Clean Water Services Advisory Commission

Meeting Minutes

January 18, 2012

Attendance

In attendance were Commission Chair Tony Weller and Commission members Molly Brown, Lori Hennings, John Kuiper, Victoria Lowe, Deanna Mueller-Crispin, Judy Olsen, Stephanie Shanley, David Waffle and Sandy Webb, and Clean Water Services District Deputy General Manager Diane Taniguchi-Dennis, attending for General Manager Bill Gaffi.

Commission members Alan DeHarpport, Jerry Ward, and Bill Young were absent.

Others attending from Clean Water Services were Regulatory Affairs Division Manager Bob Baumgartner, Source Control Manager Clayton Brown, Source Control Investigator Vince Chavez, Government and Public Affairs Manager Mark Jockers, General Counsel Jerry Linder, Regulatory Affairs Department Director Peter Ruffier, and Public Involvement Coordinator Sheri Wantland.

1. Call to Order and Welcome to New CWAC Member

Chairman Weller called the meeting to order at 6:34 PM in the conference room at the Clean Water Services Administration Building.

Mr. Weller introduced new Commission member David (Dave) Waffle, representing the cities of Washington County. Mr. Waffle is the Assistant Finance Director for the City of Beaverton and was previously the City Manager for Cornelius, OR. In addition to his background in city government, he is the Chairman of the Tualatin River Watershed Council.

2. Review/Approval of Meeting Minutes from November 16, 2011

Ms. Lowe moved to approve the minutes of the November meeting as distributed. Ms. Hennings seconded the motion. There was no discussion. Motion passed, with Deanna Mueller-Crispin abstaining.

3. Election of Chair and Vice Chair

Ms. Brown nominated Tony Weller for Chairman and John Kuiper for Vice Chairman, as they have both expressed their willingness to serve. Ms. Mueller-Crispin seconded. No other nominations were put forth. Mr. Weller was elected as Chairman and Mr. Kuiper was elected as Vice Chairman by voice vote.

4. Recommendation to Board of Directors for Budget Committee

Mr. Jockers explained that the Clean Water Services Budget Committee includes the Board of Directors (Washington County Commissioners) and five Advisory Commission members who live within the Clean Water Services District boundaries. Budget Committee members are appointed for three years. The Budget Committee currently includes Ms. Brown, Ms. Hennings, Mr. Kuiper, and Mr. Weller, with one vacancy as Mr. DeHarpport's appointment has expired. The residency

requirement narrows the selection of Budget Committee members and Mr. DeHarpport has said he is willing to serve again for this year as his term as a Commission member does not run out until after the Budget Committee's work is done in May and June. The recommendation to the Board regarding Budget Committee appointments was approved by voice vote, with none opposed.

Mr. Jockers said the Budget Committee will meet May 4 and the budget hearing will be June 5.

5. FOG (Fats, Oils & Grease) Program Overview

Mr. Baumgartner shared information about the Clean Water Services FOG (fats, oils, and grease) Program, which has evolved over the past several years ***(presentation attached)***. In upcoming meetings, Commission members will provide input toward enhancing the FOG Program, including program direction and values, and evaluation criteria for choosing those.

General/Background Information

Mr. Baumgartner explained that FOG comes from food service establishments (FSEs, including restaurants, churches, hospitals, and schools) as well as industrial facilities (food processing and packaging) and single- and multi-family residences. More than 3,000 tons of FOG reach Clean Water Services wastewater treatment facilities each year, taking up sanitary sewer system capacity and treatment plant resources. FOG clogs sanitary sewer lines, increasing maintenance costs and causing sanitary sewer overflows (SSOs) which affect public and environmental health and violate environmental regulations.

Nationwide, FOG is the leading preventable cause of SSOs. Clean Water Services experiences about 14 SSOs per year, with 2-3 of them being FOG-related. The Conveyance Systems Department has worked to reduce SSOs by increasing conveyance capacity through reduction of I/I (inflow and infiltration, a term describing non-wastewater getting into the sanitary sewer system via accidental leakage or illegal connections). Mr. Baumgartner noted that the federal EPA (Environmental Protection Agency) is serious about reducing SSOs and FOG. Baltimore County (Maryland) and the cities of Atlanta, Los Angeles, and San Diego all recently received large fines and a mandate to develop a FOG control program.

