



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve Participation in Statewide Biosolids Land Application Waste Discharge Requirements and Environmental Impact Report

MEETING DATE: April 15, 1998

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council authorize the City Manager to execute the necessary pledge to participate in funding for the California Biosolids Land Application General Order as part of Wastewater Discharge Requirements for Wastewater agencies, including Lodi, throughout the State of California and appropriate funds in accordance with the recommendation shown below.

BACKGROUND INFORMATION: The City of Lodi has been land applying biosolids (sludge) to the White Slough Water Pollution Control Facility (WSWPCF) property for many years. Legal authorization for this practice is from the California Regional Water Quality Control Board Central Valley Region permit under Lodi's National Pollutant Discharge Elimination System (NPDES).

This cost-effective biosolids application process has now come under fire over the need for an Environmental Impact Report (EIR). (See attached Tri-Tac letter dated March 13, 1998.) The result is that a statewide multi-million dollar EIR is needed for this practice.

Staff believes an investment of \$8,500 (pledge) over the next two years is a practical approach. This will give us additional input and notification of the development of a General Order Rule under the proposed EIR. With a statewide General Order in place (3-year development) Lodi, in the future, should only have to deal with site-specific concerns pertaining to the expansion or operation of our facility.

FUNDING:	Requested Appropriation:	Wastewater Fund	\$8,500
		1997/98	\$4,500
		1998/99	\$4,000
	Project Estimate:		\$8,500

Richard C. Prima, Jr.
Public Works Director

Prepared by Fran E. Forkas, Water/Wastewater Superintendent

RCP/FEF/dsg

Attachment

cc: Assistant Wastewater Treatment Superintendent

APPROVED:

H. Dixon Flynn -- City Manager

Tri-TAC

Jointly sponsored by:
League of California Cities
California Association of Sanitation Agencies
California Water Pollution Control Association

March 13, 1998



Melissa Thorne
Reply to: 925 L Street, Suite 1400
Sacramento, CA 95814

Fran E. Forkas
Lodi - White Slough WPCF
P.O. Box 3006
Lodi CA 95241

RECEIVED

Dear Mr. Forkas:

MAR 16 1998

SUBJECT: Funding for Statewide Biosolids Land Application Waste Discharge Requirements and Environmental Impact Report **CITY OF LODI MUNICIPAL SERVICE CENTER**

Your support is needed to ensure cost-effective biosolids recycling can continue in the future. Even if your agency does not currently land apply biosolids, your long-term biosolids management costs could be affected as a result of a recent court decision. The California Association of Sanitation Agencies (CASA) and Tri-TAC need your agency's financial support to help make a statewide biosolids land application general waste discharge requirements (WDRs) a reality. The funds will be used to prepare an Environmental Impact Report (EIR) for the State Water Resources Control Board (SWRCB). Help us keep all biosolids management costs reasonable through healthy competition in the marketplace.

Who are we?

CASA is a statewide association formed to further the common interest of public wastewater collection and treatment agencies. Tri-TAC is a technical advisory committee sponsored by the League of California Cities, CASA, and the California Water Environment Association (CWEA). The mission of both CASA and Tri-TAC is to work with regional, state, and federal regulatory agencies on matters relating to publicly owned treatment works (POTWs), with the goal of improving the overall effectiveness of environmental programs and regulations that impact POTWs in California. The purpose of this CASA/Tri-TAC letter is to alert your agency to litigation adversely affecting biosolids land application permits in California's Central Valley, the progress that CASA and Tri-TAC have already made, and the plans for the immediate future.

Background

In 1995, the Central Valley Regional Water Quality Control Board (CVRWQCB) created a General Order permit for the land application of biosolids. This permit process was established to streamline permitting for biosolids land applications. To comply with California Environmental Quality Act (CEQA) requirements for the General Order, CVRWQCB staff utilized a negative declaration. In April of 1996, the SWRCB overturned the General Order, but allowed for the continued land application of biosolids on existing General Order permitted sites. In May of 1996, a lawsuit was filed seeking to rescind the SWRCB's permission to land apply biosolids under the existing General Order permits unless an EIR was prepared.

In June of 1997, the court found that an EIR should have been prepared by the CVRWQCB and allowed the General Order sites to continue to operate for 90 days. During these 90 days, parties desiring to keep the sites permitted indefinitely needed to provide funding for an EIR and present a schedule for the EIR preparation process. Fortunately, 29 waste water treatment agencies and cities responded to funding request from CASA, Tri-TAC, and the CVRWQCB in time to save more than 50,000 acres permitted under the General Order during the three-year EIR process. These 29 agencies and cities have pledged approximately \$450,000 to have the statewide General Order biosolids land application EIR prepared. The court was also satisfied with the EIR schedule that was prepared by the SWRCB. This decision was a victory, considering that the court could have prohibited biosolids application on General Order sites during the EIR preparation process.

