



# Superior Focus

October 2009

Association of Environmental Professionals - Superior California Chapter  
www.superioraep.org

## AEP Chapter Elections Coming Soon!

- by Wendy Haydon

### INSIDE THIS ISSUE

- 1 AEP Chapter Elections
- 2 AEP 2010 Conference
- 3 Legislative Review Report
- 3 Membership Report
- 4 Chapter Director's Report
- 4 Hot Jobs
- 5 AEP NEPA Workshop
- 6 Save the Date
- 6 AEP Student Scholarships
- 7 Policy Brief: Think Twice Before Discharging!

It's that time again.....the AEP Superior California Chapter Board elections are just around the corner (they will happen in November). Do you have a burning desire to serve on the Board in one of these positions?

*.....President? Director? Vice President of Membership? Vice President of Programs? Treasurer? Newsletter Editor? Secretary? Student Liaison/Scholarship Chairman?*

Board members are asked to attend one Board meeting each month, and usually have an assignment that usually takes less than a day's time per month. Here are the duties of each position:

- **President:** responsible for overall Chapter management, including presiding over meetings, ensuring effective implementation of Chapter activities, and representing the Chapter to the public and other organizations.
- **Chapter Director:** represents the Chapter to the statewide AEP organization, including attending State Board meetings and contributing to the overall AEP leadership.
- **Vice President of Membership:** coordinates with State AEP management personnel regarding current membership. Sends AEP information and applications to prospective new members and promotes AEP membership at local functions.
- **Vice President of Programs:** coordinates monthly programs for the chapter. Retains speakers and reserves meeting locations for the AEP programs and events. Coordinates with the State AEP regarding the annual CEQA and NEPA workshops. Provides program information to the newsletter editor for publication.
- **Treasurer:** maintains the financial records for the chapter. Updates records monthly, prepares annual financial report.
- **Newsletter Editor:** prepares and distributes the Chapter's Superior Focus newsletter, as well as other periodic updates. Coordinates with AEP management and maintains a local distribution list for newsletter and e-mail distribution.

continued on next page...

...continued from previous page

- **Secretary:** keeps a full and complete written record of the meetings, election results, and programs of the chapter. Takes meeting minutes and manages board Action Item List.
- **Student Liaison/Scholarship Chairman:** updates the scholarship application package annually, reviews the scholarship guidelines, coordinates with UC Davis and CSUS liaisons, promotes AEP at UC Davis and CSUS functions.

We encourage your interest in joining the board - contact the current Board members for more information!

- President: Christy Ryan, [Cryan@kleinfelder.com](mailto:Cryan@kleinfelder.com)
- Chapter Director: Trevor Macenski, [tmacenski@brandman.com](mailto:tmacenski@brandman.com)
- Vice President of Membership: Lisa Raffetto, [LRaffetto@kleinfelder.com](mailto:LRaffetto@kleinfelder.com)
- Vice Presidents of Programs: Janet Dallas, [janet.dallas@edaw.com](mailto:janet.dallas@edaw.com) and Kristie Ehrhardt, [Kristiekimehrhardt@yahoo.com](mailto:Kristiekimehrhardt@yahoo.com)
- Treasurer: Emily Bacchini, [ebacchini@esassoc.com](mailto:ebacchini@esassoc.com)
- Newsletter Editor: Matt Franck, [matthew.franck@ch2m.com](mailto:matthew.franck@ch2m.com)
- Secretary: Wendy Haydon, [wendy.haydon@ch2m.com](mailto:wendy.haydon@ch2m.com)
- Student Liaison/Scholarship Chairman: Scott Sjulín, [Scott.Sjulin@amec.com](mailto:Scott.Sjulin@amec.com)

## AEP 2010 Conference

*by Lynne Bynder*

Getting the word out on the 2010 AEP Conference!

