



SOUTHERN CALIFORNIA ALLIANCE OF
PUBLICLY OWNED TREATMENT WORKS

MONTHLY UPDATE

August 2008

A Message from the Executive Director...

Once again, there is so much going on in our industry that I don't even know where to begin. Since it appears we are well underway with another hot, dry summer and with what seems to be half of the state on fire, I would like to first take this opportunity to thank all of our firefighters across the state that risk their lives daily to keep our homes and communities safe. These individuals along with our soldiers and law enforcement officers are true heroes in my book. With that said, the recent proliferation of wildfires in northern California is eerily reminiscent of what we went through last year in

southern California and it underscores the need for comprehensive resource management planning. Not only is drought management a top priority for Californians, we must now be concerned with urban forestry issues as a direct result of these fires. Immediately, the need for slope stabilization comes to mind, but what about nutrient replacement? With the loss of so much natural hillside cover, the subsequent rains will likely wash away much of the underlying soils causing the loss of key nutrients needed for plant re-growth.

While the solution is relatively simple – apply biosolids to these areas (there's certainly no shortage of processed sewage sludge across the state), the implementation of such a program is not. Many of our agencies and wastewater organizations, have advocated this beneficial use of biosolids for some time now; however, the major obstruction to this continues to be the Santa Ana RWQCB insistence on enforcing a regulatory limit based upon electrical conductivity (EC) of the biosolids proposed for land application. According to Greg Kester, CASA's Biosolids Program Manager, EC measurement while effective for measuring the TDS of irrigation water, is not an entirely accurate method for measuring the salt content of soil and should not be relied heavily upon. Besides, analytically it can be shown that the discharge of salts into the ground from applying irrigation water far exceeds the salt concentration one would expect from a one time application of composted biosolids. Furthermore, there are numerous examples of how the application of biosolids to nutrient deprived soils has resulted in tremendous plant growth. Not to mention the benefits derived from the sequestration of carbon in the soils that we should be striving for in light of our Governor's mandate to reduce Greenhouse Gas emissions statewide. Although there are federal programs in place to encourage the enhancement of our natural soil resources like NRCS's Conservation Reserve Program and its Wetland Reserve Program, I believe it is incumbent on our state and local officials to recognize the net environmental benefit from the use of biosolids far outweigh any potential risk when properly treated and applied.

Having attended the first Southern California Organics Marketing Summit held last month, which incidentally was co-sponsored by SCAP, I was amazed at the ever expanding uses of

Upcoming Meetings

Air Quality Committee Meeting –
Thursday, August 14th, 10 am – 12
noon, at LACSD.

Water Issues Committee Mtg –
Thursday, September 4th, 9 am – 12
noon, at LACSD.

composted biosolids and how dependent the agricultural community is becoming on these products. Dan Noble, the Executive Director for the Association of Compost Producers (ACP), stated that biosolids can be extremely high in organic content making them more desirable than standard compost to many agricultural users.

This leads me to believe that as an industry we need to do a better job at marketing our products derived from the wastewater treatment process. Our recycled water, energy and biosolids are valuable resources that should be included in any regional management plan. Many of our agencies have done a great job at this already but there is still a long way to go for the rest. One way to positively promote our industry's image is by the development of a consistent wastewater utility brand. But what is branding and why is it important to our wastewater agencies? A "brand" is the name given to the list of perceptions or attributes that define what you can expect from a company, person or product. An example would be the Volvo brand for automobiles, which elicits a perception of safety and reliability from the majority of car buyers. As you would expect, there can be positive branding and there can be negative branding. Think back to 1993 when EPA categorized types of sludge under Rule 503 as either Exceptional Quality (EQ), for biosolids meeting Class A pathogen reduction limits, or Pollutant Concentration Biosolids (PC), for those meeting Class B pathogen reduction limits. Doesn't it seem reasonable that EPA could have come up with a different set of terms that were more palatable to the general public? Then to compound things, our industry began referring to biosolids as being either Class A or B. And although Class B biosolids are completely safe for their intended use, the public's perception when they hear the term Class B is to logically think that there's something wrong with it, or otherwise why wouldn't it be an A. So in an attempt to promote the positive side of our wastewater industry and make us think deeper about situations such as these that affect our public image, SCAP solicited the participation of CASA, CWEA and NWRI in the preparation of a wastewater utility branding manual that we hope to complete by the end of August. John Ruetten of Resource Trends, Inc. is currently writing the manual and interviewing general managers and city department heads throughout the state to get their perspectives on the important issues facing our industry and the common messages we want to promote to the public. We intend to make the manual available to all of our members and hope that it will be well received and utilized as part of an agency's strategic planning process.

