

Report to BACWA Board from AIR Committee (November 2010)

| | |
|-------------------------|---|
| Document Control | Prepared by Sarah Merrill (Project Engineer) Reviewed by Stephanie Cheng (Committee Chair) |
|-------------------------|---|

| | |
|---|--------------------|
| Committee Request for Board Action | None at this time. |
|---|--------------------|

| | |
|-------------------------------|--------------------|
| Committee Agenda Items | None at this time. |
|-------------------------------|--------------------|

Recent Committee Actions:

| | |
|---------------------------------|--|
| Recent Committee Actions | <ul style="list-style-type: none"> Committee Meeting was held October 20, 2010 at the CH2M Hill Oakland offices |
| AIR Website | http://bacwa.org/Committees/AirIssuesRegulations.aspx |

News and Updates:

| | |
|--|--|
| EPA: Proposed NSPS for Sewage Sludge Incinerators | <ul style="list-style-type: none"> October 14, 2010 - EPA publishes final draft of new source performance standards (NSPS) and emission guidelines (EG) for new & existing sewage sludge incineration (SSI) units in Federal Register Proposed rules establish opacity limits and emission limits for 9 pollutants Written comments due to USEPA by November 29, 2010 |
| For more information | http://www.epa.gov/ttn/oarpg/new.html |

| | |
|---|---|
| CARB: In-Use, Off-Road Diesel Fleet Regulation | <ul style="list-style-type: none"> October 7, 2010- CARB met with the Associated General Contractors of America Trade Organization to agree upon proposed changes to the regulation. Changes set for acceptance December 2010 CARB Meeting - Comments to be accepted beginning: October 20, 2010 |
| | <p><u>Primary changes would include:</u></p> <ol style="list-style-type: none"> Delay performance requirements by 4 yrs (2 yr - medium & small fleets) Combine NOx and PM, lower annual requirements, and allow fleets to comply through turnover only Provide easier compliance path for fleets under 500 hp Increase low use threshold Extend double credit for retrofits Maintain turnover rate for a longer period, from 2017 to 2022 |
| For more information | http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm |

| | |
|--|--|
| CARB: Guidance for Siting Biorefineries | <ul style="list-style-type: none"> October 11, 2010 - CARB released draft Air Quality Guidance for Siting Biorefineries, - Comments Due: December 1, 2010 A best practices guidance document for siting biofuel production facilities Biorefinery definition: A facility that converts biomass to fuels, heat, electricity, and chemicals. - specifically addresses biogas and anaerobic digestion as a biofuel and conversion technology |
| For more information | http://www.arb.ca.gov/fuels/lcfs/101110_DRAFT_Air_Quality_Guidance_for_Siting_Biorefineries.pdf |

| | |
|------------------------------------|--|
| BAAQMD: 2010 Clean Air Plan | <ul style="list-style-type: none"> September 15, 2010, Board adopted the final Bay Area 2010 Clean Air Plan (CAP) & certified its Final EIR |
|------------------------------------|--|

**Report to BACWA Board from AIR Committee
(November 2010)**

| | |
|---|--|
| <p>Adopted</p> | <ul style="list-style-type: none"> • The CAP performance objectives are as follows: <ul style="list-style-type: none"> - Reduce PM2.5 exposure by 10% by 2015 - Reduce diesel PM exposure by 85% by 2020 - Reduce GHG emissions to 1990 levels by 2020 and 40% below 1990 by 2035 • Implementation to follow |
| <p>For more information</p> | <p>http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans.aspx</p> |
| <p>CWCCG Update: CARB Mandatory Reporting Regulation</p> | <ul style="list-style-type: none"> • CARB Mandatory 2010 Report Verification Grace Period: <ul style="list-style-type: none"> - Originally due October 1, 2010 - Two Month Grace Period – verification now due December 1, 2010 • Revisions to Mandatory Reporting Regulation <ul style="list-style-type: none"> - Proposed regulation amendments released October 28, 2010 - Reporting Threshold: proposed to be lowered to 10,000 MT CO₂-e - Cogen reporting category removed. - Comments Due: December 15, 2010 CARB Hearing: December 16, 2010 |
| <p>For more information</p> | <p>http://www.arb.ca.gov/cc/reporting/ghgver/advisory_Oct01_verification.pdf http://www.arb.ca.gov/regact/2010/ghg2010/ghg2010.htm</p> |
| <p>CWCCG Update: CARB Cap& Trade Program</p> | <ul style="list-style-type: none"> • <u>October 29, 2010</u>: Final draft version of regulation released <ul style="list-style-type: none"> - Comments due by December 15, 2010 • December 16, 2010 – Board hearing of regulation <p><u>Impact to POTWs</u></p> <ul style="list-style-type: none"> • Capped Sectors: -No exemption for POTWs, but fugitive and most biomass combustion emissions from stationary sources excluded. CWCCG working with CARB staff to clarify language on excluded emissions. • Offsets: <ul style="list-style-type: none"> - Credits to be generated through ARB and “linked” programs - ARB to develop more protocols in 2011 |
| <p>For more information</p> | <p>http://www.arb.ca.gov/cc/capandtrade/capandtrade.htm</p> |

