



SOUTHERN CALIFORNIA ALLIANCE OF
PUBLICLY OWNED TREATMENT WORKS

MONTHLY UPDATE

A Message from the Executive Director...

July 2007

Happy 4th of July to all of you, summer's finally here! And just when you thought it was safe to drink the water, here comes along another potential threat to our existence in the form of "Nanotechnology." I couldn't help but be intrigued by a series of informative articles included in last month's Tri-TAC agenda, thanks to OCSD's Jim Colston. I learned that nanotechnology is "the design, characterization, production and application of structures, devices and systems by controlling shape and size at nanometer scale." Just in case you didn't already know, a nanometer is one-billionth of a meter. As an example, an average human hair is approximately 100,000 nanometers wide. (That's actually smaller than my paycheck after taxes are deducted.) It appears that nanotechnology has progressed over the last ten years to the point where it has become the next great frontier in the science and technology industries, mainly due to the development of new instruments that allow researchers to observe and manipulate matter at the atomic level.

Upcoming Meetings

Collection Systems Committee Mtg – Tuesday, July 10th, 10 am-2 pm at LACSD.

Water Issues Committee Mtg – Wednesday, July 18th, 10 am-12 noon at LACSD.

Air Quality Committee Mtg – July 19th, 10 a.m. – 12 noon at LACSD.

Biosolids Committee Mtg – Thursday, July 26th, 9 am-12 noon at IEUA.

According to an article in *InsideEPA.com*, a set of studies may be forthcoming from the National Institute of Environmental Health Sciences (NIEHS) that will investigate the toxicological properties of nanosilver, which has quietly become a major component of the nanomaterials commercial market. Little did I know, nanosilver particles are already being used in a wide variety of consumer products, including washing machines and food containers, as an antibacterial agent. Nanosilver is also being used in Japan to coat subway passenger straps to help reduce the spread of disease. If that's not enough, it turns out that nanogold, which is less common than nanosilver (hey, just like in real life, imagine that), is also being used commercially, including certain kinds of toothpaste and dietary supplements.

Most of you are well aware by now of the ever growing concerns over the threat of "emerging contaminants," including pesticides in our drinking water supply. Now comes along this new threat that appears to come from some futuristic science fiction novel.

Fortunately, many of our crack agency staffers working with Tri-TAC and several environmentalist groups are well aware of the commercial impact of this technology and have alerted EPA and the California Department of Pesticide Regulation who, according to a news release from the Bureau of National Affairs, Inc., have decided to regulate the nanosilver used

in a certain brand of washing machine as a pesticide, due to the manufacturer's claim of its use as a bacteria killer.

Stay tuned for more on this subject, as I'm sure new protocols for evaluating the impact of this technology will be forthcoming in the near future.

On to more mundane issues but, nonetheless, just as important. The SCAP Board of Directors conducted its semi-annual board meeting on June 14th and, along with reconfirming directors and officer positions, approved the new FY 2007/08 SCAP budget.

This year's budget of \$496,000 remains exactly as last year's with no increase of expenditures requested. We are trying our best to do more within the limits of our existing budgetary constraints without the need for additional funding. Noteworthy expenditures approved by the Board include funding of a request by the Air Quality Committee for specialized regulatory assistance in dealing with CARB issues; funding of a request by the Collection Systems Committee for creation of a website based technical library and operator forum; funding of a request by CWEA for continued assistance with SSMP training in conjunction with the statewide SSO-WDR workshop program; and, renewing of the Dudek Management and Mary Jane Foley Regulatory Consultant contracts.

Next month, I'll spend a little time bringing everyone up to speed on our efforts to host a one-day workshop for the CAL-EPA agencies that will deal with resolving conflicting regulations between CARB, SWRQB, IWMB and CAL-EPA. In the meantime, have a great summer!