While on the subject of "what's in a name," I was introduced to some interesting terms from a presentation on the state's Green Chemistry Initiative made to our Summit Partners Group recently by Dr. Jeffrey Wong, who is the chief scientist for the CA Department of Toxic Substance Control. He repeatedly made references to web crawlers, web bounty hunters and green washing. At first I thought he was joking, but I guess with new technology come new terms and new opportunities. For those of us who aren't IT specialists, here is what I discovered. A **web crawler** (or web spider) is a specialty program which browses the World Wide Web in a methodical, automated manner that can be used to harvest information from web pages. Little did I know that there are etiquette policies developed for the use of these crawlers that include of all things a "politeness" policy. A **web bounty hunter** is someone who makes a living at tracking down hard to find information that is in demand from the Internet in return for a reward or bounty. Usually, the information gathered is used towards litigation of some sort. And finally, "**green washing**" is a term used to describe the act of misleading consumers regarding the environmental practices of a company or the environmental benefits of a product or service. I am sure we all have had experiences with this before. You may also be interested to know that there are 6 sins of green washing: 1) Sin of the Hidden Trade-Off; 2) Sin of No Proof; 3) Sin

of Vagueness; 4) Sin of Irrelevance; 5) Sin of Fibbing; and 6) the Sin of Lesser of Two Evils. I will leave it for the reader to figure out what each of these are all about.

Finally, please note that we have added a new feature to the last page of our newsletter that now includes a list of some of our Associate members who are an integral part of SCAP's success.

Repentantly Yours,

John Pastore

Air Quality by Chair Daniel McGivney

Imperial County APCD

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 are required to be submitted to US EPA by December 2008 and are required due to Imperial County's non-attainment status for these constituents. 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 IPAPCD 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 at www.co.imperial.ca.us.

Mohave Desert AQMD

The Mohave Desert AQMD has received its 2006 CCAR GHG Inventory Certification and reports that it has made significant reductions that exceed the state-mandated 2020 emissions reduction goal of 25% required under AB32. MDAQMD also reports that it has been awarded the "Climate Action Leader" designation by CCAR for the third consecutive year. The MDAQMD is currently accepting proposals for up to \$377,419 in grants for projects that reduce smog-forming emissions from heavy-duty vehicles and other mobile diesel equipment operated in the High Desert portion of San Bernardino County and Riverside's Palo Verde Valley. The MDAQMD's adopted CEQA Guidelines are available on its website at www.mdaqmd.ca.gov.

San Diego APCD

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 at www.sdapcd.org.

Committee Chair Contact Info

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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.

Santa Barbara APCD

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 at www.sbcapcd.org. SBCAPCD also reports that they are working with CAPCOA planning managers to develop GHG emission thresholds for CEQA reviews of new projects.

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.

There are currently no new rule workshops scheduled by SBAPCD at this time.

Ventura County APCD

As of July 2008, VCAPCD 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.

Draft Rule 55 (Fugitive Dust) – On June 10, 2008, the VCAPCD Board adopted Rule 55. This Rule implements VCAPCD's previously adopted program for reduction of PM emissions, as mandated by SB656 and sets a series of new dust standards for compliance in Santa Barbara County.

Rule 42 (Permit Fees) – On April 8, 2008, VCAPCD adopted revisions to Rule 42, which among other things, increased permit renewal fees by 8 percent.

