



SOUTHERN CALIFORNIA ALLIANCE OF PUBLICLY OWNED TREATMENT WORKS

Monthly Update

www.scap1.org

January 2010

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Upcoming Meetings

Air Quality

Tuesday, January 19, 2010
10:00-12:00 noon, at LACSD.

Biosolids

Joint SCAP/Tri-TAC Meeting
Tuesday, January 12, 2010
9:00-noon at Ontario Airport Marriott.

Collection Systems

Thursday, February 25, 2010
8:30-2:00pm FOG Seminar
City of Carlsbad Faraday Center

Energy Management

Thursday, January 28, 2010
9:00-1:00pm @ IEUA

Water Issues

Thursday, March 4, 2010
Location TBA

SCAP

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A Message from the Executive Director...

Happy New Year to everyone! I can only hope that this coming year does not fly by as unbelievably fast as 2009 did. I also hope that all of you are well rested from the holidays and are ready to hit the ground running in 2010 because I know for sure the regulators are. From all indications, this is shaping up to be another challenging year for new air, biosolids and water

regulations, not to mention the overlapping effect from climate change legislation. I fully expect that the renewed emphasis on recycled water production will result in more stringent water quality standards by USEPA and the State Water Board.

In the past I have written about emerging constituents of concern [**Editors note:** In the past we referred to them as "emerging contaminants" but went away from that title as an example of negative branding] and the future of nano-technology. Now it seems that certain nano-technologies have spawned a new kind of emerging constituent of concern, namely the nano-silver particle. Just a few years ago there were only a few products on the market that incorporated this new technology utilizing silver ions to sterilize harmful bacteria and microbes. Now there are at least 80 products of this type. For example, you can now buy the 3XDRY Essex Shirt from Simms Fishing Products that offers all day sun protection in a fabric that repels moisture and offers anti-odor protection for the life of the garment using silver-based nano-technology. Or how about a pair of antibacterial silver athletic and lounging socks by the Sharper Image. These socks are advertised to contain millions of invisible silver nano-particles that provide antibacterial and antifungal protection. Are you worried about your oral hygiene? SH Pharma Co, Ltd makes a germ killing toothpaste named Phytoncide using silver nano-particles, however, the manufacturer also claims it contains another (unnamed) environmentally friendly, natural germ fighting substance as well. Does that imply that nano-silver is not environmentally friendly? And just in case any of the germs on your clothing escape, you can either vacuum them up using the Samsung Silver Nano Health System Vacuum Cleaner or take your clothes to a commercial coin-operated laundry using washers from Coinup Co., Ltd that promises to dry and sterilize the clothes up to 99.9% with hot air using silver nano-antibacterial technology. The list goes on endlessly with products offered including; face cream, air purifiers, watch bands, pet food bowls, door handles, water faucets and even baby carriages.

By now I know what you are probably thinking. So what, how is this affecting me or the environment? For the most part, there are two things that most of these products have in common: 1) is that, whether they are aware or not, they are advertising the use of silver in their product as a pesticide; and 2) the silver particles from these products released in solution from washing, etc.,

will end up in our wastewater treatment facilities, where the treated effluent is either, recycled, discharged to a live stream environment, or used for ground water recharge. As POTW operators, we are very concerned over the water quality impacts to our wastewater systems. What we know about silver is that it can be highly toxic to aquatic life even at low concentrations and, according to Dr. Kelly Moran of TDC Environmental, "it can bioaccumulate in some aquatic organisms, such as clams". Recently, the USEPA submitted their preliminary work plan for the upcoming registration review of silver-based pesticides. SCAP, on behalf of the statewide Tri-TAC working group, funded the preparation of a guidance/comment letter by Dr. Moran to USEPA commending them on their intent to regulate silver ion-generating products, such as the Samsung "Silver Wash" washing machine, and further recommending that actual data from POTWs be used to determine silver removal efficiency rather than relying on computational methods, as originally proposed. Interestingly, silver is not degradable nor can it easily be removed. There are basically only two places for it to end up after passing through the treatment plant, and that is the effluent or the biosolids, neither of which are viable long term options for our industry. This is just one example of the types of problems we in the wastewater industry will be facing in the future as technology continues to expand exponentially.