**Next BACWA AIR Meeting: Wednesday, January 26th, 2011
 CH2M HILL Oakland Offices, 10:00am**

**BAPPG Committee Report to
BACWA Board**

Meeting Date: November 18, 2010
Prepared By: Sharon Newton, City of San Jose
BAPPG Committee Chair

Project Updates

| Project | Update | Completion Date |
|--|--|------------------------|
| EPA Best Management Practices for Unused Pharmaceuticals | BAPPG and BACWA and BACWA jointly submitted a comment letter on the EPA Best Management Practices for Unused Pharmaceuticals at Health Care Facilities. See attached comment letter. | October 2010 |
| DTSC Green Chemistry Safer Alternatives Regulations | BAPPG and BACWA and BACWA jointly submitted a comment letter on the DTSC Green Chemistry Safer Consumer Products Alternatives Regulations. See attached comment letter. | October 2010 |
| Green Chemistry Initiative | <p>DTSC held a public comment hearing regarding proposed regulations for the Green Chemistry Initiative on November 1st. Kelly Moran, TDC Environmental assisted BAPPG with developing comments on the regulations, which were provided to DTSC both electronically and orally.</p> <p>[Project Leads: Jen Jackson, East Bay Municipal Utility District, Melody LaBella at Central Contra Costa Sanitary District (CCCSD), Karin North, City of Palo Alto]</p> | November 2010 |
| Regional Holiday FOG Outreach | The Regional Holiday FOG outreach campaign will launch in November. Turkey fryer stickers and posters with information on proper FOG disposal will be delivered to Bay Area Home Depot and OSH stores. O'Rorke, Inc. will provide media support for this project. | November 2010 |
| Holiday FOG Spanish Radio Advertisement | BAPPG will conduct outreach on Bay Area Univision Spanish radio stations during between Thanksgiving and Christmas. The advertisements promote proper disposal of kitchen fats, oils and grease. | December 2010 |
| EcoMetro Guide Ads | <p>BAPPG placed two ads in the South Bay and East Bay Chinook Book (The New EcoMetro Guide). The ads, created using existing artwork from the No Drugs Down the Drain campaign, direct residents to BayWise.org for disposal information. EcoMetro Guides are coupon books for "green" services and products that remain in circulation for one year. The 2011 Chinook Books have been published and are currently being distributed. The No Drugs Down the Drain ad is located in the resource section of the books. See attached example.</p> <p>[Project Lead: Karin North]</p> | Fall 2010 |

BAPPG Committee Report to BACWA Board

| Project | Update | Completion Date |
|--------------------------|---|-----------------|
| Pharmaceuticals | BAPPG will begin working with the Teleosis Institute to develop two sets of brochures for hospice care workers to distribute to patients and their families - one set upon entering hospice and another for end of life. [Project Lead: Karin North] | Fall 2010 |
| Spring Cleaning Campaign | BAPPG issued an RFP to at least six public relations firms to assist the BAPPG with a spring cleaning campaign to drive traffic to the Baywise.org website and encourage behavior change around disposal of common household toxics. Two public relations firms responded to the RFP and were interviewed. The selected proposal was from O'Rorke, Inc. and a BAR and PO are attached. [Project Leads: Jen Jackson, East Bay Municipal Utility District; Melody LaBella at Central Contra Costa Sanitary District (CCCSD); Karin North, City of Palo Alto; Amanda Roa, Delta Diablo Sanitation District] | March 2011 |

Next BAPPG Meeting

December 1, 2010, 10am – 12pm, 1515 Clay Street, Oakland, CA, Second Floor, Room 10

Attachments

- EPA Best Management Practices for Unused Pharmaceuticals at Health Care Facilities Comment Letter
- DTSC Green Chemistry Safer Consumer Products Alternatives Regulations Comment Letter
- O'Rorke BAR and Purchase Order



November 5, 2010
Sent via e-mail

Meghan Hessenauer
Engineering and Analysis Division (4303T)
US EPA, 1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460 (4101M)
unusedpharms@epa.gov

RE: Best Management Practices for Unused Pharmaceuticals at Health Care Facilities

Dear Ms. Hessenauer:

On behalf of the Bay Area Pollution Prevention Group (BAPPG) and Bay Area Clean Water Agencies (BACWA), we are pleased to provide comments on the draft Best Management Practices for Unused Pharmaceuticals at Health Care Facilities.

