



SOUTHERN CALIFORNIA ALLIANCE OF PUBLICLY OWNED TREATMENT WORKS

# Monthly Update

[www.scap1.org](http://www.scap1.org)

June 2010

## In This Issue

- Executive Director’s Message
- Air Quality Committee Report
- Biosolids Committee Report
- Collections Committee Report
- Energy Committee Report
- Water Issues Committee Report

## Upcoming Meetings

### Air Quality

Wednesday, June 23, 2010  
10:00-12:00 noon @ LACSD.

### Biosolids

Tuesday, July 20, 2010  
Location TBA

### Collection Systems

Tuesday, August 24, 2010  
9:00-1:00pm @ IEUA

### Energy Management

Thursday, July 15, 2010  
9:00-1:00pm @ OCSD

### Water Issues

Thursday, August 26, 2010  
9:00 -12 noon @ IEUA

## SCAP

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## A Message from the Executive Director...

WAR, WHAT IS IT GOOD FOR? ABSOLUTELY NOTHING! – *Edwin Starr*. As I get older I have been trying to appreciate each of our celebrated holidays more and not take them so much for granted. Reflecting back on this past weekend’s observance of Memorial Day, I was surprised to find that this day of remembrance first originated in 1868 when General John A. Logan issued his famous Memorial Day Order, specifying that the 30<sup>th</sup> of May be set aside for the purpose of decorating the graves of Civil War veterans. Logan, a decorated civil war veteran himself, and a U.S. Senator, could not have known at the time that his proclamation would become a national holiday and ultimately include American servicemen from a total of 11 wars and so called conflicts. History has shown us that it has a way of putting everything into perspective. Take for example the number of American soldiers killed prior to the Civil War, the number is estimated at 20,000 and includes statistics from the American Revolution, the War of 1812, the Mexican War and the Indian Wars. Then comes along the Civil War, pitting our fellow countrymen against one another in the battle against slavery. While many believe that World War II resulted in the largest loss of American soldiers killed in the line of duty, official records suggest, that in fact, the Civil War was responsible for more deaths, 497,821 (Union and Confederate) to 406,000. Imagine how devastating it must have been to our country, still struggling with its identity and fragile economy, to lose that many good men in such a short period of time. Much in the same way, World War II robbed us of our fathers and relatives while in the prime of their lives. Although my father often talked about his experiences in World War II and the Korean War, it was hard for me to imagine what it must have been like for our servicemen. I don’t know how many of you have seen the HBO mini-series entitled “The Pacific”, but it seems to capture extremely well the physical and psychological hardships that our armed forces suffered while fighting in the Pacific Theater.

Since then we have continued to struggle with other wars including, the Korean Conflict, the Vietnam War, the Gulf War and now the Iraq & Afghan Conflicts, serving as a reminder that the price of freedom remains high. This past weekend I gave thanks for not only those brave soldiers that lost their lives in defense of our country within the last few generations, but all of those who came before that are part of the over 1.1 million war veterans that we celebrate on Memorial Day. May they all see the light of Heaven.

Ever Gratefully Yours,

John Pastore, Executive Director

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## Committee Reports

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### Air Quality

Chair Kris Flaig  
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**Air Quality Committee Semi-Annual Report** by Kris Flaig, City of LA and Greg Adams, LACSD

The Air Quality Committee continues to meet regularly on a monthly basis and attendance is at an all-time high, averaging 20 or more participants each month. The Committee's agenda since January 2009 has been focused primarily on climate change regulations related to AB32 and local South Coast AQMD rules and policies.

In the first half of 2010, the Air Quality Committee has been closely following and addressing climate change (CC) issues and regulations associated with the implementation of AB32; South Coast AQMD and CARB rule making and policies; CEQA Guidelines for GHG; third party litigation; emission studies; and state and federal GHG legislation. The number of air issues that the Committee has addressed over the last 6 months are too numerous to discuss in detail, therefore, I have listed the more significant ones that the Committee has, or is, currently involved with on behalf of the SCAP membership.

#### **Climate Change, Priority Reserve, and Non-Attainment Fees**

**Climate Change Challenges** - Our key tool has been participation with Bay Area Clean Water Agencies (BACWA), Central Valley Clean Water Association (CVCWA), and California Association of Sanitation Agencies (CASA) in the California Wastewater Climate Change Group (CWCCG). The Air Committee Chairs of BACWA, CVCWA, and SCAP, with a CASA representative make up the CWCCG Steering Committee, which directs the consultant, which was selected through a RFP process. From the start, we developed a strategy that prioritized our work using the AB 32 implementation schedule and searches of

websites of pertinent State agencies. Our consultant, Jackie Kepke of CH2M-Hill, facilitated strategy sessions and participants brought truck-loads of industry knowledge to the table.

During the past several months, our consultant has established with regulators the CWCCG as the representative of POTWs in the CC arena, and herself as our face. Ms. Kepke has spearheaded our many efforts, receiving strong support from each participating agency. Two outstanding SCAP participants that should be commended are Frank Caponi of LACSD, who has been the lead on maintaining the CWCCG Issues Matrix and assisted in establishing contacts for the CWCCG, and Patrick Griffith also of LACSD, who has been the lead on the SJVAPCD GHG Best Performance Standard issue.

Ms. Kepke has efficiently and effectively drafted many letters to regulators, soliciting essential input from CWCCG members. On our behalf, she has attended and spoken at numerous workshops, and advised the CWCCG members of our options. The rotating monthly meetings are packed with information and discussions on how to proceed. Issues for letters and workshops include all aspects of Cap and Trade, such as offsets, renewable energy credits, and allowance allocation; Mandatory Reporting under State and federal regulators; federal CC legislation; the State's Low Carbon Fuel Standard, and renewable energy credits as these apply to GHG emissions.