- Please check the new AEP Environmental Monitor issue for conference information, check the conference website at [www.aep2010.com](http://www.aep2010.com), and look for an email in the very near future for a Preliminary Program, Conference Registration, and Hotel Reservation information.
- Please spread the word on Conference Sponsorship opportunities. We expect to sell out on exhibit space, so organizations that are interested in taking advantage of this Sponsor/marketing/networking opportunity should get their Sponsor application forms in ASAP to [lbynder@meetingsxceptional.com](mailto:lbynder@meetingsxceptional.com), or check [www.aep2010.com](http://www.aep2010.com) for sponsor/exhibit information. The Conference will have local and perhaps national media attention, and is being advertised at the national level. The sponsors will appear on the website, on the Program, in email blasts, and will be recognized at the Conference. There will be an "invitation only" VIP Reception for Gold and Platinum Sponsors.
- Please support AEP and the AEP 2010 Conference!! Please forward this information to other agencies, consultants, private industry and students that may be interested in sponsoring or attending the Conference. Although the Call for Presentations has ended, we are still accepting Student Poster submittals through November 16, 2009.
- We also expect to sell out on hotel rooms. Starting mid October, you can make your reservations directly with Hotel Zoso by calling them (not online) at 760.325.9676, and mention "AEP 2010 Conference" (our great room rate of \$179/night is in the process of being negotiated down to an amazing rate of \$139/night). The conference website and Hotel Zoso will have updated hotel information as the reservations fill up.

If you have any questions, please contact me at the email or numbers below, or contact Lynne Bynder at [lbynder@meetingsxceptional.com](mailto:lbynder@meetingsxceptional.com).

Thank You ! ! ! !

## Legislative Review Report

*Bruce Webb, Chapter Legislative Committee Representative*

The state-wide Legislative Review Committee (LRC) is charged by the State Board with carrying out AEP's legislative platform and making AEP's position on legislation, especially any changes to CEQA, known to bill authors, legislative committees and special interests that seek legislative change. AEP retains a legislative analyst ("Lobbyist") Allan Lind who in tandem with LRC chair Gene Talmadge convenes conference calls as needed to discuss pending legislation of interest to members of AEP. The LRC met by conference call on September 24, 2009.

Thirteen bills that would have some effect on the operation of environmental protection and natural resource management laws if enacted were sent to the Governor prior to the Legislature's adjournment on September 12. The LRC previously reviewed all of these bills to determine if comment by AEP was appropriate, and determined to not comment on any of them. However, only one of these, SB 605, would amend CEQA (by expanding the existing CEQA exemption for certain pipeline projects in the San Joaquin Valley). Although AEP generally opposes special interest motivated changes to CEQA for special exceptions, the LRC did not feel the scope of this bill was significant enough to warrant opposition, particularly since the bill has faced no opposition from any other groups.

As AEP members may know, water reform is a hot topic in the Legislature, and the committee discussed what role AEP might play in future water reform legislation. The LRC decided that AEP should limit its involvement to the responsibilities of environmental professionals (CEQA, resource management, etc.), and not engage in the bigger picture water politics and policy debates frequented by special interests.

Many of you will recall that AEP, led by the LRC, filed a detailed comment letter to the Natural Resources agency on its proposed Amendments to the CEQA Guidelines for Addressing Greenhouse Gas Emissions. [The final letter can be viewed on AEP's website [here](#)] The LRC also discussed other upcoming activities, including continued debate and review of Resources' responses to comments and the final language of the GHG Amendments and AEP's interest in CEQA GHG statutory changes. This will require coordination with AEP's Climate Change Committee. The LRC also plans to update its "Public Policy Program" document for discussion during AEP's annual conference in 2010.

If members have any questions on the recent legislation discussed in this report (including a list of bills reviewed), or any other LRC issue, please feel free to contact me.

## Welcome to our New Members!

*by Lisa Raffetto*

The following are new members to our Superior California Chapter:

- Chad Moffett; Mead & Hunt, Inc.
- Kristen Maines; HDR, Inc.
- Jessica Little; Conservation Strategy Group
- C. Yee; California Dept. of Transportation, Native American Liaison
- Katie Jane Langford; Stantec Consulting Inc.
- Jenifer King; EDAW/AECOM
- Richard Perry; U.S. Army Corps of Engineers
- Peter Masson; Parsons Brinckerhoff
- Carol Oz; California Dept. of Fish and Game
- Diana Cox

Not yet a member? Join the AEP Superior California Chapter of AEP and feel the benefits of the fellowship. Please email Lisa Raffetto, Vice President of Membership, at [lr Raffetto@kleinfelder.com](mailto:lr Raffetto@kleinfelder.com) or check membership information on our website by clicking [here](#) to read about the benefits of membership and sign up using the form provided.

