



AICHE Orange County

NEWSLETTER OF THE ORANGE COUNTY SECTION, AMERICAN INSTITUTE OF CHEMICAL ENGINEERS

No. 117

<http://www.aiche-orangecounty.org>

January 2004

Orange County and LA Chapters Joint Meeting JANUARY DINNER MEETING

HAS THE TIME COME FOR DESALINATION?

A fresh look at how an old technology can beat the water shortage in southern California

Mr. Billy Owens

Wednesday, January 28, 2004
5:30 PM

Our January Speaker is Billy Owens of Poseidon Resources in Long Beach. He will tell us all about his company's plans to build two large-scale desalination plants, one in Huntington Beach and one in Carlsbad. As you know, these plants require a myriad of permits and approvals from federal, state and local regulatory agencies. You will hear how Poseidon is working to obtain these approvals, in the face of well-publicized resistance from city officials and people who live near the proposed plant in Huntington Beach. Specifically, Mr. Owens will be discussing:

- Huntington Beach & Carlsbad desalination project overviews
- Desal treatment process overview – reverse osmosis
- Business & environmental aspects
- Key Issues

Poseidon Resources is a privately-held company, which specializes in developing and financing water projects, with a focus on seawater desalination and membrane-based

water treatment and reuse. Poseidon's business model is based upon a public-private partnership approach, wherein clients benefit from a guaranteed long-term water supply and price, while Poseidon assumes development and performance risk. Before coming to the meeting, check out the Poseidon web page at <http://www.poseidonresources.com>.

Mr. Owens is responsible for directing the development of the Huntington Beach Seawater Desalination Project. This responsibility includes project structuring, commercial agreement negotiations, acquisition of necessary government approvals/permits and project financing support. Prior to joining Poseidon, Mr. Owens spent twenty-five years developing and closing U.S. and international independent electric power projects. Mr. Owens has a B.A. in Political Science from the University of Florida.

Meeting Schedule:

5:30 p.m.	Social Hour
6:30 p.m.	Dinner
7:20 p.m.	Break
7:30 p.m.	After-Dinner Program

Place: Petroleum Club, Long Beach

Directions: Take 405 south to Long Beach. Exit Long Beach Blvd north. Right turn onto 36th Street. Left turn onto Linden Avenue. Petroleum Club is 3636 Linden Avenue. For a map or general information about the club, go to their web page www.lbpetroleumclub.com.

Reservations: *Please make a reservation at (949) 261-2622 by voice by Wednesday, January 21, 2004. Or, you may email your reservation to west@research.ge.com.*

Cost: Members, \$20 with a reservation, \$25 at the door; Non-Members, \$25 with reservation, \$30 at the door; Students Free with reservation, \$5 at the door, Unemployed/Retired, \$5 with reservation, and \$10 at the door.



Starting with the month of June, every third meeting a member attends is FREE with reservation

Society of Women Engineers (SWE) Orange County Section - Upcoming Events

- **"The Latest Results from NASA's Newest Space Observatory: SRTF"**
Tues, 1/20/04, 6:30 pm,
Location: Quantum, Inc., Irvine
Cost: \$15 Members, \$17 Non-members
RSVP: Anthea Howell at
thenahectr@yahoo.com by 01/16/04
- **Plastination Facility Tour**
Saturday, 1/31/04, 9:30am - the tour begins at 10:30 AM at the OCC. Plastination Lab and will be over before noon.
Location: CoCo's for breakfast, 2750 Harbor Blvd. Costa Mesa
RSVP: Ann Harmer at
harmerann@netscape.net or (818) 631-3322 by 01/28/04
- **Girl Scout Career Day Volunteers Needed!!!**
Sat, 02/07/04, all-day event
Location: Irvine
Contact: Kellee Bartha as soon as possible at (562) 883-4659 or kelnspc@yahoo.com

KEEPUS By Bob Katin

The following are excerpts from a report by Bob Katin, PE who is chairing AIChE's KeepUS lobby group:

The evaluation of the State Engineers' Act by the independent consultant, ISR; results of the 1st three Task Force meetings; and other historical information are posted on the web. (See <http://www.aiche-norcal.org/> and from the home page select the left-hand tab "ADVOCACY". From there, you can read the ISR Report, earlier KeepUs Newsletters, or other historical items).

