

# SCAP Monthly Update

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June 2015

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## Executive Director's Message

### HOW HOT IS THE MOHAVE DESERT?

### GOLD IS WHERE YOU FIND IT!

### CONGRESS CREATED DUSTBOWL!



**This has been a busy spring so far** and it's been a while since I have had a chance to get out and try my hand at finding some more of that elusive "yellow" treasure the earth so closely guards. So in keeping with the spirit of the current drought conditions I started my search in the hottest and driest location I know of, the Mohave Desert. It just so happened that our Biosolids Committee held a tour of the Nursery Products composting facility near Hinkley not too long ago, so I decided to combine a little work with pleasure. About 20 miles away outside of Barstow is an area in the desert that was worked in the 1930's by miners and reportedly contains leftover gold that they missed. My son, Scott, and I headed out to the tailing piles for a couple of days of dry-washing, hoping to strike it rich. Unfortunately, it turns out that those old timers did a pretty decent job discovering and removing most of the gold



and didn't really leave much for our generation to recover. However, the trip wasn't a total loss, as along the way we were able to save a couple of desert tortoises from being run over. We even gave them a drink of water after gently and carefully helping them off the road. However, a highlight of the trip involved crossing paths with a

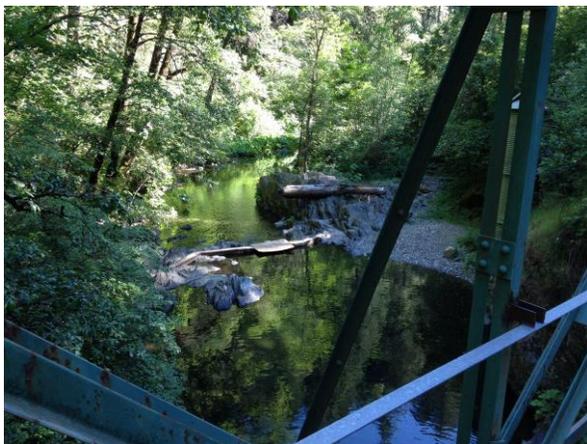
"Green Mohave" rattlesnake. One of the old timers we met out there had previously warned us, "stay away from them thar green rattlers, they're ornery cusses and will chase you down". Luckily I saw him before he saw me.





On the left is a picture of Scott running the dry washer on a very hot afternoon. Without a doubt, the most exciting part of the trip occurred on the last day as we were leaving and the truck overheated and all the coolant boiled out. I don't know what is scarier, running into a rattlesnake or being stuck in the middle of the Mohave Desert in 105 degree temperature with an empty radiator? Talk about having a water shortage! After letting the engine cool for about an hour and exhausting our supply of bottled drinking water refilling the radiator, we were able to make it out to the highway safely. It turned out the thermostat was stuck closed and had to be replaced.

After that experience we decided to find a cooler, wetter place to prospect. So this time Scott and I headed north to a small town on Highway 49 called Camptonville, population 150, which is about an hour and a half north of Sacramento. After a treacherous 1,500-ft descent down the hill we arrived at the claim, which is on Oregon Creek. Coming from Southern California I thought I had died and gone to paradise. We found a beautiful creek (although it's more like a So Cal river as it's actually bigger than some portions of the East Fork of the San Gabriel River) loaded with brook trout and amphibians like red salamanders. The bio-diversity within the creek and the flora along the edges were truly beautiful.



*View looking down into the claim*



*Grandson Preston checking on the spot price of gold on his Ipad*

Having been in So Cal all my life the idea of finding water in a creek is simply incredible to me. The best part though is actually finding gold in the sand bars and in the cracks and crevices within the surrounding bedrock. After two days of digging and moving rocks, the sluice box we were running showed some pretty good signs of gold including a small nugget. The gold we were finding is called flood gold and is washed down from the surrounding hills. Much of the gold still has mercury attached to it so in a way we are helping clean up the environment by removing the ever dangerous mercury from the creek.

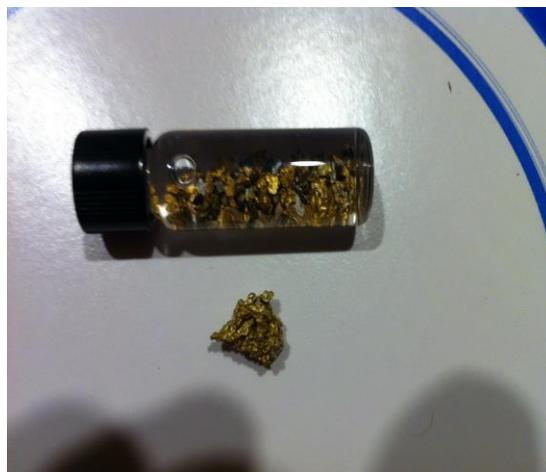
The long drive back to San Diego proved depressing as the color of the scenery quickly changed to brown, reminding me of the severity of the drought we are



currently facing. If that wasn't enough, there were plenty of signs along the highway proclaiming that this is a "Congress Created Dustbowl" or "No Water=No Jobs". I don't know if it was just my imagination, but even the water level in the California Aquaduct looked low!



