

[Homepage](#)

[Air Quality Report](#)

[Biosolids Report](#)

[Collections Report](#)

[Energy Report](#)

[Water Issues Report](#)

[Meeting Schedule](#)

[Announcements](#)

Happy 4th July America



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Executive Director's Message

ENCINITAS' LADY MADONNA ART, RELIGIOUS ICON OR GRAFFITI? THE "CARDIFF KOOK"



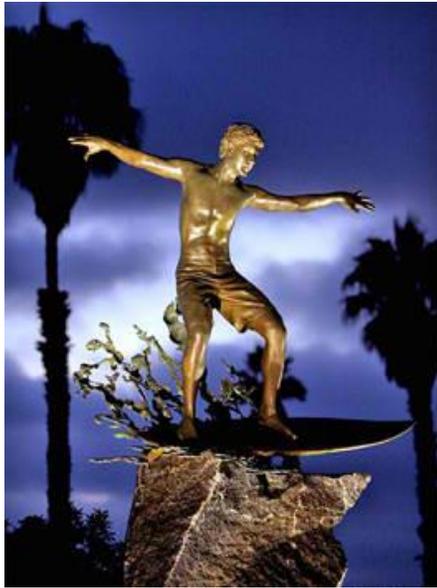
Having spent the past 3 months discussing air pollution issues and all of the associated health risks, I think it's time to lighten up a bit and maybe talk about water quality. As controversial as water quality can be at times, nothing compares to the recent controversy that has surfaced in the city of Encinitas recently. As you may know, SCAP is headquartered in Encinitas, which is a city famous for its laid-back,

"beachy" atmosphere and lifestyle, as well as world class surfing spots. This past May, however, saw the sudden appearance of a ten by ten foot iconic mural of a "Surfing Madonna" beneath a railroad abutment within feet of one of the city's busiest roads-Encinitas Boulevard.

What is remarkable is that the artist was able to construct the mural without much attention from the estimated 18,000 motorists that pass by each day within feet of the mural. This picture does not do justice to the quality of the mosaic, which is made up thousands of individual glass tiles, polished pebbles and lozenges of radiating gold mirror. What isn't shown here is the inscription, "SAVE

THE OCEAN", which appears down the left side of the mural. The heretofore unknown artist's attempt to bring attention to the condition of our oceans has been met with both community interest and numerous violations of city codes, including concern over public safety. It seems that visitors from all over are flocking to view, touch and photograph the mural, which places them dangerously close to one of the busiest thoroughfares in the area.





Magic Carpet Ride not been caught.

Most recently, the now identified artist has been ordered by the city to pay for the removal of the art work and any damage sustained to the train bridge. Much like another well-known artwork located nearby, entitled “Magic Carpet Ride”, or otherwise affectionately known as the “Cardiff Kook”, the Surfing Madonna mural has drawn international attention.



In the case of the Cardiff-by-the-Sea surfing icon, it has become famous for a series of clandestine makeovers, which consist of unknown individuals dressing up the statue in the middle of the night as a form of social media.

Past makeovers have included the surfer being eaten by a giant set of shark jaws, sporting an oversized pumpkin head for Halloween and being all decked out in his finest Easter clothes. Amazingly, to-date the culprits responsible for the scores of good natured theatrics have



But in the end, no matter what form of social media employed, the message remains unmistakably clear, protect the environment, especially our precious waters. In the upcoming months our agencies will continue to be faced with the responsibility of meeting additional stringent water quality regulations, while walking a tightrope between maintaining reasonable rates and providing the required resources to assure regulatory compliance. Still to come are much anticipated State Waterboard regulations on sewer system spill prevention and reporting, effluent testing for toxicity and, control, monitoring of sediments in our bays and estuaries and possible regulation of brine disposal in the ocean. Not to be out done, the USEPA is also showing signs of implementing a nationwide regulation of sewer collection systems, regulating the discharge of pesticides and, controlling POTW discharges of nitrogen and phosphorous in our waterways. Just like the coming summer months, things will soon be heating up.

Pose-ingly yours,

John Pastore, Executive Director

Comments?

If you would like to leave a comment about content or layout of this newsletter, please feel free to contact us at [SCAP](#).

Clean Water Summit Partners Update by John Pastore, SCAP

The latest Clean Water Summit Partners meeting was held on June 20th in Sacramento and featured a candid discussion of current issues with State Water Resources Control Board Executive Director, Tom Howard. Issues agreed upon for mutual cooperation by the Summit Partners include: CalRecycle Policy to leave LEA discretion over need for Transfer Station/Process Facility Permits for POTWs accepting FOG or food waste; and response to EPA’s Draft Guidance on Identifying Waters Protected by the Clean Water Act.

AIR QUALITY COMMITTEE REPORT

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LOCAL AIR DISTRICT NEWS AT A GLANCE

Posted meeting dates and proposed new rule development for the following air districts can be found at these sites:

[Imperial County APCD](#)

[Mojave Desert AQMD](#)

[San Diego APCD](#)

[Santa Barbara APCD](#)

[Ventura County APCD](#)

[South Coast AQMD](#)

[Validity of Priority Reserve Credits in South Coast AQMD Bank](#) by Greg Adams, LACSD

In my opinion, the long legal battle between the NRDC and the SCAQMD over the validity of the emission reduction credits contained in the SCAQMD credit banks may be drawing to a close.

