SCAP Monthly Update

www.scap1.org December 2013

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Executive Director's Message

2013-What a Year!

Change is Good!

Holidays Greetings and Happy New Years!

Another year has gone by and we are all the wiser for it. Or so you would think! For many of us within our SCAP family, this year has been filled with successes, disappointments and unfortunately some tragedies.

One of our Board members, Shannon Sweeney, from the City of Santa Maria suffered a serious bicycling accident this year and is continuing her lengthy rehabilitation, as is our Air Committee Chair from the City of Los Angeles, Kris Flaig, who was recently injured on his motorcycle. Our thoughts and prayers continue to be with them and their families throughout their long recovery process.

In terms of accomplishments, SCAP participated with many of its partners statewide this past year to assist with and support efforts to restructure regulatory requirements for the SWRCB's new Monitoring and Reporting Program; revised Whole Effluent Toxicity Plan (Policy); Bio-Objectives Policy Implementation; and new EPA Pyrethroid regulations. The SCAP Annual Report will be sent out to our membership towards the end of this month and will provide a comprehensive summary of the important issues addressed throughout 2013.

This year, SCAP also completed its latest Strategic Planning session and will soon be preparing an Action Plan to implement recommended changes to its operation. One of the more subtle changes resulting from our planning session is the new SCAP Mission Statement, which now reads, *"The mission of Southern California Alliance of Publicly Owned Treatment Works (SCAP) is to provide leadership, technical assistance, and timely information to public agencies to promote sustainable practices and regulations for the protection of public health and the environment."*

Again, the emphasis is on providing timely information to our members, while continuing to promote regulations and practices that are sustainable and will help to ensure the protection of both public health and the environment.

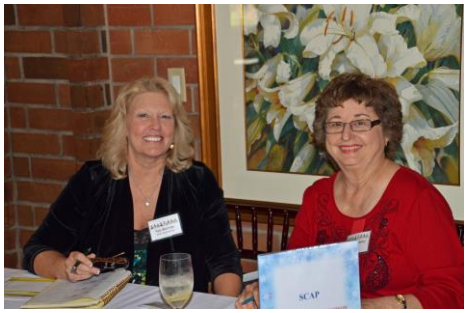
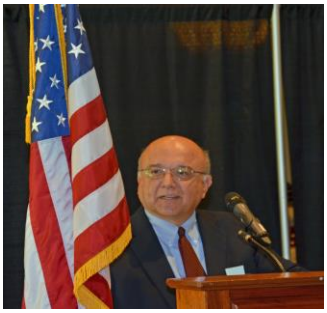
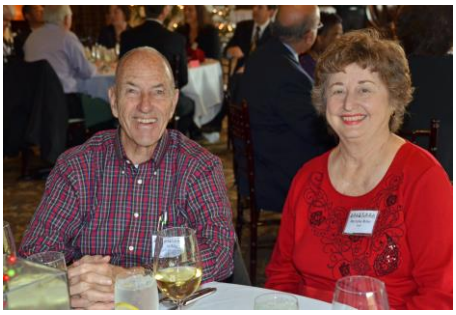
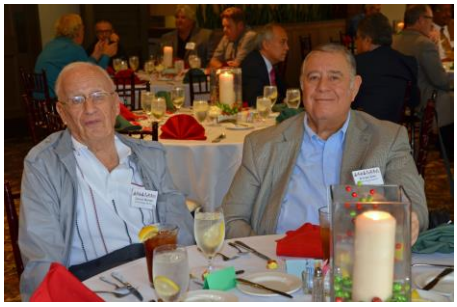
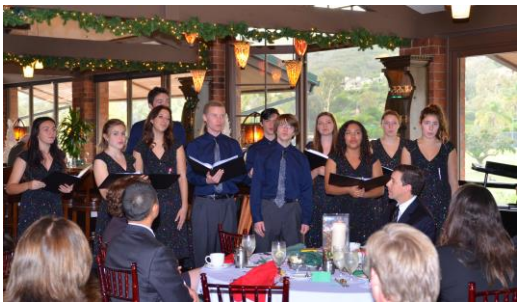
Another important goal brought about by our planning session is a renewed commitment to engage our Associate members in SCAP committees and newsletter contributions. It was unanimously recognized by the Board that our Associates are a wealth of knowledge and have much to offer from both an experience and technical standpoint. I will continue to keep everyone updated in our organizational planning effort as we forge ahead with our action plan next year, but in the meantime, please feel free to share any ideas you may have with me.

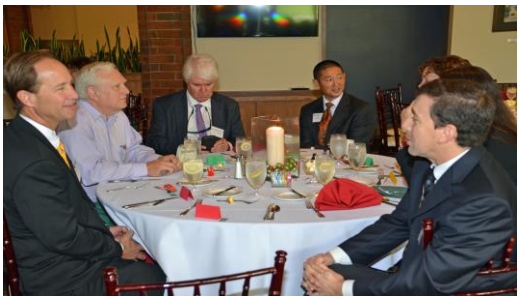
On behalf of myself, Pam, Ray, our President, Bob Ghirelli, the entire SCAP Board, and all of our Committee Chairs, we wish you all a Merry Christmas and holiday greeting in conjunction with your particular faith denomination you observe. We hope you have a safe and enjoyable holiday season and look forward to working with you in 2014.

Gratefully yours,

John Pastore

Highlights from our 2013 General Meeting and Holiday Luncheon



California Clean Water Summit Partners Update by John Pastore, SCAP

The next Summit Partners meeting is scheduled for January 30, 2014 in Sacramento.
The California Clean Water Summit Partners consist of the following associations:

- Bay Area Clean Water Association
- California Association of Sanitation Agencies
- California Water Environment Association
- Central Valley Clean Water Association
- Southern California Alliance of Publicly Owned Treatment Works
- Tri-TAC

"Catalina Island at Sunset" by Ralph Palomares

AIR QUALITY COMMITTEE REPORT

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LOCAL AIR DISTRICT NEWS AT A GLANCE

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

Imperial County APCD | Mojave Desert AQMD | San Diego APCD

Santa Barbara APCD | Ventura County APCD | South Coast AQMD

SCAP Air Quality Committee Update by Kris Flaig, Chair-City of LA

Normally our readers of this section of the newsletter would be greeted by an entertaining update on air issues from our Air Committee Chair, Kris Flaig. However, I am saddened to report that Kris suffered a serious accident on his motorcycle while returning from the recent SCAP strategic planning session. He is currently recovering from his injuries and, while no timetable has been set for his return, we are hoping that he will be back to full strength very soon. On behalf of all of us at SCAP, we wish Kris fair winds and a speedy and full recovery.