Recent developments are the US EPA's publication of the 500-page Tailoring Rule and the US Senate's 987-page Kerry-Lieberman Bill (American Power Act). Recently, the ARB held an informative workshop on Allowance Allocation, indicating that more work is needed prior to the highly anticipated publication of CARB's Cap & Trade Program.

**Priority Reserve Lawsuits** – We are presently in a holding pattern waiting as appeals to develop and briefs to be filed. Several minor filings have occurred at the state court level, adding additional parties to the lawsuits, seeking of demurrers, etc. A tentative date of June 11, 2010 has been established for a hearing on a motion for judgment on the pleadings. Little activity has occurred at the federal Court of Appeals level. In the interim, permits that rely on credits in the Priority Reserve or the "community bank" continue to be

issued by the SCAQMD as allowed by SB 827. A SCAQMD Board meeting to discuss a SIP amendment to allow the Sentinel power plant in the Coachella Valley to proceed with receiving credits from the Priority reserve per AB 1318 was cancelled and will be re-noticed.

No response has been issued yet by EPA to the December 10, 2009, NRDC petition to EPA to require California to amend its SIP before issuing permits based on using orphan shutdown credits. .

**SCAQMD CEQA-** Staff and consultants continue to work hard on the CEQA documents for SCAQMD Rule 1315 Federal New Source Review Tracking System. A release of the draft CEQA document is expected soon. This output is needed to redress the original CEQA deficiencies as finally ruled by Judge Ann Jones in November 2008 in response to lawsuits filed in 2007.

**SCAQMD Proposed Rule 317 Clean Air Act Non-attainment Fees** - On March 5, 2010, Earthjustice, on behalf of NRDC, filed a petition with the DC Circuit Court of Appeals challenging the EPA Office of Air Quality Planning and Standards' "Guidance on Developing Fee Programs Required by Clean Air Act Section 185 for the 1-hour Ozone NAAQS" that was issued on January 5, 2010. Hence the guidance, on which we had been waiting for close to a year and which provides considerable flexibility to the non-attainment regions to craft emissions equivalent and/or fee equivalent programs, is under attack. The SCAQMD incorporated a "hybrid" approach using the guidance that they presented at the May Board hearing. The central crux of that proposal was to credit a source's Regulation III fee payments against their potential Section 185 liability. This, coupled with a recessionary adjustment factor on emissions, might reduce Section 185 fees by as much as 75% for some, but not all sources. Staff originally thought that state funding programs, such as AB 118, would be available to offset Section 185 fees, especially since AB 118 originated from mobile sources, but later declared that that might not be the case. At the conclusion of the item at the May 7, 2010, Board meeting, the quorum-less Board directed the staff to continue to seek to change in the federal Clean Air Act provision through a Board subcommittee, to explore a vehicle registration fee approach, to formally seek AB 118 funding from CARB, to formally seek EPA's approval of the staff's approach, and to adopt the current version of PR 317 by January 2011, if all else fails.

EPA has filed a motion to dismiss NRDC's challenge of the January 5, 2010, Office of Air Quality Planning Standards, Section 185 guidance, contending, among

other things, that the action is not a final, reviewable action and that NRDC lacks standing.

### Other Noteworthy Air Quality Issues:

#### Statewide Issues-

- CARB GHG CEQA Thresholds of Significance
- OPR CEQA Guidelines for GHGs
- San Joaquin CEQA Best Performance Standards
- CARB Low Carbon Fuel Standard
- CARB Proposed Cap and Trade, Compliance Offsetting & Cap Setting
- CARB Administrative Fee Regulation (Carbon Tax)
- CARB GHG Mandatory Rule Reporting changes
- WERF Nitrogen Study
- AB32 Implementation Fee
- Combined Heat and Power (CHP)

#### SCAQMD Issues -

- SCAQMD Priority Reserve Lawsuits
- SCAQMD PR 317 (Clean Air Act Non-Attainment Fees)
- SCAP JEIP II Inventory Program
- SCAQMD Permit Streamlining Issues
- SCAQMD GHG CEQA Thresholds of Significance
- SCAQMD Rule 1110.2 Implementation (10% Bio-gas limitation)
- SB 696 Legislation (SCAQMD Permitting relief and the Priority Reserve )
- SCAQMD Rule 1470
- Public Health Working Group of CA Climate Action Team-Health Impact Assessment of Climate Programs

#### Federal Issues –

- EPCRA Hydrogen Sulfide Administrative Stay to be lifted
- Tailoring rule released 5/12/2010
- "The American Power Act" (Lieberman-Kerry GHG bill "leaked" to the public on May 11, 2010
- Federal mandatory reporting rule changes
- Other Clean Air Act regulatory changes pertaining to climate change



**Air Quality Committee Meeting at LACSD on 5-26-10**

## Imperial County APCD

[www.co.imperial.ca.us](http://www.co.imperial.ca.us)

The Imperial County APCD has a new website in operation.

Imperial County APCD has announced that a copy of both the Final 2009 Imperial County State Implementation Plan for PM<sub>10</sub> (2009 PM<sub>10</sub> SIP) and the Final Negative Declaration for the 2009 PM<sub>10</sub> SIP are now available on the District's website.

