



SOUTHERN CALIFORNIA ALLIANCE OF
PUBLICLY OWNED TREATMENT WORKS

MONTHLY UPDATE

A Message from the Executive Director...

March 2005

*"And it never failed that during the dry years the people forgot about the rich years, and during the wet years they lost all memory of the dry years. It was always that way."
John Steinbeck, "East of Eden"*

No, this isn't a column about drought or deluges, although it would be nice to devote one column to enjoying the sense of – well, luxury – you get as you watch what is more precious than gold run down the streets in amounts that make you feel giddy.

That would be a nice column to write, but other events of this last month compel me to write a different column. It's kind of like a Steinbeck novel: some good stuff happens, but when the bad stuff comes, it's really bad.

It was raining on the day Craig Wilson – the State Water Board's point man for implementing the 303(d) Listing Policy they recently adopted – came to meet with the Water Issues Committee at Moulton Niguel Water District's offices in Laguna Niguel.

If you are in this business for any length of time, you become familiar with the meaning of situational irony. On a day when water was moving through most of the rivers in Southern California in thousands of feet per second, we were contemplating these same rivers as benign streams harboring an array of flora and fauna – or toxic pollutants as the case may be. On a day when millions were made safe by the system of channels that carry large amounts of water to the sea, we contemplated these water bodies as "Municipal" sources of water supply and "Recreational" areas.

So I reflected for the umpteenth time that, while I wished people would remember the wet years when it was dry, I also needed to remember the dry years when it was wet. Having adjusted my attitude appropriately, I settled down to listen to Mr. Wilson.

But first, a little background on this saga. You may remember a time when 303(d) Lists were about as important as the Editor's to-do list. These "lists of impaired waters" were pretty much limited to those waters that everybody could generally see were impaired – like the Cuyahoga when it spontaneously combusted.

Along about 1998, everything changed. The lawsuits between the NGO's (the politically correct term for stakeholder groups like environmental organizations) and the EPA that spawned TMDLs for impaired waters also raised the profile of 303(d) Lists. And just how a water body got on that list became a subject of intense interest to NGOs – and to us.

Starting in 1998, water body segments were included in the 303(d) Lists based upon as few as one or two data points – in some cases upon visual observation (sans fire). Since each Regional Board proposed its own lists for their water bodies, and since the guidance for listing was less than rigorous, and since the lists were being appealed to the State Board, they wisely decided to come up with a Listing Policy that would standardize the process.

To make a long story short, the Policy was adopted in 2004 and no one, not the NGOs or the POTWs, was totally happy. In the world of government, this is policy-making nirvana.

Fast-forward to Craig. I really believe that you couldn't ask for a better person to lead the effort of promulgating and now implementing this Policy. When we asked him to come down and talk with the Water Issues Committee on how they are to apply the Policy to the 2004 List (yes, they are a bit behind), we also

Upcoming Meetings

Public Relations Committee –
Tuesday, March 22, 10-Noon, OCSD

Air Quality Committee – Tuesday,
March 22, 10-Noon, LACSD

Biosolids Committee -Wednesday,
March 23, 10-Noon; City of Santa
Barbara, El Estero Treatment Plant

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asked him to compare how several water bodies would have fared under the old guidance as compared with the new Policy.

Craig provided several examples, using unnamed but easily recognizable water bodies. Because the List has not been finalized and presented to the Board, I've agreed not to go into the details of what Craig presented. But I can say that in every instance, concerns regarding the number of analyses, quality of collection and analysis and numeric standards are addressed. In fact, Craig noted that "if a numeric standard is not available, the assessment stops." Craig reiterated that a water segment won't be listed just for background concentrations of a pollutant.

While Craig and the state are developing the 2004 List, the process reverts to the Regional Boards for the 2006 and subsequent lists. Craig assures us that the Regional Board staff will receive training from him prior to turning it over.

So this meeting was generally pretty upbeat – the first stirrings of a rational, scientific approach to this issue allowed thoughts of stability and certainty to creep Zen-like into my consciousness. But I said this was a Steinbeck column, so as soon as I got back to the office...

We received an email from Diane Gilbert with the text of State Senator Dean Florez' proposed bill, SB 926, attached. As you know from the Alert that was sent out, Senator Florez has proposed banning the export of biosolids from a generator's county within the State of California by January 1, 2006 – yes, you read that right, 2006.

We don't know the level of support Senator Florez has for this bill, or its chances of being passed and/or amended, although there are people working on ascertaining this as I write. What we do know is that we have a State Senator who, in spite of the demonstrated safety and benefits of land applied biosolids, has in the short span of two months ratcheted up the discussion about biosolids to the hyperbolic level that is usually reserved for AM radio.

How this can happen in our great state, while less than 800 miles north of us in Oregon and Washington, biosolids are considered the next best thing to peanut butter is beyond my comprehension.

It isn't because Washington and Oregon have more farmers and live closer to the land than the Central Valley. They certainly don't have a monopoly on knowledge or intelligence.

I guess that's the part of human nature I just don't get. Why do we always forget the wet years? Will we be removing all the concrete channels from Los Angeles and Orange counties because they are ugly and we only have torrential downpours every 10-15 years?

Banning biosolids exports will mean that biosolids will be sent to landfills. Why do we forget the years when "recycle" was our mantra because we were running out of landfill space?

Tell Senator Florez - it shouldn't always have to be this way.

Delusionally yours,

Ray Miller

Committee Chair Contact Info

Air Quality Chair:
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Biosolids Chair:
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Water Issues Chair:
Roger Turner –
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Public Relations Committee

PR Committee to Hold Workshop

SCAP Public Relations Committee Chair Mac McLaughlin is encouraging anyone who is in the position of educating the public on today's hottest wastewater topics, and those who provide public interface for their agency or city, to attend their upcoming workshop on March 22 from 10:00 a.m. to Noon at the Orange County Sanitation District.

"How to" presentations will focus on educating the public regarding:

- A multi-agency (22 cities and special districts) outreach program to educate the public on disposal of fats, oils and grease (FOG)
- Bringing "sewer science" to the schools
- A program to educate and involve the public in deciding the best means of handling biosolids
- Gaining public acceptance for producing very high quality drinking water from treated wastewater

If you have not already done so, please RSVP by Friday, March 18, to info@scap1.org

Water Issues

Water Issues Committee Hears Update on Listing Policy

Craig Wilson, the chief of the SWRCB unit that is implementing the 303(d) Listing Policy, met with Water Issues Committee members at the Moulton Niguel Water District on February 23 and provided a status report on the 2004 303(d) List. Craig noted that for this one time only, SWRCB staff will be compiling the List themselves; subsequent lists will be generated by the individual Regional Boards as has been done in the past.

In early 2004, SWRCB staff solicited data submissions in support of developing a new List. They received 37 submittals from governmental and non-governmental organizations, data from the EPA, and they are in the process of obtaining data from the SWAMP (Surface Water Ambient Monitoring Program). The new List was due to EPA by April 2004, but because of delays in adopting the Policy, a May 2005 deadline for submission has been set.

Craig noted that the initial review has resulted in some waters being placed back on the List; however, some waters will be dropped, or moved to a section that doesn't include a TMDL. EPA will be taking an independent look at the List. They are not bound by the Policy, and ultimately they can approve, add/delete waters, etc. and adopt the final List.

An assessment database has been constructed by a contractor and is the repository of all the data used to generate the List. A water body generally needs only 2 hits (exceedances of a numeric toxicity limit) to be placed on the List, and will need at least 28 clean results to be delisted; the number is less for conventional pollutants. Listing determinations can be petitioned or appealed to the State Board.

They are still encouraging the submittal of data that can assist in making Listing determinations. Craig stressed that it is important to submit all sampling data, not just that which supports delisting, as NPDES permits require the submittal of all sampling data.

Craig presented examples of how the Policy applies to several different types of water bodies in the State, noting that the Policy is being applied consistently over all of the varying water bodies regardless of Regional Board area.

Agencies with questions or concerns about the Listing Policy are encouraged to contact Craig at cjwilson@waterboards.ca.gov or (916) 341-5560.

EPA Releases Draft 2006 Listing Guidance (Courtesy WESTCAS)

EPA released its draft guidance for 303(d) Listings on February 28th. The guidance is more comprehensive than the 2004 guidance, which focused only on a few key issues. However, there are not a lot of significant changes to the Agency's positions. Based on a brief review, WESTCAS identified the major changes:

1. One good change is that now, a water does not have to be listed in Category 5 for everything until all needed TMDLs are done. Instead, a water can be moved to a different category for pollutants that have been addressed, while it remains in Category 5 for pollutants that still need TMDLs.
2. The requirements for use of Category 4(b) have been loosened up somewhat, so states should be able to use that category more readily when other non-TMDL programs will result in attainment of standards.
3. On data quality and quantity, and on statistical issues (i.e., how many samples need to exceed a standard for there to be an impairment), EPA provides that states have flexibility to pursue their own approaches, but then places significant limitations on how much they can use that flexibility.
4. On fish advisories, EPA restates its existing policies on when advisories can lead to listings, but then seems to modify that policy by indicating that statewide advisories can lead to statewide listings, even if there is not any data for some of the waters.
5. The draft does not address our concerns over the increasing use of narrative standards without adequate translator mechanisms that have undergone public comment.

Comments are due by March 23. The document can be found at:
<http://www.epa.gov/owow/tmdl/draft2006IRG/> .

Annual SWRCB Enforcement Actions Report Available

The SWRCB has posted the *Annual Report of Water Board Enforcement Activities – 2004 Per California Water Code Chapter 5.5, Section 13385(o)* on their website. The report can be downloaded from:
www.swrcb.ca.gov/legislative/docs/enforcementrpt2004_13385o.pdf .

Air Quality

SCAP Asks to Extend Comment Period on Rule 1110.2

Noting that the provisions of Proposed Amended Rule 1110.2 have far-reaching and expensive implications for wastewater agencies, SCAP and its member agencies asked the SCAQMD to extend the comment period on the PAR for an additional 45 days, and to form a working group to review and comment on the amendments. Informal conversations with the District indicate that they will be granting both requests.

PAR 1110.2 would require continuous emissions testing for engines larger than 50 hp and eliminate an important efficiency correction factor. The Air Quality Committee is monitoring this issue closely and expects to participate in the working group.

CARB Rules Against SCAQMD Fleet Rules (Courtesy NAFA Fleet Focus)

The California Air Resources Board (CARB) ruled that the fleet mandates adopted by the SCAQMD would not be eligible for a waiver from the EPA under the Clean Air Act.

CARB determined that the SCAQMD rules would have to first be adopted as state mandates. CARB said it “will limit the state rulemaking to four fleet rules that are likely to be the most effective in controlling diesel emissions.” The four fleet rules are: Street Sweepers, On-Road Transit Buses, Refuse Collection Vehicles and School Buses.

Biosolids

State Senator Proposes Ban on Biosolids Exports

State Senator Dean Florez (D-Shafter) has authored a bill that would ban the export of biosolids from the county of origin starting on January 1, 2006. Florez, who held a hearing in Kern County in December to hear concerns about biosolids use, announced in January that he had obtained an opinion from the State Legislative Counsel that Kern County could ban the application of biosolids within their county.

Biosolids Chair Diane Gilbert is working with other state organizations to determine the best way to channel opposition to the bill. Additional information will be sent out as it becomes available.

Kern County Asks Counsel to Report on Biosolids Ban

At their February 14 meeting, the Kern County Board of Supervisors asked their legal counsel to report back to them on the legal issues associated with a total ban on the land application of biosolids, as well as other potential permitting conditions in order to further control land application practices.

Collection Systems

Collections Systems Committee Update

The SCAP Collection Systems Committee members continue to stay deeply involved with the state’s SSO Guidance Committee and its efforts to develop a statewide Sewer System Management Plan (SSMP). The last meeting was held on January 25, 2005 at OCSD. During the morning session, John Norton and Bryan Brock of the State Water Board presented an overview of the state’s efforts.

Collection Systems Committee Chair Nick Arhontes provided an overview of OCSD’s program efforts in working with its satellite system owners titled “What Works and What Doesn’t.” The afternoon session was augmented with a teleconference and covered the CASA Third Party Certification RFP, Spill Reporting Volume Thresholds, Coordinated Outreach Program, SSO Web Page and the state’s efforts to gather collection system contact information via the SCAP website and sub-committee reports.

After discussion with state staff, it was determined that a consistent presentation needed to be developed to get the message out on what the state is trying to accomplish through the SSO Guidance Committee. Since SCAP was already revamping its informational workshop to include the potential for a statewide SSMP, SCAP has agreed to develop a PowerPoint presentation that might be utilized throughout the state.

The next scheduled SCAP informational workshop is for the San Diego area in Region 9. The San Diego workshop will be the first to present information on the proposed statewide SSMP and what it means to the collection systems owner/operators. A meeting for the greater Los Angeles area is also planned.

CSC members have also been active in the state's efforts to design and implement a web based SSO reporting database. Once implemented, all SSOs would be reported in a consistent fashion throughout the state by filling out a form that can be accessed over the Internet.

The CSC met at OCSD on January 5th and Adel Hagekhalil from the City of Los Angeles gave an excellent presentation on the City's settlement agreement with EPA and their forward plan. A workshop on medium and large diameter pipe cleaning is under development to provide guidance for all SCAP members.

Other items discussed and to be followed include concerns regarding waste hauler practices, grease blockages in sewer systems and illegal dumping practices by some haulers. Proposed changes to the UPC regarding grease traps and interceptors are also being watched closely. The CSC wishes to acknowledge Sharon Green of LACSD and others for crafting an excellent letter that allowed POTW owners to participate in the discussion; the previous committee make up was comprised of manufacturers only.

The CSC plans to meet again in late March or early April. The group felt that OCSD's location still works best for meetings at this time.

Non Sequitur

If we had no winter,
the spring would not be so pleasant;
if we did not sometimes taste of adversity,
prosperity would not be so welcome.

- Anne Bradstreet