

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of the )  
MONTEKEY REGIONAL WATER POLLUTION )  
CONTROL AGENCY )

ORDER NO. CWG 86- 12

For Review of a Determination of the )  
Division of Clean Water Grants, State )  
Water Resources Control Board, )  
Regarding Grant Funding for Additional )  
Odor Control Facilities Related to )  
Construction of the Monterey Regional )  
Water Pollution Control Agency Regional )  
Treatment Plant. Our File No. G-88. )

BY THE BOARD:

The Monterey Regional Water Pollution Control Agency, hereafter Regional Agency, seeks grant funding for certain odor control facilities in addition to those odor control facilities approved for funding by the State Board's Division of Clean Water Grants, hereafter Division. More specifically, the Regional Agency seeks 87-1/2 percent grant funding for about \$5,200,000 of costs estimated to be needed for additional odor control facilities for the Regional Agency's new \$55,000,000 regional treatment plant. Essentially, the Regional Agency is seeking additional state and federal grant funding of \$4,550,000 ( $5,200,000 \times 87\frac{1}{2}$  percent) for covers over 12 basins which comprise the primary clarifiers, the trickling filters and the sludge thickeners, and for fans, air ducts, and odor scrubbing facilities for these processes.

For the reasons hereafter stated, we have concluded that the Regional Agency has not satisfactorily demonstrated that the additional odor control facilities are necessary at this time.

## I. BACKGROUND

Federal regulations applicable to this project (40 CFR §30.410, OMB Circular A-87) provide that only reasonable and necessary costs are eligible for grant funding.

State Board Policy (Clean Water Grant Program Bulletin 75) on grant funding of odor control facilities indicates that funding will be provided for facilities which provide a reasonable assurance that odor nuisances and resulting complaints will be controlled to a low frequency of occurrence, considering such factors as plant location and potential for odor complaints as well as the likelihood of odor emissions. Covers are generally not funded but will be funded with adequate demonstration of necessity. Use of costly and complex odor control measures are "expected to be justified by odor surveys and odor control plans as well as a cost-effective analysis and consideration of other reasonable options." Such justification should consider, among other factors, "plant location in relation to nearby residential areas." Scrubbing facilities are generally funded "where control of odorous air streams is justified."

On October 18, 1977, the Regional Agency was awarded a Step 2 Clean Water Grant No. C-06-1066-100 for design of a regional interceptor, treatment plant, and outfall.

On November of 1981, the Regional Agency submitted a 50 percent complete design to the Division.

In September of 1981, a value engineering team composed primarily of outside independent consulting engineers, hired by the Regional Agency,

reviewed the 10 percent design and proposed for consideration by a review board that the influent be aerated at the headworks and that the trickling filter and primary clarifier covers and scrubbers be eliminated. The review board accepted the proposal to aerate the influent but rejected the proposal to delete the covers and scrubbers.

On June 4, 1982, the Regional Agency submitted final plans and specifications to the Division for review and approval.

The project was not in a fundable priority category prior to FY 1984. Due to the workload during the 82-84 years, primarily as a result of changes in the federal grant program reducing the level of funding for projects receiving grants after September 30, 1984, the Division was not reviewing non-fundable projects.

This project was reviewed when it became fundable in 1984 and the Division issued concept approval in 1984. The concept approval contained a preliminary determination that odor control facilities would be eligible subject to submittal and approval of additional justification addressing land uses adjacent to the plant site, the potential for complaints, the expected H<sub>2</sub>S levels to be scrubbed from grit chamber, primary sedimentation tanks, trickling filters, etc., and the value engineering team's recommendation to aerate influent and eliminate covers and scrubbers for primary clarifiers and trickling filters.

Additional justification was submitted by the Regional Agency to the Division on September 28, 1984.

On November 16, 1984, the Division issued comments on the Ten Percent Design stating that odor scrubbing for the primary clarifiers, trickling filters and gravity thickeners were ineligible.

On December 19, 1984, the Regional Agency submitted its response to the Division comments protesting among other things the determination that the odor control facilities were ineligible.

On December 20, 1984, the Division issued its final plans and specifications approval.

The Division has agreed to fund the following odor preventative and odor control facilities for the proposed treatment plant:

- (a) odor scrubbing facilities at the five regional raw wastewater pump stations;
- (b) hydrogen peroxide injection facilities at the pump stations for hydrogen sulfide control;
- (c) odor covers and scrubbers for the treatment plant septage receiving facilities, influent channel and grit chamber;
- (d) a larger grit chamber with aeration facilities for oxidizing and removing hydrogen sulfide and other odorous gases from the influent wastewater;
- (e) chlorine injection facilities for the plant headworks, the trickling filters, and the gravity sludge thickeners;
- (f) moderate organic loading rates for the trickling filters and the sludge thickeners;
- (g) elutriation (or freshening) water facilities for the sludge thickeners;
- (h) a considerably more expensive "clean burn" digester gas engine generator design which will meet air quality standards more reliably than the conventional system.