## Chapter Director's Report

by Trevor Macenski

As Chapter Director, my primary responsibility is to represent our Superior Chapter at the State Board meetings and act as a liaison between the different levels of the organization. Our last meeting was very productive and we continue to work on growing our group of professionals. In addition to planning the upcoming CEQA workshops, the State Board is busy with a variety of issues, including the proposed NAEP Affiliation Agreement. AEP is currently an *affiliated chapter* of NAEP. Next year, our current affiliation will expire and the organization will once again decide if AEP will continue its association with NAEP. Regardless of your opinion regarding affiliation, the proposed agreement should be of interest to all of us. The NAEP Board plans to have the new Affiliation Agreement adopted before the State Board begins deliberations on future affiliation. The proposed Affiliation Agreement and other information about NAEP can be found on the State AEP website [here](#).

In addition, the State Board's Finance Committee has spent most of the last year reviewing the organization's financial policies and procedures. The new procedures and policies will go into effect with the 2010 Budget. The organization's finances are sound and implementation of the new policies will make it easier for all members to track how their membership fees are spent.

The State Board is in the midst of preparing the AEP 2010 budget. Currently, the Chapter Boards and State Officers are reviewing the proposed 2010 budget as prepared by the Finance Committee. Adoption of the budget will be considered at the November 2009 Board meeting in Sacramento. Please contact me at [tmacenski@brandman.com](mailto:tmacenski@brandman.com) if you are interested in finding out more about the proposed State budget.

And last but not least, the formation of State-level committees is moving again with the creation of committees regarding our organization's website and our conference. So please, if you have an interest in helping the organization, please contact me.

Cheers,

Trevor Macenski  
Superior California Chapter Director

### Hot Jobs!

October job postings at the Superior California website (see [here](#)) include the following.

- Two positions (Regional Biologist and Environmental Compliance/Permitting Specialist) at Ducks Unlimited in Sacramento.
- Five experienced CEQA/NEPA Project Managers for large renewable energy projects, San Francisco Peninsula.
- Senior Biologist for HDR in Irvine.

Also, the City of Sacramento is seeking interns for its sustainability planning division. Internship positions are open to junior and senior undergraduate or graduate students in good academic standing with major coursework city, regional, or urban planning or a closely related field. Internship projects are expected to include researching solar and green building incentives, developing public education materials, helping support the City's Green Building Task Force, and other projects related to sustainable development. Interested applicants may send a current resume and letter of interest to the attention Jaime Cutlip ([jcutlip@cityofsacramento.org](mailto:jcutlip@cityofsacramento.org)) no later than 5:00 p.m. Tuesday October 13<sup>th</sup>.

## AEP NEPA Workshop A Learning Experience for All

*By Scott Sjulín*

The Superior California Chapter hosted a National Environmental Policy Act (NEPA) workshop at Rancho Cordova City Hall on Wednesday, September 30. The workshop featured four presenters - two attorneys and two federal agency representatives - and covered a host of topics from case law updates to global climate change. Workshop attendees commented on how much they learned about NEPA from both legal and federal agency perspectives. The workshop's speakers were also surprised at how much they learned from each other's presentations - as further summarized below.

- **Alicia Guerra, Attorney, Briscoe Ivester & Bazel LLP.** Ms. Guerra presented a summary of NEPA case law developments in 2009, with practical pointers summarizing developments by NEPA document type. When asked about what she gained from the other speakers, Ms. Guerra said, "The federal agency perspective on NEPA document content was very interesting, especially given that it is evolving."
- **Ken Bogdan, Environmental Counsel, ICF Jones & Stokes.** Mr. Bogdan examined triggers for determining the level of federal control and responsibility for actions, including factors for determining connectivity of actions and cumulative impacts. "The workshop presented an informed perspective on NEPA," commented Mr. Bogdan. "This adds to my foundation of NEPA practice knowledge, especially how entities approach NEPA review."
- **Jeanne Geselbracht, Environmental Review Office, U.S. Environmental Protection Agency (USEPA) Region 9.** Ms. Geselbracht's presentation first summarized emerging trends in USEPA's NEPA review process, including initiatives on industrial materials recycling and conservation, upcoming renewable energy projects, and climate change. The presentation then evaluated USEPA NEPA review case studies, including specialized technical studies and agency collaboration designed to streamline review. Ms. Geselbracht's thoughts on other presenters: "The court cases were just fascinating... they either were affirming or provided useful new information about NEPA case law."
- **Sandra McGinnis, Planning and Environmental Coordinator, U.S. Bureau of Land Management (BLM) California.** Ms. McGinnis' evaluated NEPA's role for renewable energy projects on BLM-managed land, including the role of programmatic documents in developing project alternatives and mitigation strategies, and emerging impacts associated with alternative energy development (e.g., glare from solar installations). "Attorney presentations on determining the connectivity of federal actions were especially useful," noted Ms. McGinnis, "And USEPA's climate change initiatives have great applicability for BLM."

