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American Council of Engineering Companies of Tennessee

THE VOICE OF TENNESSEE'S ENGINEERING COMPANIES

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Jurisdictional Waters — A Public Agency Perspective

by Bob Freudenthal, Executive Director - TN Association of Utility Districts

In early 2014, EPA and the U.S. Army Corps of Engineers published a new proposed rule modifying the definition of "Waters of US" under the Clean Water Act that potentially expanded waters subject to Clean Water Act jurisdiction. The concept of creating a consistent, uniform definition of jurisdictional waters that may be applied by multiple regulatory agencies is admirable and potentially beneficial for all involved parties. However, to date, the development of



**Bob
Freudenthal**

such an acceptable definition has proven difficult and complex.

Multiple concerns from various perspectives have created additional roadblocks to achievement of the desired goal. There-

fore, it is beneficial to review some of the proposed rule concerns from the public utility/local agency perspective as reflected in comments filed on their behalf in 2014.

The National Rural Water Association (NRWA) expressed concerns over (1) the possibility of expanded litigation for small and rural communities, (2) the scope of what

waters fall under federal regulation since many communities own and maintain public infrastructure ditch, swale and water channeling systems, flood control channels, storm water, and drainage that are used to channel water away from low-lying areas and water treatment infrastructure and prevent flooding, and (3) that a new rule should not result in changing the historic regulatory understanding for coverage of water infrastructure. NRWA further urged the Agency to withdraw the Proposed Rule and propose a different rule that is consistent with the Constitution and the Clean Water Act (CWA).

The American Public Works Association (APWA) submitted comments as well as signed onto a joint letter with other local government associations including the United States Conference of Mayors, the National League of Cities, the National Association of County Engineers and the National Association of Flood & Stormwater Man-

agement Agencies. These comments expressed concerns about (1) the proposed rule expanding the types of waters that will be considered jurisdictional and subject to additional CWA regulations, (2) the proposed rule expanding CWA jurisdiction to

"The probability of developing such a uniform definition and policy is uncertain at this moment..."

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Assembly 109

by Chuck Saunders, PE
 ACEC of Tennessee President

The 109th Tennessee General Assembly convened its 132 House and Senate members on January 13th. True to its Mission, ACEC of



Chuck Saunders

Tennessee will be present and actively advocating for the *advancement of the business environment of the engineering industry*. It is incumbent upon our membership to demonstrate interest in the issues brought forward for debate to our lawmakers and stay

involved, making the Council's voice heard.

If those who show up indeed run the world, March is certainly a great opportunity for the engineering community to be at the leadership forefront. Everyone should mark March 3rd as Engineers' Day on the Hill. Make note that it does make a difference to have personal interactions with your legislators. They do notice and care that you are advocating for all engineers' causes. The ACEC of Tennessee and Tennessee Society of Professional Engineers comprise well over 4,000 individuals engaged in the Engineering community. By that headcount, these societies rank among the top 10

associations statewide. That is quite a voice and that voice does matter.

Over the recent months, you have likely read or heard the call for increased infrastructure funding from several sources including this Council representative. Not only is it a matter of commercial competitiveness for Tennessee but a matter of public health, welfare and safety. As lawmakers take up consideration of numerous bills, a lively debate will certainly ensue should the issue for increased infrastructure funding make its way to the chamber floor. Given ever-stricter regulations, escalating construction costs, and challenges to acquiring rights of way, the time to act is now. Commissioner Schroer made a call for increased transportation funding three years ago this very month in several forums including *The Voice*.

Please remember to thank Candy and Judy during the coming weeks for their hard work and dedication to the Council during March Madness. Their efforts ensure Engineers' Day on the Hill and Engineers Excellence Awards Gala are rewarding for everyone. I also encourage you to make plans to attend to bolster the Council's voice and forge your own footprints in the engineering community. See you on the Hill in March.

Jurisdictional Waters — A Public Agency Perspective *(cont. from page 1)*

ditches and municipal separate storm water sewer systems (MS4s), and (3) the lack of consultation with state and local governments when the EPA and USACE were drafting the rule.

Finally, the Tennessee Department of Environment and Conservation (TDEC) and the Tennessee Department of Agriculture (TDA) submitted comments detailing concerns of federal authority in light of Supreme Court decisions and the need for increased cooperation in the implementation of CWA programs.