BACWA and BAPPG bring together representatives from fifty-five publicly owned treatment works (POTWs) around the San Francisco Bay and beyond. Our membership includes large metropolitan facilities such as the City and County of San Francisco, East Bay Municipal Utility District, the City of San Jose, East Bay Dischargers Authority and Central Contra Costa Sanitary District. Many of our members also provide drinking water and solid municipal waste collection, in addition to wastewater services. Because of cross-media contamination concerns, we take the issue of pharmaceutical pollution very seriously.

For years, our member agencies have worked tirelessly to promote the proper disposal of pharmaceuticals in both the residential and medical sectors. After several regional disposal events, many agencies have established ongoing public pharmaceutical collection programs at pharmacies and hospitals. Other member agencies have issued permits to healthcare facilities requiring specific best management practices to reduce pharmaceuticals going down the drain. The BAPPG has worked with hospice and long-term care facilities to pilot programs to properly dispose of unused medication from patients. Still another member agency has specifically banned the sewerage of waste pharmaceuticals from any source within its jurisdiction.

We appreciate the EPA's attention to first reducing the volume of the pharmaceutical wastestream through operational and institutional changes such as better dispensing practices, improved inventory rotation to reduce the quantity of medicine on-hand that expires, and providing free samples through voucher programs.

We are concerned however, by the recommendation in "4.4 Recommended Management of Nonhazardous Unused Pharmaceuticals" (p. 20), to dispose of non-hazardous pharmaceuticals via solid waste landfill. In 2008, the BAPPG developed the attached document, "Managing Pharmaceutical Waste: A 10-Step Blueprint for Healthcare Facilities

Ms. Meagan Hessenauer
October 20, 2010
Page 2

for California Healthcare Facilities,” as a resource for the healthcare industry in California to better manage pharmaceuticals without using solid waste landfills or the sewer as an option.

We are quite concerned therefore, that the EPA guidance provides for trash disposal in certain cases. In our estimation, there are no cases where this should be encouraged, particularly in a non-statutory guidance document.

In addition, we are concerned that the vast majority of pharmaceuticals are considered non-hazardous under RCRA guidelines. Since the guidance as currently drafted points to solid waste disposal for non-hazardous pharmaceuticals, the guidance may do little to change disposal habits that affect water quality. Given that the presence of pharmaceuticals in leachate is already a known environmental concern, we request that you change the guidance document to discourage both the sewerage and landfilling of pharmaceuticals.

Last, we suggest that your guidance point to a single uniform disposal option of high heat incineration at a permitted facility. Rather than a menu of options, a single option will simplify and be much more easily implemented at institutions of any size.

We appreciate your consideration of our comments.

Sincerely,



Amy Chastain
Executive Director



Sharon Newton
Chair, Bay Area Pollution Prevention Group

Attachment

October 26, 2010
Sent via e-mail

California Department of Toxic Substances Control
Office of Legislation & Regulatory Policy
Jeff Woled, MS 22A
P.O. Box 806
Sacramento, CA 95812
gcregs@dtsc.ca.gov

Re: Safer Consumer Products Alternatives Regulations (Green Chemistry)

Dear Mr. Woled,

On behalf of the Bay Area Clean Water Agencies (BACWA) and the Bay Area Pollution Prevention Group (BAPPG), we are pleased to provide comments on the Safer Consumer Products Alternatives Regulations.

BACWA and BAPPG bring together representatives from fifty-five publicly owned treatment works (POTWs) around the Bay and beyond. Our membership includes large metropolitan facilities such as the City and County of San Francisco, East Bay Municipal Utility District, the City of San Jose, East Bay Dischargers Authority and Central Contra Costa Sanitary District.

Preventing pollution from consumer products has long been an important strategy for POTWs to comply with NPDES permits, protect the biological processes used in our operations, and to maximize the quality of our biosolids. We have initiated and supported both state legislation and regulatory controls for a variety of consumer products, including mercury thermometers, head lice and scabies treatments containing lindane, copper-based root control products, pharmaceuticals, and tributyltin-containing cooling water additives.

We support the proposed Safer Consumer Product Alternatives Regulations because they will create a straightforward framework for preventing harmful discharges to municipal wastewater treatment plants. DTSC's regulatory program will be more efficient and cost-effective for us than the time-consuming and expensive process of sponsoring legislation addressing individual products or chemicals of concern. We also stand ready to assist DTSC with development of the wastewater portion of alternatives assessment methodologies and assessor training programs.

Outlined below are concerns we have about the proposed regulations and specific recommendations to improve them.

Funding

The state's need to protect consumers and the environment from pollutants in products can only be met if DTSC has sufficient funding to establish a robust regulatory program. We encourage

DTSC to work with the legislature to develop mechanisms to provide funding for full implementation of these regulations.

Include Water Pollution Priorities in First List of Priority Chemicals

We understand that DTSC seeks to focus its first list of Priority Chemicals on the state's highest priorities. In setting priorities, DTSC has selected only lists of chemicals that are problematic for human health. Some chemicals that are harmful to aquatic life are not particularly harmful for humans, such as copper. In selecting only human health based lists, DTSC would inadvertently close the door on prioritizing chemicals that are California's highest water pollution priorities.

In Section 69302.3(d)(3)(E) and (F), the regulations cite two Clean Water Act-related lists of chemicals that are the highest priority for water quality protection: the Federal Clean Water Act list of Priority Pollutants (which is the basis of the "California Toxics Rule" in 40 CFR 131.38) and the list of pollutants impairing California surface waters (the California "303(d) list").

Solving water pollution problems associated with chemicals on these lists should be among the state's highest priorities. We recommend that the following water quality priorities be added to the list of priority chemical lists in Section 69302.4 (d) and Section 69301.2 (a)(39)(B):

“(4) Pollutants listed by California or the United States Environmental Protection Agency for one or more water bodies in California pursuant to section 303 (d) of the federal Clean Water Act.

(5) Chemicals identified as priority toxic pollutants for California pursuant to section 303(c) of the federal Clean Water Act and listed in section 131.38 of Title 40 of the Code of Federal Regulations published in the Federal Register May 18, 2000.”

Include Interference with Biological Waste Treatment Processes on List of Adverse Environmental Impacts in Section 69302.3(d)

Municipal wastewater treatment operations and waste management activities involve biological processes that can be adversely impacted by chemicals in products. These environmental impacts appear to have been inadvertently omitted from the list of adverse environmental impacts in section 69302.3(d), which will be the basis for selection of Chemicals under Consideration and which will define the scope of the environmental impacts evaluated in Tier I and Tier II-A Alternatives Assessments.

This omission can easily be corrected by adding the following to Section 69302.3(d):

“(6) Interference with the performance of biological processes used in municipal wastewater treatment, biological processes that treat septic system discharges, and biological processes used to manage municipal solid waste, including but not limited to composting, digestion, and other types of biological energy production.”

Close Loophole That Could Lead to Regrettable Substitutions

Once DTSC issues its lists of Chemicals under Consideration and Priority Chemicals, manufacturers are likely to reformulate products to avoid the need to complete detailed Alternatives Assessments. We appreciate that DTSC has designed the regulations to require that alternative formulations receive a basic screening (Tier I Alternatives Assessment) to avoid selection of regrettable substitutes. However, as drafted, the regulations contain a loophole that could be used to avoid the Tier I AA. To close the loophole, DTSC should require a Tier I AA

for any product that is substantially similar to products exempted through filing of Product Removal Confirmation Notifications.

To close this loophole, we recommend adding the following underlined language to Section 69305.1 (c).

“(c) The requirements of subsection (a) do not apply if the manufacturer of the product has submitted a Chemical Removal Confirmation Notification or a Product Removal Confirmation Notification to the Department and has not placed into the stream of commerce a substantially similar new product.”

Thank you for your consideration of our concerns and related recommendations. Please contact Jen Jackson at 510-287-0818 or jacksonj@ebmud.com if you have any questions.

Sincerely yours,



Amy Chastain
Executive Director



Sharon Newton
Chair, Bay Area Pollution Prevention Group

Collection Systems Committee
Report to BACWA Board

November 10, 2010
From: Andy Morrison, Committee Chair
Prepared By: Monica Oakley

Committee Request for Board Action:

None.

Highlights of New Items Discussed and Action Items

New Annual SSO Reporting Procedures and Requirements

Johnson Lam, Regional Water Board staff, presented his new annual sanitary sewer overflow (SSO) reporting database at the November 4th Collection Systems Committee meeting. Water Board staff have requested that agencies upload Excel data to a website for easier compilation of regional data. During the presentation, several comments were made by BACWA members for improvement of the website. In addition, it became apparent (even if the suggested changes were incorporated) that the new electronic reporting would be more involved and take more time than originally advertised by Water Board staff. Additionally, the proposed method would likely result in data entry errors. BACWA collection system leaders will continue discussing alternative ways Water Board staff can collect information they are looking for without creating significant new (and tedious) work for BACWA member agencies.

Recent Regional Water Board Enforcement Actions

The Regional Water Board has recently issued Administrative Civil Liability (ACL) enforcement actions to agencies as follows:

| Agency | Type of Enforcement Action | Date Issued | Penalty Amount that Regional Water Board "Is Seeking" |
|--|---|-------------|---|
| Sonoma Valley County Sanitation District | ACL for SSOs | 7/15/10 | \$348,400 |
| East Bay Municipal Utility District | ACL for Wet Weather Facility and Diversion Structure discharges | 7/19/10 | \$209,851 |
| Novato Sanitary District | ACL for SSOs | 9/15/10 | \$287,486 |

It's possible that settlement agreement discussions will reduce the penalty amounts.

Upcoming TCP Training

The Santa Clara Valley section of the California Water Environment Association (CWEA) is holding a Technical Certification Program (TCP) training on December 15. Persons interested in attending should contact Dan Stevenson of the City of Sunnyvale at [dstevenson@ci.sunnyvale.ca.us](mailto:d Stevenson@ci.sunnyvale.ca.us) .

Transition of Committee Chair

Rich Cunningham, who has served as chair for the past 4 years, passed the gavel to Andy Morrison. Committee members expressed unanimous appreciation for Rich's years of service.

Next BACWA Collection Systems Committee Meeting

This meeting is scheduled for Thursday, December 2 at 1:30 PM, at the Boy Scouts Facility in San Leandro.

Permits Committee –
Report to BACWA Board

Reporting Date: 11/09/10
Executive Board Meeting Date: 11/18/2010

Prepared By: Jim Ervin

Committee Request for Board Action: None.

Upcoming Permits –

Jan – City of Petaluma
Feb – Napa Sanitation District

eSMR: Permits Committee received a demonstration of the “Water Bits” software program from Darlene Reddaway of Azyura company. Darlene is one of the contractors who have responded to a State Water Board RFP for programming work on eSMR and the related CIWQS PET tool. Regional Water Board plans to implement use of the State eSMR database system by January 2012. Darlene’s Water Bits software is a standalone web-based application that downloads SMR and DMR data into one zip file for reporting. Water Bits can also upload LIMS data and old data from the existing ERS system.

Upon full implementation of the State eSMR system, there will likely still be a need for an additional software tool that can import Regional Board calculations to determine permit compliance. This is a function currently performed by Johnson Lam and the ERS system that will be unavailable in eSMR. Water Bits will have functions that can cover this gap. We may need future discussion concerning Permittee, BACWA, or Regional Board purchase of a software tool to evaluate compliance with permit limits.

Whole Effluent Toxicity (WET) Assessment and Control Policy: CASA / TriTAC is organizing participants for the public workshop at State Board offices in Sacramento on 16 November. CASA / TriTAC hosted phone conference calls on November 2nd and 9th to coordinate with BACWA. The goal is to have people show up to demonstrate to State Board that there is more than the normal amount of concern and that delaying adoption of this policy is warranted. There are many legal, regulatory, statistical, and toxicological implications of this policy which makes commentary difficult and complex. Written comments are due to State Board at noon on 22 November. Amy Chastain will send a sample comment letter and oral testimony to BACWA members to help them frame their comments.

Pretreatment Reporting Requirements – NPDES Permit Attachment H:

Tim Potter’s Attachment H working group is providing final comments on his draft by 12 November. This final version will be forwarded to Regional Water Board staff for review and approval. Final adoption may occur as early as the March 2011 Water Board meeting.

PCBs TMDL: Regional Board held a workshop to consider potential BMPs to address building demolition and caulking as a source of PCBs. Tim Potter discussed his comments and recommendations concerning PCB laden caulking BMPs and their implications for source control programs.

Next BACWA Permits Committee Meeting

Tuesday, December 14th, 2010, from 11:00 AM to 2:00 PM at EBMUD Wastewater Treatment Plant Library.
Water Board staff will attend.