Special thanks to Janet Dallas of the Superior California Chapter for organizing the event and to the speakers for providing an invaluable learning experience, both to workshop attendees and to one another. Also, thanks to the City of Rancho Cordova for accommodating the presentation and to all the wonderful AECOM helpers for setting up and taking down the refreshments table.

## Save the Date!

Make sure to note these upcoming activities!

- **Sacramento Sustainability Forum.** October presentation is "A Truly Sustainable Vision: Making Smart Growth Work from the Inside Out" by Graham Brownstein, ECOS Executive Director. Thursday, October 15 from 7:00 - 10:00 p.m. at the SMUD Auditorium...details [here](#).
- **AEP Speaker Series "Lean, Green & Dry."** The October 30<sup>th</sup> topic is "Has the Game Changed? The Future of Public-Private Partnerships." From 9:00 to 11:00 a.m. at 915 I Street (City of Sacramento Council Chambers). Register [here](#).
- **UC Davis Career Fair.** The Superior California Chapter will be in attendance at the "Environmental Internship and Career Fair" at Freeborn Hall, November 5<sup>th</sup> from 10:00 to 2:00. Interested in helping out? We could use some volunteers...please get in touch with our Membership Coordinator Lisa Raffetto - [lraffetto@kleinfelder.com](mailto:lraffetto@kleinfelder.com).
- **CEQA Fall Basics Workshop Series.** *Understanding the California Environmental Quality Act.* Friday, November 6<sup>th</sup> in Roseville. Register [here](#).
- **Meet the State Board!** The AEP Board will be holding it's quarterly Board Meeting in Sacramento this year on Saturday November 7<sup>th</sup>. Please join us on Friday, November 6<sup>th</sup>, from 5:00 - 7:00 p.m. for a meet-and-greet (stay tuned for location details!). Let the State Board know they're doing a good job, let them know what's on your mind, or just come by and say "Hi." Note: we'll do this event in place of the November "Stress Mitigation."
- **AEP Speaker Series "Lean, Green & Dry."** The November 20<sup>th</sup> topic is "Greening the Dream - Retrofitting the Suburbs." From 9:00 to 11:00 a.m. at 1500 Capitol Mall (California Department of Public Health Auditorium). Register [here](#).
- **Holiday Party!** Save the date - Thursday, December 3<sup>rd</sup>. Details to be announced soon!

## AEP Scholarship Deadline...

Students! The Superior California Chapter is now accepting 2009 student scholarship applications. A total of up to \$2,000 will be awarded; this total may be divided among up to four recipients for a minimum award of \$500. Winners also receive a free one-year AEP Student Membership. Applications will be accepted until Saturday, October 31. For additional information and a scholarship application, please visit <http://www.superioraep.org/students.htm>.

## Think twice before you discharge

### New Rules for Storm Water Discharges from Construction Sites

by Trevor Macenski

On September 2, 2009, the State Water Resources Control Board (State Board) adopted a new National Pollutant Discharge Elimination System Construction General Permit (the "New Permit") that will drastically change storm water management requirements for any construction or demolition activity that results in a land disturbance equal to or greater than one acre. The new Permit will become effective on July 1, 2010 and will replace Order 99-08-DWQ.

The new Permit requirements are significantly different and some more stringent than those under the existing Permit. Under the existing Permit that has been in effect for the last 10 years, dischargers who implement Best Management Practices to the best of their ability are deemed to be in compliance with the Permit. The new Permit, however, sets quantitative standards that must be achieved, regardless of the BMPs that are implemented. In addition, whereas the existing Permit relies on discharger-developed Storm Water Pollution Prevention Plans, or SWPPPs, as its primary compliance mechanism, the effect of SWPPPs is much more limited under the new Permit.

Significant changes and additions to the new Permit include:

Risk-based Permitting Approach. The new Permit includes a three-tiered system for discharges (identified as Risk Levels 1, 2, and 3) that is based on the relative risk the project poses to causing water quality impacts. Specific Permit requirements for each risk level are set forth in the new Permit and are more onerous the higher the risk level. Risk levels are established by calculating two factors: (i) the project's sediment risk and (ii) receiving water risk during periods of soil exposure (i.e., grading and site stabilization). Construction activities that are enrolled under the existing Permit will obtain coverage under the new Permit at Risk Level 1.

