**Oregon DEQ Toxic Water Quality Standards Revisions**

**Public Hearings**

**Comments from the City of Port Orford**

1. **Introduction**
   1. We are a small City of 1280 residents. We provide water and wastewater service to our City residents. We presently have approximately 670 service connections. We pay a combined rate of approximately $105 for combined water and wastewater service for the average customer utilizing 4200 gallons of water per month. This is an exceedingly high rate considering the fact that we are also one of the most economically challenged communities in Oregon. The majority of our citizens are retired. Our economy is driven by the fishing industry, and tourism. Neither of these are lucrative industries. We also have a large debt load being serviced for previous mandated upgrades to our wastewater plant and outfall. We had one outfall destroyed by the 97 El Nino and are still paying for that one (only another nearly 30 years to go on that one!) and a new one was required (ocean outfall, with over 30 years left to pay on that one). Our systems need to be upgraded to comply with other, already existing mandates. Adding significant costs to comply with yet more unfunded mandates impairs the ability to achieve the necessary upgrades to keep us in compliance with the existing ones!
2. **Commitment To Toxic Reduction**
   1. The City of Port Orford strongly supports efforts to reduce toxics from all sources to Oregon’s waterways. To achieve this, We operate our treatment plants effectively and in strict compliance with existing regulations.

* We were one of the first Cities in Oregon to sponsor a “continuous” drug take back program. We accept prescription, non-prescription, legal, illegal, etc. drugs and medications (no questions asked) during regular business hours. This has been in place for 3 years and has resulted in significant amounts of those materials being disposed of in a proper manner. We also participate and advertise during the specific “take back days” that are sponsored by other groups state and nationwide.
* We have good partnerships with our local water shed council, and soil and water conservation district in our continual efforts to improve water quality and restore our water sources.
* We have established working relationships with area dentists to reduce mercury-containing wastes into the sewer system.
* We have worked with our local Port Orford Ocean Resources Team to educate the public about our water sources and the necessity to avoid polluting them. We have storm drains labeled to remind people to avoid allowing contaminants into the storm drains.
* We passed one of the first Storm Water ordinances in the state to require on site management of storm water runoff.
* We have an educational “bioswale” at our visitor center/wayfinding point to further educate people on the subject of storm water management and cleaning.
  1. The Treatment plant received major upgrades of following.

Added an anoxic zone to denitrify the process

New ultraviolet disinfection

New clarifier for increased treatment capacity

New standby power

Automated dissolved oxygen controls

New return activated sludge pumps and variable frequency drive controllers

New Ocean outfall 2003

New effluent pump station with variable speed controls and redundant pumps

Previous total plant capacity before 2005 improvements were .35MGD with peak

Flow was .54

Current capacity is now .692 MGD with peak daily flow of 1.0 MGD

1. **Treatment Technologies To Meet The Proposed Toxic Numbers At The Wastewater Plant Are Not Available**

Effective and feasible treatment technologies to reduce toxic chemicals such as legacy pesticides, PCBs, or plastizers to the proposed levels do not exist at any price.

1. **Effective Toxic Reduction Must Be Tackled At A Watershed Basis And Involve All Sources Of Pollution**
   1. We want to ensure that investments in water quality programs are effective in reducing toxic pollutants. Some toxic chemicals can be tackled by wastewater utilities by changing treatment technologies or reducing dischargers to their sewer system; other pollutants cannot. Chemicals, such as the legacy toxics DDT and PCBs or plasticizers such as bis(2-ethylhexyl) phthalate are found everywhere in the environment, in people, and in wastewater effluent at low levels. DDT can be found in the polar ice caps! Measuring technology has improved to the point that smaller and smaller amounts of these materials can be detected in more and more places. It seems that as technology can detect these pollutants at lower and lower levels, the requirement to take action is being based on the ability to detect, rather than the ability to treat, or ability and necessity to reduce for health reasons.
   2. DEQ and the Environmental Quality Commission should be incorporating specific standard implementation strategies (likely by the type of pollutant, such as PCBs or legacy pesticides) that are allowed under the Clean Water Act. Adopting the revised standards without accompanying implementation plans will not move the state towards achieving the water quality goals in the revised standards and puts NPDES permit holders at unnecessary legal risk and requires them to absorb exorbitant costs in a futile effort to “make a difference.”
2. **DEQ’s Solution Of ‘Variances’ Must Be Improved**