The probability of developing such a uniform definition and policy is uncertain at this moment but it is definitely an issue that will be pursued by the involved parties. The land development, local regulatory, and public utility communities are faced with potentially dramatic impact as a result of the proposed definitions. The engineering profession has historically risen to the challenge of providing efficient and effective solutions to technical, environmental, and regulatory issues. It is critical for the engineering community to provide expert technical analysis

and application support in addressing the concerns created by this endeavor.

Member News

S&ME recently acquired **Littlejohn**, a Nashville planning, engineering and environmental firm. S&ME is a North Carolina-based geotechnical, civil and environmental engineering, and construction materials testing firm with offices in Knoxville, Nashville, Kingsport, and Chattanooga.

Larry Zehnder, Senior Parks & Recreation Planner at **Barge, Waggoner, Sumner, and Cannon, Inc.**, has been elected to the American Academy for Park and Recreation Administration. Zehnder was inducted at the Academy's Annual Meeting during the National Recreation and Park Association Congress in Charlotte, North Carolina.

EEA Tickets Available Online!

Sponsorships Still Available

Soon, firms from across the state will compete for top honors at the prestigious Engineering Excellence Awards gala. Now, you can purchase your tickets to this must-see event online! Online registration is quick and easy. Go to www.acectn.org to register for the EEA banquet under "Our Awards." **Online registration closes February 28.**

On March 3, business leaders, engineers, and public officials will gather to see which project will claim the top award, the *Grand Iris*. One project from each category will also receive the *Grand Award*. Back by popular demand, the *People's Choice Award*, will be peer-voted and awarded to the crowd favorite on award night.

2015 EEA Entrants (by region)

East Tennessee

Alcoa Duck Pond, Alcoa, TN, LDA Engineering, Inc.
 Bob Gray Road Roundabouts, Knoxville, TN, Cannon & Cannon, Inc.
 Del Conca Tile Plant, Loudon, TN, Cannon & Cannon, Inc.
 Knoxville EPA-Funded Brownfields Assessments, Knoxville, TN, S&ME, Inc.
 Northeast Knox Utility District Water Treatment Plant, Knoxville, TN, Cannon & Cannon, Inc.
 SBCUD Water Modeling and Flushing Program, Maryville, TN, Cannon & Cannon, Inc.
 TDOT SR-37/SR-67 Intersection Improvements, Hampton, TN, ARCADIS U.S., Inc.
 TRI Runway 5-23 Pavement Rehabilitation, Blountville, TN, Atkins North America
 University Commons Development, Knoxville, TN, CDM Smith
 Volkswagen State Industrial Access Road Wetland Eco-System Restoration, Chattanooga, TN, ARCADIS U.S., Inc.
 WKUD Sanitary Sewer Rehabilitation, Knoxville, TN, Littlejohn

Middle Tennessee

Columbia State Community College Williamson Campus, Franklin, TN, TTL, Inc.
 Driftwood Equalization Basin, Nashville, TN, Smith Seckman Reid, Inc.
 Hendersonville Utility District Water Treatment Plant Additions, Hendersonville, TN, Water Management Services, LLC
 I-40 Widening Design-Build, Wilson County, TN, AECOM
 KRH-WTP - Electrical Building and Switchgear Replacement, Nashville, TN, Gresham, Smith and Partners
 Lewisburg Wastewater Treatment Facilities, Lewisburg, TN, J. R. Wauford & Company Consulting Engineers, Inc.
 Mack Hatcher Parkway Extension SR-96 to SR-6, Franklin, TN, Sain Associates
 Richland Creek Dam Removal, Nashville, TN, KCI Technologies, Inc.

ACEC of Tennessee is proud to welcome Les Johnson, Deputy Manager for Advanced Concepts at NASA Marshall Space Flight Center, as the featured speaker. He is also an author of popular science and science fiction.

The Engineering Excellence Awards gala will be held on Tuesday, March 3, at the Franklin Marriott Cool Springs. The reception begins at 6 p.m., followed by dinner at 7 p.m. and award presentations at 8 p.m.

Sponsorships are still available for this event! Visit <http://acectn.com/engineering-excellence-awards/2015-awards/> for more information. Or, contact Judy Logue at (615) 242-2486 or jlogue@tnec.org.