On September 23, 2009 the US EPA filed [Federal Register Vol. 74, No. 183](#) proposing a "Determination of Attainment of the 1997 8-Hour Ozone Standard for Imperial County, CA" On December 3, 2009 the US EPA filed a FINAL rule [Federal Register Vol. 74, No 231](#) issuing a determination that the "Imperial County, California moderate 8-hour ozone nonattainment area has attained the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for Ozone."

There are currently no new public workshops or meetings posted on the ICAPCD website for the month of June 2010.

## Mojave Desert AQMD

[www.mdaqmd.ca.gov](http://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 is scheduled for June 28, 2010. There are no new workshops or public hearings shown on the MDAQMD website for the month of June 2010.

## San Diego APCD

[www.sdapcd.org](http://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 reports that its 11<sup>th</sup> Annual "Go Green" Lawnmower Trade-In Program was a huge success, taking in 785 lawnmowers on May 1<sup>st</sup>. Over the last 10 years the program has resulted in reducing over 150 tons of air pollutants.

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.

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.

The SDAPCD is currently in the process of applying with CARB to become a Greenhouse Verification Body. If approved the verification services will be offered by contract.

Special Districts Meetings have not been scheduled for June as yet but an agenda will be available beginning June 16<sup>th</sup>. An Advisory Committee meeting is tentatively scheduled for June 9<sup>th</sup>. There are no new public hearings scheduled on the District's website at this time.

## Santa Barbara APCD

[www.sbapcd.org](http://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.

There are no APCD Board meetings or workshops scheduled for June at this time. There is a community Advisory Council meeting scheduled for July 14<sup>th</sup> to hear Amended Rule 321, which includes additional as well as new control techniques for solvent cleaning machines and also includes revisions to Rules 102 and 202.

**Ventura County APCD**

[www.vcapcd.org](http://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.

There is no VCAPCD Board meeting is scheduled for June at this time. There also new Advisory Committee meetings or public workshops scheduled for the month of June.

South Coast AQMD

[www.aqmd.gov](http://www.aqmd.gov)

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

EPA released its final rule that governs how greenhouse gases (GHG) will be regulated under the existing new source review (NSR) rules for major sources. This rulemaking may have a significant impact on POTWs. By way of review, new or modified major sources (of criteria pollutants) must first obtain a NSR permit. The permits for major sources would be governed under the Federal Title V operating permit program, but also for areas that have "attainment" pollutants, these major sources would also need a Prevention of Significant Deterioration (PSD) permit. Due to past court rulings and other actions taken by EPA, six GHGs (carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, perfluorocarbons and sulfur hexafluoride), are now considered "regulated pollutants" and must be included in the major source NSR programs.

The dilemma faced by EPA in regulating GHGs was the 100/250 tons per year threshold that determined which sources would be considered major. This threshold was developed for criteria pollutants, such as NOx and SO2, and usually was triggered by large sources, such as large utility boilers. If this level were

applied to GHGs, which are normally emitted at much higher volumes than criteria, millions of new sources would be brought into the permitting program, a situation which would quickly overburden industry and regulators. The new rulemaking "tailors" a new threshold for GHGs for an interim period which would take the place of the existing 100/250 tons per day threshold and attempt to avoid this unintended consequence.

EPA had originally proposed a threshold level of 25,000 tons per day of CO2. SCAP and others commented that this level was too low and not representative of a major source. In its final rulemaking, EPA agreed with these comments and adopted a step-wise approach, focusing initially on new or increased sources of GHG emissions, that is, sources that have new or increased emissions of carbon dioxide and its equivalents (CO2e - a method of normalizing all the GHG to CO2 based upon their global warming intensity) of at least 75,000 tons per year (tpy).

A brief review of the steps follows:

**Step 1:** The first implementation step under the Tailoring Rule takes effect on January 2, 2011. As of that date a stationary source will be subject to PSD permitting and BACT review for GHG emissions if the source must otherwise undergo PSD permitting for non-GHG emissions due to new construction or a plant modification (EPA refers to such sources as "anyway PSD sources") and if the source will have a net annual increase of GHG emissions of at least 75,000 tons of CO2e due to such new construction or facility modification.

Implementation of Title V permit requirements during Step 1 will be similar to PSD implementation. Thus, only sources otherwise required to have Title V permits due to emissions of non-GHG pollutants will have to address GHG emissions in their Title V permits. On the other hand, the CO2e emissions threshold of 75,000 tpy does not apply for Title V purposes, which means that when such "anyway" sources apply for, renew or revise Title V permits, they will be required to address Title V requirements as they relate to GHG emissions.

**Step 2:** Step 2 will apply as of July 1, 2011 and will be in addition to Step 1, that is, sources already subject to PSD permitting for GHGs under Step 1 will remain subject to PSD requirements. More specifically, under Step 2, a stationary source of GHGs will be a major source subject to PSD permitting for GHGs if the new source emits or has the potential to emit at least 100,000 tpy of CO2e. In addition, under Step 2, a physical change or change in the method of operation

of an existing major source that results in a net increase of at least 75,000 tpy of CO<sub>2</sub>e will be subject to PSD review for GHGs

In terms of Title V requirements during Step 2, sources that are already subject to Title V based on non-GHG emissions (again, EPA refers to these sources as "anyway Title V sources"), or subject to Title V permit requirements under Step 1 of the Tailoring Rule, will continue to be covered under Step 2. Step 2 will add to Title V coverage any GHG source with CO<sub>2</sub>e emissions of 100,000 tpy or more that did not previously have a Title V permit. In describing the interplay of Title V and Step 2, EPA explains that "[i]t is important to note that the requirement to obtain a title V permit will not, by itself, result in the triggering of additional substantive requirements for control of GHG. Rather, these new title V permits will simply incorporate whatever . . . CAA requirements, if any, apply to the source being permitted].

