



SOUTHERN CALIFORNIA ALLIANCE OF
PUBLICLY OWNED TREATMENT WORKS

MONTHLY UPDATE

February 2008

A Message from the Executive Director...

As I write this, I am also mentally preparing for this weekend's big NFL championship game between my San Diego Chargers and those other guys, the Boston (er, New England) Patriots. Having been born and raised in San Diego, my allegiance to the Chargers goes way back into the 60s. Since then, I've come to experience a wide range of emotions associated with watching this team. These emotions usually run the gamut from anticipation to frustration and ending in despair. You get the idea. For the past 40 some years, my team has only been able to reach the Super Bowl once and that, unfortunately, resulted in a

lopsided blowout against the San Francisco 49'ers. That's why I decided to begin preparing this column now while I am still in the anticipatory mood rather than waiting until after this weekend's game. Anyone who has followed football this season is probably aware of the adversity that the Chargers have had to overcome at the beginning of the season and how, through sheer determination, they ended up with a winning season and are now one step away from the Super Bowl. [Editor's Note: By now everyone knows who is playing in the Super Bowl, and it is not the Chargers.] And, no doubt, many of you have heard about the team's somewhat spirited quarterback who has a reputation for speaking his mind and is not afraid to approach other players on the field or fans in the stands with his opinions.

Much in this same way, I am reminded of our SCAP regulatory consultant, Mary Jane Foley. As many of you know that have met Mary Jane, she is not shy in the least and has no qualms about expressing her ideas to anyone. Like the Charger's quarterback, she is not easily intimidated nor will she back away from a fight. Mary Jane has three main passions in life that have shaped her professional career: pollution prevention, governmental law, and education. As a young girl growing up along side of the Hudson River in New York, she was constantly reminded of the devastating effects that pollution has on our waterways. From an early age, she began lobbying to anyone that would listen about the need to clean up the river. While in college and majoring in American Government, she learned the process one must go through to effect change within our society. Little did she know at the time how important this would become to her later in life.

Mary Jane's professional career began as a school teacher in California, which led her ultimately to an assignment developing water education materials for use in the classroom on behalf of the Municipal Water District of Orange County. Later she was hired by the South Coast Water District to perform public relations and outreach before moving on to the Aliso

Upcoming Meetings

Air Quality Committee Meeting –
Thursday, February 28th, 9:30 am –
11:30 am, at LACSD.

**Board of Directors Strategic
Planning Session** – March 7th,
8:30 am – 4 pm, at the Hilton
Pasadena

Water Management Agency (now known as SOCWA), where she served as a public relations officer during construction of their new water pollution control facility.

It was about this time that Mary Jane entered into her second career in state government. As a political activist in south Orange County, she was recognized for her efforts and was appointed to the San Diego Regional Water Quality Control Board where she served three 4-year terms under three different governors. While on the Regional Board, she worked hard to lessen the regulatory restrictions for the use of reclaimed water in Region 9 and supported the permit holders' desire to keep violation penalties for use towards local projects. Mary Jane has always believed in "compliance not punishment."

After spending 12 years on the Regional Board, Mary Jane was appointed to the State Water Resources Control Board where she served two 4-year terms. During this period, she worked on water rights issues and continually expressed her opposition over the assessment of minimum mandatory penalties. She is most proud of being able to represent the people of the state in front of Congress during the hearings regarding the reauthorization of the Clean Water Act in 1995.

According to Mary Jane, the major difference between the Regional Boards and the State Board is that the Regional Boards deal primarily with permitting and enforcement issues while the State Board deals with water policy and water rights issues. It's this depth of experience that Mary Jane feels has provided her with the basis for understanding the types of problems our POTWs face in the regulatory environment.

Just a reminder of how fortunate we are to have Mary Jane as our regulatory consultant and that she is available through SCAP's help desk to assist our members at no charge with advice on regulatory matters.

Reminiscently yours,

John Pastore
Executive Director

Air Quality by Chair Daniel McGivney

SCAQMD Proposed Amended Rule 1110.2

The SCAQMD held a hearing on January 4, 2008 for the purpose of adopting proposed amendments to SCAQMD Rule 1110.2. Based upon testimony from the L.A. Metropolitan Transit Agency and Bear Valley Electric (Big Bear) to grant each agency specific exemptions from some of the proposed rule requirements, the SCAQMD Governing Board postponed the hearing until February 1, 2008. The Governing Board further directed SCAQMD staff and the two agencies to work on the issues underlying the requested exemptions and to bring these issues to the SCAQMD Stationary Source Committee meeting (recently held) on January 18, 2008. The requested exemptions were centered on the CO CEMS requirement. Based upon

SCAQMD staff recommendations, testimony from the two agencies above, public testimony and SCAQMD Board committee discussion, SCAQMD staff were directed to craft an alternative program for requiring CEMS. That program is currently under development by SCAQMD staff but will likely involve a requirement to install CEMS on an engine if an operator receives a certain number of NOVs within a specified time frame. The number of NOVs and the length of the specified time frame are under development. There is a chance that the SCAQMD could come up with another option, but that seemed to be the preferred option by SCAQMD staff at the Stationary Source Committee meeting. Based on this being a significant change in the proposed rule, we expect the February 1 hearing to be postponed, but cannot be assured of that at this time. If there are any questions regarding this proposed regulation, please contact Daniel McGivney at 951-928-3777, extension 6329.

Committee Chair Contact Info

Air Quality Chair:

Dan McGivney –
dmcgivney@emwd.org

Biosolids Chair:

Mike Sullivan –
msullivan@lacsdsd.org

Collection Systems Chair:

Ralph Palomares –
RPalomares@etwd.com

Water Issues Chair:

Gus Dembegiotes –
Gus.Dembegiotes@lacity.org

Climate Change Activities

Climate change continues to be a significant issue for the wastewater industry. SCAP and others continue to monitor the legislative and regulatory actions that are taking place at all levels: the SCAQMD, California Air Resources Board (ARB) and the EPA. Also, SCAP and member agencies continue to be active in the California Wastewater Climate Change Group (CWCCG). Currently, the ARB is working on development of implementation guidance documents and other work products to support implementation of the recently adopted mandatory GHG emissions inventory regulation, as well as expediting development of a “scoping” plan that will contain regulatory measures to be implemented in California for the purpose of gaining the mandated GHG emission reductions required by AB32. At the local level, the SCAQMD is forming a board climate change committee so that it can actively track and participate in the climate change regulatory arena; has made a decision to alter its emission reporting program to be based on a calendar year (rather than the current fiscal year) in order to align itself with typical GHG emission reporting programs by the California Climate Action Registry (CCAR) and the ARB; and, by SCAQMD Governing Board action, has initiated an effort to develop a GHG emission credit bank in order to provide a credit exchange and tracking system (ahead of the ARB). With regard to wastewater industry activities, the CWCCG will be meeting with the CCAR on January 29 to discuss who will continue the development of an emissions inventory protocol for the wastewater industry. Originally, the CWCCG was to undertake this activity and then pass it on to the CCAR for adoption and subsequent use by CCAR members. However, the CCAR has now indicated that it wants to take on that activity. So, the CWCCG will be meeting with CCAR to sort the issues out and determine a plan forward. Other wastewater activities include an effort to do field testing in support of determining the actual mechanism and emission factors for nitrous oxide emissions from NDN processes. SCAP member agencies are working with WERF to implement this study. Additionally, SCAP

member agencies and the CWCCG are reviewing an issues matrix that may lead to the subsequent preparation of a white paper on the impacts of climate change on the wastewater industry. Questions regarding climate change may be forwarded to the SCAP Air Quality Committee via the SCAP office.

MATES III (by Greg Adams)

The draft MATES III (the third Multiple Air Toxics Exposure Study) report was released by the SCAQMD for public comment in early January 2008. As in the past, the release of the report has been accompanied by news releases pointing out the high level of ambient risk present in the South Coast air basin, usually accompanied by graphed mappings of risk isopleths. The SCAQMD usually follows up the report with an Air Toxics Control Plan (ATCP), which outlines the regulatory program to be imposed, largely on stationary sources, to further reduce toxics. Very little has changed since the MATES II report, which was performed over the 1998-1999 time period. The average ambient risk from the ten fixed monitoring sites is roughly 1,200 in a million, versus 1,400 in a million in the earlier study. Diesel particulate accounts for 84% of the air toxics risk while mobile sources collectively account for 94%. The ports and Fontana are the sites of the highest pollution. On a potency weighted basis, mobile sources account for 93% of air toxics emissions and stationary sources, a corresponding 7%. Formaldehyde and manganese are the two highest non-carcinogenic contributors. Particulate matter and corresponding mortality is not addressed in the report. Freeway and transportation corridors continue to be the areas where the higher risks are centered. The follow-up ATCP will probably be released for review and comment on the June 2008 timeframe.

Vehicles Subject to Fleet Rule for Public Agencies and Utilities (by Janet Bell)

The January 2008 SCAP newsletter included an article regarding "Important End of the Year CARB Compliance Dates – Public Agency and Utility Heavy Duty Diesel Fleet Vehicles." On December 20th, just prior to the December 31, 2007 effective date, CARB e-mailed and posted an advisory to all public agencies and utilities entitled, "Vehicles Subject to the Fleet Rule for Public Agencies and Utilities." The advisory letter reiterated the general criteria for coverage, applicability to rental vehicles, the exemption for emergency vehicles, and one unexpected inclusion.

The surprise in the letter was the inclusion of light heavy-duty engines, which CARB stated were inadvertently omitted from the public agency fleet rule, and that the rule was incorrectly limited to medium and heavy heavy-duty engines. Since these engines were not covered in the Public Fleet Rule, they would default to the more stringent On-Road Heavy-Duty Diesel Vehicles (In-Use) proposed rule (formerly referred to as the Private Fleet Rule) which is currently in the workshop stage. CARB will allow public agencies and utilities to include light heavy-duty engines as part of their total fleet with the proviso that the agency or utility send a letter to CARB by February 29, 2008 with detailed and specific information on individual engines. After a conference call between a few SCAP members and CARB, they agreed to reduce the information reporting requirements, and allow agencies to send a letter, just stating that all of their vehicles greater than 14,000 GVWR will be included in the Public Fleet Rule. CARB indicated that they will be distributing a new advisory to this effect in early February. Please see

the following for more information on the public fleet rule, the recent advisory, and the proposed fleet rule:

<http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm>

<http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

To speak with someone directly, the CARB contact is Boons Baythavong, (916) 327-2938.

Biosolids by Chair Mike Sullivan

Assembly Bill 1207 (Smyth) (courtesy of Diane Gilbert Jones)

To address the bans and restrictive ordinances regarding biosolids land application, the City of Los Angeles has sponsored statewide legislation, Assembly Bill 1207 (Smyth), that would provide uniform standards for the land application of biosolids in California. The standards would be set by the California Integrated Waste Management Board. The statewide legislation would also rescind previously adopted ordinances and prohibit future ordinances from being adopted.

The bill was introduced in February 2007 by Assembly Member Cameron Smyth and is a two-year bill. The proposed bill seeks to:

- Regulate the use of biosolids through land application
- Establish uniform standards for management of biosolids
- Limit or restrict local jurisdictions from adopting ordinances or restricting the use of biosolids that is not in line with established standards established by California Integrated Waste Management Board

In March 2007, the proposed bill was double referred to the Assembly Environmental Safety and Toxic Material and Natural Resources Committee. The City solicited support for the bill from other wastewater agencies and industry associations and organizations. Discussion about the pre-emption language in the bill was held with several cities and agencies.

In April of 2007, the bill was held in the Assembly Natural Resources Committee for the remainder of the legislative year due to the committee chair's strong concerns about provisions of the bill that would have pre-empted local ordinances that establish restrictions on the land application of biosolids. At that time, the bill garnered opposition from the Sierra Club California, the California Farm Bureau and the Western Growers and potential opposition from the League of California Cities. Over the course of the year, staff and members of the Integrated Waste Management Board expressed concern about the provisions of AB 1207 that would require them to establish uniform standards.

In January 2008, the bill was amended by the author to remove the preemption language and clarify several sections. The bill was considered by the Assembly Environmental Safety and

Toxic Material Committee on January 8, 2008. The bill was passed by the committee with unanimous vote of 7-0. The bill was re-referred back to the Natural Resource Committee and set for hearing on January 14, 2008. The bill author was asked to consider additional amendments to the bill language. After further discussion with bill sponsor and the author, the Natural Resources Committee hearing was canceled. At this time, the bill will not be considered.

SJVAPCD Green Waste Composting Rule 4566

On January 10, 2008, the San Joaquin Valley Air Pollution Control District (SJVAPCD) held a scoping meeting at the Fresno office to present, discuss, and receive comments for Draft Rule 4566 (Green Waste Composting). The primary objective stated for Rule 4566 is to reduce VOC emissions from all sources that commercially compost green waste material. Facilities that landfill, process, compost, or dispose of plant or plant-derived material (including food waste and wood waste) would be subject to this rule. The first draft of the rule is planned to be distributed in April, followed by 3 workshops, a cost effectiveness analysis and socioeconomic analysis.

Update on Local Biosolids Projects

On January 1, 2008, Ed Needham was appointed as General Manager of Synagro's South Kern Industrial Center Composting Facility, and will be responsible for the day-to-day operations at the facility. Ed has been a part of Synagro's Southwest Region management team in central California for several years, with both compost manufacturing and farming experience. Ed is currently a member of the Farm Bureau in both Tulare and Kern County.

Imperial County's Measure X, also referred to as the "Health and Safety First Ordinance of 2007," would amend the Imperial County Codified Ordinances by making it unlawful to import sewage sludge into Imperial County with the intention of disposing of it therein. According to the proposed ordinance, "Disposal" includes storage, incineration, chemically converted (sic), processing, land application, or dumping on private or public ground or facilities within Imperial County. Measure X is on the February 5, 2008 ballot. For the full text of Measure X, please visit: <http://www.co.imperial.ca.us/Election/PdfDocuments/MeasureX.pdf>

Collection Systems by Chair Ralph Palomares

SCAP Collection Systems Committee Meeting, January 23, 2008

On January 23, 2008, the SCAP Collection Systems Committee held its first meeting of the year at the City of Garden Grove's Community Center where we had 41 members attend. The agenda covered a review of 2007 and our accomplishments, which included WDR/SSMP updates and the joint letter to the Kohler Corporation for an ad that shows the Mach V toilet that eats everything from marbles to plants that, of course, as wastewater agencies we don't want in

our sewer systems. We also discussed the private vs. public lateral programs that many of us have in our ordinances. One certainty is that this topic is not going away soon.

I would have to say for 2008 that the flushable wipes issue is going to be discussed at a lot of meetings across the state and not just at SCAP Collection Systems Committee meetings. SCAP brought this issue to the forefront of problems we face today in the wastewater industry. Root control and CCTV are continuing topics of concern also, including why we TV sewer pipes and what are we doing with the information that we get from CCTV work. Another topic is ZIPP root killer that is banned in Northern California but not in Southern California and does anybody really use it. Legislation updates on AB 800, S2080 and HR 2452 were also discussed in 2007 as were the FOG container issues affecting all of us in the wastewater industry. Also, where do we put the household FOG and can we find a container that pleases us all as agencies.

These are only some of the topics and items that we will discuss at the next SCAP Collection Systems Committee meeting. If you would like add something to the agenda, please fill free to e-mail it to me. If you would like to host a meeting, please call the SCAP office and talk to Kris. Again, I would like to thank the City of Garden Grove and Mr. Brent Hayes for the use of their facilities and the SCAP staff for their support.

Water Issues Committee by Chair Gus Dembegiotes

January 2008 Water Issues Committee Meeting

On January 22nd, the Water Issues Committee held a meeting at the Inland Empire Utilities Agency (IEUA) to discuss water recycling and emerging compounds of interest. Attendance was at an all-time high as 48 people were treated to a series of enlightening presentations. The first presentation was titled "Chino Basin Recycled Water Groundwater Recharge: Program Initiative and Monitoring for Emerging Compounds" and was presented by Andy Campbell, IEUA Groundwater Coordinator, and Nel Groenveld, IEUA Laboratory Manager. The presentation provided data on the effectiveness of Soil Aquifer Treatment on removing Total Organic Carbon and other emerging constituents. The second presentation was titled, "West Basin Barrier Recharge Project" and was presented by Uzi Daniels, Senior Environmental Quality Specialist for the West Basin Municipal Water District. The presentation provided an update on the District's expanded West Basin Barrier Recharge Project, its use of MFRO and its advanced disinfection using UV and hydrogen peroxide. The third presentation was titled, "Water Replenishment District (WRD): Recycled Water Recharge Regulation Update and Ongoing Monitoring Efforts" and was presented by Hoover Ng, WRD Water Quality Program Manager. The presentation provided an update on several of WRD's recharge projects and provided a perspective on future recycled water recharge regulations. The final speaker was Jonathan Bishop, the State Water Resources Control Board's (State Water Board's) Chief Deputy Director, who provided a status on forthcoming revision of the State's Proposed Water Recycling Policy. Mr. Bishop stated the revised policy that was due to be heard at a February hearing, but will be delayed until the Board's March hearing. Please be advised that all of these presentations have now been posted in a downloadable format on the SCAP website in the Members Only section under Water References.

Proposed Draft Water Quality Enforcement Policy

The State Water Board is holding a workshop on February 19th in Sacramento to receive comments from water quality stakeholders concerning revisions to the Water Quality Enforcement Policy. The State Water Board's Enforcement Policy for its Water Quality Program has not been updated since February 22, 2002. On June 28, 2007, the State Water Board held a workshop to gather input from stakeholders on revising the policy. The State Water Board is now proposing revisions to the Enforcement Policy and is asking stakeholders to submit comments and participate in a discussion of the revisions at a workshop on February 19, 2008 in Sacramento. The Board will not take any action on the policy at the workshop but will consider comments received in finalizing its policy. Written comments are due to the State Water Board by 12 p.m. on Thursday, February 7, 2008. Further information can be obtained at the following site:

http://www.swrcb.ca.gov/enforcement/policy_revisions.html

Statewide Compliance Schedule

The State Water Board will hold a public hearing to receive comment and to consider adopting a proposed statewide Policy for Compliance Schedules in National Pollutant Discharge Elimination System (NPDES) Permits. The public hearing will be on March 18th in Sacramento. Compliance schedules are a discretionary regulatory tool for bringing NPDES permittees into compliance with new, revised, or newly interpreted water quality standards. The purpose of a compliance schedule is to give an existing discharger a specific period of time to make necessary changes in the facilities or operations to comply with new, more stringent, water quality-based permit limitations without being subject to enforcement proceedings. Compliance schedules may be included in NPDES permits only if there is explicit authorization in the state's water quality standards. The State Water Board has adopted compliance schedule provisions for California Toxics Rule criteria for toxic pollutants, which are contained in the statewide "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California." Additionally, six of the nine Regional Water Quality Control Boards have individually adopted NPDES compliance schedule authorizations. The State Water Board is putting forth this policy to provide statewide uniform compliance schedule provisions and consistency in implementation of these provisions.

The proposed Policy and supporting documents are available on the State Water Board's website at <http://www.waterboards.ca.gov/npdes/index.html>. Written comments on the proposed Policy are due to the State Water Board by noon on February 20, 2008.

Strategic Plan Update

The State Water Board will hold an informal workshop on February 6th in Sacramento to receive comments on its draft Strategic Plan Update 2008-2012. At the workshop, State and Regional Water Boards members may participate in discussion groups and collaborate with the public on the content of the draft Update and opportunities for improvement. No regulatory action will be taken at this workshop. The State Water Board will accept written comments on

its "Draft Strategic Plan Update: 2008-2012" through 12:00 p.m. on February 15, 2008. More information on the Strategic Plan Update may be obtained at the following site:

<http://www.waterboards.ca.gov/strategicplan/2007update.html>

Proposed Statewide Water Recycling Policy

The state's Revised Water Recycling Policy has not been released as of this update. At our January Water Issues Committee meeting, Jonathan Bishop, Chief Deputy Director, stated that the scheduled February 19th hearing, which was delayed from the original January hearing date, will be moved to the Board's March hearing.

Regulatory Affairs by Regulatory Affairs Consultant Mary Jane Foley

Being persistent pays off! Throughout most of last year, I kept reporting about our work on getting wastewater infrastructure in Prop 84 for funding. If you recall, much of Prop 84 is for water supply and quality, which is allotted under the Integrated Resource Management Section of Prop 84. The wording for this section came out of the Department of Water Resources' (DWR) California Water Plan. On January 14, 2008, I met with the Deputy and key staff of DWR with language that would include wastewater treatment and wastewater infrastructure in the California Water Plan in a section on funding recommendations. DWR also agreed to keep wastewater treatment and infrastructure as part of the eligible categories for funding under the Prop 84 dollars. This gives our POTW industry some foothold into bonds funds.

As we move into the second month of 2008, there is much on our horizon. The State Water Board has several big items that SCAP and I are following: the Strategic Plan, the Enforcement Policy, the Compliance Policy and the Water Recycling Policy. But that isn't all. Senator Perata is bringing back his bill on the reorganization of the Regional Water Boards and the Little Hoover Commission is having hearings on the State and Regional Boards in March.

Strategic Plan: As the regulatory consultant to SCAP and a former Regional and State Water Board Member, I was asked to review the organization part of the draft State Water Board Strategic Plan. Each section has goals, objectives and actions. Under the goals of organizational consistency and transparency, I developed some language for an additional action that John Pastore thought was worth a try. It reads, "Develop standardized procedures for Regional Water Boards to consider when deviating from a statewide policy. The objective is to create findings and evidence that have transparent science and rational criteria for deviation from a statewide policy."

Enforcement Policy: There are a few areas of concern but one that specifically has caught our attention is the revision to the use of Supplemental Environmental Projects (SEPs). The new wording limits the SEP amount to no more than 25% of the administrative civil liability (ACL) unless there are exceptional circumstances. I have met with three State Water Board members, two Regional Board members and one Regional Board executive director on the

unacceptability of this revision. I also have met with two NGOs, who have been the recipient of some of the ACL penalties and have done wonderful environmental projects with the resources. That 25% won't last as an acceptable recommendation from the Enforcement Unit of the Water Board.

Water Recycling Policy: If you missed the SCAP Water Issues Committee meeting, you really missed a great one. Not only did we have outstanding presentations on water recycling, recharge and compounds of concern by West Basin Municipal Water District, the Inland Empire Utilities Agency and Water Replenishment District, but we also had an update from Jonathan Bishop, now a Chief Deputy Director at the State Water Board. Jonathan said we would see much of the same in the new revisions to the policy. The audience had time to do a lot of interaction with Jonathan on this and the other topics reported on above. Several Regional Board staff attended. This is always beneficial because the SCAP members get to interact with the regulatory staff in an arena other than when there is an issue between the SCAP member and the regulatory agency.

Finally, we at SCAP continue to work with CASA on our Cross Media Day with the Chairs of CalEPA agencies that impact the industry in such significant and often conflicting ways.

Help Desk

Remember, the HELP DESK is open 24/7 for members who need to discuss permitting issues and strategies to assist agencies in resolving problems with regulatory agencies. Please contact Mary Jane Foley at mfoley@scap1.org

Non Sequitur

If you want to make enemies, try to change something.

Woodrow Wilson