

Testimony of:

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Introduction

Chairman Gibbs, Ranking Member Bishop, and members of the Subcommittee, thank you for the opportunity to appear before you today. My name is Martie Groome and I am the Laboratory and Industrial Waste Supervisor for the City of Greensboro Water Resources Department in North Carolina. It is a great privilege to be here to testify on how local clean water agencies implement the National Pretreatment Program and how this program may affect the disposal of wastewater from shale gas extraction.

In addition to my duties at the City of Greensboro, I serve as the Vice Chair of the Pretreatment and Pollution Prevention Committee for the National Association of Clean Water Agencies (NACWA) and it is my pleasure to be testifying on NACWA's behalf today. NACWA's primary mission is to advocate on behalf of the nation's publicly owned wastewater treatment works (POTWs) and the communities and ratepayers they serve. NACWA public agency members collectively treat approximately 80 percent of the nation's wastewater. The employees of these agencies are true environmentalists who ensure that the nation's waters are clean and safe, meeting the strict requirements of the Clean Water Act (CWA).

Background on the National Pretreatment Program

The National Pretreatment Program is often recognized as one of the most successful CWA programs for its role in reducing the amount of pollutants discharged into sewer systems and, as a result, into the nation's waters. Since 1983, the National Pretreatment Program has placed public utilities in the role of local regulator for the industries that discharge wastewater to their sewer systems. It is the local wastewater utilities that are responsible for enforcing both national pretreatment standards and any additional limits developed at the local level needed to protect POTW operations and local water quality.

To prevent potentially harmful pass through of pollutants to the environment or interference with the wastewater treatment process, the CWA requires EPA to establish national pretreatment standards for industrial and commercial facilities that discharge wastewater to the sewer system. Pretreatment standards are currently in place for more than 50 industrial categories, and POTWs regulate over 20,000 significant industrial users. New industries with unique wastewater treatment needs and challenges have arisen consistently since passage of the CWA, and clean water agencies through their implementation of the National Pretreatment Program have maintained a strong record of addressing these new challenges. While NACWA does not have a position on fracking per se, the fracking industry is merely another industry similar to others before it and POTWs will act as public servants in appropriately addressing the discharges from this industry.

It is important to underscore, that even in the absence of national pretreatment standards, POTWs can tailor local limits to the particular needs of the POTW and the industrial user. Local limits may be applied to any pollutants that may pass through or interfere with the treatment process or cause a negative impact on water quality. With local limits, POTWs may regulate discharges from any industrial or commercial facilities, not just the categories regulated by national pretreatment standards.

Regulating Industries through the Pretreatment Program

The pretreatment program has been so successful because it gives local POTWs the authority to control the pollutants in wastewater from any industry, using both national pretreatment standards and local limits. National pretreatment standards have the benefit of leveling the nationwide playing field for discharges to sewer systems, preventing industries subject to categorical standards from locating in a municipality that might allow more pollutant discharge than another. However, national pretreatment standards can, at times, be stricter than is necessary to protect a particular POTW and the waters they discharge into. Implementing national pretreatment standards can also require a significant commitment of resources by the POTW. Any national pretreatment standards for the fracking industry should be carefully developed and implemented to avoid unnecessary costs to the public clean water agency and its industrial customers.

EPA has wisely made the decision to take time to study the various elements relevant to developing pretreatment standards and it is NACWA's hope that this will yield a scientifically and economically sound set of standards. It is equally critical that the public understand that any POTWs that accept fracking wastewater during this interim phase must meet their permit requirements and set local limits for the industrial user if necessary. POTWs can make sound technical decisions about whether or not to accept wastewater from a particular industry by conducting research and testing to determine how much of a pollutant their treatment facility can safely handle. In many cases, local POTWs have effectively regulated industries for years before a national pretreatment standard was developed by EPA. If a POTW does not have the capacity to establish such local standards or fails to develop the necessary limits or controls to prevent pass through of pollutants or treatment plant interference, then the POTW should not accept this waste.

Application of the Pretreatment Program to Shale Gas Extraction

EPA's announcement that it will develop a national pretreatment standard for the shale gas extraction industry does not prevent POTWs from accepting hydraulic fracturing wastewater now after working with their state permitting authority to ensure the protectiveness of this practice. POTWs also have the authority to stop taking an industry's wastewater immediately if it causes any problems with the wastewater treatment process. Discharge to a POTW is only one of several options for the shale gas extraction industry. If a national pretreatment standard can ensure that such discharges to a POTW are safe, it may become a more commonly used option.

Conclusion

NACWA does not have a position regarding the use of fracking to meet the nation's growing energy needs. A scientifically and economically sound national pretreatment standard for the shale gas extraction industry, however, may provide protection to both the industry and to POTWs by providing a nationally accepted baseline for treatment of hydraulic fracturing wastewater. NACWA intends to work with EPA as the Agency studies the industry and develops a pretreatment standard that is protective and not unnecessarily burdensome or onerous.

Thank you for the opportunity to appear before you today, I look forward to any questions the Subcommittee may have regarding my testimony.