*Color showing in the sluice box*



*A couple days take of gold*

Now that I am back in the real world, there is plenty going on and this summer is shaping up to be a busy one. Please take a look at the article in the water committee section by Heidi Sanborn, the Executive Director of the California Product Stewardship Council. The CPSC is a great organization that does important work protecting the consumer and assuring manufacturers are held accountable for their products. Of particular concern to all of our wastewater agencies is the work the CPSC has been doing on promoting local ordinances that would require drug manufacturers to provide proper drug disposal (take-back) facilities for their products. The momentum for this is rapidly growing across the Country and SCAP is looking forward to working with the CPSC in the future to assist where it can.

Lastly, I wanted to mention that a long-time friend of mine and former SCAP president/board member is retiring this month. Kamil Azoury, General Manager of the Goleta Sanitary District in Santa Barbara County, is retiring after a long and illustrious career. Kamil has been active not only in SCAP but CASA as well and is also a CASA past president. Please join me in congratulating Kamil and wishing him a well-deserved retirement. You certainly will be missed Kamil!

Prospectingly Yours,

*John Pastore*



*Who says it never rains in Southern California?  
Photo by Ralph Palomares*

## AIR QUALITY COMMITTEE REPORT

David Rothbart, Chair  
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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](#)

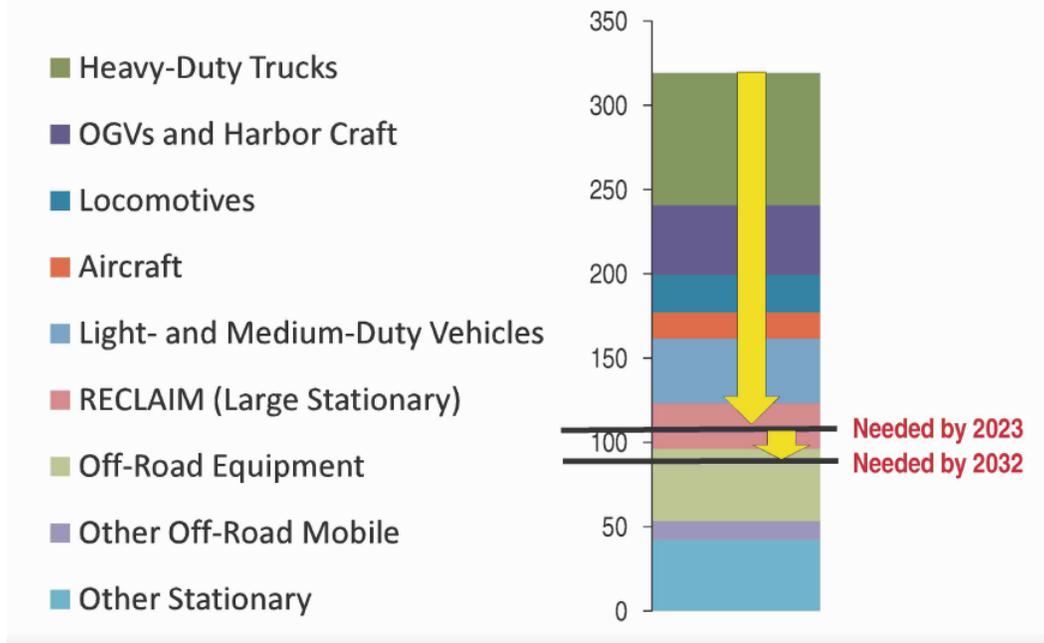
**Note:** The next Air Quality Committee meeting is scheduled for June 9<sup>th</sup> at 10:00 am at LACSD and all SCAP members are cordially invited to attend.

**[SCAQMD 2016 Ozone Air Quality Management Plan](#)** by David Rothbart, Chair—LACSD

On May 7, 2015, the SCAQMD Governing Board held their annual retreat in Newport Beach. The primary topic discussed was the regulatory authority needed to support the 2016 Ozone Air Quality Management Plan (AQMP). As a point of reference, the 2016 AQMP is essentially a blueprint showing how the SCAQMD will achieve the National

Ambient Air Quality Standards for ozone. SCAQMD estimates that attainment will require a 75-percent reduction in NOx emissions, above and beyond all current rules and regulations (see the following chart).

