



SOUTHERN CALIFORNIA ALLIANCE OF PUBLICLY OWNED TREATMENT WORKS

Monthly Update

www.scap1.org

November 2009

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Upcoming Meetings

SCAP Annual Holiday Luncheon
El Niguel Country Club
December 15, 2009 @ 12 Noon

Air Quality

Tuesday, November 17, 2009
10:00-12:00 noon, at LACSD.

Biosolids

No meetings until 2010

Collection Systems

No meetings until 2010

Energy Management

No meetings until 2010

Water Issues

Tuesday, November 24, 2009
9:00-12 noon, at IEUA.

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A Message from the Executive Director...

DECISIONS, DECISIONS! It's not bad enough that I have to worry about those important, everyday decisions such as, what color socks am I wearing today or what am I having for lunch? Now I must decide whether or not to get vaccinated against the flu. I have to admit, I am really in a quandary over this one. I haven't had a flu shot since 1988 and I also believe that was the last time

I actually had the flu, which coincidentally occurred immediately after I received the shot. And to make matters worse, I have to decide whether I am going to get vaccinated against the regular Flu, the H1N1 (Swine) Flu or both. In a way it's much like global warning in that there are strong opinions on both sides of the issue for and against. Without question the H1N1 virus has reached the pandemic stage in this country. It was recently reported that at least 29 schools in San Diego County have experienced outbreaks of the H1N1 virus and I am certain that probably is the case throughout the rest of the counties in the state. It doesn't take a rocket scientist to figure out that schools, public places and work environments possess the greatest potential for spread of this contagious virus and simply washing hands and covering one's mouth when sneezing isn't going to stop the spread of this virus. So with that in mind, I was wondering what our water/wastewater agencies are doing to plan for a possible pandemic situation caused by this outbreak. Many of our member agencies, such as the Inland Empire Utilities Agency (IEUA), already have contingency plans in-place in anticipation of just such a situation. IEUA has implemented a program approved by executive management entitled, "H1N1 (SWINE) FLU – Protection, Prevention & Preparation 2009", that provides guidelines set forth by the Center for Disease Control, as well as procedures to be taken by its agency to minimize the impacts of an H1N1 flu pandemic. For those agency members that have not done so yet or are interested in learning what others are doing in this regard, SCAP is embarking on building a database of relevant information that will be posted on its website. The wastewater sector must not only be concerned with the health and welfare of its office workers but have the additional problem of caring for the welfare of its field service personnel that operate wastewater facilities and maintain sewer collection systems. Much like other essential public services, this presents a unique set of circumstances that must be taken into account.

While much information on planning for an influenza pandemic has been published over the last several years, there are some very relevant documents that are worth reviewing and which provide practical information for our wastewater agencies, such as; FEDERAL GUIDANCE TO ASSIST STATES IN IMPROVING STATE-LEVEL PANDEMIC INFLUENZA OPERATING PLANS prepared by the U.S. Government on behalf of 15 federal departments. This document includes excel spreadsheets that can be used as checklists of specific tasks for sustaining an agency's workforce in light of a

pandemic outbreak. A copy of this document can be found at: <http://www.flu.gov/news/guidance031108.pdf> . Another extremely useful document is; PANDEMIC INFLUENZA – Preparedness, Response, and Recovery, GUIDE FOR CRITICAL INFRASTRUCTURE AND KEY RESOURCES, ANNEX: Water and Wastewater Sector Pandemic Guideline, prepared by the Office of Homeland Security for the water and wastewater industry. This document can be found at the following official website: http://www.ready.gov/business/_downloads/pandemic_influenza.pdf. Both of these documents are also available for viewing on the SCAP website. Also, I thought the following table provided by peterjl208@sbglobal.net might be of interest as well.

DIFFERENCES BETWEEN COLD, SEASONAL FLU & H1N1 SYMPTOMS

| <u>SYMPTOM</u> | <u>COLD</u> | <u>SEASONAL FLU</u> | <u>H1N1</u> |
|-------------------------|--|--|--|
| FEVER | Fever is rare with a cold. | Fever is common with the seasonal flu. | Fever is usually present with H1N1 in up to 80% of all flue cases. A temperature of 101° |
| COUGHING | A hacking, productive (mucus-producing) cough is often present with a cold. | A dry and hacking cough is often present with the seasonal flu. | A non-productive (non-mucus producing) cough is usually present with H1N1 (sometimes referred to as dry cough).* |
| ACHES | Slight body aches and pains can be part of a cold. | Moderate body aches are common with the seasonal flu. | Severe aches and pains are common with H1N1.* |
| STUFFY NOSE | Stuffy nose is commonly present with a cold and typically resolves spontaneously within a week. | A runny nose is commonly present with the seasonal flu. | Stuffy nose is not commonly present with H1N1. |
| CHILLS | Chills are uncommon with a cold. | Chills are mild to moderate with the seasonal flu. | 60% of people who have H1N1 experience chills . |
| TIREDFNESS | Tiredness is fairly mild with a cold. | Tiredness is moderate and more likely referred to as a lack of energy with the seasonal flu. | Tiredness is moderate to severe with H1N1.* |
| SNEEZING | Sneezing is commonly present with a cold. | Sneezing is common present with the seasonal flu. | Sneezing is not common with H1N1. |
| SUDDEN SYMPTOMS | Cold symptoms tend to develop over a few days . | Symptoms tend to develop over a few days and include flushed face, loss of appetite, dizziness and/or vomiting/nausea. Symptoms usually last 4-7 days, depending on the individual. Diarrhea is common. | H1N1 has a rapid onset within 3-6 hours. H1N1 hits hard and includes sudden symptoms like high fever, aches and pains. Symptoms usually last 4-7 days, depending on the individual. Diarrhea is common. |
| HEADACHE | A headache is fairly uncommon with a cold. | A headache is fairly common with the seasonal flu. | A headache is very common with H1N1 and present in 80% of cases.* |
| SORE THROAT | Sore throat is commonly present with a cold. | Sore throat is commonly present with the seasonal flu. | Sore throat is not commonly present with H1N1. |
| CHEST DISCOMFORT | Chest discomfort is mild to moderate with a cold. | Chest discomfort is moderate with the seasonal flu. <u>If it turns severe seek medical attention immediately!</u> | Chest discomfort is often severe with H1N1. |

After researching this subject thoroughly and putting aside many of the conspiracy theories that I have heard, I have come to the conclusion that, while I may be able to minimize the chances of contracting the H1N1 virus by staying home for the next 6 to 8 months, I owe it to my co-workers and other contacts to be responsible and take whatever precautions are necessary to avoid getting and spreading this contagious virus. Especially since I don't want to miss the upcoming annual SCAP Holiday luncheon set for December 15th at the El Niguel Country Club, where once again we will be treated to the inspiring vocals of the season by the San Clemente High Madrigal Singers. Invitations will be sent out shortly and I hope to see all of you there.

Decidedly Yours,

John Pastore, Executive Director

Committee Reports



Air Quality

Chair Kris Flaig
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CWCCG Update by Kris Flaig, City of Los Angeles

Just when you think one part of the regulatory world might be slowing down, another part speeds up. And, so it has been during the past few months. The apparent lull of August was followed by the Herculean efforts by the State legislature to pass several hundred bills, several of which directly affect the SCAQMD, some of which could affect us all down the road. The Governor, true to his promise, signed a few and vetoed several, then called the legislature back to work for unfinished business. To benefit permittees in the South Coast Air Basin, SB 827 and AB 1318 were signed into law.

While legislative progress was made, POTWs are making some progress through the California Wastewater Climate Change Group (CWCCG). Our consultant, CH2M Hill, led by Jackie Kepke, is able to use the collaborative efforts of POTWs across the State (e.g., LACSD and BACWA), as well as NACWA and ACWA positions, to approach regulators. Jackie submitted comments to the ARB on Mandatory GHG Emission Reporting, providing feedback relative to a recent ARB Workshop, including comments on problems with reporting, and sampling and testing. In

a letter to the ARB on Combined Heat and Power (CHP), Jackie expressed the need to exclude municipal wastewater (an essential public service) from a Cap and Trade Program, and for incentives combined with fewer regulatory hurdles for CHP to use renewable fuels. CWCCG leadership, led by Jackie, will be meeting with ARB senior staff regarding Cap and Trade issues. Jackie and her CH2M Hill colleagues also attend and report on specific workshops and webinars. The CWCCG Steering Committee is working closely with our consultant to effectuate the direction desired by the CWCCG Policy Committee.

A few months ago, we looked at the Waxman-Markey bill (HR 2454). Perhaps the greatest legislative bill of the past month would be the Kerry-Boxer bill (S 1766). Several differences are noted between the two bills. The first significant difference is that the W-M bill attempts to amend most energy bills that have been enacted during the past 30 years, while the K-B bill is largely silent on the subject. The second significant difference is that the W-M bill provides for extensive residential and commercial incentives, while the K-B bill provides more selectively targeted incentives and funding for (applied) research efforts. Although digester gas is not a popular word in the K-B bill, 'natural gas' includes renewable biogas. The K-B bill also establishes a simple means by which more GHGs can be added, and enables the administrator to require anyone to report their GHGs; the US President is also given specific powers to possibly expand the scope of the bill. This bill acknowledges The Climate Registry and the Western Climate Initiative, but ignores the federal Mandatory Reporting Rule. As with the W-M bill, the K-B bill does not address Title V requirements in a pragmatic or thoughtful manner; POTWs will need to educate their representatives on this. The K-B bill allows sources to exclude renewable biomass or gas,

and directs the Administrator to delay specific NSPS-related standards for GHGs until Jan 1, 2020. We might be interested that the K-B bill provides a mechanism for early action, suggests language for a federal short-term pre-exemption, and allows a State much more freedom within a GHG program.

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.

The ICAPCD has announced the availability of Rule 310 (Operational Development Fee) RFP on its website. Project request forms are now available. Also posted is a Notice of Availability for the Annual Accountability Report.

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

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.

The next meeting of the MDAQMD Board is scheduled for November 23, 2009 in Victorville. There are no new workshops or public hearings shown on the MDAQMD website for the month of November.

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 will become effective on December 24, 2009.

There are currently no public workshops or hearings for rule adoption scheduled for the month of November according to the SDAPCD website. The next meeting of the Board of Directors has not been announced.

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 SBAPCD Board will be conducting its next public meeting on December 17, 2009.

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.

An Advisory Committee meeting is scheduled for November 13th to discuss revisions to Rule 74.11 Natural Gas-Fired Residential Water Heaters.

The next VCAPCD Board meeting is scheduled for November 16, 2009. There are now new Advisory Committee meetings scheduled at this time.

South Coast AQMD

www.aqmd.gov

SCAQMD Permit Moratorium to Expire January 1, 2010 by Greg Adams, LACSD

The Governor signed SB 827 by Senator Rod Wright on October 11, 2009; it was chaptered the same day. With the signing, the SCAQMD permitting moratorium ends as of January 1, 2010. Staff has informed several committees that additional litigation is likely and has already requested a large budget and contingency fund for their Sacramento efforts next year.

SCAQMD permitting staff has informed us that many of the permits in the backlog are queued up and simply waiting for the credits to be allocated.

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

This proposed rule implements very punitive provisions of the 1990 federal Clean Air Act Amendments contained in Section 185. This section requires the imposition of significant penalties, up to \$35MM per year within the South Coast, escalated at the CPI each year and continuing possibly forever, on emissions from stationary sources in specified non-attainment areas, even if those sources are operating at best possible control levels. At the September 11, 2009 SCAQMD meeting, staff deferred the rule until the December 4, 2009 Board meeting. In the interim, a similar rule approved by the SJVAPCD Board in 2002 has been the subject of three Federal Register notices, one being a strict interpretation of Section 185 allowing none of the "clean unit" flexibility sought by San Joaquin and the latest notice, retracting the earlier, inflexible stand somewhat, by acknowledging the work of Section 185 Clean Air Act Advisory Group Task Force and the possibility that flexibility under Section 172 (e) of the Clean Air Act might exist. The third Federal Register notice pertains to a consent decree entered into among the SJVAPCD, EPA and a litigant on the same issue wherein EPA has promised to come to a final determination by November 13, 2009, hence, we believe, one of the reasons for SCAQMD delayed Board action. We recently learned that this final date has been pushed out until December 12, 2009; it is unclear what SCAQMD will do with the scheduled item on the December agenda. Finally, a letter was sent to Gina McCarthy, the EPA Assistant Administrator for Air

and Radiation, re-capping the meeting with her in August 2009, outlining the ramifications of the increased fees on essential public services and small businesses in the South Coast region.

Final Mandatory Reporting of Greenhouse Gases Rule by Frank Caponi, LACSD

In response to the FY2008 Consolidated Appropriations Act (H.R. 2764; Public Law 110-161), EPA has issued the Final Mandatory Reporting of Greenhouse Gases Rule. The rule requires reporting of greenhouse gas (GHG) emissions from large sources and suppliers in the United States, and is intended to collect accurate and timely emissions data to inform future policy decisions.

The rule addresses "General Combustion Sources" and specific source categories. EPA made the decision to not list POTWs as a source category, so process emissions from treatment plants are not addressed. However, larger POTWs could be forced to report GHG emissions due to its combustion sources. General combustion sources are stationary sources such as flares, boilers, engines and gas turbines (excluding portable engines and back-up emergency generators). If the emissions from these units exceed 25,000 metric tons of CO₂e, then the facility must report under this federal program. Calculating CO₂e for determining if the trigger is exceeded, only addresses emissions of anthropogenic CO₂, N₂O and CH₄, adjusting for global warming potential. The three other GHGs covered under the rule are not likely to be emitted at a POTW. In the reporting program, flares, engines, boilers, turbines, (etc.), that are fueled solely by biogas, are included but listed separately for biogenic CO₂ emissions. Co-fueled units must report the biogenic and anthropogenic emission separately.

The final regulation also contains very specific information on testing methods, frequency of testing, reporting requirements, missing data procedures and enforcement.

Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule by Frank Caponi, LACSD

On September 30, 2009, EPA announced a proposal that is focused on large facilities emitting over 25,000 tons of greenhouse gases a year. These facilities would be required to obtain permits that would demonstrate they are using the **best practices and technologies** to minimize GHG emissions. The rule

proposes new thresholds for greenhouse gas emissions (GHG) that define when Clean Air Act (CAA) permits under the New Source Review (NSR) and title V operating permits programs would be required for new or existing industrial facilities. The proposed thresholds would "tailor" the permit programs to limit which facilities would be required to obtain NSR and title V permits and would cover nearly 70 percent of the national GHG emissions that come from stationary sources, including those from the nation's largest emitters.

The practical implication of this proposal is that newly developed GHG thresholds could require facilities that previously were not covered under the federal Title V permitting program, and/or the federal NSR – Prevention of Significant Deterioration Program, to now be included simply because of GHG emissions. These are very burdensome permitting programs.

SCAP is continuing to evaluate this lengthy proposed regulation and will provide future updates as more information becomes available.



Biosolids

Chair Mike Sullivan
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Greenhouse Gas Calculator for Biosolids Management by Matt Bao, LACSD

The Canadian Council of Ministers of the Environment (CCME) along with the assistance of NEBRA, Sally Brown (University of Washington), and others have recently made public a report and downloadable calculator for estimating greenhouse gas emissions from various biosolids management scenarios. The CCME has established a Biosolids Task Group which is developing a Canada-wide approach for the management of wastewater biosolids. The task group focuses on developing an inventory of emerging contaminants in biosolids, reviewing current legislative frameworks for biosolids, and developing tools for determining greenhouse gas emissions from various biosolids management practices.

The CCME-approved documents include: (1) an executive summary that includes information on the application of the "Biosolids Emissions Assessment Model" ("BEAM") calculator to 9 representative Canadian biosolids management scenarios; (2) the BEAM calculator spreadsheet, which includes default values and references; and (3) a User Guide to the spreadsheet calculator. The documents are available for download from the CCME website at http://www.ccme.ca/ourwork/waste.html?category_id=137.

It is also noted that future research may lead to changes in understanding and new assumptions and default values for the calculator, which may result in future updates to the BEAM model.

Trace Organics Survey by Matt Bao, LACSD

WERF is planning a research initiative that will build on the existing research efforts and use a combination of laboratory and field studies to determine potential human and ecological exposure to key trace organics in biosolids-amended soils. The research will focus on the transport, fate and exposure to trace organics that end up in land-applied biosolids. This type of information can be used (likely by EPA) to assess any risk associated with trace levels of organics found in biosolids-amended soils. The goal is to fill key data gaps in the fate and exposure science areas so that responsible entities can evaluate the need for regulation of these compounds. The planned research will provide coordination of current and future research efforts to foster sharing of new data and research findings and interfacing of existing and new studies to optimize coverage of existing gaps. The research will look at a variety of trace organic compounds, including, but not limited to, pharmaceuticals, flame retardants, endocrine disrupting chemicals and perfluorinated chemicals.

NACWA, CASA and other groups are in the process of conducting surveys for their members to share information regarding research that their organizations are conducting or anticipate conducting in this area. As soon as a detailed research plan is agreed upon and sources of funding are identified, WERF plans to initiate this research as early as possible in 2010.

To assist with the survey of ongoing or anticipated research in this area please contact Greg Kester of CASA at gkester@casaweb.org for the list of survey questions.

Local Update by Matt Bao, LACSD

On October 6th, the City of Rialto was recognized for Outstanding Green Initiative by the International Economic Development Council (IEDC) for the work it has accomplished through its sustainable development program on the Rialto SlurryCarb™ Facility. The City of Rialto was also recognized by the California League of Cities with an honorable mention for this year's Helen Putnam Award for Excellence. This award honors cities that focus on innovation and improvements in community services.

A Forest and a 'Carbon Sink' Grow on Vashon by Fiona Cohen, a Seattle-based freelance writer and courtesy of Diane Gilbert-Jones, City of Los Angeles' Bureau of Sanitation



A five-acre pit on Vashon Island, left behind when workers dug out soil to cover a nearby landfill, is the site of a landscape reclamation project. (Photo courtesy David Kimmett, King County Dept. of Natural Resources and Parks) A barren pit on Vashon Island is turning into an experiment in restoring the landscape, while getting greenhouse gases out of the atmosphere. The key to this change: dirt.

Kate Kurtz, a PhD student in the University of Washington's College of Forest Resources, is working on an experiment to see what happens if you take a place with no topsoil, and enrich it with compost. King County will pay for the \$35,000 project. The site is a five-acre pit on Vashon Island, left behind when workers dug out soil to cover a nearby landfill. It's a part of Island Center Forest that serves as a park, but an attempt to plant trees there failed -- the sandy gray stuff in the ground supports only grass.

But, if the soil was enriched with compost, trees and other plants would have a chance to grow. The plants should draw more carbon dioxide out of the atmosphere, grow roots and shed leaves and twigs, adding to the carbon already in the soil. "It's like a gift

that keeps on giving," Kurtz said. So instead of a wasteland, the pit would be a green, flourishing place where greenhouse gases leave the atmosphere -- a carbon sink. Barren spots provide opportunities for a county government intent on combating climate change.

The part of a forest that is above ground absorbs a lot of carbon, but the soil can hold five to eight times as much as trees, Kurtz said. "It's like a bowl. Each site has a different sized bowl. If you're dealing with an old-growth forest, that bowl is full. A site like this is at empty." And the technology is simple. "We're using the world's most ancient organized waste management technique," Kurtz said.

The slopes of the pit are a patchwork of browns, with 16 square plots enriched with different mixtures. Some patches try different mixtures of composted food and yard waste. Some use wood chips made of branches and trees that fell on King County roads. Some use biosolids, a fancy word for treated sewage. The experiment ended up involving five different King County agencies along with the University of Washington. "It was like the U.N. of King County," Kurtz said.

Kurtz is comparing what happens in each patch with what happens in untreated areas and what happens in areas with conventional fertilizer. This fall, they planted the patches with sterile grass. Kurtz will measure the soil to check its carbon and nitrogen content and monitor for any releases of nitrous oxide, a potent greenhouse gas. Over a century, nitrous oxide in the atmosphere can trap about 310 times as much heat as an equal amount of carbon dioxide. Then in January, they'll plant trees, and monitor how they grow. By April 2012 they should know the best mixture to use and they'll start work on turning the whole pit into forest and wetland.

Bob Fuerstenberg, senior ecologist at the King County Department of Natural Resources, said that when the experiment shows the best technique, King County will be able to put carbon in the ground by enriching other sites with compost, starting with other areas of Island Center Forest. In the meantime the project will do two things: store carbon and build the park.

"This was a classic case of serendipity," he said.



Collection Systems

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Collection Systems Update by Ralph Palomares, ETWD

Well it's already November and that means we will have held our last collection systems meeting of the year, which took place in beautiful Goleta, CA on November 4th at the Goleta Sanitary District's office. This will be our last meeting up north for awhile as we are considering for 2010 using more centrally located meeting sites in Orange County and Los Angeles County in order to obtain a better balance for our members who have to drive long distances from the north and the south. As we end the year and the holidays are fast approaching, I decided to look back at our past meetings and some of the many interesting issues discussed, such as the statewide WDR, lateral repairs, calcium deposits in sewer lines, disposable wipes, FOG, etc.,. Although compliance deadlines for the WDR and SSMP work for all agencies are fast approaching, I am still amazed that there are some agencies, who for some reason have waited until now to jump on the band wagon and comply with these regulations. As I have said before, we welcome anyone to come to one of our collections meetings for assistance and we will be glad to assist you or your agency. I recently read in the newspaper where a court order up in Northern CA will require homeowners in certain Bay Area cities to fix or replace sewer lines at the point of home sale or when upgrading their properties, which may signal the beginning of such laws here in CA. Speaking of line cleaning, I was told at a recent meeting I attended that there is a new cutter that supposedly removes calcium like it was butter? Yeah right! I'll have to see this for myself before I can believe it. No doubt you will have to shell out a lot to purchase it just for it to sit on a shelf in your shop until you don't need it anymore. The disposable wipes continue to take up more room on the supermarket shelves and I don't see an end to that industry, as this seems to be the age of the "just throw it away" generation.

Reminiscing a little, I remember as a kid my friends and I would take my wagon and go down to the beach a few blocks from our house in Huntington Beach and

collect beer and soda bottles and then take them back to the store for the nickel refund. We'd then use the money we got to go see a movie, which back then only cost 50 cents. Can you imagine today how many bottles or cans that would have to be collected to earn enough to pay for a movie or even to buy a large popcorn? I also had a paper route with 250 customers that always paid their \$1.25 monthly subscription on time and with a tip, "those were the good old days". BB guns ,slingshots, riding in the back of dad's truck and a black and white television with foil paper on the antenna that only got 9 channels (and that was on a good day). I guess what I am trying to say is that back then we appreciated what we had maybe a little more and worked harder to keep it in working order. Now, it seems it's easier and cheaper to replace things like cell phones, i-pods, toasters, coffee pots, computers and monitors than it is to repair them. And of course everything is made of plastic now and disposable, including the FOG we produce on Sunday mornings when we cook bacon and put the grease in a plastic container and then throw it in the trash (not pour it down the drain).

As you all know tree roots are a major concern for us in the sewer collection department, as they cause sewer blockages and it is not surprising that recent studies are suggesting that they are the number one cause of SSO's in our industry. Sometimes how we choose to handle the root problem can put us between a rock and a hard place. For example, we can either continue treating them with foam (long term maintenance) or simply cut down the tree and remove the roots, possibly causing our neighbors to become angry at us for requisitioning that work to be done by our city/county public works department. Or do we do nothing and pay fines to the regulators? You be the judge.

Another dilemma that collection systems departments face is what to do about grease interceptors. Many of us with industrial waste programs argue that grease interceptors are too big and have developed formula's to size them correctly. Yet we continue to see them sized incorrectly or installed where they're not even needed, such as at a Starbucks or a 31 Flavors. If agencies would just perform a simple video inspection consisting of an initial cleaning with a follow-up inspection in 30 days to see how much FOG is in the system, it would to give the agency an idea of how effectively the interceptor is working and whether or not it is too large. For those agencies that don't pay attention to proper sizing and simply require any size interceptor to be installed, they generally end up with an odor problem as well, which is too bad because I like grease interceptors, but only if they're absolutely needed to protect our collection systems.

Another topic we have discussed is public education opportunities for programs such as, No Drugs Down the Drain or Residential FOG Collection. For those of you who may be interested in starting up a public outreach program for any of these topics, we encourage you to come to our meetings and let one of our large agency members assist you. All of our large cities and special districts have excellent programs in place and are more than happy to share their program knowledge with other SCAP members. We all have the same purpose in the wastewater industry and that's to make our customers happy, and prevent SSO's, while doing it effectively and at minimal cost to our customers.

Lastly, I wanted to mention that many of our agencies now have private property lateral programs in place or are contemplating starting up such a program. For those agencies that are interested, Manuel Romero from the City of Santa Barbara updated us on the City's sewer lateral improvement program (SLIP) at the November 4th collection systems committee meeting in Goleta. Santa Barbara's program was one of the first programs of its type implemented in California and also remains one of the best. A copy of Manuel's presentation will be posted on the SCAP website.

SSO Reduction Program Review and Update by Robert Kreg, SCAP

On September 15th and 29th the State Water Resources Control Board (SWRCB) held meetings at the Orange County Sanitation District (OCSB) and at the Elihu M. Harris Building in Oakland to solicit comments on its SSO Reduction Program including the WDR (waste discharge requirements) and the SSMP (sanitary sewer management plan) requirements. This strategy allowed participation from stakeholders in both the northern and southern parts of the state. Both meetings utilized the same format and agenda and were facilitated by a member of the state board staff. Both meetings utilized a panel comprised of state board staff including Jim Fischer and Russell Norman to record and comment on the attendees' remarks. The meeting in Southern California had 60 to 70 people present where approximately 100 people were present at the Northern California meeting. Aside from having a somewhat greater attendance the Northern California meeting was also attended by several representatives from non-governmental organizations (NGO) and Ken Greenberg from the United States Environmental Protection Agency, Region 9.

The meetings began with the state doing a PowerPoint presentation that provided an overview of the program and its implementation to date. The presentation

included a review of SSOs, reporting and compliance data. The audience was then asked to provide discussion and comments on various questions organized into six separate categories. The categories were:

- A. SSO General Order Applicability and Enrollment
- B. Notification and Reporting Requirements
- C. Sewer System Management Plan Requirements
- D. Compliance
- E. Interpretation
- F. Other Issues

There were four main issues that were common at both meetings.

- a. Private laterals and private lateral spill reporting. Most attendees felt that private lateral spill reporting should remain voluntary. Representatives from the NGOs preferred mandatory reporting of private lateral spills. It was argued that reporting of private property spills was an indicator of the effectiveness of the overall program and should be mandatory. Currently, only the San Diego Regional Water Quality Control Board requires mandatory reporting of private lateral spills.
- b. Establishing a threshold value for public spill reporting. This was of particular interest at the Northern California meeting as Regions 1, 2, 5 and 6 reported a large numbers of spills under 10 and 100 gallons that have not impacted surface waters. For all spills reported in the state, 92% are less than 1,000 gallons. Additionally, almost half (48%) of the total spill volume was caused by 0.1% of the spill events. It was argued that this creates an added burden on the reporting agencies while the low spill volumes have little or no impact on the environment. Having a reasonable threshold for reporting would eliminate the excessive reporting. The NGO representatives disagreed stating that small spills can be an indication of a larger spill in the future and that the current requirement to report all spills is justified.
- c. Give the WDR time to work. Comments from attendees at both meetings to the SWRCB representatives questioned why the SWRCB was so intent on opening up the Order when its full implementation has yet to be realized. It was argued that the process works, as demonstrated by the success of both the Region 8 WDR of 2002 and a similar program in Region 2 prior to the statewide WDR, but results are not instantaneous and need time to develop. The concern is that the program should be allowed to prove its effectiveness

before being modified as modifying at this stage would only add unnecessary confusion delaying the desired results.

- d. WDR vs. NPDES permit. Whether the best vehicle for the regulation of SSOs is a WDR or an NPDES permit has been debated since the inception of the Order. The topic was debated once again, especially at the meeting in Northern California. NGO representatives claimed that the WDR is illegal and that the Clean Water Act requires the regulation to be an NPDES permit. It was further stated that since the state is having a fiscal crisis and there is no funding for enforcement an NPDES permit would facilitate citizen enforcement through citizen suits. Agency representative countered that current regulations are sufficient to control the issue but will need time to prove their effectiveness. Ken Greenberg stated that the WDR is a huge success. In meeting with other states, it has become clear that no other state in the US has such a comprehensive program as California, including public access to information. He further stated that he had told the Obama administration that California would be a good model for a national CMOM rule.

Most of the meeting was devoted to the state receiving comments. Except for direct questions that were posed to the panel the state staff did not offer many comments. They did state that the Regional Boards will continue to be responsible for spill enforcement and that the state is working on a new enforcement policy for release later in the year. The state will continue its compliance assistance efforts as it transitions into an enforcement role.

If you would like to comment on the SSO Reduction Program Review and Update, including the SSO General Order, the State Water Resources Control Board has extended the deadline to submit comment letters to no later than 5 P.M. on Friday, November 6, 2009. Comment letters may be submitted to the following address with "SSO Reduction Program Review and Update" in the subject line:

Waste Discharge Reporting Unit
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Comment letters may also be submitted by email to: SSOcommentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax to (916) 341-5463. For email submittals, please indicate in the subject line:

Comment Letter-"SSO Reduction Program Review and Update."

A comment letter has been submitted by SCAP and its Summit Partners reiterating the position of the public agency owner/operators under the current Order. A copy of this comment letter is available on the SCAP website.

WDR Compliance Update by Robert Kreg, SCAP

If your agency serves a population of 2,500 to 10,000 the deadline for certifying the Legal Authority, Operations and Maintenance, Overflow Emergency Response Program, and FOG Control Program elements of the SSMP was November 2, 2009. For agencies serving a population of less than 2,500 the deadline for certifying the Legal Authority, Operations and Maintenance, Overflow Emergency Response Program, and FOG Control Program elements of the SSMP is February 2, 2010.



Energy Management

Chair Andre Schmidt
aschmidt@lacsds.org

Partial Reopening of Direct Access Electricity Market by Andre Schmidt, LACSD

On October 11, Arnold Schwarzenegger signed SB 695, which provides for a partial reopening of the direct access electricity market in California. The bill will lift the suspension of direct access under AB 1x. Enacted during the energy crisis, that bill froze more direct access in the state until the Department of Water Resources no longer supplied power under long-term contracts. Now under SB 695, direct access will increase in the state over the next three to five years, from 9 to 10 percent of load today to up to 14 percent. A cap will be placed each year on the amount of additional direct access that could occur in each utility's service territory. The CPUC will determine the kWh cap in a new proceeding. The first available delivery start date will not be determined until the CPUC finalizes the implementation date. According to the bill, the plan is scheduled to be published no later

than July 1, 2010. According to initial findings, there will be about 135 MW available in SDG&E territory, 900 MW in PG&E territory and 875 MW in SCE territory before reaching maximum allowable new direct access load levels under the bill.

CEC Releases Applications for EECBG by Andre Schmidt, LACSD

The California Energy Commission (CEC) recently released applications for small cities and counties to apply for Energy Efficiency and Conservation Block Grants (EECBG). The CEC was allocated \$49.6 million to distribute under the American Recovery and Reinvestment Act to small jurisdictions that are not receiving a direct EECBG allocation from the U.S. Department of Energy. The CEC has stressed that projects must be completed by Sept. 13, 2012, or the funds revert back to the federal government. The funds are to be used for cost-effective projects that save a minimum of 10 MMBtu per \$1,000 spent. For more information see the CEC website: <http://www.energy.ca.gov/recovery/blockgrant.html>.

DOE Issues Competitive EECBG Funding Opportunity for State, Local, and Tribal Governments by Andre Schmidt, LACSD

On October 19, 2009, the U.S. Department of Energy (DOE) issued its competitive Energy Efficiency and Conservation Block Grant (EECBG) funding opportunity announcement. The announcement seeks innovative state and local government and Indian tribe programs, and will use up to \$454 million in Recovery Act EECBG funds for these competitive grants awarded in the two topic areas described below. Applications are due to DOE by December 14, 2009, and the voluntary letters of intent are due by November 19, 2009.

The first topic area will award \$390 million in funding for innovative programs that are structured to provide whole-neighborhood building energy retrofits. These will be projects that demonstrate a sustainable business model for providing cost-effective energy upgrades for a large percentage of the residential, commercial, and public buildings in a specific community.

The second topic area will award up to \$64 million to help expand local energy efficiency efforts and reduce energy use in the commercial, residential, transportation, manufacturing, or industrial sectors. DOE expects to make 15 to 60 awards, with award size ranging from \$1-5 million. Eligible entities include

local and tribal governments that were not eligible to receive population-based formula grant allocations from DOE under the Energy Efficiency and Conservation Block Grant program; a governmental, quasi-governmental, or non-governmental, nonprofit organization authorized by and on behalf of a unit of local government (or Indian tribe) that was not an eligible entity; or a consortia of units of local governments (or tribes) that were not eligible entities.

For complete details on the availability of funds please visit:

http://www.eecbg.energy.gov/about/competitive_grants.html

Energy Management Committee Meeting by John Pastore, SCAP

On October 22nd SCAP held its last Energy Management Committee meeting of the year at the offices of the Los Angeles County Sanitation Districts. Nearly forty members were in attendance and were treated to a diverse array of presentations by industry experts both from the public and private side. Presentations were made on proprietary self-generation equipment manufactured by Energix Research, Inc. that gives agencies options to SCAQMD's NOx regulations and by Biosoils, Inc. regarding the new Colton Biosolids Facility that is currently planned for construction in the near future in the City of Colton.

SCAP's Air Committee vice chair, Greg Adams, discussed the relevant provisions of the Kerry-Boxer federal climate change legislation that pertains to water and wastewater operations.

The utility companies were also well represented and made presentations summarizing various opportunities for our POTWs to take advantage of new regulations regarding renewable energy sources and the future outlook for cap and trade. The first presentation was by SEMPRA Energy's Greg Bass regarding Opportunities for POTWs with the Reopening of the Direct Access Power Market. The next presentation was by Steve Hruby of the Southern California Gas Company on the Biomethane Market Development, which will allow an alternative usage for digester gas. And lastly, by Frank Harris, a noted economist with Southern California Edison, an in-depth presentation made on the potential effects of cap and trade on our industry. Copies of all of these presentations are available on the SCAP website in the Energy Management Committee reference library section.



Water Issues

By Chair Gus Dembegiotes
Gus.dembegiotes@lacity.org

State Water Board's Draft Water Quality Enforcement Policy by Gus Dembegiotes, City of Los Angeles

As SCAP previously notified Water Issues Committee members, the State Water Resources Control Board released a new version of the proposed Revised Water Quality Enforcement Policy. They have made numerous revisions to the latest draft. The State Board scheduled the draft for an October 20th hearing. At the hearing, the State Board deferred action on the item until its November 17th meeting. However, the period for public comments was not extended. SCAP will continue working with Tri-TAC, CASA and other partners to make changes to the revised document. The latest version of the policy is at:
http://www.waterboards.ca.gov/board_info/agendas/2009/oct/102009_9draftpolicy_tracking.pdf

State Water Board Consideration of a Proposed Resolution Revising the Core Regulatory Water Quality Fee Schedules by Gus Dembegiotes, City of Los Angeles

The State Water Board adopted a resolution at its Board meeting on October 6th revising its regulatory fee schedules. The Board agreed with its staff recommendation to adopt Option 2 which would require all dischargers to pay a base fee of \$1,000 plus \$1,768 multiplied by the permitted flow (units of mgd) with a fixed cap of \$250,000. The adopted resolution can be found at:
http://www.swrcb.ca.gov/board_decisions/adopted_orders/resolutions/2009/rs2009_0074.pdf

Wastewater Legislation Update by Gus Dembegiotes, City of Los Angeles

AB 1366 (Feur) and SB 283 (DeSaulnier) were both signed by the Governor into law. AB 1366 will authorize local agencies that own or operates a collection system or water recycling facility to take

action by ordinance to control salinity inputs from residential self-regenerating water softeners. SB 283 will revise the date the Department of Water Resources is required to adopt and submit regulations to establish design standards to safely plumb buildings with potable and recycled water systems (dual plumbing) to the commission to December 31, 2009. The bill will, commencing July 1, 2011, and annually thereafter, require the department to review and update, as necessary, the regulations.

Recent Court Decision Opening Environmental Liability for Any Public Entity Operating a Sewage Treatment Facility by Gus Dembegiotes, City of Los Angeles

On October 19th, SCAP notified its membership of a recent court decision that could open environmental liability for any public entity operating a sewage treatment facility. In the case of Adobe Lumber, Inc. v. Hellman, 2009 WL 2913415 (September 8, 2009), a district court in California recently held that a CERCLA contribution claim could be brought against a municipality that did no more than own a sewer pipe which received solvent from a dry-cleaner which discharged PCE into the sewer. Judge Shubb found in Adobe Lumber, that the City of Woodland could be held liable as both a current and former owner and operator of a CERCLA "facility." Because contaminants at hundreds of superfund sites are discharged to sewers, broad application of the rule announced in Adobe Lumber could upend allocation of liability at many sites around California. Judge Shubb rejected City of Woodland's argument that it was unaware of the contaminant's presence, and the City's attempt to distinguish the applicable case law on the grounds that previous decisions were grounded on "deliberate/knowing conduct by the party responsible for the sewer." In rejecting these policy arguments, the court noted that "CERCLA is a strict liability statute, and liability can attach even when the generator has no idea how its waste came to be located at the facility from which there was a release." The court also found that the City could not take advantage of any of the statutory defenses, including the fact that the contamination was caused by third-parties. Finally, the court noted that that a party seeking to take advantage of the "innocent party" defense must show that it exercised due care and took appropriate precautions. Because the record included no proactive maintenance management system, leakage studies, or sewer master plan, despite reports indicating multiple defects in the system, the court found that the City could not walk away from responsibility.

SCAP is forwarding the case to CASA for further legal analysis.

SCAP Water Issues Committee Meeting for November 24, 2009 by John Pastore, SCAP

Come join us for the next Water Issues Committee Meeting scheduled for November 24, 2009 at the Inland Empire Utilities Agency. We are honored to have Mr. Gerald Thibeault, Executive Officer of the RWQCB Region 8, join us and discuss the year in review and share his perspective on what can be expected in 2010. Mr. Thibeault is well known to all in the Santa Ana Region and provides a wealth of experience on regulatory issues. We will also have regulatory and legislative updates by City of Los Angeles Bureau of Sanitation staff. A meeting notice and agenda will be sent out shortly.



Regulatory Affairs

Mary Jane Foley
mfoley@scap1.org

Marine Life Protection Act by Mary Jane Foley, SCAP

The Marine Life Protection Act process for the South Coast Region, as far as the local involvement of the 64 stakeholders, is just about complete. This month I attended a three day meeting with the policy group, the Blue Ribbon Task Force and the Stakeholders, of which I am one. The Blue Ribbon Task Force decided to send all three stakeholder proposals forward to the Fish and Game Commission for consideration of adoption, along with a preferred alternative that the BRTF is designing with the input of the stakeholders. I was part of the Proposal #2. As far as the SCAP Ocean Discharge Members, LACSD, SOCWA and San Elijo still have some big challenges with MPA's over or too near their operations. The MLPA team is requesting the Fish and Game Commission to allow the MLPA to hire a consultant who will look at all the existing non-fishing permits and State Land leases and come up with what would be the allowable and

prohibited uses. It will be very interesting to see how this is accomplished legally. I will keep you posted.

SCAP developed language for protecting the future uses of wastewater operations that will hopefully be included in the final regulation. Before the Fish and Game Commission can adopt a specific MPA proposal, CEQA for the South Coast Region has to be done. This is a long process.

Something new that I have taken on this month is to weigh in for SCAP on the Pyrethroid issue, which is a study and process going on within the Department of Pesticide Regulation. I have followed this through TriTAC meetings and decided to actively get involved to see how I could be of assistance under SCAP auspices. I participated in a conference call on the issue of the POTW involvement and will continue to assist the working group with the upcoming meeting with the DPR and the SWRCB.

The Water Quality Enforcement Policy adoption was moved to a later date. I helped the WQEP workgroup with the SWRCB on some of the process problems and the need for more time to correct conflicting language in the latest draft. I am currently reviewing all the comments received on this Policy. They are numerous!

Finally, at the last TriTAC meeting, information about the State Water Board proposed expanded definition of wetlands was requested. I have been following this issue as an observer and attended the first meeting on the topic. The SWRCB is considering a proposed definition of "wetlands" that could significantly expand the state's regulatory jurisdiction beyond the longstanding federal definition administered by the United State Army Corp of Engineers. On first glance the definition appears to have the same three factors that the Corps has used over the years to distinguish wetland soils and wetland vegetation. But on closer reading the wetland hydrology is proposed to include language that the presence of wetland hydrology would be presumed in most California environments whenever an area is wet for seven consecutive days. This could expand the amount of land in California that is deemed to have the requisite wetland hydrology. Another interesting variation is wetland vegetation. Under the proposed definition, an area can be considered a wetland when it either has hydrophilic vegetation or lacks vegetation. The Corps definition requires the presence of wetland vegetation. I know that wetlands are not an immediate issue with many of the SCAP members, but if you are going to do new construction and there are any conditions existing in the area of construction that fit into the new wetlands definition, you could be greatly impacted.

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 .

Happy Thanksgiving to each of you and your families!

Non Sequitur

Being thus arrived in a good harbor, and brought safe to land, they fell upon their knees and blessed the God of Heaven, who had brought them over the vast and furious ocean, and delivered them from all perils and miseries thereof, again to set their feet on the firm and stable earth, their proper element.

-William Bradford-
Of Plymouth Plantation

SCAP MEMBER NEWS

Congratulations to the City of Rialto and Enertech!



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PRESS RELEASE

FOR IMMEDIATE RELEASE

CONTACT: Brian Dooley, (404) 355-3390, bdooley@enertech.com

City of Rialto is Recognized for Outstanding Green Initiative for the Rialto SlurryCarb™ Facility

ATLANTA, GEORGIA (October 12, 2009) – The City of Rialto, California has been recognized by the International Economic Development Council (IEDC) for the work it has accomplished through its sustainable development program on the Rialto SlurryCarb™ Facility.

A first of its kind facility, the Rialto SlurryCarb™ Facility converts biosolids (processed sewage sludge) into a renewable solid fuel. The fuel, called E-Fuel, is being used by cement kilns to offset their coal use—reducing greenhouse gas emissions for Southern California by over 80,000 tons per year. The Facility, constructed by EnerTech Environmental, Inc. in partnership with the City of Rialto and the Redevelopment Agency of the City of Rialto, provides the City with tangible environmental benefits along with a series of economic benefits in the form of tax revenues, land lease payments, and profit sharing opportunities.

“Furthering economic development is rarely a simple task in the best of times, and advancing the cause in the midst of a global financial crisis is nothing less than arduous,” said Ian Bromley, IEDC chair. “As the consequences of the widespread economic turmoil have taken hold, we have seen our members become even more ardent proponents of economic development, flying in the face of one of the most challenging economic environments we have experienced in our careers. We proudly present this award to the City of Rialto for its superior work during these difficult times.”

“Without the City of Rialto’s vision for sustainable economic development, we would not be where we are today,” said Kevin Bolin, EnerTech CEO. “The City, together with our other partners, has shown that environmentally-friendly technologies can make economic sense for communities.”

The City accepted the award at the IEDC’s Annual Meeting on October 6th in Reno, Nevada.

The City was also recognized by the California League of Cities with an honorable mention for this year’s Helen Putnam Award for Excellence. The award honors cities in ten different categories, focusing on innovation and improvements in community services. The City of Rialto was commended for outstanding achievement in the area of Planning and Environmental Quality for its work on executing the Rialto SlurryCarb™ Facility.

About the International Economic Development Council

The International Economic Development Council (IEDC) is headquartered in Washington, DC. Its mission is to provide leadership and excellence in economic development for communities, members and partners. IEDC’s professional economic development awards annually recognize excellence in the economic development profession.

About the Helen Putnam Award Program

Established in 1982 by the League of California Cities, the California Cities Helen Putnam Award for Excellence program recognizes outstanding achievements by California’s 480 cities. These winning cities have made unique contributions to community residents and businesses, contributions which have

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PRESS RELEASE

resulted in lower costs or more effective delivery of services. The purpose of the California Cities Helen Putnam Award for Excellence program is to recognize and promote the outstanding efforts and innovative solutions by city governments to:

- Improve the quality of life in local communities
- Implement efficiencies in service delivery and operations
- Provide services responsive to the local community

About the Rialto SlurryCarb™ Facility

Located in Rialto, California, the Rialto SlurryCarb™ Facility is a renewable energy facility that converts approximately 270,000 wet tons of biosolids per year from five municipalities in the Los Angeles region into approximately 60,000 tons per year of renewable fuel. The renewable fuel, called E-Fuel, is used by local cement kilns as an alternative to coal. The Facility’s customers include the Orange County Sanitation District, the Sanitation Districts of Los Angeles County, the City of Riverside, the City of San Bernardino Municipal Water Department, and the City of Rialto.

About EnerTech Environmental, Inc.

EnerTech Environmental, Inc. is a renewable energy company dedicated to the protection of public health and the environment. The company provides answers to the problems of traditional waste management methods and simultaneously creates renewable energy – in a way that makes economic sense. EnerTech’s patented SlurryCarb™ process cleanly and economically converts biosolids (sewage sludge) and other high moisture wastes into a high-grade, renewable fuel, with significant cost savings over alternative methods. EnerTech’s corporate headquarters are located in Atlanta, Georgia.

For more information, please visit www.enertech.com.

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