



SOUTHERN CALIFORNIA ALLIANCE OF  
PUBLICLY OWNED TREATMENT WORKS

# Monthly Update

February 2009

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### Upcoming Meetings

#### Air Quality

Thursday, February 26, 2009,  
10:00-12:00 noon, at LACSD.

#### Biosolids

Thursday, April 16, 2009  
10:00-12:00 noon, Location TBA.

#### Collection Systems

Wednesday, February 25, 2009  
10:00-2:00pm, at City of Ventura

#### Energy Management

Tuesday, April 14, 2009  
9:00-1:00pm, at LACSD.

#### Water Issues

Tuesday, February 10, 2009  
9:00-1:00pm, at IEUA

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## A Message from the Executive Director...

Since it's the start of another new and hopefully glorious year, I thought I would belatedly share with you my predictions for 2009. I freely admit that I am one of those, "the glass is half-full kind of guys". But after all, how can you not be optimistic after that historic presidential inauguration and ceremony? Regardless, here are my predictions: #1- A newly discovered oil field off of the coast of Florida (that's about as far from California's beaches as I could get) will bring hundreds of trillions of dollars to the nation's economy and will be used by the federal government to bail out all of the fiscally challenged state governments, resulting in the current economic stimulus package no longer being necessary. However, the one caveat for receiving funds will be that each state must have an approved budget in place. I'm not sure where that leaves California? #2- Health issues and worker safety will become paramount to employers and after all of the AB32 related bills are enacted, thousands of new businesses will flock to California to set up shop in a cleaner and healthier working environment, while at the same time reducing state unemployment to an all-time low. #3- The State Waterboard's new Water Quality Enforcement Policy will result in non-point source polluting scofflaws being heavily fined, creating a pool of money to be used towards rewarding those POTWs who consistently meet their permit requirements #4- So many of our POTWs will become self-sustaining by generating electricity from digester gas and solar power that the amount of electricity put back on the grid will exceed California's maximum demand, resulting in a drastic drop in energy costs to the consumer. The POTWs will be hailed by the public as saviors. #5- Water Recycling will become increasingly prevalent in California, so much so, that there will no longer be reliance on dammed reservoirs and all of the proponents that support a return of natural waterways, like the Hetch Hetchy Valley, will be placated. Water rationing will become a thing of the past. #6- Upon the return to a robust economy, the current trend towards reduced vehicle trip mileage will continue resulting in less traffic congestion on the state's roads and highways. #7- The response to the "no drugs down the drain" campaign will be completely overwhelming, not only in California but the entire nation, thereby reversing the endocrine disruptor threat to our oceans and waterways. Aquatic and marine animals throughout the world will rejoice at returning to normal sexual reproduction cycles. #8- The use of biosolids and composted biosolids applied to crops will become the new wave of the future, resulting in extraordinary high crop yields and the Central Valley will flourish by reaching new heights in food production, bringing much needed jobs to the region. #9- The day will finally come when environmentalists, regulators and local government will see eye-to-eye on all issues [Editor's Note: Let's change that to "most" issues to try and keep this somewhat believable]. #10- That we all will have a happy and prosperous year.

With all of that said, 2009 is shaping up to be one of the most challenging years in modern history for water/wastewater managers. In previous years we may have had to cope with a loss of property tax revenue or maybe a new regulation or two, but never the diverse set of circumstances that now confronts our agencies. It will be interesting, to say the least, how cities and special districts alike will adapt to an environment that potentially includes reduced levels of: property tax revenue, sales tax revenue, developer fees, interest revenue on investments (both short and long-term) and water sales revenue due to delivery cutbacks. On the flip side, expenses may ultimately increase due to higher unemployment benefit contributions caused by the unprecedented drain on the State's allocated funds as well as increased employer retirement contributions to make up the shortfall resulting from the stock market decline. Just like in sports, managing a team in the best of times can be somewhat easy, but when things start going south is when the really good management teams are at their best. It will be critical that boards and management continue to work together to not only survive the present, but continue to plan for the future because we will get through this, much in the same we have before--**through hard work and dedication**. Please keep in mind that we at SCAP stand ready to assist you and your staff throughout the year in any way that we can. We have a complete schedule of committee meetings throughout the year and will continue to provide monthly updates on the latest regulatory issues facing the wastewater industry.

Pollyann-ishly Yours,

John Pastore, Executive Director

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## Committee Reports

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### Air Quality

By Chair Daniel McGivney  
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#### Imperial County APCD

[www.co.imperial.ca.us](http://www.co.imperial.ca.us)

Imperial County APCD is currently in the process of developing two State Implementation Plans (SIPs) dealing with the formation of ozone and particulate matter of 10 microns (PM10). Both plans have been submitted to USEPA and were required due to Imperial County's non-attainment status for these constituents. ICAPCD has posted timeline schedules for both Ozone and PM10 implementation on its website.

