

LINN COUNTY BOARD OF COMMISSIONERS



JOHN K. LINDSEY
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Linn County Courthouse
P.O. Box 100, Albany, Oregon 97321
(541) 967-3825 FAX: (541) 926-8228

RALPH E. WYATT
Administrative Officer

8

October 1, 2001

Ranei Nomura
Water Quality Division
811 SW 6th Ave.
Portland, OR 97204
nomura.renei@deq.state.or.us

RECEIVED
OCT 10 2001
DEQ W.Q. DIVISION

RE: Proposed Water Quality Permit Fee Increases Rule Comments

Dear Ms. Nomura,

I would recommend that DEQ reconsider their proposed increase in fees at this time due to the recent developments in the Eastern US and their affect on our present economy.

As you are aware, investors are currently very conservative which is having a direct correlation on the stock market and creating a downturn in our economy. At this time we should be encouraging a friendly attitude towards encouraging business and industry development to provide jobs and not creating barriers and obstructions.

Your 1999/2000 data for the proposed fee increases is not relevant and could create a negative affect in our current climate. You could end up with much less revenue that you currently are receiving.

Again, please suspend this proposed fee increase including the hearings process.

Thank you,

Cliff Wooten
Linn County Commissioner

CC: Governor John Kitzhaber



October 9, 2001

Department of Environmental Quality
Attention: Ranei Nomura
811 SW 6th Avenue
Portland OR 97204

Re: Proposed Water Quality Permit Fee Increases Rule Amendments

The Port of St Helens supports the new, proposed fee schedule. We agree that the programs should pay most of their way and that ten years is a long time to go without a fee increase.

We do ask the Department to look for some mechanism to automatically review fees for increase each biennium, rather than 'chunking' all the increases into a 20% hike every decade.

We also ask for some codification that fees for this work be used exclusively for this work. Our present understanding is that these fees are not fungible, but there is a fair amount of discretion in how the funds move inside this program. As a municipal agency, beginning a foray into obtaining an NPDES, we are concerned with the lengthy delays in the process and the near 'requirement' to use receipts authority to move permitting through at a reasonable pace.

We empathize with many of the DEQ staff as they struggle to meet regulatory oversight demands, while working with municipalities and industry to accomplish the goal of safe development and stewardship of the environment. Our hope is that the new fee structure and mechanisms to biennially increase fees, keyed to the inflationary cost of actually performing the work, will create an efficient and responsive agency.

If you have questions of the Port of St Helens, please call me at the above number.

Sincerely,



Paul Langner

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Charles E. Cates
Cross Creek Drive
Roseburg, OR 97470

November 6, 2001

Department of Environmental Quality
Water Quality Division
811 SW 6th Ave.
Portland, OR 97204

RECEIVED
NOV 16 2001
DEQ WQ. Division

Attn: Ranei Nomura

Re: Proposed Rule Changes for Permit Fees

Dear Sir:

As the holder of a WPCF permit for a single-family residential on-site disposal designed by Orenco Systems, I have some comments:

- 1) First, I installed Orenco's Advantex System last year after having viewed the development of these fabric filter systems for several years. In my opinion, the system is at least the equivalent of a sand filter system in treating effluent to a tertiary standard. It has the advantage over a sand filter of ease of maintenance should the filter become non-functional, without major excavation and disposal of large quantities of contaminated filter material. It also allows for convenient real-time telemetered monitoring of the system, which might not be bad for sand filters either, by the way. In short, I am firmly convinced that the system is an environmentally preferable alternative to other on-site single-family residential disposal systems, including the sand filters. Although these systems may have some advantages in removal of certain pollutants, they substantially differ from a standard sand filter only in the filter medium. In the larger picture, fees really should be more consistent with those charged for single-residence sand filters which currently pay no annual fees.
- 2) I understand the technicality of having to have a WPCF permit until the system is accepted as at least equivalent of the Sand Filter. I do not really think an annual compliance fee is any more necessary for this system than it is for a sand filter. Having said that, I think it a real stretch to increase the annual compliance fee simply because 5517 authorized a 20% increase in overall fees.
- 3) I am quite sure that Senate Bill 5516 intended to make environmentally appropriate small, on-site systems more affordable to the general public. Certainly, that is not accomplished here by lumping such systems into the "< 20,000 GPD" category. Until these single-family residential systems are given equivalency to sand filters, it would be more appropriate to lower than to increase annual compliance fees.
- 4) It would seem reasonable for the fees paid to the Department to be commensurate with the level of effort expended by the Department.
 - a. Currently monitoring, testing and reporting are handled by Orenco Systems. I pay for that service.

November 6, 2001

- b. Conversations with DEQ current and past personnel would indicate that the "annual compliance review" consists of nothing more than filing the reports. Even giving credit for an actual review of the annual report, a total time requirement could not be more than one billable hour. An hourly rate of \$25 to \$30 might be more appropriate. If, in fact, no real review is conducted, then the fee should be no more than \$10 for filing.
- 5) As you may have gathered, I am not opposed to paying to monitor a single-family residential system if all such systems, including both standard and sand filter systems are given equal treatment. I strongly doubt that my system is more likely to pollute than an existing sand filter. I will gladly pay fees for services rendered, but the service needs to be rendered and the fee must be related to the degree of value added.

Sincerely,

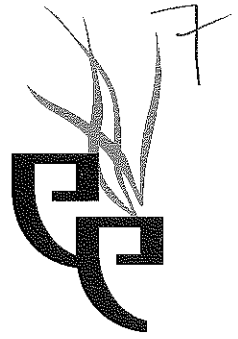


Charles E. Cates
Lt Col USAF (Retired)

October 30, 2001

Ranei Normura
Water Quality Division
DEQ
811 SW Sixth Avenue
Portland, OR 97204

RECEIVED
OCT 31 2001
DEQ W.Q. Division



Subject: Proposal to Increase WPCF Permit Fees

Dear DEQ:

The following are my written comments regarding the Proposed Increase to WPCF Permit

I feel that WPCF fees for residential uses (450 gpd or less) are excessive and result in a very low level of adoption for newer, better technologies due to exorbitant permitting and monitoring costs.

I think the following could be added to OAR 340-071-0140 (5) (h) (B) for residential needs:

Single Family Residential Systems or system with flows 450 gpd or lower ... \$30.00

The department may assign review and management of permits for residential systems and systems with flows 450 gpd or lower to authorized local agents.

I respectfully submit this proposal for consideration.

Sincerely,

Robert vanCreveld, RS, CPESC
President

EDGEWATER
ENVIRONMENTAL

541.265.8389
PO Box 130
Newport, OR 97365

CCB# 129137

October 19, 2001

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NOV 13 2001
DEQ W.Q. Division



814 AIRWAY AVENUE
SUTHERLIN, OREGON
97479

TOLL FREE:
(800) 348-9843

TELEPHONE:
(541) 459-4449

FACSIMILE:
(541) 459-2884

WEB SITE:
www.orengo.com

DEPARTMENT OF ENVIRONMENTAL QUALITY

Ranei Normura

Water Quality Division

811 SW Sixth Avenue
Portland, OR 97204

RE: Comments on Proposal to Increase Water Quality Permit Fees (SB 55517)

Dear Ranei:

Following are my written comments regarding the proposed increase to the Water Quality Permit Fees notice that was circulated by Michael Llewelyn on September 24, 2001.

To satisfy residential needs, the following should be added to **OAR 340-071-0140 (5) (h) (B)**, immediately after the section on Holding Tank Fees:

(x) Single Family Residential Systems or system with flows 2500 gpd or lower ... \$30.00

(1) The department may assign review and management of permits for residential systems and systems with flows 2500 gpd or lower to authorized local agents.

Discussion

Currently residential WPCF ACD fees fall into the category of flows less than 20,000 gpd, and the maximum ACD fee currently proposed for all flows within this category is \$300, as shown on page D-12 of attachment D. However, individual residential systems are much less complex, simpler to maintain and operate, more reliable (when properly designed, constructed, and installed), typically produce higher effluent quality, and are much more risk free than the larger systems grouped within the same fee category. Consequently, a more reasonable ACD fee, specific to lower flow systems and single-family residential applications, should be implemented.

This has been a topic of discussion for several years. Such a reduction would be in accordance with ORS 454.745, which requires, as directed by the Environmental Quality Commission, that "... fees be based on actual costs for efficiently conducted minimum services"

A fee of \$30 dollars has been suggested as reasonable for single-family applications and correlates directly with a similar recent reduction to the Holding Tank ACD fee. According to several regulators, there is typically no more effort involved in determining annual compliance for a residential system than there is for a holding tank. Therefore an equivalent fee is considered to be reasonable.

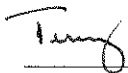
Establishing a reduced fee for low flows that fall within the UIC onsite exemptions would also meet the general goal of reducing onsite fees.

Additionally, it would seem appropriate to allow local jurisdictions (i.e., contract county/agent) to review, permit, and manage files on the residential WPCF applications within their jurisdictions that fall within the UIC onsite exemption category.

This change would offer homeowners an incentive to do what is right for the environment without feeling that they are being charged an excessive amount for annual compliance on top of what they have to pay for annual O&M service requirements to practice good wastewater treatment and management.

I respectfully submit these revisions for consideration.

Sincerely,



Terry Bounds, PE EVP
Orengo Systems, Inc



Orengo Systems
Incorporated

814 AIRWAY AVENUE
SUTHERLIN, OREGON
97479

TOLL FREE:
(800) 348-8843

TELEPHONE:
(541) 459-4449

FACSIMILE:
(541) 459-2884

WEB SITE:
www.orengo.com

DATE: November 6, 2001
TO: Ranei Nomura, Water Quality Division
RE: 20% Increase

RECEIVED
NOV 08 2001
DEQ W.Q. Division

I live at Dikeside Moorage, we are a small moorage having only 25 occupants. I do not represent the moorage as a whole, only as a concerned member. In no way do I expect this or any meeting to influence the 20% proposed increase on water quality permit fees. I do however feel as though I must at least submit a letter stating my opposition to the increase.

I have read the 38 page memorandum and question several of the reasons stated for needing the increase. 1. Because the Legislature approved it. 2. Fees haven't increased since 1997. 3. To maintain current staff levels 4. Facing the loss of 9, but already restored 4 positions. 5. Backlogged permit renewals. 6. Restoring 5 full time equivalents (fte)?? 6. Maintaining current service levels 7. Salary increases???etc., etc., etc.

You give us absolutely no service for our \$600 fee yearly. You will also be permitting for 10 years instead of the current 5 years. That sounds like less work for you, not more. The memorandum states you have a backlogged permit renewals, but I have heard at a recent DEQ meeting that you were caught up on all permits. I also question how you can restore jobs that have never been lost in the first place. A 20% increase is unreasonably high.

I thought we would qualify for the roll-back price since we are a small commercial system, but because we have to monitor our system we did not fall in that category. Does anyone?

We have several elderly members and have many members that have lost jobs recently, they all have to cut back, but oddly no government agency has to cut back. In fact I would be willing to bet that you are hiring new people rather than reinstating jobs, and increasing salaries besides.

You also are going to send a supplemental invoice because the increase was not yet approved before the billing was sent out. OH PLEASE!!! I wish we could vote on whether to give you an increase.

REGARDS,

Roxanne Besmehn
50776-4A Dike Rd.
Scappoose, Or. 97056
(503) 543-7538

Northwest Environmental Defense Center
10015 SW Terwilliger Blvd.
Portland, Oregon 97219
(503) 768-6673

Nov. 16, 2001

Ranei Nomura
Water Quality Division
Department of Environmental Quality
811 SW 6th Ave.
Portland, OR 97204
(503) 229-5657 phone
(503) 229-5408 fax

Comment on the Amendment of Rules to Increase Water Quality Permit Fees as Approved by the 2001 Legislature in Senate Bill 5517

Northwest Environmental Defense Center (NEDC) agrees that National Pollutant Discharge Elimination System (NPDES) and Water Pollution Control Facilities (WPCF) permit fees should increase by 20%. NEDC believes that shifting the funding of the NPDES program in this way could have beneficial impacts on the NPDES permit program in Oregon.

NEDC approves of shifting the cost of the NPDES and WPCF to the permit holders.

First, it is important that the businesses required to obtain permits pay for the costs associated in administering them. This internalizes the administrative costs of pollution in the price structure of the business, forcing the business to pass this cost onto consumers or find alternatives when the costs become prohibitive. Although this fee increase is not intended to expand DEQ's resources for permit application, renewal, or compliance determination, NEDC approves of this minor shift towards forcing the actual costs of administering the NPDES program onto permit applicants and holders.

NEDC believes that this proposal may create an incentive for efficient permit issuance and renewal.

Second, NEDC approves of linking the operating budget of the Department of Water Quality to the permit fees. If permits do not issue or are not renewed when they expire, the Department's income will be affected. Ideally, this would create an incentive for the Department to find innovative ways to issue and renew permits more efficiently because the Department's budget will be partly dependent upon these revenues.

NEDC is concerned that the incentive to issue permits may reduce the quality of the permits issued and increase the backlog of expired permits

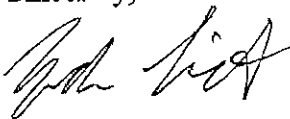
The 20% increase in permit fees is not creating any new jobs. However, the DEQ will now have an economic incentive to create a more efficient permitting system because its budget will be linked to the permitting process. NEDC wishes to express its concern that in its attempt to streamline its permit issuance and renewal system, the

Department of Water Quality will choose efficiency over careful deliberation of permits. Although a majority of the revenue will be collected from existing permit holders through payment of their annual compliance determination fees, there still remains an incentive to process as many new permits as possible because the greatest increase in fees is for those seeking a permit for the first time. NEDC would like to see DEQ streamline the process without sacrificing the deliberation necessary for careful permitting of pollutant discharges.

Furthermore, the incentive to issue permits more efficiently may have a detrimental effect upon permit follow-through. If DEQ has an incentive to issue new permits more efficiently, but has not increased the size of its staff, NEDC fears that the current permit backlog might expand at a swifter pace. NEDC would like DEQ to consider the impacts that streamlining of the permit process would have on the current backlog of expired permits and coordinate a remedy for the possible discrepancy.

In conclusion, NEDC would like to express its support for the permit fee increases. Placing increased financial responsibility for the NPDES and WPCF programs on the permit holders may have a useful impact on the programs. It will internalize the costs of administering the programs in the businesses that require permits. Further, because the funding of the Department of Water Quality's NPDES and WPCF programs will now be linked to permit fees, DEQ will now have a built-in incentive to reduce its backlog of expired permits and expedite current permit applications. NEDC sees this as a desirable trend and encourages the Department of Water Quality to find and implement process improvements that increase permitting efficiency and follow-through without reducing the level of consideration these permits require.

Sincerely,



Zachary W. Light
NEDC Volunteer

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NOV 16 2001
DEQ W.Q. Division

Fax

NORTHWESTERN SCHOOL OF LAW OF LEWIS & CLARK COLLEGE



10015 S.W. Terwilliger Blvd. Portland, Oregon 97219-7799 503-768-6600

Date: 11/16/01 Pages (Incl. Cover): 3

To: Ranji Nomura - DEQ

Organization: DEQ Water Quality Division

Fax: 503-229-5408 Phone: (503) 229-5657

From: Zach W. Light / NEDC

Fax: 503-768-6671 Phone: (503) 768-6673

Subject: COMMENTS of NPDES Fee Increase

Comments: Thanks - have a great day!

Please Note:

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NORTHWESTERN
SCHOOL of LAW
of LEWIS & CLARK
COLLEGE



MICHAEL DEMSHKI
MARY K. BRESLIN
721 NW SKYLINE CREST
PORTLAND, OR 97229
503-297-8455

RECEIVED
NOV 16 2001
DEQ W.Q. Division

November 13, 2001

Department of Environmental Quality
Attn: Ranei Nomura
811 SW 6th Ave
Portland, OR 97204

Re: Proposed Water Quality Permit Fee Increase

We are writing to express our opposition to the proposed water quality permit fee increase. The justification for this increase provided by the DEQ does not include any additional costs incurred, or additional work to be performed by DEQ that directly pertains to our WPCF and therefore it is unreasonable to expect us to pay this added fee.

We are individual homeowners with a recently installed septic system with a Reactex filter system from Orenco Systems. This system was installed to satisfy DEQ requirements after the original septic drain field failed on our 60 year old home. We currently pay \$250 per year for an "annual compliance determination fee". Our opposition to this fee increase is based on 2 factors. First, neither the current annual WPCF compliance fee or the proposed increase to that fee represent reasonable payment to DEQ for costs pertaining to, or the value of work done on our behalf with respect the compliance determination process. Secondly, the current WPCF fees already place an inequitable financial burden on individual homeowner such as us. The increase further exacerbates this inequity.

With respect to compliance determination, the burden and considerable expense of regular WPCF monitoring, inspection and water quality lab testing to prove compliance already lies with the homeowner. The results of these efforts are recorded and reported to the DEQ regularly as required by the permit. The DEQ checks the reports and files them. For this filing effort we currently pay a \$250 annual fee. This fee is already way out of line with the cost or value of work performed by DEQ personnel that can be attributed to our WPCF. A more accurate value would be \$30 to \$50. The justification for this increase provided by the DEQ does not include additional cost incurred or addition work to be performed by DEQ with respect to compliance determination and therefore should not be allowed.

Regarding equity of burden, most WPCF's serve businesses that generate revenue or serve multiple residences where expenses and fees can be divided among multiple households. In the case of individual residences such as ours, permit fees can often be the same as those of a small business or community. This increase furthers the inequity of the DEQ fee structure, imposing an even greater share of the burden on individual residential operators and should therefore not be allowed.

November 13, 2001

We applaud the goals and work of the DEQ overall, but strongly urge you to disallow this increase for owners of residential systems as it is lacking in sound justification and further accentuates existing flaws and inequities in the DEQ fee structure.

Please contact us at the address above, or by phone during the day at 503-677-6923 if you would like to discuss these points further.

Sincerely,

Handwritten signatures of Mike Demshki and Mary Breslin. The signature for Mike Demshki is larger and more prominent, while Mary Breslin's signature is smaller and positioned below it.

Mike Demshki
Mary Breslin

Cc: Dan Bush, Septic Technologies