**Step 3:** Step 3 is undefined at this time and does not have a specific projected effective date. While Step 3 will include smaller sources not covered by Steps 1 and 2, in the preamble to the Tailoring Rule EPA indicates that Step 3 would not take effect until 2017 and that "in no event will sources below 50,000 tpy CO<sub>2</sub>e be subject to PSD or title V permitting during the [interim] 6-year period."

Later steps would explore including smaller sources in the program along with ways to streamline permits if indeed these smaller sources were included.

Many issues arise with the new regulations. First, EPA does not distinguish between biogenic and anthropogenic (fossil-based) CO<sub>2</sub>. Thus, since biogenic CO<sub>2</sub> could be a significant portion of the GHG emissions from POTWS, due to combustion of digester gas in flares or energy recovery equipment, facilities that already are Title V sources, may now have to include GHGs. Also, facilities that are not now Title V sources, could have to obtain Title V permits for the first time. Finally, since most POTWs do not have PSD permits, this rulemaking could result in facilities having to obtain PSD permits. Complicating the PSD issue is the treatment of fugitive emissions (e.g. non-point source emissions from treatment processes). This issue will be treated in a future news letter (see note below).

Under Title V, facilities that now have to include regulated GHGs would likely have to incorporate new monitoring requirements. Under PSD, impacted facilities would have to incorporate best available control technology (BACT) for GHGs. This is currently undefined, so the full impact of this requirement is not

known at this time. In the next newsletter, I will spend more time reviewing the potential impacts to our industry, including monitoring requirements, BACT for GHGs and fugitive emissions under the PSD program.



## Biosolids

Chair Mike Sullivan  
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**Biosolids Committee Semi-Annual Report** by Mike Sullivan, LACSD and Leyla Perez, OCSD

The Biosolids Committee continues to diligently work on reviewing and responding to legislative bills, regulations, and local ordinances that may impact current and future biosolids management options. The Committee also continues to provide updates to its members on a number of local biosolids management facilities that will come online in 2010 and 2011.

### **Legislative Bills and Regulations:**

In the first half of 2010, the Biosolids Committee continued to track legal and regulatory items related to biosolids:

**Kern County Measure E** – The City of Los Angeles and the other petitioners have asked the U.S. Supreme Court to hear their case alleging that the Kern County ban on biosolids land application (Measure E) is unconstitutional. The petition for a writ of certiorari, filed on March 15, 2009, requests that the U.S. Supreme Court correct a recent appeals court determination, that the plaintiffs lack prudential standing to sue Kern County under the U.S. Constitution's dormant commerce clause for banning the use of biosolids generated outside Kern County on unincorporated Kern County land.

The Federal Circuit Court initially ruled that Measure E discriminated against interstate commerce, allowing Kern County biosolids to continue to be land applied locally, while preventing the same option for biosolids from outside of the county. The 9th Circuit Court of Appeals then invalidated the ruling, finding that the plaintiffs' claims arise from intrastate commerce, and therefore fall outside the domain of the commerce clause.

**Rule revisions contemplated for part 503** - The Office of Science and Technology is conducting a risk assessment for the nine constituents identified in the 2003 biennial survey plus molybdenum. The nine constituents are: Barium, Beryllium, Manganese, Silver, Fluoranthene, Pyrene, 4-chloroaniline, Nitrate, and Nitrite.

It is unknown whether the risk assessments will result in any new regulatory standards, so we will be closely monitoring this process as it develops. It is expected that a new Table 3 limit for molybdenum will be recommended. EPA is also evaluating data for the other 135 constituents analyzed as part of the Targeted National Sewage Sludge Survey, released in January 2009, to determine if risk assessments should be conducted for them. It appears that enough data is available to conduct a risk assessment for approximately 40 additional constituents. EPA is also working to update analytical methods for a number of constituents within the biosolids matrix and will codify them as appropriate. They are also contemplating the elimination of Class A pathogen alternatives 3 & 4, which are the monitoring options for enteric virus and helminth ova. [NOTE: this could have an impact in California, since most County ordinances which require Class A for land application generally specify demonstration of compliance via these options.] EPA is also considering changes to their recordkeeping and reporting requirements, that would affect such areas as: reporting of where biosolids are land applied; how biosolids are managed; quantities produced and used; specificity on how pathogen and vector attraction reduction are met, and electronic reporting if funding is provided.

**Other Noteworthy Biosolids Issues** -

- Biosolids Compost VOC Emissions Study
- Use of Compost for Slope Stabilization of Fire Ravaged Lands
- EPA Cancer Slope Factor for Inorganic Arsenic
- Proposed Changes to the Sewage Sludge Incinerator Criteria and Solid Waste Definition
- Opening of the H.M. Holloway Mines Landfill

**Sierra Club Draft Composting Policy** by Matt Bao, LACSD

The Sierra Club has drafted a proposed composting policy that supports composting of food waste and green waste, yet opposes the use of biosolids in composting operations. The draft policy supports small and medium sized composting operations as well as processing of materials in anaerobic digesters. In addition, the draft policy supports the development of national statutory compost standards. The draft policy

references the Cornell Waste Management Institute as their only information source, which has historically opposed the use of biosolids for composting and land application. SCAP will continue to monitor this issue and report on any developments.

