

Clean Water Services

Clean Water Advisory Commission

Meeting Minutes

August 15, 2012

Attendance

The meeting was attended by Commission Chair Tony Weller and Commission members Alan DeHarport, Lori Hennings, John Kuiper, Victoria Lowe, Mike McKillip, Deanna Mueller-Crispin, Stephanie Shanley, David Waffle, Jerry Ward, and Clean Water Services District Deputy General Manager Diane Taniguchi-Dennis for General Manager Bill Gaffi.

Commission members Molly Brown, Judy Olsen, and Sandy Webb were absent.

Also present were Tom Eiland (CFM Strategic Communications) and Clean Water Services staff members Bob Baumgartner (Regulatory Affairs Division Manager), Clayton Brown (Source Control Manager), Vincent Chavez (Source Control Investigator), Karen DeBaker (Communications Supervisor), Mark Jockers (Government and Public Affairs Manager), Jerry Linder (General Counsel), Peter Ruffier (Regulatory Affairs Department Director), and Sheri Wantland (Public Involvement Coordinator).

1. Call to Order

Chairman Tony Weller called the meeting to order at 6:38 PM in the conference room at the Clean Water Services Administration Building.

2. Approval of June 20, 2012 Minutes

Ms. Lowe moved to approve the minutes of the June 20, 2012 meeting as distributed. Ms. Hennings seconded. Motion passed.

3. 2012 Customer Awareness & Satisfaction Survey

Ms. DeBaker noted that Clean Water Services has been doing biennial customer awareness and satisfaction surveys since 1998. Survey results are compared to those of previous years to determine trends in public perception and expectations of Clean Water Services and water quality and to assess public values related to rivers and streams.

Mr. Eiland said CFM Strategic Communications (CFM) began conducting the survey for Clean Water Services in 2008, using conventional telephone methods. In 2010, CFM shifted to online surveys because more people could be included, it is more cost-effective, and it allows for ongoing engagement of the public. This year about 30,000 electronic invitations were sent using six different mailing lists, and about 1,400 District residents completed online survey interviews in June and July. Respondents were slightly older than what census data reflects for the area, but otherwise similarly representative.

Mr. Eiland noted key findings from the survey:

1. Clean Water Services' reputation remains strong, as the District is well-known and favorably perceived. Ratings for the District's overall performance are at an all-time high, perceptions of the District's positive impact on water quality have increased steadily since 2003, and positive perception of the District's actions and policies has also increased.
2. Clean Water Services communications programs are effective, as people are getting information about the District from a variety of sources and there are significant increases in recall of specific campaign messages. Mr. Eiland noted that as the use of traditional media decreases, the District must rely on its own and public/community information tools to inform and educate the public.
3. What people value most about the Tualatin River and its tributaries are fish/wildlife habitat, a healthy environment, a source for drinking water, and future water supply.
4. There is increasing concern about rates. Mr. Eiland explained this does not necessarily mean that people think rates are too high, but that reasonable rates are important to them. He interpreted this to mean that any rate increases will likely get a strong negative reaction, and said that clear, concise information about how higher rates will benefit District residents will be needed. He added that the increased concern for keeping rates reasonable partly reflects a rising distrust of government agencies in general.
5. Gap analysis shows that upcoming public information efforts should focus on rates and how Clean Water Services affects public health. Current efforts to address other activities that are important to the public continue to be effective and should be maintained.

Mr. Eiland also shared some interesting notes about the survey results:

1. Nearly a fifth of respondents still choose Unified Sewerage Agency as one of the agencies responsible for water resources management and more than a tenth chose it as the organization responsible for sewage collection and wastewater treatment, even though it has been 11 years since it was renamed Clean Water Services.
2. While the rank order has shifted, the top five actions for a water resource utility have remained consistent for at least the past four years, including protecting public health, providing reliable service, keeping rates reasonable, protecting the environment, and planning for the future.
3. Of these top five actions, respondents gave Clean Water Services ratings of 60%-75% for performance in public health, reliable service, environment, and planning. Informing and educating the public was fourth at 62%. Keeping rates reasonable was sixth-highest at 57%, although that rating improved from 48% in 2010.
4. Almost 60% of respondents rated drinking water as their best utility value (quality of service and value for rates charged). Sewer service ranked fifth, with about 45% of respondents

rating it as the best value.

