



SOUTHERN CALIFORNIA ALLIANCE OF PUBLICLY OWNED TREATMENT WORKS

MONTHLY UPDATE

A Message from the Executive Director...

May 2005

Argumentum ad populum. Not a phrase that trips off the lips, but most of us have come up against it at some time or another in the wastewater industry.

Impressive in the Latin form, huh? Someday I'm going to write a column about why we Americans are so impressed by a language that is only really useful to doctors, gardeners and theologians – but I digress.

Argumentum ad populum is a tactic that debaters (and others) use to support their argument. It means that because a lot of people believe something is true, it is.

For example, most people would agree with the statement: "Athletes must drink a lot of water to replace the fluids they lose during exercise." After all, haven't we all heard that repeated by everybody from Oprah to Dr. Pritikin? Go ahead, poll 10 people in your office right now, I'll bet they all agree that anybody running a marathon or even going out for a hike in the hot sun should drink lots and lots of water. Remember, "drink ahead of your thirst – if you're thirsty, you're already dehydrated."

Um, there's just one problem. You see, it's a myth, and a deadly one at that. Hyponatremia - a condition where drinking too much water or other fluids to the point where the salt level in the body drops too much - can develop during marathon races or any activity where someone drinks frequently to stave off dehydration. Changing the sodium concentration causes a shifting of fluids in the body, which can induce swelling in the brain – and death.

Among elite athletes, this fact is well known. Ever see a top marathoner drinking during the race? Nope, and it's not because they are concerned it would slow them down, because if they thought it would help their racing, they'd hardwire water into their bodies. But somehow, these facts haven't seemed to make it out to the masses of weekend warriors.

I admit it. I'm chagrined at the *argumentum ad populum* that has been waged in Kern County about biosolids. "They smell bad, so they must be bad." "Los Angeles is dumping its crap on us." "It's full of toxic waste." "It will pollute our groundwater." All of these statements must be true because so many people believe them, right?

Among soil scientists, biologists, hydrogeologists and farmers that have used urban biosolids, the facts regarding the benefits and safety of their use are well known. But somehow, these facts haven't seemed to make it out to the general public.

At this point, it would be easy to blame certain individuals and the mass media for framing the issue of biosolids in such a negative fashion. But that would be wrong, for as I have often opined of late, the problem is one of understanding and knowledge – education – not of facts and information.

We can, and have, presented a lot of scientific facts about biosolids. But scientific literacy is not the mere knowledge of facts, but rather it is the ability to interpret them from a scientific standpoint, and not to confuse

Upcoming Meetings

Collection Systems Committee –
Wednesday, May 4, 2005, 10:30-2:30,
OCSD

Air Quality Committee – Tuesday, May
17, 10-Noon, LACSD

Water Issues Committee – Tuesday,
June 14, 10-Noon, OCSD

Biosolids Committee – TBA

Public Relations Committee - TBA

them with pseudoscience. Certainly, understanding would also afford a member of the public the ability to refute an *ad populum* argument.

Think about the following *ad populum* arguments that were advanced in the 1850s: "Slavery is acceptable because so many Americans think it is." "Our economy will crumble if we don't have slaves." Outrageous, you think, and yet we had to fight a war to change a mindset.

This is not a call to arms, but I would like to encourage our membership to educate and advance the cause of scientific literacy as it relates to biosolids wherever you can. I'm thinking of calling it "Biosolids Apologetics," and while the term "apologetics" is usually applied to the defense of certain theological beliefs, in this case it would be the science and art of presenting, explaining and justifying the value of biosolids as a soil amendment.

I encourage you to sit down with published research such as:

1. [Biosolids as a Nutrient Source for Dryland Wheat](#)
2. [Growth Response of Biosolids Fertilized Hybrid Poplar](#)
3. [Native Plant Restoration of Copper Mine Tailings - Part II: Field Survival, Growth, and Nutrient Use Efficiency](#)
4. [Managing Nitrogen from Biosolids](#)
5. And my personal favorite, [Towards Quality Biosolids Management](#)

These and many other fine publications can be found at the website of the Northwest Biosolids Management Association (www.nwbiosolids.org), an organization to whom we can never adequately express our gratitude for their contributions to the science of biosolids reuse. We cite this organization *ad nauseum* to anyone we can, and we shamelessly ride on their coattails whenever we can. Like now.

Join me next month when I will discuss *argumentum ad ignorantiam*, which you will recognize in statements such as, "since you cannot prove that biosolids won't cause global warming, they must cause global warming." [Editorial Note: Readers may wish to start the tradition of having a container of their favorite libation handy as they reflect upon Mr. Miller's opuses.]

Valere lubere,
Ray Miller

Water Issues

State Water Board to Consider Fee Schedule for NPDES Permits

The State Water Resources Control Board (SWRCB) will hear a recommendation to revise the current core fee schedule (NPDES permit fees) in accordance with the State Budget proposed for Fiscal Year 2005-06. A workshop on the issue is scheduled for May 3, 2005 in Sacramento.

The meeting notice issued by the Board states that the SWRCB will take the recommendation and comments received under advisement before adopting emergency regulations to revise the fee schedule (the adoption by emergency measures was provided for by the legislature in 2003). The emergency regulations will be considered for adoption at a future Board meeting.

Model Ocean Discharge Monitoring Workshop Scheduled for May 5, 2005

The SWRCB is forming a special workgroup to consider consistent monitoring elements for ocean discharge monitoring programs. It is expected that the model monitoring product developed by the stakeholder group will be used to amend the California Ocean Plan during the next review cycle.

Scheduled speakers include 1) Ken Schiff from the Southern California Coastal Water Research Project who will discuss the model Southern California Bight Model Monitoring Program that SCCWRP developed; 2) Steve Saiz of the SWRCB discussing the Reasonable Potential Analysis and RP Calculator that the SWRCB plans to use to determine whether water quality-based effluent limitations are required; 3) Jarma Bennett of the SWRCB will discuss the status of permit standardization and electronic self-monitoring reporting and; 4) Valerie Connor of the SWRCB will discuss data quality and comparability with the Surface Water Ambient Monitoring Program (SWAMP).

Interested parties are encouraged to RSVP to attend this meeting as there may be limited seating available. Contact Ms. Lisa Montanez at (916) 341-5578 or lmontanez@waterboards.ca.gov for further information or to RSVP.

Save the Date! Water Issues Committee to Meet with New SWRCB Board Member Jerry Secundy

The Water Issues Committee has scheduled its next meeting for Tuesday, June 14 from 10:00 a.m. – Noon at the Orange County Sanitation District administrative offices.

New Water Board Member Gerald “Jerry” Secundy will be a special guest at the meeting. Mr. Secundy is the Board liaison for the Los Angeles and Central Coast Boards. Most recently, he served as consulting director for the California Environmental Dialogue. Previously he was executive director of Audubon California for two years and prior to that position he was president of GDS Consulting, an environmental consulting firm, serving as liaison between industry and environmental groups. Secundy’s experience includes 28 years at Atlantic Richfield (ARCO), serving as vice president of external affairs and environmental health and safety. He serves as chairman of the Board of Trustees of Prescott College in Arizona and is also on the boards of the California Council for Environmental and Economic Balance, the Planning and Conservation League and Lignetics. Secundy is a member of the Sierra Club, Common Cause and the American Civil Liberties Union.

Jim Maughan, Senior Environmental Engineer for the Regulatory Section of the State Water Resources Control Board, will be highlighting the new elements of the Permit Template and the Permit Development Guide. Invitations have been extended to all regional board Executive Officers and their NPDES permitting staff within the SCAP member agencies service areas.

OPEN HOUSE – MAY 21, 2005

SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

Please join us on Saturday, May 21, 2005, from 10:00 a.m. to 2:00 p.m. to tour the South Orange County Wastewater Authority (SOCWA) Regional Wastewater Treatment Plant at 34156 Del Obispo Street, Dana Point, CA 92629, (949) 234-5400. SOCWA will conduct tours every hour at 10 a.m., 11 a.m., 12 noon and 1 p.m. On these tours, SOCWA staff would like to share with the public the newly upgraded centrifuge dewatering process and odor control system for the facility. Visitors will also have the opportunity to view an ongoing construction project for the upgrade of the plant’s anaerobic digesters.

We encourage neighbors of the plant or anyone interested in seeing how a complete wastewater treatment plant functions to visit. Light refreshments will be served throughout the day.

Please Note: If your agency has received the new standardized permit template and you would like to share your concerns and/or comments during this meeting, please contact the SCAP office at info@scap1.org or Mary Jane Foley at mfoley@scap1.org.

Air Quality

Inventory of 50 HP+ Compression Ignition Engines Due to Local APCD by July 1, 2005

All owners or operators of stationary compression ignition (CI) engines (diesel and non-diesel) rated at greater than 50 brake-horsepower are reminded of the following:

By **July 1, 2005**, each owner or operator of an in-use stationary CI engine > 50 bhp must provide an inventory of all such engines at their facility to their local air district. The submittal is to include detailed information in the following areas: owner/operator contact information; engine information; control equipment; fuels used; operation information; receptor information; and AB 2588 emission inventory applicability. Submittal of certain information may not be necessary if there is a current record of the information in the owner's or operator's permit to operate or if the applicable information was previously submitted to the local air district in writing. Additionally, for each engine that does not meet the emission limits by maintaining or reducing the annual hours of operation for maintenance and testing, a Compliance Plan identifying the control strategy is to be submitted by July 1, 2005.

This engine inventory and plan information is required by the California Air Resources Board (CARB) Air Toxic Control Measure (ATCM) for Stationary Diesel Engines, and as adopted by your local air district [e.g., SCAQMD Rule 1470 (Section (d) (1)(B)]. For additional information, please contact your local air district. CARB's website has the following links to useful support documents:

Engine Inventory Form:

<http://www.arb.ca.gov/ab2588/diesel/form.htm>

Frequently Asked Questions re: the ATCM:

<http://www.arb.ca.gov/diesel/documents/atcmfaq.pdf>

Reporting Facts:

<http://www.arb.ca.gov/diesel/factsheets/reporting.pdf>

SCAQMD Rule 1470 can be found at the SCAQMD's website link: www.aqmd.gov/rules/rulesreg.html. For specific inventory and related questions to Rule 1470, contact Mike Gonzalez at (909) 396-2405 or mgonzalez@aqmd.gov

Amendments to SCAQMD Rule 461 Will Require More Recordkeeping

The South Coast Air Quality Management District is amending Rule 461 to require additional recordkeeping by personnel responsible for maintaining gasoline storage and dispensing equipment. If your agency maintains its own refueling stations, and you are located within their district, you will be required to maintain operations and maintenance records for work done on the equipment, as well as keeping manufacturer's information regarding the equipment and copies of applicable Board Orders. Additionally, upon the installation or upgrading of refueling equipment, within 30-days of its initial operation, you will be required to have a performance test performed under SCAQMD observation.

The proposed amended Rule 461 is supposed to be posted at the SCAQMD's website by May 4 and affected members are encouraged to give it a careful reading to understand all of the proposed requirements. Go to <http://www.aqmd.gov/rules/proposed.html> to view the latest version.

Proposed Air Legislation

[Editorial Note: SCAP does not lobby or participate in legislative efforts as there are other associations that provide this service; however, the Air Quality Committee has committed to following air legislation and reporting on it to the membership.]

SB 109 – Frank Caponi of LACSD reports that this bill seeks to eliminate Health & Safety Code Section 42400.7 which precludes criminal prosecution following the recovery of civil penalties for the same offense, and would repeal the requirement that a civil action be dismissed upon the filing of a criminal complaint for the same offense; effectively creating double jeopardy for violations. The backer of this bill is the SCAQMD; they are seeking new language that proposes a change to Section 41700 by the addition of separate person/property fine language. So, if a violation were issued for an odor nuisance, the fine under this proposal would be calculated by multiplying the number of people complaining by the fine. Couple this with SB 870, minimum violations, and the fines could become quite expensive. LACSD's Greg Adams is working with the SCAQMD to delete or modify the language.

SB 870 – The proposed bill states that no state or local governmental agency or public district shall be criminally liable or responsible under the provisions of Part 4 (*Nonvehicular Air Pollution Control – and, Chapter 4, Enforcement*). The extent of this exemption, as it applies to governmental agencies, is not clear. Additionally, the bill requires that *environmental justice enforcement zones* be created. This is a form of *redlining* that would result in boundaries drawn around areas special for one reason or another, requiring different treatment of sources within the boundaries versus sources that fall outside those boundaries. Very often the areas that would be targeted here already suffer significant economic and social burdens. Environmental justice enforcement zones could make it extremely problematic for city councils looking to entice businesses and new residents into their community, as well as impose differing standards from one street to another. Such a designation could place a stigma on the businesses already there.

Committee Chair Contact Info

Air Quality Chair:
Dan McGivney –
dmcgivney@emwd.org

Biosolids Chair:
Diane Gilbert –
dlxg@san.lacity.org

Water Issues Chair:
Roger Turner –
turnerr@emwd.org

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

Public Relations Chair:
Mac McLaughlin –
rmclaughlin@oscd.com

Biosolids

Environmental Quality Committee to Hear SB926

During April, SB 926 (Florez) was amended three times, with the most recent amendment striking any reference to “local public agencies” and replacing it with the term “person.” The bill now prohibits any person from importing biosolids from any county into Kern County only. It further states that the bill would only apply to Kern County and provides that a portion of the California Constitution (pertaining to special statutes being invalid if a general statute is applicable) would not apply to Kern in this particular instance.

Biosolids Chair Diane Gilbert reported that at the Senate Environmental Committee hearing on May 3, 2005, SB 926 passed on a 5-2 vote. Senators Campbell and Runner voted no, with Cox abstaining and Lowenthal, Chesbro, Figueroa, Kuehl, and Simitian voting yes with Escutia being a no-show. Additional proposed amendments to SB 926 were passed out at the hearing which essentially state:

- The bill would authorize the Kern County Board of Supervisors to regulate or ban the importation of biosolids for land application in Kern County (seems like composting and landfilling would be exempted)
- There would be an exemption for existing contracts that were entered prior to 1/06

- Kern County would still have to comply with the appellate court's ruling and perform a full EIR on their biosolids ordinance in order to comply with CEQA

There were amendments made to the California Public Resources Code.

Non Sequitur

To succeed in politics, it is often necessary to rise above your principles.

- Murphy's Law #17