



SOUTHERN CALIFORNIA ALLIANCE OF
PUBLICLY OWNED TREATMENT WORKS

MONTHLY UPDATE

A Message from the Executive Director...

February 2005

In his seminal book, "Succession Planning for Dummies," author and internationally renowned speaker Sir Fin Waves, eloquently summarized the inherent difficulties in this process with the very first sentence: "Dude, it's really hard to find someone to do what you do, so start early."

Sir Waves eloquently goes on: "It's like, really hard, to like, find someone that is like, totally cool, knows how to shred, and that dudes and dudettes like to hang with. Don't get bummed out if you think you're never going to get tubed, er, find the excellent dude or dudette that will make it possible to drive your '47 Woodie off into the sunset." [Editorial Note: This, of course, was the much anticipated follow-up to "Surfing for the Da Vinci Code."]

Taking this invaluable advice to heart [Editorial Note: Once we like, translated it for him], I approached the SCAP Board of Directors about a year and a half ago about my retirement and asked them how they would like to go about finding a new Executive Director. The Board directed me to start searching and to bring them a likely candidate.

Little did I know that the search would take me from sea to shining sea, across fruited plains and through amber waves of grain. [Editorial Note: This pretty much refers to the times he interviewed people down by the harbor in Dana Point after quaffing a few glasses of wine and beer.]

It was a pleasurable duty. I came to know a few men and women that would have done a wonderful job as Executive Director of SCAP, but for one reason or another, it was not to be. But good things come to those who wait, and in May of last year, I became aware of the availability of an individual who I truly believe is "totally cool." Well, except for one minor flaw, but we'll get to that in a minute.

Last month, I told you his name – Terry Tobel. Many of you have known or worked with Terry when he was the United Water's Project Manager at the West Basin Water Reclamation Facility. This is where I met Terry – he started up the initial 15 MGD R/O plant – and would stay in contact with him as he would go on to become UW's Western Regional Manager, then move to Milwaukee and become their Central Regional Manager, and then ultimately, their Vice President of Engineering Services. And while after reading this, you might think he's moved around a bit, this was nothing. Read on.

Terry was born and raised in the Detroit area, obtained his undergraduate degree in Sanitary Engineering from Michigan Tech and his graduate degree in Water Resources Engineering from the University of Michigan. Since then, Terry has worked in 14 states, lived in 11, and lived and worked in Egypt and Australia. And then there was the time he commuted to France to work while living in the USA...

As most of you know, I devote 60% of my consulting time to SCAP and the balance to a few public agencies in distress. While this arrangement results in mutual benefit to both SCAP and my consulting firm, I'm sure you can appreciate the difficulty in finding a competent individual who would be interested in continuing this arrangement.

Terry and Mary Ann want their son to finish high school in Wisconsin, so SCAP has entered into a "let's get to know each other" contract with Terry for 2005. During this time, Terry will come to California for a couple of days each month to familiarize himself with SCAP's functions and members. SCAP will not be paying Terry for these trips, but will reimburse his travel expenses. During the year, the Board will also develop a contract and performance goals and hopefully, by January 2006, Terry will be on board.

Upcoming Meetings

Air Quality Committee – Tuesday, February 8, 10-Noon, LACSD

Water Issues Committee (See also Meeting Announcement under Water Issues below) – Wednesday, February 23, 10-Noon; Moulton Niguel Water District.

Terry and I will be meeting with many of our member agencies during this year. While I wish we could get to everyone, that is not realistic, but we will be contacting many of you by phone and asking you if we can improve our service to your agency.

Oh yeah, about that little flaw that Terry has. He's 6'5". Of course, I know it doesn't really matter in the scheme of things, and well, some of my best friends are tall, and hey – he couldn't help it, he was born that way. So let's all just try and overlook the fact that unless there is a south swell, and the waves are like, 20 footers, Terry isn't going to be standing in the 'Green Room' any time soon.

Oops. The Editor says Terry doesn't surf. Well, let's just try and overlook that too.

Gnarly dude,
Ray Miller

Inter-Association News

Ad-Hoc Group Holds First Meeting

On January 6, 2005, the Presidents and Executive Directors of the Bay Area Clean Water Association (BACWA), Central Valley Clean Water Association (CVCWA), California Association of Sanitation Agencies (CASA), California Water Environment (CWEA) and SCAP met in Sacramento. The purpose of the meeting was to meet each other and find out what each association was doing so that we can work together on issues that are important to all of us.

Each association provided a brief description of their mission and their priorities. The group focused on topics of mutual concern and opportunities for common efforts. Four major items were developed:

Item 1: The group should meet directly with Art Baggett (Chair of the State Water Resources Control Board) and Celeste Cantu (Executive Director of the SWRCB) and begin to develop a regular dialogue on issues of importance to us all.

Action: *We will invite Art and Celeste to attend the next meeting in Sacramento. They will be invited to attend all or part of the meeting, which will probably be a working lunch, and discuss the CTR requirements for all WWTPs in the year 2010 and how we will all be able to meet and afford them. CASA's office will make the invitation and set up the meeting.*

Item 2: Based on comments about what the CVCWA Operations Committee was working on with regards to the Operator Certification Program, it was agreed that those problems were a statewide issue and we would probably be more effective if all five associations approached the State Office of Operator Certifications together. The CVCWA Operations Committee is working on a draft position paper for the association to adopt. BACWA and CASA indicated they had an Operations Committee and SCAP said they did not have one but had people who would be interested.

Action: *The CVCWA Operations Committee will be asked to complete the draft position paper and then, as a start, it will be circulated to the other associations for review. A joint committee meeting would then be held to discuss and develop a position that all the associations could support. All five associations would then ask to meet with the State Office of Operator Certification. The CVCWA Operations Committee will be asked to complete the draft position paper ASAP and then CASA's office would distribute the paper and set up the meeting by conference call.*

Item 3: It was agreed that the wastewater industry needs to do a better job of public education with a focus on "risk." The concepts of managed risk permeate many of the issues; we need to have our issues put in the context of probability, consequences and how much the public is willing to pay for. The group felt that

we needed to target Non-Governmental Organizations (NGOs) like Delta Keepers plus the regulators. The concepts need to be framed in a positive manner that is easy to understand and they need to set the stage for how our industry is viewed in the future by a larger public.

Action: BACWA has developed a White Paper on the subject of Risk Communications and will send it to all associations. Discussion will continue at future meetings.

Item 4: We need to develop a model of how our organizations and agencies can work with the Regional Boards and State Boards to fund programs like TMDLs, Basin Plan amendments, etc.

Action: A copy of a report, prepared by the City of Roseville, on all of the problems that their user funded pH and Turbidity Basin Plan Amendment has had will be obtained and sent to the associations. Others will bring examples of collaborative arrangements, and the discussion will be continued at future meetings.

The next meeting of the group will be held on March 9, 2005, at 10:00 a.m. in Sacramento.

Water Issues

Water Issues Committee to Sponsor 303(d) Listing Policy Workshop

On September 30, 2004, the SWRCB adopted a 303(d) Listing Policy that made substantive changes to the previous policy. As reported in October, among the most important were these three: 1) it is mandatory to consider all factors when considering listing a water body, this should allow for more complete consideration of all factors affecting a water body before it can be listed; 2) the Board adopted a conservative approach for delisting and; 3) the listing factor for bacteria in coastal waters will also be applied to inland waters.

At the time of the Policy's adoption, Water Issues Committee Chair Roger Turner had spoken with Craig Wilson about setting up a workshop, perhaps in early 2005, to understand how the new Policy works and how we should be working with it. A date for that workshop has now been set – Wednesday, **February 23 from 10:00 a.m.-Noon** at the Moulton Niguel Water District in Laguna Niguel. Please RSVP to the SCAP office by February 18th.

Committee Chair Contact Info

Air Chair: Dan McGivney - dmcgivney@emwd.org

Biosolids Chair – Diane Gilbert - dxg@san.lacity.org

Water Chair – Roger Turner - turnerr@emwd.org

Collection Systems Chair – Nick Arhontes – narhontes@ocsd.com

Upholding WET Test Methods, Court Offers Helpful Guidance to Permittees

Water Issues Committee Chair Roger Turner reports that on December 10, 2004, the U.S. Court of Appeals for the District of Columbia upheld the USEPA's chronic whole effluent toxicity (WET) test methods. The methods for the "ratified" WET tests are not without their flaws, the court held that "perfection" is not the standard against which we judge agency action. The court opinion provided some direction in working with the WET policy:

- The court warned against using single WET test failures to bring enforcement actions;
- The court left the door open for agencies to question WET results, stating that nothing forecloses consideration of the validity of a particular test result in an enforcement action and that the decision does not endorse the validity of any test result in the future;
- The court emphasized that states have the discretion to set toxicity thresholds to compensate for laboratory toxicity and in-stream impacts weaker at low levels of toxicity; and
- Individual dischargers can challenge their permits on a case-by-case basis if they believe local authorities are regulating at a level that poses only a minimal risk to aquatic life.

The court's decision ratifies EPA's development of the WET test methods, but does not prejudge how individual WET test results will be handled at the state level or how WET limits will be written into permits in the future. Public agencies can use this opinion to urge state permitting authorities to take into account local conditions, such as seasonal variability, and even how individual test failures should be handled. A single WET test failure should trigger additional study and further testing and should not be used by itself for enforcement actions.

Electronic Reporting

Also from Chairman Roger Turner: The State Board continues marching forward with development of their electronic reporting program. Their contractor, Tetra Tech, is coding the pages for reporting. The team recently met with the Los Angeles Regional Board and dischargers to discuss the program. The final product roll out is set for July 1, 2005. In March, the Santa Ana and Colorado Regional Boards will be getting previews of the program to test. A new format is being developed to standardize permits. Also, effluent limits are being coded into the system and will be checked by the Regional Boards.

A list of beta testers is being developed. If your agency would like to participate as a beta tester, contact Jim Maughan at the State Board, (916) 341-5522.

Earth Day and Environmental Education Week Resources Available

The National Environmental Education (EE) Week is April 10-16. More than 100 organizations representing 3 million educators and 6 million volunteers are signed on to participate. The goal is to engage teachers, parents and students, and to educationally prepare students for Earth Day 2005. Educators can participate by conducting EE classes, discussions, community service projects, field trips or any of a hundred different activities and projects. For free curricula and ideas see www.eeweek.org/eeweeklinks.html.

Air Quality

SCAQMD Rule 1110.2 Amendments Have Significant Economic Impacts

As was reported in the Red Alert that was sent out on January 27, the South Coast Air Quality Management District (SCAQMD) has proposed far-reaching changes to a rule that affects liquid-fueled (diesel, gasoline, etc.) engines.

SCAQMD staff are recommending changes that would require agencies with "...stationary engines at facilities that have a cumulative stationary engine horsepower rating of 500 bhp or more" to institute continuous emissions monitoring. Previously, this was only required of very large engines.

Agencies that have instituted continuous emissions monitoring have spent in the range of \$100,000 per engine for just equipment and data acquisition costs; additional specialized personnel may be required to monitor the equipment. Additionally, the rule is proposing to eliminate an efficiency correction factor and make an emissions limit 17% lower than it currently is. There are several other important changes in the proposed

rule, including significant changes in monitoring programs – a complete reading should be done to determine the specific impacts to your agency.

The SCAQMD conducted a workshop on this issue on Tuesday, February 1, at 9:00 a.m. at their headquarters in Diamond Bar. SCAP strongly encouraged all agencies that would be affected by these proposed amendments to attend.

The SCAP Air Quality Committee will meet on Tuesday, February 8, at 10:00 a.m. at LACSD to discuss the workshop, and plan how we will respond, including outreach to other affected industries and forming a working group. Again, affected agencies are encouraged to attend this meeting.

Diesel Idling Regulations Take Effect

Effective February 1, 2005, idling of diesel engines in California will be restricted. The new regulation (section 2485, Chapter 10, Article 1, title 13, California Code of Regulations) limits idling of diesel-fueled commercial motor vehicles with a gross vehicular weight rating of >10,000 pounds to 5 minutes.

For more information, please visit the following website <http://www.arb.ca.gov/toxics/idling/idling.htm> for additional information, including:

- 1) Regulation text
- 2) When extended idling is allowed
- 3) Answers to frequently asked questions
- 4) Downloadable fliers
- 5) Reporting suspected violations
- 6) Further contact information

Biosolids

State Senator Works to Ban Biosolids in Kern County

In late December 2004, Senator Dean Florez (D-Shafter) convened a Senate Committee Hearing regarding biosolids application in Kern County; this was following a November hearing that targeted the disposal of dairy manure wastes, and the number of dairies that were moving from the Riverside/San Bernardino area to Kern.

At the December hearing, the Kern County Water Agency (KCWA) again expressed their concern about biosolids use over usable groundwater areas. Several SCAP agencies, and in particular SCAP Biosolids Chair Diane Gilbert, detailed the monitoring programs, application methods and preventive measures that have been taken to protect Kern groundwater. The KCWA acknowledged that there is no evidence of groundwater contamination. Kern County Supervisors stressed that they have the most restrictive biosolids ordinance in the state.

On January 21st, Florez held a press conference in conjunction with Kern Supervisor Michael Rubio (Florez' former aide) and announced that the State Legislative Council released an opinion stating that the Supervisors possess the power to ban the application of biosolids within their jurisdiction and urged them to do so. "The message is very clear to the generators," said Florez. "Get out and stay out. We don't want you here and we are not going to allow you to threaten our groundwater."

On January 26, the Kern Board of Supervisors addressed the issue by asking their staff to prepare a comprehensive report on biosolids by February 15th. The report will cover the history of biosolids management

in Kern, Kern's rules compared to other counties, potential risks and benefits of a sludge ban and the status of legal appeals to Kern's existing rules.

Currently, it is estimated that 380,000 wet tons per day of biosolids are trucked to Kern from Los Angeles, Orange and Ventura counties. An additional 20,000 tons per day are produced by Kern County agencies.

HUR 207 Introduced – “Sewage Sludge in Food Production Notification Act”

Congressman Jose Solano (D-New York), a member of the House Appropriations Committee, introduced HR 207 that would amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied.

The bill includes requirements such as:

“...the carcass, part thereof, meat or meat food product bears a label that clearly indicates that the livestock--

- (i) grazed on land on which sewage sludge was applied; or
- (ii) consumed animal feed produced on land on which sewage sludge was applied; [Emphasis Added]”

The bill was referred to the Committee on Energy and Commerce, and to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, for consideration of such provisions that fall within the jurisdiction of the committee concerned.

EPA's Al Rubin Retires (Courtesy Northwest Biosolids Association)

Dr. Al Rubin, who led the development of the EPA's Part 503 Regulations for Biosolids, will retire effective February 2005. Dr. Rubin, who has been with EPA since 1977, was assigned to the Biosolids Risk Assessment Branch in 1984. Since the 1993 promulgation of the 503 regulations, Dr. Rubin has been assigned to facilitate the implementation of the biosolids regulations on the state and local level.

Dr. Rubin made presentations at public hearings several times at the request of SCAP, and anyone who was present enjoyed his factual and understandable way of transmitting complex information. We wish him well and hope he makes it out to the left coast periodically.

Collection Systems

Statewide Sewer Overflow Workshop Scheduled

With the adoption by the State Water Resources Control Board of a resolution regarding the development of a statewide approach to reducing SSOs, SWRCB staff subsequently has been working with the SSO Guidance Committee to address a number of tasks. It is estimated that by October/November 2005, there *may be* a statewide collection system permit or regulation going forward for adoption.

There are a number of issues that need to be resolved regarding the proposed regulation/permit. Tri-TAC and CASA staff have convened an SSO forum to identify key issues and how they will be addressed. The meeting is scheduled for Friday, February 18th, from 9:00-3:00 at the East Bay Municipal Utility District (EBMUD) offices in Oakland.

SCAP representatives Nick Arhontes and Bob Kreg have been very involved with the Guidance Committee and Phil Friess (LACSD) of the SCAP Collection Systems Committee will be attending this meeting. Additionally, SCAP has been assisting the state by developing a contact database to provide a venue for the registering of contact information for all the collection systems in the state. We are currently waiting for the state to set the launch date for all collection systems to fill out the contact information at the SCAP website. This information will be used to allow the SWRCB a point of contact for the dissemination of information on this new SSO program.

USCAP Website Adds Collection Systems Information

The SCAP website (scap1.org) has been updated to include several collection systems items. A copy of a presentation made by the City of Los Angeles' staff regarding their recent settlement agreement with EPA, the LARWQCB and several environmental organizations has been posted to the site. Also added are the Collection Systems workshop presentations that contain extensive information about cMOM, estimating spill flow rates, FOG, etc.

OCSD has also provided a copy of a letter that they send out to the owners of collection systems that feed their regional treatment plant regarding practical measures they can take to limit infiltration during storms; this letter is also posted on the site. To access this or other collection systems items, click on the "Reference" tab on the left side, and then on "Collections." There are numerous other collection systems documents and information available to our SCAP members. Please login and enter your password in the "Members Only" section, click on Reference Library and then on Collection.

CalFOG Surveying Needs

The Cal FOG Work Group is developing a work plan and prioritizing future work group activities. SCAP Collection Systems Chair Nick Arhontes has sent out a copy of the survey and is looking for input from SCAP members to present to the work group. The group is trying to ascertain interest in such items as:

- Developing outreach materials for commercial food service establishments.
- Creating an educational FOG control program video that could be used throughout the state of California.
- Developing information regarding alternative fuels from grease such as biodiesel and methane generation from anaerobic digestion at POTWs.

If your agency is interested in participating in this survey, please contact the SCAP office for an electronic copy (949-489-7676 or info@scap1.org).

Non Sequitur

There will come a time when you believe everything is finished.
That will be the beginning.

- Louis L'Amour