South Coast AQMD

SCAQMD Rule 1110.2

Implementation of the new requirements of SCAQMD's Rule 1110.2 continues to be hampered with confusion, difficulties and potential underground rulemaking by the SCAQMD. Many new requirements (submit permit applications to comply with various rule requirements, submittal of I&M plans and catch-up emissions source testing, etc.) have an August 1, 2008 compliance deadline. The Southern California Gas Company has held three separate workshops since the adoption of amended Rule 1110.2 and it is clearly evident that the vast majority of the regulated community is ill prepared to navigate this highly complex rule or meet the myriad of compliance requirements and deadlines. Additionally, the SCAQMD continues its efforts to internally amend the portable emissions testing protocol previously adopted as part of

the rulemaking package and has additionally released for review a standard emissions source testing protocol that can be used for formal source tests (e.g. the full reference methods testing required every 8,760 hours or 2 years, whichever comes first). Both of these items will be reviewed on July 30 at a SCAQMD Rule 1110.2 Implementation Working Group meeting. Other issues that member agencies have been dealing with include: the inappropriate SCAQMD interpretation that existing engines with NO_x CEMS must implement an I&M program until such time as their required CO CEMS comes online; difficulties implementing efficiency corrections for biogas engines due to the complexity of the required methodology (ASME Performance Test Code PTC 17), and difficulty getting emissions testing protocols approved because of a lack of agreement of what I&M parameters should be included, even though the I&M plans are not required to be developed and submitted until August 1, 2008. SCAQMD staff (through meetings with SCAP member agency staff) have started to throw out parameters that they may consider appropriate for I&M plans (listening for engine knock; radiator coolant temperature). This raises concerns that the SCAQMD may try and implement ideas that they could not get into the adopted rule via vehicles such as the I&M plan (e.g. underground rulemaking). As this rule continues to have many implementation issues associated with it, the Air Quality Committee requests that any agency experiencing any kind of difficulty, please forward that information on to the committee or contact us so that we may raise these issues up with the SCAQMD. Just recently, one of our member agencies submitted a short list of issues to the Assistant Deputy Executive Officer of the SCAQMD and we are currently waiting to formally discuss those issues. Should there be any questions, please contact the SCAP office.

SCAQMD Rules 1146 and 1146.1 (Boiler rule) by Tom Fang

A Joint Task Force Meeting for PAR 1146 and 1146.1 was held on July 10, 2008. No new information was released but AQMD pointed to revised Environmental Assessment (EA) documents available on the CEQA website (www.aqmd.gov/ceqa/aqmd.html) with the latest rule language included (both as Appendix A). The two EAs evaluated environmental impacts for the rule changes, including low-NO_x burner retrofit/construction/operation and, for PAR 1146 only, SCR installations. Both rule EAs also evaluated global warming impacts, assuming that ultra low-NO_x burners would increase fuel usage by up to 2% and SCR by up to 5%. Simply stated, AQMD's analysis is that all such air quality impacts are not significant. A question that went unanswered in the Task Force Meeting is whether provision will be made in future GHG regulations to account for increases due to other rule compliance activities.

Further discussion took place with AQMD Staff on the NO_x averaging formula for co-fired blended fuel boilers. The current proposed formula is optional, but LACSD reiterated that biogas units should be allowed up to 25% natural gas augmentation without having the NO_x limit lowered from the proposed 25 ppm for landfill and 15 ppm for digester gas. Comments on the Draft EAs are due July 29 for PAR 1146 and July 31 for PAR 1146.1. Both rules have been set for adoption on Sept. 5, 2008.

Wastewater Industry Climate Change Issues by Frank Caponi and Greg Adams

AB32

Under AB 32 (California Global Warming Solutions Act of 2006), the California Air Resources Board (CARB) has been very rapidly developing a statewide program to achieve the Governor's goal of reducing greenhouse gas emissions (GHG) to 1990 levels by 2020. CARB has released

a Scoping Plan (Plan) to achieve the Governor's 1990 goals which is currently open for public comment. Comments were originally requested by August 1, 2008, but with the late release of the Plan's Appendices, CARB will continue to accept comments beyond this date. The process is on a fast track with the plan scheduled to be considered by CARB's Governing Board on November 20, 2008.

The Plan proposes a mixture of "Command and Control" and "Cap and Trade" programs, heavily impacting the electrical and transportation (fuel) sectors. SCAP is currently reviewing the Plan and developing comments. Some areas for the wastewater industry to evaluate in the Plan include increased water recycling and re-use, increased renewable energy production and establishment of an offset program. The wastewater industry could potentially be in a position to develop offsets that could be tradable in a cap and trade program.