On a cheerier note, I wish to thank all of those that attended our Annual SCAP Holiday Luncheon that was held at the El Niguel Country Club on December 15th. The accommodations were beautiful as usual and we were once again treated to the festive songs sung by the San Clemente High School Madrigal Singers. A special note of thanks to SCAP Administrator, Pam Merriam, for making all of the arrangements and assuring that everything went smoothly and as planned. Also a big thanks to Executive Director Emeritus, Ray Miller and his lovely wife Marianne for their invaluable assistance.



Some of our guests in conversation before the luncheon meal



The San Clemente High School Madrigal Singers Performing



SCAP President Rich Atwater with Mary Jane Foley and Ray Miller



The holiday decorations provided a warm and festive setting

The luncheon was preceded by a meeting of the SCAP Board of Directors, where Mr. Steve Meyer from the City of San Diego Public Utilities Department was appointed to replace the retiring Mr. Alan Langworthy, as the San Diego County representative at-large. We will all miss Alan, who has the distinction of being the longest tenured director in SCAP history having served on the Board of Directors for the last 17 years and wish him the best of luck with his future endeavors.

Festively Yours,

John Pastore, Executive Director



And oh, by the way

Go Chargers !!!!

Committee Reports



Air Quality

Chair Kris Flaig
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Air Issues Update by Kris Flaig, City of Los Angeles

The SCAP Air Quality Committee has been a little busy during the past several months, and there will be no let-up during 2010. Bills addressing public services and funding will be considered by the legislature, the air districts will continue to promulgate new rules (some with new fees), and the California Wastewater Climate Change Group (CWCCG) will push POTW interests on GHG-related topics, like cap & trade and allowances, renewable energy standards and credits, mandatory monitoring, and other USEPA considerations. All of this is made a priority by our governor, who signed an executive order last year requiring all of California's GHG-related regulations to be adopted by June 30!

But, before we dive into the future, I'd like to show you a little of my travels during the past several weeks, and briefly share reasons why we appreciate the clean air that we have. Here, is an early morning photo along The Bund in Shanghai looking east from Beijing Road past the massive construction along The Bund to the

Oriental Pearl Tower (aka, Space Needle), across the river in Pudong. Some locals claimed that the smog would only be this bad during preparations for the World Expo scheduled for May 2010. But, looking along the street paralleling The Bund, even for a short time, you'd think that this smog has to be extremely bad for someone's health. At the same time, Chinese hotels claim that they are making "voluntary" reductions in CO2 equivalents - including turning off the hot water between midnight and 6 am! On the other hand, I hope that most of your experiences are like a warm sunset in the Everglades with your friends.

We should be happy to live in a place where we can influence legislation and proposed regulations with good science.

Best wishes for a healthy and prosperous New Year!



Shanghai Space Needle from Beijing Road



Along the Bund in Shanghai



Everglades Sunset with friends...

Imperial County APCD

www.co.imperial.ca.us

Imperial County APCD has announced that a copy of both the Final 2009 Imperial County State Implementation Plan for PM₁₀ (2009 PM₁₀ SIP) and the Final Negative Declaration for the 2009 PM₁₀ SIP are now available on the District's website.

On September 23, 2009 the U.S. EPA filed Federal Register Vol. 74, No. 183 proposing a "determination of Attainment of the 1997 8-Hour Ozone Standard for Imperial County, CA". Once the Clean Data finding is finalized the Air District will finalize efforts in the development of a modified Ozone SIP.

There are currently no new public workshops, hearings or SIP meetings posted on the ICAPCD website for the month of January 2010.

Mohave Desert AQMD

www.mdaqmd.ca.gov

For those interested in solar power, the MDAQMD website includes a real time display of daily and yearly solar power information from within the district, as well as the amount of carbon dioxide saved.

MDAQMD has also introduced ENVIROFLASH on its website, which provides air quality forecasts directly to your computer's inbox.

Presentations from the 2009 California Desert Air Working Group (CDAWG) are now posted on the MDAQMD website.

The next meeting of the MDAQMD Board has not been posted to-date. There are no new workshops or public hearings shown on the MDAQMD website for the month of January 2010.

San Diego APCD

www.sdapcd.org

San Diego APCD reports it has completed and submitted its Ambient Air Monitoring Network Plan (AMNP) for 2007 and a copy can be obtained from their website. SDAPCD will be required to submit an Air Quality Plan to EPA in 2013 outlining the emission control regulations necessary to bring the entire region into attainment.

SDAPCD has added a custom Google search engine exclusively for their website and also offers an interactive air pollution simulator program called **Smog City 2**. This program will allow the user to make decisions that affect the air quality and can then view the resulting changes that occur.