### NOx EMISSION REDUCTIONS NEEDED TO ACHIEVE NATIONAL OZONE STANDARDS IN THE SOUTH COAST AIR BASIN

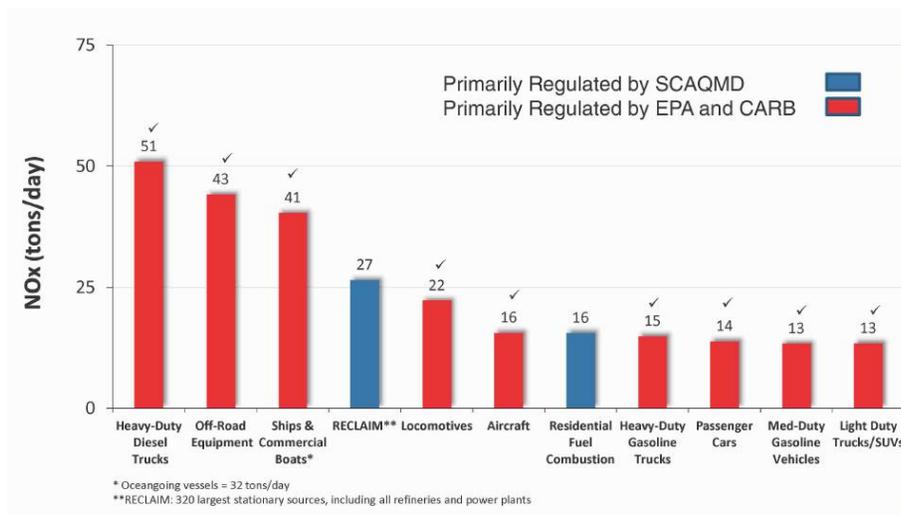


Note: Units in tons NOx per day.

Source: SCAQMD Governing Board Retreat, Agenda Item No.1.

As illustrated above, drastic emission reductions will be required to achieve the federal ozone standards. If achieving these standards wasn't challenging enough, the SCAQMD Governing Board lacks the legal authority to control mobile and federal sources (e.g., cars, trucks, boats, airplanes and locomotives). The following chart illustrates that without a substantial commitment from CARB and EPA, the South Coast Air Basin will be unable to achieve attainment.

### TOP NOx SOURCE CATEGORIES IN THE SOUTH COAST AIR BASIN



Source: SCAQMD Governing Board Retreat, Agenda Item No.1.

Based upon this dilemma, the SCAQMD Governing Board requested legal staff provide recommendations for their consideration. Recommendations discussed at the May 7<sup>th</sup> Governing Board meeting included:

- Continue to advocate for CARB/EPA to lower mobile/federal source standards
- Urge CARB to seek a waiver from EPA allowing SCAQMD to regulate mobile/federal sources
- Adopt indirect source control measures (i.e., reducing emissions from facilities that attract mobile sources, such as ports, rail yards, warehouses, etc.)
- Seek authority to expand fleet rules to private fleets
- Pursue legislative and legal actions to control mobile/federal sources

Several SCAQMD Governing Board members opined that legal action against CARB/EPA would be required to achieve the federal ozone standards. However, SCAQMD staff subsequently suggested that CARB and EPA would provide the required emission reductions. As a member of the SCAQMD AQMP Advisory Group, it seems highly unlikely that CARB and EPA will be able to reduce mobile and federal source emissions within the deadlines established for the South Coast Air Basin. This issue should be presented to the AQMP Advisory Group later this summer, so stay tuned.

#### [SCAQMD Rule 1110.2 Update](#) by David Rothbart, Chair—LACSD & Terry Ahn, Vice Chair—OCSD

The stringent new NO<sub>x</sub>, CO and VOC concentration limits for biogas-fired engines become effective on January 1, 2016. Acknowledging that a number of SCAP member agencies acted in good-faith to meet the new limits by conducting technology demonstration projects but require additional time to retrofit their engines, SCAQMD agreed to extend the compliance deadline. The Air Quality Committee has requested that all biogas engines owned or operated by an agency that commenced a demonstration project prior to January 1, 2015 receive an extension to January 1, 2018 without penalty. SCAQMD staff will attempt to address SCAP's request in draft amended rule language.

SCAQMD will also be addressing EPA's recent comments regarding existing breakdown provisions. The rule currently indicates that breakdowns resulting in an emissions exceedance are not considered a violation. Unfortunately, previous court decisions regarding startup, shutdown and malfunctions do not allow such relief. In response, SCAQMD staff proposed to restrict the number of breakdown and non-compliant emission checks per calendar quarter. This proposal is rather troubling, so everyone should review their breakdown records and determine whether SCAQMD's proposal is reasonable.