The Engineering Board (BPELS) formed a

Task Force (TF) to advise BPELS how to respond to ISR's report. The 4th TF meeting was in San Diego on 19 DEC 03.

In the 3rd TF meeting, we heard three things:

1. Provide total overlap amongst the engineering disciplines.
2. Make all engineering disciplines practice protected.
3. Allow all engineering disciplines to be in charge of projects and staff.

The 4th TF meeting did not go well for ChEs. The TF said the only way to do Item 2, was to complete the "Sunrise" process. Sunrise requires:

- a) a lot of effort to develop a stack of paperwork,
- b) finding a State Legislator willing to be the author of a new State Bill (but we would be the sponsor and person that will do ALL the work),
- c) responding to all parties that attend hearings proposing alternative agendas such as no need to recognize chemical engineers, they are only a sub-set of civil engineers, and
- d) getting a bill through both the Senate and Assembly (we have failed to get AB 4002, AB 1354, and SB 704 out of the 1st committee).

Making ChEs 1st class engineers in the eyes of the State law is unattainable if Sunrise is required. If we cannot avoid the Sunrise process, we may have to oppose the ISR Report (which has been so favorable to ChEs) because the TF has taken the tactic that it is Items 1, 2, and 3 or nothing. The next "battle" will take place in the 5th TF Meeting in Monterey on 28 JAN 2004.

In the interim, we need to obtain commitments from companies, organizations, agencies, Deans of Engineering Schools, etc to write letters stating that the practice of ChE: is a unique discipline, not a sub-set of civil; can cause a risk to the public if not performed properly; is desired by companies instead of being told, by State Law, the ONLY



discipline that can perform engineering tasks is civil engineering.

Legal Corner

Federal Appellate Court Blocks EPA's Routine Maintenance, Repair, and Replacement Rule Under Clean Air Act's New Source Review

Peter Hsiao and Siegmund Shyu, Morrison & Foerster LLP

On Christmas Eve, the United States Court of Appeals for the District of Columbia Circuit handed a coalition of several states and municipalities an early Christmas present by staying the EPA's routine maintenance, repair, and replacement ("RMRR") rule promulgated in August 2003 under the Clean Air Act's New Source Review permitting program. (State of New York v. U.S. EPA) (see November 2003 newsletter for previous article on the lawsuit). The three-judge panel ruled that the states and municipalities demonstrated "irreparable harm" had the RMRR rule gone forward as planned on December 26 and that they showed a "likelihood of success on the merits." Under the stay, the previous RMRR rules will be in effect until the judges issue a final ruling on the merits, which is expected in late 2004. As reported by the Washington Post, New York Attorney General Eliot Spitzer commented, "This is enormous...The courts have agreed with us that the Bush administration cannot by administrative fiat eviscerate a statute that is critically important to protecting the quality of the air that we breathe." A spokeswoman for the EPA said that officials were "disappointed" with the decision and maintained that the new rule "will have little or no impact on emissions."

Ninth Circuit Rules That "Dual-Purpose" Documents Prepared By Consultants Can Remain Protected

On November 26, the federal Court of Appeals for the Ninth Circuit (which has jurisdiction in California) decided that "dual-purpose"

documents of an environmental consultant, which are documents created because of anticipated litigation but are also used for other purposes such as governmental information requests, are protected from discovery by opponents and third-parties since they are considered the work product of attorneys. The case involved a grand jury subpoena issued to a consultant hired by a paint company's counsel to produce reports. The Court ruled that in addition to single-purpose documents that were prepared by counsel for litigation, dual-purpose documents that were produced for litigation *and* prepared to comply with a governmental information request or consent order are also protected by the work product doctrine. The Court employed a "because of" test, reasoning that, under the totality of the circumstances, documents that would not have been created but for the litigation should be protected. This decision to maintain discovery protections on reports should result in greater certainty for consultants working in connection with litigation to set forth more candid conclusions and opinions.