CWCCG

SCAP continues to be part of the California Wastewater Climate Change Group (CWCCG) composed of over 40 wastewater agencies and three wastewater associations, including SCAP. The purpose of this group is to provide a unified voice in the regulatory process, one of the most important components of which is developing an emissions protocol that accurately reflects GHG emissions from wastewater treatment processes. An accurate emissions protocol ensures that the wastewater industry statewide inventory is correct, and the industry is treated fairly in the regulatory process, such as AB32.

CCAR Inventory and Local Government Protocol

Currently, the emissions protocol is being developed under the voluntary California Climate Action Registry (CCAR). SCAP members have been very active with CWCCG, CCAR and CARB to ensure that a protocol be developed that reflects the best science available. To that end, SCAP members have been working with the Water Environment Research Foundation (WERF) and Columbia University on a research program that would develop nitrous oxide (an important wastewater industry GHG) emission factors by testing actual facilities nationwide. The WERF-Columbia University study continues to grow in stature as now France has joined the Netherlands and Australia in N₂O monitoring programs. WERF hopes to collect and share data using somewhat consistent protocols.

CCAR, in conjunction with CARB, is also developing a Local Government Operations Protocol to establish emissions protocols for greenhouse gas emissions from government agencies, such as cities and counties. A component of the protocol is an emissions protocol for wastewater treatment facilities. CCAR is on a track to finalize this protocol by August or September. At the request of CWCCG, CCAR established a wastewater industry working group to develop the wastewater component of the overall Government protocol. SCAP members are included in this subgroup. Since the Local Government Operations Protocol is on a much quicker time frame than the CCAR wastewater protocol that CWCCG has been developing, a two-phased approach is being proposed. In the first phase, an emissions protocol would be developed utilizing standard EPA approaches to calculating greenhouse gas emissions exploring updated emission factors. This would satisfy CCAR's need to develop the Local Government protocol quickly. In the second phase, which could take up to two years, an approach would be developed based upon the WERF research which would satisfy the overall long-term needs of the wastewater industry and allow for the Local Government protocol to be

amended with the new approach. The wastewater industry working group is continuing to work with CCAR and CARB on finalizing a first phase approach while the details of phase two are still under development.

SCAQMD Climate Activities

The SoCAL Climate Solutions Exchange was directed to move ahead by the SCAQMD Board on June 6, 2008. The primary purpose of the exchange appears to be to provide GHG credits for CEQA purposes, created on a voluntary basis, to local governments. Rulemaking is anticipated in the fall.

The SCAQMD Greenhouse Gas Significance Threshold Working Group continues to meet and develop alternatives for addressing a CEQA level of significance of GHGs at which an EIR would be required. SCAP's goal is prevent an EIR from being done for simple infrastructure projects.

Federal Climate Change Activities

Two main areas of activity are taking place on the federal level. The first is the development of a federal mandatory reporting program. Under a Spending Appropriation Bill, passed in December 2007, EPA has been charged with developing a nationwide mandatory reporting program by July 2009, with a draft by September/October 2008. Details of this program have not yet been released. Additionally, a major federal program, the Lieberman-Warner Bill (proposed climate change legislation), which largely relies on "cap and trade" for greenhouse gas reductions, was introduced and debated in the Senate; however, this bill will not move forward this year.

Biosolids by Chair Mike Sullivan

July 17th Biosolids Committee Meeting

The July 17th Biosolids Committee meeting was hosted by the Encina Wastewater Authority JPA at their treatment facilities in Carlsbad. You should see the panoramic view of the Pacific Ocean from their lunch room, it's pretty amazing. We had a great turnout from the local members as well as from the Los Angeles area members. Dan Noble from the Association of Compost Producers gave an interesting and informative update on the recently held Organics Marketing Summit and shared parts of the Summit speakers' presentations with the group. Mike Hogan, Encina's GM and SCAP Director, followed up with an excellent presentation on his agency's comprehensive biosolids management program. It



Encina Wastewater GM Mike Hogan giving presentation on Encina's biosolids management program.

was interesting to see the thought process that they followed to construct their plan, which included investigation of other agencies' facilities across the country, evaluation of their alternatives using Criterium Decision Plus, a decision based software program, and input from their entire staff. Mike reported that within the last week, they had received quite a bit of favorable press coverage on their facility, including articles in the local newspaper and local radio talk show discussions. The meeting concluded with a tour of Encina's \$40 million upgrade currently underway, including the new dryer being installed that will ultimately produce dry pellets. Encina has a number of market options available for the pellets, which include selling them for fertilizer or as a fuel source. Many thanks to Mike and his staff for hosting the meeting and taking the time to show us their facilities.