Another Rule 1110.2 Working Group meeting should be held in June to discuss amended rule language. SCAQMD anticipates that the amended rule will be presented to the Governing Board for adoption in October.

#### [SCAQMD Proposed Rule 1402 – Existing Facility Health Risk](#) by David Rothbart, Chair - LACSD

With adoption of OEHHA's new health risk guidance manual, air districts are proposing rule revisions to incorporate these modifications. These changes may increase existing facility cancer risk by about a factor of three, or more, without any increase in facility emissions. Of particular concern is SCAQMD Proposed Amended Rule 1402, which would cause a significant number of existing facilities that have historically reduced emissions in good-faith to suddenly notify surrounding residents of an unacceptable facility-wide health risk, if the calculated cancer risk is greater than 10 in a million. Rather than potentially alarming surrounding residents, the Air Quality Committee requested that SCAQMD work with stakeholders to encourage voluntary risk reductions. These efforts, coupled with a balanced risk communication program, would reduce risk and avoid confusing our neighbors.

On May 1, 2015, the Air Quality Committee remitted comments to SCAQMD requesting that voluntary risk reduction and public education programs be addressed by Proposed Amended Rule 1402 (click [HERE](#)). Subsequently, SCAP members and other stakeholders met with SCAQMD management to discuss our proposal. SCAQMD supports the concept of voluntary risk reduction and an incentive program should be presented to the Governing Board in either June or July.

### [SCAQMD Permit Streamlining](#) by Terry Ahn, Vice Chair—OCSD

Most of the SCAP's member agencies are located within the jurisdiction of SCAQMD and must obtain permits before construction and operation of the treatment facilities and other air pollution emitting equipment. It is not uncommon for some permits to take more than a year to obtain due to many steps involved in getting the permits including sometimes arduous and prolonged negotiations.

Since the reconvening of the SCAQMD's Permit Streamlining Task Force in September of 2014, the Air Quality Committee (Committee) has been working closely with SCAQMD to help identify measures to improve SCAQMD's overall permitting process and to implement specific measures that would benefit the SCAP membership.

One specific measure that the Committee is currently working on is the development of boilerplate permits that are pre-approved by SCAQMD for equipment/process types that are common or unique to wastewater treatment plants. Among the many benefits of the boilerplate permits are faster permit processing time, consistent permit conditions across the agencies, and more flexible permit conditions to allow process optimization with minimal future permit modifications.

The Committee submitted the draft boilerplate permits, jointly prepared by five member agencies, to SCAQMD in early May, for their evaluation for: 1) wastewater treatment plants; 2) chemical scrubbers; 3) carbon absorbers and 4) biofilters. Follow-up meeting(s) will be scheduled shortly for further discussion and finalization of the boilerplate permits.

### [Air Quality Committee Semi-Annual Update](#)

The following is a summary of the issues that the Air Quality Committee is monitoring during the course of this fiscal year:

#### **Major Issues in 2015**

- 2016 Ozone Air Quality Management Plan
- CAPCOA Policy-making on PERP equipment
- SCAQMD Rule 1110.2 (biogas engine emission limits and implementation and breakdown restrictions)
- SCAQMD Proposed Rule 1188 (Wastewater Vacuum Trucks)
- SCAQMD Proposed Rule 1430 (Metal Grinding and Cutting)
- SCAQMD Proposed Indirect Source Rule
- SCAQMD Rules 1401 and 1402 (OEHHA's Risk Management Guidelines)
- SCAQMD Rule 1315 litigation (Priority Reserve related)
- SCAQMD Rule 317 litigation
- SJVAPCD Rule 3170 litigation
- 5-Year Update of AB 32 Scoping Plan
- Various state and federal legislative bills
- AB 1330 Environmental Justice

- CalRecycle permitting of anaerobic digestion of food waste
- SCAQMD permit modernization efforts streamlining
- SCAQMD Rules 1304.1 thru 1304.3 and SB 389 (Priority Reserve related)
- AB 32 Cap and Trade issues
- SCAQMD new annual emissions reporting program
- SCAQMD Rule 1304.2 and 1304.3 (Priority Reserve related)
- SCAQMD Rule 1168 (Sealants and Adhesives)
- SCAQMD Rule 1155 (Particulate Matter Control Devices)
- CARB Portable Diesel Engine ATCM - 2020 Fleet Average

## BIOSOLIDS COMMITTEE REPORT

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### [Measure E Litigation Update](#) by *Diane Gilbert Jones, Co-Chair – City of LA*

The City of Los Angeles, along with other affected Southern California biosolids generators, managers, haulers, and farmers, continue their legal challenge to Kern County Measure E, a 2006 voter initiative banning recycling of biosolids via land application at Plaintiffs' farms in Kern County. The City and its co-Plaintiffs initially prevailed on the merits in a federal lawsuit and obtained an injunction against Measure E, but that case was dismissed on procedural grounds in November 2010. In January 2011, Kern County enforced Measure E, and Plaintiffs re-filed their lawsuit in state court.