**San Luis Obispo County's Regulation of Biosolids Adopted** by Matt Bao, LACSD

On April 27<sup>th</sup>, the San Luis Obispo County Board of Supervisors adopted revised language in the county's master plan that allows for the land application of biosolids. Just two months ago, the Board of Supervisors proposed to revise language in the county's master plan that would prohibit the illegal dumping of biosolids on open space land, but at the same time, allow for the land application of biosolids for beneficial reuse. Prior drafts of the biosolids regulations would have limited land application of biosolids to exceptional quality biosolids only and placed annual restrictions on the amount of biosolids that could be land applied. The next step is a permanent ordinance that would be developed by the County Health Department. SCAP will continue to monitor this issue and report on any developments.

**Inland Empire Regional Composting Authority receives AAEE Award** by Matt Bao, LACSD

The Inland Empire Regional Composting Authority (IERCA) has received the Excellence in Environmental Engineering Honors Award in Operations/Management from the American Academy of Environmental Engineers. IERCA is a Joint Powers Authority between the Inland Empire Utilities Agency and the Sanitation Districts of Los Angeles County, and is responsible for development of the largest completely enclosed aerated static pile composting facility in the United States. The facility began operation in 2007 and reached design capacity in December 2008. Compost is produced using the aerated static pile composting method, by mixing biosolids with other organic materials. The facility processes approximately 150,000 tons of biosolids and 60,000 tons of wood and green waste per year. All waste materials are received, mixed and composted under negative aeration within the building.

**San Francisco Compost Giveaway Update** by Matt Bao, LACSD

On May 18<sup>th</sup>, CASA's Greg Kester submitted a letter to Peter Silva, Assistant Administrator of US EPA's Office of Water, requesting support in the form of a strong public statement of the EPA's official position on biosolids management. These efforts stem from the recent petitions to end the City of San Francisco's

biosolids compost program. The letter pointed out that an EPA employee, portrayed as an agency spokesman in media interviews, repeatedly called biosolids unsafe and hazardous. In actuality, this employee does not have expertise in the area of biosolids quality or management, and is protected from EPA sanctions as a whistle blower on an unrelated issue. SCAP has subsequently joined other associations throughout California in sending a letter of support for the biosolids composting giveaway program to the mayor of San Francisco.



## Collection Systems

Chair Sam Espinoza  
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**Collection Systems Committee Semi-Annual Report** by Sam Espinoza, LACSD and Nicole Greene, City of Montclair

The Collection Systems Committee continues to work closely with the SWRCB on the Triennial Review of the statewide WDR and is participating with CWEA on its SSO-WDR Task Force. The committee also continues conducting its informative quarterly meetings with presentations from both the public and private sector of the wastewater industry, as well as providing monthly updates to its members in the SCAP newsletter.

### **Legislative Bills and Regulations:**

In the first half of 2010, the Collection Systems Committee has been busy working on the following issues of concern:

**Statewide General Waste Discharge Requirements (GWDR)** – Committee members have been working with Russell Norman of the SWRCB on the Data Review Committee (DRC) towards input on the GWDR update, including indexing of sewer overflow criteria. SCAP's Bob Kreg has been attending meetings of this review committee and both he and Sam Espinoza have been participating in the conference calls. The second meeting of the DRC was held on March 9, 2010 at OCSD. The purpose of the DRC is to review the type of sewage spill data being reported to the California Integrated Water Quality System (CIWQS) to determine if changes are necessary to improve the Monitoring and Reporting Program's effectiveness.

The spill report data is also reviewed to gauge the overall effectiveness of the GWDR in reducing SSOs. The March meeting centered on the topic of what indices of collection system performance should be used to compare collection systems in California. Currently, the most widely used index of collection system performance is the number of spills per 100 miles of pipeline. Most feel that this is not a true indicator of system performance and penalizes smaller systems. During the meeting 10 different indices were proposed. The timeline for completion of the DRC's work is June 2010. The GWDR is tentatively scheduled for release this July.

**Assembly Bill AB 2256 (Huffman) - Product Labeling Flushable Products** - The collection systems committee has also been involved with the drafting and sponsorship of Assembly Bill AB 2256, while working with Assembly member Huffman from Marin County. AB 2256 sets testing criteria for manufactured products that are labeled and marketed as being flushable. Violations can result in a misdemeanor citation and a fine. The bill, which was last amended on April 12, 2010, has passed through the Assembly Committee on Business, Professions and Consumer Protection hearing by a 6 to 3 vote and it is expected that the bill will undergo further amendments as it travels through the approval process. Many SCAP agencies have already expressed their support of this bill.

Although the non-woven industry is currently opposing the bill, SCAP is working closely with their Association INDA and Assembly member Huffman's office to resolve the issues and hope to amend the bill in a form that both sides can support.

**Los Angeles County Voluntary Sewer Spill Prevention Program** - The committee continues to receive updates from Chair Sam Espinoza on the performance of the Voluntary Sewer Spill Prevention Program that was implemented to provide immediate reporting and documentation of sewer overflows within the County of Los Angeles. Participating agencies are the City of Los Angeles, LACSD and the County of Los Angeles DPW. One of the more notable features of this program is that all SSOs must be reported within the first 15 minutes of notification.

