protection Agency, Headquarters
Chris	Wieberg	Director, Water Protection Program	chris.wieberg@dnr.mo.gov	Missouri Department of Natural Resources
Christophe	Tulou	Senior Minority Counsel, Senate Environment & Public Works Committee	ctulou@verizon.net	U. S. Senate Environment & Public Works Committee
Cindy	Barger	Environmental Planner, Office of the Assistant Secretary of the Army	cindy.s.barger@usace.army.mil	Civil Works – Army Corps of Engineers
Colleen	Flaherty	Deputy Director, Health & Ecological Criteria Division	veney.april@epa.gov	U. S. Environmental Protection Agency, Headquarters
Connie	Brower	Water Quality Standards Coordinator	connie.brower@ncdenr.gov	North Carolina Department of Environmental Natural Resources
Dan	Yates	Deputy Executive Director	dyates@gwpc.org	Ground Water Protection Council
Dan	Palmer	Deputy Director Planning Measures & Oversight Div., Office of Compliance	palmer.daniel@epa.gov	U. S. Environmental Protection Agency, Headquarters
Dania	Rodriguez	Acting Executive Director	daniar@astswmo.org	Association of State and Territorial Solid Waste Management

David	Ross	Assistant Administrator, Office of Water	ross.davidp@epa.gov	U. S. Environmental Protection Agency, Headquarters
Deborah	Nagle	Director, Office of Science and Technology	nagle.deborah@epa.gov	U. S. Environmental Protection Agency, Headquarters
Donald	Welsh	Executive Director	dwelsh@ecos.org	Environmental Council of the States
Donette	Barreto	Permits Supervisor	dbarreto@ndep.nv.gov	Nevada Division of Environmental Protection
Ed	Dunne	Chief, Standards and TMDLs	ed.dunne@dc.gov	District Department of Energy and Environment
Elizabeth	Kingsland	Bureau Chief, Water Pollution Control	ekingsland@ndep.nv.gov	Nevada Division of Environmental Protection
Emilee	Adamson	VPDES Team Lead	emilee.adamson@deq.virginia.gov	Virginia Department of Environmental Quality
Erica	Gaddis	Director, Division of Water Quality	egaddis@utah.gov	Utah Department of Environmental Quality
Frances	Bothfeld	Environmental Analyst	fbothfeld@acwa-us.org	Association of Clean Water Administrators
Fred	Andes	Partner	fredric.andes@btlaw.com	Barnes & Thornburg LLP
Gary	Rowe Jr.	Program Coordinator, National Water Quality Program	glrowe@usgs.gov	United States Geological Survey
Gene	McCabe	Wastewater Discharge Authorization Program	gene.mccabe@alaska.gov	Alaska Department of Environmental Conservation
Heather	Preston	Director, Water Quality Division	prestohs@dhec.sc.gov	South Carolina Department of Health & Environmental Control
Jaime	Gaggero	Director, Bureau of Water	jaime.gaggero@ks.gov	Kansas Department. of Health & Environment
Jeaneanne	Gettle	Water Division Director	Marcus.pam@epa.gov	U. S. Environmental Protection Agency, Region 4
Jeff	Lape	Deputy Director, Office of Science & Technology	lape.jeff@epa.gov	U. S. Environmental Protection Agency, Headquarters
Jeff	Poupart	Section Chief, Water Quality Permitting Section	jeff.poupart@ncdenr.gov	North Carolina Department of Environment & Natural Resources
Jennifer	Dodd	Deputy Director, Division of Water Resources	jennifer.dodd@tn.gov	Tennessee Department of Environment & Conservation

Jennifer	Wigal	Deputy Water Quality Administrator	jennifer.wigal@state.or.us	Oregon Department of Environmental Quality
Joan	Tanaka	Acting Director, Water Division	tanaka.joan@epa.gov	U. S. Environmental Protection Agency, Region 5
John	Goodin	Director, Office of Wetlands, Oceans and Watersheds	goodin.john@jpa.gov	U. S. Environmental Protection Agency, Headquarters
John	Pawlow	Majority Senior Counsel, House Committee on Transp. & Infrastructure, Subcmte on Water Resources & Environ.	jon.pawlow@mail.house.gov	U. S. House of Representatives, House Committee on Transportation & Infrastructure
John	Rebar Jr.	Environmental Program Manager I	john.rebar@delaware.gov	Delaware Department of Natural Resources & Environmental Control
Judy	Sheahan	Assistant Executive Director	jsheahan@usmayors.org	United States Conference of Mayors
Julia	Anastasio	Executive Director and General Counsel	janatasio@acwa-us.org	Association of Clean Water Administrators
Julian	Gonzalez	Environmental Program Manager	jgonzalez@acwa-us.org	Association of Clean Water Administrators
Jutta	Schneider	Water Planning Division Director	jutta.schneider@deq.virginia.gov	Virginia Department of Environmental Quality
Karen	Mogus	Deputy Director, Division of Water Quality	karen.mogus@waterboards.ca.gov	California State Water Resources Control Board
Karen	Steele	Engineering, Municipal Discharge & Storm water Permitting Section	karen.steele@deq.ok.gov	Oklahoma Department of Environmental Quality
Katie	Foreman	Environmental Program Associate	kforeman@acwa-us.org	Association of Clean Water Administrators
Koon	Tang	Director, Bureau of Water Resource Mgmt.	koon.tang@dec.ny.gov	New York State Department of Environmental Conservation
Krista	Osterberg	Surface Water Section Manager	osterberg.krista@azdeq.gov	Arizona Department of Environmental Quality
Lee	Currey	Director of Science Services	lee.currey@maryland.gov	Maryland Department of the Environment
Leslie	McGeorge	Administrator, Bureau of Freshwater & Biological Monitoring	leslie.mcgeorge@dep.nj.gov	New Jersey Department of Environmental Protection
Lynda	Hall	Branch Chief, OWOW/WRAPD/Nonpoint Source Management	hall.lynda@epa.gov	U. S. Environmental Protection Agency, Headquarters
Mark Patrick	McGuire	Environmental Program Manager	mpmcguire@acwa-us.org	Association of Clean Water Administrators

Marla	Stelk	Assistant Director	marla@aswm.org	Association of State Wetland Managers
Martha	Clark Mettler	Assistant Commissioner, Office of Water Quality	mclark@idem.in.gov	Indiana Department of Environmental Management
Martha	Shimkin	Acting Deputy Director, Office of Wastewater	shimkin.martha@epa.gov	U. S. Environmental Protection Agency, Headquarters
Melanie	Davenport	Director, Water Division	melanie.davenport@deq.virgina.gov	Virginia Department of Environmental Quality
Nathan	Gardner- Andrews	Chief, Advocacy Officer	ngardner-andrews@nacwa.org	National Association of Clean Water Agencies
Nicole	Rowan	Clean Water Program Manager	nicole.rowan@state.co.us	Colorado Department of Public Health
Pam	Behm	Acting Supervisor, Modeling & TMDL Unit, Division	pamela.behm@ncdenr.gov	North Carolina Department of Environment & Natural Resources
Pete	LaFlamme	Director, Watershed Management Division	pete.laflamme@vermont.gov	Vermont Department of Environmental Conservation
Peter	Goodmann	Director, Division of Water	peter.goodmann@ky.gov	Kentucky Department of Environmental Protection
Rebecca	Diehl	Program Analyst	rebecca.diehl@dc.gov	District Department of Energy and Environment
Renee	Purdy	Acting Executive Officer	renee.purdy@waterboards.ca.gov	California Regional Water Quality Control Board, Los Angeles Region
Richard	Friesner	Director of Water Quality Programs	rfriesner@neiwpcc.org	New England Interstate Water Pollution Control Commission
Richard	Harrison	Executive Director	rharrison@orsanco.org	Ohio River Valley Water Sanitation Commission
Robert	Wood	Director, Engineering & Analysis Division	robert.wood@epa.gov	U. S. Environmental Protection Agency, Headquarters
Ryan	Seiger	Majority Senior Counsel, Committee on Transp. & Infrastructure, Subcommittee. on Water Resources & Environment	ryan.sieger@house.gov	U. S. House of Representatives, Committee on Transportation & Infrastructure
Sally	Gutierrez	Director, Water Permits Division, Office of Wastewater Management	gutierrez.sally@epa.gov	U. S. Environmental Protection Agency, Headquarters
Sanjay	Sofat	Chief, Bureau of Water	sanjay.sofat@Illinois.gov	Illinois Environmental Protection Agency

Sara	Hisel-McCoy	Director, OST, Standards & Health Protection Division	hisel-mccoy.sara@epa.gov	U. S. Environmental Protection Agency, Headquarters
Sean	Rolland	Deputy Director	srolland@acwa-us.org	Association of Clean Water Administrators
Shari	Barash	Branch Chief	barash.shari@epa.gov	U. S. Environmental Protection Agency, Headquarters
Shelley	Schneider	Water Permits Division Administrator	shelley.schneider@nebraska.gov	Nebraska Department of Environmental Quality
Shellie	Chard	Division Director, Water Quality Division	shellie.chard@deq.ok.gov	Oklahoma Department of Environmental Quality
Shelly	Lemon	Monitoring Team Leader	shelly.lemon@state.nm.us	New Mexico Environment Department
Susan	Braley	Environmental Manager, Water Quality Program	subr461@ecy.wa.gov	Washington Department of Ecology
Susan	Holdsworth	Monitoring Branch Chief	holdsworth.susan@epa.gov	U. S. Environmental Protection Agency, Headquarters
Susan	Sullivan	Executive Director	ssullivan@neiwpcc.org	New England Interstate Water Pollution Control Commission
Travis	Sieve	WRAPS Programmatic Unit Manager, Watershed Management	travis.sieve@ks.gov	Kansas Department of Health & Environment
Tiffani	Kavalec	Chief, Division of Surface Water	tiffani.kavalec@epa.ohio.gov	Ohio Environmental Protection Agency
Tom	Stiles	Assistant Director, Bureau of Water	tom.stiles@ks.gov	Kansas Department of Health & Environment
Tom	Wall	Director, Assessment, Watershed Protection Division, OWOW	wall.tom@epa.gov	U. S. Environmental Protection Agency, Headquarters
Traci	lott	Supervising Envtl. Analyst, Planning & Standards Div., Bureau of Water Protection & Land Reuse	traci.iott@ct.gov	Connecticut Department of Energy & Environmental Protection
Vivien	Zhong	Environmental Engineer	vivien.zhong@ncdenr.gov	North Carolina Department of Environment and Natural Resources

## **The Voice of States & Interstates**







## SAVE THE DATE! ACWA ANNUAL MEETING 2019

## AUGUST 27 - 29, 2019

## HYATT REGENCY AUSTIN - TEXAS

Navigating and Targeting Water Quality Priorities



Lady Bird Lake, Austin, TX

## The Voice of States and Interstates



View of the Potomac River – Alexandria, VA

## SAVE THE DATE

58<sup>TH</sup> ANNUAL MEETING August 27 - 29, 2019 Hyatt Regency Austin Austin, TX 2019 NATIONAL NPDES PERMIT WRITERS WORKSHOP September 17 - 19, 2019 Washington Marriott Wardman Park Washington, DC

2019 NUTRIENTS PERMITTING WORKSHOP November 5 - 7, 2019 Meeting venue: AlexRenew, Alex, VA Lodging: Embassy Suites Alexandria, VA

59<sup>th</sup> ANNUAL MEETING Venue Destination: Nashville, TN Date; TBD MID-YEAR, MEETING 2020 Venue: TBD

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2020 NATIONAL STORM WATER ROUNDTABLE February 4 – 6, 2020 Holiday Inn San Antonio Riverwalk San Antonio, TX

2019 SNC ENFORCEMENT MEETING- ATL

### Old Town Alexandria, VA Restaurants - Mid-Year Meeting 2019

## Viola's Dockside Grill



#### 101 N Union Street, Alexandria, VA

Seafood style restaurant a retro cool near <u>waterfront</u>. (703) 935-8890

## Vermilion

1120 King Street, Alexandria, VA

Simple modern American cooking in the heart of Old Town Alexandria. (703) 684-9669

## Laporta's Restaurant

1600 Duke Street, Alexandria, VA

Alexandria eatery focusing on seafood & pasta dishes, with happy hour & nightly live jazz music. (703) 683-6313

## Hen Quarter

#### 801 King Street, Alexandria, VA

Fried chicken leads the Dixie-inspired menu & bourbon bottles line the bar at this neo-rustic spot. Southern food delicious. Supports sustainable agriculture and farming. (703) 684-8969

## Hank's Oyster Bar

<u>1026 King Street, Alexandria, VA</u>

Coastal favorites, New England beach fare classics, i. e. lobster roll!! (703) 739-4265

## Two Nineteen Restaurant

#### 219 King Street, Alexandria, VA

French Creole cuisine in a Victorian-style dining room, plus a cigar lounge & live jazz upstairs. (703) 549-1141

## Southside 815

#### 815 South Washington Street

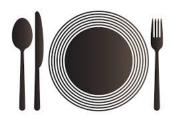
Traditional Southern eats are served at this bustling establishment with draft beer & a patio. Modern-American dining (703) 836-6222

## Chadwick's

#### 203 Strand Street, Alexandria, VA

Neighborhood bar with English pub decor, happy hour, burgers & American fare, plus patio seating. Old Town's Favorite. Near the <u>waterfront</u>. (703) 836-4442

## The Majestic



#### 911 King Street, Alexandria, VA

Gourmet American comfort food is offered at this family-friendly spot in an updated diner setting. A gem in Old Town Alexandria. (703) 837-9117

## The Fish Market

#### 105 King Street, Alexandria, VA

Modern eatery serves Chesapeake-style seafood in a renovated warehouse that's over 200 years old near <u>waterfront</u> and live entertainment. (703) 836-5676

## Blackwall Hitch

#### 5 Cameron Street, Alexandria, VA

Huge nautical-themed spot with American seafood, 3 outdoor patios, fire pits & an oyster counter. Get Caught! Signature Shrimp Blackwall. Near the <u>waterfront</u> (703) 739-6090

## Hummingbird in the hotel Indigo

#### 220 South Union Street, Alexandria, VA

One of the newest restaurants. Some of the favorites, Chesapeake Blue crab. Star chef's regional American fare, with lots of seafood, in a light & airy, waterside setting near the <u>waterfront</u> (703) 566-1355

## Columbia Firehouse

#### 109 ST Asaph Street, Alexandria, VA

Remade firehouse serving American eats & old-fashioned drinks with an exposed-brick atrium & patio. American brassiere and bar room in the heart of Old Town. (703) 683-1776

## Hawwi Ethiopian

1225 Queen Street, Alexandria, VA

An array of classic Ethiopian dishes & injera bread served in straightforward, compact quarters and heathy food purchased by local farmers (703) 717-9740

## Ichiban Sushi House

#### 211 King Street, Alexandria, VA

No-nonsense eatery with a large menu of raw & cooked dishes, including lunch specials & bento boxes. (703) 683-2232

## Vaso's Mediterranean Bistro

#### <u>1118 King Street, Alexandria, VA</u>

Chic, cozy bistro serving Greek & Italian eats such as gyros & shrimp scampi, plus wine & cocktails. (703) 566-2720

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1634 EYE Street, NW Suite 750 Washington, DC 20006 www. acwa-us.org.



@cleanwateracwa