On June 9, 2011, the state superior court issued a second preliminary injunction against enforcement of Measure E. Kern County appealed, and on February 13, 2013, the California Court of Appeal in Fresno upheld the preliminary injunction. On July 7, 2014, the California Supreme Court reversed on the narrow procedural ground that the lower courts had misapplied a federal statute that sets a time limit on the re-filing of claims in state court after they have been dismissed from federal court, absent a longer applicable state statute of limitations.

On September 26, 2014, the City and its co-Plaintiffs petitioned the Tulare Superior Court to grant summary judgment and grant a permanent injunction against Measure E. On February 5, 2015, the Court reinstated the preliminary injunction against Measure E. The Court again found Plaintiffs' lawsuit timely, this time under a state statute of limitations affording a year to re-file following a dismissal on non-merits grounds. At oral argument, the Court further observed that it was "very close" to ruling for Plaintiffs that Measure E is preempted by the California Integrated Waste Management Act. The Court's written ruling also noted the strength of the factual record for Plaintiffs. The Superior Court, however, ultimately decided to allow all of Plaintiffs' claims to proceed to trial, citing California courts' preference that cases not be decided on summary judgment, as well as the existence of disputed facts on Plaintiffs' other claims.

On April 28, 2018, the parties participated in a management conference to confer on a trial plan. The trial is set for January 11, 2016 with interim events to occur before the hearing. The Judge assigned to mediation requested a tour of the Green Acres Farm, which has held on May 22, 2015. The mediation hearing is scheduled for June 19, 2015. The last pre-trial hearing is set for December 11, 2015.

## [Biosolids Committee Semi-Annual Update](#)

The following is a summary of the issues that the Biosolids Committee is monitoring during the course of this fiscal year:

### Ordinances

- Kern County (Measure E)
- Solano County (Measure E)
- Imperial County
- San Bernardino County
- San Luis Obispo County

### State and Regional

- CalRecycle FOG/ Food Digestion and Composting Regulations
- CalRecycle 75% Organic Diversion Plan
- CalTrans Composting Specification
- CDFA Healthy Soils Initiative (Benefits of Biosolids)
- State Water Resources Control Board Proposed Statewide Waiver of WDRs for Composting Facilities

### EPA and National

- Status of EPA's potential changes to 40 CFR Part 503 based on their 2013 biennial review and 2009 Targeted National Sewer Sludge Survey
- Electronic Reporting Rule as it relates to Biosolids
- Integrated Risk Information System (IRIS) and Arsenic Cancer Slope Factor
- EPA Standards for Sewage Sludge Incinerators as it relates to gasification and biosolids used as renewable energy sources.

### Research

- Pyrethroids
- WERF Trace Organics Activities
- WEF Biogas Study and Biosolids Management Technologies

## COLLECTIONS COMMITTEE REPORT

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### [Collection Systems Committee Update](#) by *Ralph Palomares, EL Toro WD*

Well it's May 22nd and that means it's the unofficial start of summer after this Memorial Day weekend has past us. Schools will be letting out for the summer and my son, who just graduated from CSULB, is already in London for a much needed vacation after many years of school and is having a great time. Our family went to his graduation ceremony on May 20<sup>th</sup> and it was one of satisfaction for me, as he always said he enjoyed school and still wants to

continue going to a school sometime in the fall of 2015. So I wish him the best and who knows, maybe one day he will work for one of our public water agencies.

This past April was the 2015 CWEA annual Conference in San Diego, CA and it was my 27th consecutive conference. My 1st being in 1987 at Hotel Circle and it was one that I will always remember because so many of my friends have now retired and many more will soon retire in 2015 as they approach their 30 years in this industry. Some will travel and some will become part-time consultants for a water or sanitation agency or maybe some will just do nothing but relax and enjoy their golden years of life with family and friends. So I wish you, my friends of these past few decades, the best of what life has to offer you and someday I will be there with you to enjoy it.

At our collections breakfast meeting in San Diego I asked a show of hands for how many attendees it was this their first time at a conference and over three quarters of those in attendance raised their hands out of about ninety! So as you can see, times are changing rather quickly in our wastewater industry with lots of new faces and names. We can expect that someday these same people will be speaking, directing or become a committee member of SCAP and one thing is for certain, we have a lot of new talent coming our way in the near future.

Remember to get involved in our industry and we at the SCAP Collections Committee will always have our door open to assist you with anything you might need. And if you would like to speak on a certain wastewater related topic or hear more about one, please don't be shy, simply contact John Pastore or me and let us know.

