

Central Marin Sanitation Agency
INFORMATIONAL ITEMS

October 13, 2009

- I-1 Letter dated 8/28/09 to California Regional Water Quality Control Board Re: Monthly Self-Monitoring Report (SMR)—Month of August 2009
- I-2 Letter dated 9/14/09 from CASA Re: News from the Capitol
- I-3 Letter dated 9/24/09 to Bruce Jones, San Rafael Land Co., Re: Access for Investigation Work on CMSA's Marine Outfall Pipeline



CENTRAL MARIN SANITATION AGENCY

I-1

Jason R. Dow, P.E.
General Manager

1301 Andersen Drive, San Rafael, CA 94901-5339 Phone (415) 459-1455 Fax (415) 459-3971 Web www.cmsa.us

August 28, 2009

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Attention: Vince Christian

RE: Monthly Self-Monitoring Report (SMR) - Month of August 2009

Enclosed please find the monthly report for the Central Marin Sanitation Agency (CMSA) treatment plant for August 2009. There were no NPDES Permit violations in August.

Effluent results for Lead and Selenium have been "J-flagged" by Caltest Analytical Laboratory. This means these constituents were detected and the concentrations that were reported are Estimated Concentrations. Note that in the electronic reporting, numerical J-flagged values will be reported and commented as DNQ (Do Not Quantitate). The Final Effluent results for Cadmium and Silver were reported as "ND" by Caltest Analytical Laboratory. This means that these compounds were not detected at or above the listed Method Detection Limit (MDL). Note that in the electronic reporting, constituents reported as ND will be reported as less than (<) the value listed as the MDL.

We had three events in August during which we temporarily stopped flow to our outfall:

1. On August 13 (0647-0825) our disinfected effluent was diverted to our effluent storage pond in order to make improvements to the emergency power generator as part of our Wet Weather Reliability Project. A switch was installed in the cooling system for our emergency diesel engine/generator that will automatically increase flow to the cooling water loop if temperatures increase above a predetermined set point. This will prevent overheating and engine shut down during emergencies.
2. On August 20 (0542-0825) our disinfected effluent was diverted to our effluent storage pond in order to make an upgrade to our electrical system as part of our Wet Weather Improvement Project (WWIP).
3. On August 27 (0745-1124) our disinfected effluent was diverted to our effluent storage pond in order to perform corrective work on our emergency diesel engine/generator. A flange was replaced that had cracked on the piping that supplies water for the cooling loop.

Once the work had been completed on the above mentioned events, the final effluent was pumped back to the chlorine mixing chamber where it was chlorinated a second time before passing into the chlorine contact tanks





The upper control limit for precision was exceeded for Biosolids Cake Total Solids on August 24. The exceedance was due to tight control limits (as a result of good laboratory procedures) for this analysis. The samples were re-analyzed and the results were within the control limits. A Laboratory Corrective Action Plan is on file for this incident.

EPA Forms 3320-1 that reflect CMSA's NPDES Permit, Order #R2-2007-007 that went into effect on April 1, 2007 have been completed. As of the October 2004 monitoring period, EPA Forms 3320-1 have been submitted to the State Water Resources Control Board as requested in the letter sent out by USEPA Region 9, Alexis Strauss, dated October 7, 2004. The 3320-1 forms have been sent since the June 2006 reporting period to the new address that was emailed on July 7, 2006 from the DMR Processing Center. We received notification from the DMR processing center in January 2009 that forms will now be emailed in electronic format. The 2009 forms were emailed on February 18 and will be used for reporting for calendar year 2009. There is an error on the 3320-1 forms for Chromium and the only two choices available are Hexavalent and Trivalent Chromium. I have spoken to the DMR Processing center and they are aware of the error. We will continue to manually cross out Trivalent and hand write "Total Chromium" in the box on the forms until the error is corrected and new forms are sent. Total Chromium is specified as a monitoring requirement in our NPDES permit.

CMSA also plans to submit this report electronically.

If there are any questions please contact me at (415) 459-1455, ext.142. Quality assurance data are available for all test results cited in this report. Values reported are measured values and are each subject to analytical variability. CMSA reserves the right to question data in an enforcement proceeding.