5. Awareness of Clean Water Services increased from 73% in 2010 to 88% in 2012. Among those who were aware of the District, 66% indicated a favorable opinion compared to 48% in 2010. Only 7% had an unfavorable opinion. People who had seen an ad or who could be characterized as “influentials” (75%) were more likely to hold a favorable opinion. “Influentials” are not identified by age, gender, income or position but by their behavior. They are well-read, thoughtful individuals who participate in community activities, are often sought out by others for advice, and are typically ahead of the thought curve in looking at solutions to problems. They are powerful “word of mouth” communicators, which is an advantage for Clean Water Services in this case.

Mr. Eiland said a report will be posted on the website tomorrow with demographic and other information about the survey results.

Mr. DeHarport asked how survey recipients were determined. Mr. Eiland said the invitation list was drawn from voter lists, billing lists, newsletter lists, website sign-ups, and participants from previous research.

Mr. Kuiper asked if including Unified Sewerage Agency in the list of agency names given to respondents was perpetuating its use. Mr. Eiland said it helps determine just how long it takes for a brand name to go away. Mr. Jockers added that it is difficult to use open-ended questions in online surveys, but it would be interesting to simply ask who takes care of wastewater and stormwater, and see what answers appear.

Mr. Weller wondered how the survey results compared to those of similar jurisdictions in the area. Mr. Eiland said he could develop a comparison with Water Environment Services (Clackamas County area).

Mr. Eiland encouraged Commission members to contact him or Ms. DeBaker with any questions about the survey.

4. FOG (Fats, Oils & Grease) Program Update

Mr. Baumgartner reviewed FOG White Paper #3 (Strategy) and introduced FOG White Paper #4 (Current and Potential Program Elements) and an associated activity to be completed for the next meeting. He also noted that he would check with the IT staff at Clean Water Services, as at least two people had tried unsuccessfully to use the SharePoint site introduced at the last meeting. SharePoint would allow Commission members to review documents, suggest edits, and share comments between meetings, and be more prepared for productive discussion.

Mr. Baumgartner asked for any additional comments on the FOG (Fats, Oils, and Grease) Program goals outlined in White Paper #3, which were distributed before the last meeting but discussed only briefly. The goals were developed from discussions held with the FACT (FOG Abatement and Compliance Team) group and at previous Commission meetings:

1. Eliminate sanitary sewer overflows (SSOs) that violate discharge standards or violate the NPDES (National Pollutant Discharge Elimination System) permit
2. Ensure FOG discharges do not cause plant upsets or increase maintenance costs
3. Establish an equitable and transparent program in collaboration with partners and stakeholders
4. Maintain cost-effective operation of the collections system and treatment plants

Mr. Baumgartner commented that the third goal is difficult to define but essential. It is unlikely FOG problems will be solved in the short term so there must be a strategy for the longer term. The difficulty comes in picking the target for which to build the strategy—large producers of FOG, areas where there are repeated cleanups or SSOs, restaurants that are upgrading their facilities...?—and outlining it clearly so people know what to expect and feel that it is equitable. It also raises the question of enforcement as part of the strategy, and how to make that equitable.

Ms. Hennings asked if there were differences between Commission comments and FACT comments. Mr. Baumgartner said the comments were quite similar but differences may begin to emerge as the groups talk about the details of implementing the program. For example, there may be differences of opinion on how to handle retrofits.

Comments related to FOG Program Goals are summarized in Appendix A (*attached*).

Mr. McKillip said he would like to hear more about what other communities have done about FOG and use that as a starting point for the Clean Water Services FOG Program. Mr. Baumgartner said as staff tried to find out how other programs operate, it was surprising to learn how many others in Oregon, even those who feel they have an established FOG Program, are wrestling with the same issues as Clean Water Services. He said Salem has perhaps the most mature program, which Ms. Taniguchi-Dennis was instrumental in developing. He added that a very good working relationship has been developed between the public works people and the building codes staff there.