Tour of Encina's facility.

MDAQMD Rule 1133 – Composting and Related Operations Rule

On June 5th, the Mojave Desert Air Quality Management District (MDAQMD) published a proposed rule to limit VOC and ammonia emissions from composting operations. The proposed rule would require composting facilities to implement several best management practices, such as establishing parameters for carbon to nitrogen ratio, material moisture content and pH. The proposed rule also indicates that if the EPA designates that the air district is a "non-attainment" area for particulate matter (PM 2.5), then composting facilities accepting over 100,000 wet tons of compostable material would be required to be an enclosed operation with an emission control technology to reduce VOC and ammonia emissions. The full-text version of MDAQMD Rule 1133 can be found at:

http://www.mdaqmd.ca.gov/rules_plans/documents/1133%20preliminary%20draft%20d1.pdf.

The proposed rule is currently available for public comment until August 8, 2008. After the public comment period, the air district will likely hold a public workshop on the rule.

Pacific Southwest Organic Residuals Symposium 2008

The Pacific Southwest Organic Residuals Symposium (PORS) will be held on October 1 and 2, 2008 at the U.C. Davis Activities and Recreation Center. This year's theme for PORS will be "Organic Residuals: Establishing Net Environmental Benefits," and will feature session topics on cross-media regulations, antimicrobial compounds, and new technologies, to name a few. A field trip is scheduled on September 30, 2008, where attendees will tour organic residuals projects at the Jepson Prairie Landfill in Solano County.

Update on Local Biosolids Projects

On June 23, 2008, Barstow Superior Court Judge John Vander Feer issued judgment that the Nursery Products LLC composting facility, located in San Bernardino County, be required to prepare a new EIR. The previous EIR did not identify the facility's water source and did not

examine the possibility of enclosing the facility. All physical work on the facility has been suspended, and Nursery Products LLC staff will focus on completing the new EIR.

The draft EIR for the Liberty XXIII Renewable Energy Power Plant Project, to be located in Banning, CA, was recently completed and can be found at:

<http://www.ci.banning.ca.us/index.asp?nid=359>. The facility would include three power generation units, comprised of fluidized bed gasifier boilers and condensing steam turbine generators, to produce 15 MW. The units would be fueled with a mixture of biosolids and biomass. If approved by the city, project construction could begin in May 2010, with the first power generation unit operating by February 2011.

Collection Systems by Chair Ralph Palomares

On July 23rd, the SCAP Collection Systems Committee had its third meeting of the year down in the San Diego area at Vallecitos Water District. We had about 40 people in attendance and some interesting topics of discussion on private lateral ownership, FOG mechanical devices and how to best power wash walkways the correct way without any water going into the storm drains. We had a sewer nozzle demonstration that uses a rotating nozzle to clean sewer lift stations and we also discussed the Wolf Creek fires in San Diego during the firestorms of October 2007. The current theft of manhole covers and backflow devices, including water meters, was also a discussion as were the flushable wipes that continue to give us problems at our sewer lift stations around the country and locally here in the state of California. It was mentioned that the No Drugs Down the Drain campaign (www.nodrugsdownthedrain.org) starts in October 2008 here in California, so look for more information in the coming months.

We also discussed the Sanitary Sewer Overflow (SSO) Incident Map at http://gistest.waterboards.ca.gov/gistest/google/sso_pub.html, so go to it, see what you think and send your comments back to the State Water Board. There's also a Private Lateral Sewage Discharge Location Map at http://gistest.waterboards.ca.gov/gistest/google/sso_priv.html. Send your feedback to the State Water Board. There was a discussion about CCTV standards set by NASSCO and if they are current with today's CCTV evaluations. There's training classes that you can sign up for at www.nassco.org, so please visit this site. There were a lot of handouts given at this meeting by SCAP Executive Director John Pastore. I would like to give him and Kris a big thank you for setting up and preparing these meetings for our committee. We will miss you Kris when you leave and the committee wishes you the best.