We had many topics to listen to down in San Diego but my favorite was the specialty session on Flushable Disposable wipes, and yes, we are making some progress in this industry but I will leave the details for John Pastore write about

Technology is always great in our field with new computer reporting programs, flow meters, sampling meters, smart covers, FOG grd's, sewer vehicle combo trucks, water filter systems, and many more that were on display in San Diego last month at the 2015 CWEA Annual Conference.

I would like to say a big thank you to all my SCAP friends who made it a point to come by and say hi to me at the conference or those I had coffee with each morning and I look forward to seeing you at the next SCAP meeting. So everyone remember to conserve water during this time of drought and have a great June and Father's Day 2015.

### [Collection Systems Committee Semi-Annual Update](#)

The following is a summary of the issues that the Collection Systems Committee is monitoring during the course of this fiscal year:

#### **Collection System Committee Issues in 2015**

- Revisions to the statewide SSO-WDR Permit.
- Revisions and updates to SWRCB-CIWQS SSO reporting program.
- SWRCB WDR SSMP Audits.

#### **Non-Regulatory Issues**

- Flushable wipes.
- Development of an accepted spill volume calculation model.
- Odor and corrosion control measures.
- Study of spill incident cases and enforcement.

**[Breaking News-Federal Trade Commission Takes Action Against Flushable Wipes](#)** courtesy of NACWA

Last week, the Federal Trade Commission (FTC) announced a [proposed consent agreement](#) that will prohibit Nice-Pak Products, Inc., a manufacturer of wipes, from advertising its wipes as flushable unless it can substantiate that the product is safe for sewer systems, septic systems, and household plumbing. This is the first federal action taken against wipes, which are clogging pumps, pipes, and other equipment and costing utilities millions of dollars each year.

This *Advocacy Alert* provides a summary of the proposed agreement and its potential ramifications on NACWA's work on wipes. Comments on the proposed agreement are due by June 19, and NACWA plans to submit comments in support of the agreement.

Click here to view [Advocacy Alert](#) (AA 15-10), which is posted at: [http://www.nacwa.org/index.php?option=com\\_content&view=article&id=2204&Itemid=14](http://www.nacwa.org/index.php?option=com_content&view=article&id=2204&Itemid=14)

## ENERGY MANAGEMENT COMMITTEE REPORT

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**[CWEA Innovative Biosolids and Renewable Energy Technology Seminars](#)** courtesy of Greg Kester, CASA

The jointly sponsored CASA and CWEA Innovative Biosolids and Renewable Energy Technology Seminars were held on May 12<sup>th</sup> at Central Contra Costa Sanitary District in Martinez and May 13<sup>th</sup> at the City of Los Angeles Hyperion Treatment plant, with 94 and 84 attendees respectively. We would like to sincerely thank all the speakers and attendees for their participation in making these seminars a great success. We especially would like to thank our hosts for their gracious hospitality and our main points of contact, Melody LaBella at Central San, and Diane Gilbert Jones and Christina Jones at the City of LA for all of their assistance and support! Finally, we would like to thank Sheena Bell and Julie Taylor with CWEA for all of their work in ensuring the seminars ran as smoothly as they did and for a great collaborative partnership between our Associations. The presentations and speaker contact information are now available at the link below. Please let me know if you have any questions or comments.

<http://www.casaweb.org/events/casa-and-cwea-biosolids-and-renewable-energy-seminar>

**[Energy Management Committee Semi-Annual Update](#)**

The following is a summary of the issues that the Energy Management Committee is monitoring during the course of this fiscal year:

**Legislation and Regulations being followed**

- Low Carbon Fuel Standard
- AB 1900 – CPUC implementation of policies for injection of biomethane into natural gas common carrier pipelines
- SB 1122 – CPUC implementation of the bioenergy feed-in tariff program
- Updates to the Renewables Portfolio Standard Guidebook

- Analysis and tracking of energy related bills
- Joining the newly formed Bioenergy Association of California
- Engaging with the CPUC on their water-energy nexus program development

### **Energy Management Committee Issues in 2015**

- CPUC rules on unbundled Renewable Energy Credits (RECs)
- CPUC establishment of a new Feed-In Tariff program
- CPUC establishment of policies for pipeline biomethane from POTWs
- Utility energy efficiency programs
- Power Purchase Agreements
- FOG and food waste digestion
- Changes to the Self-Generation Incentive Program (SGIP)
- Energy efficiency technologies
- Emissions control technologies
- Gas cleanup technology
- CARB's Cap and Trade Program
- GHG Offsets
- Biogas generation technologies such as fuel cells and microturbines
- Wind and Solar Power

### **California Air Resources Control Board Workshop**

The Air Resources Board (ARB) invites you to participate in a public workshop to discuss the Energy Efficiency and Co-Benefits Assessment of Large Industrial Sources (EEA Regulation) sector public reports (public reports). These public reports summarize, by sector, the data provided to the ARB by facilities subject to the EEA Regulation.