Ms. Taniguchi-Dennis explained that similar to what Clean Water Services has discussed, the Salem staff looked at where problem areas were and started to work with those businesses, which tended to be fast food establishments in strip mall areas. They had previously developed a code prohibiting FOG in the system, so there was something in place to support their interactions with the businesses. After addressing existing problem areas, they looked at new construction. They did not deal with retrofits until they came up in the remodeling process. She added that Oregon is lagging in adoption of the new national plumbing code, but once that is done, there will be some additional FOG requirements in the building codes.

Mr. Baumgartner gave an update on efforts to develop a statewide approach to FOG through building codes. Clean Water Services and other municipalities have been working through Oregon ACWA (Association of Clean Water Agencies) to encourage changes in the state building code. Currently Oregon identifies the national guidelines (mentioned by Ms. Taniguchi-Dennis) as a minimum requirement but also applies them as a maximum, making it impossible for local jurisdictions to adopt more stringent requirements. State building codes staff have been reluctant to strengthen FOG-

related requirements but recently indicated they will propose changes to the code that would require all kitchen drains that might receive FOG to be connected to grease removal devices (GRDs) for food service establishments (FSE). The change would apply to new construction only. They are still hesitant to deal with some other FOG issues brought up by ACWA, including allowing local municipalities to set rules beyond the state minimum, setting up statewide requirements or guidance for plan review, and providing statewide guidance for retrofits.

Mr. Baumgartner said Clean Water Services provides technical assistance to FSEs about how to select a GRD, but staff does not have a direct link to them and relies on referrals from the health department or building permit staff at the County and Cities. It is up to the FSE to decide what they want to do, but as Ms. Lowe pointed out, if there is no plan review or followup required, there is nothing to keep the FSE from ignoring recommendations that would keep FOG out of the system.

Mr. Weller noted that this works for FSEs in unincorporated areas because they come directly to Clean Water Services, but what about incorporated areas? Mr. Baumgartner said Clean Water Services is encouraging cities to provide the same sort of technical assistance, with varying responses. Ms. Taniguchi-Dennis said an effective interface between pretreatment and building folks is more challenging here, where each works for a different entity, than somewhere like Salem or Albany, where they are part of the same entity. She added that plan review by building officials is limited by state statute.

Mr. Weller asked if Clean Water Services has the same kind of supporting ordinance as the one in Salem mentioned earlier by Ms. Taniguchi-Dennis. Mr. Baumgartner said there is a broad ordinance that prohibits discharging FOG in amounts that will cause blockage or interference, and interference is defined under the federal Clean Water Act as an overflow or a violation of the NPDES permit. He added that it is hard to say there can be absolutely no FOG in the system, so “how much is too much?” needs to be made clear.

Comments about FOG Program Elements are summarized in Appendix A (*attached*).

Mr. Baumgartner referred to the “FOG Program Elements Matrix” handout (*attached*), which reflects staff interpretation of discussion points from the FACT group. Each potential element is “rated” with a green, yellow, or red dot to indicate its cost and level of effort from the perspective of the public entity (Clean Water Services or city) and the private (FSEs) and its effectiveness at reducing FOG. Program elements highlighted in gray are those which Clean Water Services currently has underway in some form. Mr. Baumgartner noted that the dot colors could change as differences of opinion emerge during discussion of the details of each program element.

Mr. Baumgartner requested Commission members review the matrix at home in a sort of triage process, and mark each possible program element as “yes now,” “no,” “maybe later,” or “more information needed.” He clarified that “Public Costs” are for implementing an entire program, and “FSEs Costs” are for an individual FSE. Mr. Baumgartner added that this is not the only chance to “vote” on these program elements; the purpose is to focus the immediate discussion and then come back around to the less immediate items.

Ms. Wantland pointed out that nothing is marked all green or all red—the color depends on the

perspective and there is no clear path. It is complicated work, but it is not unprecedented work—rules change all the time and agencies must figure out a fair way to apply them. Clean Water Services wants to proceed with a balance of encouragement, education and enforcement, and the Commission will help determine which way to go when those choices must be made.

Mr. DeHarpport said private grease interceptors (large, privately-owned receptacle stations where multiple FSEs can dispose of FOG for a fee) should be included as an option under “Program Management” elements, as they do exist now and are likely to become more common. Mr. Baumgartner agreed and said to consider it added.

5. Announcements

Mr. Jockers noted that Stewart Rounds, USGS Team Lead Hydrologist who addressed the group last month, will be giving a similar presentation tomorrow at the Tualatin Riverkeepers meeting.