Somebody asked me what we do in the Sewer Collections Department the other day. I said that I would get back to them after I thought about it and wrote it down. I was thinking about when I started back in 1980 that all we did was Hydro Clean. That has all changed in 2008, as we do more and here are a few examples: clean laterals, CCTV sewer lines, jet rodding, and cut tree roots. We are supervisors, bosses, engineers, lab techs, source control inspectors, field supervisors, repairmen, truck mechanics, customer service reps, human resources, payroll secretaries, pump station crews, reclaimed water techs, treatment plant operators, backhoe operators, FOG inspectors, confined space trained, safety personnel, traffic control trained, welders, permit writers, policy writers, public relations, and health trained. We work with homeowners associations, police, fire, and sheriff's departments, Fish and Game and the DA's

office plus insurance companies. We write SSO reports and we communicate with the regional water boards and local cities, we work with our agency's board members and general managers, we have input for new state rules and regulations, we have SCAP, CASA, CAL FOG, CWEA, WEF, WDR, RWQCB and many more. We are CPR and safety trained and have different certifications. We are committee members and we carry PDAs, cell phones, pagers, blackberries, computers, and we now have GPS to locate manholes. We are committee members, address city councils and environmental groups, address storm drain issues and we are volunteers who get paid nothing...but enjoy what we do. We have agency and family support and we work with local schools to educate what we do. We work seven days a week if need be to get the job done and we are the first responders to an emergency if there's no water or service after an earthquake, etc. We get shots so that we don't get sick and yearly exams. We get married, we get divorced, we have kids, we retire when its time, we lock off meters, we get threatened, we speak Spanish, or some other language if need be. We get up early to do our jobs and sometimes it's very cold or very hot, we drink lots of coffee and water, we paint fire hydrants, we read meters, we get crap on us, we sometimes breathe bad gases, but we are always ready to do our job with PRIDE and are always trying to be the best employees out there and to always set a good example to the next generation of wastewater professionals. We all want to go home everyday to our families and that's why it's so important to follow all the safety rules and regulations in our industry so that at least a couple times a year we can go on vacations with our families and friends and not be a statistic in our industry. This is what I came up with when asked what we do in the collections or wastewater, water industry and if I forgot a few I will get them next time.

Our Next SCAP Collections Committee meeting will be in October in Orange County. We will post its location on the SCAP website and send out a notice.

On a sadder note, El Toro Water District had a former employee pass away this month who retired last August 2007 after working for the District for more than 34 years as the Chief Plant Operator, Lou Sirois. We will miss him. I knew Lou for 28 years at the District and he was a first class individual who taught me a lot about the wastewater field.

Also, I would like to thank El Toro Water District for their continued support in letting me Chair the SCAP Collections Committee.

And finally, a big thank you to the Vallecitos Water District for hosting the July 23rd SCAP Collection Systems Committee meeting.

Water Issues Committee by Chair Gus Dembegiotes

Stakeholder Statewide Recycled Water Policy

The State Water Resources Control Board (State Water Board) at its July 15th meeting, considered a request from stakeholders for a time extension to complete its draft policy. At its March 18th meeting, the State Water Board agreed to allow a group of stakeholders made up of environmental and water interests to develop a Statewide Recycled Water Policy. The State Water Board gave the stakeholders 90 days to develop a draft policy. The stakeholders held a series of meeting in Sacramento and Los Angeles to develop the draft policy. Although a lot of

progress was made, it became apparent that 90 days was not adequate to resolve all of the issues involved in developing the draft policy. Therefore, on July 15th, representatives of the stakeholders attended the State Water Board's meeting to request a time extension. At the meeting, the State Water Board agreed to extend the time for presenting the Draft Policy at its September 2nd meeting. The stakeholders plan on holding several meetings to resolve issues dealing with anti-degradation and irrigation runoff.