I certify under penalty of law that this document and all attachments are prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations (40 CFR 122.22(d)).

Robert N. Cole
Environmental Services Manager

enclosures:

Caltest data
Routine DMR data (map, spreadsheets, forms, graphs)

cc: EPA Forms 3320-1
Division of Water Quality
c/o DMR Processing Center
1001 I Street, 15th Floor
Sacramento, CA 95814





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August 20, 2009

Return Receipt Requested

SEP 2 2009
CENTRAL MARIN
SANITATION AGENCY

Mr. Bruce Jones
San Rafael Land Company, LLC
2350 Kerner Boulevard, Suite 360
San Rafael, CA 94901

Re: Access for Investigation Work on CMSA's Marine Outfall Pipeline

Dear Bruce:

CMSA recently had an internal inspection performed on its 84-inch marine outfall pipeline that revealed an internal crack in the vicinity of the shoreline. That interior crack was repaired and our structural engineers have advised that CMSA investigate and repair, if necessary, the exterior of its 84-inch marine outfall pipeline in the vicinity of the interior crack. The work will involve removing ground cover, riprap, and other surface improvements in the investigation area (about 16 feet long by 6 feet wide over the suspected crack location), excavating and shoring the investigation pit, performing any needed field repairs to the pipeline, removing the shoring, backfilling the pit, and restoring all surface features and improvements to their previous condition. Besides the actual work area, CMSA will need a staging area in the vicinity of the 84" valve vault for equipment, materials, and other support facilities for the work.

These areas (shown on the attached aerial photo) are both within CMSA's nonexclusive outfall easement crossing the parcels owned by the Barbara Faskens Trust at 2350 Kerner Boulevard. You have indicated that you are authorized in the Trust's behalf to grant CMSA access to the needed work and staging areas. Please sign one copy of this letter on the line below, and return it to CMSA. If you have any questions, or wish to discuss any additional conditions, please feel free to contact me at 415-4590-1455 extension 145, or Ken Katen, CMSA's Senior Engineer, at extension 121.

Sincerely,

Jason R. Dow, P.E.
General Manager
enclosure

By signing below, I grant permission to CMSA to perform the above described work on the parcel at 2350 Kerner Boulevard.

Bruce Jones, San Rafael Land Company





CALIFORNIA ASSOCIATION of SANITATION AGENCIES

1215 K Street, Suite 2290, Sacramento, CA 95814 PH: (916) 446-0388 - FX: (916) 231-2141 www.casaweb.org

VIA ELECTRONIC MAIL

September 14, 2009

TO: CASA Member Agencies
CASA Associates
CASA Legislative Committee
CASA Executive Board
CASA Attorneys

FROM: Mike Dillon, Lobbyist
Christina DiCaro, Lobbyist

RE: News From the Capitol

LEGISLATURE ADJOURNS REGULAR SESSION

The Legislature adjourned the first half of the 2009-10 Legislative Session in the early morning hours, last Saturday, September 12th. While the Legislature did send the Governor a scaled down prison reform bill, which was part of the July Budget agreement to save the state \$ 1 billion, and a couple of renewable energy proposals that the Governor said he will likely veto, a huge effort put forth by Democrats to pass a Delta/water package, failed in the final hours. The Governor has talked about calling a "special session" on water. He has already called a special session on education to resolve some federal funding issues, and has said he will call a special session to address the recommendation of his Tax Commission. During Friday's Tax Commission hearing, where there was significant disagreement among the members on the Commission, and if no consensus agreement can be reached by this group of finance experts, the Governor may forget calling a special session entirely. Notwithstanding the possibility of a special session, the Legislature will be in recess until January 4th, when they will return to finish the second half of this two-year session. The Governor has until October 11th to sign or veto bills reaching his desk in the final days of the session.