However, the Division denied eligibility for proposed covers and scrubbers for twelve basins which comprise the primary clarifiers, the trickling filters and the gravity thickeners.

On January 3, 1985, EPA, based on the Division's final plans and specifications approval, awarded the Regional Agency Grant No. C-06-1066-120 in the amount of \$52,066,000 for construction of the Regional Treatment plant.

On January 16, 1985, Regional Agency staff met with Division staff to discuss, among other things, the basis for denial of the odor control measures.

On February 15, 1985, the Division issued a Final Staff Decision in response to a request from the Regional Agency, denying eligibility for covers and scrubbers for the primary clarifiers, the trickling filters, and the gravity thickeners, on the basis that "the remote plant site and low incident of odors from these processes make this equipment not cost effective."

On February 25, 1985, the Agency requested a Final Division Decision on, among other things, the odor control facilities.

On May 9, 1985, the Division issued its Final Division Decision of the Plans and Specifications approval sustaining the Final Staff Decision and denying funding for the disputed odor control facilities on the basis that the disputed odor control measures were not justified considering the existing surrounding residential development.

The Regional Agency filed this petition on August 12, 1985.

The Board designated Board member Edwin Finster to represent it at an informal meeting between the Division and the Regional Agency. That meeting was held on April 16, 1986.

Following that meeting, Mr. Finster concluded that the necessity for construction of the additional odor control facilities at this time had not

been adequately demonstrated, but that if subsequent development around the plant site created such a need in the future, the Regional Agency should be allowed to seek additional grant funding at that time.

## II. CONTENTIONS

The Regional Agency contends that the additional odor control facilities are essential to deal with anticipated future development which the Regional Agency claims will encroach within a few hundred feet of the plant site. The Regional Agency further contends that the additional facilities are needed to control odors in existing residential developments and are required as a condition of a permit from the Monterey Bay Unified Air Pollution Control District.

The Division contends that it has agreed to fund those odor preventative and control facilities which are necessary, given existing development at the regional treatment site, that the proposed residential development near the plant site and the timing is several years off that it is not consistent with state and federal policy to use limited grant funds to address odor problems which have not occurred, and that facilities required by local permits are not automatically grant eligible.

Following an informal meeting with both parties, Mr. Finster found that:

1. The Division has already agreed to fund substantial odor control facilities for the regional plant.
2. A value engineering team comprised primarily of outside consulting engineers proposed to a review board that the trickling filter and primary clarifier covers and odor scrubbers be eliminated. The review board rejected that proposal.

3. The proposed treatment plant is situated in a very favorable location as far as remoteness from existing development and atmospheric conditions is concerned. There is currently no residential development within a mile of the proposed site. Prevailing wind direction, wind velocity, topography of the treatment plant site and unit process loadings at the plant are such that the proposed plant falls into a low odor sensitive category.

4. The proposed site is adjacent to the Marina landfill site, a hog farm is being operated between the City of Marina and the plant site and the proposed site is currently being used for disposal of raw sludge and septic tank waste. Only the hog farm has created an intermittent odor problem. Odors from the landfill and treatment plant site have not resulted in serious odor nuisance complaints from the present level of development.

5. Future development at the site which the agency claims will lead to residential development within a few hundred feet of the plant site is conjectural and the timing of such development, if it occurs, is uncertain.

6. Even if such development takes place in the near future, the present plant including odor facilities already provided by the Division, if properly operated, and maintained, will control odor problems to a very low frequency if they occur at all.

7. EPA policy has always been to fund only those facilities required by local permits which are reasonable and necessary.

8. There is no absolute guarantee that if development does take place in close proximity to the plant, there will be no odor problems. Consequently, the Agency should not be precluded from seeking future grant funding to construct additional odor control facilities if and when the need for such facilities is clearly demonstrated.

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### III. FINDINGS AND CONCLUSIONS

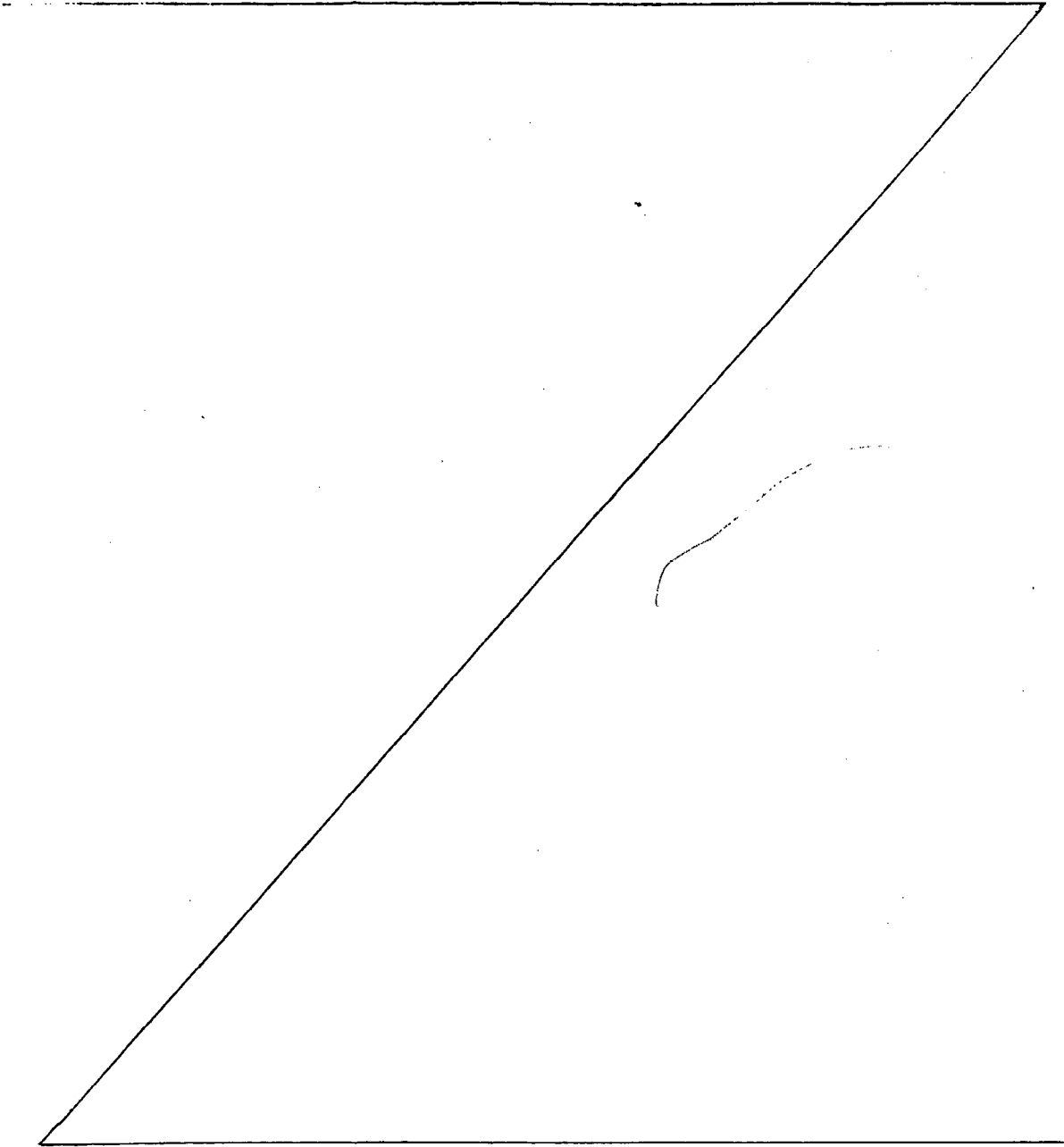
After review, we agree with the staff analysis and Mr. Finster's findings.

We therefore find that:

1. It is the State Board's policy to fund only those odor control facilities which will provide reasonable assurance that odor nuisances and resulting complaints will be controlled to a low frequency of occurrence.
2. The Division has agree to fund substantial odor control facilities at the regional plant which if operated properly will provide reasonable assurances that odor nuisances to existing development will be controlled to a low frequency of occurrence if they occur at all.
3. Future development adjacent to the plant and the timing of such development is estimated to be several years off.
4. Even if such development occurs, a properly operated plant with the odor control facilities already provided should provide reasonable assurance that any odor problems caused by the plant will be controlled to a low frequency of occurrence.
5. Facilities required to meet local permits are not automatically eligible for grant funding. Such facilities must also be reasonable and necessary if they are to be supported with grant funds.
6. The necessity for those additional odor control facilities requested by the Regional Agency has not been adequately demonstrated at this time.



7. If future development does take place in close proximity to the plant and the Regional Agency is able to demonstrate that such development creates a necessity for the additional odor control facilities, the Regional Agency will be permitted to compete for any available grant funds to construct those facilities.



IV. ORDER

IT IS THEREFOKE ORDERED that the Regional Agency's appeal requesting additional funding for odor control facilities is denied at this time. The Regional Agency, if it chooses to defer construction of the additional facilities may seek additional funding for those facilities if and when it is demonstrated that residential encroachment has created the necessity for them.

CERTIFICATION

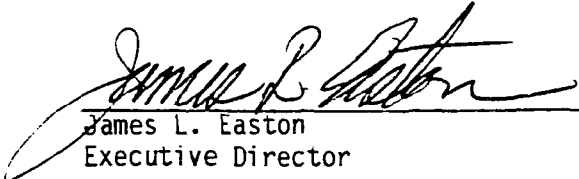
The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 17, 1986.

Aye: W. Don Maughan  
Darlene E. Ruiz  
E. H. Finstger  
Eliseo M. Samaniego  
Danny Walsh

No: None

Absent: None

Abstain: None

  
James L. Easton  
Executive Director