Also required is the submittal of a Monitoring Network Plan, which is currently in the draft stage and will be available for public review shortly. Anyone interested in obtaining an advance copy can contact the ICAPCD office at (760) 482-4606.

The ICAPCD Board of Directors voted unanimously on November 6, 2007 to adopt the Imperial County CEQA Air Quality Handbook, which is available on the County of Imperial's website.

There are currently no public workshops or hearings posted on the District's website for February.

#### Mohave Desert AQMD

[www.mdaqmd.ca.gov](http://www.mdaqmd.ca.gov)

For those interested in solar power, the MDAQMD website includes a real time display of daily and yearly solar power information from within the district, as well as the amount of carbon dioxide saved.

MDAQMD is advising that an Enhanced Phase II vapor recovery (EVR Phase II) system must be installed by April 1, 2009 for **all** Gasoline Dispensing Facilities with underground tanks, as required by State Law.

Individual presentations from the recently held 2008 CDAWG conference are available for viewing on the MDAQMD website.

There are currently no public workshops or hearings posted on the District's website for February.

## San Diego APCD

[www.sdapcd.org](http://www.sdapcd.org)

San Diego APCD reports it has completed and submitted its Ambient Air Monitoring Network Plan (AMNP) for 2007 and a copy can be obtained from their website. SDAPCD will be required to submit an Air Quality Plan to EPA in 2013 outlining the emission control regulations necessary to bring the entire region into attainment.

SDAPCD has added a custom Google search engine exclusively for their website and also offer an interactive air pollution simulator program called **Smog City 2**. This program will allow the user to make decisions that affect the air quality and can then view the resulting changes that occur.

The SDAPCD website now includes an inventory of toxic and criteria air pollutant emissions in Adobe PDF format for those agencies in San Diego County that are required to report annually.

SDAPCD has also added a **Grants & Incentives** page to its website to better inform the public of program availability.

A new NSPS for Stationary Gas Turbines (40 CFR Part 60, Subparts GG and KKKK) is scheduled for adoption at the Board meeting on February 25, 2009.

## Santa Barbara APCD

[www.sbagcd.org](http://www.sbagcd.org)

The Santa Barbara APCD reports that they have a new fee schedule in effect as of 7/01/08, which can be viewed on their website. SBAPCD also reports that they are working with CAPCOA planning managers to develop GHG emission thresholds for CEQA reviews of new projects.

The SBAPCD held a Community Advisory Council Meeting/Workshop on 10/22/08 to present proposed changes to Rule 316 (Storage and Transfer of Gasoline). Public input is requested. The SBAPCD Board was scheduled to consider adoption of the revised rule on January 15, 2009. The next Community Advisory Council meeting is scheduled for February 25, 2009.

SBAPCD has posted a series of Compliance Advisories on its website that pertain to various operations including: Businesses with Portable Diesel Engines; and Gasoline Stations.

On March 20, 2008, the SBAPCD approved participation in Year 10 of the Carl Moyer Program, making approximately \$619,000 available for eligible projects during the upcoming year. Typical projects include heavy-duty engine repowers, replacements and retrofits for both diesel and alternative fueled equipment. Other project categories include zero-emission projects, old car buy backs and agriculture assistance.

The next meeting of the SBAPCD Board is scheduled for March 19, 2009.

## Ventura County APCD

[www.vcapcd.org](http://www.vcapcd.org)

VCAPCD currently has application forms available for the Carl Moyer Program. The program will provide approximately \$2 million of grant funds for projects within Ventura County. The grant funds are available to qualifying owners of heavy-duty diesel powered equipment that want to reduce air pollution by upgrading or replacing their present equipment.

Rule 70 (Storage and Transfer of Gasoline) – An Advisory Committee Meeting was scheduled for January 27, 2009 at 7:30 pm at District headquarters to discuss revisions to this rule.

A Public Workshop is scheduled for February 5, 2009 to discuss Rule 55.1 (Paved Roads and Public Unpaved Roads) and Rule 55.2 (Certified PM-10 Street Sweeping Equipment).

## South Coast AQMD

[www.aqmd.gov](http://www.aqmd.gov)

SCAQMD Rule 1110.2 Implementation by Dan McGivney

Implementation SCAQMD Rule 1110.2 requirements continue. Currently, February 1, 2009 was the stipulated compliance deadline for complying with the revised efficiency correction factor (ECF) requirements and installing air to fuel ratio controllers (if you had an engine, rich or lean burn that did not already have one). The AFRC installation had to be completed by February 1 or within 120 days of issuance of the Permit to Construct, whichever is later. To date we are not aware of any agency who has received a revised permit for either issue. Agencies may need to evaluate obtaining a variance for the ECF

requirements if the February 1, 2009 compliance date is not going to be met. Also, for agencies that had 15 or more engines and split their I&M plan submittals as allowed in the rule, the second set of I&M plans are due on February 1 as well (with implementation scheduled for June 1, 2009). As an FYI, we have not heard of any I&M plans being approved yet, nor have we heard of any agency receiving revised permits (AFRCs, ECF, >10% natural gas fuel allowance for biogas engines, CEMS, etc.) for any required amendment to comply with this rule. If any of you have received revised permits, please let us know, we would like to get an idea regarding what activities the SCAQMD is completing.