The EEA Regulation required facility managers to identify all potential energy saving improvements for equipment, processes, and/or systems that cumulatively account for at least 95 percent of the facility's total greenhouse gas (GHG) emissions. The public reports for all five sectors (refinery, cement, hydrogen, oil and gas production/mineral production, and electricity generation) have been released and can be accessed at the following website:

<http://www.arb.ca.gov/cc/energyaudits/publicreports.htm>. The workshop will include a discussion on the information in the five public reports and will be held at the following time and location:

Date: June 30, 2015

Time: 1:30 p.m. – 4 p.m.

Location: Cal/EPA Headquarters Building, Byron Sher Auditorium, 1001 I Street, Sacramento, California 95814

The workshop notice can be found [here](#): The workshop presentation and agenda will be posted at this website prior to the workshop. If you have any questions about the workshop, please contact Mr. Kirk Rosenkranz at (916) 327-7843 or by email at [kirk.rosenkranz@arb.ca.gov](mailto:kirk.rosenkranz@arb.ca.gov) or Ms. Cherie Rainforth at (916) 327-7213 or by email at [cherie.rainforth@arb.ca.gov](mailto:cherie.rainforth@arb.ca.gov).

**Background:** The EEA Regulation was adopted by ARB on July 22, 2010, and became effective on July 16, 2011. The regulation required operators of California's largest industrial facilities to conduct a one-time energy efficiency

assessment. All California facilities that had 2009 GHG emissions equal to or greater than 0.5 million metric tonnes of carbon-dioxide equivalent (MMTCO<sub>2e</sub>) were subject to the EEA Regulation. Also subject to the requirements were cement plants and transportation-fuel refineries that had 2009 GHG emissions of at least 0.25 MMTCO<sub>2e</sub>. The website for all activities related to the EEA Regulation can be accessed at: <http://www.arb.ca.gov/energyaudits>.

## WATER ISSUES COMMITTEE REPORT

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**[Producers Should Share in Responsibility for Product Waste to Prevent Water Pollution](#)** by Heidi Sanborn, M.P.A.,  
*Executive Director of the California Product Stewardship Council*

As we all know, public utilities are trying their best to prevent household hazardous waste from disposal via the garbage or flushing, but that is a real challenge knowing the variety of issues that come with products such as pesticides, batteries, needles and pharmaceuticals. Many problems are associated with safely collecting and managing some products translates into high costs and we have heard stories from jurisdictions that literally stop advertising their Household Hazardous Waste (HHW) collection program because they can't afford to increase collections. California Product Stewardship Council (CPSC) is working with the Bay Area Clean Water Agencies and hopes to work more closely with SCAP to find solutions where producers of products share in the responsibility to reduce water contamination at the source.



The California Product Stewardship Council (CPSC) is a powerful [network of local governments, non-government organizations, businesses, and individuals](#) supporting policies and projects where producers share in the responsibility for managing problem products at end of life. [CPSC's Board](#) includes a producer of needles, waste haulers, a hospital, in addition to local governments and we are looking for one more member to be from the water community so if you are interested, please contact [heidi@calpsc.org](mailto:heidi@calpsc.org).

Extended Producer Responsibility (EPR) is supported by **26,160,171 Californians**. That's **over 67% of the state population!** **138 resolutions have been passed** by California local jurisdictions and organizations supporting a more sustainable and toxic free environment through product stewardship.

California is looking to the producers, retailers and others in the product chain to assist in funding the proper management of problematic products in water such as pharmaceuticals and needles but that list could expand. California passed legislation on mercury thermostats in 2008, reducing copper in brake pads, recycling carpet and paint in 2010, and mattresses in 2013 to ensure producers have some share in the responsibility. **But passing statewide legislation for products where the producers do not want to share in any responsibility is hard to do**, even when they have done it in many other countries for more than two decades.

California is leading the U.S. in this paradigm shift to producer responsibility and the “legal rules of the road” are being laid down per our press release on the Alameda County Ordinance being upheld when the [Supreme Court refused to hear the case](#) May 26, 2015.



Left to Right: Judge M. Christen , Judge N.R. Smith, and Judge Piersol.  
Insert: Arthur J. Shartsis representing Alameda County.

The [video of the hearing](#) is worth watching for 40 minutes (it starts 1 hour 2 minutes into the proceedings), as the court would decide whether any county or local government can pass legislation that will make the manufacturers of **pharmaceuticals or any product**, share in the responsibility for its lifecycle costs.