Mr. Baumgartner said Clean Water Services spends about $4.2 million per year on FOG. It costs about $3.5 million to break down FOG into water and energy at the wastewater treatment plants. Maintenance at pump stations, treatment plants, and throughout the collection system runs $371,000 per year. Maintenance costs have been reduced through FOG Program inspections and other oversight, although the cost for those activities is $362,000. Mr. Baumgartner noted that it would be much more effective to just bring the FOG into the treatment plant digesters where the energy could be used to help run the plant.

Clean Water Services schedules sanitary sewer maintenance work on a rotating basis so that each line is cleaned every three years. However, FOG problems require cleaning of more than 28 extra miles of line annually.

Questions/Comments (General/Background):

Ms. Brown asked if regulators differentiate between an actual overflow and a break in the sewer line. Mr. Baumgartner said a break is considered an overflow. Regulators try to determine if an overflow was outside the reasonable control of an agency, and having a FOG program or maintenance program

in place does show an effort to prevent overflows.

Mr. Weller asked about maintenance issues. Mr. Baumgartner explained that grease gets on the skimmers at the treatment plants. Also, if the FOG is not broken down properly at the plant it can produce gas and cause foaming which interferes with plant function. He added that the treatment plant staff have been able to deal successfully with foaming and other operations problems so the biggest FOG-related issues for Clean Water Services are maintenance and SSOs (regulatory compliance).

Ms. Lowe asked if DEQ sets requirements for monitoring or inspection of sewer lines. Mr. Baumgartner said DEQ does not set specific requirements, but it relies on the agencies to report what they have done.

Mr. Waffle asked if the FOG Program was part of the EPA audit of Clean Water Services. Mr. Baumgartner explained that EPA reviewed the wet weather programs of Clean Water Services and partner cities as part of a national enforcement initiative about three years ago. The report noted that Clean Water Services had started a review of its FOG Program and stated that the program should continue.

Food Service Establishments (FSEs)

Mr. Baumgartner said much of the current FOG Program has been involved with Food Service Establishments (FSEs). There are about 1,400 FSEs in the Clean Water Services service area. The FOG from FSEs is supposed to be controlled at the site, but most of it is still getting into the sanitary sewer system. This has lessened somewhat as Clean Water Services has moved to a proactive approach of communication and education with FSEs about best management practices and improved grease removal devices (GRDs), but there are still frequent clean-ups related to FOG. Mr. Baumgartner ran a mercifully brief inspection video showing grease-laden water from an FSE flowing into a sewer line that was already about one-third clogged even though it had been cleaned just three months earlier.

About 20% of the SSOs nationally are related to FSEs. The proportion for Clean Water Services is slightly less. It is hard to pinpoint an individual FSE as the source of FOG clogs--most are from multiple adjacent FSEs ("food rows").

Questions/Comments (FSEs)

Mr. Kuiper asked what is the penalty for a restaurant if there is a FOG-related problem. Mr. Baumgartner said if there is an urgent clog/cleanup issue the owner can be billed for the extra cost. Clean Water Services can require a restaurant to install a more effective GRD (grease removal device). However, it is Clean Water Services that is responsible to regulators when there is an SSO.

Mr. Baumgartner noted that the Commission will be asked to help decide whether enforcement or education or some other approach is the best direction for the FOG Program.

Mr. Weller asked how restaurants compare with other sources of FOG. Mr. Chavez said most FOG comes from the restaurants but the amount from other food service facilities such as hospitals and schools is surprising.

Ms. Lowe asked if better technology exists than what FSEs are currently using, and if Clean Water Services could subsidize such systems to alleviate FOG before it gets to the sanitary sewer system. Mr. Baumgartner said the existing techniques for dealing with FOG have been around awhile but interest in developing more effective systems is growing as FOG issues get more attention. He added that people in the restaurant industry have said that current codes tend to limit access to newer technology.

Ms. Hennings asked about reusing FOG. Mr. Baumgartner said there was interest in the past in turning it into biodiesel, and that is being done in some states. Clean Water Services has looked into using it for cogeneration of energy to help power the wastewater treatment plants. Mr. Weller mentioned a reuse effort in Pendleton. Mr. Brown noted that program did not work out due to a lack of pumpers available to transport the FOG. Mr. Baumgartner believes FOG will become more valuable as an energy commodity in the future.

