

REGULATORY FOCUS

Special points of interest:

- Dam Safety Update—Proposed Rule (effective in January 2009)
- BBA Professional Services

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Dam Safety Update

Texas Commission on Environmental Quality (TCEQ) 30 TAC Chapter 299, Dams and Reservoirs Proposed Rule (effective in January 2009)

The proposed new rule will repeal the existing rule 30 TAC Chapter 299 and replace it with the proposed updated Chapter 299. The proposed updated rules will include updated requirements for dam inspection and maintenance as well as requirements for emergency action plans for high and significant hazard dams.

The proposed rule relates to design, construction plans and specifications, construction, maintenance and operation, inspections, emergency management, security, and removal of dams. The proposed rule adds requirements for emergency action plans, gate operating plans, security plans, and establishes inspection schedules for high-hazard and significant-hazard dams. The proposed rule also redefines "dam" in an

effort to reduce the number of small, low-hazard dams subject to regulation.

Updates and information regarding the proposed updated rule can be found on TCEQ's website at:

<http://www.tceq.state.tx.us/rules/prop.html>

BBA has prepared emergency action plans (EAPs) for dam owners in Texas, and can help you prepare your EAP and provide additional support to ensure compliance with the proposed new rules.



BBA Professional Services

Bullock, Bennett & Associates, LLC (BBA) provides professional engineering and geoscience consulting services to public and private clientele. Our expertise, experience, and services include:

- ✓ Certified CQA Geosynthetic Materials and Compacted Clay Liner Inspection
- ✓ Dam Design and Safety Evaluation
- ✓ Environmental Compliance
- ✓ Environmental Site Investigation and Risk Assessment
- ✓ Engineering Design/Construction Quality Assurance
- ✓ Geotechnical Engineering
- ✓ Groundwater Modeling
- ✓ Groundwater Sampling
- ✓ Health & Safety Compliance & Program Management
- ✓ Landfill Design, Permitting and Closure
- ✓ Marine Projects
- ✓ Mine Permitting and Operations Support
- ✓ MSHA/OSHA Training and Program Development
- ✓ Phase I and Phase II Site Assessment
- ✓ Regulatory Support
- ✓ Remediation Design
- ✓ Sewer System Evaluation Studies (SSES)
- ✓ Storm Water Conveyance
- ✓ Stream Monitoring
- ✓ Surface Water Modeling
- ✓ Texas Pollution Discharge Elimination System (TPDES) Permitting
- ✓ Texas Risk Reduction Program (TRRP) Support
- ✓ Water Resources Engineering
- ✓ Water and Wastewater Distribution/Collection
- ✓ Water Utility Vulnerability Assessment
- ✓ Water Supply Well Design

EPA's Ground Water Rule

“EPA issued the Ground Water Rule (GWR) to improve . . . drinking water quality and provide additional protection from disease-causing microorganisms . . . (D)rinking water comes from source water locations such as:

- Lakes
- Rivers
- Reservoirs
- Ground water aquifers

Water systems that have ground water sources may be susceptible to fecal contamination. In many cases, fecal contamination can contain disease causing pathogens. The GWR will provide increased protection against microbial pathogens.

The GWR will apply to public water systems that (use) ground water. The rule also applies to any system that mixes surface and ground water if the ground water is

added directly to the distribution system and provided to consumers without treatment.

States have two years to adopt the rule. The compliance date for triggered monitoring (and associated corrective actions) and compliance monitoring is December 1, 2009. There are no timeframes associated with the assessment monitoring because it is at the option of (the) state. States must complete their initial round of sanitary surveys by December 31, 2012 for most community water systems. States will have until December 31, 2014 to complete the initial sanitary survey for community water systems that are identified by the state as outstanding performers and noncommunity water systems.”

<http://www.epa.gov/safewater/disinfection/gwr/basicinformation.html>

Texas Water Development Board (TWDB) Drinking Water State Revolving Fund (DWSRF)

The Drinking Water State Revolving Fund (DWSRF) provides low interest loans to finance drinking water system projects. Political subdivisions of the state, nonprofit water supply corporations, privately-owned water systems, and state agencies may apply for loans that can be used for the planning, design, and construction of public water supply projects. These projects may include:

- Upgrading or replacing water supply infrastructure
- Correcting exceedances of the Safe Drinking Water Act (SDWA) health standards
- Consolidating water supplies
- Purchasing capacity in water systems
- Purchasing land that is integral to the project

The DWSRF offers loans with interest rates below open market rates with a long-term repayment period of 20 years from the completion of construction or 30 years for applicants who qualify as “disadvantaged communities.”