At issue, in its most simplistic form, is NRDC's contention that the credits in the SCAQMD banks do not meet the federal Clean Air Act and implementing regulations "validity" requirements (real, surplus, enforceable, quantifiable and permanent). In July 2009, federal Judge George Wu found for the defendants, the SCAQMD, and against the plaintiffs, NRDC and CBE, who, of course, immediately appealed. On June 8th, oral arguments were heard at the Ninth Circuit Court of Appeals in Pasadena before Judges Trott, Rymer (on ptelephone) and Beistline. Angela Johnson-Meszaros led off for the appellants, Adrian Martinez represented NRDC but said nothing, and Brad Hogin represented the appellees that included both LACSD and OCSO as intervenors. I have told everyone in the past that this is one of several critical lawsuits that the SCAQMD absolutely MUST WIN or our ability to construct necessary essential public service infrastructure will grind to a glacial pace as it did during the 2009 permit moratorium.

Angela did her best to summarize the four causes of action originally brought before Judge Wu. They were complicated remarks, most dealt with the role of Section 173 (c) of the CAA and how it pertained to the SIP; the bench asked very few questions as they thumbed through thick briefing packages. Trott indirectly asked where EPA was on the issue and Angela gave a complicated response. The bench was very familiar with and complimentary of Judge George Wu's thorough work and were flabbergasted that the parties argued before him no fewer than five times. Hogin led off with a bang by responding to the bench's question of Angela as to where EPA stood on the matter by saying that they were 100% behind the SCAQMD and presented a clear set of references supporting that contention on two occasions. He stated clearly that the validity requirements stated above were obligations on third parties and not the SCAQMD. He said that obviously the requirements for SCAQMD programs were different than those of third parties citing as an example of "permanence" the fact that RECLAIM credit life is only one year versus non-expiration of third party ERCs. Rule 1315 was only briefly mentioned by Angela who quickly dismissed it as it was not yet approved by EPA [Hogin did not take the time to address Rule 1315 where, in the version adopted earlier this year, many of the deficiencies in the SCAQMD credit accounting methodologies were resolved with EPA, further weakening the value of Angela's appeal, in my opinion]. At the very end of the oral arguments, Trott thanked the attorney's and said that they both had argued well.

I am sanguine about the outcome because everyone else was, including Bob Wyman, Barbara Baird and Kurt Wiese, our Ray Barrera and of course Brad Hogin himself. Brad's response about EPA's position was outstanding. The bench's respect for Judge George Wu and the amount of time he took to understand the complicated issue will certainly factor into their decision. [Wu found against all four of the plaintiffs original pleas after considerable thought.] The ten or so NRDC/CBE attorneys were certainly not dejected however and congratulated Angela effusively. Barbara Baird thinks we should hear the court's decision in about four months.

[SCAQMD Draft Energy Policy](#) by David Rothbart, LACSD

SCAQMD is developing an energy policy to address diverse environmental objectives, such as attaining air quality standards. As described in documents distributed to the SCAQMD Stationary Source Committee, zero and near-zero emission technologies will be needed to achieve these standards. Specifically, in order to meet the 1997 ozone standard of 80 ppb, an additional 67% of NOx reductions are needed beyond all regulatory actions as of 2010. To meet the more recent 2007 ozone standard of 75 ppb, an additional 75% of NOx reductions are needed. Currently the USEPA is reconsidering the 2007 ozone standard and is expected to finalize its decision by July 31, 2011, with a revised standard between 60 and 70 ppb. The lower standard will call for NOx reductions of 90% beyond current regulatory actions.

As discussed by Barry Wallerstein at the June 17th Stationary Source Committee meeting, due to difficulty in achieving the air quality standards, SCAQMD needs to start the transition to clean air as soon as possible. SCAQMD is currently scheduled to consider adoption of the Draft Energy Policy on September 9, 2011. A series of stakeholder meetings to discuss this policy will be held at SCAQMD's headquarters on July 14th, July 28th, August 11th and August 25th. Stakeholders are invited to attend and provide comments.

Information pertaining to SCAQMD's vision of a near-zero emission basin can be found at the following website: <http://www.aqmd.gov/pubinfo/PDF/poweringthefuture.pdf>.

[CWCCG Update](#) by John Pastore, SCAP

It is with great regret that I must report we will be saying goodbye to longtime CWCCG Program Manager, Jackie Kepke, as she has announced that she will be joining the public sector this month to take a position with the East Bay Municipal Utilities District. Jackie has done an outstanding job representing the wastewater community on climate change issues before our state regulators and while we wish her the best in her new career, her leadership will be sorely missed. In her place, we welcome her replacement, Dr. Zeynep Erdal, as the new CWCCG program Manager. Zeynep has worked with many of CWCCG's Southern CA members on biogas energy projects over the years and has more recently been supporting So Cal Gas on their biomethane strategies and collaboration with the wastewater community. She is also currently serving on WEF's energy policy task force.

[Final Rule - Deferral for CO2 emissions from Bioenergy and Other Biogenic Sources under the Prevention of Significant Deterioration \(PSD\) and Title V Programs](#) by John Pastore, SCAP

After much hard work from many of our wastewater agencies and national associations, EPA has issued a 3 year deferral for CO2 emissions while they will employ a panel of industry experts to study the issue in further detail.

According to Cynthia Finley, Director of Regulatory Affairs for NACWA, they are proposing to nominate Dr. Nancy Love to serve on the panel. As further explained by EPA:

- This final action defers, for a period of three years, the application of the Prevention of Significant Deterioration (PSD) and Title V permitting requirements to carbon dioxide (CO₂) emissions from bioenergy and other biogenic stationary sources (biogenic CO₂).

- This is one of several steps the Agency is taking to address the issues associated with biogenic CO₂ emissions from stationary sources.