Sizzlingly yours,

John Pastore

Air Quality by Chair Daniel McGivney

SCAQMD Proposed Amendments to Rule 1110.2 Regulating Stationary Reciprocating Engines

In early June, a couple of SCAP member agencies and the Southern California Gas Company each held meetings with SCAQMD staff regarding the status of PAR 1110.2 and to discuss specific issues. During those meetings, the SCAQMD released new information regarding some changes the SCAQMD is planning on making in the next version of the draft rule due out in mid-July. A couple of the most significant changes involve the continuous emissions monitoring system (CEMS) and the best available retrofit control technology (BARCT) to best available control technology (BACT) emission limit retrofit requirements. The SCAQMD is now proposing to raise the aggregated CEMS threshold from 1,000 bhp to 1,500 bhp, plus they are

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introducing a couple of exemptions that will provide additional relief (engines < 500 bhp and designated "standby" engines are exempt from the CEMS requirement and do not count towards the aggregated engine total). These changes significantly reduce the number of CEMS that the current draft rule would require. Additionally, due to pressure from SCAP member agencies, the SCAQMD is agreeing to perform a technology assessment regarding whether or not biogas engines can achieve the proposed natural gas BACT emission limits. While the technology assessment has been a goal of SCAP member agencies, SCAP is still pursuing additional changes to the current draft rule language requiring biogas engines to meet these new emission limits by 2012. Specifically, SCAP would like any requirement to lower the emission limit to be postponed until the technology assessment is completed, where the SCAQMD is proposing to leave the requirements in the rule but add the technology assessment.

California ARB Scheduled to Adopt ATCM for Off-Road Mobile Sources

At its July 26th Board meeting, the ARB Governing Board will consider adoption of the proposed In-Use Off-road Diesel ATCM. At its May 24 meeting, the ARB formally opened the adoption hearing to consider public testimony. On July 26th, the ARB is expected to adopt the proposed regulation. CARB describes this proposed rule as the most expensive rule ever implemented (\$2 billion). The proposed rule impacts a person, business, or government agency that owns or operates within California any diesel-fueled off-road compression ignition vehicle engine with a maximum power of 25 horsepower or greater. Impacted fleets will need to meet fleet emission average targets for NOx and particulate matter (PM) annually, beginning 2010 through 2020, depending upon the size of the fleet. Large fleets are those with total maximum power over 5,000 horsepower. Small fleets are those with total maximum power of 1,500 or less horsepower, and medium fleets are all those in-between. Large fleets must comply with annual fleet averages beginning in 2010, medium fleets in 2013 and small fleets in 2015. Fleets that cannot meet the annual fleet average target must instead apply Best Available Control Technology (BACT). For PM compliance, BACT requires that 20% of the fleet's total maximum power install the highest level certified diesel PM control device for that year, and for every year the fleet emission average target is not met. For NOx compliance, BACT requires that a fleet turnover 8 percent of its total maximum power until the fleet emission target goals are met. Re-powering with a Tier 2 or higher engine is allowed under BACT, as well as installing the highest level certified NOx control device.

The proposed rule has many allowances, including setting aside low use vehicles (operating less than 100 hours per year), and additional credits for electric and alternative-fueled vehicles. The most significant allowance is for fleets that have re-powered all the vehicles with Tier 1 or higher engines before March 1, 2009. For these fleets, compliance with the fleet emission average targets can be delayed for several years. All fleets should avail themselves of this credit if possible.

2007 Air Quality Management Plan (AQMP)

On June 22, 2007, over 100 people testified before the Air Resources Board at the LAX Marriott on the 2007 AQMP. As described in previous reports, there is considerable disagreement among SCAQMD, SCAG and CARB over the breadth and feasibility of the South

Coast plan. Earlier, CARB had announced that it would not hear the AQMP until October and that it would consider only the ozone portion of the plan (and not the PM2.5 portion). Dueling over modeling, size of the black box, feasibility of SCAG transportation measures, feasibility of wood-burning fireplace rules and other issues have dominated discussions. On June 22, the ARB was proposing to adopt statewide mobile source SIP measures that were less stringent than what had been proposed by SCAQMD for CARB to adopt. The difference, SCAQMD argued, would have to be made up by stationary sources that were already over controlled. SCAQMD lobbied for consideration of their AQMP before the adoption of the statewide measures. Ultimately, the Board agreed to delay adoption until scheduling impacts on the San Joaquin Valley APCD plan were better understood and to move up consideration of the South Coast plan to July. The plan still contains fairly drastic stationary source control measures that will impact the water and wastewater industry such as causing the installation of BACT on all facilities, tightening up of startup/shutdown exclusions and imposition of \$5,000 per ton per year of NOx or VOC for each ton that is over a "baseline" number. Stay tuned!