On June 24, 2009, the SDAPCD adopted new Rule 55-Fugitive Dust Control. San Diego County does not yet meet the State air clean standards for particulate matter. Per State law, this lack of attainment requires the District to implement all feasible measures to attain the standard. Rule 55 became effective on December 24, 2009.

The CAPCOA Climate Change Forum in partnership with SDAPCD is scheduled for August 30-31, 2010 in San Francisco. The 2-day conference will focus on the integration and harmonization of California's climate policy with federal programs to allow development of effective and productive strategies in the fight against climate change.

Public Workshops are scheduled for January 5, 2010 to discuss implementation of new National Emission

Standards for Hazardous Air Pollutants-Paint Stripping and Misc. Surface Coating Operations pertaining to Motor Vehicle Surface Coating Operations and on January 6, 2010 for general Paint Stripping & Misc. Surface Coating Operations.

There are no new public hearings scheduled on the District's website at this time.

Santa Barbara APCD

www.sbapcd.org

The Santa Barbara APCD reports that they have a new fee schedule in effect as of 7/01/08, which can be viewed on their website. SBAPCD also reports that they are working with CAPCOA planning managers to develop GHG emission thresholds for CEQA reviews of new projects.

The next APCD Community Advisory Council meeting is scheduled for January 27, 2010. The SBAPCD Board will be conducting its next public meeting on January 21, 2010 in Santa Maria. The next hearing Board meeting is scheduled for February 3, 2010.

Ventura County APCD

www.vcapcd.org

VCAPCD currently has application forms available for the Carl Moyer Program. The program will provide approximately \$2 million of grant funds for projects within Ventura County. The grant funds are available to qualifying owners of heavy-duty diesel powered equipment that want to reduce air pollution by upgrading or replacing their present equipment.

The VCAPCD reports that the Draft 2009 Reasonably Available Control Measures State Implementation Plan (2009 RACT SIP) is now available for public review.

The VCAPCD reminds everyone that Tier 0 Portable Diesel Engines may not be operated in California after December 31, 2009.

The VCAPCD will be conducting a public hearing on January 12, 2010 to consider amendments to **Rule 74.11**-Natural Gas-Fired Residential and Commercial Water Heaters and for **Rule 74.2** Amended-Architectural Coatings. The Board will also consider adopting its 2010 Rule Development Calendar. The next VCAPCD Board meeting has not been scheduled at this time nor are there any new Advisory Committee meetings scheduled at this time.

South Coast AQMD

www.aqmd.gov

SCAQMD Permit Moratorium Status by Greg Adams, LACSD

With the signing of SB 827 by the Governor on October 11, 2009, the SCAQMD permit moratorium was due to end on January 1, 2010, the effective date of the bill. SCAQMD permitting staff has been working overtime to release as many of the 1200+ backlogged permits on or shortly after January 4, 2010, the first working day of the New Year. On December 10, 2009, NRDC and others filed a petition with EPA asking EPA to issue a "statement" reiterating that an amendment to air quality rules by an action of a state legislature is not valid under the Clean Air Act unless and until EPA approves it. The amendment in this case dealt with the use of "minor source shutdowns" as the basis for funding the Priority Reserve and the Rule 1304 Exemptions SCAQMD credit accounts. "Approval" in this case means formal inclusion in an EPA-approved SIP amendment, a very lengthy process, the net effect of which, if granted, would extend the permitting moratorium for approximately another year. The SCAQMD fired back a letter to the Administrator on December 15, 2009 urging caution in coming to any decision and to include the public in the decision-making process. The SCAQMD requested supporting letters from stakeholders, the subject of a SCAP Red Alert. On December 29, 2009, the SCAQMD mailed a 40-page formal rebuttal of the NRDC petition to the EPA along with 201 pages of supporting documents. We understand that permits released on or shortly after January 4, 2010 will contain a notice alerting the permit holders of the petition filed by NRDC on December 10, 2009.

In a separate action also on December 29, 2009, the plaintiffs filed in federal court a request for judicial notice of a SCAQMD October 1990 Regulation XIII Guidance Manual that purportedly contains information contradictory to what is being claimed in the defendants' draft motion to dismiss the action before Judge George Wu.

Also on December 30, 2009, NRDC filed their Notice of Appeal with the 9th Circuit Court in San Francisco even though Judge George Wu has not finalized his decision.