### **Climate Change and CEQA** by Dan McGivney

As many of you are probably aware of, California CEQA guidelines are in the process of being revised by the Office of Planning and Research (OPR) to incorporate requirements to consider climate change and greenhouse gas emissions into the environmental assessment. Additionally, CARB and the SCAQMD are actively working on guidance on how to do that (e.g. setting thresholds for significance for various types of land use). All three agencies have draft documents available for review. The OPR must adopt final revisions by January 1, 2010, hence over the next few months critical decisions will be made by all the above mentioned agencies. As CEQA can be a very significant issue for many of our agencies and projects, any effort that can be made by SCAP members to review and monitor these regulatory revisions would benefit our industry. If any agency has any comments regarding any of the proposals, please forward them to the SCAP office and the SCAP air committee can include them in any communications and/or formal comments that may be issued.

### **SCAQMD Priority Reserve Lawsuits** by Greg Adams

The SCAQMD issued a memo on January 9, 2009 discussing the moratorium on the issuance of certain air permits. The memo was accompanied by a "fact sheet" also of the same date. Both the memo and the fact sheet set forth the current status of the permitting situation at the SCAQMD, the events leading to it, and the SCAQMD's reaction. Copies of the documents can be obtained from the SCAP office or from the SCAQMD website [www.aqmd.gov](http://www.aqmd.gov). The release was followed by a stakeholders meeting on January 21, 2009 at the SCAQMD that was attended by close to 300 people wishing to learn about the next steps that were to be taken. The Executive Officer of the SCAQMD Barry Wallerstein, D. Env. and his senior staff addressed the audience and listened to public

comment. The attorneys for the plaintiffs were present in the auditorium; the attendees were very orderly and civil. SCAP members expressed their concerns over the effects of the suspended permitting. There were no new, immediate recourses to the situation offered by the staff at the meeting. The attorney hired by SCAP to intervene on our behalf in the federal lawsuit on the credit tracking system was finishing up discussions with the plaintiffs' attorneys prior to formally submitting a motion to intervene in the case, as of this writing.

### **SCAQMD Proposed Rule 317** by Greg Adams

At the December 2008 SCAQMD Board meeting, significant action on Proposed Rule 317 was delayed until February 2009. Proposed Rule 317 would cause all major stationary sources of NOx and VOCs to reduce their emissions below a 2010 baseline by 20% or otherwise pay approximately \$9300 per ton for each ton not so reduced. The rule is estimated to generate \$35 million dollars in additional revenues for the SCAQMD until such time as the 1-hour ozone standard is attained, if ever. At a working group meeting on January 22, 2009 staff presented some alternative baseline scenarios that take into account various averaging schemes, lowering the overall fees paid out. To allow time for consideration of these alternatives, staff would recommend to the Board in February that the rule adoption be moved out into the March timeframe. SCAP representatives want the rulemaking to be moved out until June when EPA guidance on this issue is expected to be issued.



## **Biosolids**

By Chair Mike Sullivan  
[msullivan@lacsrd.org](mailto:msullivan@lacsrd.org)

### **San Joaquin Valley Air Pollution Control District (SJVAPCD) Draft Rule 4566** by Matt Bao

On December 18, 2008, the SJVAPCD held a public hearing on Draft Rule 4566 (Organic Waste Operations Rule, formally referred to as the Green Waste Composting Rule), in which they considered amending the SJVAPCD 2007 Ozone Plan. SJVAPCD staff indicated that they would need additional time beyond the adoption deadline specified in the Ozone Plan to complete the technical and economic feasibility analysis for Rule 4566. SJVAPCD staff recommended that their Governing Board approve a State Implementation Plan (SIP) revision to the Ozone Plan in order to extend the adoption deadline for Rule 4566

from 1st Quarter of 2009 to 3rd Quarter of 2010, which was approved.

## **Targeted National Sewage Sludge Survey** by Matt Bao

The survey results and related documents have been released by EPA and can be found at <http://www.epa.gov/waterscience/biosolids/>. EPA has noted that it will address the pollutants identified from the 2003 biennial review (barium, beryllium, manganese, silver, nitrate, nitrite, fluoranthene, pyrene, 4-Chloroaniline, and molybdenum) with updated concentration information if necessary. In addition to the survey information, EPA will evaluate other available data and conduct exposure and hazard assessments for these pollutants if sufficient data are available. Later this year, EPA expects to initiate evaluations of other pollutants in the survey that may warrant further consideration. The evaluations will depend on the availability of data needed to conduct the evaluations.