Biosolids by Chair Karen Soares

Kern County Initiative and Litigation

The Summary Judgment hearing is scheduled to take place on July 9th in the U.S. District Court in Los Angeles. More news will be forwarded on the outcome of this hearing as soon as it becomes available.

Imperial County

A local citizens group called Imperial Valley Residents for Health and Safety First has collected more than 4,000 signatures on a petition for a ballot measure that would create a county ordinance banning importation of biosolids. The petition was scheduled to be submitted to the Board of Supervisors on June 19th to be certified, but was later pulled from the agenda by the county's Registrar of Voters, and is now scheduled to go to the board on July 3rd. The measure will then likely be placed on the November ballot.

SCAP Biosolids Committee Meeting

The Biosolids Committee quarterly meeting will be held on July 26th from 9 am till noon, at the Inland Empire Utilities Agency in Chino. Included in the meeting agenda will be an update on the various biosolids projects being implemented in Southern California and a discussion of the impact of various air regulations on biosolids facilities and composting operations.

Collection Systems by Chair Ralph Palomares

Well, summer is officially here and I keep seeing those signs on the side of fire trucks that say, "Be water safe and watch the water." Unfortunately, so far this year, four children have

drowned in Orange County by falling into a swimming pool or spa. Very simply, this could have been prevented by a fence or locked gate or just by knowing where your child is at all times. So as a reminder, in addition to keeping cool this summer, please be water safe at all times.

Collection Systems Committee Reference Library and Forum

SCAP held its Board of Directors meeting on June 14th and, while I was not able to attend due to a Father's Day fishing trip, the Board did approve funding for the creation of a Collection Systems Committee reference library for the new SCAP website and the maintenance of an online collection operators forum group.

San Diego RWQCB WDR Order R9-2007-0005

Still no word yet on the fate of our joint SCAP/CASA appeal of San Diego RWQCB WDR Order R9-2007-0005. The appeal sits with the SWRCB staff at this point.

Collection Systems Committee Meeting – July 10, 2007

Our next SCAP Collection Systems Committee meeting has a full agenda and will be held on July 10, 2007 at LACSD beginning at 10 am. Be sure to attend so that you may voice your concerns with today's issues. If you have an issue or concern, please e-mail me prior to the meeting at Rpalomares@etwd.com.

Water Issues Committee by Chair Gus Dembegiotes

Public Scoping Meeting for California Ocean Plan Amendments

The State Water Resources Control Board (State Water Board) will hold a public scoping meeting on June 26, 2007 in San Francisco to seek public input on proposed amendments to the California Ocean Plan. An agenda, a Public Scoping Document, and the Preliminary Draft Standard Monitoring Practices are posted at: <http://www.waterboards.ca.gov/plnspols/oplans.html>. The purpose of the meeting is to seek public input and, as such, no action will be taken by the State Water Board at the scoping meeting. Some of the proposed changes to the Ocean Plan include the addition of a fecal coliform standard for waters where shellfish may be harvested; the establishment of a narrative water quality objective where salinity should not exceed a certain percentage of natural background; adoption of a water quality objective based on standards proposed by the U.S. Department of Energy; adoption of a Model Monitoring Approach with minimum requirements; modifying the suspended solids effluent limitation for secondary treatment to be consistent with 40 CFR 133 and requiring compliance within five years of adoption; providing a narrative objective to state that ocean water shall not contain trash including, but not limited to plastic debris, to the extent that it would cause nuisance or adversely affect beneficial uses; and, revise the acute toxicity equation to let any survival of more than 98 percent to be equal to no toxicity. There is also an attachment to the Scoping Document providing guidance to the Regional Boards on implementing proposed standard monitoring procedures. The amendments have the potential to impact both wastewater and

stormwater programs. SCAP is working with both CASA and TriTAC to comment on the proposed amendments. Written comments are due to the State Water Board by July 27, 2007.