Numeric Action Levels and Numeric Effluent Limitations. Under the new Permit, dischargers must meet specific Numeric Action Levels "NALs" for pH and turbidity. Exceedance of a NAL does not constitute a permit violation, but does trigger mandatory follow-up such as implementation of additional BMPs and/or corrective action.

In addition, the new Permit would require that Risk Level 3 discharges comply with Numeric Effluent Levels NELs for turbidity and pH. The turbidity of storm water and non-storm water discharges may not exceed 500 Nephelometric Turbidity Units (NTUs) and the pH of such discharges must be between 6.0 and 9.0 during any project phase where there is a "high risk of pH discharge." If an effluent sampling result is outside the range of pH NELs or exceeds the turbidity NEL, the discharger would be in violation of the new Permit. Risk Level 3 dischargers would be required to comply with these NELs unless the storm event causing the discharges is determined after the fact to be equal to or larger than the "Compliance Storm Event," which is defined as the 5-year, 24-hour storm. The main arguments against NELs are that there is little, if any, scientific foundation for the levels imposed and that the NELs fail to consider baseline conditions.

continued on next page...

...continued from previous page

Post-Construction Standards. The new Permit looks not only at construction-related impacts, but also at the direct effects of the construction activities after construction is complete. Under the new Permit, all dischargers, through the use of non-structural and structural measures, will be required to replicate the pre-project water balance (i.e., the volume of rainfall that ends up as runoff) for the smallest storms up to the 85th percentile storm event (or the smallest storm event that generates runoff, whichever is larger). In addition, for projects that disturb more than two acres, dischargers will need to ensure that post-project time of runoff concentration is equal to or greater than pre-project time of concentration. Finally, all dischargers will be required to implement BMPs to reduce pollutants in storm water discharges that are reasonably foreseeable after all construction phases have been completed. This runoff reduction approach is analogous in principle to Low Impact Development, or "LID."

Increased Best Management Practice Requirements. Whereas the existing Permit requires BMPs only as elements of the SWPPP or as suggested guidance, the new Permit specifies mandatory, minimum BMPs to prevent storm water pollution and post-construction impacts.

Rain Event Action Plan. The existing Permit requires that during the non-rainy season, dischargers are responsible for ensuring that adequate sediment control materials are available to control sediment discharges in the event of a predicted storm. The new Permit goes farther to require that Risk Level 2 and 3 discharge sites develop and implement a Rain Event Action Plan "REAP" designed to protect all exposed portions of the site within 48 hours prior to any likely precipitation event. A REAP, a written document specific for each rain event, will be required whenever there is a 50% or greater chance of receiving precipitation in the project area.

Increased Monitoring and Reporting Requirements. The monitoring requirements included in the new Permit are much broader than those contained in the existing Permit. In addition to visual monitoring of discharges at all sites, the new Permit requires the following:

- Sampling, analysis, and monitoring requirements for non-visible pollutants at all sites subject to the new Permit
- Effluent and receiving water monitoring for pH and turbidity for all Risk Level 3 sites
- Receiving water bioassessment sampling before and after project completion for larger Risk Level 3 sites
- Submission of an Annual Report no later than September 1 of each year. Each Annual Report must include storm water monitoring and analysis information.

Certification Requirements for Key Project Personnel. The new Permit requires that key personnel, such as SWPPP preparers and inspectors, have specified training or certification.

Penalties for Violations of Permit Conditions. Under the new Permit, any person in violation of the Permit will be subject to a civil penalty of up to \$27,500 per calendar day of such violation, as well as any other sanctions and penalties provided for under the Clean Water Act and the Porter-Cologne Water Quality Control Act.

It goes without saying that the new Permit will be costly for California developers and will significantly raise the risk of enforcement actions and substantial monetary penalties. To avoid such risks, developers must clearly understand and follow the requirements imposed under the new Permit.

Happy Compliance!!

**Matthew Franck, Editor**

2485 Natomas Park Drive  
Suite 600  
Sacramento, CA 95833

**Phone:**  
(916) 286-0272

**Fax:**  
(916) 614-3437

**E-mail:**  
matthew.franck@ch2m.com