The Clean Water Services Board of Directors will discuss two Commission-related items next Tuesday, August 21. They are expected to approve opening recruitment for three Commission positions (District 1 and District 4 Environmental positions, and the At-Large position) and to adopt a formal charge to the Commission for the upcoming revision of the Design & Construction Standards. The revision will likely be an 18-month process.

The next Commission meeting will be September 19.

6. Adjournment

Mr. Weller declared the meeting adjourned at 8:27 PM.

(Meeting notes prepared by Sue Baumgartner)

APPENDIX A
Clean Water Advisory Commission Meeting Minutes
August 15, 2012

Program Goals Comments:

1. Besides the goal of maintaining cost-effective operations, there should be a cost-effective approach to managing the FOG program. There has to be some return on the investment in the program and at some point it won't be economically feasible to chase down the last producer of FOG. (Weller)
2. There should be enough leeway in the program to change if some aspect of the FOG Program turns out to be unfeasible or if a new opportunity is identified. (McKillip)
3. Great progress has already been made in awareness and understanding of the FOG problem and creating a focus on fixing it. (Lowe)
4. Focusing on known sources or traditional problem areas isn't picking on anyone, it is picking on the problem. It doesn't make sense to spend resources finding every last teaspoon of FOG, but working with those bigger, known problems first will get them out of the way and make it easier to see the next area to address. This makes more sense than trying to get to every source equally at the same time. (Lowe)

Program Elements Comments:

1. Gresham's new FOG recycling program, which produces energy for wastewater treatment operations, is an example of cost-saving potential for Clean Water Services as well as for creating a partnership with businesses and haulers so they have somewhere to go with FOG. (Lowe)
 - a. A key element of Gresham's program effectiveness is that they franchised some of their haulers as a way to have more direct control of the process. (Baumgartner)
 - b. Clean Water Services is investigating a similar setup at the Durham wastewater treatment facility. (Baumgartner)
2. An early campaign to educate the public and FSEs about how FOG affects the system and ultimately costs the community could help smooth the way for any new FOG-related requirements. (Lowe)
3. It could take a long time to get a FOG program up and running because unlike the sump pump disconnection program a couple of years ago, FOG is a District-wide issue and it touches more people/establishments. Rather than starting right out with enforcement, there should first be some educational efforts and then new construction of FSEs could be addressed, followed by tackling the known problem areas/establishments, and then moving on to develop and implement enforcement efforts. (Weller)

4. But if the plumbing code is being updated now, it would make sense to act now. (Kuiper)
5. An ordinance could be written to require that a FOG plan review must be completed as a condition of connecting to the sewer system—similar to pretreatment requirements for manufacturing or other facilities. (McKillip)
6. Start with the most obvious actions—the few elements with no red dots, which might be the biggest problems that can be addressed quickly and relatively painlessly for the District and the FSEs and still get desirable results—so progress can be made while the rest of the program is being developed. (DeHarpport, Hennings, Weller)
7. There is no incentive for compliance or responding to educational efforts without the potential for enforcement action—there needs to be an ordinance which allows for development of an enforcement program so Clean Water Services and/or the cities can announce what is coming, offer some help toward compliance, and describe what enforcement might look like...and could begin working with offenders now. (Weller)
8. Outline economic terms for FSEs—if you spend \$XX on this system, you can plan to spend \$XX on retrofits, \$XX on maintenance, and so on—and provide that information consistently across jurisdictions and throughout the FSE community. (Mueller-Crispin)
9. Contact wherever FSEs get help when they design a facility, such as architects and franchise organizations, as well as restaurant supply companies and even owners of buildings with restaurants as tenants, so they have information and recommendations ahead of time. (Lowe, Weller)
 - a. Contacts within the FACT group could also reach out to restaurant industry or construction trade groups. (Baumgartner)
 - b. Health department is open to the idea of including FOG in their inspection program~~information in food handler permit training~~. Health inspectors would not need to look specifically at GRDs during inspections, but even a routine reference or question about FOG removal practices or how that system is functioning could help make FOG a higher priority for the FSE. ~~Health inspectors are currently the best source for information about nonfunctioning systems, as many will alert Clean Water Services if they notice a problem.~~ (Wantland)