We appreciate DEQ’s offer of variances as a compliance tool, especially where that tool incorporates pollution reduction plans as a way to make progress to the degree feasible towards improvement. We have several concerns:

* + 1. The EPA regulations restrict variances to being ‘*short term and temporary’* . There is nothing ‘short term and temporary’ about legacy pesticides or very low levels of PCBs or pesticides that are throughout the environment. Even addressing current use toxics will be complicated and may take many years to resolve.

There is nothing ‘short term and temporary’ about the investment our community has made over many years to build and maintain our community’s wastewater collection and treatment infrastructure. Capital investments made to comply with any regulatory requirement have life spans of decades, not the five year cycles proposed for the variances. We are now paying for TWO mandated outfalls, at great cost to the ratepayers. We will be paying for those mandated upgrades for decades into the future. More investments must be made to ensure continued compliance with EXISTING regulations without the added burden of more regulations, especially regulations impossible to meet with existing technology.

* + 1. There is a substantial amount of paperwork involved in securing a variance. DEQ has estimated that cost as between $8,000 and $44,000. This paperwork exercise would need to be repeated at each permit renewal and is specific to each pollutant of concern, and each permittee. This diverts ratepayer investments from other investments that would have greater water quality benefits, such as lift station upgrades/replacements, wastewater collection system upgrades to reduce Infiltration, and maintenance of existing treatment equipment to maintain the water quality we are now producing. Renewal or reissuance of variances also have the potential to repeat those costs on the five year permit cycle, thereby impairing our ability to make necessary upgrades, maintenance expenditures, and mandate compliance expenditures. These additional burdens do little to enhance water quality EVEN IF FULLY MET, but will instead, IMPAIR our ability to maintain water quality at the levels presently enjoyed.
  1. The overall scheme that DEQ has developed for variances should be simplified, clearly stated, and efficient. Multi-Sector variances should be allowed outright to accommodate similar situations throughout a Basin or even throughout the state. The obligation to make specific findings regarding endangered species, existing water quality uses, and unacceptable risks to public health should be made by DEQ, not by the variance applicant.

1. **DEQ Underestimated Financial Impact**

We think DEQ has underestimated the scope of impact on the proposed revisions in terms of:

* The impact on DEQ staff resources and or their ability to conduct other priority activities within their organization. This will require either increasing staff with attendant costs, or eliminating other priorities, which in many cases will result in a net DECREASE in water quality.
* The fiscal and workload impact to both permittees and DEQ of moving beyond variances to the development and implementation of watershed-based toxic reduction plans where feasible. In many cases, NO reduction plan can be effective since the pollutant is distributed worldwide (as an example—DDT).
* The impact of the proposal on ratepayers, including businesses and industries that discharge to our facilities, which will result in already stressed ratepayers being overburdened to the point of not being able to pay the bills.
* The number of municipal wastewater permit holders that the proposed revisions will affect and the number of toxics that each of those permittees may be required to address through variances, each of which increases costs and workload for both DEQ and water/wastewater agency personnel
* The cost to water quality permit holders of applying for and maintaining a variance as a compliance tool. Variances should be utilized as they were originally intended—as TEMPORARY, short term solutions to allow a community to come into compliance with new requirements. However, in the past, new requirements were technically feasible and financially possible. These new regulations are neither.

1. **Close**

An effective water quality toxic reduction program must be a broad initiative, and all sources must be addressed - - it cannot be just focused on water quality permit holders. We are interested in seeing the DEQ’s plans for a comprehensive toxic reduction program tied to adoption of more stringent toxic water quality standards. Costs should be distributed throughout the entire spectrum of water quality impacts, not just municipal treatment facilities.