Mr. Waffle asked if there have been any changes in restaurant services or preparation activities that has affected the quantity of FOG. Mr. Baumgartner said FOG production does depend somewhat on the type of restaurant but it is definitely not limited to "fast food" establishments.

Residential

Mr. Baumgartner said the other major focus of the FOG Program has been on public education and outreach in residential areas. For instance, more than 23, 500 "Freeze the Grease" kits have been distributed to residences since 2004. The kits contain informational flyers in English and Spanish, grease scrapers, and storage can covers.

Questions/Comments (Residential)

Ms. Webb asked how residents with septic tanks deal with FOG and wondered if they had knowledge or techniques that could be applied on a larger scale in the FOG Program. Ms. Olsen said she has a septic tank system and she simply doesn't put any grease down the drain.

Ms. Brown asked about dishwashing products with emulsifiers that break up grease. Mr. Baumgartner said the grease just re-coagulates after the dishwater goes down the drain.

Mr. Jockers noted that an effective public education effort was to run spots during the holiday season pointing out the tie between FOG and sewer backups--no one wants one of those when company is coming! He said the public cared more about backups at home than how FOG affects treatment plants.

Industrial

Mr. Baumgartner said the industrial aspect of the FOG Program is much more structured and prescriptive than the FSE or residential components. To reduce the FOG burden on the collection system and at the wastewater treatment plants, specific pretreatment requirements must be met under the terms of a permit issued by Clean Water Services before an industrial facility can discharge into the sanitary sewer system. Because each industrial facility is an individually identifiable source of FOG, this aspect of the program is relatively easy to monitor for compliance.

Grease Removal Devices (GRDs)

Mr. Baumgartner described two common types of GRDs. The hydro-mechanical GRD is a relatively

small—about 40 pounds capacity—box which connects directly to a sink drain. Baffles inside the GRD box keep FOG floating inside as water exits. The FOG is skimmed off manually and must be removed ***frequently.*** The interceptor GRD is a large outside vault, often with a capacity of more than one thousand gallons, into which many sinks from one or more FSEs may drain. Accumulated FOG is pumped out periodically and hauled away.

Mr. Baumgartner said FOG tends to be an afterthought in FSE construction and operation. Clean Water Services has found GRDs with the baffles removed so the water will go through faster, no GRDs at all, GRDs for some but not all drains, poorly maintained GRDs, and GRDs that are inaccessible for maintenance and inspection. Even those restaurants that have well-trained staff and well-maintained GRDs still discharge most of their FOG into the sanitary sewer system.

Mr. Baumgartner noted that stakeholders in the FOG issue are many and varied, including FSEs, Oregon Building Codes Division, Oregon Health Authority, EPA and DEQ, local inspectors in various fields, and even architects and building contractors. They all look at FOG from different perspectives but Clean Water Services is ultimately held responsible for any failures, even though it has little real control.

Clean Water Services recently formed a FOG Abatement and Compliance Team (FACT) to bring together some of these stakeholders. The group has met monthly since last July and has identified about 40 issues, including statewide consistency, requirements for new construction vs. retrofits, clarification of codes, FOG-related costs and who should pay, coordination of plan review and inspections, GRD design improvements, enforcement authority and approach, and more.

As just one example of the many complex FOG issues, Mr. Baumgartner said FSE representatives have expressed that they want to do the right thing but they need to know up front what that is. Building inspections look at whether connections are made correctly, not whether a GRD will be adequate. Health inspections make sure a GRD is not overflowing, but not that it is functioning properly. FSEs are in a difficult position and understandably feel misled when Clean Water Services shows up and gives a "thumbs down" after all those "thumbs up" from others. The FACT sees a need for pre-construction guidance in GRD design and coordination with other agencies in plan review and inspections, but the question is how to make that happen.

Another issue that puts restaurants and other FSEs in a hard spot is the cost-effectiveness of GRDs. The smaller indoor GRDs are cheaper initially but expensive to maintain. Outdoor interceptor vaults cost much more to install but maintenance costs are far less. It is not uncommon to find FSEs with GRDs in place which haven't kept up on maintenance because of the cost.