Also on December 30, 2009, the plaintiffs, sans NRDC, filed a petition for writ of mandate in the California Superior Court seeking a temporary restraining order enjoining the SCAQMD from using minor source

shutdown credits dating back to 1990 and nullifying SB 827 and AB 1318, among other things.

In a letter to the SCAQMD General Counsel dated December 31, 2009, the petitioners, sans NRDC, served notice that they would promptly seek an injunction should the District generate or distribute minor source shutdown credits in reliance on either AB 1318 or SB 827. As of 10:30 am January 6, 2010, we do not know if an injunction has been granted.

SCAQMD Proposed Rule PR 317 (Clean Air Act Non-Attainment Fees) by Greg Adams, LACSD

At the December 2009 Board meeting, action on the rule was postponed until the January 8, 2010 Board meeting. The SCAQMD is holding a public consultation meeting on this rule on January 6, 2010 to discuss next steps. On January 5, 2010, EPA's Office of Air Quality Planning and Standards finally issued 17 pages of Section 185 implementation guidance including equivalent emissions and equivalent fees approaches plus a combination of both measures. They also published in the Federal Register that same day a notice notifying the SCAQMD of their failure to file an approvable plan implementing Section 185 thereby establishing an 18-month sanctions clock. The notice also contains a statement by EPA that they will continue to work with the states on developing approvable and appropriate fee programs.



Biosolids

Chair Mike Sullivan
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Kern County Measure E by Matt Bao, OCSD

The 9th U.S. Circuit Court of Appeals denied full panel (en banc) review of the prior three-justice panel ruling on Measure E, Kern County's ban on the land application of biosolids. On September 9th, the three-justice panel ruled that the plaintiffs did not have standing to related to the interstate commerce clause of the U.S. Constitution. The case will now be remanded back to the District Court to determine if the ordinance may be invalidated based on the state law (CIWMA) judgment, which states that Measure E is preempted by state recycling goals.

Biosolids Compost VOC Emissions Study by Matt Bao, OCSD

Dr. Peter Green of UC Davis is proposing a research study that would evaluate VOC emissions from biosolids compost and determine whether they are actually precursors to ground level ozone formation. In light of local air district regulations on biosolids, such SCAQMD Rule 1133.2 and SJVAPCD Rule 4565, the air districts VOC limits are based on the assumption that all VOC emissions contribute equally to ozone formation, which is not accurate. UC Davis has the experience in these studies, most recently with similar research for the Integrated Waste Management Board, in which green waste composting studies were conducted for research related to SJVAPCD Rule 4566. For those interested in providing funding for this study or would like a copy of the project overview, please contact Greg Kester of CASA at gkester@casaweb.org.

Joint SCAP/Tri-TAC Biosolids Committee Meeting by John Pastore, SCAP

The next SCAP Biosolids Committee meeting is scheduled for January 12, 2010 in conjunction with the Tri-TAC meeting in Ontario, CA. The meeting will be held at the Ontario Airport Marriott from 9:00 am until noon. The SCAP committee will meet jointly with the Tri-TAC Land Committee and will follow their agenda. This is a great opportunity to learn what other agencies throughout the state are doing and what problems they are facing.



Collection Systems

Chair Sam Espinoza
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Committee Leadership Change by John Pastore, SCAP

In case you are not aware, the chair position of the Collection Systems Committee has transitioned to Sam Espinoza of LACSD. Sam has been the vice chair and co-chair of the committee for the past 3 years and is now taking over the chair position from our outgoing chair, Ralph Palomares. I would like to welcome Sam and very much look forward to working with him in the coming years. I also wish to thank Ralph for his work

over the past 3 plus years and for all of the things we were able to accomplish during his chairmanship. Ralph brought a contagious enthusiasm to our committee and thankfully will remain engaged in assisting the committee when possible. I wish to also thank the El Toro Water District for the time Ralph was able to spend on SCAP business and for accommodating our quarterly meetings at their facilities. Our vice chair, Nicole Greene, from the City of Montclair will be assisting Sam this year with the monthly newsletter production and meeting preparation. If you have any questions or suggestions regarding the committee, please do not hesitate to contact either Sam, Nicole or myself.