Proposed SIP Amendment to Establish Water Quality Objectives for Cadmium

On July 18th, the State Water Board provided notice that it is proposing an amendment to the *Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* to establish water quality objectives for Cadmium. The State Water Board will hold a California Environmental Quality Act (CEQA) scoping meeting to seek input on the scope and content of the environmental information that should be considered in the proposed amendment. The meeting will be held on October 6, 2008 in Sacramento.

In 2000, USEPA promulgated the California Toxics Rule (CTR) to fully implement section 303(c)(2)(B) in California. The CTR established acute and chronic dissolved freshwater criteria for cadmium as 4.3 micrograms per liter ($\mu\text{g/L}$) and 2.2 $\mu\text{g/L}$, respectively. The CTR also established acute and chronic dissolved saltwater criteria for cadmium of 42 $\mu\text{g/L}$ and 9.3 $\mu\text{g/L}$, respectively. USEPA promulgated the current freshwater and saltwater cadmium criteria with the agreement to reserve revised criteria guidance. The U.S. Fish and Wildlife Service (FWS) found that the current freshwater and saltwater cadmium criteria are not protective of threatened and endangered species. As part of its Endangered Species Act consultation with FWS on the CTR, USEPA made a commitment to review the effects of cadmium criteria and promulgate revised criteria by March 2008. USEPA has not yet revised the cadmium criteria in the CTR but State Water Board staff is proposing adoption of USEPA's 2001 recommended cadmium criteria. State Water Board staff is proposing three alternatives: (1) no action; (2) adoption of revised freshwater criteria based on a specified default hardness value and adoption of saltwater criteria (40 $\mu\text{g/l}$ and 8.8 $\mu\text{g/l}$, acute and chronic respectively); and (3) adoption of freshwater criteria equations without a specified hardness value and requiring the collection of hardness data and adopting the revised saltwater criteria. Their staff is recommending Alternative 3. Written comments are due by **12 p.m. on October 23, 2008**. An individual informational scoping document on the proposed amendment may be obtained via the Internet on the State Water Board Web site at:

http://www.waterboards.ca.gov/publications_forms/available_documents/index.shtml

Notice of Public Hearing for Adoption of Sediment Quality Objectives

The State Water Board provided notice that it will hold a hearing for the adoption of the *Proposed Water Quality Control Plan for Enclosed Bays and Estuaries, Part 1, Sediment Quality Objectives*. The hearing will be on September 16th in Sacramento, which is a result of an Office of Administrative Law (OAL) decision on February 29, 2008 that revealed that the statutorily-required newspaper notification of the November 2007 hearing had not occurred. The State Water Board is, therefore, noticing and conducting a new public hearing for the proposed Plan on September 16, 2008.

In 2003, the State Water Board initiated a program to develop sediment quality objectives (SQOs) for toxic pollutants in enclosed bays and estuaries. The proposed SQOs use multiple lines of evidence, which integrate chemistry, toxicity, and the condition of the benthic community to determine sediment quality. The State Water Board held a public hearing on the Plan in November 2007, adopted the Plan on February 19, 2008, and submitted it to OAL in February for review. The draft Staff Report and proposed Plan may be obtained via the Internet on the State Water Board Web site at:

http://www.waterboards.ca.gov/water_issues/programs/bptcp/sediment.shtml

Written comments are due by **12 noon on September 5, 2008.**

Stormwater Writ of Mandate

On July 2, 2008, the Orange County Superior Court issued a Writ of Mandate ordering the State Water Board to “cease, desist and suspend all activities relating to the implementation, application, and/or enforcement of the Standards in the (Los Angeles Regional Water Quality Control Board’s) Basin Plan, as applied or to be applied to Stormwater.” This injunction prohibits the approval of Notices of Intent (NOIs) and Notice of Terminations (NOTs) in the Los Angeles Region under the Statewide National Pollutant Discharge Elimination System Construction, Small Linear Utility, and Industrial Storm Water General Permits.

AB 2270 (Laird and Feuer) Water Softeners

SCAP sent out an alert to its membership asking them to: (1) contact their local Senator before August 4, 2008; (2) write their Senator to express their support for AB 2270 by August 1st; and (3) write the Governor to express their support for AB 2270. The WaterReuse Association and the Inland Empire Utilities Agency (IEUA) are co-sponsoring AB2270, which is a bill that among other things will enhance local agencies’ ability to control the use of residential water softeners. The water softener industry is strongly opposing this bill, therefore, letters of support from SCAP members are needed to encourage its passage.