## **Freeway Complex Fires** by Matt Bao

On November 21, 2008 the Santa Ana Regional Water Quality Control Board passed an Emergency Resolution expressing the support for the use of biosolids compost on areas burned during the November fires. The Regional Board expects the erosion potential in the burn areas to be severe, and encourages agencies to utilize compost on the burn areas to protect water quality and provide slope stability of hillsides. The use of compost on burn areas would only require prior notice of application to the Regional Board, and the Resolution is set to expire in 12 months after the adoption date.

Representatives of local agencies and committees have met several times, including SCAP members, since the Regional Board's notice in an effort to responsibly plan to facilitate the use of compost on fire-ravaged land. Two meetings were held in early January at the Inland Empire Utilities Agency in Chino, in which regulators as well as representatives from Chino Hills State Park and the city of Yorba Linda attended. Currently, it is hoped that a demonstration site can be identified as well as additional sources of funding.

## **Perfluorochemicals** by Matt Bao

A December 24, 2008 article in *Environmental Science & Technology* reported that high levels of

perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), and other perfluorochemicals (PFCs) were found in agricultural soils near Decatur, Alabama. The EPA, USDA and FDA are investigating whether PFCs have entered the food chain and/or contaminated meat, from grazing activities. They have indicated that a potential source of these chemicals may have been contaminated biosolids that were land applied on approximately 5,000 acres of agricultural land. There are several manufacturers of PFCs in the local area, but the EPA is still investigating how these chemicals may have ended up in these particular biosolids.



## Collection Systems

By Chair Ralph Palomares  
[rpalomares@etwd.com](mailto:rpalomares@etwd.com)

It is already February 2009 and we are off to a good start this year with our first collections committee meeting approaching within a few weeks. It will be held in Ventura, CA. My how time flies when you are having fun. My son Michael will be graduating from High School this year and it seems like I just walked him to his first kindergarten class.

We have a lot of information to go over at our upcoming meeting. I will be defining terms such as "side sewer", "public sewer", "house sewer", "lateral sewer", and "private sewer". Most of you already know the meaning of these terms, however, I still see a lot of confusion at the meetings I attend.

We will discuss what you should know and how to prevent grease discharges into sewers. Further, we will discuss what your agency is doing about it, so please bring information or documentation to share with our group, i.e., any ordinances we can copy or post on the SCAP website. Our goal is to share information so that those of us who don't have the resources can copy and/or retrieve information to meet the upcoming SSMP or WDR deadlines.

If you have any photos of roots or calcium in the sewer pipes can you please bring copies for our future collections meetings? Also, if you have a FOG or Source Control Ordinance, please bring that along as well for use on our SCAP Collections website.

With a New President in the White House, it is a good guess that we will see some changes to the

WDR/SSMP and/or all environmental regulations. Whether it be air, water, sewer, energy, or biosolids we will be ready to address them.

I have a State tour scheduled this month to evaluate collections systems and operators from Northern California to Southern California. I wish you all the best in winning the annual CWEA Collections Awards. Most of you are SCAP members as well. The winners will move on to Palm Springs in April to make us proud and then represent us at WEF in October. We hope to show the rest of the country that we have the "Best of the Best" right here in California.

Please mark your calendars and plan on attending the next collections meeting in Ventura, CA on February 25, 2009.

### **Sewer Spill Reporting** by Sam Espinosa

On January 21, 2009, representatives from the Los Angeles County Board of Supervisors, the County of Los Angeles Department of Auditor-Controller, the Los Angeles County Department of Public Health, the Los Angeles County Department of Public Works, and the Sanitation Districts of Los Angeles County met to review the current status of sewer spill reporting in Los Angeles County and to discuss the ongoing development of a voluntary interagency spill prevention program. The development of a voluntary interagency spill prevention program was introduced at the March 25, 2008 Los Angeles County Board of Supervisor's meeting and is intended to ensure cooperation among local jurisdictions in their efforts to further the reduce the number and volume of sewage spills originating in Los Angeles County.

The Los Angeles County Department of Public Health presented the panel with a summary of information including the number and causes of sewage discharges associated with each individual city and unincorporated areas in Los Angeles County. The detailed information presented by the Los Angeles County Department of Public Health was primarily generated from the spill notifications received by their office over the past two years. For 2008, it was reported that 839 spills, totaling 555,117 gallons, occurred in Los Angeles County. Discussions led by the County of Los Angeles Department of Auditor-Controller's representative focused on cities with numerous spills and the types of spills that posed an immediate risk to public health and the environment. The County of Los Angeles Department of Auditor-Controller and Los Angeles County Department of Public Health plan to use the State Water Quality Control Board's online public reports, which include the

information input by collection system agencies using the California Integrated Water Quality System (CIWQS), to further track and map the locations of recurring spill events in Los Angeles County. Cities that are experiencing numerous overflows will likely be contacted by the panel for further discussion.