DELTA/WATER PACKAGE FAILS

Friday afternoon, September 11th, at about 6 pm, on the last day of the 2009 Session, we received an email from the staff of the Assembly Water, Parks, and Wildlife Committee, that explained that the Committee would have a hearing, "off the Floor," of the Assembly, to hear SB 68 Steinberg, which, as amended, contained most of the provisions that had been in the five bill Delta/water package reported to you last week. Attached to the email was SB 68, which consisted of more than 125 pages, and was time-stamped by the Legislative Counsel

Bureau's office at 5:22 pm. Moments earlier, SB 68 had merely been a skeleton bill by the Committee on Budget and Fiscal Review.

When the bill was heard before the hastily called Assembly policy committee, many witnesses as well as Republican members of the Committee expressed frustration about the lack of involvement in the process and the late amendments. Perhaps Republican Assemblymember Joel Anderson summed up the minority's frustration with the process best when he commented to Senator Steinberg prior to the vote, "I question your expectation of my voting for a bill without time to read or analyze it. I am against a September surprise. When I received the amended bill a few minutes ago it was still warm." In the end, the bill passed the committee on a partisan vote with eight Democrats voting for the bill, while the four Republicans and one Democrat voted "no" or abstained. Meanwhile, Republicans continued to insist on a Bond to finance water storage with a continuous appropriation, and when it became apparent in the early morning Saturday that an agreement could not be reached, the entire package was put on hold.

CASA BILLS AWAITING ACTION BY GOVERNOR

Among the bills awaiting action by the Governor are several measures of interest to CASA members.

ACA 9-Huffman – 55% Vote for Public Improvements (SUPPORT)

This bill would allow for the use of bonded indebtedness for the construction, reconstruction, rehabilitation, or replacement of public improvements, including sewer systems, water systems, and wastewater systems, upon approval by 55% of the voters (instead of the current 2/3 vote requirement). Due to the fact that Republicans, as a policy, do not support lowering the vote threshold for bonds or taxes, ACA 9 was not taken up, as it would not have received the necessary 2/3 vote on the Floor, required for passage. ACA 9 will now become a two year bill.

AB 474-Blumenfield – Water Efficiency Improvements (SUPPORT)

While AB 474, sponsored by MWD, is designed to further water efficiency improvements, the author and sponsor agreed to include amendments requested by CASA to remedy an unintentional error in AB 811 from the 2008 session which eliminated the authority for sanitary and sanitation districts, to enter into contractual assessments, to finance certain wastewater improvements with willing property owners. AB 474 is currently on its way to the Governor.

AB 914-Logue – Mandatory Minimum Penalties (SUPPORT)

This measure provides that in the case where Mandatory Minimum Penalties (MMPs) for Water Code Violations at Publicly Owned Treatment Works (defined as 20,000 or less in population), are imposed by the State Water Resources Control Board (SWRCB) or the Regional Water Quality Control Board (RWQCB), those penalty amounts may be applied to the correction of the water code violation if the boards find an economic hardship based on the impact of the penalties on individual ratepayers. The final version of the bill had no

opposition, and was sent to the Governor's desk on a strong Assembly bipartisan vote of 54-0.

AB 1232-Huffman – Consolidation of Wastewater Agencies in Southern Marin (WATCH, AS AMENDED)

This measure was originally opposed by CASA on the premise that LAFCO's should not be able to consolidate agencies based on water quality specifications, as allowed under the original version of the bill. As amended, this bill allows for agencies in Southern Marin County to be consolidated under LAFCO powers if they meet specific conditions unrelated to water quality. The bill passed out of the Assembly on a 47-30 vote, with all Republicans voting "no." AB 1232 is on the Governor's desk.

AB 1366-Feuer – Residential Water Softeners (SUPPORT)

This measure is a more narrowly drafted version of AB 2270-Laird from the 2008 session, which was vetoed by the Governor. The bill would allow greater control over water softeners in communities with significant salinity problems, if a regional board, within these specified areas, makes a finding that the limitation on softeners would contribute to achievement of water quality objectives. The measure is supported by CASA, as well as numerous other organizations and individual CASA members. It was previously opposed by the water softener industry until Senate amendments addressing many of the industry's concerns were agreed upon. AB 1366 co-author, Assemblywoman Audra Strickland called it a "public safety bill" as much as a water bill, and she argued, "A person has no right to leech contaminants into a neighbor's property." It passed out of the Senate on a 24-10 vote, and out of the Assembly on a 43-9 vote. As amended, the Governor is expected to sign AB 1366.