Questions/Comments (GRDs)

Mr. Waffle asked how much the FOG issue might be addressed through remodeling of buildings. Mr. Baumgartner said much like new construction, remodeling seems to occur without much thought to GRDs. For example, one local hospital just finished remodeling their food service facilities but when Mr. Chavez visited, he discovered no GRDs had been installed. Ms. Shanley of Intel added that even her company, which takes great pride in being environmentally sensitive, recently remodeled a cafeteria without considering GRDs.

Mr. Weller said GRDs should be part of the initial plan review and all inspections.

Ms. Lowe wondered again if it might be most cost-effective to just subsidize effective GRDs to keep FOG out of the system rather than have to build additional capacity to accommodate it.

Ms. Lowe suggested the fire departments might be helpful in addressing GRD issues through their inspection and education programs, as a malfunctioning grease trap could be a potential fire hazard.

Ms. Lowe asked if Clean Water Services can impose fines on violators. Mr. Baumgartner said depending on the situation that authority does exist or could be developed. Mr. Brown said Clean Water Services has required compliance actions in the past. He noted that as a result of the most recent one, an establishment spent almost $100,000 on consulting fees, construction, reimbursement to Clean Water Services, and restitution to another property owner who experienced a backup. Mr. Baumgartner said fines and other penalties are certainly part of the discussion to come.

Next Steps

Mr. Baumgartner concluded by saying that the next step is to ask the Board next month to officially charge the Commission with its role in developing FOG Program options with the FACT technical advisory group. He and Mr. Jockers expect the Commission will provide policy guidance, program direction, and evaluation criteria (i.e., what will a successful program look like?).

Mr. Weller said he feels this issue is different/bigger than those that have involved the Commission in the past, and that the Commission is not as representative of stakeholder(s) as it has been on other issues. Commission members can speak for ratepayers but not for restaurant owners, for example. He also said the Commission needs to know the regulatory requirements that Clean Water Services has to, or wants to, establish or meet. There should be a clear listing of what the Board wants and what the Commission feels it can provide. He added that input from other stakeholders is needed for the Commission to provide the best guidance.

Mr. Jockers said the FACT group is gathering much of the information Mr. Weller mentioned. He sees the Commission as a source of "big-picture" recommendations--should the FOG Program use a hammer or a carrot, who should pay for the program, etc.

Ms. Hennings suggested building in "check-in" times with the FACT group. She also mentioned asking other stakeholder representatives to serve as temporary adjunct Commission members. She added that part of the Commission's job is to ask questions of Clean Water Services staff that ensure members have the right information to make recommendations.

Ms. Wantland suggested that issue papers could be developed for Commission members, describing what other jurisdictions are doing, for example. Also, some aspects of the FOG issue are outside the reach or control of Clean Water Services, and an overview of those areas where we may need to wait for and/or work with other agencies to create opportunities for FOG Program enhancements might be useful. Ms. Lowe said position papers would be helpful.

6. Announcements and Other Discussion

Ms. Hennings asked about the TMDL update process, which is part of the Clean Water Services NPDES (National Pollution Discharge Elimination System) permit renewal and has been a topic at previous Commission meetings. Mr. Baumgartner said the public comment period has closed and

DEQ is compiling comments and developing responses, which should be available in March.

Mr. Jockers said the Clean Water Services Board of Directors will be discussing an update to the "R & Os," (Resolution and Order) or bylaws, for the Commission which will consolidate multiple revisions and reflect how the Commission has changed over time. He will distribute copies of the existing bylaws to Commission members.

Mr. Jockers also expects the Board will fill two open Commission positions by March. One is an environmental position formerly held by Julie Wilson and the other is the District 4 position held by Victoria Lowe, who has served two terms and is not eligible for reappointment.

Mr. Weller said he wants to make sure there is a system for "official" input to staff. Even with informational agenda items, there is always discussion and opinions are expressed. Especially after a long discussion, the group needs some record of what direction was given to staff. Sometimes, too, after reflecting on the discussion people change their thinking. It would be good to have discussion points compiled and brought back for confirmation that they reflect the intent of the group. Ms. Hennings suggested making this a short agenda item for the next meeting.

7. Adjournment

Mr. Weller declared the meeting adjourned at 8:23 PM.

(Meeting notes prepared by Sue Baumgartner)