Water Quality Enforcement Policy

The State Water Board will be holding a workshop in Sacramento on June 28, 2007 to receive information regarding the policy direction on its Water Quality Enforcement Policy. The present policy has been in effect since February 19, 2002. The primary goal of this workshop is to gather input in preparation for the revision and reissuance of this policy. The State Water Board is asking the public to focus on six issues. SCAP, CASA, TriTAC, and BACWA submitted a joint comment letter prior to the June 14, 2007 deadline. The joint letter stated that the policy has worked well and that the appropriate approach would be to update and make clarifying amendments rather than to undertake wholesale changes. Some of the modifications recommended in the letter were to focus enforcement actions on violations that significantly threaten water quality; modify the policy to reflect recent statutory changes; clarify key aspects for the calculation and assessment of Mandatory Minimum Penalties (MMPs); and, encourage funding of Supplemental Environmental Projects. More information regarding the policy may be found at: http://www.swrcb.ca.gov/plnspols/docs/wqenforcement/pn_workshop062807rev.pdf.

Regulatory Affairs by Regulatory Affairs Consultant Mary Jane Foley

Still trying to get money for our industry out of the bond monies. As the legislature continues to work on this year's legislation, I continue to work with Mike Dillon, CASA Lobbyist, and some of the SCAP members to insert the word *wastewater* as a fundable area for grants. A few key committee consultants and legislators are demonstrating their desire to help.

On the regulatory side for this month's water actions, SCAP collaborated with the other POTW groups to develop a collective response to 6 major questions raised by the State Waterboard for updating the Water Quality Enforcement Policy (WQEP). The main questions evolved around which modifications should be made to the WQEP. The recommendations are as follows:

- The WQEP should focus Regional Water Board enforcement efforts on violations that significantly threaten water quality.
- The WQEP should be modified to reflect recent statutory changes.
- The WQEP should set forth the relevant statutes of limitations for bringing enforcement action.
- The funding of supplemental environmental projects should be encouraged and the process streamlined.
- The compliance project provisions should be updated and revised to clarify the ability to apply small community wastewater grant funds to compliance projects.

Regulatory activities related to AB32, the Climate Change Law, included some outreach on the activities of the AB32 Statewide POTW Steering Committee. At the request of SCAP's Executive Director, I contacted Linda Murchison of CARB and Tam Doduc and Fran Weber of the State Waterboard to inform these state leaders about the role and mission and

organizational structure of the POTW Steering Committee, now known as the California Wastewater Climate Change Group (CWCCG). The goal was to eliminate redundancy and keep communication and coordination ongoing. The SWRCB will be hosting a workshop in late August to discuss their formation of a Climate Change and Water Resources Task Force to further develop policy recommendation for the Board. CARB is going to have a local government's task force; so there continues to be a lot to keep track of on the issue of climate change.

Regulatory activities related to biosolids included SCAP hosting the Summit Group of Wastewater Associations on June 19, 2007. I arranged to have the Executive Officer of the Integrated Waste Board, Mark Leary, and Board Member Rosalie Mulé attend. They offered to meet with the Summit Group, CALEPA Agency Directors and the State Waterboard to discuss the conflicting regulations that wastewater agencies experience in relationship to biosolids and reclamation as two examples. A lot of work will be underway to prepare for this type of a meeting. SCAP will be assisting in this effort.

Did you know that the Sewer Overflow Public Report is now on the web? Go to the California Integrated Water Quality System (CIWQS) or <https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet>.

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

'Mid pleasures and palaces though we may roam,
Be it ever so humble, there's no place like home.

John Howard Payne
1791-1852