FOG Control by Sam Espinoza, LACSD

Of the many topics discussed throughout this past year, the interest in FOG and how to best deal with FOG related issues remains relatively high among attendees to the quarterly collection system committee meetings. Given that having a formalized FOG control program was mandated by the State Water Resources Control Board through its Statewide WDR, it's no wonder we are all looking to see how we compare to one another and determine whether we are each doing something substantially different. When we compare FOG control programs, we should keep in mind that each of our agencies are not only different in the size of the collection system we typically maintain, but also in the diversity of dischargers whose wastewater we convey.

For many of the larger collection system agencies that are primarily responsible for the regional trunk, or main sewer lines, FOG is more of a nuisance and not necessarily a large contributor to sanitary sewer overflows (SSOs). Although having dealt with just a few of these types of SSOs over the years, it has been my experience that they have always been associated with what our agency would refer to as a small diameter sewer (less than 10 inches in diameter) line. This size range of sewer makes up less than 15% of the 1,400 miles of sewer maintained by our agency and since our specific sewer-cleaning program dictates annual (and in some cases more frequent) cleaning for this size of sewer, FOG just has not been a significant issue for us. In the few locations where we have had FOG related problems, source control has proven to be the most effective approach. As you might imagine, it takes a lot of FOG to impact a trunk line that carries such a large amount of flow so when it does happen it can usually be attributed directly to a specific industrial waste discharger. Each industrial waste discharger whose flow enters a trunk line is already regulated by our agency. A single visit from one of our industrial waste inspectors will usually correct the problem.

For collection system agencies whose sewer lines are generally smaller than 10-inches in diameter, I can see how FOG is more of a significant issue. With limited resources and so many private lateral connections to the sewer, source control can be costly and much more challenging. Public outreach and educational programs do help, but are not always effective in some areas. With potential enforcement action by the State and Regional Boards just around the corner, having a well developed and "industry standard" approach towards dealing with FOG and FOG related SSOs is essential. Each of our agencies is already expected to have an effective FOG control program in place to minimize the frequency and reduce the volume of FOG related SSOs. So what is the most effective way to deal with this issue and how does your program measure up? We will continue these types of discussions in the upcoming year to help you answer these questions for your specific agency.

SSO WDR Update by Bob Kreg, SCAP

As 2009 draws to a close and 2010 begins some things change while others remain the same. As for the changes, effective December 2, 2009 Jim Fischer of the State Water Resources Control Board (SWRCB) has been moved from compliance to the enforcement division for the SSO Reduction Program. Jim had taken over the SSO Reduction Program from Brian Brock after the SWRCB adopted the statewide WDR in 2006. In his former position, Jim worked closely with CWEA, SCAP and individual dischargers to provide assistance and guidance for compliance with the WDR and its required Sewer System Management Plan (SSMP). The SSO Reduction Program is now the responsibility of Russell Norman who had assisted Jim. Our congratulations to Jim and we wish him the best with his new assignment.

November 18, 2009 was the last meeting of the SSO Users Group. After the introductions, the next order of business was a discussion of the California Integrated Water Quality System (CIWQS) changes (Mantis List) included in SSO Release 5.3. The Mantis List is a prioritized list of desired and necessary changes to the CIWQS online SSO reporting system. Most of the requested changes have been submitted by dischargers to improve the reporting system. The SWRCB issues a release every other month with the next release due in January 2010. It is anticipated that the January release will have approximately 10 changes or fixes. Some of these are administrative while others will reflect requests for changes to the reporting process. Russell Norman stated that the November meeting of the SSO Users Group is likely to be the last meeting of the group. In its place the Data Review Committee will start meeting probably in

January 2010. He stated that most of the remaining items to be corrected on the Mantis List deal with data and their review would be more appropriate for the Data Review Committee. The Data Review Committee is open to all stakeholders. If you would like to be included on this committee please email Russell Norman at RNorman@waterboards.ca.gov with your request.

Norman also reported that due to personnel changes the planned SSMP audits would probably be pushed back until after the Order review process is completed. The state had intended to complete up to 24 SSMP audits, 2 per region, by the end the current fiscal year. The Order review and any revisions are anticipated to be completed during the summer of 2010. New spill categories are also being considered. The categories would be spills from 500 to 999 gallons; 1,000 to 4,999 gallons; 5,000 to 9,999 gallons and 10,000 gallons and greater. Different penalties would be applied to each spill category. As reported by Norman, the SWRCB is intent on achieving its goal of 100% participation in the SSO Reduction Program. Currently there are approximately 180 enrollees who have failed to do anything but enroll in the program. These 180 enrollees will be receiving a letter from the SWRCB informing them that they will have 30 days to achieve compliance or face enforcement. If the enrollee is a small, underprivileged entity, additional time may be allotted.