----John

Recent CARB AB32 Climate Change Program Activities by Frank Caponi, LACSD

CARB is currently updating the AB32 Scoping Plan in accordance with the AB32 requirement to update this document every five years. The Scoping Plan is essentially the roadmap to reducing GHG emissions to 1990 levels by 2020. Industry has expressed two overall concerns with this update. First, the update is very general in describing progress to achieving the 2020 standard. The plan describes the control measures adopted thus far, and anticipated GHG reductions, but does not include an estimate of reductions achieved to date. We know that the recession is responsible for a very large reduction in GHG emissions, but CARB has yet to document the effectiveness of existing control measures. In addition, AB32 requires that control measures be technologically feasible and cost effective, which should be addressed in the update. A second, and perhaps the most significant concern with the Scoping Plan update, is its coverage of the post-2020 activities needed to achieve the 2050 goal of reducing GHG emissions 80% below 1990 levels. The Scoping Plan update does not specify control measures to get to the 2050 goal but more generally lays out strategies. Examples of strategies include: the “decarbonization of electricity and fuel supplies through renewable or other near-zero carbon technologies”; and, “large-scale electrification of on-road vehicles and building and industrial appliances.” Most industry representatives believe that the Scoping Plan update should deal only with the 2020 requirement while addressing long-term goals in a separate white paper.

A positive aspect of the Scoping Plan update is its recognition of the need for bioenergy to help meet the goals of the GHG reduction programs. This recognition is discussed in many areas of the Scoping Plan, including the Waste Sector

Plan Appendix. The wastewater industry, through the California Wastewater Climate Change Group (CWCCG), have worked with CARB to recognize the role the wastewater community can play in achieving CARB's AB32 goals through the use of bioenergy. These include: helping to provide 33% of the State's energy needs from renewable sources; creation of renewable transportation fuels to help reduce the carbon intensity in the State by 10%; and, accepting organic waste for anaerobic digestion thereby helping the State reach its 75% recycling goal. CARB has been very receptive in working with the wastewater industry to optimize use of bioenergy.

Concurrent with the Scoping Plan update were regulatory amendments to the Cap-and-Trade Program and GHG Mandatory Reporting Program; these amendments were adopted by the CARB Board at their October 2013 meeting. In general, the adopted changes to the Cap-and-Trade Program had no impact on the wastewater industry. This should have been the case with the Mandatory Reporting Program amendments, however, CARB inserted language that required estimation of vented and fugitive emissions of CO2, CH4 and N2O without realizing the impact this would have on the wastewater industry. Essentially, estimation of fugitive N2O especially, could increase the number of wastewater treatment plants reporting to the state and cause many to exceed the trigger for the Cap-and-Trade Program. CWCCG representatives made CARB staff aware of this situation and argued that there are no EPA adopted methods for estimating fugitive GHG emissions from municipal wastewater treatment plants, and in fact, EPA does not require these emissions to be estimated in its GHG Mandatory Reporting Program. CARB staff agreed with our assessment and will clarify that municipal wastewater treatment plants do not have to estimate their fugitive GHG emissions.

New Office of Environmental Health Hazard Assessment (OEHHA) Guidelines for Cancer Risk by Patrick Griffith, LACSD

According to a recent SCAQMD staff analysis, reported cancer risks may increase by a factor of 3 to 6 simply due to proposed changes in methodology.

Permits for new or modified equipment that emits air toxics and facilities identified under AB 2588 are required to perform health risk assessments using OEHHA methodologies. Although orders of magnitude smaller than other more documented risks like smoking and diet, the hypothetical risks calculated using OEHHA guidelines can trigger public notices of an increased risk to the community and mandated risk reduction plans, if local air district risk thresholds are exceeded.

Air districts throughout the state have delayed adopting these changes until CARB's risk assessment software incorporates OEHHA's new guidance. Nevertheless, local air districts throughout California may yet adopt more stringent standards than those crafted by OEHHA. As a result, SCAP members should carefully track how their air district elects to adopt these new health risk assessment procedures. In 2014, there will be opportunities to comment on the final risk assessment comprehensive guidance document and its implementation by local air districts.

California Communities Environmental Health Screening Tool (CalEnviroScreen) by Patrick Griffith, LACSD

This model is intended to identify disadvantaged communities and sensitive populations that are disproportionately affected by environmental pollution. CalEnviroScreen combines scores for socioeconomic stressors like poverty, unemployment, prevalence of sensitive populations with an assortment of environmental health factors (e.g., impaired groundwater). The result is an unscientific "cumulative impact" ranking for each zip code that OEHHA admits is not related to actual risk.

In September 2013, OEHHA updated CalEnviroScreen to remove race/ethnicity from the calculation of a community's score. This change was made to facilitate the use of the tool by government entities that may be restricted from considering race/ethnicity when making certain decisions. Nevertheless, many retained elements such as linguistic isolation that correlate strongly to race and ethnicity.

CalEnviroScreen was recently used to help allocate Cap-and-Trade funds to the 25% most impacted communities as required by SB 535 and AB 1532. Over $100 million dollars would had gone to those communities had the Governor not "borrowed" the Cap-and-Trade revenues for the state's general fund. Recent proposed legislation, AB 1330, would have doubled the fines for violations of environmental regulations in environmental justice (EJ) areas identified by CalEnviroScreen, but this legislation became a two-year bill. EJ activists are also lobbying for expanded use of this model (e.g., identification of priority areas for regulatory enforcement) in their recommendations to CARB's AB 32 Environmental Justice Advisory Committee.

Lawsuits Related to Air Quality Matters by David Rothbart, Vice Chair-LACSD

In 2013, several important lawsuits against either SCAQMD, SJVAPCD or EPA slowly progressed through the legal system. The most important ones are touched on below:

- SCAQMD Rule 317 and SVJAPCD Rule 3170 were challenged by several environmental groups. Both of rules were crafted to provide an alternative fee-equivalent program for major stationary sources located in federal 1-hour ozone non-attainment areas, as allowed by Section 185 of the Clean Air Act. The court granted a joint motion from petitioners and EPA to stay proceedings on Rule 317 until resolution of the Rule 3170 lawsuit. On 6/12/13, SCAP filed an amicus brief supporting EPA's approval of Rule 3170 because the outcome of this litigation will likely determine the ultimate fate of the SCAQMD Rule 317. If this fee-equivalent approach is not upheld, $30MM + CPI/year of additional fees on major stationary sources in the South Coast Air Basin will be imposed until the 1-hour ozone standard is achieved. Briefings have been submitted and the parties await a hearing date at the Ninth Circuit Court of Appeals (Case No. 12-73386).

- On 2/22/13, SCAP filed an amicus brief supporting EPA's approval of Rule 1315. Litigation on SCAQMD's Rule 1315 has been fully briefed and the parties await a hearing date at the Ninth Circuit Court of Appeals (Case No. 12-72358). Rule 1315 deals with the accounting system for the SCAQMD credit banks that feed the Priority Reserve (per SCAQMD Rule 1309.1) from which essential public services draw free offset credits. Previous disputes over Rule 1315 and Rule 1309.1 resulted in the permit moratorium of 2009 and several related bills in the California legislature. Failure to successfully conclude this lawsuit would have dire consequences on air permitting of essential public services in the South Coast Air Basin.

California Wastewater Climate Change Group (CWCCG) Completes Fourth Year of Effective Representation with SCAP Member Support by Kris Flaig, Chair-City of LA and Frank Caponi, LACSD

The CWCCG is a collaboration of SCAP, CASA, the Bay Area Clean Water Agencies (BACWA), and the Central Valley Clean Water Association (CVCWA). Its mission is to address climate change policies, renewable energy initiatives, and regulatory challenges through a unified voice advocating for California wastewater community perspectives. The following are some CWCCG accomplishments and areas where they will continue to represent the interests of the wastewater community in these dynamic policy areas in the coming year:

- Lobby CARB to encourage the development and adoption of new offset protocols tapping into the significant resource recovery potential of the wastewater industry.

- Advocate for a pricing mechanism through the Feed-in Tariff that will encourage biogas utilization projects.

- Working with the newly formed CASA Energy Group, continue to track the progress of AB 1900, the legislation directing state agencies to develop standards to encourage the addition of biogas-derived biomethane to the natural gas grid.

- Also working with the CASA Energy Group, coordinated review of and comments for development of the SB 1122 legislation that targeted a separate capacity allocation, capped at 250 MW, for biogas projects, resulting in a requirement for IOUs to tap into biogas as a renewable resource under their renewable energy portfolios. Coordinated with the CASA Legislative Committee on support for the Rubio Bill.

- CWCCG conducted EPA Tailoring Rule PSD Review, especially with regard to the court decision requiring EPA to include biogenic CO2 emissions, and commented on behalf of the California wastewater agencies.

- Continued to work with the CASA Federal and State Legislative Committees, and coordinated with BACWA Air Committee on Climate Change issues, for information exchange and to aid in development of a unified response to upcoming legislative actions.

- CWCCG continued to maintain and distribute the Climate Change and Renewable Energy Issues Matrix for the CWCCG membership use and reference.

Changes to SCAQMD's Emissions Reporting by Patrick Griffith, LACSD

Late in 2013, SCAP membership participated in the beta-testing of the on-line emissions reporting software proposed by the SCAQMD. Rather than provide facility-specific emissions, this program would require equipment emissions and additional non-emissions related data to be provided annually. These modifications could triple the amount of work required to report emissions in some cases. SCAP members have voiced their concerns about these changes and will continue to encourage the SCAQMD to lessen the burden on reporting agencies.

BIOSOLIDS COMMITTEE REPORT

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Kern County Measure E Update by Tom Meregillano, Vice Chair-OCSD

On June 26, 2013, the California Supreme Court granted Kern County's Petition for Review of the decision issued by the Fifth Appellate District in City of Los Angeles v. County of Kern. That opinion, published earlier this year, was very favorable to CASA and its co-Plaintiffs, and upheld the preliminary injunction preventing Kern County from enforcing the initiative ordinance banning the land application of biosolids in the county, Measure E.

The scope of the Supreme Court's review does not extend to the underlying merits of the appellate court decision. The Supreme Court granted review only on a narrow procedural issue pertaining to tolling of a statute of limitations period when state law claims are pending in federal court. This issue is limited to the following: "Does 28 U.S.C. section 1367(d) require a party to re-file its state law claims within 30 days of their dismissal from a federal action in which they had been presented, or does it instead suspend the running of the limitations period during the pendency of the claims in federal court and for 30 days after their dismissal."

The Supreme Court declined to consider the more substantive issues in the litigation, meaning the core of the Appellate Court's favorable decision holding that Measure E is preempted by the IWMA and that Measure E conflicts with the regional welfare doctrine remains intact. Briefing will occur over the next few months, with a decision from the Supreme Court not expected until next year

Court of Appeals Dismisses Solano County Waste Importation Ban Case as Moot Due to Passage of AB 845 by Tom Meregillano, Vice Chair-OCSD

On July 31, 2013, the California Court of Appeal for the First Appellate District held the passage of Assembly Bill 845 in 2012 rendered appeals related to Solano County Measure E, a de-facto ban on out of county solid waste, moot. The consolidated appeals in the case of Sierra Club v. County of Solano involved the question of whether a 1984 Solano County ballot initiative, Measure E, improperly discriminates against out-of-county solid waste by severely limiting the amount of waste that can be imported into the county. The trial court previously ruled that Measure E was enforceable, and Potrero Hills Landfill, Waste Connections, Inc., and several other entities appealed the trial court ruling.

The California Association of Sanitation Agencies (CASA) submitted an amicus brief in support of the original appeal and also supported AB 845 due to concerns that exportation or importation restrictions based on the place of origin directly conflict with the goals of the California Integrated Waste Management Act (IWMA). CASA's support was also due, in part, to the fact that Solano County Measure E violates some of the same principles of law as the Kern County biosolids ban ordinance that CASA has challenged in the City of Los Angles v. County of Kern litigation. According to CASA, "Although the court did not reach the merits of the case, and the opinion remains unpublished, this is a very positive result and underscores the impropriety of out-of-county bans of solid waste and biosolids alike".

CalRecycle and FOG and Food Waste Receipt at POTWs by Tom Meregillano, Vice Chair-OCSD

SCAP has been monitoring and supporting CASA's year-long efforts to encourage CalRecycle to adopt an exemption for POTWs from transfer station, processing, and in-vessel digestion permitting requirements associated with receiving FOG and food wastes intended for co-digestion.

Near the end of September, Tom Howard, Executive Director of the State Water Resources Control Board (SWRCB) sent a letter to every POTW that holds an NPDES permit or WDR permit holder in the state that treats more than 1 MGD, regarding the receipt of hauled in organic waste for anaerobic digestion at POTWs. The letter culminated a multi-year effort by CASA in working with the SWRCB, CalRecycle, and the California Department of Food and Agriculture (CDFA) to streamline the permitting process and to ensure that this activity is regulated by only a single agency rather than all of them.

The SWRCB position offers a voluntary option for POTWs engaged in this activity to develop Standard Operating Procedures (SOPs) and then to notify their Regional Water Board of their development. As permits are issued or reissued a Standard Provision will be inserted that will require this be done. Until the CalRecycle regulation revisions

are approved to include the planned exclusion, LEAs will continue to use existing regulations. The regulations allow POTWs to receive solid waste with limited LEA oversight if any. CalRecycle intends to continue to help LEAs and POTWs to find and implement the most appropriate regulatory pathway currently available. Formal rule making process on the proposed co-digestion exemption regulation is anticipated to start in January 2014.

EPA Proposed Standards for Sewage Sludge Incinerators Update by Tom Meregillano, Vice Chair-OCSD

Earlier this year, the National Association of Clean Water Agencies (NACWA) filed a legal challenge against an EPA rulemaking for new stationary sources and emission guidelines for existing sewage sludge incineration units (SSIs). NACWA has argued that SSIs should be regulated under Section 112 of the Clean Air Act and not Section 129, which requires maximum achievable control technology (MACT) implementation, an interpretation disputed by EPA. Section 112 addresses air toxics, and Section 129 regulates solid waste combustion. Under Section 112(e)(5), SSIs would be regulated as publicly owned treatment works, while under Section 129(g)(1), they would be regulated as solid waste incineration units, which are defined as "a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public."

On July 24, NACWA argued that the Section 129 definition does not apply because sewage sludge comes from treatment works, not from the general public. On October 22, EPA filed a 492 page brief defending itself from the legal challenge, stating that the Clean Air Act's "unambiguous language" required the agency to set pollution limits for SSIs under Section 129.

Statewide General Waste Discharge Requirements for the Discharge of Waste at Compost Management Unit by Tom Meregillano, Vice Chair-OCSD

The Draft SWRCB General Order for Compost facilities may impact POTWs. If you are composting at a wastewater treatment facility covered under an NPDES permit, or if you operate an in-vessel or enclosed facility, you are exempt. However if you are covered under an existing WDR you may or may not be exempt based on the following: "Dischargers of CMU's (Compost management units) subject to individual WDRs issued by the Regional Water Boards are not required to enroll under this Order if the requirements of the individual WDRs are more protective than those prescribed in this Order." The SWRCB held a number of public hearings on this issue and was scheduled to consider adoption of the draft Initial Study/Mitigated Negative Declaration and the final Order and MRP on November 6th but that meeting has since been cancelled and has not been rescheduled at this time.

City of Los Angeles Terminal Island Renewable Energy Project by Diane Gilbert Jones, Vice Chair-City of LA

The City recently received notification from the County of Los Angeles that the Subsequent Negative Declaration (SND) for the TIRE Project has been certified. The current project is operating under the an existing Underground Injection (UIC) permit, pending approval of a new UIC permit application that was submitted to the U.S. EPA in August 2011. The City is requesting to continue demonstrating for another five years under a new U.S. EPA Underground Injection Control Permit with the requested addition of the following proposed project changes approved in the SND.

1. Construction of a 4th well at the existing project site. This well will be drilled to 7,500 feet as opposed to current wells drilled to 5,300 feet. At this new depth the injection operation will facilitate further analysis of its productivity.
2. Deepening the existing monitoring and injection wells from 5,300 feet to 7,500 feet.
3. Construction of project replacement wells as deemed necessary during the demonstration phase, allowing for operational well problems and unforeseen conditions (i.e. natural disasters, mechanical failure, etc.)

4. Alternating or simultaneous injection into two wells to facilitate the previously approved injection capacity.

The Terminal Island Renewable Energy Project (TIRE) is completing its fifth year of successful operation injecting biosolids into deep, depleted subsurface geological formations. The earth's high temperature biodegrades the organic compounds to generate methane gas, which can ultimately be used to produce an environmentally safe renewable energy, while carbon dioxide is sequestered. The first injections started in 2008 and to date the City of Los Angeles has placed over 240 million gallons of bio-slurry material 5,200 feet below the subsurface. The EPA released the draft on November 17, 2013 for a thirty-day comment period. The City is expecting a new UIC permit from USEPA by early 2014.

City of Los Angeles Bureau of Sanitation Biosolids Management Program Update by Diane Gilbert Jones, Vice Chair-City of LA

The City of Los Angeles, Bureau of Sanitation has completed its independent third party audit of our biosolids management program. The City received independent verification and continues its certification under the National Biosolids Partnership Program. A summary of the results and full report can be found below.

CityofLosAngelesBiosolidsProgramRe-Verifi

CityofLosAngeles2013 Re-Verification Audi

COLLECTIONS COMMITTEE REPORT

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Newly Revised SSS WDR Monitoring and Reporting Program (MRP) by Dindo Carrillo, Vice Chair-OCSD

On August 1st, the State Water Resource Control Board (SWRCB) emailed to all of the SSS WDR Order enrollees an electronic copy of the newly revised SSS WDR Order Monitoring and Reporting Program (MRP). The email notice consisted of a SWRCB Cover Letter, Fact Sheet, and the revised MRP. The MRP amendment become effective on September 9, 2013. At the same time the SWRCB update the CIWQS SSO Database to reflect the changes made on the revised MRP. An electronic copy of the Cover Letter, Fact Sheet, and the revised MRP can be found on the SWRCB website http://www.waterboards.ca.gov/water_issues/programs/sso/index.shtml. Also, the SWRCB has updated the Collection System Questionnaire. SSS WDR Order enrollees will have 6 months after September 9, 2013, to complete the unpopulated fields of the updated Collection System Questionnaire.

The following is a summary of the major changes made to the SSS WDR MRP:

1) Change Notification Requirement for spills that reach surface water:
    a. Required notification has been changed to call only the California Office of Emergency Services (OES). OES will notify the Regional Water Quality Control Board and local Health Departments when a spill notification is received. (Please note that this notification requirement does not

preclude an enrollee from reporting SSOs to these agencies directly and other agencies pursuant to state law.)

b. Elimination of certifying to RWQCB that a SSO notification was called out to Regulatory agencies.
c. Notification to OES is only required for spills of 1,000 gallons or more.
d. Additional requirement to update OES when substantial changes to previously reported spill volume estimates or impacts.

2) Defined new spill categories and refined spill report fields:
   a. Category 1 – spills of any volume that reach surface water
   b. Category 2 – Spills greater than or equal to 1,000 gallons that do not reach surface water
   c. Category 3 (formerly Category 2) – Spills less than 1,000 gallons that do not reach surface water

3) Addition of requirement to submit a technical report within 45 days of the end date for spills to surface water over 50,000 gallons.

4) Addition of requirement for all WDR Order enrollees to develop a Water Quality Monitoring plan to be implemented with 48 hours after initial notification where 50,000 gallons or more reach surface water.

5) Addition of requirement for WDR Order enrollees to submit an electronic copy of their Sewer System Management Plan (SSMP) or provide the web address where their SSMP is posted.

6) Addition of enhance record keeping requirements.

7) Elimination of requirement to certify Private Lateral Sewer Discharge reports.

8) Addition of a 120 day time limit for amending and re-certifying spill reports.

NACWA, INDA & Other Associations (SCAP) Work Together to Address Wipe Problems by Dindo Carrillo, Vice Chair-OCSD

SCAP is part of a national workgroup that is studying the effects of the plethora of non-dispersible products that are being flushed into the sewer systems and causing our public agencies millions in operational maintenance costs annually. The workgroup is headed up by the National Association of Clean Water Agencies (NACWA).

NACWA recently issued a joint press release today along with INDA (the Association of the Nonwoven Fabrics Industry), the Water Environment Federation (WEF), and the American Public Works Association (APWA) stating that the four associations have agreed to work together to reduce the burden of disposable products in the wastewater system.

Wipes and other non-dispersible products that are frequently flushed into the sewer system create expensive problems for utilities, such as clogged pumps, and many utilities are finding that the problems and costs are increasing as more types of wipes are introduced to the market and end up in their collection and treatment systems.

ENERGY MANAGEMENT COMMITTEE REPORT

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Legislation Recap by Steven Hernandez, Chair-LACSD

- AB 1900 - Signed by the Governor in September 2012 and is now in-effect. This law mandates open access to common carrier natural gas pipelines for biomethane based on specific standards. Requires the PUC to adopt standards for biomethane that specify the concentrations of constituents of concern that are reasonably necessary to protect public health and ensure pipeline integrity and safety, and requirements for monitoring, testing, reporting, and recordkeeping. Requires the PUC to require gas corporation tariffs to condition access to common carrier pipelines for customers meeting those standards and requirements. Requires the PUC to adopt policies and programs that promote the in-state production and distribution of biomethane.

- AB 2196 - Signed by the Governor in September 2012 and is now in-effect. This law ends the pipeline biomethane suspension that was enacted by the CEC in March 2012 and enacts new requirements for pipeline biomethane that greatly restrict out-of-state pipeline biomethane. Mandates that the use of biomethane delivered through a common carrier pipeline by a generating facility shall not qualify as an eligible renewable energy resource, unless it meets specific requirements regarding direction of flow in the common carrier pipeline system, date of first injection into the common carrier pipeline, and providing specific environmental benefits to California.

- SB 1122 - Signed by the Governor in September 2012 and is now in-effect. This law creates a bioenergy procurement carve-out within the Feed-in-Tariff program. It requires the PUC to direct the electrical corporations to collectively procure 250 MW of cumulative rated generating capacity from developers of bioenergy projects that commence operation after June 1, 2013. This is in addition to the 750 MW that is mandated under the existing Feed-in-Tariff program. Of the 250 MW, 110 MW is allocated “for biogas from wastewater treatment, municipal organic waste diversion, food processing, and codigestion”, with the remaining a capacity allocated to dairy and other agricultural bioenergy, and to bioenergy using byproducts of sustainable forest management.

WATER ISSUES COMMITTEE REPORT

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Amendment to the Recycled Water Policy Concerning Monitoring Requirements for Constituents of Emerging Concern by John Pastore, SCAP

On April 25th, the Office of Administrative Law (OAL) approved the previously adopted Amendment to the Recycled Water Policy by the SWRCB. The Amendment added monitoring requirements for constituents of emerging concern (CECs) in recycled water used for groundwater recharge. It did not add monitoring requirements for CECs in recycled water used for landscape irrigation, although it did add some monitoring requirements for surrogates to evaluate performance of filtration and disinfection processes.

Subsequently, the State Water Board, in consultation with CDPH, convened a "blue-ribbon" advisory panel to guide future actions relating to CECs. The panel was actively managed by the State Water Board and was composed of the following: one human health toxicologist, one environmental toxicologist, one epidemiologist, one biochemist, one civil engineer familiar with the design and construction of recycled water treatment facilities, and one chemist familiar with the design and operation of advanced laboratory methods for the detection of emerging constituents. Each of these panelists had extensive experience as a principal investigator in their respective areas of expertise.

The panel reviewed the scientific literature and submitted a report to the State Water Board and CDPH that described the current state of scientific knowledge regarding the risks of CECs to public health and the environment. In December 2010, the State Water Board, in coordination with CDPH, held a public hearing to hear a presentation on the report and to receive comments from stakeholders.

The State Water Board considered the panel report and the comments received and adopted an amendment to the Policy establishing monitoring requirements for CECs in recycled water. These monitoring requirements are prescribed in Attachment A of the Amendment and include:

- The panel or a similarly constituted panel shall update the report every five years. The next update is due in June 2015.
- Each updated report shall recommend actions that the State of California should take to improve our understanding of CECs and, as may be appropriate, to protect public health and the environment.
- The updated reports shall answer the following questions: What are the appropriate constituents to be monitored in recycled water, including analytical methods and method detection limits? What is the known toxicological information for the above constituents? Would the above lists change based on level of treatment and use? If so, how? What are possible indicators that represent a suite of CECs? What levels of CEC's should trigger enhanced monitoring of CEC's in recycled water, groundwater and/or surface waters?
- Within six months from receipt of an updated report, the State Water Board shall hold a hearing to consider recommendations from staff and shall endorse the recommendations, as appropriate, after making any necessary modifications.

As follow up to this action, the SWRCB contracted with the Southern California Coastal Water Research Project (SCCWRP) to lead an effort to form a stakeholder advisory group and reconvene the expert panel to begin the work to develop ta detailed monitoring plan. This will be similar to the prior stakeholder groups where one person is appointed to represent a sector of stakeholders. Phil Friess, Director of Technical Services at LACSD has volunteered to serve as the POTW community rep on this stakeholder advisory group.

SWRCB Nutrient Criteria Policy by John Pastore, SCAP

Last year the SWRCB put out a public notice under CEQA for their policy on regulation nutrients in surface water. The technical foundation of the nutrients for freshwater lakes and streams has been developed and the SWRCB began initiating public scoping and peer review meetings. The regulation of the nutrients is to reduce nuisance algal blooms in rivers, streams and estuaries. The CEQA document recommended that the State use the Numeric Nutrient Endpoint (NNE) method for the State. The other recommendation was a "No Action" alternative or EPA methodology.

On October 27, 2011, the State held a CEQA Scoping meeting on the proposed Policy. Several agencies spoke at the hearing, such as, Tri-TAC, LACSD, several northern dischargers, along with a few NGOs and academics. The agencies in general prefer that the State recommend a nutrient criteria model versus allowing the regional boards to make that decision and generally prefer the NNE, but it must be peer reviewed and not result in overly conservative results. The SWRCB had originally hoped to have a policy approved in early 2013 but that process has been delayed as further alternatives are being explored.

In anticipation of the final development of a nutrient regulatory policy for inland surface waters, CASA, working with its Clean Water Summit Partners, has developed a proposed alternative regulatory policy approach. This approach shifts the focus from adoption of numeric nutrient water quality objectives to the development of watershed-specific information that would provide a better understanding of nutrient conditions, nutrient sources, problems potentially linked to nutrients, and our ability to manage nutrient sources to reduce or eliminate such problems. The approach would more directly and efficiently address nutrient management issues and is intended to lead to cost-effective outcomes. In meetings with State Water Board staff earlier this year, CASA received a favorable reception to its policy alternative and encouragement to continue the development of the concept.

A fundamental element of the proposed CASA policy alternative is local monitoring at the watershed scale. Local data is needed to establish ambient baseline conditions at various locations for nutrients and benthic algae, to understand seasonal changes in nutrients and algae, to examine whether and where problems exist, and to provide information that allows predictions regarding our ability to manage nutrient sources or other watershed factors to resolve identified problems. Either mechanistic or empirical models are needed to make such predictions, and local data is needed to inform, calibrate and evaluate such tools.

On September 11th, SCAP and other agency representatives from Southern California met with CASA to discuss this strategy and lend its support. Future meetings with the SWRCB will be held in the coming months to further our discussion of this preferred methodology.

SWRCB Whole Effluent Toxicity Plan (WET Policy) by John Pastore, SCAP

On August 22nd, the State Water Board staff conducted a workshop to present the latest information on the "Test Drive" results of their proposed new WET test methodology using data submitted from a number of agencies, both in California and out of state. In addition, comments were solicited from those attending on both the technical aspects and the Policy in general.

All three regional wastewater associations, SCAP, BACWA and CVCWA in addition to CASA made written and oral comments on the Policy. While there are many technical issues that were discussed, in general, there is complete agreement that the new Policy is not justified, will be more expensive to comply with and will result in an increase in the number of violations.

SWRCB staff will be reviewing the comments received both from the POTWs and the environmental community and will issue a final draft policy prior to presenting it to the State Water Board for consideration. In the meantime, a statewide working group, including the executive directors for SCAP, BACWA and CVCWA, met and developed an alternative testing methodology that has been informally presented to state staff and is currently under review.

Because of numerous differences of opinion between agencies as to the methodology proposed, CASA's Bobbi Larson has recently suggested that a phased approach should be considered. Under the phased approach, all dischargers would be required to begin testing using the TST at the frequencies set forth in the policy immediately. However, the MDL and MEL in the policy would be triggers rather than enforceable limits. The numeric objective would not take effect in Phase I. The advantage of the phased approach is that it provides an opportunity for the Board and stakeholders to obtain information from on-the-ground implementation to answer many of the questions and uncertainties that have been raised. It also affords an opportunity to fine tune or revisit the policy before Phase II (numeric objective, numeric limits) kicks in at the end of 2-3 years. It does mean though that everyone would have to change to the new frequencies, etc. which will cost money. There are also questions about how this testing would relate to the toxicity requirements already in permits. SCAP will continue to stay engaged on this issue as the SWRCB has indicated that the toxicity plan will not go forward for approval until sometime in 2014.

We are also looking at this issue on more of a national basis rather than simply statewide, as CASA recently participated in a dialogue convened by the Water Environment Federation (WEF), the Environmental Defense Fund (EDF) and the Johnson Foundation to discuss the potential development of a 'roadmap' for nutrients. The dialogue included discussion of nutrient recovery technologies, like those in place now at several utilities for recovering phosphorus, and also explored process optimization and other technology improvements to reduce effluent levels of nutrients. CASA shares NACWA's concern that this process not emphasize treatment over watershed strategies and wants to ensure that these discussions are not seen as a "solution" to the nutrient challenges we face.

Pesticide and Consumer Product Regulatory Improvement to Protect POTWs by John Pastore, SCAP

Pesticides, particularly pyrethroids, pose an immediate threat to many POTWs by causing restrictions on biosolids management and recycled water usage options and could also lead to pesticide TMDLs that may establish toxicity or pesticide numeric effluent limits.

DPR developed new regulations and requested manufacturers modify product labels in response to the finding that pyrethroid insecticides are causing water and sediments in California urban creeks to be toxic to sensitive aquatic organisms. California Water Boards and the California Stormwater Quality Association (CASQA), using information assembled by the government-funded Urban Pesticides Pollution Prevention Project (UP3 Project), worked with DPR toward development of a solution to this water pollution problem.

For the past two years, SCAP requested and received voluntary contributions from interested and affected agencies to assist with funding a consultant, Dr. Kelly Moran of TDC Environmental, to follow this important work.

In February, the Department of Pesticide Regulation (DPR) received supportive comments from the Water Boards, Tri-TAC, CASQA, drinking water suppliers, and California professional pesticide applicators towards their proposed pesticide regulations.

Then on July 19th DPR approved new requirements that modify the way that professional applicators apply pyrethroid insecticides around buildings. In parallel, new pyrethroid product labeling being implemented voluntarily by manufacturers at DPR's request--including special labels for the most persistent pyrethroid, bifenthrin--will provide further water quality protection. Both the regulations and the labeling will reduce treatments of outdoor impervious surfaces, thus reducing the quantity of pyrethroids that can be washed directly into gutters and storm drains when it rains or when water like irrigation overflow runs across treated surfaces. Together, the regulations and the new labeling will reduce the amount of pyrethroid insecticides in urban stormwater runoff by 80-90%.

Continued work on this issue this past summer included a voluntary survey of POTWs across the state, the results of which indicate that pyrethroids are present in the effluent in discernible concentrations. Tri-TAC has proposed a strategy that focuses efforts on necessary steps to reduce loadings to POTWs, while at the same time working to develop an appropriate, effective, protective, and feasible POTW regulatory framework which may eventually include appropriate pyrethroid receiving water criteria.

CASQA Review of Pyrethroid Fipronil and Toxicity Monitoring Data by Dr. Kelly Moran, TDC Environmental

The growing fipronil water pollution may be news to some of you. These monitoring data are triggering next steps from the Water Board/CASQA collaborative pesticides team to address fipronil. I anticipate a meeting in the next couple of months with DPR to request that DPR develop an action plan for fipronil I expect the meeting with DPR will also include POTW representatives.

The California Stormwater Quality Association (CASQA) recently published a report compiling monitoring data for two types of common currently used pesticides: pyrethroids and fipronil. The report summarizes thousands of samples from more than 100 urban surface waters throughout California.

The report documents widespread water and sediment toxicity in California urban waterways, with pyrethroid insecticides commonly identified as the apparent cause. Pyrethroids and their associated toxic effects have been found routinely in California urban areas, wherever monitoring is performed using technically appropriate protocols.

Fipronil--an alternative to the pyrethroids--also commonly occurs in California urban watersheds. Observed concentrations of fipronil and its degradates are approaching and in some cases exceeding effect thresholds, suggesting an increasing potential for fipronil to pose risks to aquatic ecosystems.

Because California local agencies do not have the statutory authority to control pesticide uses, CASQA has partnered with California Water Boards to work with California Department of Pesticide Regulation (DPR) and EPA's Office of Pesticide Programs toward addressing this and other pesticide water pollution. In 2012, DPR enacted regulations to reduce outdoor use of pyrethroids in an effort to end the pyrethroid water pollution documented in this report.

This data compilation is being widely shared with pesticides regulators, water quality agencies, the pesticide industry, pest management professionals, and interested stakeholders with the intent of informing continuing management actions to address urban pesticide water pollution.
View the full report at:
https://www.casqa.org/LinkClick.aspx?fileticket=t%2btwBGMxunc%3d&tabid=194&mid=995

Development of a Statewide Policy for Biological Objectives by John Pastore, SCAP

To improve protection of aquatic life beneficial uses, State Water Board staff proposes to develop a statewide biological objectives policy for perennial wadeable streams. The proposed objectives would describe how benthic macro-invertebrates (small, bottom dwelling organisms that are typically insect larvae) will be used as indicators of biological integrity. Over the past two years, SWRCB staff has been working with teams of scientists, regulators, and stakeholders to develop and refine the technical tools needed to support the proposed objectives. The development of a statewide policy for the biological objectives and implementation measures are underway and in the public review process.

After a public workshop held on January 23rd, SCAP together with CASA, Tri-TAC and CVCWA submitted a joint comment letter on this proposed Policy to the State Water Board. In our comment letter, we strongly suggested that the State Water Board proceed carefully with the implementation of this Policy and thoroughly consider the potential financial and resource impacts it may have on the residents of California. While we did not have any solid information on which to actually comment on, we did ask that the following requests and concerns be given consideration in the development of the policy.

1. We request that the State Water Board commit the necessary resources to retain the Technical Team and SAG to provide scientific input into development of sound causal assessment tools.
2. We request that the State Water Board provide the necessary efforts and funding to make the component tools available as soon as possible so that stakeholders (regulators, regulated, and NGOs) can start to effectively evaluate the scoring tool.
3. In addition to providing stakeholder access to the component tools described above, we also request that the State Water Board utilize the Technical Team and SAG to develop formal applicability tools and assist in evaluating and providing input into these and other potential shortcomings.
4. We request that the State Water Board continue to retain and support the Technical Team and SAG during discussions on where objectives may be applied and what those objectives should be to provide the necessary technical guidance to help inform the regulatory applicability of the Policy.
5. During the development of the observed over expected (O/E) component of the scoring tool, the SAG advised that rare species, those with less than a 50% probability of occurring at a site, should be excluded because including them increases the “noise” relative to the signal and results in decreased overall precision. We ask the State Water Board to request an evaluation by the Technical Team and SAG on this possible bias in the scoring tool.
6. It is our opinion that the Technical Team and SAG could provide significant technical input into where the tools are most reliable, where alternative approaches may be most useful, and what expectations are reasonable for specific habitat conditions, such as modified channels. We ask the State Water Board to actively utilize the Technical Team and SAG to provide such input.
7. We recommend that the State Water Board consider using the percentile or standard deviation approach as a means of prioritizing streams and reserve the identification of “altered” or “impaired” to only those locations falling below the lowest CSCI score observed in the reference pool. This would prevent identifying any reference stream as impaired and identify (and prioritize) the most significantly impacted streams.
8. We request that the variability of the CSCI associated with natural disturbances, particularly with inter-annual fluctuations in rainfall associated scouring event, be evaluated.
9. In response to Board Members’ questions at the Workshop and in discussions at the Stakeholder Group meetings, the Technical Team clearly indicated that a fish community index to evaluate biological condition would be infeasible in California. In recognition of this ecological limitation, the State Water Board should more clearly and directly identify the specific intent and goal of this Policy so that a Policy can be drafted that will be likely to achieve those goals.

10. During the January workshop, the Executive Officer of the San Diego Regional Water Board indicated in his presentation that this Policy is greatly needed in his region as a tool that will help in prioritizing streams in the region. We recommend that the State Water Board pursue a Policy approach that utilizes the technical tools to prioritize streams instead of using it to make formal impairment decisions under the Clean Water Act.
11. The State Water Board should carefully evaluate the efficacy of setting biological objectives that may result in the need to alter or to reduce capacity of modified channels providing vital and necessary public services such as flood control, water supply, agricultural drainage, and other critical services.
12. The State Water Board should carefully evaluate the efficacy of setting biological objectives that may result in restricting recycled water projects, expansion of existing recycled water programs, and the ability to utilize channels and streams for delivery of recycled water.
13. Statewide biological objectives could have the unintended, but reasonably foreseeable consequence of limiting growth and expansion of recycled water projects through restrictions on the ability to obtain necessary permits for new or expanded projects or through the "artificial" establishment of a perennial stream subject to the provisions in the Policy where they did not previously exist. To compound these issues, current and future water conservation efforts have and will continue to result in over-all decreases in POTW discharges, which will reduce flows into streams. For these reasons, it is imperative that the State Water Board evaluate an alternative that includes modifying both beneficial uses and water quality objectives to match those uses.
14. It would be helpful if the State Water Board could prepare and distribute a preliminary "straw man" outline of the regulatory and implementation components including where and how this policy is expected to be implemented well in advance of the preparation of the draft Policy. This will allow stakeholders including regulators, the regulated community, the Technical Team, SAG experts, and others to provide early input and identify potential technical limitations based on intended regulatory uses.

A Tri-TAC Policy workgroup in which SCAP is participating has been formed to address concerns associated with SWRCB's latest proposed Biological Objectives implementation framework and will be meeting periodically.

WASTEWATER PRETREATMENT COMMITTEE REPORT

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Dental Amalgam Effluent Guidelines by Mark Kawamoto, OCSD

Characteristics of Concern: mercury is a PBT (like PCBs, dioxin/furans, DDT)

- Persistent: elemental, inorganic: some converts to organic forms (e.g., methylmercury is primary concern)
- Bioaccumulative: works its way up the food chain, i.e., consumed by increasing life forms until we eat affected animals (primarily fish)
- Toxic: neurological; damages the brain, kidney, and lungs; symptoms can include sensory impairment (vision, hearing, speech), disturbed sensation, and a lack of coordination

Significant Sources:

- Common Sources: barometers, sphygmomanometers, thermometers, hydrometers, pyrometers; fluorescent lamps; mercury arc lamps producing ultraviolet rays; switches; mirrors; extracting gold and silver from ores; electric rectifiers; electroanalysis; batteries (e.g., zinc-carbon & mercury cells); cathode in electrolytic manufacturing of chlorine & caustic soda; catalyst for urethane & epoxy resins; laboratory reagent; amalgam Dental Facilities: 1) NACWA's 2002 *Mercury Source Control and Pollution Prevention Program Final Report* identified dental facilities as the main source of mercury discharges to POTWs, 2) 2003 ADA report: 50% of POTW's mercury

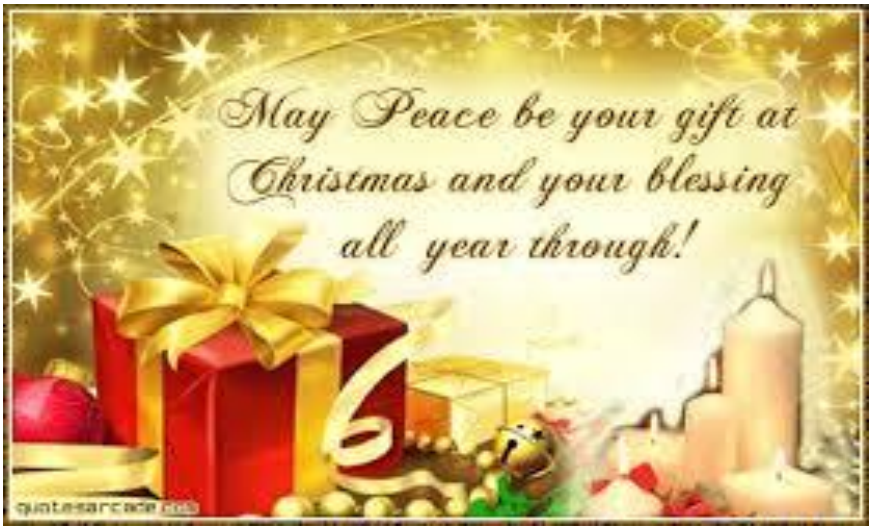
What happens at a POTW?

- Good News: 90% removed from the wastewater by the primary and secondary processes
- Bad News: settles - in the biosolids, low spots (specific gravity: 13.5 @25°C)

Controllability and Source Control Strategies:

- Source Reduction Programs: collections, exchanges/ product substitution (e.g., thermometer, light bulbs) Dental Product Substitution: 5 alternatives: resin composite, glass or resin ionomers, porcelain, and gold alloys (dental insurance may cover only amalgam; if you opt for an alternative, you will pay the difference) Technology - Amalgam Separator: $3,000 - $5,000 each; maintenance; hazardous waste hauling/recycling

Non Sequitur



ANNOUNCEMENTS

Pure News from the City of San Diego

Please click on file link below for a copy of the City of San Diego's Fall 2013 Pure News edition that contains information on their Water Purification demonstration Project and related items.

Pure News Fall 2013.msg

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