

A Message from the Executive Director...

June 2004

I think the best sports cliché ever uttered is: We knew what we had to do and we went out and did it.

Oh, I know a lot of you prefer: We came to play or We brought our A-game, but think about it – are you going to risk marital counseling because you are obsessed about a team that came to *play*, or one that knows how to win? [Counselor: Mr. Miller, I hope you brought your A-game to this session. Miller: I'm afraid that only Shaq gets my A-game; however, I do have a high C game that's working for me right now].

So listen up, because the Super Bowl of public hearings is coming up and in the memorable words of Derek Fisher after the Lakers beat Sacramento in Game 7 of the 2002 NBA Finals: "[We've got to dig deeper]...deeper than we've ever dug before."

Only the third Red Alert that we've ever issued will be coming to your in-boxes within the next week, and unless you believe that the composting toilet is the answer to biosolids reuse issues, you will want to read and respond to this alert. This is critical, so we're asking for a 100% response from our membership. We're also going to ask that elected officials consider weighing in on this issue.

What is so critical you ask? It is the final comment period and public hearing for the Biosolids General Order and Program Environmental Impact Report. A regulatory and legal process that began in 1995 is about to, hopefully, come to an end right where it started – with the ability for the State to issue one General Order permit (instead of separate, individual permits) that provides streamlined standards for biosolids land application.

Nine years ago, the Central Valley and Lahontan Regional Boards wanted to streamline the application and permitting process for biosolids, so they developed General Orders (GOs) that accomplished this, and then they adopted them using Negative Declarations under CEQA (the federal Part 503 regulations had extensively covered the health and environmental impacts of biosolids). Before the lawsuit that challenged the Neg Decs was filed, over 50,000 acres were permitted for land application under these GOs; with the court's approval, they have been operating pending completion of the judicial and regulatory process.

A full EIR was completed in 2000, and then sent back for further work on Class A biosolids and food crop limitations. That work is now complete, and by court order, the SWRCB has to rule on the EIR and GO by July 22, 2004.

We will have three shots at commenting on how important this issue is to our industry: during the Public Comment Period that commences on June 19, during the public workshop that will be held on July 7 and at the public hearing that will be held on July 22.

What are the implications if the EIR is not certified and the GO is approved? In my opinion, certification of the extensive EIR by California will have national reverberations. We are still hamstrung by fighting perceptions about

Upcoming Meetings

Air Quality Committee – Tuesday, June 22, 10:00-Noon; tour of Eastern Municipal Water District's engine/generator facility to follow. EMWD, 2270 Trumble Road, Perris, CA 92572-8300.

SCAP Board of Directors – Thursday, June 24, 9:30-Noon, LACSD.

Water Issues Committee – To be announced.

Biosolids Committee – To be announced.

the safety of biosolids, rather than their benefits to the soil. Certification would send a strong message that California, as a leader in environmental protection, examined the science and found that not only is land application safe, it is beneficial. Approving the GO will further reinforce the message that this is not a waste and doesn't need to be regulated to the degree solid and liquid wastes are through individual permits.

What if your agency doesn't plan on land applying, but has an alternate strategy? Please submit comments in support of the EIR and GO anyway, if for no other reason than to support the many agencies that rely on land application as a strategic part of their management plan.

Here's another cliché for you: We need to put up big numbers. We need each of our member agencies to write at least a comment letter to the SWRCB by July 19. We'll send out the details in the Red Alert. And if there is any way you can attend the public workshop on July 7, or more importantly, send an elected official to the public hearing on July 22 to provide oral testimony well, that would be provide us with the full court press that could make this a Cinderella story.

Ladies and gentlemen, if there was a single reason SCAP was formed, it was to provide a voice for all of us on regulatory issues just such as this.

Our system of government provides us with an opportunity to let our voices be heard.

You know what to do. Let's go out and do it.

Winningly yours,

Ray "Trash Talk" Miller

Collection Systems

Region 8 Workshop Overview

On May 12, 2004, the Inland Empire Utilities Agency hosted the second in a series of Collection Systems Committee (CSC) workshops designed to disseminate valuable information on current and future proposed state and federal regulations specific to collection systems. The thirty-seven participants were welcomed to the three-hour workshop by Executive Director Ray Miller and Committee Chair Nick Arhontes, who additionally made timely presentations at the workshop in Region 7.

The material presented, although similar to that presented at the previous workshop, placed a special emphasis on the issues concerning collection systems in Region 8. Ken Theisen, Sanitary Engineering Associate for the Santa Ana Region, gave an excellent presentation addressing collection system issues facing both Region 8 and the State. Ken explained that the Region 8 WDRs issued in April 2002, with a compliance schedule thru September 2005, were patterned after the pending federal cMOM regulations, and included guidelines and site specific flexibility designed to reduce preventable SSOs, an asset management and maintenance program included in the required Sewer System Management Plan (SSMP). Ken concluded that "cMOM is coming to your sewage collection system in one form or another, whether it is guidance, General WDRs, enforcement actions or penalties, because cMOM only requires basic operations and maintenance recommended by the wastewater collection industry to prevent and minimize sewage discharges."

Bob Kreg finished up with a great overview of case studies of past and current enforcement actions statewide and the cost of penalties to cities and agencies. This case studies file continues to grow.

Overall, the workshop was well received as evidenced by the active discussion period that followed the presentations. The CSC's desire is to present workshops in all of the regions within SCAP's sphere of influence. The next workshop is tentatively scheduled for Region 9 in September. By geographically locating workshops in the various regions and having regional board staff directly participate, attendees have an opportunity to openly discuss and clarify regulatory issues that directly affect them. Dates for workshops in the remaining Regions have not been determined.

Air Quality

Supreme Court Remands SCAQMD Fleet Rules Back To The Lower Courts

In an 8-1 decision, the Supreme Court of the United States issued an opinion that the SCAQMD is pre-empted from implementing the rules for purchases of new vehicles by privately owned fleets.

SCAQMD remains strongly of the opinion that they can continue to regulate publicly owned fleets. The Court left the door open for special districts to regulate leased and used fleet vehicles and vehicles that can be considered state internal purchase decisions.

EPA Withdraws Final SIP Approval of SCAQMD Composting Rules

The Environmental Protection Agency notified the SCAQMD on MAY 21, 2004 that because an "adverse" comment was received by EPA, it caused them to rescind direct final approval of the rules. It will take several months for EPA to respond and re-issue final approval.

SCAP Supports CARB Action Against Paradichlorobenzene

SCAP submitted comments mirroring CASA/Tri-TAC's support of the California Air Resources Board's proposed Airborne Toxic Control Measure (ATCM) for paradichlorobenzene (PDCB). The proposed ATCM, which would prohibit the use of PDCB in toilet/urinal care products, as well as place prohibitions on the use of methylene chloride, perchloroethylene, and trichloroethylene in adhesive removers, contact adhesives, general purpose degreasers, electrical cleaners, electronic cleaners, footwear/leather care products, and graffiti removers, as these chemicals have been present in increasing quantities in wastewater effluent. There are non-toxic substances that can substitute for the chemicals in these products.

SCAP Commenting On CARB Proposed Heavy Duty Fleet ATCM

SCAP will be submitting comments on CARB's proposed Air Toxics Control Measure that will address publicly owned, existing, heavy duty fleets vehicles. This is a very significant rulemaking as it deals with entire existing Diesel truck fleets and not just new vehicles as does SCAQMD's Rule 1196.

Federal MACT Standards Promulgated For Reciprocating Engines, Boilers And Turbines

The EPA has promulgated Maximum Achievable Control Technology (MACT) standards for reciprocating engines, boilers and turbines. Several SCAP member agency personnel worked intensely with EPA on these regulations beginning in 1996. Largely, because of that work, these regulations will not impact most digester gas-fired equipment of the size SCAP member agencies use.

Biosolids

Biosolids PEIR/GO Comments Due by July 19

The final version of the Program EIR is due to be released by the SWRCB by June 22. A public workshop will be held on July 7 to review the PEIR and General Order; the public hearing is scheduled for July 22. Written comments are due by July 19.

A Red Alert will be sent to member agencies outlining the issue, who we need to comment, suggested comments, submittal information and information on the July 22 public hearing as soon as possible.

Innovative Uses of Biosolids and Animal Manure Symposium - June 30-July 2, 2004 Chicago, IL

The fifth symposium on "Innovative Uses of Biosolids and Animal Manure" will focus on the innovative uses of animal manure and biosolids, government mandates that support innovative technology, the new or significantly improved technologies as related to innovative and value-added products, the role of entrepreneurs in the implementation/application of innovative technologies, and marketing aspects of innovative technologies.

The symposium is designed to bring together professionals for the exchange of information and ideas. Interested agricultural and municipal solids management professionals; utility managers; natural resource, energy, transportation and environmental professionals; members of the research community; technical service providers; policymakers; and technology providers are encouraged to attend. Emphasis will be placed on presentations related to recycling and value-added opportunities that reflect innovative management, technology or systems approaches.

For information go to: http://www.wef.org/pdffiles/Innovative_form.pdf

Water Issues

Ocean Plan Hearing Leaves Issues Unresolved

A May 24th hearing to obtain input on the number and scope of issues that will be examined under the Triennial Review was sparsely attended and wrapped up relatively quickly according to the City of Los Angeles' Jim Marchese.

The Board received written comments from fifteen organizations, including SCAP, and there were six speakers present at the meeting. The only extensive discussion concerned Issue 3, Areas of Special Biological Significance. Under present Ocean Plan regulations, discharges to these areas (primarily marine reserves) are not allowed; however, there are existing discharges so State staff was proposing to allow discharges to these areas under very defined circumstances. While many of the discharges are stormwater, several are from university research laboratories (Scripps Institute, UC Davis Marine Lab, etc). Scripps is actually asking for a waiver from the Ocean Plan. Two Board members (Katz and Sutley) indicated they did not favor eliminating the prohibition on discharges, and Katz stated he does not think any exceptions to the prohibition should be allowed.

The meeting concluded with the Board stating that staff would develop a Triennial Review workplan based on the input (i.e., letters and oral comments) they received. No timeframe was discussed for that. Board Member Silva cautioned that they have to be realistic about what work they can accomplish, given funding constraints.

SWRCB Calls for Water Quality Data for 303(d) Listing Analyses (courtesy SWRCB Notice)

The State Water Resources Control Board (SWRCB) is seeking numeric data and information regarding water quality conditions in surface waters of California for use in assessing the State's water bodies for possible inclusion on or removal from the existing section 303(d) list. All information must be submitted by June 14, 2004.

Water bodies are listed due to deleterious impacts from a pollutant or pollutants and delisted when evidence reveals that such impacts have ceased or never existed. Waters placed on the section 303(d) list will be subject to development of Total Maximum Daily Loads (TMDLs). A revised section 303(d) list is planned for submittal to the U.S. Environmental Protection Agency (USEPA) in February 2005.

Ocean Discharges: SB512 Calls for Limitations/Prohibitions

Wastewater agencies that discharge to the ocean should carefully watch SB512 as it progresses through the legislative process. The bill includes a provision that would require that, if a waste discharge could affect a state water quality protection area (there are six types of areas listed), then the waste discharge be prohibited or limited by special conditions in accordance with the California Ocean Plan and the California Thermal Plan.

There is no definition of the term "could" in the legislation. Currently, the bill is scheduled to be heard in the Assembly Water, Parks and Wildlife Committee on June 8. The Assembly members comprising the makeup of this Committee can be found at: <http://www.assembly.ca.gov/acs/newcomframeset.asp?committee=26>.

Non Sequitur

For all of those parents with graduating children:

We spend the first part of our lives ignoring the advice given us
and the second half giving advice that others ignore.

-B.J. Palmer