We need your help!

Based on our best early estimates, we will need additional funds in order to complete the three-year EIR process. SWRCB staff will prepare the draft and final Waste Discharge Requirements (WDRs), and will directly oversee the EIR consultant's work. Unfortunately, recent legislation prohibits the SWRCB from spending General Fund money to prepare an EIR for WDRs. Therefore, a portion of the funds contributed by agencies and cities for the EIR will be used to cover the SWRCB's staff costs for their management efforts. Payments to the SWRCB for their EIR-related staff costs are limited in the CASA-SWRCB Memorandum of Understanding (MOU) to an amount not to exceed \$62,930, or 15% of the amount paid to the EIR consultant, whichever is greater. The SWRCB's EIR-related tasks will include: reviewing the RFPs; selecting a consultant; providing a Notice of Preparation; developing a Technical Advisory Group and holding meetings of that group; conducting public involvement meetings and hearings; reviewing the Draft EIR; issuing a Notice of Completion; evaluating responses to comments; overseeing preparation of the Final EIR; preparing the final findings; and adopting the EIR. The balance of the pledged funds will go toward the preparation of the EIR by the consultant as prescribed in the MOU.

To avoid the SWRCB's lengthy contracting process, a contract administrator was needed to meet the three-year deadline set by the court order. CASA has entered into a MOU with the SWRCB to act as the contract administrator. The purpose of the MOU was to set forth terms and conditions under which CASA will administer a contract with an independent consultant hired to prepare the EIR, and will collect and disburse the pledged funds. CASA will collect the pledged funds prior to the selection of the consultant, which is planned for April, 1998. CASA will hold the funds in a separate account and disburse them to the SWRCB and the consultant, as agreed to in the MOU and contract. At the completion of the final EIR, any excess funds will be refunded to the funding entities on a pro rata basis, according to the amount contributed. If additional funds are needed to complete the EIR, the SWRCB and CASA will make every effort to obtain supplemental pledges.

Over 50,000 acres of permitted land and the future of an efficient statewide permitting process that would keep marketplace competition and management costs down for all of our agencies is at stake. Completion of an EIR and adoption of the Statewide General Order will preserve these existing permits and provide for more streamlined permitting. It is vital to the future of biosolids beneficial reuse in California that the biosolids generators, land appliers, and farmers continue to advocate biosolids land application by funding this EIR. If the EIR were not funded, the resulting loss of these 50,000 acres would have an adverse economic impact on all POTWs' biosolids management programs.

This EIR also provides us with an opportunity to address, on a scientific basis, public perception issues that have plagued biosolids land application. CASA and Tri-TAC strongly believe that the scientific research used to support EPA's 40 CFR Part 503 biosolids regulations will provide the basis for this EIR's certification, but please note that certification is not guaranteed.

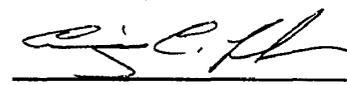
The attached pledge form is similar to the one your agency may have already received last summer. The twenty-nine agencies and cities that responded to the initial pledge request are responsible for more than 50,000 acres being a viable biosolids recycling option for all of California's waste water treatment plants. Tri-TAC, along with CASA, is now attempting to determine how many POTWs, land appliers, and farmers are willing to support the statewide General Order EIR by pledging additional funding that will likely be needed during the next three years. We would appreciate if you would complete this form and return it by fax or mail by March 31, 1998 to:

Melissa Thorne
CASA Director of Regulatory Affairs
925 L Street, Suite 1400
Sacramento, CA 95814
FAX: (916) 448-4808 Phone: (916) 446-0388

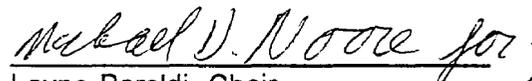
Many Thanks,



Ben Price, Co-Chair
Tri-TAC Land Committee



Craig C. Lekven, Co-Chair
Tri-TAC Land Committee



Layne Baroldi, Chair
CASA Land Committee

CASA/ Tri-TAC
Funding for the California Biosolids Land Application General Order
Environmental Impact Report

Agency Name:

Contact:

Telephone:

We are pleased to help with this very important activity and pledge the following amount

\$ _____ for fiscal year 1997/98, and \$ _____ for fiscal year 1998/99.

Suggested funding:

< 1 MGD	up to \$5,000
1 to 10 MGD	\$5,000 to \$10,000
10 to 25 MGD	\$10,000 to \$25,000
25 to 100 MGD	\$25,000 to \$50,000
> 100 MGD	\$50,000 or more

Please Fax or Mail to:

Melissa Thorne
CASA Director of Regulatory Affairs
925 L St., Suite 1400
Sacramento, CA 95814
Fax: (916) 448-4808
Phone: (916) 446-0388

Thank You!