This case is the beginning. As the appellants lawyer Michael A. Carvin, stated “There are 3,000 counties in the United States. If this court upholds this statute what county is not going to go for this deal? What county is not going to say ‘I can either charge a lot of out of state pharmaceutical companies or I can charge the taxpayers who are going to reelect me next time for this kind of waste disposal?’”

So how does this impact the water quality community? Now that the Alameda Ordinance is upheld, every local government will be able to regulate to make producers pay for management systems for their end of life products. In the case of prescription drugs, in Mexico, Brazil, Canada, France, Spain and other countries the collection is done by the pharmacies.

So what about sharps? Sharps are a health and safety issue for the industry as a recent study proved 7% of users still flush needles as a disposal method. What other products are ending up in water where producers could help by redesigning the product or paying for clean up?

The paradigm change to product stewardship is not easy, but worth doing, and we need to work together to be successful. We look forward to partnering with SCAP and its members to expanding the work on products of concern to the wastewater industry. For more information on how to become a donating supporter and the benefits thereof, visit CPSCs website at [www.calPSC.org](http://www.calPSC.org).

### [State Orders Mandate Reimbursements](#) courtesy of CSDA

Under the direction of Governor Jerry Brown, the Department of Finance has issued a letter to the State Controller requesting the full \$765 million in pre-2004 unpaid mandate reimbursements be sent out to those special districts, cities and counties that have not yet been reimbursed.

Thank you to the many districts that responded to CSDA's Call To Action and sent in your letters to the Budget Committees and the Department of Finance supporting the reimbursement of mandate debt. The State Controller is expected to begin issuing checks to all pre-2004 claimants by mid-July. Visit CSDA's Mandate Reimbursement page to determine your districts' eligibility and learn how much your district is expected to receive

### [The Clean Water Rule Finalized](#), courtesy WEF

On May 27, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers finalized the [Clean Water Rule](#), which will be effective 60 days after publication in the *Federal Register*. In general, the Clean Water Rule maintains the current status of municipal separate storm sewer systems (MS4s) and encourages the use of green infrastructure to protect water quality. Visit the [EPA web site](#) for access to all documents related to this rule, including the final rule, technical support documents, economic analysis information, and fact sheets.

### [Water Issues Committee Semi-Annual Update](#)

The following is a summary of the issues that the Water Committee is monitoring during the course of this fiscal year:

#### **Water Committee Issues in 2015**

- SWRCB Draft Policy for Toxicity Assessment and Control (now re-designated as a Plan)
- Sediment Quality Objectives for Enclosed Bays and Estuaries.
- SWRCB Policy for Assessing Biological Integrity in Surface Waters.
- Advisory Panel for CECs in Coastal and Marine Ecosystems.
- General permit for Water Recycling.
- Regional MS4 Permit for Region 9
- Statewide Nutrient Policy.
- Statewide Mercury Program.
- Statewide Cadmium and Hardness Policy.
- Water Quality Standards Rule.
- Definition of Waters of the U.S.
- CIWQS Electronic Reporting Requirements.
- SWRCB Resource Realignment.
- Development of Model Water Softener Ordinance.
- Mercury TMDL & Objective.

## WASTEWATER PRETREATMENT COMMITTEE REPORT

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Jim Colston, Chair  
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Barbara Sharatz, Vice Chair  
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### Wastewater Pretreatment Committee Semi-Annual Update

The following is a summary of the issues that the Wastewater Pretreatment Committee is monitoring during the course of this fiscal year:

#### Wastewater Pretreatment Committee Issues in 2015

- Emerging pollutants/SWRCB Requirements for CECs
- Federal dental amalgam rule
- Nano technology
- Water Softeners/TDS local limits
- Local limits review/establishment
- Pretreatment software
- Compliance audits/inspections
- Outsourcing pretreatment program
- Green chemistry
- Salinity management
- Pretreatment inspection and monitoring (fieldwork)
- Medical industry/hospitals
- Groundwater recharge
- Home plating operations
- Fee/funding for pretreatment programs
- Other issues such as: infectious waste, pump stations/rag problems, Industrial Pretreatment Operator Training/Certification

### Non Sequitur

Things cannot always go your way. Learn to accept in silence the minor aggravations, cultivate the gift of taciturnity and consume your own smoke with an extra draught of hard work so that those about you may not be annoyed with the dust and soot of your complaints.  
 -- *Sir William Osler, vol. 1, ch. 22*

## ANNOUNCEMENTS

### SCAP welcomes our newest members for 2015

Larry Walker Associates  
 Rainbow Municipal Water District  
 Holloway Environmental  
 The City of Whittier  
 Pulsed Hydraulics, Inc.

## Please Support our SCAP Associate Members