The Los Angeles County Department of Public Works and the Sanitation Districts of Los Angeles County presented a proposed outline for a joint training workshop to be offered as part of the voluntary interagency spill prevention program in the upcoming summer months. The outline was developed together with the City of Los Angeles Bureau of Sanitation and includes such topics as effective spill response, sewer spill prevention, sewer spill reporting, case studies and the role of each agency in response to a sewer spill. It was suggested that the Regional Water Quality Control Board provide a representative to discuss sewer spill enforcement action and that a Department of Public Health representative discuss their response activities following a sewer spill, including beach closures.

### **CIWQS Update** by Robert Kreg

On January 15, 2009, Jim Fischer of the State Water Resources Control Board (SWRCB) facilitated the latest SSO External User Group meeting held at the Union Sanitary District. The purpose for these meetings is to identify issues relative to the use of the California Integrated Water Quality System (CIWQS) online spill reporting. As issues arise they are discussed by the committee, prioritized and placed on an ongoing list for resolution. Several fixes, such as adding additional fields to the spill report form to assist with the notification process, have been accomplished. The bi-monthly meetings are open to any interested stakeholder and rotate between the northern and southern portions of the state. Teleconferencing is also setup for those who cannot attend in person.

In recapping what the state had done since the last meeting, Jim stated that the problem some people were having when entering longitude and latitude was being corrected and should be done by the time you are reading this. Checks for longitude and latitude are also being performed to ensure that the spill location is for the same county that the reporting agency is in. Jim also reported that the spill mapping tool is still in development and has not been released to the public. The mapping tool utilizes Google maps to visually show where spills are occurring. The tool also allows you to navigate to a precise spill and obtain information, including the actual spill report, about the spill. New features have been added allowing searches to be made by agency. Visual changes have

also been made to make the map appear less congested. Jim did not have a firm date for when the mapping tool will be publically released but stated that the goal was to incorporate the current list of enhancements before final review.

### **WDR Update** by Robert Kreg

Agencies serving a population of 100,000 or more are required to have their Design & Performance Standards; System Capacity Assurance Plan; Monitoring, Measuring and Program Modifications; SSMP Program Audits; and Communication Program elements completed by May 2, 2009. May 2, 2009 is also the date for the final certification of the SSMP. Remember that before the final certification the SSMP must be approved by your agency's governing body at a public meeting.

Agencies serving a population of between 10,000 and 100,000 are required to have their Emergency Response Plan; Legal Authority; Operations and Maintenance Plan; and Fats, Oils and Grease Plan elements completed by May 2, 2009.

At the SSO External User group meeting, Jim Fischer also discussed the State's plan to open up the WDR for possible revision during 2009. This is referred to as the WDR Triennial Review. Unlike, National Pollution Discharge Elimination System (NPDES) permit that typically has a 5-year life before it is revised and or renewed, a WDR has no sunset. A WDR remains in effect until the issuing agency repeals it. The State retains the option of opening up the WDR for review and or revision whenever necessary.

To assist with the WDR Triennial Review, Jim has formed two committees. The Order Update Committee will be facilitated by Jim with Russell Norman facilitating the Data Analysis Committee. Participation is open to anyone. If you are interested in the Order Update Committee contact Jim Fischer (JFischer@waterboards.ca.gov) or for the Data Analysis Committee contact Russell Norman (rnorman@waterboards.ca.gov). No meetings have been held yet but Jim stated that he would be emailing a meeting schedule as soon as the meeting dates are set.

### **SRF Update** by Robert Kreg

At the SSO External User group meeting Jim Fischer also stated that the State Revolving Fund (SRF) will be making an anticipated 450 million dollars available for shovel ready projects. This will all be part of the

economic stimulus package aimed at getting the economy moving again.

For additional or updated information on the topics discussed, go to the SWRCB website at [www.swrcb.ca.gov/water\\_issues/programs/ssso/index.html](http://www.swrcb.ca.gov/water_issues/programs/ssso/index.html) or the SCAP website at [www.scap1.org](http://www.scap1.org).



## Energy Management

By Chair Andre Schmidt  
[aschmidt@lacsod.org](mailto:aschmidt@lacsod.org)

### **Update on Sale of Renewable Portfolio Standard Eligible Renewable Energy Credits** by Andre Schmidt

The California Public Utilities Commission has issued an initial ruling that allows separation of renewable portfolio standard (RPS) eligible renewable energy credits (RECs) from the associated power. The ruling is expected to be finalized on January 29, 2009 and be effective January 1, 2009. This ruling will allow POTWs to sell RECs associated with power generated from digester gas self-generation facilities. The RECs can be sold for self-generated power that is consumed on-site at the POTW and does not enter the grid. It is anticipated that the market value of these RECs will be approximately \$10 to \$30 per MW-hr.