- During this three year deferral period, EPA will conduct a detailed examination of the science associated with biogenic CO₂ emissions from stationary sources. This study will consider technical issues that the Agency must resolve in order to account for biogenic CO₂ emissions in ways that are scientifically sound and also manageable in practice. Later this year, EPA will send the study to the Science Advisory Board for peer review.

BACKGROUND

- On January 12, 2011, EPA announced in letters to Members of Congress and the National Alliance of Forest Owners (NAFO) its intent to take this action as well as a number of related steps to address the issues associated with biogenic CO₂ emissions from stationary sources. The full list of steps EPA outlined in that letter are:
 - o Granting the Petition for Reconsideration filed by NAFO on August 3, 2010, related to the PSD and Title V Greenhouse Gas (GHG) Tailoring Rule (75 FR 31514, June 3, 2010) ("Tailoring Rule").
 - o Issuing today's final rulemaking to defer for three years the application of the PSD and Title V permitting requirements to biogenic CO₂ emissions from stationary sources. The proposal for this rulemaking was issued on March 11, 2011. Earlier this year, with the proposed deferral, EPA issued interim guidance on how biogenic CO₂ emissions from stationary sources should be treated by permitting authorities until final decisions are made.
 - o Undertaking a detailed examination of the science associated with biogenic CO₂ emissions from stationary sources. This study will consider technical issues that the Agency must resolve in order to account for biogenic CO₂ emissions in ways that are scientifically sound and also manageable in practice.
 - o Developing a final rule by the conclusion of the three year deferral period regarding how biogenic CO₂ emissions should be treated and accounted for in PSD and Title V permitting based on the feedback from the scientific and technical review.

- Biogenic CO₂ emissions are defined as emissions of CO₂ from a stationary source directly resulting from the combustion or decomposition of biologically-based materials other than fossil fuels and mineral sources of carbon. Examples include, but are not limited to:
 - o CO₂ generated from the biological decomposition of waste in landfills, wastewater treatment or manure management processes;
 - o CO₂ from the combustion of biogas collected from biological decomposition of waste in landfills, wastewater treatment or manure management processes;
 - o CO₂ from fermentation during ethanol production;
 - o CO₂ from combustion of the biological fraction of municipal solid waste or biosolids;
 - o CO₂ from combustion of the biological fraction of tire-derived fuel; and
 - o CO₂ derived from combustion of biological material, including all types of wood and wood waste, forest residue, and agricultural material.

- The PSD program is a preconstruction review and permitting program applicable to "new major stationary sources" and "major modifications" at existing major stationary sources. The Title V permit program establishes

operating permit requirements that are intended to improve sources' compliance with other CAA requirements. The applicability to both programs is dependent on whether the stationary source meets certain emissions thresholds.

- On June 3, 2010, EPA issued the Tailoring Rule and established two steps to implement PSD and Title V. o Tailoring Rule Step 1 began on January 2, 2011. Step 1 applies to sources subject to PSD or Title V anyway due to their emissions of other pollutants (“anyway” sources) and that have the potential to emit 75,000 tpy CO₂e (or increase emissions by that amount for modifications);

Tailoring Rule Step 2 begins on July 1, 2011. In addition to anyway sources, Step 2 applies to new facilities emitting GHGs in excess of 100,000 tpy CO₂e and facilities making changes that would increase GHG emissions by at least 75,000 tpy CO₂e, and that also exceed 100/250 tpy of GHGs on a mass basis.

NEXT STEPS AND IMPLEMENTATION

- This final rule will be published in the *Federal Register* shortly and will be available at: www.regulations.gov.
- The guidance and a prepublication copy of the rule are available on our Web site at: <http://www.epa.gov/nsr>

[Invitation for Comment on the Biogenic Carbon Emissions Panel Nominees](#) from EPA Science Advisory Board (SAB) Staff Office

The EPA Science Advisory Board (SAB) Staff Office announced in a Federal Register Notice on April 27, 2011 (76 FR 23587-23588) that it was forming a panel to provide independent advice to EPA on a draft greenhouse gas accounting methodology for biogenic carbon dioxide (CO₂) emissions from stationary sources.

To form the panel, the SAB Staff Office sought public nominations of nationally recognized experts in the following areas:

- Land-use change, specifically the effects of land management practices on the terrestrial biosphere;
- Inventory, measurement and carbon accounting methodologies for national greenhouse gas inventories, or other relevant emissions and sequestration quantification guidelines in use;
- Land use economics, ecological relationships between land use and climate change and/or estimates of biomass supply and demand;
- Environmental science and climate change, particularly with a multidisciplinary perspective;
- Engineering, particularly with respect to the design and operation of solid-fuel-fired boilers and related air pollution control systems for the power and industrial sectors, including pulp and paper applications;
- Design and implementation of regulatory programs at local, state and federal scales, with specific reference to developing and/or implementing monitoring; and
- Accounting approaches for agriculture, land use, land-use change and forestry.

Background information on the project and details on the nomination process appeared in the cited notice.

Based on qualifications, interest, and availability of the nominees, the SAB Staff Office identified the attached “Short List” of nominees. Brief biographical sketches of the eighty-two (82) candidates on the “Short List” are available for comment. The SAB Staff Office Director makes the final decision about who will serve on the panel based on all relevant information. This includes a review of the candidate’s confidential financial disclosure form (EPA Form 3110-48) and an evaluation of a lack of impartiality. For the EPA SAB Staff Office, a balanced committee or panel is characterized by inclusion of candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the general charge. Specific criteria to be used in evaluating a candidate include: (a) scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and

willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; and (e) skills working in committees, subcommittees and advisory panels; and, for the panel as a whole, (f) diversity of, and balance among, scientific expertise, viewpoints, etc. We welcome information, analysis or documentation for the Staff Office to consider in evaluating the "Short List" candidates. Please provide any comments you may have with respect to the "Short List" candidates no later than July 15, 2011. Please submit your comments to the attention of Dr. Holly Stallworth, Designated Federal Officer at stallworth.holly@epa.gov. Please be advised that comments are subject to release under the Freedom of Information Act.