### **Other Noteworthy Collection System Issues:**

- Manhole Inspection Programs
- Collection System Utility Marking Requirements
- Inflow/Infiltration Problems for Sewer Agencies
- Fats, Oils and Grease (FOG) Inspections

- Odor Control Technology for Manholes and Pump Stations
- Best Management Practices for SSO Reduction Strategies (BACWA)

## **Collections Systems Committee Meeting Update** by Sam Espinoza, LACSD

The second committee meeting of the year was held on May 20, 2010 at the Sanitation Districts of Los Angeles County's Joint Administration Office in Whittier. Approximately 40 SCAP members and guests were present to listen to presentations on various collection system related topics including an overview of the Sanitation Districts' collection system and maintenance programs, LA County Dept. of Public Work's pipe condition assessment program, the ragging problems associated with "flushables", underground utility marking training requirements and an update on the work being done by the WDR/SSO Data Review and Task Force Committees. It was a good turnout with many interesting presentations, questions and comments. Copies of the presentations were posted in the public section of the SCAP website under Resources/Reference/Collection Systems Documents.



*Committee Chair Sam Espinoza with presentation on LACSD's Collection Systems Operations*

For those agencies having issues with "flushables" this past meeting was a great opportunity to share concerns regarding the impacts of these products on their collection system. It was also a chance to listen to the Association of Non-Woven Fabrics Industry's perspective regarding this issue. The reoccurring theme was that "disposable" does not mean "flushable" and that consumer behavior is difficult, if not impossible, to regulate. Perhaps a discussion on the effectiveness of consumer outreach programs similar to the "No Drugs Down the Drain" program would be the next logical step.

So how prevalent is the issue with pumps ragging due to wipes? I was able to find a recent article on a 15,000-gallon wastewater overflow that occurred in Bellevue, Washington on May 10, 2010 that was attributed to wipes. Rags, wipes and trash apparently ensnared pumping equipment at King County's Bellevue Pump Station. Wastewater Treatment Division Director Christie True said "the overflow was an important reminder to the public to keep trash out of the toilet". "A product label might say "flushable", but items like wipes, diapers, tissues and hygiene products can cause big problems in the sewer system that can lead to overflows like this one, which cost money to fix and put public health and the environment at risk," said True. "Toilet paper is the only product that's safe to flush. Everything else should be bagged and put in the trash".

The Wastewater Treatment Division's "Let's Talk Trash", which can be found at the following website <http://www.kingcounty.gov/environment/wtd/Education/ThingsYouCanDo/TalkTrash.aspx> has a good example of pamphlets that can be utilized in a public outreach program on how the public can safely dispose of unwanted items.



## Energy Management

Chair Andre Schmidt  
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## **Energy Management Committee Semi-Annual Report** by Andre Schmidt, LACSD and Chris Berch, IEUA

The activities of the Energy Management Committee for the first half of 2010 continue to be focused on Energy Production as it relates to operation of existing facilities, new facilities and emerging technologies; Energy Efficiency as it relates to design and operation, utility rebate incentive programs, demand response and LEED certification; and Energy Markets as it relates to energy procurement and contracts, renewable energy credits and commodity prices. Committee meetings continue to provide a forum for presentations and discussions of energy management topics and for tours of various public facilities that incorporate effective energy management. The

Committee also works to track relevant energy legislation that is proposed and/or implemented.

## Legislative Bills and Regulations:

Although AB 32 and subsequent rule making continues to affect all POTWs, from a strategic standpoint it was determined that in the first half of 2010, the Energy Management Committee would closely monitor the California Public Utilities Commission's (CPUC) activities related to the creation of a Tradable Renewable Energy Credit (TREC) market. The 100 page Proposed Decision was partially reviewed by the committee. Information was obtained on how to obtain certification for TRECS from the California Energy Commission (CEC) and become registered with the Western Regional Energy Generation Information System (WREGIS).

- **CPUC Decision on Tradable Renewable Energy Credits** - On March 11th, the CPUC approved the use of TRECs for compliance with the California renewables portfolio standard (RPS). The decision distinguished between bundled (energy plus renewable energy credits (RECs)) transactions and TREC (or REC-only) transactions used for RPS compliance by finding that a bundled transaction must serve California customer load, without needing any intermediary energy transactions that in effect substitute energy that is not RPS-eligible for energy that is. The decision classifies all other RPS-eligible transactions as REC-only. Highlights of the decision included:
  - TRECs must be tracked in the Western Renewable Energy Generation Information System (WREGIS) and retired in WREGIS for RPS compliance within three calendar years of the year the electricity associated with the TRECs was generated
  - The Investor Owned Utilities (IOUs) may use TRECs to meet no more than 25 percent of their annual RPS procurement obligations
  - The decision imposed a transitional price cap of \$50 per REC in REC-only contracts used for RPS compliance
  - The limit and price cap will expire December 31, 2011
  - The decision requires the CPUC's Energy Division to collect information on the TRECs market and issue a report in 16 months with recommendations on the cap and limit

Power produced at wastewater treatment plants from a renewable energy source and used onsite is eligible to qualify for TRECs. Under the decision, these would be subject to the 25 percent limit for IOU RPS compliance.

This may limit the value of TRECs produced by wastewater treatment plants, since early indications are that the IOUs may already meet the 25 percent limit with existing contracts. Municipal utilities and direct access electric service providers are not subject to the limit.

The passage of the TREC decision was celebrated by many, but opposed by others. Several parties, including the Governor's office and the IOUs, objected to the decision's 25 percent limit on TRECs and to categorizing as REC-only some deals that involve energy, not just RECs. The IOUs sought a rehearing of the decision or changes to it and requested a stay of the decision. As a result, the CPUC suspended the decision on May 6 to respond to the opposition. The Energy Management Committee will continue to track the progress of this important policy.

## Other Noteworthy Energy Management Issues:

**Renewable Energy Management Guide Book for POTWs** – The Energy Management Committee has been collaborating with the Air Quality Committee to discuss the benefits of preparing a renewable energy management manual that could be used by agency managers as a guidance document to assist in making decisions regarding future renewable energy projects for their agencies. Conceptually, the manual would summarize and discuss all of the renewable energy options available for POTWs, including wind and solar power, and present them in a practical and informative fashion. Using schematics and flow diagrams, the POTW manager would be able to obtain guidance for his/her individual situation in terms of deciding which processes offer the best solution and would be able to determine approximate project cost and payback scenarios. A concept paper was prepared by SCAP's executive director that outlined the purpose and scope of the manual and suggested that case studies from agencies throughout California be compiled in the form of a white paper as a first step towards preparing the manual. Subsequent discussion with committee members has indicated that the manual may not be useful for the large and small agencies and that a better document might be a compendium of case studies compiled and updated on a regular basis. This topic should be discussed further with the SCAP Board for direction.



## Water Issues

By Chair Valerie Housel  
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**Water Issues Semi-Annual Report** by Valerie Housel, City of San Bernardino WD and Alfred Javier, EMWD

The Water Issues Committee continues to be actively engaged in significant and emerging issues on behalf of the Southern California Alliance of POTW's (SCAP). The Committee's mission is to represent the views and interests of its members to regulatory agencies, to develop position statements on regulatory issues, including commenting on emerging rules and policies, and to provide an informal forum for member agency dialogue between themselves and with regulatory agencies on emerging policy and regulations as they affect the POTW community.

### **Legislative Bills and Regulations:**

In the first half of 2010, the Water Issues Committee focused on legislation and regulations related to water salinity management issues, regenerative water softener prohibition, chemicals of emerging concern and the Marine Life Protection Act.

**Assembly Bill AB 1366 Water Softener Legislation -** AB 1366 authorizes the state's Regional Boards to evaluate local conditions and to make a finding, where warranted, that the control of residential salinity sources will contribute to the achievement of water quality for that region. The bill is limited to areas of the state that are experiencing significant salinity problems. These are the Department of Water Resources hydrologic Region of South Coast, Central Coast, San Joaquin River, Tulare Lake and the counties of Butte, Glenn, Placer, Sacramento Solano, Sutter and Yolo.

AB 1366 further allows a local agency that maintains a community sewer system within the region to enact an ordinance to control residential salinity inputs based upon the Regional Board's finding. This provision provides regulatory parity with other sources of salt (agricultural, commercial and industrial) and ensures that all sectors are doing their part to protect local water supplies.

**SWRCB Proposed Regulation of Chemicals of Emerging Concern in Recycled Water** – On April 16, 2010, the SWRCB's Science Advisory Panel released its Draft Panel Report on Chemicals of Emerging Concern in Recycled Water for public review. The Panel was comprised of experts in the following areas:

- Human health toxicologist
- Environmental toxicologist
- Risk assessment/epidemiologist
- Biochemist
- Civil Engineer
- Chemist

Furthermore, the Panel was charged with addressing the following questions related to CECs in recycled water used for irrigation and groundwater recharge:

- What are the appropriate constituents to be monitored in recycled water, and what are the applicable monitoring methods?
- What toxicological information is available for these constituents?
- Would the constituent list change based on level of treatment? If so, how?
- What are the possible indicators that represent a suite of CECs?
- What levels of CECs should trigger enhanced monitoring in recycled, ground, or surface waters?

While the findings of the Panel are much too detailed to report here, the draft report can be accessed online at [www.sccwrp.org/view.php?id=574](http://www.sccwrp.org/view.php?id=574). The Panel's draft report includes the following four work products:

1. A conceptual framework for determining which CECs to monitor.
2. Application of the framework to identify a list of chemicals that should be monitored presently.
3. A sampling design and approach for interpreting results from CEC monitoring programs.
4. Priorities for future improvements in monitoring and interpreting of CEC data

Comments on the draft report were due by May 15, 2010 followed by a meeting to discuss the public comments on May 21, 2010.

**Marine Life Protection Act** – After months of public outreach meetings a final working draft of the South Coast Initial Statement of Reasons for Regulatory Action (ISOR) was released by the California Fish and Game Commission on March 26, 2010. Subsequent to the release a number of public hearings have been scheduled to receive public comment and final adoption. SCAP's Mary Jane Foley has been working

with our ocean dischargers for more than a year on this issue and continues to express concern that the SWRCB may someday consider imposing state water quality protected areas over SMRs and possibly SMCAs as well.

Susan Ashcraft from the CA Department of Fish & Game suggests that anyone with concerns contact the Commission directly. A copy of the (ISOR) provided to the Commission for their April 7 meeting can be requested directly from them. Since the Commission voted to publish notice of intent to amend the MPA regulations with the draft document the Department had prepared for them, it is now a Commission document and cannot be amended unless directed by the Commission to do so.

### **Other Noteworthy Water Issues:**

- EPA and State Water Board Move to Impose Numeric Toxicity Limits
- EPA's Proposed 2009 Water Quality Criteria Update for Ammonia
- Development of Biological Objectives for California
- Basin Monitoring Efforts in the Santa Ana Region
- Emerging Constituents Workgroup – A Stakeholder Driven Effort Administered by SAWPA in the Santa Ana Region 8
- Plumbing Code Revisions for Pipe Color Coding of Recycled Water and Greywater Systems
- SWRCB Phase II Sediment Quality Objectives for Enclosed Bays and Estuaries
- EPA's Proposed Water Quality Standards for Florida Waters
- 5(b) Assessment

### **Clean Water Act Section 303 (d) List and 30 Water Committee** by Valerie Housel, City of San Bernardino WD

**Santa Ana Region 2010 Integrated Report**-The 2010 Integrated Report is currently under review for approval by the State Water Board. The report provides recommendations for changes to the 2006 Clean Water Act Section 303(d) List of Impaired Water Bodies for each region in the State. The 303(d) list for each region must be approved by the State Water Board and EPA. Inclusion on the 303(d) list requires actions that can include use attainability and total maximum daily load evaluations that can be quite costly. Also, the data requirement to be included in the list is not as stringent or onerous as the data requirement to de-list once listed. Comments on the

State/EPA proposed list based on region specific recommendations were due by May 28, 2010.

The Santa Ana RWQCB submitted recommendations for the integrated report with respect to the Santa Ana Watershed. Many of the proposed listings for the Santa Ana region were rejected when the State/EPA proposed list was issued.

In developing the 2010 list recommendations for the Santa Ana region, several meetings were held between stakeholders and the RWQCB. The proposed list sent to the State/EPA for approval had stakeholder consensus and many were surprised by several of the State/EPA rejections of RWQCB recommendations. This resulted in stakeholders submitting additional comments on the rejections.

The rejections included but were not limited to copper, cadmium, lead and bacteria proposed listings in several areas of the region. With respect to the metals, the RWQCB recommendations were not to list these metals in several areas based on evaluations that included a "translator" to convert the total recoverable metals data to the dissolved form. The standard is based on the bioavailability or dissolved forms of metals although most laboratory analyses only acquire total recoverable amounts, which is why a translator is appropriate. In the areas of the rejected listings, a Use Attainability Analysis was completed several years ago where the translators were established. The State/EPA rejection basically denied the use of the translators when evaluating in-stream data.

With respect to bacteria listings, there is currently a stakeholder led workgroup that is developing a phased workplan to reevaluate water quality standards as they relate to storm and dry weather flows in the watershed necessary to protect beneficial uses. This work includes updating the region's Basin Plan to include EPA's Ambient Water Quality Criteria for Bacteria. This work has not been completed although it is expected that the Basin Plan will be amended to include the work of the task force when completed. The RWQCB had recommended in some areas that listing for bacteria not be done until the Basin Plan is amended and the data analyzed and evaluated based on the amended basin plan. The State/EPA's rejection of that strategy and proposals to list the areas were based on State/EPA's evaluation of what could be in the future amendment.

Several comment letters have been submitted that supported the RWQCB's initial recommendations. In areas of discussion where the State/EPA recommendations were contrary, stakeholders are

already doing increased monitoring to help in future listing evaluations.

## Stakeholder Advisory Committee meeting for Development of Biological Objectives for California by Al Javier, EMWD

On May 27, the stakeholders held another meeting to review the technical workplan for the development of biological objectives for California. Previously, the initial meetings were held both in the North and as well in the Southern portion of the state. The technical workplan meeting was held in Southern California at SCCWRP. The meeting was centered on feedback from the stakeholders, who were in attendance, as well as online, for the draft document "Workplan for Developing Biological Objectives for Perennial Wadeable Streams in the State of California." The document's goal is to plan a path on which biological objectives would be created through both technical and nontechnical steps. This is a conceptual idea that eventually the technical committee will use to develop an approach for the program.

The general approach of the meeting was to define basic task for development of the biological objectives at a broad level. The details will be the responsibility of the technical committee. A couple of the task items identified, include; Reference Condition, Stressors Identification and Response Model, Waterbody Classification and Information/Data Management. Additionally, an aggressive schedule was presented with a variety of milestones with the final product being completed by December 2012. Finally, a list of potential technical committee members was being developed and reviewed.

Further information can be found on the State's website:

[http://www.swrcb.ca.gov/plans\\_policies/biological\\_objective.shtml#mtg](http://www.swrcb.ca.gov/plans_policies/biological_objective.shtml#mtg).

## Water Issues Committee Meeting Update by John Pastore, SCAP

On May 27<sup>th</sup> the Water issues Committee held its second meeting of the year at Inland Empire Utilities Agency. Members were treated to excellent presentations by Christopher Stacklin and Tom

Meregillano regarding Orange County Sanitation District's extensive monitoring program for chemicals of emerging concern in conjunction with their water recycling and groundwater replenishment programs. OCSD has constructed a state of the art program that other agencies may want to use as a model when developing their own programs. A copy of Chris and Tom's presentations will be posted on the SCAP website in the water committee reference library and I encourage everyone interested to take a look at it.

Also during the meeting, Martha Davis gave the members an update on the progress of Inland Empire Utilities Agency's regenerative water softener prohibition ordinance and shared ideas on how to create a comprehensive water softener control program using public education and community support.



*Presentations by Christopher Stacklin and Tom Meregillano of OCSD*

## Regulatory Affairs

### **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](mailto:mjfconsulting@cox.net)

### Non-Sequitur

More than an end to war, we want an end to the beginning of all wars.

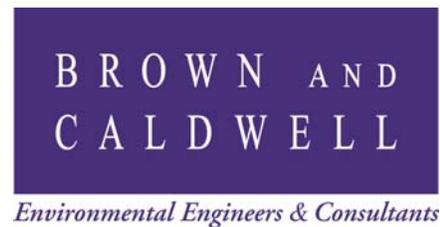
- F.D. Roosevelt - April 13, 1945

**Some of our Supporting SCAP Associate Members**

**DUDEK**



**Kennedy/Jenks Consultants**  
**Engineers & Scientists**



**NWRI**

**HDR**