One important factor that is to be determined regarding the sale of the RECs is a ruling on retroactive eligibility. The Alliance for Retail Energy Markets is pushing for a rule interpretation that will allow for RECs to be sold retroactive three years from January 1, 2009. The utilities are opposed to this. Clarification on retroactive sales should be determined during the January 29th meeting.

In order to qualify for selling the RECs, the facility must be registered with the Western Region Energy Generation Information System (WREGIS). Guidelines for the self-registration process can be found at [www.wregis.org](http://www.wregis.org). Self generation must be certified by the California Energy Commission, metered, and reported to WREGIS. Final guidelines for metering quality are still being developed, but it is likely that WREGIS will accept metering data of less than revenue quality in order to make the process more inclusive.

**Innovative Energy Management Workshop** by Andre Schmidt

On December 16, 2008, the EPA Office of Water and Region 9 held a workshop entitled Innovative Energy Management in Sacramento. The workshop was very well received with attendees from both the water and wastewater sector in attendance from across the state. The workshop was designed to help utilities learn how to develop energy management programs, set measurable energy goals to reduce consumption, establish a plan to follow through on priority management goals, prioritize energy improvement, manage energy to reduce operation costs and understand the Energy Star Portfolio Manager Benchmarking tool. The workshop highlighted the manual that the EPA has recently published “Ensuring a Sustainable Future: An Energy Management Guidebook for Wastewater and Water Utilities.” This manual describes a comprehensive methodology for conducting energy management with the “Plan-Do-Check-Act” approach. The manual is available for download online at the following EPA website page: [www.epa.gov/waterinfrastructure/bettermanagement\\_energy.html](http://www.epa.gov/waterinfrastructure/bettermanagement_energy.html). The workshop also described the Energy Star rating system, which enables wastewater treatment plants to compare their energy use to a benchmark developed from a national database. SCAP is currently working with USEPA to conduct an Energy Star training workshop in Southern California sometime in June 2009.

**Energy Management Committee Meeting** by John Pastore

On January 29, 2009 SCAP held its second ever Energy Management Committee Workshop. The meeting was held at the Encina Wastewater Authority’s facility in Carlsbad, CA. The meeting was attended by nearly 40 participants and featured presentations by Andrew McAllister from the California Center for Sustainable Energy and Michael Hogan, general manager of the Encina WA. The meeting concluded with a tour of Encina’s wastewater facilities, including a recently completed biosolids dryer and cogeneration equipment.

Mr. McAllister’s presentation summarized the work that the Energy Center performs in conjunction with San Diego Gas & Electric Company and how his company can assist water and wastewater agencies with energy audits and incentive programs.



Encina WA General Manager Michael Hogan during his presentation to the Energy Management Committee.

Mr. Hogan’s presentation featured a historical look at Encina’s Energy Management Program showing how it was developed over the years. Of particular interest was the strategic planning approach that sought input from both management and operations staff, resulting in a collaborative effort to evaluate a number of viable alternatives down to the top ranked choice. If anyone is interested in obtaining more information about Encina’s energy management program, please contact Michael Hogan through their website at [www.encinajpa.com](http://www.encinajpa.com).



Encina WA’s newly constructed cogeneration facility.



**Water Issues**

By Chair Gus Dembegiotes  
[Gus.dembegiotes@lacity.org](mailto:Gus.dembegiotes@lacity.org)

**Statewide Water Recycling Policy** by Gus Dembegiotes

At its Board meeting on February 3, 2009, the State Board will consider adoption of the Proposed Recycled

Water Policy. State Board staff have made minor revisions to the Policy which are posted at:

[http://www.swrcb.ca.gov/water\\_issues/programs/water\\_recycling\\_policy/docs/020309\\_draftrecycled\\_waterpolicy\\_011609\\_atta1.pdf](http://www.swrcb.ca.gov/water_issues/programs/water_recycling_policy/docs/020309_draftrecycled_waterpolicy_011609_atta1.pdf)

The Revised Proposed Policy is very close to the one presented to the State Board at the January 6<sup>th</sup> hearing. However, it does retain the State Board's staff incidental runoff language which allows Regional Boards to use municipal separate storm water system permits to regulate runoff but also requires Operations and Maintenance Plans and the correction of leaks and broken sprinkler heads within 72 hours of learning of runoff and prior to the release of 1000 gallons. The language also retains the language requiring the management of ponds such that no discharge occurs unless it is the result of a 25-year, 24-hour storm event.

