



SOUTHERN CALIFORNIA ALLIANCE OF PUBLICLY OWNED TREATMENT WORKS

# MONTHLY UPDATE

## A Message from the Executive Director...

August 2005

Lance Armstrong passes the “grandmother test” – that’s according to Bill Strickland, the editor of *Bicycling News*. The Grandmother Test is where your grandmother knows the name of Lance Armstrong and what he does, but doesn’t have a clue about anyone else in the cycling world, or any other sport besides celebrity poker. [Editorial Note: Evidently, celebrity poker is now a sport as the World Series of Poker is shown approximately 23 hours a day on ESPN.]

As I write this, Lance has won his 7<sup>th</sup> Tour de France, an unprecedented achievement by an athlete that is so gifted that I really believe his name will become a verb, as in, “He was so dominant that he *lanced* it from the very beginning.” “She *lanced* that ball out of the park.”

Some of you, I know, harbor doubts about Lance’s proficiency. Despite the fact that there has never been an athlete who has undergone more drug testing, and despite the fact that he has never failed a drug test, the doubts persist. How can any human be that good, you ask? You’ve been disappointed so many times in these athletes. With so many athletes taking performance-enhancing drugs, the argument goes, an athlete would almost *have* to take them, just to keep the playing field level – or to create a winning advantage.

The thing is, Lance does have an advantage. He trains very, very hard; where other athletes would take time off during the off-season, he trains – often at altitude. He scouts every mile of the racecourse himself, not leaving this boring task to an associate.

He innovates. He worked with bike engineers to constantly improve cycling technology, asking them to build stronger, but lighter bikes. Bike frames now run about 2 pounds, compared to the comparatively lightweight 5 pounds they were only 6 years ago – but because of Lance, carbon fiber is now the frame material of choice and steel frames are never found in the winner’s platform.

And he pushes. He pushes for excellence. He pushes himself, his teammates and his competitors. He criticizes, often publicly, and often about himself more than anyone else. But he is also the first to encourage and congratulate those that have earned it.

And then there’s the cancer – the ultimate advantage some would say. The cancer that almost robbed him of his life and his ability to have a family. The cancer that caused more pain than any “hors categorie” climb [Editorial Note: “Hors categorie” are climbing segments that are so difficult they are unrated]. But beating cancer is the Cinderella story part that a lot of people attribute to his success – after beating cancer, how hard can a bike race be?

I think the answer to “how can any human be that good,” is that Lance is a leader.

And before you (and the Editor) groan and think, “Wow, incredible insight Ray,” think about it. A leader isn’t just someone people follow, as an old economics professor once told a friend of mine. A leader, a real leader, is someone who has been tested and has withstood the test – if not to universal acclaim, then to at least acknowledgement that their achievements are facts that cannot be disputed.

### Upcoming Meetings

**Air Quality Committee** – Tuesday, August 23, 10-Noon, LACSD

**Air Quality Specialty Workshop – “Engine Regulations 101”** – Thursday, October 6, 9:15 am – 3 pm, OCSD

Lance has been spit upon by half of Europe – they don't like his arrogance, his emphasis on technology or his essential American-ness – but they can't spit on his seven Tour victories.

So, as I'm watching Lance and reflecting on leaders and leadership, I start thinking about the time I've spent working with three great leaders: Chuck Carry, Kamil Azoury and John Pastore. All three have been Chairman of SCAP's Board of Directors; all three are leaders and no, not just because they have chaired SCAP.

I've written about Chuck Carry, but I've been remiss in not speaking more about Kamil and John. And this is unfortunate, because I have this great bully pulpit, and too often I've not communicated how much these gentlemen have done to lead SCAP, and in doing so, lead me in what I write.

The best way to describe Kamil is to use the term "generous." Kamil is generous with his time, with his thoughts and opinions, and he is the man Will Rogers was referring to when he said, "he never met a man he didn't like." When he runs a meeting, he invites every opinion and is not satisfied until each person's questions are answered. Unfailingly, he thanks each person for their contribution, and I'm sure he has thanked SCAP staff for their work many more times than I have. [Editorial Note: This is true.] Under Kamil, SCAP held its first strategic planning session. With Kamil, I have learned that a leader leads by encouraging, listening and respecting those around them.

John Pastore is like Kamil – generous, warm, humorous – but on the quieter side. John shakes your hand and gives you the smile of someone that is always glad to see you. He is the stereotypical engineer, competent and discerning, making sure that he grasps the details of the issue and that it makes common sense – something that is not always easy to do with regulations these days. With John, there are no problems, there are always opportunities. Under John, SCAP surveyed its membership and has begun the process of addressing the comments received and making sure members get fair value from their membership in SCAP. From John, I have learned that a leader is an optimist and a pragmatist.

And now, Blake Anderson will chair our Board and I look forward to learning from another leader. My time with Blake may be shorter than the others, but I have no doubt, from the way he smiled and shook my hand, that the learning opportunities will be just as great.

I don't know what makes Lance, or Kamil, or John, or Blake or anyone else for that matter, tick, and frankly, on days like today I don't particularly care. I just know that watching what a leader does elevates me. It takes me back to times when I have been awed by the human spirit and our capability to be, at the risk of sounding like I'm too in touch with my feminine side, like the Whitney Houston song, "... more than I thought I could be."

Gotta go. Lance is standing on the winner's podium and it's poignant knowing that this is the last time he will stand in that spot. He is speaking about how grateful he is for the chance to ride with his team, how grateful he is to have known such wonderful people and how grateful he is to have had had the opportunity to ride in this great race.

I know just how he feels.

Vive SCAP!  
Ray Miller

### **SCAP Executive Director Search**

On behalf of the board of SCAP, we ask our member agencies to give some thought to possible qualified candidates for the position and encourage them to submit a letter of interest and resume. Additional information is available on the SCAP website at [www.scap1.org](http://www.scap1.org).

## Water Issues

### Water Issues Committee Workshop Yields Wealth of Information on TMDLs

A special summer workshop featuring “Proactive Member Agency Action on TMDLs” was held on July 27 at the Metropolitan Water District’s headquarters in Los Angeles.

With the Los Angeles Regional Water Quality Control Board (LARWQCB) proposing controversial TMDL actions over the past few years, three Los Angeles-area agencies provided insight into the new TMDL policy, lessons learned from a chloride TMDL, and the success achieved to-date on public outreach efforts for a nutrient TMDL.

Clayton Yoshida of the City of Los Angeles presented “The New TMDL Policy – Is it Helpful or Problematic?” Clayton noted that the policy was required under SB469 and was approved by the SWRCB on June 16. Initially, wastewater agencies were hopeful that the policy would provide consistency and options other than TMDL to resolve water quality issues. Unfortunately, this has not only failed to occur, but the Policy includes provisions for the use of questionable studies, questionable data and no concern for implementation costs.

Clayton also reported that “Technical Modules” that give specific guidance on issues such as coastal water pathogens, river/creek pathogens, urban pesticides, river/creek nutrients and economic modules are supposed to be added to the policy, but there is no time line for review/implementation and no announcement that there will be a public review/comment period. Water Issues Committee members expressed a desire to seek formal comment on this issue from the SWRCB.

Vicki Conway of LACSD presented “Chloride TMDLs, Lessons Learned,” a summary of their experience in the Calleguas Creek and Santa Clara River Watershed. Back in 1978, when the LARWQCB chose a chlorine objective, it based the number (100 mg/L) on a few samples during a wet weather period. During the drought of 1989-1991, the Board adopted variances that remained in effect until 2003. In 1997, the Board relaxed chloride standards for most surface waters, except for Calleguas Creek and the Santa Clara River.

After conducting studies that established that the historical chloride levels in the watershed averaged 150 mg/L and reviewing their limited options to control chloride (most of it originates in the imported potable water), LACSD embarked upon an outreach and information program aimed at the agricultural community in the area that feared crop degradation if the chloride objective was raised.

To-date, LACSD has been unable to have the chloride objective raised, and was issued a TMDL to study agricultural, groundwater and aquatic life thresholds, and to construct treatment facilities to remove chloride. Unfortunately, to comply with the TMDL, the Districts will have to spend \$422 million to construct MF/RO facilities, a 43-mile brine line and a 3-mile ocean outfall.

After presenting such issues as the fact that there is no evidence of injury to agriculture, that the objective lacks a scientific basis, the cost of compliance and that no alternative compliance measures were considered, LACSD obtained a settlement agreement with the LARWQCB that committed the Board to revising the interim waste load allocation for chloride in the District’s NPDES permit; preserves their right to litigate and commits all parties to a collaborative process.

Vicki noted that lessons learned included reaching out to stakeholders and earning their trust, keeping focused on the goal, understanding that the Regional Board has limited resources and that staff turnover impacts continuity and schedules. LACSD would develop broad support, partner when possible and provide the ratepayers with extensive information on the money the project would cost. She also stated that agencies should beware of the “fear factor,” where the public has a [mistaken] perception that reducing the objective would lead to unacceptable environmental degradation, and the “fickle factor,” where you can’t predict how their Regional Board will vote.

John Mundy and Dr. Randal Orton of Las Virgenes Municipal Water District presented their "Success Story – Public Outreach Program on the Nutrient TMDL for Malibu Creek."

John reported that they have achieved a high level of support with the ratepayers in their community regarding the inappropriate nutrient TMDL that the LARWQCB levied on them. Because of this, citizens have been directly contacting the Regional Board to have it rescinded.

In examining their efforts, John noted that there have been many things they have done that have helped them achieve this level of support, but some of the most important included assembling a small committee that was focused on the TMDL issue and that met each Monday afternoon to strategize and prioritize their activities. They also focused on having a key message (use a watershed approach to solve the problem, don't make us use concrete and pipelines), and factoids ("Your Rates Will Triple," "Treatment Plant Upgrades are a \$150 Million Experiment" and "The price tag for the project is \$12,000 per person").

They used an already established speaker's bureau to make presentations to anyone that would listen (presentations are mainly done by board members). They provided printed material for billing inserts, and produced newsletters for homeowner associations and local businesses. They also created a website on the issue and collected the names and addresses of everyone that showed up for a meeting, and then they cc'd each of those people with every comment letter they sent to the Regional Board.

Dr. Orton presented his case that PowerPoint presentations hurt the effort to provide a complete and understandable presentation of the supporting scientific evidence. He noted that according to noted author Edward Tufte, "PowerPoint is entirely presenter-oriented, and not content-oriented, not audience oriented...[it] replaces serious analysis with chartjunk, overproduced layouts, cheerleader logotypes and branding. That is PowerPoint Phluff." Taking these comments to heart, Las Virgenes has developed a detailed presentation showing that the actions the Regional Board have taken with regards to the their discharge, have actually increased nutrient levels in the creek in the summer, and they have shown that there is no nutrient problem in the winter (when Las Virgenes is prohibited from discharging).

Copies of all handouts from these presentations will be posted on the scap1.org website.

## **SIP Amendments Now Effective** (courtesy SWRCB)

On July 13<sup>th</sup>, the EPA approved the 2005 amendments to the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) that were adopted by the SWRCB on February 24<sup>th</sup>. The amendments consisted of:

(1) Discharger Specific Water Effect Ratios (WERs): The language of the SIP has been amended to allow Regional Water Quality Control Boards (Regional Water Boards) to use discharger-specific WERs in the National Pollutant Discharge Elimination System (NPDES) permitting process. The development of WERs would still have to use United States Environmental Protection Agency (USEPA) guidance or other scientifically defensible protocols, but the approvals of WERs by the State Water Resources Control Board (State Water Board) and USEPA, through the adoption of a Basin Plan provision, would not be required. The State Water Board and USEPA would still be involved in the development of the WER through the public review process of the NPDES permit containing the proposed SSO and associated effluent limit.

(2) Modify the language of Step 6 of reasonable potential analysis: The language of the SIP has been amended to allow the reasonable potential Step 6 trigger to apply only to situations where ambient background concentrations are greater than the water quality criterion or objective and the pollutant is detected in the effluent. Language would also be added to require monitoring in situations where ambient background concentrations are greater than the water quality criterion or objective, and the pollutant is not detected in the effluent.

(3) Modify language to improve clarity: The SIP has been amended to incorporate changes that would improve clarity and provide a better understanding of how SIP provisions are to be applied in permits. The changes also reduce inconsistencies in permits written by different Regional Water Boards.

The 2005 amended SIP will also be posted on the SWRCB web site ([www.waterboards.com](http://www.waterboards.com)) by the first week of August. If you have any questions, please contact Dena McCann at [dmccann@waterboards.ca.gov](mailto:dmccann@waterboards.ca.gov).

## **EPA's National Water Program Mid-Year Performance Report Available**

EPA's Office of Water has published an assessment of progress in implementing the water elements of EPA Strategic Plan at the midpoint in FY 2005. The new report is available on the internet at [www.epa.gov/water/waterplan](http://www.epa.gov/water/waterplan).

EPA reports that for most of the objectives of the program, States are making progress towards meeting the goals. At the same time, performance with respect to measures of environmental and public health improvements is mixed or not yet established. However, they report that they still need to improve coordination with respect to compliance and enforcement, to respond to issues related to mercury in water, and to reduce lag times in reporting and analysis of key data.

Two of the subobjectives that SCAP members may be interested in following up on are: 1) Water Safe for Swimming and 2) Protection of Water Quality on a Watershed Basis. Below are a few excerpts from the report that address some upcoming actions by EPA:

### **Subobjective: Water Safe For Swimming**

The Office of Water will work with the Office of Research and Development, the Centers for Disease Control, and the Council of State and Territorial Epidemiologists (CSTE) to evaluate options for the development of a public access database on disease outbreaks associated with recreational water exposure.

EPA Regions 1 and 9 have both developed Beach Strategies for expanding and improving the implementation of BEACH Act programs within States in the Region.

### **Subobjective: Protect Water Quality On A Watershed Basis**

The Office of Water will work with Regional managers to review opportunities for including trading authority in TMDLs and in permits, and will work with each Region to focus on this important effort.

The Office of Water will work with Regions to develop additional information concerning key measures where data is lacking, including:

- the number of watershed based plans developed under the 319 NPS program (PAM # 49);
- the pretreatment program, the percentage of significant industrial users and categorical industrial users that control mechanisms in place (PAM # 63);
- the number of watershed permits issued (PAM # 68); and
- the number of follow-up actions identified for states based on Permitting for Environmental Results reviews that are on schedule (PAM # 69).

## **Hard Copies of EPA's CSO/SSO Report to Congress**

EPA's Report to Congress: Impacts and Control of CSOs and SSOs (EPA 833-R-04-001, August 2004) is now available in hardcopy. The report is also available on CD-ROM (833-C-04-001, August 2004). If you would like to obtain a copy in either format, please send an email to EPA's National Service Center for Environmental Publications (ncepimal@one.net) or call them at 1-800-490-9198.

## **Air Quality**

### **Air Regulations Workshop Date and Location Finalized**

The Air Quality Committee will hold a half-day workshop covering federal, state and local air regulations and engine requirements geared for small and medium sized agencies on Thursday, October 6. After surveying SCAP member agencies, the location of Orange County Sanitation Districts was selected as it is centrally located and we have historically had the best attendance for meetings at this location.

This workshop is geared for small and medium sized agencies and is intended to familiarize you with the myriad of California Air Resources Board (CARB) regulations that all local air agencies must implement, as well as some regulations that may be unique to your particular regional air board. CARB has been becoming more and more active in adopting air regulations along the lines of the South Coast Air Quality Management District (SCAQMD), and many agencies may not realize the extent of the permitting and reporting requirements that have recently become effective, and that are coming down the line.

Because of the highly technical nature of the subject matter and the fact that it is a lot to digest, presentations will be short, but ample written materials will be provided, as well as contact information.

Lunch will be served and a small fee will be charged to cover the lunch. This will be a very convenient and efficient way for member agencies to quickly get up to speed on air issues – don't miss it!

### **SCAP Members Meet with CARB**

Several SCAP members attended a meeting with senior California Air Resources Control Board (CARB) officials that was set up by Tri-TAC to review the status of several pending air items. The group discussed several issues including: Hot Spots Analysis and Reporting Program, distributed generation programs (generating power with digester gas), and assorted diesel engine related issues such as on-and-off road diesel engine standards.

CARB is proposing some significant changes to several programs; the proposals and their potential impacts are discussed below.

### **CARB Proposes Significant Changes to AB2588 (Hot Spots) Regulations**

In 1987, the California Legislature passed AB2588, which designated any business/facility in California that emits >10 tons/yr of organic gasses, PM, NOx, or SOx, as subject to "Hot Spots" Guidelines. These Guidelines have been updated several times over the past 15 years and describe which pollutants must be reported, which types of facilities must report those emissions, and how those emissions must be reported.

CARB will be proposing a new threshold for diesel engines that would require incorporating Diesel PM and risk from diesel internal combustion engines in determining if facilities are "Hot Spots." With the addition of the diesel data, the new threshold has the potential to put facilities that were previously exempted from the "Hot Spots" program into it, requiring an agency to conduct new risk assessments, and notifying nearby residents and businesses of the potential risk to their health from the agency's operations.

A few potentially beneficial changes are also being proposed: reporting requirements are to be streamlined and public notification for many facilities will be grouped together.

The proposed changes will be heard by CARB during a public hearing scheduled for January 2006. The Air Quality Committee will be reviewing and commenting on these changes as information becomes available. The proposed changes are due to be posted at <http://www.arb.ca.gov/ab2588/2588guid.htm> within a few weeks.

## **Stationary Diesel Engine ATCM Has Limitations on Engine Disposal/Sale**

When CARB adopted the Stationary Diesel Engine Air Toxics Control Measure (ATCM), they included provisions that require reporting to CARB on the disposition of an engine if it is sold or otherwise disposed of.

Some SCAP members have expressed concern about this provision, noting that they often use county auctions to sell excess equipment and do not receive notification regarding the buyer and ultimate use for the engine. These engines are not supposed to be used in California again.

Air Quality Committee members are seeking to propose to CARB that as long as the sale information for the engine indicates that it can't be used in California, this should be sufficient to meet the intent of the regulation; the Committee will submit this position and obtain further guidance.

## **Enhanced Vapor Recovery Regulations**

CARB adopted regulations for recovering vapors (EVR) at gasoline dispensing stations in 2000 (for underground tanks) and 2003 (for aboveground tanks). Gasoline vapor emissions are controlled during two types of gasoline transfer. Phase I vapor recovery collects vapors when a tanker truck fills the service station underground tank. Phase II vapor recovery collects vapors during vehicle refueling.

The certification of vapor recovery systems typically takes 9 to 12 months and includes a minimum 6-month operational test to assess durability of the equipment. Certification testing for EVR Phase II systems is underway, and the deadline for stations that dispense <1 million gallons per year is March 1, 2006.

## **Biosolids**

### **Senator Florez Circulates Petition to Ban Biosolids in Kern County**

After pulling his bill due to opposition from biosolids producers, Senator Dean Florez, has begun fundraising efforts for a petition drive asking Kern County residents to place an initiative ordinance on the ballot to prohibit biosolids use in Kern's unincorporated areas.

In the summary provided by County Counsel, the land application of biosolids would be prohibited immediately, with no grace period supplied. Biosolids packaged for sale through retail outlets, and primarily used for residential application, would be exempted from the ban.

An appeal process to the Board of Supervisors' is provided for and a public hearing is required. Violations of the ban would be a misdemeanor offense, punishable by fines of not more than \$500 or by imprisonment for six (6) months.

## **British Columbian Mine Wins Reclamation Award** (courtesy Northwest Biosolids Association)

Each year, the Canadian Land Reclamation Association recognizes an individual or company for excellence and innovation in land reclamation in Canada with the Dr. Edward M. Watkin Award. This year the award has been presented to Construction Aggregates Limited's (CAL) Sechelt Mine for their organic reclamation program.

With a footprint of over 620 acres and producing more than 5.5 million tons of products per year, the Sechelt Mine is the largest aggregate mine in Canada. It is located on the Sunshine Coast, a 45-minute ferry ride north of Vancouver, British Columbia.

The Sechelt Mine's reclamation program earned this award for its innovative uses of biosolids and benefits to the community. This program has included research projects investigating environmental responses to the use of biosolids, pulp sludge and lime mud in reclamation. The knowledge gained from these studies was used to develop a recycling program for six different biosolids from local communities and pulp sludge and lime mud from the local pulp mill. This organic reclamation program has been ongoing for nearly a decade. The most innovative use of biosolids was the use of a biosolids containing fabricated soil in the establishment of riparian vegetation surrounding a man-made wetland. Where feasible, CAL has elected to install tree plantations instead of grasses and shrubs to provide training and economic opportunities for the local communities. Sechelt Indian Band members assist in tending the 25 hectares of poplar trees planted to date. The Band and other local communities benefit by learning more about biosolids and silviculture, through job creation and ultimately harvest at rotation.

The Sechelt Mine has also received awards from the Ministry of Environment (our regulators) and the Aggregate Producers Association of British Columbia. For more information on CAL Sechelt's reclamation activities, please contact Jason Hutchison of SYLVIS at 604.777.9788 or 1.800.778.1377.

### **Committee Chair Contact Info**

#### **Air Quality Chair:**

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## **Non Sequitur**

If you worried about falling off the bike, you'd never get on.

[Lance Armstrong](#)