BIOSOLIDS COMMITTEE REPORT

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[Measure E Lawsuit Update](#) by Derrick Lee, City of Los Angeles

In ongoing litigation challenging Kern County's voter initiative biosolids ban ("Measure E"), the Tulare County Superior Court has granted to the Plaintiffs -- Southern California biosolids generators, contractors, haulers and farmers -- a preliminary injunction against enforcement of the ban while the case is heard. The Court's June 9, 2011 opinion held that Plaintiffs were likely to succeed on the merits of at least some of their legal claims, and further held that Kern County had presented no evidence of harm to the environment or public safety if land application of biosolids continued in the interim. The ruling is consistent with the preliminary injunction issued in prior federal court litigation challenging Measure E from 2006 to 2010. Kern County has indicated that it will appeal the preliminary injunction ruling to the California Court of Appeal.

[Late Breaking News--County to Appeal Sludge-Ban Injunction](#) by James Burger, Californian staff writer
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Kern County supervisors voted Tuesday (June 21st) to appeal a Tulare County Superior Court judge's injunction blocking enforcement of Measure E, the county's 2006 ban on the land application of treated human and industrial waste. The county will ask the 5th District Court of Appeal in Fresno to put to the test two of the core claims Los Angeles-area agencies have made against Kern's sludge ban. "What is clear to the Board of Supervisors is that the people of Kern County spoke very clearly -- they don't want Los Angeles sewage sludge spread on land in Kern County," said Supervisor Mike Maggard. He said the federal government has ruled that sewage sludge cannot be applied to the waters of the Pacific Ocean, as Los Angeles used to do. "So why should it be spread on the waters of Kern County?" Maggard said.

The Los Angeles sewage treatment agencies, which have historically spread hundreds of thousands of tons of treated waste -- also called biosolids -- on two farms in unincorporated Kern County, sued Kern County in federal court after voters passed the ban. An initial decision by a U.S. District Court judge went against Kern County. But that decision was eventually overturned by a federal appeals court and the case was dismissed. So Los Angeles sued Kern County in state court.

On June 9, Tulare County Superior Court Judge Lloyd L. Hicks said Los Angeles has a valid case against the Kern County law and indicated he will issue an order blocking enforcement of Measure E. While that ruling is not a final

word, Hicks' review of the legal battle -- and the merits of the case must still be argued before him -- Kern County's lawyers don't like the direction the judge is taking. On June 9, Kern County Chief Deputy County Counsel Mark Nations said, based on Hicks' stance in court, it seems likely that Hicks will take the side of Los Angeles in the case. "Unless we can come up with some really hard evidence, I don't see him changing this mind," Nations said.

The injunction against Measure E, Nations said, offers the chance for Kern County to get a second opinion from the Appeals Court on two critical parts of the legal battle -- whether Measure E is pre-empted by the California Integrated Waste Management Act and whether Kern exceeded its enforcement powers when it blocked the land application of biosolids.

[Orange County Sanitation District's Annual Performance Report for 2010](#) by Deirdre Bingman, OCSD

The Orange County Sanitation District's annual performance report for 2010 is now available. This year's report is encapsulated in OCSD's [new "Quality Counts Inside and Out" brochure](#) that features a few of our biosolids value chain super stars that help make our program one of the best in the nation! We are pleased to also offer this brochure in [Spanish](#). Additional information about OCSD's Biosolids and Compost Programs can be found at:

Biosolids Program: http://www.ocsd.com/environmental/biosolids/biosolids_program.asp

Compost Program: http://www.ocsd.com/environmental/biosolids/compost_program.asp

[Update to CalRecycle and FOG/Food Waste Receipt at POTWs](#) by John Pastore, SCAP

CASA's Biosolids Manager, Greg Kester, has been doggedly trying to resolve attempts by CalRecycle to regulate the handling, transporting, and processing of Fats, Oils, and Grease (FOG) and food waste at POTWs that utilize these materials as renewable fuel/energy. His discussions have focused on two main issues: 1) CalRecycle's determination that if a POTW accepts FOG, food waste, septage, or other hauled-in waste, which would normally be conveyed by sewer lines, into an anaerobic digester operating at less than thermophilic temperatures, that POTW may need a transfer station/process facility permit and 2) CalRecycle's decision to define compost and compostable materials by temperature rather than process, which means that anaerobic digesters operating at thermophilic temperatures would be considered compost operations.

Most recently, he met with CalRecycle's Mark Leary and laid out the concept proposed by the State Water Board; which is to include in a permit application or a permit application addendum a description of what, how, and where hauled-in waste will be received, a contingency spill plan, and reference to either Standard Operating Procedures or an O&M Manual where protocols would be documented. To this end, Greg has been working on a template that could serve as the notification to the Regional Water Board of FOG or food waste receipt at a POTW. The template, which will soon be available is based on a similar document produced by Bob Gillette and Todd Jordan at Carollo Engineers, who originally drafted a letter for use by Sacramento CRSD. It is Greg's intention that this template letter could be included as part of a permit application or as an application addendum if your permit is not up for renewal.