**Draft Water Quality Enforcement Policy** by Gus Dembegiotes

On January 16, 2009, the State Board held a workshop to receive comments on its proposed revisions to its Draft Water Quality Enforcement Policy. The Draft Policy is posted at:

[http://www.swrcb.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy121808\\_2\\_for\\_distribution.pdf](http://www.swrcb.ca.gov/water_issues/programs/enforcement/docs/enf_policy121808_2_for_distribution.pdf)

A joint CASA/TriTAC/BACWA/CWEA/CVCWA/SCAP comment letter is being drafted. Comments on the policy were originally due to the State Board by January 14<sup>th</sup>. CASA was able to obtain an extension for submittal of comments until January 30<sup>th</sup>. The draft letter includes the following comments: 1. Per gallon amounts should not be included in the baseline calculation of ACL amounts for violations of numeric effluent limitations. 2. The Policy should not discourage water recycling. 3. The approach to establishing ACL amounts should incentivize voluntary cleanup. 4. The policy should clearly distinguish the calculation of economic benefit for surface water and other violations. 5. The process for establishing enforcement priorities should be more transparent.

**State Board Workshops and Hearing Regarding Regulations for Onsite Wastewater Treatment Systems (OWTS)** by Gus Dembegiotes

The State Board has held several workshops including one in Riverside on January 14<sup>th</sup> and one in Malibu on January 15<sup>th</sup> regarding proposed rulemaking for OWTS. The workshops solicited public comments on proposed amendments to Title 27 of the California Water Code (Division 5), regulating OWTS, the Waiver of Waste Discharge Requirements for OWTS, and the Draft Environmental Impact Report for these two regulatory actions. The three documents related to this action can be obtained at:

[http://www.waterboards.ca.gov/water\\_issues/programs/septic\\_tanks/](http://www.waterboards.ca.gov/water_issues/programs/septic_tanks/)

A State Waterboard hearing on this issue is scheduled for February 9, 2009 in Sacramento. Written comments to the State Board are due by February 9, 2009.

**California Clean Water State Revolving Fund (CWSRF)** by Gus Dembegiotes

The State Waterboard is holding an additional Economic Stimulus Workshop on February 4<sup>th</sup> at the San Francisco Bay Regional Water Quality Control Board to discuss Congress' consideration of the American Recovery and Reinvestment Bill of 2009 (HR 2167). The State is estimating that the CWSRF could receive an amount in excess of \$450 million for shovel ready projects as part of the Federal stimulus plan. More information on the workshop is posted at:

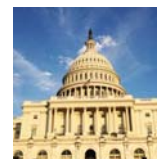
[http://www.swrcb.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/oakland\\_stimulus\\_workshop.pdf](http://www.swrcb.ca.gov/water_issues/programs/grants_loans/srf/docs/oakland_stimulus_workshop.pdf)

**2008 Water Code Section 13385 Enforcement Report** by Gus Dembegiotes

On January 1, 2009, the State Board announced the posting of its 2008 Water Code 13385 Enforcement Report. This report summarizes information regarding violations of waste discharge requirements to surface waters pursuant to Water Code, Chapter 5.5, Section 13385(o), and enforcement actions taken by the State and Regional Water Quality Control Boards in response to those violations. The report is posted at:

[http://www.swrcb.ca.gov/water\\_issues/programs/enforcement/docs/13385o\\_2008.pdf](http://www.swrcb.ca.gov/water_issues/programs/enforcement/docs/13385o_2008.pdf)

It suggested that SCAP members review the report for accuracy of the information published regarding reported violations.



## Regulatory Affairs

By Mary Jane Foley  
[mfoley@scap1.org](mailto:mfoley@scap1.org)

### **Economy Down, Regulations Up**

The markets, employment rates, life savings, and home values are all down. President Obama has noted that this is the most serious economic downturn since the Great Depression. On the other hand, it seems that regulations are on the rise. The State Waterboard has several pending policies and regulations. The Air

Board continues forward with the green house gas reduction regulations. Likewise, the Dept. of Fish and Game is on a fast track soliciting proposals for marine protected areas in the state three-mile zone off the ocean. Finally the legislature is coming up with more bills that cost money, even though the state is broke. It is hard to make sense out of all of this.

This situation creates an opportunity for SCAP to serve an even more strategic role; it is imperative for our membership that we continue to stay on top of all of the pending regulations and try to bring common sense and practicality to the various processes in progress.