Some things that remain the same. If your organization serves a population of 2,500 or less, the Legal Authority, Operations and Maintenance Program, Overflow Emergency Response Program and FOG Control Program elements of your SSMP are due on February 2, 2010 with your final SSMP due for completion on August 2, 2010. If your agency serves a population of 2,500 to 10,000 the Design and Performance Provisions, System Evaluation and Capacity Assurance Plan, Monitoring and Program Modifications, Program Audits and Communication Program elements and the final SSMP are due on May 2, 2010.

If your agency is located in SWRCB Regions 4, 8 or 9 the due date for the annual updating of your agency's CIWQS Questionnaire is January 1, 2010 (unless you have changed your updating date). The CIWQS Questionnaire must be updated at least annually. Failure to do so may impact your ability to log into CIWQS to perform your required spill and no-spill reporting.

Please remember that the state offices continue to be closed the first three Friday's of each month. This condition is scheduled to continue through June 2010.

Miscellaneous Informational Items by Bob Kreg, SCAP

The References Library on the SCAP website has been updated to include the majority of the files formerly located in the Member's Only section. The References Library has informational files organized under the various SCAP committees. For the Collection Systems Committee there are hundreds of files listed under various topic folders. Files can be accessed by clicking on the Resources tab then the References Library tab. The Current Issues tab contains the latest 12 entries with the All Documents tab containing all of the files, folders and sub folders for that committee.

The Central Valley Clean Water Association (CVCWA) in conjunction with the Bay Area Clean Water Association (BACWA) have published their "Best Management Practices for Sanitary Sewer Overflow (SSO) Reduction Strategies" manual and made it available for download on the CVCWA website at <http://www.cvcwa.org/collcom.htm>. The 172 page manual is designed to assist collection system owner/operators with the management, operation and maintenance of their collection systems while maintaining compliance with state regulations.

Please have a Happy and Prosperous New Year.

Upcoming FOG Seminar by John Pastore, SCAP

Please join us for an educational training opportunity entitled FOG Training Seminar-Winter 2010. The event is being co-sponsored by SCAP, CWEA Santa Ana River Basin (SARBS) Section, CWEA San Diego Section, and Cal FOG. The seminar will be held on February 25, 2010 in City of Carlsbad at the Carlsbad Faraday Center from 8:30 am until 2:00 pm. Registration begins at 8:00 am and a lunch will be served. This FOG seminar will feature presentations by various Southern California cities, sanitation districts and public health officials concerning FOG inspections, violations enforcement and county health compliance regulations. Further information and a registration form can be found at the following website: http://www.cwea.org/sarbs/pdfs/10FOG_Train.pdf.

Special thanks to former SCAP committee chair Ralph Palomares for his help in pulling this together and coordinating all of the speakers. Ralph, you truly are "THE MAN".



Energy Management

Chair Andre Schmidt
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Proposed Decision Issued by PUC on Renewable Energy Credit Market by Mark McDannel, LACSD

On December 23, 2009, the California Public Utilities Commission (PUC) issued a Proposed Decision that would create a tradable Renewable Energy Credit (REC) market. The nearly 100-page Proposed Decision includes the following:

- Unbundled RECs, procured and traded separately from the underlying energy, will be allowed;
- RECs generated on or after January 1, 2008 may be traded and procured separately from underlying energy;
- RECs must be traded within WREGIS accounting system;
- RECs compliance is limited to 3-year usage rule, i.e. must be used against RPS within 3 years of actual generation;
- IOUs are limited to a 40% REC usage cap for annual compliance obligations, beginning with 2010 compliance year;
- Levelized REC Cost Cap of \$50/credit. Each credit equals one MWh of generation from eligible renewable generation facility.

Comments are due on January 19, 2010, and the decision is expected to pass. This is a significant and positive decision for POTW's that generate or are considering generation of renewable energy. Anyone interested in more details should contact Mark McDannel of LACSD at MMcDannel@lacsdsd.org.

Get Certified Now to Take Advantage of Upcoming REC Market by Andre Schmidt, LACSD

The California Public Utilities Commission has moved forward with a Proposed Decision to establish a market for tradable Renewable Energy Credits (RECs). This market will provide an additional income source for POTWs with renewable self-generation facilities that use the power on-site. It is anticipated that the market value of these RECs will be in the range of \$20 to \$30 per MW-hr, which would mean up to \$26,000 in annual revenue per 100 kW of renewable generation.

In order to qualify renewable generation for the tradable REC market, it must be certified with the Western Renewable Energy Generation Information System (WREGIS). See www.wregis.org for more information. The SCAP Energy Management Committee plans to present information on registration details during upcoming quarterly meetings.



Water Issues

By Chair Valerie Housel
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Committee Leadership Change by John Pastore, SCAP

I would like to welcome our newly appointed 2010 Water Issues Committee Chair Valerie Housel from the City of San Bernardino Water Department. Valerie previously served as committee vice-chair for the last 3 years and is replacing Gus Dembegiotes from the City of Los Angeles Bureau of Sanitation, who is stepping down after 3 years in the chair position. Many of you know Valerie from her participation with Tri-TAC and SARDA.

I would like to sincerely thank Gus for all of his hard work over the years as committee chair, it is very time consuming preparing the monthly newsletter updates and arranging the committee meetings and Gus did an excellent job. I will very much miss working with him. My thanks also to the City of LA Bureau of Sanitation for allowing Gus the time to work on SCAP business these past few years.

EPA and State Water Board Move to Impose Numeric Toxicity Limits by Phil Markle, LACSD

The State Water Resources Control Board (State Water Board) has been pursuing revisions to implementation of chronic toxicity standards for over five years. For the past several years, the State Water Board's efforts were stalled while it waited for EPA to develop a new statistical procedure to determine whether toxicity is present in a sample. EPA has now released a draft of the new procedure to the states. Unfortunately, the new procedure does not resolve the issue of false positives (erroneously identifying a non-toxic sample as toxic) that has plagued existing

methods of determining chronic toxicity. The new procedure also contains implementation guidance that calls for toxicity limits, both acute and chronic, to be set as numeric limits that would be enforceable on single tests. Currently chronic toxicity is regulated in Southern California using triggers and multiple tests (monthly medians).

The new EPA procedure, known as the Test of Significant Toxicity or TST approach, purports to define chronic toxicity as an adverse effect of 25% or greater. However, it uses a statistical procedure to determine whether a 25% is likely to be occurring, and the overall effect is that samples with effects well under 25% will often be categorized as toxic. The TST approach defines “no toxicity” as an effect less than 10%, and any discharger with any single test having a greater than 10% effect will be considered to have reasonable potential for toxicity and thus have numeric limits put into its NPDES permit. Under the TST approach, one in twenty samples with less than a 10% effect will be classified falsely as being toxic. Under the existing procedure used to determine chronic toxicity in Southern California (known as the No Observable Effect Concentration or NOEC approach), Ceriodaphnia reproduction and fathead minnow growth effects less than 13% and 12%, respectively, are never identified as toxic. Overall, it appears that the TST approach will result in POTWs experiencing more false positive results.

Based on conversations with State Water Board staff, the state intends to adopt the TST approach, including the implementation guidance, as statewide whole effluent toxicity (WET) requirements in all NPDES permits. If adopted, this will result in numeric acute and chronic toxicity limits for nearly all POTWs based on single test results (not monthly medians). The State Water Board regulatory development is moving in parallel with the EPA effort and State Water Board release of its proposed WET implementation provisions is expected early this year.

At this time, NACWA, Tri-TAC, and other agency groups are reviewing the draft EPA document and developing comments. In addition to the false positive error rate concerns and various technical details, NACWA has also correctly noted that changing the method of data analysis will result in changing the endpoint. Since WET is a method-dependent parameter, a change in data analysis essentially changes the water quality criteria. Several alternative approaches have been proposed by stakeholders to specifically address the false positive error concerns. These include the use of multiple WET test results for numeric limit compliance evaluation and numeric triggers for single WET results.

Update on Tri-TAC Strategic Planning Session by John Pastore, SCAP

On December 3rd & 4th Tri-TAC conducted its annual strategic planning retreat at the Pardee Reservoir in Northern California. Briefly, there will be a number of areas of major emphasis that Tri-TAC will focus on this coming year that may include: WDR/SSOs – working with the SWRCB to refine WDR and reporting requirements; reaching out to assist agencies that may be struggling with compliance; remain vigilant to any proposed regulations having to do with enforcement issues. Flushables – campaign towards resolving the “flushable products” issue through advocacy and possibly legislation, Water Quality – monitor regulatory policy in areas of enforcement and emerging constituents, while engaging the NGO community if necessary. Renewable Energy/Climate Change – working with the California Wastewater Climate Change Group (CWCCG) to consider development of an industry-wide renewable energy credit (REC) market through education and advocacy.



Regulatory Affairs

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Marine Life Protection Act by Mary Jane Foley, SCAP

December has been a pretty quiet regulatory month except for the SCAP Members involved with the Marine Life Protection Act designations, which have the potential to impact their existing ocean NPDES permits.

The Fish and Game Commission met on Dec 9th in Los Angeles to hear testimony and presentations on the four proposals for Marine Protected Areas along the Southern California Bight. The Department of Fish and Game (DFG) raised some of the outstanding issues related to outfalls and intakes, but there was no direction from the Fish and Game Commissioners on how to deal with these existing uses. Earlier in the fall there was an informal memo from the Attorney General's Office on what could be done to provide for permits and leases. The Fish and Game Commission did not address this memo or ask questions about it.

This is troubling to SCAP because so far there has been no protective language included in the proposals for permitted wastewater ocean dischargers. This is not due to lack of effort on our part. SCAP and our members wrote several letters and attended stakeholder meetings throughout 2008-2009, requesting protections for wastewater operations. I participated as a stakeholder at every meeting, got the Science Advisory Board to develop criteria for buffer zones for wastewater facilities, etc., but in the end our needs were not accommodated by 3 out of 4 of the proposals.

So what happens next and what will SCAP try to accomplish for SCAP Coastal Member Dischargers? First we have been diligently researching what the next process is for comment. SCAP currently plans on taking a group of impacted SCAP members to Sacramento to have meetings with the State Water Board Members, Department of Fish and Game, and the Deputy Director of the Fish and Game Commission, Adriana Shea. We will work on developing general language that works for each of the impacted parties and assist in developing specific language that would be inserted at the proper place where a SCAP member has a reserve.

Here is how it works from here on out. The Department of Fish and Game is developing the regulations for the South Coast Region MPAs. Parallel to this, DFG is doing CEQA to go along with the regulations.

In March, the Fish and Game Commission will post the first notice on the process for consideration of adoption of the regulations for the South Coast Marine Protected Areas. At that time, impacted parties will need to write letters to the Commission and appear to make public comments on what they want the Commission to consider for language to be included in the final regulation. The Fish and Game Commission usually holds 3 meetings: a notice meeting, a discussion meeting, and an adoption meeting. The final product is not expected to be completed for adoption before August or September of 2010.

There is some good news on this process. There will be time to advocate for what is appropriate for current permit holders. Fish and Game Commissioners can meet with the public. Therefore there are opportunities to educate each Commissioner on what the issues are. In other Regions, DFG has recommended to the Commissioners to turn a State Marine Reserve into a State Marine Conservation Area to allow for permitted activities but prohibit everything else that is in the regulation relating to fishing practices.

SCAP will be working on this issue throughout the process in a general manner. One of the first things we are arranging is the Sacramento meetings with SWRCB and DFG and the Fish and Game Commission as noted above. I am also recommending that SCAP take the lead on asking the Commission what they are going to do with the Informal Legal Memo that was done by the Attorney General's Office on the matter of how to deal with permits and leases.

SCAP has already requested a copy of the Marine Life Protection Act Implementation Memo that has been in the works for the past several months. This will have signatories from federal and state agencies that regulate ocean issues. Brian Baird of the Ocean Protection Council is in charge of this effort. This memo describes who and what state and federal agencies are involved in MPAs and how they will come together to work on the implementation of the Marine Protected Areas.

So, in summary, in 2009 SCAP worked diligently on this effort and will continue to be of assistance and offer leadership in 2010.

Regulatory Help Desk

Having a regulatory problem and want to talk to someone confidentially about what your options are? Helping individual members is one of my charges and a rewarding part of this job. Please feel free to call me at (949) 493-8466, or email at mjfconsulting@cox.net

NEW SCAP MEMBERS

Welcome to our newest SCAP Members - - HDR Engineering, Inc. and Sempra Utilities, who have joined as SCAP Associate members for 2009/2010.

Non Sequitur

"When written in Chinese, the word crisis is composed of two characters. One represents danger and the other represents opportunity".

- John F. Kennedy

Some of our Supporting SCAP Associate Members

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