Something Completely Different

From the Robert Redford green building (see December 2003 newsletter) we go to a contest to design a green rest stop. According to Associated Press, officials in Maryland are holding a federally-funded contest to design a Maryland Welcome Center with self-sustaining technologies aimed at serving 1,300 people daily. The designs must include a self-contained electrical, water, and waste-treatment system for the 1,200 square foot structure. The electrical supply source should come from the sun and wind, and water for sinks and toilets should come from rainfall. Said a Maryland official, "We think this is a potential model for the state and the county, perhaps, and a lot of people will be seeing it and hopefully be inspired to imitate it."

Legal Corner reports on recent news, and is not intended to be legal advice. The reader should consult an attorney about the specific facts before acting upon this information.



Do We Have Your E-Mail Address?

Newsletter delivery by e-mail has proven to be more reliable and expedient than the postal version. If you would like to receive the e-mail version, especially if you only want the e-mail version, please contact the editor at Kris_lp@edwards.com. Postage presently consumes a significant portion of our budget and volunteer time.

Newsletter Contributors Wanted

The newsletter editor would like to hear from you if you have one or more brief articles to contribute, especially a review or brief discussion of a good website, technical book, etc.

Professional Engineering Employment Update

Job Seeking Members can receive a list of web sites of area companies that sometimes hire ChEs. Contact the Senior Member Everett Knell at EWKnell@aol.com to receive this list by e-mail. *Put "OCAICHE Company List" in the subject line of your email request.*

Job Opportunities

- ① If you have an employment opportunity in Southern California for a chemical engineer, the newsletter will advertise it for free.

2003 Orange County AIChE Officers

President	Erik Pearson – England Geosystem (949) 453-8085, Fax: [949] 453-0733 e-mail: epearson@englandgeosystem.com
President-Elect	(Position Vacant)
Treasurer	Janice West – GE Global Research (949) 859-8851, Fax [949] 859-3194 e-mail: west@research.ge.com
Program Chair	Dominic Meo III, P.E. – Meo & Associates (714) 377-8887, Fax [714] 377-8957 e-mail: dmeo@socal.rr.com
Secretary	Parag P.Kulkarni – GE Global Research (949) 859-8851 x146, Fax [949] 859-3194 e-mail: kulkarpa@research.ge.com
Newsletter Editor	Kris Ip – Edwards Lifesciences phone (949) 250-3807 e-mail: Kris_lp@edwards.com
Senior Member	Everett Knell – AFLAC (562) 596-0215, Fax [562] 596-0215 e-mail: ewknell@aol.com
College Relations	Dr. Yam Lee - Y.Y. Lee Consulting Services e-mail: YamYLee@aol.com
Webmaster	Cheryl Zheng – GE Energy and Environmental Research (949) 859-8851, Fax [949] 859-3194 e-mail: cheryl.zheng@ps.ge.com



Advertisements

ENGLAND GEOSYSTEM

ENVIRONMENTAL ENGINEERING

- Comprehensive, cost-effective environmental services
- Extensive, demonstrated experience
- Ability to meet condensed schedules
 - Assessments, investigations, and remediation
 - Data management/computer modeling/geographic information systems
 - Air, soil, and water

15375 Barranca Parkway • Suite F-106 • Irvine, California 92618-2207
(949) 453-8085 • FAX (949) 453-0733 • www.EnglandGeosystem.com

American Institute of Chemical Engineers
ORANGE COUNTY SECTION
P.O. Box 19362
Irvine, CA 92623

DATED MATERIAL

ADDRESS SERVICE REQUESTED