[SCAP July 26th Biosolids Committee Meeting - Tour of EnerTech](#) by Tom Meregillano, OCSD

On **July 26, 2011**, SCAP will be hosting a tour of the EnerTech facility in the city of Rialto from 10:00 a.m. to 11:30 a.m. The facility is located on **503 East Santa Ana Ave., Bloomington, CA 92316**. Although there will be hardhats available, attendees are encouraged to bring their own hardhats for the tour. All attendees are requested to meet at the parking lot of the facility. A meeting announcement has been sent out and rsvps are required by July 21st.

Considered the world's first commercial SlurryCarb[®] facility, EnerTech processes approximately 270,000 tons per year of biosolids from five municipalities in Los Angeles, Orange, San Bernardino, and Riverside counties, converting

their biosolids into a renewable solid fuel, called eFuel, which is being used by local cement kilns as an environmentally friendly alternative to coal. For more information regarding the facility, visit www.enertech.com.

COLLECTIONS COMMITTEE REPORT

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Sewer Odor Control by Sam Espinoza, LACSD

With the heat of summer on its way those of us involved in the daily operation of a sewer collection system are reminded that the number of sewer odor complaints can rise dramatically as the outdoor temperatures increase. Some strategies used to keep odors under control include sealing manholes to keep the gases from escaping and chemical addition to treat the wastewater and keep odors from developing in the first place. In the summer months, the volume of chemicals that is needed to control odors can increase significantly along with the number of manholes that need to be sealed.

For large regional collection systems, sealing manholes with corks and silicone is effective for localized problems but can be a daunting task when there is no single source that can be identified. In these cases the addition of chemicals to keep odors to a minimum may be the best approach. Ferric and ferrous chloride can be used to control the odors in the collection system that result from the generation of hydrogen sulfide due to biological activity. When ferrous chloride is added to the wastewater in the sewer the ferrous ion reacts with dissolved sulfide to produce an insoluble iron-sulfide precipitate. This decreases the amount of hydrogen sulfide gas that can be generated in the headspace of the sewer. The volume of ferrous chloride added to the sewer is based on the flow and background sulfide levels in the sewer being treated. In order to be effective, ferrous chloride must be added continuously to the wastewater stream and therefore having a permanent chemical feed station is required.

When constructing and maintaining a chemical feed station is not a practical solution for odor control, another chemical such as sodium hydroxide (caustic) can be used to control odors by "shock dosing" the sewer. "Shock dosing" is when a predetermined volume of caustic is deposited from a tanker truck or other vessel directly into the sewer system over a relatively short period of time. The objective of "shock dosing" is to raise the pH of the wastewater to 13, which is sufficiently high enough to inactivate the bacteria that convert sulfate in the wastewater to hydrogen sulfide. The volume of caustic added to the collection system is based on the size and flow in the sewer being treated. Since these bacteria eventually recover, "shock dosing" must be done periodically to maintain control.

Data Review Committee by Bob Kreg, SCAP

At the last Data Review Committee meeting on 6/21/2011 the main topic of discussion was the Agency Performance Report. This report conducts a comparison for each enrolled agency with other like agencies within their region and the state. The comparisons are shown in tables and other graphics. One table is a comparison based upon the number of spills per 100 miles of sewer pipe owned. A second table shows a comparison of spill volumes per 100 miles of sewer pipe owned. Spill data is also broken into Category I and II type spills. Additional bar and pie charts show a comparison of spills by cause. There are also tables containing specific agency data and whether the agency has completed their SSMP. All of the data displayed is from agency spill reports and the annual agency questionnaire. Although the SWRCB had indicated that it would have a public version of the Agency Performance

Report available in May of this year it may still be a couple more months before the public version is released. The agency version is online for review and comment by public agencies as the state continues to refine the graphics and data being presented.

A revised Discharger Guide is in the works. The new cover and table of contents were released to the Data Review Committee. The Discharger Guide is a step-by-step guide on how to properly prepare spill reports for the CIWQS online database. The new guide is intended to offer additional help and clarification of what data is needed and how it is to be submitted when making a spill report. Additionally, it is intended to offer clarification of the terminology used as this has created some confusion in the past. Members of the Data Review Committee have volunteered to assist the state with this effort and it is anticipated that the new Discharger Guide will be released with the release of the new reporting forms or shortly thereafter.

During the meeting, Victor Lopez of the SWRCB, stated that the staff is continuing to work on their response to the comments received for the revisions to the WDR. Of the 170 comment letters received by the state there were over 1,100 individual comments included. Board staff is reviewing the comments and may release a revised draft WDR based upon the comments for public review. A date was not set for the release of a future draft nor was a date set for a public workshop on the revised WDR but it was mentioned that these would probably not occur before September 2011.

At the May 31, 2011 meeting Russell Norman of the SWRCB discussed the state's automatic email compliance reminder. Enrollees will receive an email reminder each time an item is overdue (e.g. uncertified spills, No-Spill Certification, etc.) and 30 days prior to the Questionnaire and SSMP update due dates. Email reminders will continue every 30 days until the flagged items are fixed. Any additional flagged items identified after an initial email has been sent will be added to the 30 day reminder email. The State Board will provide option to allow selection of which agency LROs and Data Submitters receive the emails.

The next meeting of the Data Review Committee is scheduled for 10:00 am July 12, 2011 with the location to be announced.

[Important WDR Deadlines](#) by Bob Kreg, SCAP

Agencies serving populations of 10,000 to 100,000 must have their internal 2 year SSMP audits completed by August 2, 2011. Those agencies serving a population of 2,500 to 10,000 must have their internal 2-year audits completed by May 2, 2012. After the completion of the internal audit it should be placed with the agency's SSMP.

(Here We Go Again)--[EPA to Resume Work on Rule to Clarify Sewer Overflow Issues](#) by John Pastore, SCAP

According to an article in the May-June 2011 WEF Collection Systems Committee WEF MA Exchange Newsletter, EPA is resuming work on its stalled rulemaking to clarify Clean Water Act (CWA) permitting requirements of sewer overflow issues. If you recall, EPA announced last year that it was initiating a rulemaking "to better protect the environment and public health from the harmful effects of sanitary sewer overflows (SSOs) and basement backups...". Input was provided through both written comments and during four public listening sessions in late June and early July. A webcast was also held to provide national access for members of the public that could not attend the listening sessions. EPA is still in the process of summarizing public comments from the listening sessions and those submitted in writing during the comment period. The summaries are expected to be made publicly available upon completion.

Recently at NACWA's National Environmental Policy Forum held on May 9th in Washington, DC, Connie Bosma (EPA's Municipal Branch Chief in the Office of Water) said she **"hopes the agency will be able to hold a stakeholder meeting in late June to determine how far apart the agency and stakeholders are on the issues"**.

The rule could clarify the regulatory framework for municipal satellite collection systems, which are sanitary sewers owned or operated by a municipality that conveys wastewater to publicly owned treatment works (POTWs) operated by a different municipality.

[EPA will be conducting a SSO/Peak Flows Workshop](#) by John Pastore, SCAP

On July 14-15, 2011, EPA is holding a workshop to solicit stakeholder input on strengthening the NPDES permitting program's approach to regulating SSOs and peak wet weather discharges at POTWs ([see the Federal Register Notice from June 16, 2011 \(PDF\)](#)). The workshop will be held on July 14, 2011, from 8:00 a.m. to 5:15 p.m. and on July 15, 2011, from 8:00 a.m. to 12:30 p.m. in Washington, D.C., at the Ronald Reagan Building and International Trade Center, Horizon Ballroom, located at 1300 Pennsylvania Avenue, N.W. EPA asks participants to [pre-register by July 6, 2011](#). As of this date, it has not been determined whether this workshop will be webcast.

[Next SCAP Collection Systems Committee Meeting](#)



The next SCAP collection systems committee meeting will be held in conjunction with the July 21st CWEA-SARBS one day seminar-"Catching the Wave to Success"- on collection system maintenance topics in Huntington Beach at the City Library.

Program information and a copy of the event flyer and registration form can be found as an attachment [here](#) on the SARBS website.

ENERGY MANAGEMENT COMMITTEE REPORT

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[Cap and Trade Update](#) by John Pastore, SCAP

According to CWCCG Project Manager, Jackie Kepke, Cap and Trade is moving again as a result of a recent court ruling allowing CARB to move forward with their regulation (**See the article below for further discussion**). Jackie has indicated that we should expect to immediately see a package of 15-day changes to the regulation that are intended to address gaps or issues in the current regulation that was adopted in December.

As of this writing, CARB has scheduled its first workshop on July 15, 2011 from 9:00 am to 3:00 pm in Sacramento for a public workshop to discuss draft changes to the greenhouse gas cap-and-trade and mandatory greenhouse gas reporting regulations. Prior to the workshop, ARB will make the draft changes available in discussion drafts of the cap-and-trade and mandatory reporting regulations that outline changes based on Board direction from the December 2010 consideration of these rules. A separate listserv notice will be sent when these drafts are available.

[California Gets Carbon Market Court Win](#) by Gretchen Weber
SAN FRANCISCO (Reuters)

A California appellate court has ruled that state regulators can proceed with plans to implement a carbon cap-and-trade system, a decision that puts them on track to launch the market as scheduled in January 2012. The ruling by the California First District Court of Appeal late on Friday is the latest chapter in a months-long legal battle over plans by the state Air Resources Board to establish a carbon market to help California's biggest greenhouse gas polluters reduce emissions to 1990 levels by 2020, as required by state law. A San Francisco Superior Court judge on May 20 ordered state officials to halt work on the planned market, but the regulator was successful in getting a temporary stay on that order from the appellate court in early June.

In its ruling on Friday, the court granted a state request that regulators be allowed to continue work pending the court's decision. The lower court ruled that the state had failed to adequately analyze alternatives to a carbon market when it approved a statewide greenhouse gas reduction plan in 2009. A source with the appellate court said it could take well over a year before the busy court weighed in on the matter, which should give state regulators enough time to complete work on the details of a carbon market this year, lawyers said. "Absent any further appeal or development, this means that California is permitted to continue work on its cap-and-trade program while the appellate court hears the full merits of the state's appeal of a lower court's decision," Cara Horowitz, an attorney with the UCLA Emmett Center on Climate Change and the Environment, said on Friday. Horowitz said that while the state is in "better shape" to meet its start date, it is "by no means certain" it will meet the aggressive timeline it has set for itself.

The regulators had planned a series of key market design release dates and public stakeholder meetings throughout the course of the year. Key decisions, including how to allocate billions of dollars worth of pollution permits to utility companies and how to use revenue raised from the auction of those allowances, have yet to be made. The Air Resources Board has said the cap-and-trade system will be responsible for about 20 percent of the state's overall emissions cuts required to meet the 2020 target. A cap-and-trade system typically allows firms emitting more carbon dioxide than the limit to buy credits from those that emit less.

[ARB Supplement to 2008 AB32 Scoping Plan Functional Document \(FED\)](#) by Tish Berge, RMC Water and Environment

ARB recently released the Supplement to the 2008 AB 32 Scoping Plan Functional Equivalent Document (FED). Here is a brief summary of the document with additional background provided on the water sector emission reductions:

- The original FED analyzed the potentially significant environmental impacts that could result from implementing the AB 32 measures, specifically:
 - "no project" alternative,
 - a plan relying primarily on a cap-and-trade program for the sectors included in a cap,
 - a plan relying more on source-specific regulatory requirements with no cap-and-trade component,
 - a plan relying on a carbon fee or tax, and

- a plan relying on a variation of proposed strategies and measures
- This Supplement was prepared to provide an expanded analysis of the above five project alternatives in response to the recent lawsuit and challenge to AB32 (*Association of Irrigated Residents, et al. v. California Air Resources Board, et al.*, San Francisco Superior Court, Case Number CPF-09-509562, May 20, 2011).
- The plan identifies recommended reduction measures amounting to 174 MMTCO₂E. The plan also identifies water sector measures as “Other Recommended Measures” that are estimated to provide 4.8 MMTCO₂E in reductions through continued efficiency programs and use of cleaner energy to move water:
 - Water use efficiency – 1.4 MMTCO₂E
 - Water recycling – 0.3 MMTCO₂E
 - Water system energy efficiency – 2 MMTCO₂E
 - Reuse urban runoff – 0.2 MMTCO₂E
 - Increase renewable energy production – 0.9 MMTCO₂E
 - Public goods charge – TBD (The goal of the public goods charge is to fund investments in water efficiency. ARB estimates that a public goods charge could generate \$100M - \$500M annually)
- This Supplement addresses water under the No Project alternative and asserts that “If the state does not implement the water measures identified in this Plan, the already over-allocated water system will face additional shortages” citing the fact that 19% of the state’s electrical demand comes from transporting, treating and using water.

[Next SCAP Energy Management Committee Meeting](#) by John Pastore, SCAP

The next meeting of the Energy Management Committee will be jointly held with the SCAP Air Quality Committee and is scheduled for July 27th at the City of Escondido’s Hale Avenue WWTP. The meeting will feature a tour of the Southern California Gas Company’s Biogas Pretreatment project, which is testing the ability to treat digester gas prior to introducing it into its natural gas distribution pipeline. The meeting will be held jointly with the SCAP Air Quality Committee. The committee chairs conducted a pre-tour of the project last month and were quite impressed with the equipment and layout. An agenda and registration information will be forthcoming in early July.

WATER ISSUES COMMITTEE REPORT

Valerie Housel, Chair

Al Javier, Vice Chair

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[EPA Webinar - Proof of Concept Demonstration for Electronic Reporting of Clean Water Act Compliance Monitoring Data](#) by John Pastore, SCAP

EPA announced in the [June 23 Federal Register](#) that it will conduct a public webinar in order to inform interested parties about an opportunity to participate in a technical proof of concept demonstration for electronic reporting of Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) Discharge Monitoring Report (DMR) compliance monitoring data. This webinar will be held on Wednesday, July 13, 2011, from 10:30 a.m.-12 p.m. EDT. EPA plans to implement electronic reporting from facilities that are required to submit reports to a regulatory

agency. EPA is exploring different electronic reporting options to enable NPDES regulated facilities to electronically submit their compliance monitoring data. [Webinar Registration](#) .

According to Shannon Grund from LACSD and Tri-TAC's new Water Committee co-chair, EPA has recently provided the State of California with additional funding to incorporate their reporting requirements into the State's CIWQS system. Therefore, dischargers will only have one login (CIWQS) for data submittals, but two files will be necessary. The first file will contain the necessary information as required by the Regional Water Quality Control Board and the second file will contain the necessary information as required by EPA (information currently contained on DMR forms). Shannon further cautions that this is the State's plan now, but things could change in the future.

[Draft Guidance on Identifying Waters Protected by the Clean Water Act](#) by John Pastore, SCAP

CASA has taken the lead on behalf of the Summit Partners in drafting a comment letter in response to EPA's draft guidance document identifying waters protected by the Clean water Act. According to Roberta Larson, CASA Director of Legal and Regulatory Affairs, the guidance raises only minor issues for POTWs. Importantly, the comment letter addresses our understanding that groundwaters are excluded from the definition of waters of the U.S.

Originally, comments were due by July 1st however, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers have extended the public comment period by 30 days in response to requests from state and local officials, as well as other stakeholders. EPA and the Corps will now take additional comments until July 31st. EPA has indicated that this change in the public comment period will not impact the schedule for finalizing the guidance or alter the intent to proceed with a rulemaking.

ANNOUNCEMENTS

[Eastern Municipal Water District announces new General Manager](#)

Perris, CA (June 20, 2011)—Eastern Municipal Water District is pleased to announce the appointment of Paul D. Jones II as its new general manager effective July 25. Mr. Jones comes from Irvine Ranch Water District where he has served as general manager for the past 12 years. Jones succeeds Anthony J. Pack, who recently announced his retirement. "We searched nationally for someone to build on what Tony Pack and the District have been able to accomplish," said Randy Record, EMWD's director and representative on the Metropolitan Water District. "Paul Jones will be able to ramp up quickly because of his broad knowledge of water and wastewater, and his numerous contacts within the many agencies of Southern California."

Jones, 52, brings extensive experience in the water industry. Under his leadership, IRWD became known for diverse and highly reliable water supply and storage portfolios. While at IRWD he was instrumental in the development of creative urban runoff treatment programs and natural resource management at the San Joaquin Marsh and Wildlife Sanctuary. IRWD, located in central Orange County, serves water to more than 320,000 residents in an area encompassing 25 percent of the county. IRWD provides more than 23 million gallons a day of sewer service. And similar to EMWD, IRWD has an extensive recycled water system. "I am very pleased to be selected for the position of General Manager for EMWD," said Paul Jones. "EMWD is known and respected for its leadership in the water industry and I am fortunate to have the opportunity to become a member of their team."

Prior to working at IRWD, Jones was the general manager of Central and West Basin Municipal Water Districts in Carson. Like EMWD, both IRWD and Central/West Basin Municipal Water Districts are highly-respected and enjoy a national reputation for the operation of successful tertiary-treated recycled water programs. Jones has also worked in private industry as a principal engineer for a private environmental engineering firm, John M. Tettemer and Associates. He was also director of regional infrastructure planning and manager of infrastructure project engineering with The Irvine Company. Other water industry work included:

- Experience as senior engineer and assistant to the general manager at Municipal Water District of Orange County.
- Successfully managing the fastest growth period in the history of EMWD. At the height of the housing boom, EMWD was handling approximately 19,000 new sewer connections and 14,000 new water connections in a year!
- Receiving state and federal agencies' approvals for more than \$108 million in grants and related funding and more than \$276 million in low- or no-interest loans. Since 2001, these grants and loans have helped fund wetlands modifications, alternative energy, water management and development, feasibility studies, regulatory compliance projects, recycled water infrastructure, and more.
- Promoting a culture of continuous process improvement which led to EMWD being the first public utility to receive the silver-level, California Award for Performance Excellence (CAPE) award in 2005.
- Supporting an environment of safety which resulted in EMWD being the first public agency to receive the CAL OSHA CalStar award for a superior safety culture in 1999.
- Fostered a strong relationship with elected members at the state and federal level and testified before Congress multiple times on California water issues.
- Developing leadership for an organization that has grown to nearly \$2.5 billion in assets and has earned a AA credit rating.

Before joining EMWD as a project coordinator in 1990, Pack served over 20 years with the U.S. Marine Corps, retiring from Camp Pendleton as a lieutenant colonel. He earned a Master of Science degree from the University of Southern California and a Bachelor of Arts degree from the University of Connecticut. As a result of Pack's contributions, EMWD's diversified water supply portfolio is able to serve approximately 755,000 people within its service area in an economical and efficient manner.

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EMWD is the freshwater, wastewater service and recycled water provider to a 542-square mile area from Moreno Valley southward along the I-215 corridor to Temecula and eastward to Hemet and San Jacinto. Approximately 755,000 people live and work in this area. In addition to its own water customers, EMWD supplements water to six local water agencies and municipalities that have their own water departments. EMWD operates four water reclamation facilities and treats some 46 million gallons of wastewater daily. More information can be found at EMWD's website www.emwd.org.

Fallbrook Public Utility District Solar Panel Project Complete

FALLBROOK – On June 7th, the Fallbrook Public Utility District dedicated the completion of a cost-saving solar panel project at its wastewater treatment plant. And with the combination of state rebates and government loans, FPU D is only paying half the cost needed to construct the facility. And just as important: FPU D will be saving around 70

percent of its SDG&E bills. Once the project is paid off, the district anticipates saving millions of dollars in electricity bills. For FPUD, the decision to turn sunlight into electricity is a smart choice. The 2,700 panels, spread out over eight acres at the plant, have a capacity of 1 megawatt. Over a year, the panels will generate about 2.4 million kilowatt hours of energy. That's enough juice to supply the treatment plant with about 70 percent of all its energy needs, even on a partly cloudy day. A kilowatt-hour is a measure of energy, or how much power a system either uses or produces over time. For example, a heater rated at 1000 watts (1 kilowatt), operating for one hour, uses one kilowatt-hour of energy. Solar panels don't use kilo-watt hours of energy; they produce them. That saves the district on long-term energy costs. And what's even better – the \$7.2 million project will only cost the district half that amount to build. The state of California is giving FPUD approximately \$3.8 million in rebates, as part of the California SolarInitiative. The rebate comes in the form of 32 cents per kilowatt-hour for the energy it produces during the first five years of operation. The project is being financed with low-interest loans, at an interest rate of 1.85 percent. As part of the stimulus plan, the federal government allocated money for special tax credits called Qualified Energy Conservation Bonds (QECB). These QECB bonds provide the bond holder with one key thing: federal tax credits. These credits are in addition to the bond interest that will be earned on them. In turn, these credits are passed down to FPUD, allowing the district to get the low-interest loan.

FPUD is the first water district in the state to get QECB funding. By the time the project is paid off in 17 years, the project will essentially be free, thanks to the rebates and cheap loans. Even before it's paid off, repaying the loan will be cheaper than writing the current monthly checks to SDG&E. After it's paid off, the district will be spending less than a third of what it currently spends on electricity at the plant. "Our reduced SDG&E bills, plus the bill for loan – the total of those two bills added together will be lower than what we're currently sending SDG&E every month," said Keith Lewinger, general manager for the district. "So every single year of the 17 years it takes us to pay this off, we'll be spending less money than we would if we'd never installed the panels." And on top of that, when it's completely paid off, the solar panels will have been absolutely free to us. Plus, we'll only be buying 30 percent of our electricity instead of 100 percent, and this is savings we'll pass on to customers." SunPower, a company based in San Jose, installed the panels. The SunPower T20 Trackers are the most efficient solar panels currently on the market. The trackers rotate to follow the sun's movement. This tracking movement increases the panels' ability to capture the sun by up to 30 percent more than conventional, fixed solar panels. They also take up much less land than conventional panels. SunPower was formed in 1985 and has worked with more than 20 water agencies in the western United States. FPUD received three proposals for the project and chose SunPower because of its value in guaranteed cost and energy savings.

Non Sequitur:

If a nation values anything more than freedom, it will lose its freedom; and the irony of it is that if it is comfort or money that it values more, it will lose that too.

- - The Summing Up (1941)

July 2011

Some of our Supporting SCAP Associate Members

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A Residuals Management Company



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