This update will mainly focus on the Waterboard's Draft Water Quality Enforcement Policy. There are few regulations that impact our industry more than policies that create huge penalties and financial hardships for public agencies. This month, I've been heavily involved with the two parts of the enforcement policy. The first part of the policy is the Supplemental Environmental Projects (SEPs) and the uses of the State Water Pollution Cleanup and Abatement Account (CAAs) for regional water quality improvement projects. The POTW industry believes that these programs are working fine, but the State Waterboard has other opinions for how SEPs and CAAs should be improved. Most likely, this part will have been voted on by the time you read this update, but know that I have spent hours communicating with each State Waterboard Member on the value of keeping the program as it now exists. The second part of this policy includes the prioritization of enforcement activities and a proposed methodology for determining the administrative civil liability for violations of the California Water Code. We have worked with others on this policy for nearly one year and many improvements have been made. In a comment letter that all of the POTW Associations have developed, and that I have been actively engaged in, an example illustrates to the Waterboard how a section of proposed methodology would be too onerous on a permitted discharger. Our example relates to a per gallon assessment as the baseline calculation of an ACL for violation of numeric effluent limitations. For example, an exceedance of a copper effluent limitation for a single day in a 30 mgd discharge yields a base liability amount of \$3.9 million. SCAP, along with other POTW Associations is advocating for the elimination of this per gallon approach for effluent limit violations. We are submitting comments that would create a more equitable approach. On January 27, 2009, SCAP chaired the Summit Group in Sacramento. This is a quarterly meeting of the POTW Associations to discuss pending issues that will significantly impact the water and wastewater industry. The guest at the meeting was the Executive Officer of the State Waterboard, Dorothy Rice and the Chief Counsel, Michael Lauffer. We had

the opportunity to discuss the enforcement policy among other issues. We will continue our dialogue with them until we have resolved a workable enforcement policy. Another policy in review by the Waterboard is the Anti-Degradation Policy (Resolution 68-16). We think that this is another policy fine as it exists, and we offer no support to change it or the procedures that are part of it.

The economic stimulus package is an area of interest to our industry. There is a federal and a state proposed package, and I am trying to make sense out of them and what financial help there is for water and wastewater agencies. I know the federal package has \$6 billion for wastewater with \$435 million for California. SCAP is in conversation with the State Waterboard on how they will roll out the money. The money for wastewater will come through the SRF process. That process is structured for loans so at the January 27<sup>th</sup> meeting with Dorothy Rice and Michael Lauffer, we discussed what would be needed to turn the process into a grant process. There will have to be agreement with EPA and probably some quick legislative change. We are on top of this and encourage all of our members that have viable projects that need funding to send your project name and a short description to SCAP and myself. The Waterboard has been doing statewide workshops on this and are adding a few more. SCAP will send out any information we received on this process. I advise SCAP members to go to the Waterboard's website [www.waterboards.ca.gov](http://www.waterboards.ca.gov) and see how they are requesting information for receipt of projects that want to compete for grant funds from the economic stimulus package.

I know the other committees have given updates on pending air regulations, the latest in biosolids activity, and the collection system and energy issues. I will close this report with an update on the Dept. of Fish and Game Marine Life Protection Act (MLPA) South Coast Region Stakeholder Group. I am a member of the stakeholder group and have been circulating much material to the SCAP ocean dischargers. That ocean discharger group is an ad hoc group to the SCAP Water Committee. This month SCAP sent a letter of recommendation for Shelly Walther, LACSD, to be on the Special Interest Group (SIG) related to the MLPA. The purpose of the SIG is to advise on process.

So while our economy keeps falling, our regulations keep escalating. The good news is that the SCAP committees work diligently to stay on top of all the proposals and to inform you every step of the way.

**A Unique Opportunity** to attend a Water Quality Coordinating Meeting of the State Waterboard

Members and all the Regional Board Members around the state. On February 23rd and 24th the meeting will be held at the Inland Empire Utilities Agency. You are allowed to attend this meeting as a member of the audience just to observe. I encourage you to attend and see how your Regional Board members interact. SCAP will forward you the agenda and meeting notice. The main topic seems to focus on the water reclamation policy. You don't have to stay for the whole day. Since I have been off the Waterboards and the consultant to SCAP, I have attended several of these meetings. The announcement of these meetings weren't widely noticed, but in recent years the Board has been more transparent about these meetings and since it is local, take advantage of it.

Help Desk: Having a regulatory problem and want to talk to someone confidentially about what your options are. Helping individual members is one of my charges and a rewarding part of this job. Please feel free to call 949-493-8466 or email to [mjfconsulting@cox.net](mailto:mjfconsulting@cox.net)

**Congratulations to Olivenhain MWD for achieving the first 2009 District of Distinction Accreditation.** The District of Distinction accreditation by the Special District Leadership Foundation is one of the most prestigious local government awards in the State of California. This award clearly validates Olivenhain's commitment to good governance and to ethical and sound operating practices.

## **Non Sequitur**

*Wall Street indexes predicted nine out of the last five recessions.*

- *Paul A. Samuelson*

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## Some of our Supporting SCAP Associate



BROWN AND  
CALDWELL

*Environmental Engineers & Consultants*

**DUDEK**

**NWRI**



Air Quality Specialists



**RMC**  
*Water and Environment*

## Members

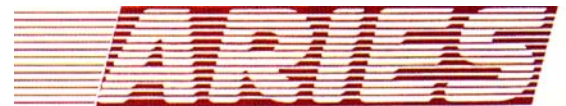


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