Regulatory Affairs by Regulatory Affairs Consultant Mary Jane Foley

Summer is sometimes a slow season for productive work but not in the regulatory world, or for that matter in the legislature. We still have no budget and probably won’t for a while. I receive daily emails from the Governor’s office asking for letters to be sent to the legislature to pass his budget. Of course that is not the mission of SCAP, so I just read the sample letters and review the comments for my own edification and, also, to watch for any direct or indirect harm to the SCAP membership. I am on a contact list for the Governor’s office, so I get the opportunity to participate in a lot of interesting venues. This month I participated in a conference call on the Scoping Document for AB 32. Most of the participants were NGOs. The SCAP Air Quality Committee Chair also participated. I kept wondering if any major industries were participating, albeit silently. I have found that a lot of folks call in but don’t announce themselves or ask questions. Interesting and understandable.

On July 9th, I attended the SWRCB Recycled Water Policy Stakeholder Negotiations Briefing. I am sure that Gus Dembegiotes will report on this under the water column. There were three main things that John Pastore and I commented on that were the “deal killers.” These related to incidental runoff, recharge, and antidegradation. We also opposed making reclaimed water a mandate. It would be an unfunded mandate, and we all know how difficult that is. I did write to each State Waterboard Member, reminding them that as a former State Waterboard member I championed a lot of revisions on the rules for getting funding from SRF and grants for water reclamation. I shared my concerns on the “deal killers” and pleaded for an extension from the July 15 meeting to a September Board meeting. I reminded them that reclaimed water was an essential future regional water supply, and that their helping or harming reclamation would go down as their legacy. They are meeting as I write this update, but I am sure the extension will happen.

I participated in another interesting State Waterboard forum, with John Pastore and Sharon Green of LACSD: the Waterboard’s enforcement staff meeting on ideas about how to increase enforcement in areas that are not traditional programs under NPDES permits. It was called a stakeholder meeting on the 2006 Baseline Enforcement Report. There were three main issues up for discussion: 1) Developing a uniform tracking and reporting mechanism for illegal discharges that do not fall within one of the current core regulatory programs; 2) Evaluating opportunities for citizen enforcement of the water code (this would take a legislative change); and 3) Evaluating and establishing minimum penalties for water code violations. The POTW community had the most participants. Everyone that represented the POTWs had a lot of legal and practical hands-on experience. The robust discussion seemed well received by the staff. It will be interesting to see what the staff develops as a response to this meeting.

One major thing I did this month as the regulatory affairs consultant was to volunteer to be a stakeholder on the Dept. of Fish and Game South Coast Regional Stakeholder Group. This is part of the Marine Life Protection Act Initiative and will determine many issues related to marine protected areas and new areas that might be designated as protected areas. I saw the opportunity to take my experience as a former Regional and State Waterboard Member with experience in Areas of Special Biological Significance, now called Marine Managed Areas, and my experience with coastal dependent, publicly owned treatment works and nominated myself since there was such a short response time to submit applications. I have some letters from our membership and, also, the support of my Senator and Assemblywoman. I’m waiting on the outcome.

On the Help Desk activity, this month I participated in a brainstorming session with some of our members who received mandatory minimum penalties that they felt were not fair. One thing I want to remind everyone is that you do have the right to delay action until you have resolved the data, etc., to the best of your ability. There is a process you need to follow to delay, and it is a little too much information to share in this column. Just know that you can ask for time and a meeting with staff to discuss the penalty, get a time schedule for corrective action, etc. If for some reason you feel the staff is not receptive to a meeting, contact a Board Member and ask for a meeting. This is a process conversation not a content conversation. Never hesitate to call me if you need to strategize on how to proceed when a penalty comes your way. Note: It is a good idea to get to know one of your Regional Board Members. Use an open house or a

special visit to your facility. Pick a member category like the water quality member or the local government member. They are the representatives most likely to accept your invitation to understand your water pollution control facility. It is also a good idea to invite the EO at the same time.

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

Summer is a promissory note signed in June, its long days spent and gone before you know it, and due to be repaid next January.

Hal Borland

Some of our supporting SCAP Associate Members:

