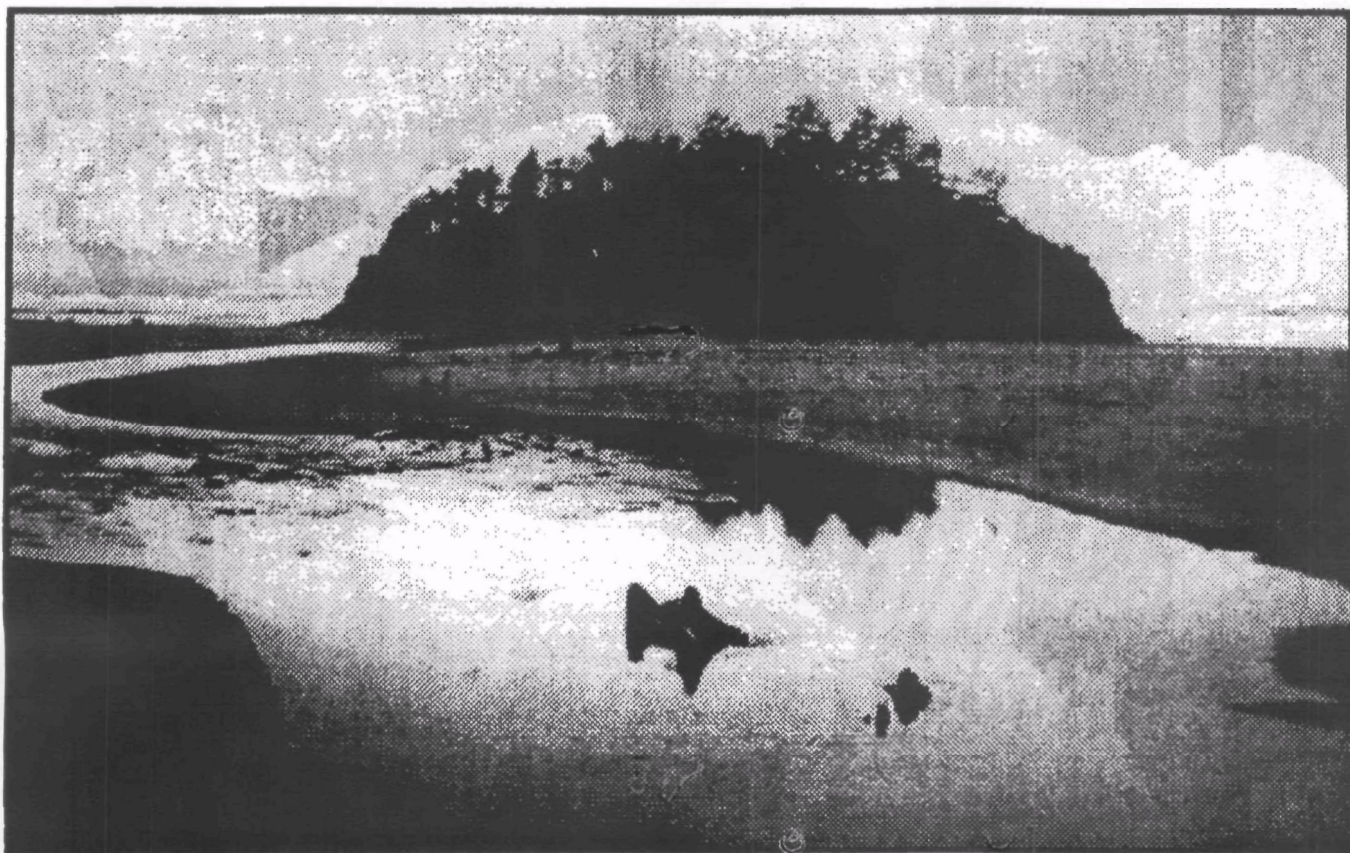




# **Neskowin Regional Sanitary Authority Wastewater Collection, Treatment, and Disposal Facilities**

## **Final Environmental Impact Statement Volume II**



**NESKOWIN REGIONAL SANITARY AUTHORITY  
WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL FACILITIES**

**Final Environmental Impact Statement  
Volume 2  
Comment Letters**

**INDEX**

<u>NAME</u>	<u>DATE</u>	<u>LETTER NO.</u>
-------------	-------------	-------------------

**COUNTY, STATE, AND FEDERAL AGENCIES**

**Tillamook County**

Board of Commissioners	10-24-90	13
Department of Community Development	10-25-90	14
Sanitarian	10-29-90	15
Sanitarian	10-29-90	16

**Oregon State**

Department of Environmental Quality	10-26-90	1
	10-29-90	2
Department of Fish and Wildlife	10-17-90	10
	11-01-90	11
Executive Department	11-03-90	3
Department of Agriculture	10-26-90	4
	10-26-90	5
Department of Economic Development	10-30-90	6
State Parks and Recreation Department	10-30-90	7
Division of State Lands	10-30-90	8
State Historic Preservation Office	10-28-90	9
Parks and Recreation Department		
State Historic Preservation Office	10-17-90	12

**United States**

Department of Commerce		
National Marine Fisheries Service	10-30-90	16a
Department of Health and Human Services		
Centers for Disease Control	10-25-90	17
Department of the Interior		
Fish and Wildlife Service	9-28-90	18

**SPECIAL INTEREST GROUPS**

Friends of Neskowin	10-21-90	19
Friends of Neskowin		
"Quotes from the EPA EIS for Neskowin"		24
Oregon Natural Resources Council	10-08-90	21
Ocean Shores Conservation Coalition	10-27-90	22
Oregon Trout	11-01-90	23

## INDIVIDUALS

Anderson, John	10-31-90	25
Carver, Gene and Jeanette	11-01-90	26
Corliss, John	11-01-90	27
Culp, Beverly	11-02-90	28
Culp, Richard	11-02-90	29
Dougherty, Philip and Susan	11-01-90	30
Duncan, Alice	10-27-90	31
Duncan, David	10-28-90	32
Emlaw, Merry	10-26-90	33
Frank, Marnie	10-30-90	34
French, Edd	10-26-90	35
Fuhrmeister, Jeffrey and Jeraline	10-02-90	36
Fultz, Lester	10-31-90	37
Givens, James and Elen	11-02-90	38
Goodrich, Joseph and Karen	11-05-90	39
Goodrich, Goodrich, Koch, Koch, Grenbaum, Ousele, Ousele, Haga, Madenski	11-04-90	40
Hadley, Shirley	11-01-90	41
Haga, Douglas and Lee	10-30-90	42
Harding, Goodwin	11-03-90	43
Hegge, Harold and Florence	11-04-90	44
Jennings, R. Duke	11-01-90	45
Joyce, David	09-05-90	46
	10-10-90	47
	11-01-90	48
Joyce, Katharine	09-27-90	49
	10-05-90	50
	10-29-90	51
Killeen, Gerard	10-30-90	52
Koch, Randall	11-06-90	53
Kosterlitz, Richard	10-04-90	54
	10-30-90	54a
	10-30-90	55
McNamara, Kevin and Lowry, Barbara	11-05-90	56
McNeil, Don	10-31-90	57
Madenski, Melissa	11-04-90	58
Martin, Kerri	10-30-90	59
Martin, William	11-01-90	60
Meyer, Roger	10-24-90	61
Murdock		62
Oregon Iron Works, Inc.	11-02-90	20
Osborne, Ed and Cathi	11-01-90	63
Ousele, David	10-30-90	64
Ousele, Gale	10-30-90	65
Patten, George	11-01-90	66
Patten, Skip	11-01-90	67
Phipps, Charles and Mary	11-01-90	68
Querin, Douglas	11-02-90	69
Ramey, Suzanne H.	11-07-91	85
Rissel, Sally	11-04-90	70
Saunders, Carolyn and McCormack, Ken	11-02-90	71
Saunders, Katherine	11-01-90	73



**INDIVIDUALS continued**

Schlicting, H.R.	11-01-90	74
Schlicting, Theodore	10-23-90	75
Schwartz, Shirley	10-31-90	76
Seeley, Becky Wiese	10-06-90	77
Sifford, Alex	10-31-90	78
Stahl, John R. and Janet	11-05-91	84
Stephens, Sue	10-31-90	79
Strader, Charles	11-05-90	80
Thompson, Margot and George	11-03-90	81
Tutt, George	11-05-90	82
Wiese, N.C.	10-06-90	83

# **Response to Written Comments**

---



## Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

October 26, 1990

Gerald Opatz  
EIS Project Officer  
Environmental Evaluation Branch (W/D 136)  
Environmental Protection Agency Region X  
1200 Sixth Avenue  
Seattle, WA 98101

Re: Draft Environmental Impact  
Statement (DEIS), Neskowin  
Regional Sanitary  
Authority Wastewater  
Collection, Treatment, and  
Disposal Facilities

Dear Mr. Opatz:

The Oregon Department of Environmental Quality requests that the public comment record for the above referenced DEIS indicate that the Department supports the proposed project as essential for protection of public health and water quality in the Neskowin area. Our support is reflective of the fact that the project ranks 16th (among 104) on the Department's current Construction Grants Priority List. The Neskowin project has had a relatively high priority ranking for several years since a study conducted by the Department in 1985 concluded that bacterial contamination of the creeks near the Neskowin core area results from failing on-site waste disposal systems.

The DEIS and 1988 Facilities Plan Update bring together much information that makes the need for the proposed project apparent. Among the salient considerations are these:

- Water quality sampling over the last decade has repeatedly found evidence of fecal bacterial contamination of area streams. The 1985 DEQ study indicated the contamination derives from human sources through failing on-site systems.
- The bacterial contamination of area surface waters is an indication of a threat to public health. This is of especially great concern due to the recreational nature of the Neskowin area and the contact recreation use of area surface waters in summer.

1. Comment noted.

2. Comment noted. This was supported by the water quality sampling program completed during preparation of the EIS.

3. Comment noted.


- The sand dune soils prevalent in the core area are poorly suited to on-site waste disposal systems. These rapidly draining soils generally do not allow for adequate removal of pathogenic or chemical contaminants. In the specific case of Neskowin, the core area has developed on small lots at urban densities which would not be acceptable for on-site systems under DEQ's present rules. The use of seepage pits and cesspool which are also prevalent in the core area would likewise not be allowed. The existing on-site systems constitute a continuing threat to public health and the quality of surface and groundwater.

It is the policy of the State of Oregon, as stated in ORS 468.710, to prevent and abate water pollution and to ensure that no waste be discharged to waters of the state without adequate treatment.

Clearly, improperly treated waste is being discharged into Neskowin area groundwater and creeks resulting in a threat to public health and degradation of water quality. The construction of a properly functioning sewage collection and treatment system is the most appropriate means of permanently correcting this situation. The Department supports implementation of the proposed project.

Thank you for the opportunity to comment.

Sincerely,

  
Lydia R. Taylor  
Administrator  
Water Quality Division

LRT:RJS:crw  
CG\WC7343

4 4. Comment noted.

5 5. As indicated in the Background of the DEIS, the purpose of the provision of new sewage treatment facilities is to eliminate failing septic systems which are contributing to groundwater and surface water contamination which in turn increases the risk to public health.



NOV

# Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

October 29, 1990

Gerald Opatz  
Environmental Review Section  
Environmental Protection Agency  
1200 Sixth Ave.  
Seattle, WA 98101

Re: Draft EIS for Neskowin  
RSA Wastewater  
Collection, Treatment,  
and Disposal Facilities

Dear Mr. Opatz:

In my review of the above referenced document, I have noted a couple of places in the text where additions or clarification would result in a more comprehensive document.

Direct reference to Oregon's Groundwater Quality Protection Rules, OAR Chapter 340, Division 40 is needed. While these rules are generally referred to in latter chapters, there is no mention of them in Chapter 1 under "State Laws, Regulations, and Policies" as should be.

In addition, the description in Chapter 3 of "Geological Units" is cursory at best, and does not provide specific information regarding rock types, geologic structure, or proper names of geologic formations. For the purpose of evaluating potential impacts to groundwater, a more detailed description of the geology and geohydrology is a must.

Thank you for this opportunity to comment.

Sincerely,

Lucinda A. Bidleman  
Groundwater Section,  
Water Quality Division

cc: Wastewater Finance Section, WQ Division, DEQ  
Northwest Region, DEQ

6

6. Comment noted. Text has been added in Chapter 1 in the discussion of state laws and regulations.

7

7. The project is comprised of three components -- the collection system, the treatment facility, and the effluent system. The collection system will extend from the discharge side of the septic tanks to the treatment plant and will be tightly jointed; no movement of effluent into the groundwater is expected. The treatment plant will be constructed above ground and the storage lagoons will be lined; no seepage to groundwater is anticipated. The effluent disposal system will discharge treated effluent to surface waters; no impact to groundwater is anticipated.



**Executive Department**

155 COTTAGE STREET NE, SALEM, OREGON 97310

November 3, 1990

Gerald Opatz (M/S WD-136)  
U. S. Environmental Protection Agency  
Region X  
1200 Sixth Avenue  
Seattle, WA 98101

Subject: Neskowin Regional Sanitary Authority  
Wastewater Facilities  
Tillamook County  
PNRS #OR900917-016-4

Thank you for submitting your draft Environmental Impact Statement for State of Oregon review and comment.

Your draft was referred to the appropriate state agencies for review. The Departments of Parks, Economic Development, Agriculture, Division of State Lands, and the State Historic Preservation Office have offered the enclosed comments which should be addressed in preparation of the final Environmental Impact Statement.

The Department of Environmental Quality has submitted their comments directly to you, and the Department of Land Conservation and Development comments will be forwarded to you as soon as they are received.

We will expect to receive copies of the final statement as required by Council of Environmental Quality Guidelines.

Sincerely,

INTERGOVERNMENTAL RELATIONS DIVISION

Dolores Streeter  
Clearinghouse Coordinator

Attachment

8

8. Thank you for forwarding the DEIS to the appropriate agencies.



4



OREGON INTERGOVERNMENTAL PROJECT REVIEW

State Clearinghouse  
Intergovernmental Relations Division  
155 Cottage Street N. E.  
Salem, Oregon 97310  
373-7652

RECEIVED

SEP 19 1990

NATURAL RESOURCES  
DIVISION

STATE AGENCY REVIEW

Project Number                      Return Date: 10/26/90

ENVIRONMENTAL IMPACT REVIEW PROCEDURES

If you cannot respond by the above return date, please call to  
arrange an extension at least one week prior to the return date.

Tillamook

ENVIRONMENTAL IMPACT REVIEW  
DRAFT STATEMENT

- [ ] This project has no significant environmental impact.
- [ ] The environmental impact is adequately described.
- ☒ We suggest that the following points be considered in the  
preparation of a Final Environmental Impact Statement.
- [ ] No comment.

REMARKS

This project is beyond our technical expertise. We suggest you contact  
Tillamook County SWCD for guidelines on land application of effluent.

Their office is located at 2204 - 4th Street, Suite B, Tillamook, Oregon  
97141, Telephone 842-2848.

9 9. Comment noted.

Agency Ag. Center Natural Resource By Ed Weber  
Division                      Ed Weber, Project Coordinator  
IPR #5 Phone Number 378-3810

THE REGIONAL SANITARIAN AUTHORITY, TILLAMOOK COUNTY, OREGON



OREGON INTERGOVERNMENTAL PROJECT REVIEW

RECEIVED

State Clearinghouse  
Intergovernmental Relations Division  
155 Cottage Street N. E.  
Salem, Oregon 97310  
373-7652

SEP 19 1990

NATURAL RESOURCES  
DIVISION

STATE AGENCY REVIEW

Project Number OR900917-016-4 Return Date: OCT 23 1990

ENVIRONMENTAL IMPACT REVIEW PROCEDURES

If you cannot respond by the above return date, please call to arrange an extension at least one week prior to the return date.

Tillamook

ENVIRONMENTAL IMPACT REVIEW  
DRAFT STATEMENT

- [ ] This project has no significant environmental impact.
- [ ] The environmental impact is adequately described.
- [ ] We suggest that the following points be considered in the preparation of a Final Environmental Impact Statement.
- [ ] No comment.

REMARKS

November 5, 1990

From Rudy Fenk, Chair, Tillamook County SWCD: "Emphasize that "no action" alternative will have significant adverse impacts on groundwater, surface water quality, land use, socioeconomics, and public health."

10

10. The impact of the "no action" alternative is summarized in Table S-3. Additional commentary is provided in the Chapter 4, Environmental Consequences, pages 4-1 through 4-4. It is further discussed in the comment letters and testimony given by the Tillamook County Sanitarian, Letters No 15 and 16 and Comments 396-399.

Agency Agriculture By John Mello  
IPR #5 Phone Number 378-3810

NATURAL RESOURCES DIVISION  
OREGON DEPT. OF AGRICULTURE  
635 CAPITOL ST NE  
SALEM, OREGON 97310-0110



## OREGON INTERGOVERNMENTAL PROJECT REVIEW

State Clearinghouse  
Intergovernmental Relations Division  
155 Cottage Street N. E.  
Salem, Oregon 97310  
373-7652

## STATE AGENCY REVIEW

Project Number 08900917-115-4 Return Date: 10.11.88

## ENVIRONMENTAL IMPACT REVIEW PROCEDURES

If you cannot respond by the above return date, please call to arrange an extension at least one week prior to the return date.

ENVIRONMENTAL IMPACT REVIEW  
DRAFT STATEMENT

- [ ] This project has no significant environmental impact.
- ☒ The environmental impact is adequately described.
- [ ] We suggest that the following points be considered in the preparation of a Final Environmental Impact Statement.
- [ ] No comment.

REC'D COMM. DIV.

## REMARKS

*A much needed project that would appear to be well covered by the DEIS.*

SEP 17 1988  
Read, Handle, Forward  
YA \_\_\_\_\_ SS \_\_\_\_\_  
JD \_\_\_\_\_ CK \_\_\_\_\_  
BP \_\_\_\_\_ ET \_\_\_\_\_  
ER \_\_\_\_\_ SC \_\_\_\_\_  
LH \_\_\_\_\_ LO \_\_\_\_\_  
NL \_\_\_\_\_ LH \_\_\_\_\_  
File \_\_\_\_\_  
MIS \_\_\_\_\_

- 11 11. Comment noted. Please also refer to Response to Comment 1, Letter No. 1.

Agency EverettBy Ed Reilly

IPR #5

Phone Number 373-1200 EV7362

7



OREGON INTERGOVERNMENTAL PROJECT REVIEW

State Clearinghouse  
Intergovernmental Relations Division  
155 Cottage Street N. E.  
Salem, Oregon 97310  
373-7652

STATE AGENCY REVIEW

Project Number OR900917-116-4 Return Date: 7/1/75

ENVIRONMENTAL IMPACT REVIEW PROCEDURES

If you cannot respond by the above return date, please call to arrange an extension at least one week prior to the return date.

T. H. Smith

ENVIRONMENTAL IMPACT REVIEW  
DRAFT STATEMENT

- [ ] This project has no significant environmental impact.
- [ ] The environmental impact is adequately described.
- [X] We suggest that the following points be considered in the preparation of a Final Environmental Impact Statement.
- [ ] No comment.

REMARKS

*Clear cut fall would require permit from  
Oregon State Parks under authority of  
ORS 390.705  
390.705 - Peter D. Bond*

12

12. Comment noted. Text has been added in Chapter 1, under the Section entitled State Laws, Ordinances, and Regulations.

Agency Park By PETER D BOND

IPR #5

Phone Number 7-6012

1.3.2



## OREGON INTERGOVERNMENTAL PROJECT

State Clearinghouse  
Intergovernmental Relations Div  
155 Cottage Street N. E.  
Salem, Oregon 97310  
373-7652

Date and return to office

Steve ✓  
Bill ✓

## STATE AGENCY REVIEW

Project Number OR900917-010-4 Return Date:       

## ENVIRONMENTAL IMPACT REVIEW PROCEDURES

If you cannot respond by the above return date, please call to arrange an extension at least one week prior to the return date.

Tillman

ENVIRONMENTAL IMPACT REVIEW  
DRAFT STATEMENT

- [ ] This project has no significant environmental impact.
- [ ] The environmental impact is adequately described.
- [X] We suggest that the following points be considered in the preparation of a Final Environmental Impact Statement.
- [ ] No comment.

-----  
REMARKS

The construction of the Butte Creek, South Highway site and the marine outfall will require a removal-fill permit from the Division of State Lands. All impacts to wetland and stream habitat must address the no net loss of functional value criteria to compensate for loss of wetland habitat.

Agency LandsBy W. P. Parks

IPR #5

Phone Number 873825

13

13. Comment noted. The need for a fill-remove permit has been incorporated into the text of the FEIS in Chapter 1, in the Section addressing State Laws, Regulations, and Policies.

14

14. Comment noted. The proposed action will have no direct effects on wetlands.



## OREGON INTERGOVERNMENTAL PROJECT REVIEW

State Clearinghouse  
Intergovernmental Relations Division  
155 Cottage Street N. E.  
Salem, Oregon 97310  
373-7652

RECEIVED  
SEP 18 1990  
STATE PARKS AND  
RECREATION DEPARTMENT

## STATE AGENCY REVIEW

Project Number OR900917-016-4 Return Date: NOV 1990

## ENVIRONMENTAL IMPACT REVIEW PROCEDURES

If you cannot respond by the above return date, please call to arrange an extension at least one week prior to the return date.

Tillamook

ENVIRONMENTAL IMPACT REVIEW  
DRAFT STATEMENT

- [ ] This project has no significant environmental impact.
- [ ] The environmental impact is adequately described.
- [X] We suggest that the following points be considered in the preparation of a Final Environmental Impact Statement.
- [ ] No comment.

## REMARKS

Westmin Saver  
draft  
E-15

On page 3-47 the document asserts the SHPO has no historic or archaeological sites in the Neskowin area. A possible village site is reported to be in the vicinity of the Golf Course along Meadows/Butte/Hawk Creek that has never been verified - as noted in our 1986 letter. Our comments cleared the historic site only - not the prehistoric. The comments on page 4-8 are wrong. We still suggest a survey be done.

Agency SHPO

By \_\_\_\_\_

FEDERAL INFORMATION  
PUBLIC LIAISON  
GILSEN AL 090000

IPR #5

NOTED  
L. GILSEN

Phone Number \_\_\_\_\_

SEP 27 1990

sent Mr. St. on copy of Greg Richards report.  
sent to SHPO via fax  
and per URGENT on letterhead  
OK FAX 315-6447

15. The text on page 3-47 has been modified to indicate that two surveys have been conducted in the Neskowin area. The village site along Meadow/Butte/Hawk Creek was generally discounted.

The word "archaeological" has been deleted from the text on page 4-8.

Appendix F provides documentation which describes the surveys which have been conducted and the conclusions that have been reached.

The NRSA has suggested that monitoring for subsurface resources take place during construction. If cultural artifacts are encountered during construction, the State Historic Preservation Office (SHPO) will be notified immediately and construction will cease at the site. SHPO recommendations will determine subsequent mitigation. EPA will provide grant conditions to insure the above mitigation measures are implemented. Please refer to Comment Letter No. 12, dated after Comment 15, Letter No. 9.



*Fred. Lane*

Department of Fish and Wildlife

**COLUMBIA REGION**

TILLAMOOK DISTRICT OFFICE  
4909 THIRD STREET, TILLAMOOK, OR 97141

October 17, 1990

Gerald Opatz, Chief  
Environmental Rev. Section  
Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Dear Mr. Opatz:

The Tillamook District Office of the Oregon Department of Fish and Wildlife conducts very little fish inventory work on Neskowin Creek. To the best of our present knowledge there are no threatened or endangered species in Neskowin Creek.

We are, however, concerned with recent trends of Coho and Chum Salmon which we monitor in other basins. Both Coho and Chum occur in Neskowin Creek, but recent data is limited. If current trends continue over the next few years, steps may be taken by this office to list these species as sensitive.

Please contact me if you have further questions.

Sincerely,

*Rick Klumph*

RICK KLUMPH  
District Fish Biologist

CC: HCD  
Region 7

16 16. Comment noted.

17 17. Comment noted. One of the purposes of this project is to improve water quality. The effluent will meet ODEQ water quality standards for solids, BOD, water chemistry, and temperature. Because of the sensitivity of the stream relative to anadromous and resident salmonids and their food organisms, it was decided that ultraviolet irradiation would be the preferred method of disinfection. It is also proposed to only discharge effluent during the winter months when a dilution ratio of greater than 20:1 can be attained. This will further preclude any potential impacts to water quality and the biota. Please also refer to Response to Comment 95, Letter No. 22.



# Department of Fish and Wildlife

2501 SW FIRST AVENUE, PO BOX 59, PORTLAND, OREGON 97207 PHONE (503) 229-5400

RECEIVED  
OCT 31 1990

OCEAN PROGRAMS SECTION  
EPA - REGION 10

November 1, 1990

Gerald Opatz  
Chief, Environmental Review Section  
Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Re: Neskowin Regional Sanitary Authority Waste-  
water Collection, Treatment and Disposal Facilities Draft  
Environmental Impact Statement (EIS)

Dear Mr. Opatz:

The Oregon Department of Fish and Wildlife (ODFW) has completed review of your draft EIS. This letter is to convey our recommendation for Effluent Storage and Disposal Development Option five.

We understand this alternative would provide for summer storage of all effluent between May 15 and October 31 with discharge of stored and winter effluent into Neskowin Creek between November 1 and May 14. Storage would be accomplished at the Simpson Timber site.

ODFW further recommends EPA require the Neskowin Sanitary Authority to discharge effluent at the currently existing discharge site approximately 0.8 mile from the mouth of Neskowin Creek.

Also, EPA should require automatic sensors and fail safe alarm systems to monitor Neskowin Creek flows so that discharge to Neskowin Creek occurs only when sufficient creek flows are present to provide required dilution.

To minimize the likelihood of "worst case" treatment plant system failure and resort to chlorine disinfection, ODFW recommends:

1. Close EPA scrutiny of the treatment plant preliminary and final design characteristics to ensure Neskowin Sanitary Authority installs only state-of-the-art engineered primary and secondary treatment. Especially important is the requirement that only the best possible ultraviolet (UV) disinfection system engineering and installation is employed.

18. Comment noted.

19. The EPA preferred disposal option includes continued use of the existing outfall.

20. EPA, in cooperation with ODEQ and ODFW, is completing a study which will estimate daily flows in Neskowin Creek, and determine periods of stream flow unsuitable for effluent discharge. Based on the results of this study, automatic stream flow sensors may be required. This information would also be used by ODEQ in establishing NPDES permit conditions. Please also refer to Chapter 3, Surface Water, Water Quality, Neskowin Creek Flow Data.

21. ODEQ will approve the plans and specifications prior to the initiation of any construction. Because of the sensitivity of the stream and its importance for anadromous and resident fish species, no chlorine will be used for disinfection. Ultraviolet disinfection is the chosen method; ODEQ will approve the system.

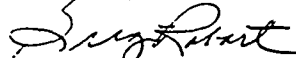
EPA  
November 1, 1990  
Page 2

2. Require facilities for removing the chlorine residual so that if, in the unlikely event, the UV system fails, and chlorine disinfection is necessary, all detectable chlorine is removed from the effluent.

21

Thank you for the opportunity to comment.

Sincerely,



Gregory P. Robart  
Staff Biologist  
Aquatic Habitats Programs  
Habitat Conservation Division

c Neskowin Sanitary Authority  
DEQ, Water Quality Division - Vigil  
EPA - Region 10 Environmental Review Section - Gray



Parks and Recreation Department

# STATE HISTORIC PRESERVATION OFFICE

525 TRADE STREET SE, SALEM, OREGON 97310 PHONE (503) 378-5001 FAX (503) 378-6447

October 17, 1990

Kevin France  
HGE Engineers  
19 N.W. 5th Ave.  
Portland, OR 97209

HGE INC.  
PORTLAND  
OCT 19 1990

RE: Neskowin Wastewater Facilities Project  
T6S, R10W, Sec. 6  
Tillamook County

Dear Mr. France:

Our office has reviewed our site files based on the information you have supplied to us since we have no record of any historic or archaeological sites in or adjacent to the proposed project area. We feel that the project can proceed as a "no effect" finding under Section 106 of the Historic Preservation Act and 36 CFR 800.

If you have any questions, you can contact Dr. Leland Gilson at 378-5023.

Sincerely,

James M. Hamrick  
Deputy SHPO

JMH:lr  
FRANCE.LTR

22

22. Appendix F provides documentation which describes surveys which have been conducted in the Neskowin area and the conclusions that have been reached.

The text on page 3-47 has been modified to indicate that two surveys have been conducted in the Neskowin area. The village site along Meadow/Butte/Hawk Creek was generally discounted. Please refer to Response to Comment No. 15, Letter No. 9.



## COMMISSIONERS

I.A. Lane  
K.M. Burdick  
R.B. Miles

Tillamook County  
Land of Cheese, Trees and Ocean Breeze

(503) 842-3403

BOARD OF COMMISSIONERS  
Tillamook County Courthouse  
201 Laurel Avenue, Tillamook, Oregon 97141

October 24, 1990

Mr. Gerald Opatz  
EIS Project Officer  
Environmental Evaluation Branch (W/D 136)  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, Washington 98101

RE: DEIS for NRSA's Wastewater Collection,  
Treatment, and Disposal Facilities

Dear Mr. Opatz:

We appreciate having the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Neskowin Regional Sanitary Authority Waste Water Collection, Treatment, and Disposal Facilities. This document discusses the potential impacts of construction of wastewater treatment facilities for the Community of Neskowin in Tillamook county. Our primary concern is with the current and future impacts of not constructing much needed sewage collection, treatment, and disposal facilities for the developed portions of Neskowin while funding is available for this much needed project.

The core area of Neskowin has been platted and developed at urban densities (lots averaging about 5,000 square feet) which by current standard's are not suitable for on-site sewage treatment. Yet, your DEIS notes correctly that septic tanks with seepage pits and cesspools are the predominant means of sewage disposal in the Neskowin core area (Page S-1). Your report also notes that all of the soils in the Neskowin project area provide "poor treatment for septic tank and absorption fields" (Pages 3-2, and 3-3). A logical consequence is that, as noted in your report, "Neskowin has a history of water quality problems and subsequent concerns for public health." (Page 3-10). And that "Contamination of the creeks has been attributed in part to inadequate sewage disposal practices in the community." (Page 3-11).

- 23 23. The impact of the "no action" alternative is summarized in Table S-3. Additional commentary is provided in Chapter 4, Environmental Consequences, pages 4-1 through 4-4. It is further discussed in the comment letters and testimony given by the Tillamook County Sanitarian. See Letter Nos. 15 and 16 and Comments 396-399.

Mr. Gerald Opatz  
Page 2

These problems will become progressively worse if sewer services are not provided for the developed core area of Neskowin. Most on-site systems were installed prior to current regulations. Virtually everyone of these systems can be expected to fail in a time frame that will adversely affect people currently living in Neskowin. Many, if not most, lots in the core area are too small to accommodate adequate on-site replacement areas. As a result the County increasingly will be pressured to approve alterations or repairs that are likely to result in further pollution of area streams and the aquifer. The alternatives will be to require very costly on-site disposal when available or to limit the use of already developed properties. These unfortunate choices can be avoided by the approval and construction of an adequate sewer system.


We are not indicating a preference for any of the proposed alternatives except to state emphatically that the "no action" alternative would be very detrimental to the future health and well being of Neskowin and a great burden on Tillamook County's limited resources. We concur with the conclusion in your DEIS that selecting the "no action" alternative would result in "potentially significant adverse impacts ... on groundwater, surface water quality, land use, socioeconomics, and public health". Certainly, putting treated effluent into Neskowin Creek at a 20 to 1 dilution rate under controlled circumstances during high water winter months is very much preferable to the current situation whereby more and more untreated effluent is finding its way into Neskowin Creek and other streams in the area.

Thank you for the opportunity to comment on this important project.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

  
Ida A. Lane, Chairperson

  
Kenneth M. Burdick Vice-Chairperson

  
Robert B. Miles, Commissioner

cc: Mark Hatfield, U.S. Senator  
Richard Santner, DEQ  
Mike Kowalski, Neskowin Regional Sanitary Authority

24

24. Comment noted.

25

25. The discussion on pages 4-1 through 4-4 describes the negative impacts on ground and surface water, land use, socioeconomic and public health. The need for the project is well documented.



DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
Eric Affolter, Director



Tillamook County  
Land of Cheese, Trees and Ocean Breeze

201 Laurel Avenue  
Tillamook, OR 97141  
(503) 842-3408  
FAX # 842-2721

October 25, 1990

Mr. Gerald Opatz  
EIS Project Officer  
Environmental Evaluation Branch (W/D 136)  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, Washington 98101

RE: DEIS for NRSA's Wastewater Collection,  
Treatment, and Disposal Facilities

Dear Mr. Opatz:

The Draft Environmental Impact Statement (DEIS) for the Neskowin Regional Sanitary Authority Wastewater Collection, Treatment, and Disposal Facilities provides ample and persuasive justification for authorizing grant and loan funds for the design and construction of a sewer system to serve the developed core area of Neskowin. Tillamook County government strongly supports this project as essential to resolving public health concerns resulting from inadequate sewage disposal in the Community of Neskowin. We urge that the EIS process be concluded in a timely manner to assure much needed public funding for this project.

My department has responsibility for administering planning, building, and sanitation regulations throughout Tillamook County. Our experiences in Neskowin cause us to concur with statements in the DEIS which clearly document the need for a community sewer system in the Neskowin core area. These statements include the following:

- \* That all soils in the Neskowin project area provide "poor treatment for septic tanks and absorption fields" (Pages 3-2 and 3-3).
- \* That septic tanks with seepage pits and cesspools are the predominant means of sewage disposal in the Neskowin core area (Page S-1).

26

26. A number of comments received indicated support for the project.

27

27. Funding for the project is dependent upon the timing of the grant application, the priority of this project among the applications received during a particular funding period and the availability of funds. EPA Construction Grants Program as it currently exists will terminate September 30, 1991. It appears that funding may run out as soon as March of 1991.

28

28. Comments noted.

Mr. Gerald Opatz  
Page 2

- \* That "Neskowin has a history of water quality problems and subsequent concerns for public health." (Page 3-10).
- \* That "Contamination of the creeks has been attributed in part to inadequate sewage disposal practices in the community." (Page 3-11).
- \* That the "no action" alternative would result in "potentially significant adverse impacts ... on groundwater, surface water quality, land use, socioeconomics, and public health." (Page S-3).

The Neskowin core area is platted and built at an urban density that, coupled with adverse soil conditions, clearly requires a community sewer system. The median lot size in the core area is approximately 5,000 square feet, with 63% of the development lots 5,000 square feet or smaller in size. This is not large enough for an adequate septic tank, drainfield, and repair area, even if soils were suitable for such systems.

Most existing on-site systems were installed prior to current regulations. These seepage pits, cesspools, and undersized drainfields are inadequate by today's standards. There can be no doubt that many of these are causing effluents to enter into the aquifer and streams in the Neskowin area. Virtually all of these systems can be expected to fail in a time frame that will adversely affect people currently living in Neskowin.

Reliance on seepage pits and cesspools, coupled with porous soils, makes it very difficult, if not impossible, to pinpoint polluting systems. Enforcement agencies are usually the last to know that a system is not working properly as people are reluctant to report it, especially if they know that adequate repairs may be impossible. When failures are identified, the County will increasingly be pressured to approve alterations and repairs that are likely to result in further pollution of area aquifers and streams. The alternative will be to require very costly on-site disposal when available, or to limit the use of already developed properties.

Clearly, the continued reliance on on-site sewage disposal would be very detrimental to the public health and well-being of the Neskowin community. It would present virtually insurmountable enforcement problems for Tillamook County and DEQ. The logic and evidence are irrefutable -- Neskowin needs a sewer system to serve its developed core area. The "no action" alternative is not acceptable.

Objectors have launched a broad attack on the adequacy of the DEIS. Their concerns and recommendations are contained in an October 21, 1990 letter to EPA. They claim that the DEIS lacks

28

29

29. Comments noted.

30

30. Comments noted.

Mr. Gerald Opatz  
Page 3

vital information on environmental impacts, that it does not adequately evaluate impacts on growth in the area, and that it should include a "limited action" alternative that "narrowly and directly address sewer problems".

These objections, taken as a whole, make impossible demands upon an EIS process that is subject to reasonable time and resource constraints. For example, objectors would have the DEIS address the impact of the project on numerous federally listed species, including the bald eagle, Aleutian Canada goose, northern spotted owl, brown pelican, peregrine falcon, Oregon silverspot butterfly, snowy plover, and big eared bat. Granting objector's requests for more and more information would postpone completion of the EIS process to a time when public funding is no longer available. This would result in a defacto implementation of the "no action" alternative or of eventually imposing the full costs of a needed sewer system on the Neskowin Community.

Objectors are concerned about waste water disposal alternatives that include putting treated effluent into Neskowin Creek at a 20 to 1 dilution rate under controlled circumstances during relatively high water winter months. But that is surely preferable to the "no action" alternative whereby more and more untreated effluent is put into the aquifer and streams in the Neskowin area on a year-round basis.

The proposed "limited action" alternative would require a site specific identification of sewage disposal problems, after which "failing systems could be upgraded, or properties sewered as needed" (Joyce, 10-5-90 letter). This alternative, which is further described in other correspondence to EPA, appears to be a sincere effort to identify and remedy failing systems without constructing a system large enough to facilitate growth in the Neskowin area. However, there are several significant problems with this approach in addition to the fact that a detailed EIS analysis of it would prevent meeting critical time deadlines.

As already noted, it is very difficult, if not impossible, to identify the site specific sources of most effluent coming from inadequate or failed systems in Neskowin. (An exception was the golf course, for which the County did require a replacement drainfield. Fortunately, space was available on that property.) Even if failures could be identified, it would be financially untenable to base a community sewer system on a limited and undetermined number of hookups. There are significant economies of scale in the construction of sewage collection, treatment, and disposal facilities. This is a primary reason why such facilities are provided on an all or none basis for a given area. Moreover, there is good reason to believe that sewage disposal problems are relatively pervasive in the core area (all systems will eventually fail) which further justifies connecting all properties to the sewer system.

31. Please refer to Response to Comment 27, Letter No. 14. The data that has been collected and the analysis that has taken place related to the issues which could be anticipated to be impacted by the proposed project. The data which was not collected was in regard to areas that will not be impacted by this project.
32. Comment noted. As noted above, the treated effluent will be required to meet water quality standards which have been demonstrated to not impact water quality and biota. The existing condition is such that Neskowin Creek is receiving unmeasured quantities of effluent at unknown levels of treatment.
33. Because of the nature of the soils and the close proximity of many of the drainfields in the core area, it would be difficult if not impossible to identify each failing system. Assuming that all the failing systems could be identified and that they would be solely responsible for hook-up to a new STE system, the costs to individual homeowners would be prohibitive. This is due primarily to the need for a specific size plant (in anticipation of all systems eventually failing) and the length of collectors and interceptors, the cost of which would have to be borne by those limited number of users. Please refer to Comment 332 and Response to Comment 332.

Mr. Gerald Opatz  
Page 4

Opponents of the sewer project are apparently motivated by an overriding concern that it will fuel unwanted growth in the Neskowin area. At the extreme someone allegedly said that they would rather see sewage running down the streets of Neskowin than they would have a sewer system that would facilitate growth in the area. People should be aware that derailing this sewer project will not prevent growth in the Neskowin area. Ironically, the absence of an adequate central sewer system may encourage growth in larger increments as large-scale developments can afford to put in their own sewer systems (an example is the RV Campground south of Neskowin). The construction of satellite sewer systems is less efficient than the development of a single central system, but it is something that is likely to happen if an adequate central system is not available.

34 34. Comment noted.

This department takes no position on the growth issue, except to say that is our job to anticipate what is likely to occur and then plan for it. Our support for a sewer system is based solely on public health concerns. We are convinced that a sewer that serves all of the core area is the only way to effectively address these concerns.

35 35. Comment noted.

We appreciate the opportunity to testify in support of this much needed project.

Sincerely,

TILLAMOOK COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

*Vic Affolter*

Vic Affolter  
Director

VA:jj

cc: Board of County Commissioners  
Richard Santner, DEQ  
Marnie Frank, County Planning Commission

HAWK STREET BETWEEN THE POINT AND CORVALLIS

	≥ 5000	> 5000 - 7500	> 7500 - 15000	> 15000	TOTAL
BUILT	141 (63%)	31 (14%)	36 (16%)	16 (7%)	224 (100%)
VACANT	39 (60%)	12 (19%)	5 (8%)	8 (13%)	64 (100%)
TOTAL	180 (62.5%)	43 (15%)	41 (14%)	24 (8%)	288 (100%)

COMMENTS:

- (1) 78% (224/288) of the lots have residences.
- (2) 63% (141/224) of the built lots are 5000 square feet or smaller.
- (3) Only 23% (52/224) lots are larger than 7500 square feet. This is important because our sanitarian estimates that a lot would have to be at least this large to have a reasonable chance of qualifying for an adequate repair area for a failed system.
- (4) There are approximately 51 undeveloped lots in the core area that are 7500 square feet or smaller. These are the lots that are most likely to be unbuildable without a sewer.
- (5) The above figures do not include the Breakers (12 units), Pacific Sands (24 units), and the Chelan (8 units). These ownerships are all developed at a density greater than one unit per 5000 square feet. If these are included, 69% of the residential units are on parcels (or portions thereof) smaller than 5000 square feet.


NOTE: This information was prepared by the Tillamook County Department of Community Development on 10/26/90. While there may be some minor errors, these should not be of a magnitude that would affect any conclusions that may be drawn from these numbers.

Tillamook County Courthouse  
 201 Laurel Avenue  
 Tillamook, OR 97141  
 Tele: 503 842 3409  
 Fax: 503 842 2721

## MEMO

Date: 23 Oct 90

To: Jerry Opetz, EIS Project Officer

From: Doug Marshall, County Sanitarian 

Re: Draft EIS for NRSA

After reviewing the 31 Aug 90 draft of the Neskowin EIS, I wish to offer some comments and corrections. Also, I would like to say that I found it surprising easy to read, compared to most government documents that cross my desk.

The last paragraph on page 2-2, states that "... Neskowin North ... received County Sanitarian approval for its septic systems...". This statement is correct however, I would suggest additional information. The subdivision was approved in 1971, under State Health Division regulations. Under the rules in effect at that time, it received a general approval based on two or three test pits on the property. Each lot was evaluated when the owner was ready to construct a dwelling. Problems with many of those lots resulted in the current DEQ rules, requiring each lot to have an approval prior to the final subdivision platting.

The second paragraph on page 2-10 states "... discharges into many septic systems occur only during a period of six to eight months every year." This may have been true ten years ago, but it is not correct today. Most of the beach houses I visit (ie: Nedonna, Cape Meares, Tierra del Mar, Neskowin, etc.) while trying to resolve failing disposal systems, are being rented when not being used by the owners, their families, and friends. Most property management firms in the state can rent you a beach home, by the day, week, etc. A quick perusal of the "Vacation Rentals" column in the Sunday Oregonian classified ads reveals a number of Neskowin rentals available.

Renters are generally harder on a disposal system than a homeowner. In most cases, daily water use per person is higher. Sharing a rental unit is not uncommon, with the resulting (temporary) hydraulic overload to the system. Also, renters tend to flush or rinse more unsuitable items into the disposal system.

36 36. The text has been modified.

37 37. Additional text has been added in the section on Sludge Disposal in Chapter 2 to clarify this point.



The second paragraph on page 3-11 states "... Although population is low during the winter ...". Winter usage of beach dwellings has risen steadily over the past several years. This is due to a variety of reasons, including sea availability, highway improvements, and rental usage.

37a 37a. Comment noted.

The last paragraph on page 4-3 states "... Under the No Action Alternative, the core area would not be able to grow...". I have issued two (2) permits this year for new dwellings in the core area. Both permits involve multiple lots to comply with the current DEQ rules. In the same time period, I have received seven (7) Authorization Notice applications for major remodel projects. Five (5) of those applications were approved, all involving disposal system upgrades. Also, four (4) repair permits were issued, all for undersized repair systems, due to lack of available area. Growth is occurring in the core area, with or without a sewer.

37b 37b. Comment noted.

Many of the older houses within the core area are served by gravity beds, seepage pits, or cesspools. These systems contribute directly to groundwater pollution every time they are used. Partially treated effluent flows out of these systems as a saturated flow (short-circuiting), directly into the shallow underground aquifer. This flow, moving at the rate of inches per minute, results in partially treated effluent hundreds of feet from the disposal system.

Moderate technology systems, such as the low-pressure (lp) system, allow the effluent to move downward as a "wetting front" rather than a saturated flow in coarse textured sandy soils. A lp system installed in beach sands with 36-48" of separation distance from the groundwater table, will provide little or no groundwater contamination. Winter groundwater tables in much of the core area, are 30" or less, during the winter months. A properly sized lp system, including setbacks, requires 5100 square feet of undeveloped lot area to install. These two requirements rule out lp repair systems on over 70% of the existing houses in the core area. Note that lp beds can be installed in 2100 sq. ft. of area however, a bed has a lifespan that is approximately 1/2 of the full-sized lp system (i.e. 10 years vrs. 20+ years).

37c 37c. Comment noted.

Page 3

The high-tech intermittent sand filter system requires only two (2) feet of separation distance from the groundwater table to function properly. In beach sands, no additional disposal trenches are required for this system and it is called a bottomless sand filter (bsf). This system can fit in 1700 sq. ft. of area, so it is the repair system of choice on small lots if we wish to protect the dunal aquifer. BOD and SS are reduced by 97-99% and TN is reduced by approximately 50%. The limiting factor is the cost (\$5500-\$12,000). I would estimate that 10% of the existing dwellings, on 5000 sq. ft. or smaller lots, contain sufficient area for a bsf repair system.

If you have questions or need additional information please give me a call. I am usually in my office for phone calls from 8:00 to 10:00 AM, Monday thru Friday.

38 38. Comment noted.

Cc: file


A.

Tillamook County Courthouse  
 281 Laurel Avenue  
 Tillamook, OR 97141  
 Tele: 503 842 3409  
 Fax: 503 842 2721

## MEMO

Date: 29 Oct 98

To: Jerry Opatz, EIS Project Officer

From: Doug Marshall, County Sanitarian 

Re: Draft EIS for NRSA

I wanted an opportunity to respond to a few of the comments made during last night's hearing.

One person mentioned innovative technology solutions from the National Small Flows Clearinghouse. The proposed STEP system is considered innovative technology, and there are several publications available for this type of system on the clearinghouse product list.

40 40. Comment noted.

Another item mentioned was the possible use of composting toilets in difficult repair situations. Since a toilet accounts for approximately 1/3 of the household water use, this could allow for a smaller repair system. Past experience has shown that compost toilets do not work well in occasional use dwellings, for a number of reasons. Once started, the composting operation needs daily "care and feeding." Someone needs to monitor temperature, pH, moisture content, and carbon-nitrogen ratios for proper operation of the system. If any of the above elements are out of proportion, composting stops. I have used incinerator toilets on difficult repair situations however, both the incinerator and compost toilets are expensive.

41 41. Comment noted.

Other testimony was directed at the possible effect of the STP discharge on the native fish runs in Neskowin Creek. The concern was that an increase in plant effluent might change the streams "flavor" to the point that fish would not recognize their stream for spawning. If sanitary sewers are not installed in the core area, nps pollutants in the Creek can be expected to rise. This increase will have an adverse effect on all birds, fish, butterflies, bats, etc. that presently use or inhabit Neskowin Creek. The connection of all houses within the core area to sanitary sewers will, in my estimation, eliminate 85-90% of the present pollutants in Neskowin Creek.

42 42. Comment noted. Please also refer to Response to Comment 17, Letter No. 10.

The following comments are directed to the 21 Oct 90 Friends of Neskowin letter.

Page 3, paragraph #3 concerning "...sources of sanitary problems ...". As I mentioned during my testimony last night, creek pollution is classified as point-source (piped outfall) or non-point source (saturated flow mixed with groundwater). Conventional methods of identifying failing disposal systems, such as introducing fluorescein dye into the system, work well for an outfall pipe. However, non-point sources (nps) are harder to identify. It is not possible to dye test nps in the core area, as the beach sands filter and hold the dye particles. Other methods, such as radioactive tagging of selected bacteria, must be used, and this type of testing is expensive. Current budget constraints make these types of tests impractical.

43 43. Comment noted.

Past bacterial testing of Neskowin Creek clearly shows evidence of human pollution. Much of this pollution is from nps seepage from nearby dwellings. My office has corrected all of the known outfall pollution sources into the Creek, such as the temporary repair for the Neskowin Golf Course. The Wayside park, mentioned under 3a, is connected to the sewer system. The large RV park mentioned in the letter has a new disposal system, installed under the supervision of an engineer, and approved by DEQ. The Horse stables have been referred to the SCS, and they are trying to work out a best management plan (BMP) with the owner for proper disposal of the horse manure. To the best of my knowledge, there has been no chemical testing of the Creek nor tests for Tetanus spores. Monies have not been available for other than standard bacterial testing.

44 44. Comment noted.

To date, ultraviolet (UV) treatment of effluent has not been satisfactory. The effluent is normally passed thru clear glass or plastic pipes surrounded by UV lights. The pipes must be cleaned and checked daily to weekly, due to algae growth and staining on the inside surfaces. Scratching of the inside surface, during cleaning, further limits UV penetration and treatment. The UV causes most plastics to darken, and become hard and brittle. Annual replacement of these tubes is not uncommon. Two complete systems are generally needed, to eliminate bypassing during cleaning operations. Bulb replacement costs are also high.

45 45. The use of ultraviolet disinfection has some recognizable difficulties. However, in considering the alternative of chlorination and recognizing the sensitivity of the creek, UV was selected as the chosen disinfection alternative.

Item # 6, on page 5, raises concerns with the periodic pumping of the septic tanks. Septic tanks in the STEP system will be checked at regular intervals (usually every 6 months) and pumped as needed. The frequency of pumping will depend on usage of the dwelling. The NRSA will have to buy a pumper truck, or sign a long-term contract with a licensed pumper for this service. State law requires that all septage from the STEP tanks must be dumped into a DEP approved STP. If the dumping is to go to another STP, a long-term contract will be required. The cities of Hebo and PC both have licensed pumpers on contract to pump STEP tanks as needed. The issue of holding homeowners "hostage" is absurd. This cost is generally part of the regular monthly sewer service fee.

46 46. Comment noted.

Item number 11, on page 6, questions the septic tank problems on the Pacific City (PC) system. I examined a number of the fiber-glass septic tanks in PC, before and after they were replaced. The company that made the two part tanks is now out of business. These tanks were constructed in two pieces, and then glued together. Most of the tanks I inspected failed at this seam. Many had concrete poured inside, or on top, for purposes of anti-bouyancy. Several of the tanks were not properly installed by bedding in sand, to prevent stress fractures.

47 47. Comment noted.

Because of the above problems, 99% of the new septic tanks installed in Neskowin, under permit from my office, are concrete dosing septic tanks. These tanks have concrete risers to ground surface for easy access and maintenance. The exceptions have been steel tanks, installed as part of a temporary repair, in the hope that sanitary sewers will soon be available.

Item # 1.A (12?), the last paragraph on page 6, proposes a new alternative # 10, using state of the art technology for repair of failing systems in the core area. Previous testimony submitted by my office, and dated 25 Oct 90, discusses two such systems (ie) low-pressure trenches and bottomless sand-filters). When installed under the proper conditions, these systems will significantly reduce groundwater pollution in the area. Small lot sizes and high groundwater tables in the core area, limit the number of parcels on which they can be installed. These two factors rule out low-pressure (lp) repairs on approximately 70% of the dwellings in the core area. To restate my previous estimates, in a different way, about 50 dwellings would have to connect to the sanitary sewers. The baf would need to be installed on an estimated 120-130 dwellings. The remaining 40-50 dwellings would likely have lp repair systems.

48 48. Comment noted. Please also refer to Response to Comment 33, Letter No. 14.

The proposed alternative #10 does little for solving the long-term problems within this community, as it makes no monies available for STP improvements. The problem homes, forced to connect immediately to the sewer, would have to pay for a force-main, plus hookup fees, dosing septic tank, pump, etc. I would estimate these costs at \$3500-5000 per lot, depending on location. The majority of the homes forced to construct a bsf, at \$5500-10,000 each, will want to go the cheapest route and connect to the sewer. The number of sewer hookups could reach 170. The existing STP can not handle this additional load without upgrading and enlarging.

48

In closing, I wanted to emphasize that the proposed alternative #9 does nothing to resolve the existing pollution problems within the area. All new structures in the core area are in compliance with current DEQ rules and regulations. Each year, in this same area, I am forced to approve an increasing number of temporary repairs on existing dwellings, that are both undersized and direct pollution sources for the underground freshwater aquifer. If we wish to preserve this aquifer for future beneficial uses, the core area must be served by sanitary sewers.

49

49. Comment noted.

If you have questions or need additional information please give me a call. I am usually in my office for phone calls from 8:00 to 10:00 AM, Monday thru Friday.

Cc: NASA  
file



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
ENVIRONMENTAL & TECHNICAL SERVICES DIVISION  
911 NE 11th Avenue - Room 820  
PORTLAND, OREGON 97232  
503/230-5400 FAX 503/230-5435

OCT 30 1990

F/NWR5:281  
**RECEIVED**  
NOV 01 1990

OCEAN PROGRAMS SECTION  
EPA - REGION 10

Mr. Gerald Opatz  
EIS Project Officer  
Environmental Evaluation Branch (W/D 136)  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, WA 98101

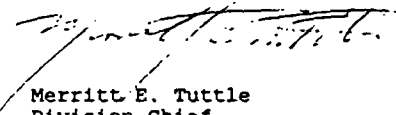
Re: Neskowin Regional Sanitary Authority Wastewater  
Collection, Treatment, and Disposal Facilities  
Draft Environmental Impact Statement

Dear Mr. Opatz:

The National Marine Fisheries Service (NMFS) has completed its review of the subject document and found that resources for which NMFS bears responsibility and alternatives to reduce adverse impacts on these resources have been addressed to our satisfaction. Therefore, we have no comments.

50 50. Comment noted.

Sincerely,

  
Merritt E. Tuttle  
Division Chief



DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

Public Health Service

Centers for Disease Control  
Atlanta GA 30333  
October 25, 1990

Mr. Gerald Opatz (MS WD-136)  
Region 10, U.S. EPA  
1200 Sixth Avenue  
Seattle, Washington 98101

Dear Mr. Opatz:

We have completed our review of the Draft Environmental Impact Statement (DEIS) for the Newkwin Regional Sanitary Authority (NRSA) Wastewater Collection, Treatment, and Disposal Facilities, Tillamook County, Oregon. We are responding on behalf of the U.S. Public Health Service.

We concur that there is a demonstrated need for upgraded waste water collection, treatment, and disposal systems for the NRSA. We offer the following comments and suggestions on the DEIS.

1. The reader is left to infer that the preferred alternatives for collection, treatment and effluent disposal in the 1990 addendum to the Neskwin Wastewater facilities plan are the preferred alternatives for the EIS process. We suggest that EIS preferred alternatives should be clearly and prominently presented.

2. Plans for sludge disposal are vague. A clear preferred alternative should be presented.

3. Plans for effluent disinfection are confusing. The facilities plan identifies UV disinfection as the preferred alternative, yet much discussion is presented on the merits of chlorination as a more proven method (we agree). In fact, in chapter 6, the principal unavoidable adverse impact of the "preferred" alternative is presented as chlorinated effluent. The EIS should clearly present a preferred alternative for effluent disinfection.

4. A more detailed description of the existing treatment plant NPDES permit requirements and compliance problems would be useful.

5. In chapter 3, a rather detailed presentation is made of chronic surface water quality problems in the Neskwin area. Figures 3-3 and 3-4 and much of the discussion focus on sampling stations and results from March to September

51. The DEIS was prepared to provide a comparison of the alternatives evaluated. The DEIS intentionally did not select a "preferred alternative" but rather presented comparisons of a number of alternatives for collection, treatment and disposal. The alternative which will create the least environmental impact and which is the most cost-effective has been selected and denoted as the "preferred alternative" in the Final EIS.

52. Text has been added to Chapter 2 to clarify this issue.

53. UV disinfection is the preferred method of disinfection. Ozone disinfection was not proposed or discussed because of the higher costs involved and the level of training required to operate and maintain the process. The discussion relating to chlorination was intended to explain the pros and cons of this method of disinfection. As we note in the text, while chlorination is more universally used, the residual chlorine can be toxic to sensitive species. Because Neskwin Creek provides habitat for salmonids and because neither dechlorination nor flows of the creek may lower the residual chlorine concentrations to below the chronic toxicity levels and/or those levels recommended by ODFW, it was determined that UV would be the preferred method for disinfection.

Chapter 6 has been revised.

54. It is noted in the DEIS and the 1988 Facilities Plan that the existing treatment plant has had a history of not meeting NPDES permit requirements. The purpose of the proposed project is to ensure that this situation does not persist.



55. Station 7 on Figures 3-3 and 3-4 was located below the confluence of Meadow, Butte and Hawk Creeks; it was assumed that Hawk Creek continued from this confluence to Neskowin Creek.

The potable water source on Hawk Creek is located upstream of the golf course at a point well outside the NRSA and thus beyond the realm of influence of this proposed project. FC and FS samples in this area while important relative to drinking water standards will not be impacted by this project and thus are beyond the purview of this study. The no action alternative would allow continued contamination of the lower reaches of the various creeks in the project area but would not impact drinking water quality because of the location of the water supply intake.

Phase 1 of this project will alleviate the existing chronic contamination situation primarily in the core area of Neskowin. Completion of Phase 2 will place additional homes on sewers thereby decreasing even more the amount of contamination which occurs now or can be anticipated in the future. All sources of contamination have not been identified; it is clear, however, that provision of sewers will not eliminate all these sources. Refer to Response to Comment 68, Letter No. 19.

1989. Contrary to the statement made on page 3-12, these data do not include sites on Hawk Creek, the source of potable water for Neskowin. We would like to see an historical presentation of FC, FS and FC/FS ratio data for Hawk Creek along with a diagram showing sampling sites relative to the drinking water intake. A presentation of violations (if any) of the SDWA by the Neskowin Regional Water District would also be helpful. The statement in chapter 4 (No Action Alternative-Public Health) that the no action alternative would not adversely impact drinking water quality should be explained more thoroughly. We assume that the proposed sewage collection system will not reach contamination sources above the drinking water intake. We also note with concern that because of contamination sources outside the NRSA, the extent to which construction of new facilities will alleviate surface water quality problems is not known.

6. A diagram showing the existing and planned effluent discharge points in relation to the contact recreation area(s) on Neskowin Creek would be helpful.

7. The statement in chapter 4 (Collection System Alternatives-Public Health) that the collection system is not expected to impact public health should be supported. We would assume that efforts to collect septic tank effluent (of poor quality and sometimes discharged to surface water) for further treatment would positively impact surface water quality (and probably groundwater quality). While the direct impact of this improvement in water quality on public health is difficult to quantify we feel that it could be significant.

8. The term "pathogens and viruses" is used on page 4-35 (and possibly elsewhere). Because Pathogens are disease causing agents and many viruses are pathogens, we suggest deleting "and viruses."

9. There is an unintended "message" in the DEIS that spray irrigation presents no public health risk (e.g. pages 4-19 and 4-41). While we agree that such risk is usually minimal, we feel that mitigation measures are prudent both from the standpoint of the minimization of exposure to pathogen containing aerosols and the control of groundwater contamination.

56. The existing outfall is located 0.8 mile upstream of the discharge into the ocean. Most of the contact recreation occurs below the outfall in the vicinity of the ocean beach. Some recreation also occurs throughout the watershed. However, discharge will not occur at the time when contact recreation takes place (May 1 to October 31).

57. The statement should read "...not expected to directly negatively impact...". Completion of the entire system (collection, treatment and disposal) will certainly have a potential positive impact on public health.

58. The term "and viruses" has been deleted from page 4-35.

59. Mitigation would include extensive buffering to preclude the spread of aerosols beyond the project boundary. In addition, the sites selected for the spray irrigation would of necessity have adequately drained soils with a groundwater level greater than minus 4 feet. If spray irrigation were to occur at agronomic rates, the likelihood of the occurrence of groundwater contamination would be minimal. In addition, groundwater monitoring wells would be installed. To further ensure minimal health risks, the site could be fenced.

Page 3 - Mr. Opatz

Thank you for the opportunity to review and comment on this document. Please insure that we are included on your mailing list to receive a copy of the Final EIS, and future EIS's which may indicate potential public health impact and are developed under the National Environmental Policy Act (NEPA).

Sincerely yours,



Kenneth W. Holt, M.S.E.H.  
Environmental Health Scientist  
Center for Environmental Health  
and Injury Control



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Portland Field Station  
2600 S.E. 98th Avenue, Suite 100  
Portland, Oregon 97266

September 28, 1990

Re: 1-7-90-SP-9R.dh

Gerald Opatz  
Environmental Review Section  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, Washington 98101

Dear Mr. Opatz:

This regards the area of the proposed Neskowin wastewater treatment facility. Our agency has no new information at this time regarding the presence of threatened and endangered species in the area. However, we also suggest that you contact the National Marine Fisheries Service, Oregon Department of Agriculture and Oregon Department of Fish and Wildlife for information regarding threatened, endangered, and sensitive species which may be in the area.

60 60. Comment noted.

Sincerely,

*Russell D. Peterson*  
Russell D. Peterson  
Field Supervisor

cc:  
PFO-ES  
NMFS

Dr. Kosterlitz; 3935 S.W. Marins Lane, Portland, Oregon 97201

FRIENDS OF NESKOWIN P.O. BOX 796, NESKOWIN, OR 97149

Mr. Gerald Opatz  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

RE EIS 910/9-90-121, Neskowin

Dear Mr. Opatz,

INTRODUCTION: We believed that The current Draft EIS is inadequate under NEPA, because:

1. The EIS does not adequately describe the problem. Please note the many EIS statements quoted below that describe how numerous aspects of vital data and information regarding the environment are said by EPA to be either unknown, not tested, studied or are otherwise acknowledged to be vague or speculative.

e.g. Stream Flow, impacts on Fish, etc)

2. The EIS fails to consider other reasonable alternatives such as "Alternative #10" proposed by our group as is the stated intent of "The Clean Water Act, discussed and exhibited below. (Exhibit E)

Furthermore, with the exception of the "No Action " Alternative #9, all of the other alternatives proposed in the EIS are essentially the same in regard to the size of the project.

What is missing is an alternative such as "Alternative #10" of a different size, capacity and cost, that narrowly and directly addresses the pollution problems. It is critical for the EIS to include "Alternative #10" because the issue capacity on growth is so crucial.

3. The Draft EIS doesn't adequately describe the effects of the listed alternatives on the environment. In describing the existing environment the EIS does not make clear that the decision to build a sewer system in itself will determine what growth can occur in the Neskowin. Any sewer project decision has the clear potential to permanently change the character of Neskowin.

The Neskowin environment is at a critical point and the choice of a sewerage system will decide in which direction the environment will will go. The EIS hasn't fully studied how each of the alternatives will affect such aspects of the environment. It is not possible for the EIS to do so, because the environment has not been adequately described as discussed below under various headings. (See: Sludge Management, Costs, WaterQuality, Sewage, Inspection, Worse case Scenarios, and The Nature of the NRSA, etc.)

For These reasons a new alternative is proposed in this letter.

DISCUSSION: The following discussion is submitted for your record with the hope that it may be helpful in further defining of the Neskowin EIS, and to assist with full compliance of the requirements of NEPA.

EIS Statements are in this type. My comments are in this smaller type.

M. Richard J. Nichols of ODEQ after reviewing sewer proposals from NRSA on 9/29/88 stated that

"We have concluded from our review that the information submitted to date is inconclusive in determining the potential impact of the proposed discharges to Neskowin Creek on stream water quality, stream biota, and stream uses such as fishing and contact recreation. Therefore, we cannot recommend to the EPA that a FONSI be issued at this time. Also, we cannot move forward with your request for permit renewal. Specific concerns related to stream discharge/impact issue are listed below" (Exhibit C)

61

61. Since completion of the DEIS, additional work, primarily related to stream flows, has been completed. This coupled with the work completed prior to issuance of the draft and the best professional judgement of the agencies provides sufficient information from which to make an informed decision.

62

62. "Alternative 10" has been determined to not be a reasonable alternative. Please refer to Response to Comment 33, Letter No. 14.

63

63. The decisions regarding growth and/or development should be based on the accepted Comprehensive Land Use Plans and the Zoning Regulations. As described in the EIS, there are a number of constraints placed upon potential developments.

64

64. Please refer to Response to Comment 61, Letter No. 19.

65. This comment predates the EIS process and in fact is the basis for the decision for completion of this document. Please refer to Response to Comment 61, Letter No. 19.

65

In response, NRSA has chosen to have an EIS prepared and "In August 1990 an addendum to the facilities plan was prepared (HQE, Inc. 1990)". Page S-2 —EIS. UNFORTUNATELY, THE EIS AND THAT ADDENDUM ARE STILL INCONCLUSIVE AND DO NOT ANSWER THE QUESTIONS IN MR. NICHOLS ODEQ LETTER.

65

The following are examples of some of the still unanswered questions.

1. Stream Flow and Temperature. "This system must accommodate — large fluctuations of flow". Discussions have been vague about area and volume measurements. "Little information regarding the hydrogeology of the Neskowin area is available." Page 3-4 —EIS "Neskowin Creek has never been gauged. Although sufficient measurements have been obtained to gain a general understanding of summer flows, there is not enough data to generate statistically sound hydrographs." —page 3-7 EIS.

"Additional flow estimates are available from an Oregon State University (OSU) report which estimated that an average annual flow in Neskowin Creek is 92 cfs, with 95 percent of the flows greater than 4.8 (Kilgerman 1979)." "No record of winter discharge measurements exist." (ODOT) has computed calculated flood flows based on watershed characteristics. Only eight flow measurements are available for Hawk Creek. — Page 3-8 EIS "Butte Creek No discharge measurements are available." Meadow Creek. The majority of Meadow creek has been channelized through the wetland and the golf course. No flow data are available for the creek. — page 3-5 EIS. "Discussions with U.S. Geological Survey (USGS) staff .... Indicate the characteristics of the aquifer in the Neskowin Area should be similar. However no data are available to confirm this." "Flooding of the creeks in the study area is an annual winter occurrence. The degree of salt water encroachment into the lower portions of Neskowin Creek is not known." — page 3-9 EIS. "It is likely that adequate stream flows would be available during the winter months; however, there is little direct data to support this (i.e. winter stream flows were calculated from a model, but rarely or never measured directly." —page 4-10 EIS

"The information on the quantity of flow that can be expected in Neskowin Creek during both summer and winter discharge periods is not conclusive." ((R.J. Nichols, Exhibit C, page 3 (1))

"Would the combination of tidal effects that cause stagnation of water in the lower section of the creek and the increased nutrient load from the proposed discharge lead to nuisance algal growth in the stream?" ((R.J. Nichols, Exhibit C, page 4 (5))

We need current substantiated flow figures. The EIS states they do not exist. They should be taken at: A). High and low tide, B), in all four seasons, and should include C) respective changes in pollution and temperature from effluent discharge. (OR Trout Exhibit B)

2. Impact of the proposal on the Neskowin environment. This discussion is incomplete, e.g.—Lot size could change, more mobile homes could be allowed, some wetland drainage or fill could occur, new roads could be developed, all contributing to density, page 2 of 8 zoning and conditional use changes. "... lower population growth rates would generate fewer impacts on public services compared to impacts under the project alternatives," — Page 4-4 EIS. "Impacts resulting from the extension of collector sewer lines into floodplains would be significant." — Page 4-6 EIS. The NRSA does not have a sludge management plan." Page 4-9 EIS. The lack of such a plan makes various impacts on Neskowin even more inconclusive.

Note: The Confederated Tribes of The Grand Ronde community have hunting and fishing rights in the Neskowin area—impact not discussed in the EIS. (Exhibit E).

3. The sources of the sanitary problems. These should be well defined. Major sources of contamination of the creeks have been inconclusively considered. "The source of contamination at these sites has not been identified. Inadequate or failing septic systems outside the collection area

PAGE 2 OF 7

66

66. Gaging information collected during a 10 year period from Schooner Creek provides insight into the flow characteristics of Neskowin Creek. The Schooner Creek watershed has an area of 13.7 square miles; Neskowin Creek has a 14 square mile watershed. Both watersheds are similar in that they are relatively undeveloped and forested. In addition, the elevation ranges of both watersheds are similar. Data from Schooner Creek indicate that during the 10 year period of record, the flow did not fall below 8 cfs between November 1 and April 30.

A nonlinear regression correlating stream flow and recurrence interval in Schooner Creek indicates that there is a likelihood that once every 11 years the average daily streamflow would fall below 8 cfs. To further ensure that 20:1 dilution is attained, flow measurements and an alarm system can be in place to control discharges to the stream. Please also refer to Comment 20, Letter No. 11. If the dilution ratio would fall below 20:1, the effluent would be stored in the holding lagoon until stream flow increased.

67

68

67. The issue of development and growth is discussed in Response to Comment 63, Letter No. 19. The type of development will be controlled by the uses allowed under existing accepted Land Use Plans and Zoning Regulations.

The EIS states that extension of collector lines into floodplains is in opposition to EPA policies. It further notes that EPA will provide grant condition language which precludes sewer hookups in the floodplain.

Text has been added to Chapter 2 to clarify the sludge management issues.

As has been stated above with regard to other issues not addressed in this document, the data presented in the DEIS and developed since the issuance of that document (principally in relation to flows in Neskowin Creek) address those areas that might be impacted by this project. Issues beyond the scope of the project were not included in the DEIS.

68. There are a number of sources of contamination of the Neskowin area creeks. These include natural sources such as wildlife, potential contamination from agricultural/lawn maintenance, non-point discharges of contaminated stormwater, improper storage/disposal from livestock rearing activity, and from continued use of failing and marginal septic systems. EPA's construction grant program addresses only the latter source. Implementation of this proposal will assist the community in reducing the contamination of the surface waters within the NRSA. As pointed out in the EIS, it will not eliminate all sources of contamination of the surface waters.

Additional programs which address each of the sources of contamination can be explored to reduce or eliminate the non-domestic sources of contamination. These programs are beyond the purview of the proposed project and the EIS.

boundary have been identified by Tillamook County health authorities as potential sources of contamination. There is also a large RV park just above Station 3 which has a new septic system and drainfield. Specific sites which might be contributing fecal contamination could not be identified from the results of this study. Given this limitation, the extent to which construction of the proposed treatment plant would alleviate the contamination is not known.—page 3-18 EIS.

The DEQ "no-point discharge program" is omitted from the EIS.

a.) Horse stables, Etc. page 3-12 "Based on the ratio of fecal coliforms to fecal streptococci, it was determined that the high fecal coliform counts at several stations resulted from non-human sources (wildlife or domestic animals). However, the surveys indicated that there were at least six sampling stations in which contamination resulted from human sources (discharges from subsurface systems)"—EIS. Also see (Exhibit Q). Testing for bacteria such as Tetanus spores could indicate the extent of equine contamination. The impact and sanitary status of the day use Wayside, and the Neskowin golf course toilet facilities are not discussed.

b.) Evaluation of those houses in the core area actually producing contamination by use of dye testing has not been done.

c.) There has been no mention of chemical testing of creek water for fertilizer, pesticides and herbicides, Neskowin Golf course soil treatment, or the farms located on the respective creeks. A federal deadline for total maximum daily water loads of ammonia, phosphorus and algae was set in 1985.

"The information on how the discharge would meet the North Coast Basin water quality standards for dissolved oxygen, temperature, turbidity, pH, fecal coliform bacteria, aesthetics, etc., during both summer and winter discharge periods is not conclusive. Please refer to Oregon Administrative rules (OAR) 340-41-204.)" (R.J. Nichols, Exhibit C, page 3 (2)) "There is little historical data regarding BOD loading or DO concentrations in the streams."—Page 3-17 EIS.

d.) No evidence is presented that the proposed ultraviolet treatment of sewage would be effective for specific pathogenic infectious contaminants (other than fecal E. Coli) such as Giardiasis, Hepatitis viruses, and Amebiasis. A Chlorination provides a much more proven and reliable system for disinfection. Due to its proven effectiveness, the ease of use, and the low associated operation and maintenance costs, chlorination is the most frequently used method disinfecting wastewaters."—Page 2-11 EIS.

"Would ultraviolet technology provide reliable disinfection capability under general operating conditions and following lagoon storage/treatment of effluent, if required, and what method of disinfection would be provided for backup service if needed? What are the potential water quality effects of the back-up disinfection process?" (R.J. Nichols, ODEQ Exhibit C page 3 (4))

...New Environmental Concerns:

Potentially endangered fish. "Information on the fisheries resources in Neskowin Creek and its tributaries is limited."—Page 3-22 EIS.

"Chinook and coho salmon enter the system between September and December, and chum salmon enter between October and December. Winter-run steelhead trout enter Neskowin Creek to spawn between November and March. It has not been established if suitable spawning habitat is available or if salmon are spawning in Neskowin Creek below the treatment plant discharge.

Both resident and sea-run cutthroat trout are found throughout the Neskowin Creek System. ODFW believes that the anadromous run numbers only a few hundred per year.

The effect of discharge of secondary treated effluent to streams on the imprinting and homing ability of salmonids is unknown —Page 3-22 EIS.

"Winter-run steelhead trout... ODFW estimates that the annual run number between 150

69. This number not used for comment.

70. Flows in wayside facilities generally are low per capita when compared to residential uses. Per capita flow estimates (per OAR 340-71) range between 10 and 15 gallons per day. Assuming 70 percent of the 10,000 annual wayside visitors arrived between May 1 and October 31, the impact on flow would average less than 600 gallons per day.

71. Dye testing has not been completed because these tests would be inconclusive. The diffusion of effluent from individual septic tanks is such that it mixes with other tank effluent, travels with the groundwater, enters into seepage pits and cesspools and generally does not clearly "expose itself" to the surface. Other methods (i.e. radioactive tags) are available; they are expensive and beyond the budget of the County Sanitarian to undertake. Further, isolation of individual failing systems does not solve the long term problem; all systems will eventually fail. Please also refer to Response to Comment 33, Letter No. 14.

72. Chemical testing for these constituents was not undertaken because this project will not impact nor be impacted by the presence or absence of these chemicals. Tests were completed to further demonstrate that human fecal contamination continues to occur in the surface waters; these problems will at least in part be resolved with the completion of the proposed project.



73. Please refer to Response to Comment 17, Letter No. 10. The OAR provides the mechanism by which the state can place restrictions on the quantity and quality of the effluent being discharged. The water quality standards have been developed through the scientific community to be at levels not detrimental to the receiving waters and the resident biota.
74. Ultraviolet disinfection is the preferred method because of the sensitivity of the receiving waters.
75. Chlorination was determined not to be the best method of disinfection in this case because of the concern for the anadromous and resident salmonid species and their food organisms that are present in Neskowin Creek. The ultraviolet system which will be installed will be reviewed by ODEQ during their review of the projects plans and specifications. The most reliable and most effective system will be utilized. The storage lagoons can be used as the back-up for the disinfection system. When the system is off-line for maintenance or repair, effluent can be bypassed to the lagoons until such time as the system is once again operational. Refer to Response to Comment 84, Letter No. 19 and Response to Comment 222, Letter No. 56a.

and 400 fish per year"— Page 3-22 EIS. This small number is subject to threatened or endangerment proposals.

"The information on the impact of the proposed discharge on recognized beneficial uses of Neskowin Creek including water supply, anadromous fish passage, salmonid rearing, salmonid spawning, resident fish and aquatic life, water contact recreation, aesthetic quality, etc. is not conclusive. Please refer to OAR-340-41-202." (R.J. Nichols, ODEQ Exhibit C page 3 (1))

Neskowin Creek is an index stream for these wild fish. Some of these salmon varieties (chum) are already on the "watch list for the Columbia river and have been proposed for listing as endangered in other Oregon rivers.

Additionally endangerment recommendations are pending from The American Fisheries Institute for several species of salmon..(pers. comm. Oregon Trout.)

Consideration is being given to a similar proposal for threatened or endangerment recommendations for The Neskowin Creek unless the problems presented by the small number of fish and the unknown hazards of additional effluent, etc., discharged into the Creek can be resolved.

"The USFWS has identified the following federally listed threatened and endangered species as occurring with the Sulslaw National Forest: bald eagle, Aleutian Canada goose, the northern spotted owl, brown pelican, peregrine falcon, and Oregon silverspot butterfly. Sensitive species include the snowy plover and the big eared bat."— Page 3-30 EIS. There is no discussion of the impact of the proposed sewer system on these and other species. (Exhibits A,B,D,F,G )

#### 5. The Clean Water Act, ( 33 USC Section 1284 (a)(5) 1972).(Exhibit U )

"The treatment plant is designed to have some excess capacity after the Phase 1 sewerage is installed, which can serve about 100 EDUs (Monro pers. comm.) or 258 people." "as the facilities are expanded to incorporate additional sewer connections and to include other developments in the cost for expanding collection, treatment, and effluent disposal capacity"— Page 2-2 EIS. "Certain past Board Members and some present day members and staff have interests in land and lots that are zoned for subdivision"—(NRSA pamphlet Exhibit O, page 5, (e))

The Committee Report on the Clean Water Act—(Senate Report # 95-370, Exhibits I & U) indicates the stated congressional intent of that Act. "The purpose of the funds is not to finance the future growth needs..." and note "limited provisions for growth".— page 4. Approximately 100 currently undeveloped hook-ups to serve about 258 additional people are to be allocated to "excess" capacity planned to indirectly receive the benefit of Federal funds (if granted) for development and future growth. This could trigger undesirable social and environmental effects such as; land use changes, population density effects, increased traffic, and the nature of zoning. The so called "excess" capacity allocation should conform to the governmental rules for reserve capacity. This reserve (not "excess") capacity needs to be reserved for the benefit of the Core Area and not elsewhere as now proposed. Furthermore, it is noted that;

"The Federal action may directly or through induced development have a significant adverse effect upon surface water quality, and fish and other aquatic species and their natural habitats. Code of Federal regulations 40 CFR 6.108, 40 CFR 6. 509 " (corresp. Thomas J. Lucas ODEQ1988)

The EIS should include the NRSA "Excess" capacity ordinance plus the names and Neskowin land holdings of NRSA board members "NRSA can also equitably allocate the excess capacity of the Phase 1 plant so that no single subdivision within the district can monopolize the remaining capacity." — page 5-3 EIS.

6. Costs: "Phase 1 customers may see periodic increases in monthly user fees to reflect increased operation and maintenance costs resulting from increased flows, and increased costs for disposal of septage. Phase 1 customers would also likely sustain increases in the user costs as the facilities are expanded to incorporate additional sewer connections and to include other developments in the cost for expanding collection, treatment, and effluent disposal capacity"— pages 2-27/2-29 EIS. The large (NRSA proposed) system costs too much for our community. .NRSA should provide current estimates of the actual bid costs of the project, and projections of future increases. Those furnished in Table 2-6 of the EIS by NRSA are incomplete or unrealistic and the cost of sludge management is not stated. "The sludge produced at the treatment plant and collected in the septic tanks will require periodic removal and disposal. Presently local contractors dispose of sludge in state approved sludge disposal areas or haul it for treatment at the

76. Please refer to Appendix B in the DEIS. No endangered or threatened species are known to exist in the project area and thus none will be impacted by this project.

Discharge criteria for treatment plant effluent have been established by the Oregon Department of Environmental Quality. Concentrations of solids, BOD, nutrients and other constituents are required to be low enough so as to preclude impacts to the biota and receiving waters. Disinfection of effluent is required to preclude the discharge of elevated concentrations of bacteria; for Neskowin Creek, ultraviolet radiation was selected to ensure that no toxicity was imparted to the effluent.

The use of ultraviolet radiation as the disinfection mechanism will preclude the discharge of residual chlorine into Neskowin Creek. The side products, i.e. organic chlorine compounds which may be chronically toxic, will therefore not be generated. During periods of time when maintenance of the disinfection system is required, the effluent can be diverted into the holding lagoon until such time as the UV system is operable.

A number of bioassays was conducted by METRO in Seattle to determine the potential impact upon salmonid resources as a result of sewage treatment plant effluent (STPE) discharge. These bioassays were both acute (96 hour) and continuous flow with concentrations of effluent as high as 40%.

Information on spawning habitat has been added to the text of the FEIS in Chapter 3, Biological Resources, Neskowin Planning Area, Aquatic Biota.

Buckley (1983) held coho salmon fingerlings (average weight 6 grams) for 96 hours in a variety of concentrations of dechlorinated STPE as high as 40%. No mortalities were recorded during these tests. In a follow-up study, Buckley et al (1984) held coho fingerlings 25 days in continuous flow bioassays with concentrations of dechlorinated STPE as high as 50%. As in the first bioassay, no mortalities resulted.

In order to determine the effect of prolonged exposure to ammonia, Buckley et al (1979) exposed coho fingerlings for 91 days to either river water, one of three concentrations of ammonium chloride in river water and to 30% unchlorinated secondary-treated domestic sewage all in continuous flow unrecycled bioassays. Blood ammonia and urea concentrations were not significantly different after 91 days regardless of concentration of the ambient ammonia.

Ten static acute (96 hour) bioassays were carried out on chlorinated secondary effluent from Metro's Renton Treatment Plant. Using Duwamish/Green River water as the diluent, Buckley and Matsuda (1973) found that 50% mortality of the test fish (coho salmon fingerlings) occurred in 24 and 96 hours with concentrations of effluent of 33% and 29% effluent, respectively. Residual chlorine was determined to be the principal toxicant to fish with an average 24 and 96-hour TL50 concentration of 0.23 and 0.20 mg/l, respectively.

The conclusions of the studies conducted by METRO is that unchlorinated effluent in concentrations as high as 50% (one part river water to one part effluent or 1:1 dilution) is not toxic to coho fingerlings. The anticipated concentration of effluent discharged into Neskowin Creek will be 20:1 or twenty times more dilute than that shown to have no effect on fingerling survival.

77. In the early design phases of this project, NRSA identified those areas which required sewerage immediately in order to alleviate a known existing situation. The 100 equivalent dwelling units which the treatment plant has been sized to accommodate were allocated by NRSA to a variety of locations within the NRSA service area boundaries. Phase 2 implementation will be necessary for some of these EDUs to be served. EPA is not participating in the costs of the excess capacity of the plant; the growth issue will be controlled by local land use decisions.
78. The cost increases which may occur will relate to the increased costs for operation and maintenance. No costs remain static; they are influenced by inflation, recession, salaries, costs of goods and services, etc. The costs in Table 2-6 were the best estimates available. They have been revised in the final EIS. Sludge disposal costs were included in the estimates.
79. The issue of sludge handling has been clarified in Chapter 2.

Tillamook municipal wastewater treatment plant. This practice could continue. page 4-9 EIS.

This statement seems speculative since such facilities may be closed or restricted as the limits of their capacity are reached. Under the NRSA proposal, "This sludge will be pumped on a biannual basis and can be handled in a manner similar to septage." —page 2-10 EIS Thus, the homeowners could be "held hostage" to rapidly escalating rates from garbage transport, as has been reported in some Tillamook County areas. The EIS states that NRSA has not developed any such plans, and no proposed haulage or deposit sites have been designated. There may be none available within a reasonable distance from Neskowin.

Expensive technicians and equipment from Portland could be needed for mechanical and electronic breakdowns, and might not even be available in a timely manner or affordable. The costs of abandoning the present plant and the cost of liability insurance are not fully discussed.

The EIS should include the cost and limits of liability or insurance of the NRSA for the various types of damages its activities may incur.

The cost of abandoning any present sewage plant previously acquired or planned to be acquired should be included.

7. Sewage: Tillamook County Goal 16: "Controlled release of treated industrial, domestic, and agricultural wastes into ocean, river or estuarine waters shall be permitted only if no practicable alternatives exist." "Development of the collection system will not eliminate surface water quality degradation in the area but will contribute to decreasing the degradation." — Page 4-5 EIS.

8. Inspection: The EIS should specify that the plan for operating and inspecting the sewerage system is in compliance with clean water laws and standards for daily pollution loads. (v.s ODEQ, R.J. Nichols) Inspections of the system should be random and unannounced, and not announced and arranged.

9. Worst case scenarios: The EPA has not dealt with worst case scenarios such as a severe drought (dictated for 1991, Exhibit S.), total failure of the sewage plant, discharge of raw sewage into Neskowin Creek, destruction of fish runs, back up effluent flowing into the wetlands during winter flooding in Neskowin, etc.

Will permits be issued for automatic release times for treated effluent even when the flow rates produce a dilution ratio of less than 20:1, or what will be done with the effluent, and for how long? The contingency of the 14 day pond flooding time cited may not be sufficient. No data is presented.

10. Public Opposition: "Based on public opposition to creek discharge, the potential for other treatment/disposal alternatives and on the facilities update plan, EPA determined that additional effluent alternatives should be evaluated and incorporated into this EIS" page 2-4 EIS. (Exhibit L). In 1984 the NRSA conducted a poll which showed: For a project now=71, Opposed=107, Conditional support=13, a 45% return of the number sent out. (Exhibit N) In view of such public opposition, a current poll is clearly indicated and should be conducted by EPA or NRSA before proceeding with any particular proposal.

#### 11. The Nature of the NRSA:

a.) NRSA asks — "HOW DIFFERENT IS THE NRSA SYSTEM FROM THE PACIFIC CITY SYSTEM THAT HAD SO MANY PROBLEMS WITH FLOATING TANKS IN THE FLOOD ZONE AND SEPTAGE?" and responded — "There are significant differences between the system proposed in Neskowin and the system in Pacific City. We are not directly aware of all of the elements of the Pacific City System..etc."

(Exhibit P)

As previously noted, its membership includes developers who have demonstrated self-interest by allocating the "excess" capacity to a significant degree among themselves. This may be in conflict with The Clean Water Act of 1972 (Exhibit O,U,& I)

Even though EPA notes it will not fund this particular allocation, a favorable EPA grant recommendation might be controversial for this allocation. appendix E, EIS.

It is felt that such allocations could be withdrawn as described under Mitigation, page 5-3, EIS.

1. A group of Neskowin citizens has proposed a new alternative; Alternative #10:

"Proper repair and expansion of the existing sewerage plant, plus utilization of the new "state of the art" soil technology for existing and replacement septic tanks, together with proper regulation of Neskowin Lodge, The Horse Stables, The Wayside, and the Golf Course sewerage, could solve the pollution problem."

We have asked that this alternative be added to those previously evaluated.

80. This number not used for comment.

79

81. The cost of acquiring and refurbishing the existing plant was evaluated in the 1988 Facilities Plan. As noted in the summary chapter of the DEIS, the 1988 Plan proposed acquisition, modification, and expansion of the existing plant as the preferred alternative. Further analysis in the Plan Addenda concluded that this alternative was not the most cost-effective. All other appropriate costs have been considered in the EIS.

81

82

82. Please refer to Response to Comment 68, Letter No. 19.

83

83. The NPDES permit issued for this new facility will specify operating standards, discharge limitations, and monitoring and reporting requirements. Inspections by ODEQ are beyond the scope of this analysis but can be completed as desired by ODEQ.

84

85

84. The project has been designed with adequate back-up systems such that if upset conditions occur, storage capacity exists to cease discharge to Neskowin Creek until the problem is remedied. The quality of the effluent will certainly be better than currently exists such that danger to the fish populations is reduced rather than increased (please refer to Response to Comment 76, Letter No. 19). As noted in Response to Comment 83, the NPDES permit will place discharge limitations to ensure that dilution ratios will exceed 20:1 per ODEQ requirements. The storage lagoons will have a capacity to store nearly 20 million gallons of effluent so that if upset conditions occur, ample capacity will be available to store effluent until any problems can be resolved. Please refer to Response to Comment 20, Letter No. 11; and Response to Comment 91, Letter No. 20.

86

86 a

87

85. Additional effluent disposal alternatives have been studied and analyzed as a result of the EIS process and the Facilities Plan Updates. Each alternative was evaluated in terms of environmental impact and cost; the selection of preferred alternative in the FEIS is the result of this analysis. It is recognized that there will not be unanimous support for the project. The decision to proceed with the project is based on the environmental need for the project.
86. The Pacific City system was comprised of fiberglass tanks. The seams in these tanks failed. The County Sanitarian has noted that as a result of Pacific City's experience tanks installed in Neskowin are required to be concrete. See Comment 47, Letter No. 16.
- 86a Comment noted. The DEIS addresses the issue. EPA will not fund additional capacity. The decision of providing additional capacity was made early in the facilities planning process.
87. Please refer to Response to Comment 33, Letter No. 14.

This alternative :

- A) is outside of the range of the other proposed alternatives considered.
- B) Has less environmental impact than the other EIS alternatives discussed.
- C) It is less expensive than the other EIS alternatives discussed.
- D) It is the alternative most compatible with the mitigation concepts in the EIS especially unknown or inconclusive.

".... core area...the County has required that any development in these areas utilize state-of-the-art individual wastewater treatment systems. These systems are the most effective in avoiding aquifer contamination but are expensive."— page 3-44 EIS As noted above, we also propose this approach. as part of our alternative.(also note Exhibits G & R)

This would require hook-up of irreparable septic systems in the core area and additional hook-up of those other core area homeowners who elect to do so, while maintaining reserve capacity for vacant land owners in the core area.

This reasonable Alternative is already generally described by the EPA in the EIS Mitigation "In order to mitigate these indirect impacts NBSA could scale down the treatment plant capacities proposed for Phases 1 and 2, or the areas to be sewerred in Phase 2."— Page 5-3 EIS

"Upgrading the existing plant which ODEQ has indicated is at the end of its service life, appeared to be a viable alternative and was further evaluated."— Page 2-9 EIS

A great deal of effort has been expended by our group to develop this balanced compromise solution to the many difficult and controversial Neskowin sewer plan problems. Therefore It is hoped "Alternative #10" will be given every consideration as a plan which best addresses the aims of various resident groups and best complies with the various mandates regarding environmental impact, and cost containment.

Sincerely Yours

.....  
Margot Thompson

.....  
Jean Meihoff

.....  
Kacey Joyce ,

.....  
Janet McCracken

.....  
Richard & Nancy Kosterlitz  
Address Correspondence to:  
3935 SW Martins Lane  
Portland, OR, 97201

.....  
Alex & Sara Sifford

for Friends of Neskowin

cc:

Ms. Fredianne Gray, EPA  
Oregon Operations Office, EPA  
Mr. Daniel Fraser, FHA  
State Director, FHA  
David M. Des Voigne, Ph.D.  
Mr. Kenneth M. Vigil Or. DEQ  
Mr. Thomas J. Lucas OR DEQ  
Mr. R.J. Nichols, DEQ  
Northwest Region, DEQ  
US Regional OEPR  
Mr. John Marshall, ODSL

Richard K. Johnson, Chief, (CENPT-PL-R)  
U.S. Army Corps of Engineers CECW-ORU.S.  
Mr. Merrit Tuttle, NMFS  
Mr. Bruce Andrews , Director OSDA  
OR Water Resources Commission  
Kacey Joyce  
Alex & Sara Sifford  
John Shurts  
Roger L. Meyer  
Mr. Jim Martin Director. ODFW  
USFWS

EXHIBITS

PAGE 6 OF 7

87

88

88. Please refer to Response to Comment 62, Letter No. 19.

- \*Exhibit A: Small Salmon Run, Oregonian 10/11/90
- \*Exhibit B: Letter OR. Trout, 7/13/90
- \*Exhibit C: DEQ Review of Sewerage Plan, Richard J. Nichols 9/29/90
- \*Exhibit D: Decline of Frogs, Oregonian article.
- \*Exhibit E: Hunting & Fishing Rights, Grande Ronde Indians
- \*Exhibit F: Marbled murrelet, proposed threatened species, Oregonian 1/14/90
- \*Exhibit G: "Septi-Save" bacterial formula for septic tank performance.
- \*Exhibit H: Nature Conservancy, Letter of 7/20/88
- \*Exhibit I: Clean Water Act of 1977, Report No. 95-370
- \*Exhibit J: NRSA Bulletin "Dear Neskowin Homeowners", page 5.
- \*Exhibit K: Neskowin Community Association Newsletter, 6/1988, Page 8.
- \*Exhibit L: DEQ Notes on Neskowin, 8/16/90, Section 5 .
- \*Exhibit M: Human Waste not a significant factor , Article Tillamook Headlight Herald
- \*Exhibit N: Neskowin Sewer Project poll , 1/84
- Exhibit O: NRSA pamphlet describing sewer project Section E Conflicts of Interest
- \*Exhibit P: Neskowin Community Assoc. Newsletter, Re. Pacific City Sewer, 6/88
- Exhibit Q: Tillamook Headlight Herald "Human Waste not a significant factor" 1988
- \*Exhibit R: "Bacteria , fungi battleman's messes biologically. Oregonian Article
- \*Exhibit S: Newspaper articles (3 items) -Drought predictions for 1991 & river matters.
- Exhibit T: Bacterial cleanup of toxic and biologic wastes. (2 items).
- \*Exhibit U: U.S. Clean water Act ( 33 USC Section 1284 (a)(5) 1972).



# OREGON IRON WORKS, INC.

9700 S.E. LAWNFIELD ROAD • CLACKAMAS, OREGON 97015  
TELEPHONE (503) 883-8300 • FAX (503) 883-8870

NOV

November 2, 1990

U. S. Environmental Protection Agency (EPA)  
1200 6th Avenue  
Seattle, WA 98101

Mail Stop WD 136

Dear Sirs:

Please be advised that this Company is purchasing property on the oceanfront at Neskovin, Oregon, northwest of the intersection of Breakers Blvd. and Corvallis Avenue. It will be legally described as Lot 1, Culp Acres. The sale will be closed this year.

We are very much in favor of the installation of sanitary sewers in Corvallis and Breakers in order that we may have more flexibility in the development of the lot and the assurance of a reliable and healthful sewage disposal system not only for this property but also for the entire Neskovin community. We hope that the system can be installed soon in order to save us the cost of developing a septic system and then having to make a connection to the sewer before the septic system is amortized.

Again, please record us as being in favor of the installation of the sanitary sewer system in Neskovin.

Very truly yours,

OREGON IRON WORKS, INC.

*Lewis Arnold*

Lewis Arnold  
Project Manager, Coast Properties

89

89. Comment noted.

cc: Terrance J. Aarnio, President





OREGON  
NATURAL  
RESOURCES  
COUNCIL  
WESTERN REGIONAL OFFICE  
1041 LINCOLN STREET  
EUGENE, OREGON 97401  
503 344 0675

Protecting Oregon's lands,  
waters and natural resources

October 8, 1990

Mr. Gerald Opatz  
EIS Project Officer  
Environmental Evaluation Branch (W/D 136)  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, WA 98101

Dear Mr. Opatz,

The Oregon Natural Resources Council has been made aware of the recent EIS EPA 9109-90-021 regarding Neskowin Regional Sanitary Authority Wastewater Collection Treatment, and Disposal Facilities.

We are concerned about the discharge of additional effluent into the Neskowin creek when it appears that the actual flow rates have not been satisfactorily measured and may become temporarily or permanently too small to support such discharge.

Furthermore it seems possible that such discharge could back up into the adjacent wetlands at the time of regular winter flooding with several untoward consequences. According to the EIS, there is little information regarding the thickness of the sands and the hydrology of Neskowin, or even the minerals, toxic chemicals, or iron content of Neskowin Creek. There also appears to be significant hazards to wild fish. The following are quotes from the EIS:

"Neskowin Creek has never been gauged. ....there is not enough data to generate statistically sound hydrographs. No record of winter discharge measurements exist" (as well as for the other tributary creeks-sic). "The source of contamination at these sites hasn't been identified. Given this limitation the extent to which the construction of the proposed treatment plant would alleviate the contamination is not known."

"Anadromous fish enter the system between September and March each year to spawn. Chinook and coho salmon enter the system between September and December, and chum salmon enter between October and December. Winter-run steelhead trout enter Neskowin Creek to spawn between November and March. It has not been established if suitable spawning habitat is available

90. Please refer to Response to Comment 66, Letter No. 19.

91. The treated effluent will be of high enough quality that with 20:1 dilution no impacts to the receiving waters will occur. If flooding occurs, the dilution will be much in excess of this dilution; there will thus be no impacts due to overspilling into wetlands in such a dilute state.

USGS has estimated flood flows for Neskowin Creek. As indicated in Appendix D, flows of approximately 1531 cfs are expected at least every two years; the 100 year flood (i.e. those flows anticipated only one percent of the time) flows were estimated to be 3871 cfs. Work to be completed by EPA will substantiate anticipated winter flooding flows. Please refer to Response to Comment 20, Letter No. 11.

Assuming discharge of treated effluent were to be 0.4 cfs (which would require operation of the treatment plant at full capacity in the winter months), dilution of effluent would exceed 6000:1 during the most frequent flooding conditions. The impacts of effluent in wetlands at this concentration would not be measurable.

or if salmon are spawning in Neskowin Creek below the treatment plant discharge.

Both resident and sea-run cutthroat trout are found throughout the Neskowin Creek System. Hatchery cutthroat trout were stocked in Neskowin Creek prior to 1974. No population estimates for cutthroat have been performed; however ODFW believes that the anadromous run numbers only a few hundred per year."

We wanted to let you know that we are concerned about these and other potential environmental impacts with the hope that such problems can be resolved before finalizing a sewerage disposal system.

Sincerely,

Wendell Wood  
Conservation Coordinator

cc: Richard H. Kosterlitz, M.D.

94

92. Please refer to Comment 31, Letter No. 14.
93. Please refer to Response to Comment 66, Letter No. 19; and Response to Comment 68, Letter No. 19.
94. Please refer to Response to Comment 76, Letter No. 19. Information on spawning habitat has been added to the text of the FEIS in Chapter 3, Biological Resources, Neskowin Planning Area, Aquatic Biota.

**Coalition / P.O. Box 578 • Rockaway, Oregon 97136**

TROUBLE  
 Howard Williams  
 c/o Japanese  
 Case Bay 97420 267-4615

Vice-President Dist 1  
14500 Falkland Columbia  
Cal Maine  
540 Pine St Seaside 97138  
Jace 738-5501 Res 738-0000

Vice-President Dist 2  
Lincoln, Benson Park  
41 Oakhurst  
O Box 1167 Newport 07385  
Tice 205-8823 Res 205-7543

Vice-President Dist J  
Lynn Douglas  
Muriel Melburg  
O Box 903 Florence 27438  
7-3660

co-President Dist 4  
Cous Curry  
David Werschul  
Star Rt Box 87  
near 87406

President Sam Alcaraz  
c/o McCannoughy  
4053 Fairmont Blvd  
Eugene 97403 345-0227

Secretary  
Walter R. Watkins  
Johnson County Jail  
-415

Register  
Dorothy (Mrs. George) Dool  
Box 578 Rockaway 57138  
-2885

2309P  
Mrs W Parker  
110 S E 18th Ave. Portland 972  
Phone 248-3312 Res. 732-0344

Chair of Legislation  
Ms Jean Germond  
Iron Mountain Blvd  
St-Omer 97034 836-6251

Director of Communications  
 Kenneth W. Fitzgerald  
 1 NE 37th Ave., Portland 972  
 23-231118 Rev. 201-0520

## DIRECTORS AT LARGE

Colleges  
and  
in Districts  
and City

Eggert  
and

France  
ence  
the pro  
non-Eu-

by Herbert  
and  
Mrs. Jacobson

31 Day  
Mr. Johnson  
Beng  
9 McCannan

ms. B.1.6.10

Schne  
re  
Setzen  
in Beach

Wing Length  
Bill  
Tarsus  
Weight

Thompson  
et al

Re: EIS EPA 9109-90-021

The Oregon Shores Conservation Coalition is a 19-year old organization whose primary interest is the protection of coastal resources - land, beaches, water, and air.

We believe that the water quality of the Neakowin Creek will be greatly endangered if approval is given to the Neakowin Regional Sanitary Authority Wastewater Collection, Treatment and Disposal Facilities. Not only the water in the creek will be heavily polluted by the discharge, but the surrounding wetlands will be contaminated during the high flow during winter flooding.

Not enough is known about the impact of this discharge on the anadromous and resident fish which inhabit and spawn in the Neakowin. With the current stress that our fish population is experiencing, it is surely not appropriate to put them under additional stress.

We strongly support the statement made by Dr. Richard H. Kosterlitz in his October 3 letter and we strongly oppose the issuance of a permit for this discharge until the questions he raises have been addressed.

Please keep me informed as to the progress of the permit, especially if a hearing is held on this matter.

Sincerely,

Howard E. Watkins, President  
270 Johnson  
Coos Bay, OR 97420

Please use the Coos Bay address for any communication.

**HEWLETT**

95. The existing situation allows for minimally treated effluent to seep from unidentified (and unidentifiable) sources into Neskowin, Hawk and Meadow Creeks. The water quality sampling indicates that these streams are contaminated due to fecal discharges. The purpose of this project is to assist in the elimination of these impacts. Please also refer to Response to Comment 5, Letter No. 1; Response to Comment 17, Letter No. 10; Response to Comment 23, Letter No. 13; Response to Comment 32, Letter No. 14; Response to Comment 76, Letter No. 19; Response to Comment 84, Letter No. 19; and Response to Comment 91, Letter No. 21.
96. Please refer to Response to Comment 91, Letter No. 21.
97. Please refer to Response to Comment 17, Letter No. 10, and Response to Comment 76, Letter No. 19.
98. Please refer to Response to Comments 61 through 88, Letter No. 19.



# Oregon Trout

Speaking out for Oregon's fish

P.O. Box 19540 • Portland, Oregon 97219 • (503) 244-2292

November 1, 1990

Gerald Opatz  
EIS Project Officer  
Environmental Evaluation Branch (W/D 136)  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, WA 98101

**DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)  
NESKOWIN REGIONAL SANITARY AUTHORITY  
WASTEWATER TREATMENT FACILITIES**

Dear Mr. Opatz:

Oregon Trout appreciates this opportunity to participate in the public comment process through sharing our concerns with you in this letter.

Oregon Trout is a statewide, non-profit conservation organization comprised of over 2200 members. We organized as a formal 501(C)(3) corporation in 1983. Oregon Trout's purpose is to work for the protection, preservation, and restoration of Oregon's native fish and their habitats. We are not a fishing group or anglers club. We work as advocates for the fish.

Of 195 salmonid stocks described as of "special concern" or at "high" or "moderate" risk of extinction in a draft report by the Endangered Species Committee of the American Fisheries Society, the professional society of fishery biologists, 56 are found along the Oregon Coast and 76 in the Columbia Basin. Neskowin Creek will be directly affected by the dumping of treated effluent from the proposed sanitary facility.

The draft environmental impact statement (DEIS hereinafter) lists salmonid fish species which have been reported as living in or using Neskowin Creek during their life cycles. The following table shows the status currently accorded those

99

99. This comment only indirectly relates to this project proposal. Please refer to Response to Comment 76, Letter, No. 19.

100

100. Comment noted. Please refer to Response to Comment 76, Letter No. 19.

specific populations by the Oregon Department of Fish and Wildlife in its "Issues 90 - Sensitive Fish Species Overview and Lists," September 18, 1990.

Salmonids Reported in Neskowin Creek	ODFW Fish Species Overview & Lists
Fall Chinook <u>Oncorhynchus tshawytscha</u>	
Coho <u>O. kisutch</u>	Stocks of Concern List: Very small populations; documented
Chum <u>O. keta</u>	Sensitive Species List: Decline in numbers
Steelhead Trout (winter-run) <u>Oncorhynchus mykiss</u>	Stocks of Concern List: Suspect problem; no data substantiating
Sea-run Cutthroat Trout <u>Salmo clarki</u>	Stocks of Concern List: Suspect problem; no data substantiating
Resident Cutthroat Trout <u>Salmo clarki</u>	

100

According to the DEIS (pg. 3-23), "fisheries management in Neskowin Creek and its tributaries has focused on wild fish" since 1979. Further "habitat protection and improvement is emphasized." Oregon Department of Fish and Wildlife (ODFW) no longer stocks fish in the system. Fishing regulations also emphasize native salmon values. The entire "Neskowin Creek system is closed to the taking of all salmon species."

Fishing for cutthroat trout and steelhead is allowed department regulations with winter steelhead fishing subject to catch and release with barbless hooks only. Department biologist Klumph is cited in this DEIS as saying current sport fishing pressure is not limiting steelhead and cutthroat populations. Yet the department includes sea-run cutthroat and winter-run steelhead on the September 1990 Stocks of Concern List. Current habitat alterations and human influences or impacts

101

101. Please refer to Response to Comment 95, Letter No. 22.

other than fishing pressure must be carefully evaluated in considering any additional changes in the water system supporting these fish populations. The DEIS does not adequately do this.

Given this management focus for Neskowin Creek and the level of concern for several of the salmonid populations reported as using the stream, the proposal to discharge treated effluent into Neskowin Creek during those periods when salmonids would normally be using the affected stream area is difficult to understand.

The DEIS (pg. 3-22, 3-23) gives information on anadromous fish use, noting adults enter the stream between September and March with chinook and coho salmon entering between September and December, chum salmon between October and December, winter steelhead between November and March, and cutthroat trout spawning between February and March. The DEIS also reports that *S. clarki* and *O. mykiss* do not just travel through the lower stream reach to spawn, but that young fish remain in the system for two to four years depending on the species. The issue of loading the stream system with sewage effluent is not adequately addressed in the DEIS with respect to the effects on these salmonids.

In July 1988, Mr. Dale Pearson of Oregon Trout expressed our concerns in a letter on this project to Mr. Kenneth M. Vigil of the Oregon Department of Environmental Quality. We ask that Mr. Pearson's letter be considered part of this comment letter.

Oregon Trout understands that Mr. Pearson's letter has been read into the formal record at a recent public meeting on this sewage treatment facility. Oregon Trout was hopeful that those concerns would be addressed in this document. Unfortunately this is not the case.

Oregon Trout's concerns remain regarding effluent effects. These concerns include the probable effects of effluent, whether ultraviolet treated or chlorinated, with respect to the food chain organisms upon which the salmonids are dependent. The effluent discharge effects upon the salmonids' homing abilities and spawning and rearing success due to changes in temperature, taste, smell, and chemical or metal content are also not addressed. Finally, contingency plans in the event of either high or low flows, particularly flood events and extended low flow periods, are not adequately presented with respect to the survival of current reported populations of these valuable fish.

101

102

102. With regard to disinfection alternatives, please refer to Response to Comment 45, Letter No. 16; Response to Comment 53, Letter No. 17; and Response to Comments 74 and 75, Letter No. 19. Please also refer to Response to Comment 95, Letter No. 22 relative to potential impacts to fish.

102

103

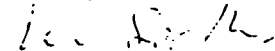
103. Please refer to Response to Comment 66, Letter No. 19.

Because the DEIS presents only incomplete information concerning effects of the proposed project on the area's fish and water quality, Oregon Trout recommends these deficiencies be corrected prior to permits being issued and prior to any project work. The need to achieve clean water in the Neskowin area and to handle human wastes in a responsible and effective manner such that this valuable coastal area suffers no irreversible water ecosystem degradation is recognized by Oregon Trout.

Oregon Trout urges the Environmental Protection Agency to reconsider the alternatives proposed, with the goal of considering at least one alternative which will achieve clean water standards, safe and effective treatment of human wastes, and the protection and maintenance of Oregon's native salmonids by directly addressing the source of the community's waste problems and by constructing an updated facility sized to meet community needs without encouraging coastal development in excess of that which this coastal area can tolerate. In brief, we recommend the EPA consider the "Alternative 10" being proposed by the Friends of Neskowin.

Thank you for receiving our concerns. We look forward to learning your response.

Sincerely,



Kathleen Simpson Myron  
Resource Policy Assistant

pc: Bill Bakke, Executive Director, Oregon Trout

bc:

104

105

106

104. As noted in Response to Comment 5, Letter No.1 and Response to Comment 17, Letter No. 10, one of the primary areas of concern is the protection of fishery resources of Neskowin Creek. Please also refer to Response to Comment 23, Letter No. 13; Response to Comment 32, Letter No. 14; Response to Comment 76, Letter No. 19; Response to Comment 84, Letter No. 19; and Response to Comment 91, Letter No. 21.
105. Please refer to Response to Comment 95, Letter No. 22.
106. Please refer to Response to Comment 33, Letter No.14.



# Oregon Trout

P.O. Box 19540 • Portland, Oregon • 97219 • (503) 246-7870

July 15, 1988

Mr. Kenneth M. Vigil  
Dept. of Environmental Quality  
811 S.W. 6th Ave.  
Portland, OR 97204

Dear Mr. Vigil:

Thank you for taking the time to fill me in on the details of the proposed sewerage treatment facility for the town of Neskowin. As I indicated on the phone, Oregon Trout is most concerned with the potential damage of the discharge of treated effluent into Neskowin Creek upon the fish and other aquatic life present. I hope the following observations will aid you in adequately addressing our concerns before permits are issued and this project allowed to commence operation.

As you well know, the winter steelhead run is of prime concern on this small and fragile stream. It is one of few remaining wild runs on the Northern Oregon coast and is now protected with a catch and release angling regulation. Neskowin Creek is considered an index stream by the Oregon Department of Fish and Wildlife for the purposes of evaluating the relative strength and success of each year's run. This totally wild run of fish must be considered a treasured asset in this day of hatchery raised steelhead. Each individual wild run of steelhead represents a unique genetic adaptation to the specific conditions of the stream to which they return. The sum total of all such runs, up and down the Oregon coast, represents a storehouse of genetic diversity that guarantees the continued health and persistence of the species. The loss of any single run is truly a catastrophe, materially affecting the viability of the entire population.

The importance of the winter steelhead run, however, by no means relieves us of the responsibility to give due consideration to other fish species that may be present, permanently or occasionally, in the stream. Such species may include silver, chinook, sockeye or chum salmon as well as the winter steelhead and cutthroat trout, both resident and sea-run, we know to be users of this stream. In addition we must also consider any species of shellfish using the beach area over which Neskowin Creek drains to the sea and the ocean fish, such as ocean perch, using the area just off the mouth. This site is, I believe, the best location for the ever growing sport fishery for ocean perch on the northern Oregon coast.

This letter was inadvertently not included in the bound Volume 2, Response to Comments.

106a

106a. Comment noted.

106b

106b. Comment noted.



As an example, if chum salmon are present, they are most likely to use the tidewater area for spawning. This is also the area most directly affected by any discharge of effluent. I would expect that incubating eggs or newly hatched salmon fry to be far more sensitive to the chemical or temperature changes caused by operation of a sewerage facility than a run of large, mature fish passing through on their way to headwater spawning gravel. If in fact fish are using the tidewater area for spawning and rearing we may have to adopt more stringent restrictions on the chemical and temperature characteristics of any discharge than if there is no such use.

In order to determine the effects of the proposed treatment facility on aquatic life you should obtain the following information:

A) A complete inventory of all fish and other aquatic species using the creek on a permanent or temporary basis, including shellfish, invertebrate insects, and ocean species just off the mouth.

B) The life histories of these species, especially the run times and sizes and the location and timing of spawning and rearing for all anadromous species.

C) The effects of the various levels of chemistry and temperature likely to be encountered as a result of operation of the proposed facility on the species identified by the inventory described above. Special attention should be paid to effects on fish during incubation of eggs and rearing of juveniles.

D) The potential effects of possible chemical and temperature changes on the homing ability of the anadromous fish runs involved. If returning fish become confused as to location of their birth stream due to changes in taste, smell or temperature of its water flow from effluent discharge the entire run could be extinguished even though the effluent has no toxic characteristics whatsoever.

E) Special attention must be given to contingency procedures if streamflows drop below minimum levels for proper dilution of effluent or if temperatures rise to harmful levels.

Consideration must also be given to the situation where local heavy rains cause flooding of injection fields or holding ponds, or if chemical or mechanical breakdowns occur during day to day operation.

I cannot overemphasize the importance of a thorough and diligent analysis of these factors. The small size and streamflows of Neskowin Creek drastically limit its ability to absorb, even for short periods of time, the effects of discharges that are chemically damaging to aquatic life or that cause water temperatures to rise to intolerable levels.

I also suggest that your analysis address the effect of discharges on the food chain available to support the fish populations of the creek. Healthy invertebrate and forage fish populations are as necessary to the health and survival of the fish of Neskowin as clean, cool water.

106c

106c. Please refer to Response to Comment 20, Letter No. 11; Response to Comment 76, Letter No. 19; Response to Comment 84, Letter No. 19; Response to Comment 185, Letter No. 49; Response to Comment 406; and Chapter 3 of the Final EIS, Biological Resources, Aquatic Biota section.

I hope these observations will contribute to the thoroughness of your analysis. We stand ready to assist you in any way we can to assure the continued health and persistence of the aquatic life of Neskowin Creek.

I look forward to receiving a copy of your final report.

Yours Very Truly,



Dale C. Pearson

cc:Gregory P. Robart  
Clair Kunkel  
Skip Patten

## QUOTES FROM THE EPA EIS FOR NESKOWIN

I. COSTS :“Phase 1 customers may see periodic increases in monthly user fees to reflect increased operation and maintenance costs resulting from increased flows, and increased costs for disposal of septage. Phase 1 customers would also likely sustain increases in the user costs as the facilities are expanded to incorporate additional sewer connections and to include other developments in the cost for expanding collection, treatment, and effluent disposal capacity”— pages 2-27/2-29 EIS.

2. STREAM FLOW: “Little information regarding the hydrogeology of the Neskowin area is available.” “Page 3-4 —EIS “Neskowin Creek has never been gauged. Although sufficient measurements have been obtained to gain a *general* understanding of summer flows, there is not enough data to generate statistically sound hydrographs.” —page 3-7 EIS.

“Additional flow *estimates* are available from an Oregon State University (OSU) report which *estimated* that an average annual flow in Neskowin Creek is 92 cfs, with 95 percent of the flows greater than 4.8.” “No record of winter discharge measurements exist.” “(ODOT) has computed calculated flood flows based on watershed characteristics. Only eight flow measurements are available for Hawk Creek.”— Page 3-8 EIS “Butte Creek No discharge measurements are available.” Meadow Creek. The majority of Meadow creek has been channelized through the wetland and the golf course. No flow data are available for the creek.”— page 3-5 EIS. “Discussions with U.S. Geological Survey (USGS) staff... indicate the characteristics of the aquifer in the Neskowin Area *should be* similar. However no data are available to confirm this.” “Flooding of the creeks in the study area is an annual winter occurrence. The degree of salt water encroachment into the lower portions of Neskowin Creek is not known.”— page 3-9 EIS. “It is likely that adequate stream flows would be available during the winter months; however, there is little direct data to support this (i.e. winter stream flows were calculated from a model, but rarely or never measured directly.”—pg 4-10 EIS

2. ENVIRONMENTAL IMPACTS “... lower population growth rates would generate fewer impacts on public services compared to impacts under the project alternatives,”— Page 4-4 EIS. “Impacts resulting from the extension of collector sewer lines into floodplains would be significant.”— Page 4-6 EIS. “The sludge produced at the treatment plant and collected in the septic tanks will require periodic removal and disposal.” “This sludge will be pumped on a biannual basis and can be handled in a manner similar to septage.”—page 2-10 EIS The NRSA does not have a sludge management plan.” Page 4-9 EIS.

3. SANITARY PROBLEMS “The source of contamination at these sites has not been identified. Inadequate or failing septic systems outside the collection area boundary have been identified by Tillamook County health authorities as potential sources of contamination. .... Specific sites which might be contributing fecal contamination could not be identified from the results of this study. Given this limitation, the extent to which construction of the proposed treatment plant would alleviate the contamination is not known.”—page 3-16 EIS.

“Based on the ratio of fecal coliforms to fecal streptococci, it was determined that the high fecal coliform counts at several stations resulted from *non-human sources* (wildlife or domestic animals). However, the surveys indicated that there were at least six sampling stations in which contamination resulted from human sources (discharges from subsurface systems)” — page 3-12 EIS. “There is little historical data regarding BOD loading or DO concentrations in the streams.”— Page 3-17 EIS.

4. DISINFECTION: “It was the recommendation of the facilities planners (HGE Inc. 1988) that UV be the preferred disinfection mode with chlorination to be used only during periods of maintenance and down-time for the UV units.” Page 2-10 EIS “Chlorination provides a much more proven and reliable system for disinfection. Due to its proven effectiveness, the ease of use, and the low associated operation and maintenance costs, chlorination is the most frequently used method disinfecting wastewaters.”— Page 2-11 EIS.

107

107. Please refer to Response to Comment 78, Letter No. 19.

108. Please refer to Response to Comment 66, Letter No. 19.

108

109

109. Please refer to Response to Comment 67, Letter No. 19.

110. Please refer to Response to Comment 68, Letter No. 19.

110

111

111. Please refer to Response to Comment 75 and 76, Letter No. 19.

5. ENVIRONMENTAL CONCERNS: "Information on the fisheries resources in Neskowin Creek and its tributaries is limited."— Page 3-22 EIS.

"Chinook and coho salmon enter the system between September and December, and chum salmon enter between October and December. Winter-run steelhead trout enter Neskowin Creek to spawn between November and March.. It has not been established if suitable spawning habitat is available or if salmon are spawning in Neskowin Creek below the treatment plant discharge. Both resident and sea-run cutthroat trout are found throughout the Neskowin Creek System. ODFW believes that the anadromous run numbers only a few hundred per year. The effect of discharge of secondary treated effluent to streams on the imprinting and homing ability of salmonids is unknown — Page 3-22 EIS. "Winter-run steelhead trout... ODFW estimates that the annual run number between 150 and 400 fish per year"— Page 3-22 EIS. "The USFWS has identified the following federally listed threatened and endangered species as occurring with the Suislaw National Forest: bald eagle, Aleutian Canada goose, the northern spotted owl, brown pelican, peregrine falcon, and Oregon silverspot butterfly. Sensitive species include the snowy plover and the big eared bat."— Page 3-30 EIS.

6. EXCESS CAPACITY: "In addition the cost of providing capacity for future needs (the 100 connections or 258 people authorized by NRSA Ordinance 2-88) is not EPA grant eligible" page 2-26 EIS "The treatment plant is designed to have some excess capacity after the Phase 1 sewerage is installed, which can serve about 100 EDUs (Monro pers. comm.) or 258 people." "as the facilities are expanded to incorporate additional sewer connections and to include other developments in the cost for expanding collection, treatment, and effluent disposal capacity"— Page 2-2 EIS. "NRSA can also equitably allocate the excess capacity of the Phase 1 plant so that no single subdivision within the district can monopolize the remaining capacity." — page 5-3 EIS.

"Development of the collection system will not eliminate surface water quality degradation in the area but will contribute to decreasing the degradation."— Page 4-5 EIS.

7. PUBLIC OPPOSITION: "Based on public opposition to creek discharge, the potential for other treatment /disposal alternatives and on the facilities update plan, EPA determined that additional effluent alternatives should be evaluated and incorporated into this EIS"

8. SEPTIC TANKS: "... core area...the County has required that any development in these areas utilize state-of-the-art individual wastewater treatment systems. These systems are the most effective in avoiding aquifer contamination but are expensive."— page 3-44 EIS

"In order to mitigate these indirect impacts NRSA could scale down the treatment plant capacities proposed for Phases 1 and 2, or the areas to be sewerage in Phase 2."— Page 5-3 EIS "Upgrading the existing plant which ODEQ has indicated is at the end of its service life, appeared to be a viable alternative and was further evaluated."— Page 2-9 EIS

FRIENDS OF NESKOWIN P.O. BOX 796, NESKOWIN, OR 97149

109a

109a. Please refer to Response to Comment 76, Letter No. 19.

110a. Please refer to Response to Comments 62 and 77, Letter No. 19.

110a

111a

111a. It is acknowledged that there is public opposition to creek discharge. Wintertime creek discharge as proposed in the EPA preferred alternative is not expected to have any adverse effects on Neskowin Creek or its resources.

112a

112a. These are quotes from the DEIS.

JOHN W. ANDERSON, P.E., Ph.D.  
 Chemical & Engineering Consultant  
 P.O. BOX 387  
 NESKOWIN, OREGON 97140

Phone: (503) 392-3822

NOV 6

Oct. 31, 1990

EPA  
 Region 10  
 1200 Sixth Ave.  
 Seattle, WA 98101

Re: Comments on the Neskowin, OR DEI  
 Statement of 9/5/90.  
 Comments made at Public Meeting on  
 the DEI Statement on Oct. 27, 1990  
 at the Neskowin Fire Hall, Neskowin, OR..

Dear Sirs:

First, I want to thank you for the sending of the DEI statement to me. The report was well done and covered in a proper manner many items of interest to the town.

My comments are:

1. Your report in some places indicates that the Neskowin Crest subdivision is a part of Phase 2. At about the time that Neskowin North subdivision was excluded from the sanitary district, Neskowin Crest subdivision was also excluded. In other words Neskowin Crest is not a part of the Neskowin Regional Sanitary Authority District. Therefore, future reports on this sanitary project should not include Neskowin Crest subdivision in any Phase of the projected sewage treatment facilities.

2. Many of the maps/drawings, such as Fig. 2-1, do not list out where the various subdivisions are in the Neskowin area. For example, on Fig. 2-1, Neskowin Crest, Pacific Sands Heights (immediately North of Neskowin Crest and adjoining it), Ocean Creek subdivision are not noted or pointed out.

3. User fees.

The estimated costs for Phase 1 users involves the value of a \$40,000 house. This latter cost is way too low. A more practical house value to use would be one valued at about \$80,000. For a house valued at \$80,000, the monthly user cost would be about \$30.95.

If at all possible, the user monthly cost for Phase 2 users should be estimated and submitted with a future report.

4. The cost for Phase 2 is quite high and it appears to me to be impractical. Therefore, I would recommend that Phase 2 be removed from consideration by all parties.

112

112. Comment noted. Reference to Neskowin Crest as part of the NRSA has been eliminated from the FEIS.

113

113. We did not attempt to indicate all subdivisions on the maps. Thank you for pointing out these subdivisions.

114

114. The purpose of the economic analysis was to evaluate the environmentally acceptable alternative which is the most cost-effective. The dollar amounts derived for the present worth analysis and the user costs are approximations which can best be refined during engineering of the selected system. The portion of the user costs based on property valuation comprises only a small portion of the total user charges; therefore, we have not recalculated user charges based on higher property values. Since Phase 2 is just in the conceptual stage and sources of funding are unknown, Phase 2 user costs cannot be determined.

115


EPA/John W. Anderson, P.E., Ph.D. Page 2.

Oct. 31, 1990

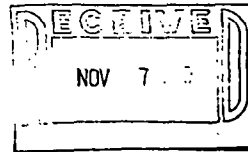
5. At the Saturday night meeting, it was stated that copies of all testimony/statements made at the two public meetings would be available at no cost. Therefore, would you please send to me copies of these statements for both meetings.

Thank you.

very truly yours,

  
John W. Anderson, P.E., Ph.D.  
P.O. Box 387  
Neskowin, OR 97149  
Phone: (503) 392-3622

115. The facilities plan and therefore the DEIS discuss implementation of Phase 1 to alleviate on-going pollution problems and to remedy those problems for some time into the future. Population forecasts which are provided may or may not be realized because of a number of factors other than the availability of sewers. If growth does not occur as rapidly as predicted in the facilities plan, implementation of Phase 2 will be delayed or may not be necessary. Discussion of Phase 2 does not presuppose that it will be constructed; rather this discussion provides a description of how it could be implemented if and when the need arises. EPA would not participate in funding of Phase 2.



Gerald Opatz  
EIS Project Officer  
Mail Stop WD-136  
1200 6th Ave.  
Seattle WA 98101

November 1, 1990

Dear Sir,

As concerned residents of Neskowin, we are most anxious to have a sewage system installed. The problem of failing or inadequate sewage disposal has been present in this village for years. It is time to begin to correct this situation with the positive action of beginning phase I of this project.

Yours truly,

*Gene Carver*  
*Jeanette Carver*

Gene Carver

Jeanette Carver

116

116. A number of comments were received which supported completion of the project.

Washington 98101

My name is John F. Corliss. I wish to provide written comment upon the DEIS for the NRSWA Wastewater collection, Treatment, and Disposal Facilities. I live alternately at 2998 Washington St., Eugene, OR 97405 and at 4445 Yamhill (P.O. Box 380), 97149 Neskowin, OR. I attended the public hearing on Oct. 27, 1990 and gave verbal testimony. I wish to elaborate on that testimony in this letter to you.

1. I request that phase II of this project be deleted from further consideration in this EIS. As long as it is included, it keeps a divisive element before the community and is only marginally important as far as the principal problem facing the community and the EBA is concerned. It is causing difficulty finding a workable solution for the priority problem. That problem is to solve the dilemma of those in the core area who have faulty systems--the oldest part of town nearest the surface water showing the highest bacterial counts. The surrounding phase II lots are generally larger and have newer systems. This permits some time before they too may have to face this dilemma. Also, soil types on many of the lots on non-dunal topography are more suitable for leach field filtration.

If the problem of disposal of wastewater from the central core phase I properties is considered first and solely, it simplifies the solution. This is due to (a) smaller volume generated, and (b) less area needed for all elements of the disposal system, including area needed for leaching or spray irrigation effluent disposal. It also gives the county time and responsibility to work on the solution of the long term problem of expansion in the Neskowin area. If the county acts responsibly, it will cease giving building permits and encouraging resort development in the area until such time as (a) support facilities can feasibly and economically be developed, and (b) the community supports such expansion.

2. Because of the many unknowns relating to the organic and inorganic contents of the effluent and impacts of these alone or in combination upon the stream biota of Neskowin Cr. and Flat Cr., I urge no effluent releases to either of these streams or to offshore ocean outfall. I recommend another serious effort be made to facilitate effluent spray irrigation. I recommend (a) spray as much as reasonably possible during the summer months when most effluent is generated and evaporation/transpiration rates are at their peak (this reduces effluent storage capacity needed), and (b) spray irrigate on a number of small dispersed sites in and around Neskowin. The Simpson Timber site should definitely be considered all or in part for this use. Several other dispersed sites come to mind: the entire grounds of the fire station and public building along Hawk Cr., high ground and slopes adjacent to Highway 101 and land for subsurface and/or spray irrigation which may be leased from the 2 golf courses, especially the roughs. Also, do not overlook spray irrigating soils on steep slopes. Percolation from spray irrigation far upslope over the tight sandstone rock through the soil column roughly parallel to the surface slope, so the effluent is in contact with soil material, much of it containing shrub and tree roots, over a long distance in its downslope travel.

117

117. Please refer to Response to Comment 115, Letter No. 25.

118

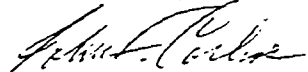
118. Spray irrigation was discussed in the Effluent Disposal Options section of Chapter 2. Each of the options incorporating spray irrigation require adequately drained soils in sufficient quantities to ensure percolation and removal of nutrients. The soils of the Neskowin Area, specifically those sites investigated as potential disposal sites are poorly drained with evidence of high water tables. The amount of land available would be insufficient for spray irrigation.



3. I strongly urge the NRSA and County approach the State Highway and Parks Department to reduce their impact upon the core area wastewater loading problem. This could be done by storing, pumping and removing all wastewater from the public restroom at the Neskowin Wayside. The State is a part of the problem and is acting irresponsibly by attracting tourists to stop by providing facilities which Neskowin has no means to support--namely wastewater disposal. I would also urge closing over half the parking spaces and using the space to dispose of effluent by spray irrigation. Spray irrigation could be done on this site if soil material having good filtration properties were imported to the site and mounded up in the present parking spaces and landscaped areas. This artificial filter field could then become one of the dispersed spray irrigation sites mentioned above. Tourists wastewater would be hauled to other state facility locations having a better waste disposal opportunity.

4. I urge you to continue use of the present treatment site, expand it for temporary pond space and working space. The present pond site and adjacent road sides could be covered with soil material having favorable percolation characteristics and serve as additional dispersed spray irrigation sites. I believe there are soil materials having such favorable characteristics nearby in the Salmon River watershed and also north of Oretown in the Nestucca watershed.

Thank you for the opportunity to comment. I offer my services as a soil scientist and watershed specialist to discuss these proposals at length with you.



John F. Corliss

November 1, 1990

119 119. Please refer to Response to Comment 70, Letter No. 19.

119a 119a. Please refer to Response to Comment 81, Letter No. 19; and Response to Comment 279, Letter No. 74.

4/2/90

U.S. Environmental Protection Agency  
 Region 10 - 1200 Sixth Avenue  
 Mail Stop WD136  
 Seattle, WA 98101

Dear Sirs,

I am a landowner in Neskevin who is very concerned about the environment and eager to have a sewer system installed.

It has been my understanding for many years that all coastal properties would soon have to be on sewer. Time has passed and, recently, opposition has slowed down action when it looked like sewers in Vashon were going to be a reality.

My lots 2, 6 and 7 in Tax lot 600 at Corallia Avenue and Dreikers Boulevard have sales pending. When these buyers build it would certainly be better for the environment if they could immediately be on sewer. It would also ease their financial burden if they don't have to install a septic system and, then later, hook up to the sewer.

Please grant us a sewer system soon!

Thank you,

Doreen J. Culp

120

120. A number of comments were received which supported completion of the project.

November 2, 1990

United States Environmental Protection Agency  
Region 10, 1200 6<sup>th</sup> Avenue  
Seattle, Washington 98101

To Whom It May Concern:

RE: Sewers, Neskovin, Oregon  
Tax Lot #64900  
48540 Breakers Blvd, Neskovin, Oregon.

I have owned a home in Neskovin for over 23 years. This home now is 70 years old + or -.

My septic tank and drainfield have not functioned properly for years and is one of the numerous homes in this condition in the core area. Take a walk on a beautiful summer evening sometime with little breeze and you will understand how badly we need sewers.

I have plans now in the drawing stage to tear down and rebuild a new home on my property — are there any projections as to the time frame for sewers in Neskovin?

WE NEED SEWERS BADLY IN NESKOVIN!

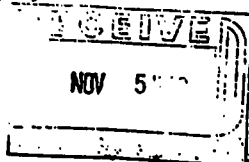
121 121. Comment noted.

122 122. Comment noted.

123 123. It is anticipated that a decision will be made on this project during March, 1991. Design and construction would follow in the next 2-3 years.

Sincerely yours,  
Richard S. Guc  
5150 S.W. Windsor Ct.  
Portland, Oregon 97221  
503-292-2020

Nov. 1, 1990



EPA  
1200 6th Ave.  
Mail Stop WD 136  
Seattle, WA 98101

Subject: Neskowin, Oregon Sewer System

I am a property owner in Neskowin and wish to extend my support for the proposed Neskowin sewer project.

Very truly yours.

Philip + Susan Dougherty  
49110 Proposal Rock Loop Box 771  
Neskowin, Or. 97149

124

124. A number of comments were received which supported completion of the project.

27 October, 1990

Mr. Gerald Opatz  
U.S. Environmental Protection Agency  
Region 10  
1200 6th Avenue  
Seattle, Washington 98101

Dear Mr. Opatz,

I am very concerned about the recent proposal to place a sewage reservoir on Slab Creek Road in Neskowin. As a Neskowin resident and business-owner, I am opposed to the currently-proposed sewage project and feel strongly that it should not be allowed in its present form, for many reasons.

Most of us who actually live here (rather than merely having financial interests contingent on a sewer-system's development) are appalled at the lack of thought that is going into this project. Although it is logical to expect a sanitation system to actually be sanitary - ie. free of negative impact on the health of the human residents of the area, as well as that of wildlife and the natural environment - we are given no convincing evidence that this method of treating and disposing of sewage will truly be healthy or safe.

Should a sewage lagoon be instated on one of our local meadows, the odor alone would be nauseating and disconcerting to residents, and to parents and children involved in nearby Neskowin Valley School. Dogs, ducks and geese, and other animals, however, may be attracted by material in such a lake and act as vectors of disease (or be injured trying to reach the lake through barriers); and unless the lake is very well-protected, the violent storms experienced in this area may even serve to spread disease-laden water. As we all know, human fecal bacteria can cause serious illness; bacterial and viral substances from diseased persons, oral vaccines, etc., may also be present in waste from toilets and drains. Dumping this material into a lake in our lovely valley will not change that fact: it will merely take this disgusting material away from the people who made it and ruin our neighborhood into the bargain. Those of us living on Slab Creek Road would not be "served" by the system at all, having septic systems of our own, yet we would be the ones whose quality of life would be sullied by this project.

Besides the fact that the presence of such a lake will deprive us (and visitors to our valley, creek, and forest) of a peaceful pure-smelling atmosphere for walks and bike-rides, and alter the physical beauty of our valley - there is also a strong possibility of bad environmental effect from improper design and improper protection from leakage. By now, no matter what "spokespersons" say to further political and business purposes, it is clear to most Americans that waste-disposal (including disposal of toxic and nuclear wastes) is too often carried out inadequately. Deficiencies in providing safeguards from contamination are too often glossed over, not corrected. Residents of threatened areas who object to such treatment are too often worn down or browbeaten by political or commercial forces into accepting "solutions" that damage the quality of their lives.

125. The systems which have been analyzed, evaluated and are recommended in the EIS and the Facilities Plan are all systems which have been proven throughout the United States as being sanitary systems which protect public health and improve conditions in the environment to minimize and/or eliminate impacts of sewage.

125

126

126. See Response to Comment 422 regarding odor potential. The lagoon will be fenced and should present no significant health problems.

127

127. Please refer to Response to Comment 7, Letter No. 2; Response to Comment 17, Letter No. 10 and Response to Comment 21, Letter No. 11.

Apparently the present plan is for the sewage in the reservoir to be "treated" then released into Neskowin Creek. It is well-known that chemical treatment of sewage and contaminated water may "kill germs", but often also produces carcinogenic organic compounds; the "sanitizing" chemicals themselves are often toxic. In these days of increased degenerative disease, immune disorders, and cancer, it is naive and foolhardy to make light of the dangers of toxic exposure: effects are not always instant and obvious; damage occurs over time, but is no less deadly for that. If "processed" sewage is to be dumped into Neskowin Creek, what guarantee do we have that our children who swim, raft, and play in that water will not eventually become diseased or poisoned by the effluent? There is no good reason for us to sacrifice their safety and the purity of our environment for the sake of developers' hopes.

And -- as far as "development" goes, what respect do these developers show for the customers they mean to attract? What of the summer homeowners, motel, condominium, and restaurant patrons relishing their dinners while sewage-filled Neskowin creek flows past them . . . what of the tourists picnicking, sunbathing, wading and splashing in Neskowin creek as it carries processed fecal matter across the beach, past Proposal Rock, and into the waves?

Neskowin Creek and the Slab Creek Road area are much less spoiled than Hawk Creek and the core area of Neskowin -- yet the presence of bacteria in Hawk creek has been one of the reasons cited in support of the "need" for a sewage system! Neskowin Creek is a beautiful stream that provides a place for trout, sea-run cutthroat, salmon, steelhead, otters, deer, kingfishers, great blue herons, and many other animals in its waters and along its banks. It runs through farmland, past homes and recreation sites. Endorsing its contamination for any reason would be irrational and offensive.

It seems to me that the people most in support of this project who are now in financial panic because they are unable to develop and profit from parcels of land which they purchased in the past without employing foresight should now begin to employ it. Rushing into this project before it is well-thought-out and satisfactory to all affected residents will only bring disaster. The Neskowin area is known for its beauty and unspoiledness: if it is ruined, it will no longer be appealing to the buyers and tourists these people intend to attract. There are plenty of ruined places in this country already, but very few as unspoiled and protected as our is. Now is the time to think ahead and plan intelligently: if a sewage system is truly needed, a safe one that doesn't offend or sicken the area's residents should be devised. If this takes time, let it take time. Nothing potentially ruinous or dangerous should ever be rushed into for the sake of funding: good sense tells us this, though greed does not always agree.

Sincerely,



Alice Duncan, D.C.  
Upstairs Clinic  
Neskowin Marketplace  
Neskowin, Oregon 97149

128. There will be no chemical treatment involved in this process. The proposed treatment is mechanical/biological followed by physical filtering of the effluent; the proposed disinfection is through ultraviolet irradiation. No chlorine will be used in the system and thus the concern of carcinogenic hydrocarbon chemicals is unfounded. Please refer to Response to Comment 53, Letter No. 17.
129. Please refer to Response to Comment 17, Letter No. 10 and Response to Comment 76, Letter No. 19. Please also note that no effluent discharge will take place during the times of high usage of the creek for swimming and wading.
130. Please refer to Response to Comment 17, Letter No. 10. The situation as describe here is more likely to occur given the no-action alternative rather than implementation of any of the proposed alternatives.
131. The project is not proposing to contaminate Neskowin Creek. The project recognizes the ecological sensitivity of the creek; the purpose of the project is to protect both public and natural system health. Please refer to Response to Comment 17, Letter No. 10.
132. Please refer to Response to Comment 17, Letter No. 10; Response to Comment 23, Letter No. 13; Response to Comment 32, Letter No 14; and Response to Comment 63, Letter No. 19.

Re EIS 910-9-90-121, Neskowin

October 28, 1990

Dear Gerald Opatz,

I am a Slab Creek Road property owner and a life-long friend of Neskowin Creek. During the five years I lived on the creek (from 1982 to 1987) I walked it almost daily, year round, often in waders. I have caught and released large numbers of Neskowin Creek's trout and winter steelhead and a few of its coho (hooked on flies while fishing for searun cutthroat); I've seen many deer and elk, countless herons and kingfishers, two black bears, several bobcat, otters and mink, Northern Phalaropes, Sharp-shinned and Cooper's hawks, and countless more common species on and near the creek. I have twice, right outside my study at 7995 Slab Creek Road, "conversed" with a Northern Spotted Owl, drawn to hunt by the lights I kept burning when I worked late hours in my study.

As a lifelong fishermen and fishing author (my 1983 novel, *The River Why*, published by Sierra Club and Bantam Books, is still in most Northwest bookstores), as a father of two, and as a person who, from '82 to '87, probably spent more hours in and by Neskowin Creek than any ten other people put together, it is my opinion that the current draft of the EIS supplies lamentably inadequate information on summer stream flows and temperatures, particularly in regard to their effects on juvenile coho and steelhead and aquatic biota. Even with no further environmental degradation whatever, the future of Neskowin Creek salmon and steelhead—the coho in particular—is extremely tenuous. And—with all due respect to ODFW studies—in my five years of close company with the creek, I have never hooked, seen, or even heard rumors of a single Neskowin Creek chinook or chum salmon, and would suggest that these strains, if they exist at all, are endangered.

On the other hand, I have seen bright coho spawning in the creek as late as February, and bright "winter" steelhead spawning as late as May. This is the beauty of this little index stream with its little native runs of fish: the extremely diverse genetic "opinion" of these salmon and steelhead about what time to enter the stream and spawn makes them almost impossible to wipe out with a single flood or outbreak of disease—as so often occurs to our hatchery runs. Just last week the disastrous decline of West Coast salmon runs (the coho in particular) was a

133. The process which is now nearing completion has been on-going for nearly three years. The facilities planning process has evaluated numerous collection, treatment and disposal options; those which are the most adaptable to the Neskowin situation have been further evaluated through the production of this EIS. The outcome has been the development of the least environmentally perturbing alternative which addresses the current public health problems associated with inadequate septic systems.

134

134. Please refer to Response to Comment 17, Letter No. 10 and Responses to Comments 66 and 76, Letter No. 19.

front page story in *The Oregonian*. At a time when the drastic vulnerability of the hatchery programs has caused almost all fisheries experts to reemphasize the restoration of native runs and of native habitat, we can hardly afford to lose this gem of a stream to an inappropriate sewage treatment proposal.

The town of Neskowin has a small sewage problem, and needs a small, inexpensive solution. It does not need to have its small problem used as an excuse to install a large treatment system to open the area up to developers. This issue is extremely important, and, as I'm sure you understand, it is not just about sewage. Your recommendations on this issue may be the single most important decision ever made for this area: if you support a large treatment system, there will be an enormous population increase in this delicate little area—and the inevitable loss or degradation of wildlife habitat, the depletion or extinction of the native salmon and steelhead runs, and the loss of the small-scale, friendly rural life-style that most of the people who live here cherish.

I sincerely hope, Mr. Opatz, that you will do everything you can to see that Neskowin's sewage problem is solved on an appropriately small scale.

Thank you,



David J. Duncan  
PO Box 523  
Neskowin, OR 97149

2220 NW Aspen,  
Portland, OR 97210

134

135

135. Please refer to Response to Comment 5, Letter No. 1; Response to Comment 17, Letter No. 10; and Response to Comment 63, Letter No. 19.



1209 SW 6th Ave  
Portland, Oregon 97204  
October 26, 1990

WD 138  
re: Reshown Sanitation District.

My parents and I have owned a cottage at Reshown since 1942 and as a responsible citizen I feel we should go ahead with a sewer project at this time.

I'm worried about the health hazard if the present conditions continue.

I'm upset with the tactics of a minority - some I suspect are on the small existing sewer or otherwise not expected.

I'm afraid this problem will become more critical & need to be dealt with after our funding help has expired.

I hope we can get on with this project so my grandchildren can continue to enjoy Reshown.  
Thank you for your attention.  
Sincerely,  
Merry Eulow

136

136. A number of comments were received which supported completion of the project.

NGJ

Oct. 30, 1990

Dear Mr. Opatz,

I am a member of the Tillamook County Planning Commission and Secretary of the Neskowin Community Association. My statements are as a representative of neither organization, but as a citizen and fulltime resident of Neskowin.

My statement does not contain a lot of technical information. However, I do want to go on the record as favoring a solution to the pollution problem in Neskowin.

This solution must be based on complete information. Judging from testimonies I have heard, there does not appear to be adequate information to develop such a solution. Therefore, I urge the EPA to spend the time & effort to get the necessary information so a sound solution to the pollution problem can be developed.

I also want to state that I am 100% opposed to a Phase 2 of the proposed alternatives. That consideration is an issue of growth and has nothing to do with the pollution problem which presently exists. Growth in Neskowin is not a question that should be answered by County, State or Federal agencies. It is a question that the citizens of Neskowin need to consider within the current guidelines of those agencies. However, this is not the proper forum for resolving the growth question. I believe that

137 137. A number of comments were received which favored a solution to the pollution problem.

138 138. Please refer to Response to Comment 31, Letter No. 14.

139 139. A number of comments were received which opposed the implementation of Phase 2. Please refer to Response to Comment 115, Letter No. 25.

140 140. Please refer to Response to Comment 63, Letter No. 19.

( 2 )

the purpose of this process is to resolve the current  
pollution problem and urge you to focus on that  
as you make your recommendations.

Sincerely,

Marnie Frank

141

141. Please refer to Response to Comment 17, Letter, No. 10.

October 26, 1990

Mr. Edd French  
P. O. Box 564  
Jasper, AR 72641

Neskowin Regional Sanitary Authority  
P. O. Box 383  
Neskowin, OR 97149

Dear Neskowin Regional Sanitary Authority,

I am the owner of Lot 5, Block 2, in Neskowin Heights. Because I live out of state, I will not be able to attend the public hearings on the Community Sewer Plan for Neskowin Heights. However, I do wish to have my input. Let it be known, that I fully support the sewer facility for the Neskowin Community. I cannot understand why anyone would be opposed to such a plan, as long as all EPA guidelines are adhered to.

Many of us property owners would build on our lots if we could get our septic permits. This would allow for us to move to Neskowin Heights and this would bring much needed tax revenue and other sources of revenue to the community.

Sincerely,



Edd French  
Concerned property owner in Neskowin Heights and an avid supporter for developing a sewer system for the community of Neskowin Heights.

142 142. A number of comments were received which supported completion of the proposed project.

State of Oregon  
Department of Environmental Quality  
811 SW 6th Avenue, Portland, Oregon 97204

10/2/90

Attn: Richard Santner  
Re: Neskowin Project


Richard,

Please put us down in favor of the Neskowin Sewer Project and record our opinion at the upcoming public hearing in Neskowin. We, like many others, have been waiting to build in Neskowin. A quick walk through the community shows signs of septic systems failing, improper drainage areas for the septic systems, and pollution in Neskowin creek. It would be in the best interest of the community to have a public sewer disposal system, both from a health standpoint and an increase in market value. Historically, dwellings on public sewer bring a higher market price than homes on private septic systems. From an environmental standpoint, homes on public sewer would be the best solution to the problems present in the Neskowin community. Again, we, like many other members of the community, are in favor of the project.

143

143. A number of comments were received which supported completion of the proposed project.

Sincerely,

  
Jeffrey Allen Fuhrmeister  
Appraiser

  
Jeraline M. Fuhrmeister  
Environmentalist

8137 SW 35th Avenue  
Portland, Oregon 97219

Dept. of Environmental Quality  
Water Quality Division

REC'D  
OCT - 4 1990



LESTER E. FULTZ, P.E., P.L.S.  
P. O. Box 818  
Neskowin, Oregon 97149  
503 • 392-3072

31 October 1990

Gerald Opatz  
Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Mail Stop WD 136  
Seattle, WA 98101

Re: Neskowin Regional Sanitary Authority  
Wastewater Collection, Treatment & Disposal Facilities  
Draft Environmental Statement

Dear Mr. Opatz:

These written comments are submitted in addition to my oral presentation at the Neskowin Fire Hall on 27 October 1990.

I believe it pertinent to provide a bit of background to these comments. I have been a property owner in the Neskowin Community for 29+ years. I am not one of the "inner circle" for I am a "developer" and as such apparently a person to be shunned by the "right thinking group". This group, some of which were represented by some of the speakers at the meeting, seem to find it very convenient to overlook the large number of property owners in the Community that have not been able to construct living quarters because of the lack of sewage disposal facilities. These property owners have lots in legally platted subdivisions to higher standards than were in effect in 1910 when a large portion of the "core" area of Neskowin was platted. As I tried to express in my oral presentation, these non-present property owners purchased their lots because they like a "non-commercial" community. They did not purchase to create a highly commercialized area like Lincoln City, an area that I am most familiar with because I first moved to the Central Oregon Coast in 1949. I have seen many, many changes in Lincoln City.

I mentioned the other subdivisions in my presentation. From north to south, Viking Estates, Neff Addition, Oceancreek, Neskowin Woods, Pacific Sands Heights, (Neskowin Crest is out), Hawk Creek Hills, Proposal Rock & Neskowin Heights. There are only a few residences in these subdivisions because, even though they met Tillamook County platting standards, the change in the Department of Environmental Quality Rules of Subsurface sewage disposal Systems were changed to the extent there is not sufficient land area for residence, septic tank and drain fields. There is no commercially zoned areas in these subdivisions. The lots in these subdivisions are not cheapies. A lot in Neskowin Heights recently sold for \$59,000.00, with the purchaser being fully aware that sewage disposal was not yet available. That purchase price exceeds the present market value of most of the residences in the "core area" of Neskowin.

144 144. Comments noted.

I mentioned the NIMBY syndrome in my oral presentation. I am sure the word was new to most of the audience. The letters stand for, "Not In My BackYard" and is the reaction of many persons who are faced with a sharp change in their life styles. I have been in private engineering practice for a good share of my life and have attended many Public Hearings on a wide range of subjects and am very familiar with the syndrome. It seems that it is very easy to focus on our own life style and ignore the fact that there are a large number of persons who share the same objectives and who need the same advantages as those within a community who are trying to keep them away by finding very minute "straws" to clutch on to justify their NIMBY position. The situation in which a clique of persons in a community like Neskowin where the population from a low of about 250 persons in the winter season to about 3,000 in the summer season can have a large negative impact by virtue of being residents when a Public Hearing is held at a time of the year when the persons who need the improvements, in this case sewage facilities, are not either informed of the Public Hearing or are so far away they cannot attend. In the usual case of a Public Hearing in an urban area or in an area where the population does not fluctuate, I am sure the NIMBY syndrome is not so pronounced.

With respect to specific comments on the subject statement:

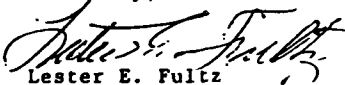
1. The Draft Environmental Statement is very thorough. This is understandable in these days when persons are reviewing all governmental and private actions with fine tooth combs in sincere attempts to guarantee proper return on funds spent. An inspection of the Table of Contents shows the excellent inclusion of every possible item that some person or group could use to create questions.
2. The Draft Environmental Statement illustrates very well the increased cost incurred by delay. I recognize that this fact is easily overlooked by the NIMBY crowd but it is a real life fact in which the persons least able to pay the increased costs are usually stuck with the bills.
3. I believe the Draft Environmental Statement gives sufficient information on the various treatment alternatives and the reasons for choosing the best alternative. But here again, logic seems to have no effect upon the thinking of the NIMBY group. Then too, these persons have no technical experience and cannot follow the reasoning. For example, I clearly remember the man who spoke at the Public Meeting on 27 October 1990 pitching for improving the present treatment plant and forgetting all the fancy new plans. Obviously this person does not understand the Septic Tank Effluent system and the economic benefits of that system for the Neskowin Community.
4. The same kind of statements made above can be applied to Chapter 4, ENVIRONMENTAL CONSEQUENCES. The majority of the speakers on 27 October 1990 showed great concern about the

local environment and particularly Neskowin Creek. As I stated in my oral testimony, I live on Neskowin Creek. I am one of three parties who live on the Creek. My property is directly downstream from the discharge point for the present treatment plant into Neskowin Creek. I have never noticed any negative effects of the discharge. I doubt that any of the speakers on the 27th of October have ever been in Neskowin Creek. They know nothing about it but seem to have seized upon an issue that can inflame passions.

5. I was interested in the statements relative to the fish population of Neskowin Creek. As I stated above I live on Neskowin Creek by the bridge across the stream on South Beach Road. I have had occasion to observe anglers in action. Some years ago there was a lot of activity by anglers in the summer time as well as the fall and winter. The reason for the activity was that there were plenty of fish in the stream. The last two years the fishing activity has been very slow. The reason is obvious- there are very few fish in the stream. There was mention of chinook, silver and steelhead being in the stream. I admit that in the past there were runs of such fish but I have not known of a chinook or silver salmon run in the stream for at least five years. There is very little steelhead action on the stream. This is interesting when one considers that the Indian name for the stream meant "many fish". I believe the reduced number of fish in the stream is due to the human activity on the beach where Neskowin Creek enters the Pacific Ocean, not such activities as discharge of sewage effluent into the stream.

In summary, I want to be on record as supporting the Neskowin Regional Sanitary Authority's activities in promoting a community sewage disposal system. The Draft Environmental Statement clearly illustrates the environmental need for a public sewage disposal system, most particularly in the "core" area of the Neskowin Community in which almost all of the speakers on the 27th of October live.

Sincerely,

  
Lester E. Fultz

cc: Neskowin Regional Sanitary Authority  
Jann Steelhammer  
File

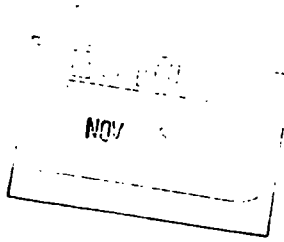
144

145

145. A number of comments were received which supported completion of the proposed project.



U.S. Environmental Protection Agency  
1200 S.W. Sixth Avenue WD-136  
Seattle, WA 98101



Dear Sir:

As owners of two properties in Neskowin, OR, we would like to tell you that we believe a sewer system in Neskowin is very much needed for the safety and health of the community!

We would also like you to consider extending the <sup>proposed</sup> sewer further north to include all homes now on septic tanks. This would be more equitable and would spread the cost among a larger number of property owners.

Yours truly

James M. Given  
Ephraim  
4315 McMinville  
P.O. Box 373  
Neskowin, OR 97149

146 146. A number of comments were received which supported completion of the proposed project.

147 147. The facility planning process has determined the area to be served by Phase 1. The EIS process has not changed these decisions. Further, local decisions will need to be made regarding implementation or modification of Phase 2.

DEIS Project Officer  
EPA  
1500 1st Ave.  
Seattle WA 98101

Dear Sir

11-5-90

I am writing in regard to the proposed  
Sewage treatment facility in the Neskowin area.  
Specifically the plan of choice as described  
in the current Draft E.I.S. I find it to  
be a shallow, inadequate document that fails  
to deal with any of the important issues  
at hand. At best it makes only a minimal  
attempt at describing the impact on the  
surrounding area.

At the present and for the past 13 years  
I have lived at 8105 Slab Crk Rd. Neskowin, OR.  
At no time while the present E.I.S. was  
being prepared was I notified that the  
N.R.S.A. was considering our area as a  
possible site for one or more holding ponds  
for sewage treated effluent. The effect that  
these ponds would have on the environment  
of Slab Creek Valley would be disastrous.

The many people who make their homes  
here object to any such proposal. The  
people who live here have gone to a great  
deal of trouble and expense to build here.

The valley harbors a Class I stream with  
a run of non-hatchery stocked and Salmon  
fish. The highway is both a designated  
bike route and Senior driver. Neskowin Valley  
School is located in the valley with a strong  
curriculum in natural studies. The idea

148. The facilities planning process identified two pasture sites along Slab Creek Road as potential treatment plant sites. For reasons described in the Facilities Plan and the DEIS, these sites were eliminated from consideration. As the planning process progressed and it became obvious that effluent disposal alternatives were extremely limited, it became necessary to identify sites that were large enough to store all effluent generated during the summer months for disposal when Neskowin Creek flows are high enough to ensure dilution ratios of 20:1. The siting of these storage lagoons at the Simpson Timber Site is the result of investigations of potential sites throughout the area. None of the other sites examined could accommodate the lagoons necessary for summertime storage. The alternatives available are extremely limited. Please refer to Response to Comments 147, Letter No. 38.

149

149. The potential for impact to fisheries resources is considerably greater with the no-action alternative than with implementation of the preferred alternative. Please refer to Response to Comment 76, Letter No. 19.

of taking Neshowins pollution problem and exporting it to what is a beautiful coastal stream seems to me to be a ridiculous proposal.

The data that we are asked to consider in the EIS is either non-conclusive, glaringly omissive of pertinent facts, or facts that have been misrepresented. For instance: To justify such a large system, population growth has been exaggerated beyond reality. As a active participant in the participation creation of the Land Use Plan for Tillamook County I can remember that the size of the Urban Growth Boundaries and Population growth statistics for Neshowins were deemed both unrealistic and unsupportable by the Planning Staff at the time but because of pressure from developers they were allowed. These boundaries and statistics have no basis in fact and should not be used to determine the size and scale of a Sewage Treatment Plant for Neshowins. But to go beyond that area and venture into now unaffected areas and spoil them is not a responsible move or suggestion.

I understand that the pollution problem in Neshowins needs to be dealt with but I think that railroading this through

150. Projections for the area's growth were based on existing adopted land use plans. Projections of the need for particular utilities are based on anticipated population within the service area. These projections form the basis for utility planning.

Actual development will depend upon the adopted Comprehensive Land Use Plan, Zoning Regulations and demand.

151. EPA's planning horizon is 20 years. The facilities plan and therefore the DEIS discuss implementation of Phase 1 to alleviate on-going pollution problems and to remedy those problems for some time into the future. Population forecasts which are provided may or may not be realized because of a number of factors other than the availability of sewers. If growth does not occur as rapidly as predicted in the facilities plan, implementation of Phase 2 will be delayed or will not be necessary. Discussion of Phase 2 does not presuppose that it will be constructed; rather this discussion provides a description of how it could be implemented if and when the need arises.

152. Please refer to Response to Comment 148, Letter No. 39.

153. Please refer to Response to Comment 17, Letter No. 10; Response to Comment 27, Letter No. 14; Response to Comment 61, Letter No. 19 and Response to Comment, 133, Letter No. 31.

Simply to acquire Federal Funding is  
an imprudent and irresponsible plan.  
If as the EIS states cost of acquiring  
land is such a big factor to them the  
N.R.S.A. let them scale down the proposal  
to meet realistic growth projections and  
to reflect the desires of the population  
they strive to serve i.e. limited growth.

Thank you for your time  
Sincerely Joseph Goodrich  
Karen Goodrich

153

154

154. Please refer to Response to Comment 63, Letter No. 19.

November 4, 1990

To: Neskowin Regional Sanitary Authority  
4360 Salem Ave.  
Neskowin, OR 97149



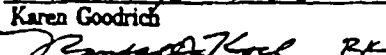
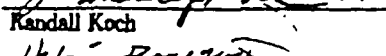
We are residents, homeowners and landowners of property along Slab Creek Road, Neskowin, OR, who may experience unreasonable personal and socioeconomic impact as a result of the siting of a sewage treatment plant on Slab Creek Road.


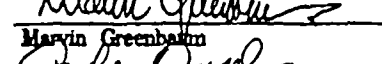
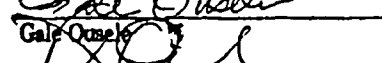
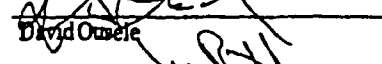
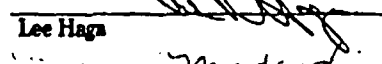
We have reason to believe that the proposed siting of the plant may have been arrived at without due process regarding its impact on our lives and environment. In order to determine if proper and legal procedures have been followed with respect to local, state and federal statutes and with respect to the codes of any bodies empowered to make decisions on the siting, we are requesting the following:

- 1) Copies of the official minutes of the Neskowin Regional Sanitary Authority in which any mention, action or decision which might reasonably pertain to the siting of the treatment plant on Slab Creek Road appeared.
- 2) Any formal or informal contacts, including letters and telephone calls, with dates, that may have been made between members of the authority and any person or persons with respect to the location of the treatment site on Slab Creek Road, including but not restricted to any contact made with property owners of the site where the plant could be located.
- 3) Any preparatory steps, with dates, that were taken to determine the suitability of the site for a treatment plant, including but not restricted to soil sampling, water flow, etc. that may not have otherwise appeared in the official records and may have been made without due process.

We appreciate receiving the information as quickly as possible. Time is of the essence.

Sincerely,

  
Joseph Goodrich  
  
Karen Goodrich  
  
Randall Koch  
  
Helaine Koch

  
Marvin Greenbaum  
  
Gale Ousele  
  
David Ousele  
  
Lee Haga  
  
Simpson Timber Co.

cc: EPA, attn: Gerald Opatz  
Mail Stop WD-136  
1200 6th Ave.  
Seattle, WA 98101

155 155. EPA does not have minutes from NRSA meetings. These may be available from the NRSA.

156 156. EPA does not have any records of this type.

\* or effluent pond etc.

Mrs. Wayne Hadley  
787 Cross S.E., Salem, Oregon 97302

As a central Neekowin Homeowners is  
there still time for me last plea?  
We are already on your mailing list,  
but were vacationing in Canada and  
unable to attend recent meetings.

The need seems badly. The  
engineering details are beyond us, but  
some kind of a sewer system is a  
must. Why not now ???

Thank you

Shirley Hadley

157

157. Several comments were received which support the project.

Mr. Gerald Opatz  
US Environmental Protection Agency  
Mail Stop WD 136  
Region 10  
1200 -6th Ave  
Seattle, WA 98101

October 30, 1990

Dear Sir,

We are writing this letter in concern with the proposed dumping of effluent on Slab Creek Rd. We are very much opposed to any effluent being dumped in our beautiful creek, and we also oppose the construction of any storage lagoons along Slab Creek Rd. for many reasons. We take pride in our creek's clean, clear water, and we and our children enjoy wading, swimming, and even rafting along this river. We are careful not to contaminate, nor "fish out," Neskowin Creek, and it has been a joy to see the fish return to our creek. This creek also borders one of the loveliest scenic routes on the coast and it would be a shame to ruin it in any way. Regarding the proposed lagoon at Simpson Timber farm, this also would be an eyesore as well as a health hazard who use this road as scenic and bike route, not to mention hikers who like to explore the lovely surrounding terrain. As homeowners here for the last twelve years along the creek, we do not wish to live near a waste disposal of any kind. Oftentimes the smell of the ocean is carried up the valley, which would include the odors of the lagoon. Our dogs like to roam the area and might get sick or bring back diseases from the effluent. We think also that the location of such a lagoon anywhere in the vicinity of lots of children is very inappropriate. In this case the daily population of children at Neskowin Valley School one mile away might be affected. We families out here on Slab Creek Road have never felt connected to Neskowin's sewer woes in any way, and we will resist any effort to change our peaceful, uncrowded bucolic life style. Most of us are zoned Small Farm 10, and this acreage gives plenty of room for our efficient septic tanks to operate smoothly. We do not wish to be included on any future sewer system, and we do not want any part of Slab Creek Road to be included in the Community (Urban) Growth Boundary either, simply because the residents of Neskowin wish to dump their waste in our backyards. We work hard to preserve the pretty pastoral quality of our scenic route neighborhood, and we will fight against any attempt to alter our environment.

Yours truly,

Douglas and Lee Haga

158. A number of comments were received which opposed the storage of effluent at the Slab Creek site. The current proposal is to discharge effluent at the existing outfall site at approximately 0.8 miles from the ocean.

158

159

159. Comment noted.

160

160. Please refer to Response to Comment 428 and 422.

161

161. The storage facilities will be fenced to preclude schoolchildren, pets, etc. from inadvertently getting near the lagoons.

162

162. The residences along Slab Creek Road will not be served by these facilities.

163

163. The Slab Creek Road area is not included within the Urban Growth Area.

3 November 1990

[COPY FAXED:]

11/5/90

Mr. Gerald Opatz, EIS Project Officer  
Environmental Evaluation Branch  
Environmental Protection Agency  
1206 6th Ave.  
Seattle, Washington 98101

Dear Mr. Opatz,

I am writing to express my firm opposition to the proposed location for the NRSA's waste treatment holding ponds in the Neskowin Creek Valley. While my wife and I have been year-round residents of the Neskowin area for 18 years, we live 3 miles north of Neskowin, well outside the sewer district. Our overriding concern is to preserve the integrity not only of the pristine class-I Neskowin Creek, but also of the rural character of the resource lands which largely comprise it. Neskowin, in the last half of the ninth inning (The prospect has been announced for only a couple of months, I gather; I learned of it only last week! No effort, that I can discern, has been made to notify area residents. I suspect the converse is likely), has no just cause to point the proverbial shotgun toward the valley in hopes of usurping land merely because the time limit for federal aid has forced an expedient, ill-conceived, and somewhat desperate resolution.

Without reiterating the details, I want to stress that I appreciate fully the need to resolve the unhealthy and unacceptable sewage systems currently "serving" Neskowin's residents. The site of any new treatment facility, however, must be found within Neskowin's existing Urban Growth Boundary. The fact that much of this land may have a high price tag is no excuse for compromising so obviously the use of resource lands, especially Neskowin Creek. An additional \$100-300,000 acquisition cost is negligible as a percentage of total cost, and a tiny tithe to pay for the purported growth in the immediate area, upon which such a large plant has been predicated. (Over the years the NRSA Board has neglected to act upon several suitable sites, one of which, 3 or 4 years ago, made invitation for such use, and which had to resort to constructing its own system!)

I spent 3 years as a member of the local Citizens Advisory Committee in the late 70's as we made determinations regarding land use classification for adoption at the County level, under the statewide Planning Goals of the State of Oregon. Throughout the process, those in Neskowin who were staunchly (and, one must conclude, self-servingly) advocating a vast urban growth boundary were told time and time again by the County Planning Commission staff that not even the most optimistic population, or "growth,"

164 164. A number of comments were received which opposed the location of the storage lagoons at the Simpson Timber Site. Please refer to Response to Comment 148, Letter No. 39; and Response to Comment 427.

165 165. Please refer to Response to Comment 150, Letter No. 39.

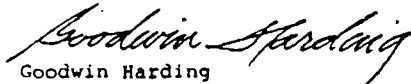


projection then available could possibly justify such a large UGB. Staff was hard-pressed to support the zone in the final plan; they expected rejection by LCDC. Since that growth has yet to materialize: 1) There must be alternative sites within the UGB, and 2) the proposed system, in all its 3 phases, is designed for a much larger population than is currently needed.

My greatest objection to the location of the holding pools in the Neskowin Valley centers on the probability that the mere existence of such a facility would encourage, even "justify," an expansion of the existing UGB up into the Valley. Thus my anger over what I increasingly believe amounts to a "railroad job" involves not just the imposition of a wholly inappropriate, albeit feasible, land use (READ: river use), but a surreptitious preemption of the Valley's existing zoning classification.

Finally, I am greatly troubled that the EIS apparently makes no provision for the eventuality where there is not adequate water flow--at any time of year--to dilute the treated effluent.

I am grateful for your consideration,  
Respectfully,

  
Goodwin Harding  
44405 Aeolian Way  
Neskowin, OR 97149

166. No extension of the Urban Growth Boundary will be made as a result of this proposal. Future extensions of the boundary must conform to adopted land use plans and zoning regulations; input to those processes will direct the expansion or reduction of those boundaries.

166

167

167. Please refer to Response to Comment 66, Letter No. 19 and Response to Comment 84, Letter No. 19.

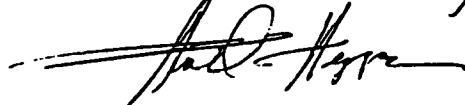
44

Nov. 4, 1990

Mr. Opatz,

We have lived in Neskowin  
for over 20 years. We are  
writing this letter to oppose  
the treatment plant in Neskowin  
- Slab Creek Road or any other  
place near our rivers.

Sincerely,



Florence Hegge

168

168. Comment noted.

NESKOWIN REGIONAL  
 SANITARY AUTHORITY  
 BOX 383  
 NESKOWIN, OR 97149



5. 3. 4.

## ERRATA

To ensure ample time for public review and comment prior to the hearing on the Neskowin Regional Sanitary Authority Wastewater Collection, Treatment, and Disposal Facilities Draft Environmental Impact Statement, EPA has rescheduled the public hearings. The public hearings will now be held on Saturday, October 27, 1990 at 7:00 pm, and on Sunday, October 28, 1990 at 2:00 pm, in the Neskowin Fire Hall. The close of the public comment period will be extended to Monday, November 5, 1990.

Please note that information contained in this notice supersedes information contained on the cover page of the Neskowin Regional Sanitary Authority Wastewater Collection, Treatment, and Disposal Facilities Draft Environmental Impact Statement.

Statement.  
-50010 S. BRACH DRIVE

I favor a plan that would provide sewer service to our house in "Neshowin Heights" (South Beach). Please keep me informed on developments concerning this matter.

R. Duke Jennings, MD  
615 S. MELTON CIRCLE  
JONESBORO, ARKANSAS 72401

169

169. Comment noted.

46

SEP 7

September 5th/1990

Fredianne Gray,  
U.S. Environmental Protection Agency,  
Seattle, Washington

Dear Ms. Gray,

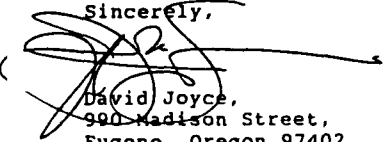
Perhaps you remember that we spoke at some length on the phone shortly after Neskowin Fact Sheet #5 was sent out to homeowners. I told you then that many of us suspect that the people who are the most ardent supporters of a large-scale sewer system in Neskowin are the same people who stand to make financial gains if this area is heavily developed.

By way of supporting this notion, I am sending along a copy of a recent front page article in the Tillamook Headlight Herald. The source of the information seems to be Vic Affolter, the Director of the Community Development Department for the county. Last year, when he tried to get our support for the county's Resort Development Plan, Mr. Affolter assured us all that he really wanted to keep Neskowin small and beautiful and that the proposed plan would make it very difficult for developers to move into the Neskowin area. Now here he is in the newspaper actively promoting the inevitability of development and the need for an enabling sewer under the guise of concern for public health. I am also including a Letter To The Editor in the same paper a week later in which an irate citizen seems to be accusing Mr. Affolter of the same type of duplicity.

Ms. Gray, I know you don't have any involvement in the politics of all this but I simply wanted to show you what we're up against in the fight for a sewer that's scaled to the needs of the community without opening the door to the type of 'progress' which will surely destroy our precious small-town quality of life. By the way, both Ted Corbett and Mike Kowalski, who are quoted in the first article, are land-owners in this area with conflicts of interest in the whole debate.

Many thanks for your interest and hard work in the resolution of this matter.

Sincerely,

  
David Joyce,  
990 Madison Street,  
Eugene, Oregon 97402

170 170. This comment is beyond the scope of this EIS.

October 10th, 1990

Gerald Opatz, EIS Project Director,  
Environmental Evaluation Branch,  
Environmental Protection Agency,  
Seattle, Washington

Dear Mr. Opatz,

Having just completed a thorough reading of the draft EIS on wastewater collection, treatment, and disposal for Neskowin, Oregon, several concerns come to mind and I would like to note them for you.

First of all, there seems to be a conclusion formed that dumping treated wastewater into Neskowin Creek during winter months is somehow inevitable if the contamination problem in Hawk Creek is to be solved. From what we know about the importance of Neskowin Creek to the spawning patterns of five different species of fish (some of which may soon be listed as endangered in the northwest) it seems extremely unwise to assume that this path is the only viable alternative available. Further, since Neskowin Creek ultimately flows into the ocean at Proposal Rock, a popular tourist area designated as a state park with its own parking wayside and access path, it would seem that the EPA is leaving itself vulnerable to possible future complications and protests by pursuing this option.

Secondly, an obvious alternative to the nine listed in the DEIS, namely, limited action to identify and clean up existing inadequate septic systems along Hawk Creek, is not even mentioned. In addition, the actual source of the contamination in Hawk Creek has not been identified nor has the scope of the problem been clearly outlined. In other words, rather drastic measures are being proposed to solve a condition which is ill-defined and not clearly understood.

A third concern of mine is that the DEIS frequently states that certain sewage treatment and disposal alternatives would have a negative impact on the growth of the local economy and the potential for real estate development in the Neskowin area. This negative impact is listed as a disadvantage and is used as evidence to discredit certain disposal alternatives. Mr. Opatz, the only economy in Neskowin which is wanted is a village store and a small restaurant. A recent survey of homeowner opinions indicate that the vast majority of Neskowin residents like it that way. Future "development" is emphatically not an attractive prospect for most people in this community and, indeed, the EPA analyses of the Neskowin area seem to indicate that it is a region which is uniquely unsuited to handling the sewage needs of large numbers of people. Add to this the fact that the EPA is

- 171 171. Please refer to Response to Comment 76, Letter No. 19; Response to Comment 17, Letter No. 10; Response to Comment 95, Letter No.22 and Response to Comment 129, Letter No. 31.
- 172 172. Please refer to Response to Comment 33, Letter No. 14.
- 173 173. Please refer to Response to Comment 63, Letter No. 19.

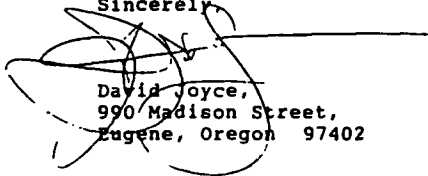
...2

proscribed from advocating sewage disposal plans which are designed to enable development and I believe there is evidence to suggest that there is an implicit bias in the DEIS towards advocating sewage treatment solutions which are pro-growth and not in the best interests of this community.

It is clear that a great deal of work has gone into the preparation of the DEIS for Neskovin but I feel that certain assumptions have been made in this process which are simply not appropriate to the circumstances. The greatest of these is the assumption that growth (and lots of it) is inevitable for the Neskovin area and that a sewage disposal system which would facilitate this growth is logical and desirable. The fact is that the few people who want growth in Neskovin are the ones who stand to make the most money from it and are some of the same people who have persisted in promoting an enabling sewer system for this tiny community no matter what the social or economic costs might be. The fact that the sewer system we almost ended up with a couple of years ago was profoundly flawed in its design concept and its negative environmental impact shows how high the stakes are in this issue. I believe your own studies lead to the obvious conclusion that Neskovin cannot accomodate large numbers of people (and their resulting sewage) and that we should accept this as a fact and work to find solutions which are in keeping with this finding.

I thank you for your attention and consideration of this matter and would welcome any comments you or your staff might care to make about it.

Sincerely,



David Joyce,  
990 Madison Street,  
Eugene, Oregon 97402

November 1, 1990

Gerald Opatz, EIS Project Director,  
Environmental Protection Branch,  
Environmental Protection Agency,  
Seattle, Washington

Dear Mr. Opatz,

Having attended the two DEIS public hearings in Neskowin last weekend, I thought I would take this opportunity to get some ideas to you in writing so that they may become part of the public record.

Let me begin by acknowledging all of the hard work that your office has put into the DEIS and the patient and fair manner in which the public hearings were conducted in Neskowin. I had hoped for a chance to ask questions about specific issues but I also understand that this may have made the whole process a lot more unwieldy and time-consuming. I'm still confused, however, by your announcement that none of the alternatives outlined in the DEIS are acceptable to your office. Does this mean that they have all been automatically rejected and that the NRSA must come up with an entirely new plan? If so, will there be another public hearing after a full evaluation of any new plan by your office? If this is the case, it seems that a lot of time may pass before there is anything of substance to propose to the community.

I do hope that those of us who oppose the plans which have so far been outlined do not seem like a group of obstructionists. We all want to solve the pollution problem in Neskowin but we are deeply concerned about approaches which seem to virtually guarantee substantial growth in an area which is already having difficulty accommodating the sewage treatment needs of the present residents. To simply assume that the population in the Neskowin area will continue to grow unabated (as the county's growth projections in the DEIS suggest) is to allow a bad situation to get a lot worse. Inevitably, if this is allowed to occur, an even larger, more costly, more environmentally-hostile sewage treatment system will have to be devised. This system, currently dubbed "Phase II", is totally out of scale with what I believe the future size of Neskowin should be. It would attract even more people to the area and make the problem even worse. All vestiges of the quiet village atmosphere which we so cherish would be gone forever.

How do we find ourselves in a situation where, in trying to solve a relatively minor pollution problem in the core area of the town, a two-stage plan costing millions of dollars is devised with the potential for causing significant environmental degradation and inducing a spiral of growth which could only aggravate future pollution problems? I believe there are several

174 174. Please refer to Response to Comment 51, Letter No. 17.

175 175. Please refer to Response to Comment 63, Letter No. 19 and Response to Comment 150, Letter No. 39.

....

reasons for this predicament and that, in carefully examining them, we may be able to find a way out of this quandry.

First of all, I believe the area which is defined as "Neskowin" in the DEIS is much too large. If the designers of the sewage disposal system feel obligated to include the needs of communities as far away as Viking Estates (several miles up the highway) then we are truly doomed to proposing a system which is dramatically out of scale with the needs of the Neskowin core area. Further, any system which would include such a large area would enable the population infill of all the area in between. The result would be a dramatic increase in population with runaway sewage treatment problems and costs. In some respects it is understandable that the county should wish to include such a large area in its "Neskowin" designation - it is probably expedient to do so from a bureaucratic and administrative standpoint. Expedience, however, is counterproductive when dealing with the pollution problem in the core of the town. The plain fact is that the treatment and disposal of sewage in Neskowin has been, and will continue to be, a difficult problem and it makes no sense to make the problem worse by adding more people who don't really need to be on the system in the first place.

Secondly, there is one likely reason why the addition of other population groups to the Neskowin sewage disposal system is being proposed. It is that there exists, on the part of a few individuals, a strong economic incentive to promote growth in the area. Who would benefit from such growth? Why the people who own undeveloped land along the proposed sewer route, of course. Some of these people currently sit on the NRSA and are the most active proponents of a larger system (under the constant guise of concern for the health of the community). The county would benefit too in the form of increased tax revenues and tourist traffic streaming up the highway. Vic Affolter, the Director of Tillamook County's Department of Community Development, states plainly in Appendix C of the DEIS that "A further benefit of such a system is its ability to facilitate further development within the Neskowin Community Growth Boundary". The majority of the citizens of Neskowin, however, do not seek and do not want increased tourism or development in our area. Add to this the clear fact that Neskowin cannot accomodate the sewage implications of such growth and I believe the conclusion is inescapable. The interests of the developers and the county growth boosters are not in the best interests of our community, nor are they in harmony with the ecological constraints of this region. Perhaps this is why the frequent statements in the DEIS which demonstrate a bias towards accepting growth in Neskowin are so profoundly galling to those of us who truly care about the future of this community with no ulterior motives for financial gain.

A third reason for the present predicament is, I believe, the result of poor communication on the part of the NRSA. Their history in this issue seems to be that of a group which is intent on keeping local residents in the dark about decisions which have enormous potential impact for the whole area. NRSA meetings

176 176. This comment is beyond the scope of this EIS.

177 177. This comment is beyond the scope of this EIS.



are public, of course, but in a small village where the majority of the homeowners are not full-time residents it is easy to allow substantive issues recede into the background without thorough public discourse. How else can one explain the fact that this community came dangerously close to getting a sewage disposal system two years ago which was clearly unacceptable from an environmental standpoint and which has subsequently been rejected as unsuitable by the DEIS? It took a small group of concerned citizens several months and over \$5000 of their own money to prove the failings of this proposed system. As another example of poor communication, can you imagine the sense of panic and anger that the residents of the Slab Creek area must have experienced last weekend when, at the eleventh hour, they discovered that in one fell swoop they could simultaneously be included in the Neskowin Community Growth Boundary, come under the jurisdiction of the NRSA, find that a large sewage holding pond was being proposed to be situated virtually in their backyards, and that hundreds of thousands of gallons of treated effluent might be pumped into the 'Class A' stream which runs through their property? One may argue that the citizen bears the responsibility for uncovering such matters but it is certainly true that there has been too much misinformation and too many rumors in this entire process and that the NRSA has not taken the lead in informing the community on these issues. Their vested interest in getting a sewer system - any sewer system - has repeatedly led them to choose the easy way out. I believe that much of the anger and distrust which now surrounds this problem can be laid at their feet.

Finally, I believe there has been a clear failure on the part of the county, the NRSA, and the DEQ to honestly evaluate the pollution problem in Neskowin. We know that there is coliform bacteria in Hawk Creek and that all septic systems eventually fail and need to be replaced. We also know that some lots may not be large enough to allow for adequate upgrading of some of these failing systems. Where is the plan which seeks to solve these problems without creating new ones? Where are the innovative solutions which show a genuine caring for health issues and the quality of life in a quiet community instead of a barrage of mega-systems which all lead down the same road to runaway growth and environmental degradation? I believe that a careful analysis of the ideas and testimony presented over the two-year course of this debate contain the necessary solutions to the problem. There are a lot of empty lots in Neskowin which could be used to expand the total drainfield capacity in the community. Residents could share drainfield capacity for their mutual benefit. Even the wayside which was recently dropped into the heart of the community by the state should be questioned. Why should a community with the sewage problems of Neskowin be required to accept the sewage needs of thousands of tourists each year when the very land the wayside sits upon may prove useful in the final solution to the problem? The county sanitarian testified last week that demands are increasing on the

- 178 178. Please refer to Response to Comment 148, Letter No. 39.
- 179 179. Please refer to Response to Comment 166, Letter No. 43.
- 180 180. Please refer to Response to Comment 33, Letter No. 14 and Response to Comment No. 412.
- 181 181. This comment assumes that the owner of the vacant property would make this land available for drainfield use. By so doing these, landowners would be precluding their opportunity to develop their lots. Many of the owners in the core area that have not developed have done so anticipating completion of a sewer project and not in anticipation of giving up their property for use by others as drainfields. Please refer to Response to Comment 70, Letter No. 19; and Response to Comment 200, Letter No. 51.

...4

current drainfield capacity because people are adding garbage disposal systems, dishwashers, hot tubs and other problem-inducing appliances in remodelling projects and in new buildings. Why should such luxuries be allowed in the face of a sewage disposal problem which threatens to bring about negative change to our community forever?

This is a very complex issue and an important one too. I want you to know that my wife and I and a number of other concerned Neskowin residents are ready and willing to assist in any way which might be useful and we thank you for your interest and consideration in this matter.

Sincerely,

David Joyce  
990 Madison Street,  
Eugene, Oregon 97402

182

182. The septic systems and drainfields currently in place are potentially adversely impacted by these appliances. Sewage treatment plants are designed to handle these type of effluents.

74xd to Jones; Stokes 10-1-90

September 27, 1990  
940 Madison  
Eugene, Oregon 97402  
(503-343-4595)

Mr. Gerald Opatz  
DEIS Project Officer  
Environmental Evaluation Branch (w/p 136)  
Environmental Protection Agency  
200 Sixth Avenue  
Seattle, Washington, 98101

Dear Mr. Opatz,

I am taking this early opportunity to offer my suggestions and comments on the draft Environmental Impact Statement prepared for Neskowin's proposed sewerage treatment facility.

One area of grave concern is the plan to discharge treated effluent into Neskowin creek. Chapter three, page seven of the DEIS indicates that Neskowin creek has never been gauged for flow, and it therefore can only be assumed that a 20:1 dilution ratio will be possible (winter months). I think it is vital to KNOW that the creek will be able to handle large amounts of effluent, and to have a solid back-up plan for disposal should a winter dry period occur. (And they DO!)

Chapter three (page 22) discusses aquatic biota. I find this area of the DEIS to be vague, and lacking vital information. Neskowin creek is home to Fall chinook, coho, and chum salmon, as well as winter-run steelhead and sea-run cutthroat trout. Your study does not indicate what impact treated effluent will have on these fish and their spawning habits. The DEIS fails to identify the critical life stages of these species, and the rarity of having all in one area. What if changes in water temperature, chemical balance, smell for homing instincts? All

183

183. Please refer to Response to Comment 17, Letter No. 10 and Response to Comment 76, Letter No. 19.

184

184. Please refer to Response to Comment 66, Letter No. 19.

185

185. There is no change in water temperature anticipated as a result of the proposed discharge. The treatment and holding of effluent will render the effluent close to ambient air temperature. During the winter months, the air temperature will be close to stream temperature. In addition, the dilution ratio will exceed 20:1 so that the effluent would have to be in excess of 20 degrees warmer than the creek to raise the creek temperature 1 degree.

Treated effluent will not impact the fish nor will it impact their spawning habits. It is generally accepted that the addition of dilute non-toxic chemicals, such as secondary sewage treatment plant effluent, will not impact a salmonids ability to imprint and home on its rearing stream. Please refer to Response to Comment 76, Letter No. 19.

These questions were asked, yet are not answered in the DEIS document.

Chapter three, page sixteen, discusses contamination sources. It says "Specific sites which might be contributing fecal contamination could not be identified..... Given this limitation, the extent to which construction of the proposed treatment plant would alleviate the contamination is NOT KNOWN. It does not seem logical to build a sewerage treatment facility which will NOT solve the small problem in Neskowin! The contamination of the creek is the issue, and soul purpose of a sewer for our community. I feel that the time should be taken to dye test individual septic systems, and identify sources of contamination. This could be "ALTERNATIVE 10." Fix failing systems, upgrade to state of the art septic disposal using land sharing for drainfields and other innovative approaches. Chapter Three, page thirty four, states that "Controlled release of treated industrial domestic and agricultural wastes into ocean, river, or estuarine waters shall be permitted ONLY if no practicable alternatives exist." It is my opinion that "Alternative 10" has been ignored and is a possible, logical, way to solve Neskowin's problem.

"Alternative 10" would be a step above "NO ACTION." It could solve contamination problems without impacting Neskowin Creek biota, and without impacting the cultural environment of the community.

Growth and development is also an area for concern. Phase one and phase two of all alternative plans (excepting "NO ACTION")

186 186. Please refer to Response to Comment 68, Letter No. 15

187 187. Please refer to Response to Comment 33, Letter No. 14.

188 188. Please refer to Response to Comment 63, Letter No. 19.

will promote growth. Is it the purpose of a sewer to advocate population increases? This DEIS seems to say exactly that. The majority of Neokowin residents want the problem of creek contamination solved. They also want their community to remain quiet, safe, and without "economic growth." Chapter three, page forty five indicates that if population doubles (which it will with a large sewerage treatment facility such as "phase two alternatives") Neokowin will need a "full time law officer." I firmly believe that this DEIS ignores the cultural impacts of a sewer. Neokowin is a family resort community. It has little economic structure - and needs none. Growth is only wanted by a few land developers - some of whom operate the Neokowin Regional Sanitary Authority (N.R.S.A.). Your "NO ACTION" alternative - could it come to a vote - would win hands down - because of the "NO GROWTH" potential!

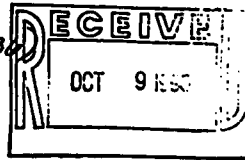
This DEIS is very interesting, and represents many hours of hard work. I am grateful for the opportunity to help in planning Neokowin's future.

Sincerely,

Katharine Joya

October 5, 1990  
 990 Madison  
 Eugene, Oregon 97402

Mr. Gerald Opatz,  
 EIS Project Officer  
 Environmental Evaluation Branch (W/D-1340)  
 Environmental Protection Agency  
 1200 Sixth Avenue  
 Seattle, Washington 98101



Dear Mr. Opatz,

After speaking with Mr. John Shurtz (former attorney for the NEKOWIN CONSERVATION CO-OPERATIVE) and reviewing the D-EIS with him, I felt it was important for me to write a second letter with comments on the document.

As in my first letter, I would like to stress the importance of identifying the actual problem concerning Nekowin Creek and its contamination sources. The DEIS only assumes failing septic systems, and does not have data on the Horse Barns possible contribution to the problem. I strongly feel that it is not logical to attempt to solve any problem without knowing exactly what that problem is! Before any sewerage facility is built we need a thorough study of the pollution issue, and a full description of the results of that study.

NEPA rules indicate that state and federal agencies responsible for approving and funding such sewer projects as Nekowin's perform a thorough analysis of ALL reasonable alternatives. It is my opinion that alternatives 1-8 (both phases of each) discussed in the DEIS are all very similar in terms of size, expense, various environmental impacts, and growth inducement. Alternative # 9, NO ACTION, is at the extreme other end.

Missing from the DEIS document is the reasonable alternative of "LIMITED ACTION." This

189

189. Please refer to Response to Comment 68, Letter No. 19.

190

190. Please refer to Response to Comment 51, Letter No. 17; Response to Comment 85, Letter No. 19; and Response to Comment 133, Letter No. 31.

191

191. Please refer to Response to Comment 62, Letter No. 19.

...alternative would require identifying specific problems and creating solutions on a case by case basis. ("Alternative # 10" in my last letter) Once problems were located, failing systems could be upgraded, or properties seweried as NEEDED. Only those properties known to be failing, or those with very small drainfield capacity would be changed. Some of the changes should be based on use of a specific property - as some houses are vacant all but two weeks each year. Data needs to be gathered on population densities in a month by month, house by house, basis. The "Limited Action" alternative has many benefits. It would identify and solve contamination sources to Neskowin Creek, which is the purpose for the community's sewer plan. We could avoid discharging large amounts of treated effluent into Neskowin Creek, which might devastate the spawning and continued runs of five species of fish. Growth would be limited avoiding cultural changes in this unique and fragile community. This alternative would comply with Tillamook County's comprehensive plan which states that controlled release of treated industrial, domestic, and agricultural wastes into ocean, river, or estuarine waters be permitted only if NO practicable alternative exists. This plan would solve Neskowin's problem without adding new ones. I urge you to give this idea study. The NEPA rules seem to require that you do.

Thank you for your time and attention.  
I look forward to meeting with you  
in Neskowin on October 27<sup>th</sup>.

Sincerely,

Katharine Joy

192

192. Please refer to Response to Comment 33, Letter No. 14.

193

193. The alternatives analysis conducted during the facilities planning process and the generation of this EIS demonstrated that no additional practicable solution exists.

October 29, 1990

Mr. Gerald Opatz,  
 EIS Project Director,  
 Environmental Evaluation Branch w/D-136  
 Environmental Protection Agency,  
 1200 Sixth Avenue,  
 Seattle, Washington, 98101

NOV

Dear Mr. Opatz,

Neskowin has been my home, in all or part for forty two years. I know the people, the beaches, the streams - and care deeply about all. Although I have no background in law or engineering (I am a visual artist) I have given this sewerage issue a great deal of time and study. Thank you for giving my comments your careful consideration without bias for grant deadlines.

As you know, one of my main concerns is that the anadromous fish runs in Neskowin creek not be disturbed by the disposal of treated effluent. Oregon Administrative Rules, Chapter 940, Division 41 (DEQ) states that for marine and estuarine waters "No significant increase above natural background temperatures shall be allowed, and water temperatures shall not be altered to a degree which creates or can reasonably be expected to create an adverse effect on fish or other aquatic life." Further it states, "The creation of tastes or odors or toxic or other conditions that are deleterious to fish or other aquatic life or affect the potability of drinking water or the palatability of fish or shellfish shall not be allowed." I assume these rules, along with others of this nature, apply to Neskowin creek.

Due to the current status (and dangerously low counts) of anadromous fish runs in the state of Oregon, I feel that the preservation of Neskowin creek as a natural stream is of vital importance. I ask that a complete inventory of aquatic species be taken and their life cycles be clearly documented and understood. Specific data is needed. Questions asked by Mr. Dale Pearson of Oregon Trout letter offered with permanent record at the recently held hearings in Neskowin) should be answered in detail.

194

194. Please refer to Response to Comment 17, Letter No. 10; Response to Comment 32, Letter No. 14; Response to Comment 76, Letter No. 19; Response to Comment 83, Letter No. 19; and Response to Comment 91, Letter No. 21.



Should the EPA approve creek disposal of treated effluent I ask that specific data be collected on stream flows to determine whether or not a dilution ratio of 20:1 will indeed be possible.

The Clean Water Act provides that an EPA grant may not be used to construct that portion of a sewerage facility which will provide capacity in excess of existing needs, except for sufficient capacity to accommodate expected growth based on HISTORICAL population data - and "excess" capacity is to be only "The area served. This would mean CORE Neokwin only. Historical data in core Neokwin will show only small population increases. Projections for Neokwin's growth cannot be made by comparisons to other communities. The NRSA has, from the beginning, planned to allocate most of "excess" capacity outside the core area. This is not reserve capacity as understood in the Clean Water Act. Decision-makers for the NRSA, Mr. Kowalski and Mr. Corbett, are landowners and developers of property to be served by "excess" capacity outside core Neokwin. I can't help but feel that their special interests in this project are obvious. It is my opinion that EPA grant money should apply to the village area, nothing more. This sewer project should in no way promote financial gain for any individual or group.

I feel that innovative approaches to solving the problem of creek contamination should be encouraged. Alternative 10, as proposed by several people, may have flaws but deserves full consideration. State of the art solutions are possible with careful planning and investigation. To dismiss them as too expensive or time consuming is unacceptable. The NRSA has proposed their plans with the help of knowledgeable engineers, yet their proposals to date have been unacceptable. It is time to consider other approaches to the problem. It might be time to investigate foreign systems (Sweden?) with state of the art technology found to be effective and environmentally sound.

Perhaps one innovative idea could be to remove the wayside from Neokwin's entrance. The facility

195

195. Please refer to Response to Comment 66, Letter No. 19.

196

196. Please refer to Response to Comment 86a, Letter No. 19.

197

197. Please refer to Response to Comment 33, Letter No. 14.

198

198. Please refer to Response to Comment 70, Letter No. 19.

accommodates hundreds of people each day. Why should Neokwin, with serious effluent disposal problems, be responsible for rest stop toilets when another site would be more suitable? If Neokwin's existing sewer plant were upgraded would the elimination of roadside facilities offer more capacity for core Neokwin homes on existing lines? What, exactly, is the impact of the roadside on our community? The large parking lot at Neokwin's entrance would be another possible drainfield space!

Another idea, mentioned at the hearing, is to upgrade septic systems in the core area, as proposed by Alternative 10. If dye testing is not possible we should assume all systems to be failing - based on reasonable age. We could shave land for drainfields, limit driveway sizes, prohibit hot tub, dish washers, and garbage disposal. Could available funds be used to purchase small lots in the core, and these lots used as drain space, using state of the art technology?

We citizens who are trying to offer a sound, viable, "Limited Action Alternative" are doing so without help. Are funds, which are being used by NRSA, available to the community for hiring the kinds of engineers or scientists who could assist in formulating new alternatives?

At the recent hearing Mr. Kowalki stated that "No plan is perfect." This is true. Even the most sophisticated sewerage treatment facilities experience failure, as do septic systems. My point, Mr. Datz, is that we are trying to combat Neokwin's problem with the LEAST evil of all methods. Is it more prudent in the long run to implement a large system that will induce population growth, possibly destroy a unique and valuable fish habitat, encourage crime, further pollute the beaches, and forever destroy the community's character? Or is it wiser to look closely at the problem and continue searching for a "Limited Action Alternative" for a solution to Neokwin's problem? Is a large

199. Please refer to Response to Comment 33, Letter No. 14 and Response to Comment 412.

200. If NRSA determined that small lots in the core area would be of sufficient size and could adequately dispose of effluent through the use of drainfields or alternative disposal methods, the acquisition costs would be grant eligible. It must be pointed out however, that considerable effort was expended during preparation of the DEIS to develop a subsurface disposal alternative for Phase 1. The evaluations determined that an extensive amount of land (in excess of 50 acres) would be required to provide adequate subsurface disposal of Phase 1 effluent. Please also refer to Response to Comment 412.

199

200

201. Funds are available to assist in the development of collection, treatment, and disposal alternatives. Applicants, in order to be grant eligible must be defined as municipalities and meet criteria set forth in the implementing regulations of the Clean Water Act.

201

202. Please refer to Response to Comment 33, Letter No. 10; Response to Comment 76, