

A Message from the Executive Director...

June 2005

Bright blue sky. Purple clouds of Jacaranda trees, with a purple so intense that it almost seems like it's surreal. Houses sliding down hills.

Unlike some areas of the country, there is no real residency time before you can call yourself a Californian. I understand that you can live in New England for 20 or 30 years and still be called "the new folks."

You know you are a Californian when you aren't really shocked when you see houses falling into their neighbor's backyards. Surprised, yes – well, it hasn't rained for a month now and somehow you think they'd fall closer to a rainfall – but shocked, no.

Contrary to what the rest of the country thinks, it takes guts to live here. Sure, we'll never slide on black ice and have to remember to turn the wheel (counter intuitively) in the direction of the slide. Nor will we ever watch the word "Tornado Warning" flash across the bottom of the screen during Leno's monologue and wonder if an "F-4" is worth getting out of the chair and down to the basement.

But a real Californian knows the difference between a blind-thrust fault and a strike-slip fault – as well as the locations of the nearest faults. Most any tourist will tell you that Californians are supposed to have a couple of days of food and water in your car, and a couple of weeks worth of stuff in your house in case of an earthquake. But a Californian knows that a granola bar and the bottle of water your kids left in the backseat are all that's really necessary because when the big one hits you just plan on going over to your neighbor Larry's house who really does stock up on all that stuff ('cause he's just moved here from Des Moines).

A real Californian enjoys it when all the TV stations go on "Storm Watch" because 1) it will increase the pleasure they have in their choice of employment and, 2) the stations always capture the shot of the dufus who just has to see if he can cross the flooded intersection (he is also a Californian, by the way – there is no state requirement for common sense). We watch because we know that the intersection will go from 2 inches of water to 2 feet in a matter of minutes. The one event I always recall, back in the seventies, the district I managed had just kicked off a major construction project in Aliso Creek. One of the primary challenges was to install a land outfall to the ocean and tie into the ocean outfall. During the time the contractor was excavating, the creek was at low-flow. We, at the district, had been through rain events in prior years and warned him to completely remove all of his equipment from the creek when rain was forecasted. Do I have to tell you what happened when he elected not to follow our advice? The tsunami-like flow buried his heavy equipment and even washed some of it out to sea. We also watch because we know that inevitably, another sense challenged Californian will decide that the storm channels make an excellent white water rafting (without the raft) challenge, only to have their fun spoiled by the Search and Rescue folks who think getting dropped from a chopper down 175 feet on a thin cable while dodging power lines and cascading torrents is "just doing our job." Just about then, your job looks pretty darn good.

A real Californian knows that the fire season really runs from September 15 to November 10. During this time, there will be one or perhaps two "Santa Ana Winds." People from outside of California will argue that the proper term is "santana" or "devil winds," but you can bet that if they do, they have a license plate holder that

Upcoming Meetings

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

Air Quality Committee – Thursday, June 16, 10-Noon, LACSD

Board of Directors Meeting and Workshop – Tuesday, June 28, 10-4, OCSD Board Room.

says “Land of Enchantment” or “Famous Potatoes” on it. A Californian knows that the winds are named after the city of Santa Ana because it is the geographical center of the Los Angeles/Orange/Riverside triangle, which is second only to the Bermuda Triangle in its mystical powers. While we don’t lose any ships in a Santa Ana wind, it is not uncommon to lose 200 trees, 40 patio covers and a VW bug – and that’s just in La Habra. A real Santa Ana wind is hot, dry and capricious, striking one neighborhood and leaving the next alone.

Which is just the same way the raging wildfires strike – capriciously taking out five houses and leaving one standing untouched. And yes, a real Californian knows that while wildfires have burned just about every inch of the Santa Clarita, Santa Monica, San Gabriel, Santa Ana, San Bernardino, Cleveland, Cuyamaca, San Bruno and Chocolate mountain forests, they also know that the largest monetary loss was in that lovely enclave nestled against the ocean in Orange County where if your house doesn’t burn, it falls into your neighbor’s back yard – Laguna Beach.

Now before you write me off as insensitive to Laguna’s travails, please know that I am not. I spent twenty-five years as the General Manager of the South Coast Water District and supplied all of South Laguna with water and sewer service. I know these people and they are Californians – they will salvage what they can, they will mourn and they will rebuild – if not there, then somewhere else.

Because that’s what we Californians do – we raise our margarita glasses and we celebrate the sun, the Jacarandas and the wonder of 20 million people chasing after the California dream. And we raise our glass to the intestinal fortitude it requires to chase that dream through fires, floods, torrential downpours, Santa Ana winds, earthquakes and landslides. Note that these are all listed in the plural form because they can all happen multiple times in a single year.

Oh yeah. Where’d I put my Killer Bee spray – I hear it’s going to be a bad year for them.

Goldenly yours,
Ray Miller

Water Issues

Water Issues Committee to Meet with New SWRCB Board Member/SWRCB Staff

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

New Water Board Member Gerald “Jerry” Secundy will be a special guest at the meeting. Also in attendance will be several SWRCB staff members. We anticipate discussing issues related to the SIP, permit standardization, challenges facing the Board and opportunities for improvement to the regulatory process.

Jim Maughan, Senior Environmental Engineer for the Regulatory Section of the State Water Resources Control Board, will also be speaking at the meeting, discussing completed elements of the E-Reporting, beta testing of E-Reporting and the permit standardization process.

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 (949) 489-7676 or info@scap.org and talk with Mary Jane Foley.

Cal-EPA Launches Enforcement Initiative

Cal-EPA held a briefing on April 18 to announce their multi-agency enforcement effort. Stating that there should be more enforcement, Cal-EPA also noted that they don't believe the SWRCB pursues enforcement actions, both civil and criminal, enough. SCAP members should expect more inspections and more Notices of Violations (NOVs). You can download the 2004 Water Board Enforcement Report at: <http://www.swrcb.ca.gov/legislative/2004.html>. You can also view the "2005 Water Board Enforcement Plan" on the SCAP website at www.scap1.org/reference/water.

State Considers SSO WDRs

Last year, the State Water Resources Control Board adopted Resolution 2004-80 requiring staff to work with stakeholders to develop a plan of action and guide the implementation for a statewide consistent approach for reducing Sanitary Sewer Overflows (SSOs). Initially, this effort focused on:

- A uniform reporting system;
- A guidance document for Sewer System Management Plans; and
- An outreach program for system owners, managers, and other interested parties.

Over the past few months, SWRCB staff have introduced the idea of issuing WDRs in order to implement the "guidance." Representatives from the wastewater community have raised several issues with regards to this, including the likelihood of third party lawsuits under this approach. Discussions regarding this issue are ongoing.

SCAP Comments on SRF Funding

Noting the critical nature of State Revolving Fund for our members, SCAP supported the SWRCB's adoption of the SRF Program List and urged the Board not to put off issuing revenue bonds to fund the program. The Board wants to study if the issuance of the bonds is growth inducing and to examine avenues for sustainability.

EPA to Address Detection Limits Issues

EPA is establishing a Clean Water Act (CWA) Federal Advisory Committee to help improve procedures that calculate and use detection and quantization limits in the National Pollutant Discharge Elimination System (NPDES) program. Committee members will be appointed for a two year term and consist of about twenty stakeholders representing the following five groups: laboratories; industry; publicly owned treatment works or POTWs; states and tribes; and environmental organizations. This committee will have technical experts available to analyze, evaluate, and develop scientific and statistical approaches to improve the detection and measurement of pollutants in water samples. Formal meetings of this committee will be open to the public, and will be announced in the Federal Register.

Information and documents are available at: <http://www.epa.gov/waterscience/methods/det/>

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@ocsd.com

Air Quality

Priority Reserve May Be Opened to Power Generators

Air Quality Committee Vice-Chair Greg Adams attended the Joint Credit and NSR Subcommittees of the SCAQMD Home Rule Advisory Group on May 17, 2005 and reports that the power generating industry had met with Executive Officer Barry Wallerstein to request opening of the Priority Reserve (again) to offset the amount of emissions remaining after installation of Best Available Control Technology (BACT) on up to 1500 MW of additional power generation that they are proposing to develop in the basin.

The amount of emissions reduction credits needed will depend on the proposed projects but the estimates used at the meeting were very high despite assumptions that the projects would use extremely high levels of pollution controls for all pollutants. The critical emission reduction credits needed are PM10 and CO, although CO may be less of an issue once EPA approves the CO attainment status of the basin. All of this is coupled with the fact that despite our years of efforts, there are simply very, very few opportunities to generate new emission reduction credits from any source category because the regulators (SCAQMD and ARB) have identified every conceivable source for eventual rulemaking, thereby making them unavailable for credit generation (since they can no longer be considered "surplus"). The most recent price for a PM10 credit was \$71,000 per pound per day, which is absolutely astronomical (it was ~\$3800 a year ago). The issue, of course, is that any big draw on the SCAQMD emissions banks makes that amount unavailable to essential public services like us. As you know, we have received these at no charge from the District over the years. We successfully argued for very favorable mechanics over 15 years ago when the Priority Reserve was first established. Unfortunately, there is no recourse for other industries like power generators (and maybe refineries next). It is difficult to argue that these are not essential public service industries.

The Air Quality Committee will follow this issue closely and may seek member input efforts in a couple of months.

LACSD Presents Results of Particulate Trap Emissions Control Study

LACSD's Frank Caponi presented an informative review of their study of particulate traps on heavy-duty construction equipment. The four-year effort was very complicated and looked at the durability, effectiveness, and impacts on personnel and equipment of two off-the-shelf particulate traps that were retrofitted to construction equipment at LACSD's Rose Hills landfill and a residential construction site in Newport Coast.

Two trap manufacturers, Englehard and Johnson Mathey, made their traps available for the test. The first filters were put into service in October 2002 and the first round of testing was completed in January 2003. Initially, the traps worked well, removing an average of 85% of the particulate matter in the emissions. However, one of the traps started failing soon thereafter, but was reformulated and worked well for the rest of the testing. The other trap generally performed well for the duration of the test (field testing was completed by December 2003).

The construction equipment did not fare as well, as the traps required constant maintenance (welding and rewelding) to keep from falling off the equipment. They were also heavy and the maker of the construction equipment did not want to see them used for long periods of time as they could cause problems with the roof they were mounted on.

Despite the problems, the traps were considered a success because the equipment operators loved them (cleaner air around the cab, made the engines quieter) and there was no difference in equipment performance.

Inventory of Engines Due to Local APCD by July 1, 2005 (Reprinted from May)

SCAP issued an Alert on May 31 to remind all owners or operators of stationary compression ignition (CI) engines (diesel and non-diesel) rated at greater than 50 brake-horsepower that:

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 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.

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. **Update: Senator Ortiz is refusing to take amendments on this bill; failed to leave committee, now a 2-year bill.**

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.

Update: Failed to make it out of committee, now a 2-year bill.

Biosolids

SB 926 Clears Senate Environmental Committee (excerpted from Bakersfield Californian)

Senate Bill 926 passed a full Senate vote by a margin of 26-9. Response from local politicians was strongly supportive of the bill. "It's a no vote to sludge, and yes to protecting California groundwater," said State Senator Dean Florez (D-Shafter), who wrote Senate Bill 926. "Leave the sewer solids in the areas where they are produced, and treat them there," said State Senator Roy Ashburn (R-Bakersfield).

The bill now heads to Assembly, where it will be taken up in committee. If the bill is passed in committee, it will head to a vote on the Assembly floor.

Florez Introduces Additional Biosolids Legislation (excerpted from Bakersfield Californian)

State Senator Dean Florez has introduced new legislation that would place additional testing and tracking requirements on biosolids handling. Senate Bill 120 would require wastewater treatment facilities to assume liability for any environmental or public health problems linked to biosolids. It would also require generators to test for more than 100 priority pollutants commonly found in sewage sludge and to certify the safety of every truck load of biosolids, and would also require state oversight of the new sludge testing program.

Preliminary Research Raises Biosolids Prion Issue

Preliminary EPA research showing the wastewater treatment process cannot remove from biosolids disease-causing proteins known as prions could complicate the treatment industry's push to dispose of biosolids through land application, rather than in landfills or by incineration, EPA scientists say.

The preliminary findings are part of research conducted by EPA's Office of Research & Development and regions V and VIII to determine the best disposal methods for animal carcasses infected with Chronic Wasting Disease (CWD), which is caused when the animals ingest prions found in the environment. CWD, which affects mainly deer and elk, is a type of transmissible spongiform encephalopathy (TSE). Other forms of TSE, including "mad cow disease," can affect sheep, mink, cows and humans. CWD has been found in 23 states and five EPA regions, EPA officials say.

EPA Region VIII researcher Wendy O'Brien said May 17 at EPA's 2005 Science Forum in Washington, DC, that preliminary results from the first phase of a two-phase study examining the fate of prions in wastewater treatment shows that prions can be found in treated effluent and biosolids, with biosolids containing most of them. O'Brien said the presence of prions in biosolids may be problematic for publicly owned treatment works (POTWs) because biosolids are sometimes used as fertilizer, which would reintroduce the prions into the environment.

City of Oxnard Biosolids Project Under Fire; Test Results Reveal Safety

The City of Oxnard's biosolids project, whereby they mix biosolids with fly-ash (a byproduct from the power generation process) and apply it to fields near Wasco, has come under intense scrutiny by Wasco residents and city officials.

Wasco City Councilman Larry Pearson asked the county to inspect the site to see if it poses a health threat to Wasco residents living nearby. Samples of the material were sent to the State Department of Food and Agriculture several weeks ago for analysis. The test results show the material is what operators say it is – calcium-based fly ash from a refinery in the Southland.

"The material has been certified by the California Department of Food and Ag as an agriculture soil amendment," said Environmental Health Director Steve McCalley. "Calcium sulfate and calcium sulfide with some gypsum as an additive that provides soil enhancement, given proper application rates."

Non Sequitur

What once seemed such a curse has become a blessing. All the agony that threatened to destroy my life now seems like the fertile ground for greater trust, stronger hope, and deeper love.

- Henri Nouwen