More information regarding the DWSRF is available at the TWDB website:

http://www.twdb.state.tx.us/assistance/financial/fin_infrastructure/dwsrf.asp

Are You a Public Water System?

A public water system is a system which has a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis; a system that serves at least 25 of the same persons at least six months out of the year; or a system that serves at least 25 persons at least 60 days out of the year.

30 TAC Chapter 290, Subchapter D, *Rules and Regulations for Public Water Systems*



Texas Water Development Board (TWDB) Clean Water State Revolving Fund (CWSRF)

The Clean Water State Revolving Fund (CWSRF) provides low interest loans to finance wastewater system projects for political subdivisions with the authority to own and operate wastewater systems. Political subdivisions with the authority to own and operate a wastewater system may apply for loans that can be used for the planning, design, and construction of the following projects:

- Wastewater treatment facilities
- Wastewater recycling and reuse facilities
- Collection systems
- Storm water pollution control projects
- Nonpoint source pollution control projects

The CWSRF offers loans with interest rates below open market rates with a long-term repayment period of 20 years from the completion of construction.

More information regarding the CWSRF is available at the TWDB website:

http://www.twdb.state.tx.us/assistance/financial/fin_infrastructure/cwsrffund.asp

Or contact Suzanne Lucignani at TWDB (512) 463-6277, Clean Water State Revolving Fund Program.



Storm Water Permitting

The Texas Commission on Environmental Quality (TCEQ) Texas Pollution Discharge Elimination System (TPDES) program is part of a federal regulatory program designed to control discharges of pollutants to surface waters of the United States. TCEQ has federal regulatory authority to administer the National Pollution Discharge Elimination System (NPDES) regarding discharges of pollutants to Texas surface water (except discharges associated with oil, gas, and geothermal exploration and development which are regulated by the Railroad Commission of Texas).

The TPDES requires storm water permits for all discharges associated with certain activities, including construction, that drain industrial sites into public waters. Municipalities also may be required to obtain permits for storm sewer systems that discharge municipal storm sewer systems into public waters.

When a construction activity disturbs one or more acres of land, the construction entity must implement a Storm Water Pollution Prevention Plan (SWPPP) in compliance with TCEQ's general permitting requirements. Municipal Separate Storm Sewer Systems (MSSS) permitting is required in municipalities with populations over 10,000.

More information regarding the TPDES program can be found at the TCEQ and TXDoT websites:

http://www.tceq.state.tx.us/permitting/water_quality/wastewater/pretreatment/tpdes_definition.html

http://onlinemanuals.txdot.gov/txdotmanuals/env/tpdes_storm_water_permits.htm

Are you a municipality or industry that discharges contact storm water runoff? Are you involved in a construction project that discharges storm water runoff? BBA can provide support to ensure you become and stay compliant with the state and federal rules regarding storm water/wastewater runoff.

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New TRRP Guidance Regarding Chemicals of Concern

The Texas Risk Reduction Program (TRRP) administered through the Texas Commission on Environmental Quality has published a new guidance for determining chemicals of concern (COC) during TRRP assessments. The guidance document RG-366/TRRP-10 *Selecting Target Chemicals of Concern* describes the process of determining the target chemicals of concern in eight steps.

For more information on this topic, please see the TCEQ website:

http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rg/rg-366_trrp_10.html

Are You an Entity Seeking Closure Under TRRP?

Let BBA's staff of experienced geoscientists and engineers assist you with your site investigation and closure plan.



Mission

The BBA mission is to be a responsible advocate for our clients. We encourage long-term client relationships by providing technically sound and cost-effective consulting and engineering services. BBA staff have supported some of the same clients since 1992. We combine science and engineering knowledge with sound project management, cost control, scheduling, and quality assurance practices to meet our clients' objectives. The core principles and policies contributing to our mission include:

BBA, LLC
ENGINEERING AND
GEOSCIENCE



- **Client Satisfaction**—At BBA, we strive to provide the best in client service. We define client service as meeting or exceeding client expectations through the use of our experience, innovation, and cost-effective project management.
- **Quality Results**—BBA uses peer review and strategic teaming to provide quality for all services we provide.
- **Integration**—Our skills are fully integrated so that we can bring the very best individuals to a project. We strive to develop collaborative approaches to problem identification and resolution by working as a team with our clients. Teaming with outside expertise is also encouraged to meet the often unique demands of complex problems.
- **Communication**—BBA stresses ongoing communication with our clients on all aspects of a project (technical, legal, schedule, and budget) to ensure BBA fully understands client needs, resulting in efficient and effective use of BBA resources to successfully service our clients.
- **People**—Our personnel are experienced, result-oriented and skilled at working productively with client representatives and regulatory agencies to achieve reasonable and practical solutions.