SB 283-DeSaulnier – Building Standards: Recycled Water (SUPPORT)

This bill extends the date by which the Department of Water Resources must adopt regulations for potable and recycled water systems. The measure was supported by ACWA, CASA, CSDA, and environmental groups and had no known opposition. It passed the Assembly Floor on a vote of 74-0, and the Senate Floor on a 35-1 vote. The bill is on the Governor's desk.

SB 802-Leno – Limiting Retention Proceeds to 5% (ACTIVE OPPOSE)

This bill, which in addition to local governments, also applies to the Department of General Services, and would prohibit the retention proceeds on all contracts between a public entity and an original contractor, between an original contractor and a subcontractor, and between all subcontractors from exceeding 5% of the payment. The bill was co-sponsored by the California Association of Sheet Metal and Air Conditioning Contractors National Association, and California Legislative Conference of Plumbing, Heating, and Piping Industry, and they waged such a formidable battle, that, on the Assembly Floor, the measure passed, without debate, on the vote of 56-0. Two school groups agreed to remove their opposition if a 2014 sunset date was included in the bill. CASA, along with CSAC, the League of Cities, and CSDA, continue to oppose the measure, and are requesting a Governor's veto.

MANY BILLS CARRIED OVER TO 2010 LEGISLATIVE SESSION

Many of the bills that CASA monitored this year were carried over as “two year bills,” which means that although they failed to meet legislative deadlines for consideration by the Governor this year, they can be moved and amended starting in January 2010. Among the bills CASA was watching that were held over were:

AB 216-Beall – Public Contracts (OPPOSE)

This measure would revise the pre-litigation dispute resolution process for local government public works projects. CASA opposed this measure based on the provisions in the bill mandating arbitration, and to treat all “change orders” on a project as a “claim.” The bill was held in committee and can be moved in January 2010.

AB 396-Fuentes – Limit Retention Proceeds to 5% (OPPOSE)

Among other things, this measure would prohibit retention proceeds on all contracts between a public entity and an original contractor from exceeding 5% of the payment. The bill was held in committee and is eligible to move in January 2010.

AB 815-Ma – Full and Accurate Plans and Specifications (OPPOSE)

This measure in its original form was the same as AB 983-Ma from the 2008 session. AB 983 passed through the legislature with bipartisan support but was vetoed in 2008 by the Governor, citing pending litigation *LAUSD v. Great American et al.* The bill originally required full, complete, and accurate plans and specifications for public works of improvements. Assemblywoman Ma brought the issue back again this year as AB 815, and made it a “skeletal bill” in order to move it to the Senate, where we anticipate it will be amended next year, once the *LAUSD v. Great American et al.* lawsuit is settled.

AB 846-Torrico – Penalties Subject to Inflation (OPPOSE)

This measure, which went “under the radar” for some time, allows for the adjustment of outstanding civil penalties levied by a state agency, including the SWRCB, to be subject to inflation adjustments. The bill passed through the Assembly with no opposition, and passed the Assembly Floor on a partisan vote. By the time the bill reached the Senate, local government began opposing the measure, and it was put over until next year by the author. The bill is eligible to move again in January.

SB 565-Pavley – 50% Recycling Requirements for Ocean and Bay Dischargers (OPPOSE, UNLESS AMENDED)

This bill would require the SWRCB to develop a plan to recycle 50% of the wastewater currently discharged into the ocean and bays by 2030. CASA, ACWA and WateReuse, along with many individual sanitation agencies worked with the author’s office on the measure to alleviate some of the concerns with the bill. The bill had passed the Senate Floor, but was not pursued further by the author. We anticipate significant amendments to the bill in January, that hopefully will be agreed to by the author and sponsors of the bill.

For a complete listing of all of the bills acted on this Session by the CASA Legislative Committee, please visit <http://casaweb.org/MembersOnly/state-leg.html>