Shelbyville Municipal Taxiway and Apron Rehabilitation, Shelbyville, TN, Garver
 SR-386 & Indian Lake Blvd Interchange Project, Hendersonville, TN, Alfred Benesch & Company
 TDOT - SR-254 over Otter Creek Bridge Project, Nashville, TN, Gresham, Smith and Partners
 Whites Creek Pumping Station Improvements, Nashville, TN, Brown and Caldwell

West Tennessee

Ripley High School FEMA Safe Room Retrofit, Ripley, TN, A2H, Inc.

Out of State

Carpenter Technology Specialty Steel Mill, Athens, AL, Barge, Waggoner, Sumner & Cannon, Inc.
 CSXT Railroad Tunnel Fire Emergency Response, Pikeville, KY, Amec Foster Wheeler
 Methodist Olive Branch Hospital, Olive Branch, MS, Smith Seckman Reid, Inc.
 National Corvette Museum Microgravity, Bowling Green, KY, EnSafe Inc.
 Sustainable Groundwater Treatment, San Jose, CA, EnSafe Inc.

Thank you, EEA Sponsors

(as of January 27, 2015)

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Gold Level

Garney Construction
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Silver Level

Brown and Caldwell
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 TN Road Builders Assn.
 TTL, Inc.

Bronze Level

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 Barge, Waggoner, Sumner & Cannon, Inc.
 Bell & Associates
 Construction
 Eco-Tech, Inc.
 J. T. Guthrie & Son Inc.
 Kimley-Horn & Associates
 McMillen Jacobs Associates
 Sain Associates
 Smith Seckman Reid
 United Structural Systems

CALENDAR

FEBRUARY

6

EEA Judging Day/Media Day

FEBRUARY

22-28

Engineers' Week

MARCH

3

Engineers' Day on the Hill

Engineering Excellence Awards Banquet

APRIL

19-21

ACEC Conference and Legislative Summit

Tennessee Engineering Center
800 Fort Negley Boulevard
Nashville, TN 37203

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Welcome New Member!

**Wolverton & Associates,
Inc.**
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615-974-3001

Key Contact:

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Wolverton & Associates is a consulting engineering firm offering the following: engineering - structural, traffic, transportation, civil (including site development, master planning, and site analysis and selection). The company also offers surveying & telecommunications consulting.

F R O M T H E E X E C U T I V E D I R E C T O R

ACEC Marches Ahead

*by Candy Toler
Executive Director, ACEC of Tennessee*

Looking ahead, ACEC of Tennessee has many opportunities to advocate, impact, and recognize the engineering profession in our state. From celebrating Engineers' Week February 22-28, to tracking legislation that impacts the field, to recognizing engineering excellence, there are many activities on our horizon.



Candy Toler

Things are picking up on Capitol Hill. In January, both bodies of the 109th General Assembly were sworn in, elected leaders, set rules, and appointed committees. The biggest news was that Governor Haslam called an extra-

ordinary session to consider his proposal Insure Tennessee, delaying the start of the regular session.

Over 200 bills have been introduced by my deadline; they range from phasing out the Hall income tax, to education standards for K-12, to requiring passage of the U S citizenship exam for high school graduation, to moving up the date for sale of wine in groceries.

There will be many more bills that will be fodder for the Government Advocacy Committee this

month. The issues that bubble to the top will be on our agenda on March 3. You will learn more about these and how you can communicate with your solons during briefings on the bills at Engineers' Day on the Hill.

ACEC's ability to impact legislation is very important, particularly bills that could affect the public health, safety, and welfare of Tennesseans and the business environment of the engineering industry.

I hope you will join us for Engineers' Day on the Hill. Register by emailing me (ctoler@tnec.org) and letting me know the names of your State Senator and Representative and in which city you reside.

And last, but certainly not least, is the crown jewel of our March activities . . . the Engineering Excellence Awards Banquet. Twenty-nine projects by 22 engineering firms will be showcased on March 3. You won't want to miss it!

And in April, you also will not want to miss the ACEC Annual Convention and Legislative Summit April 19-22 in Washington. We will be meeting with federal legislators about a wide variety of topics, including long-term transportation funding.

We look forward to your participation in all of ACEC's events. The schedule of activities is on page 3 of this newsletter.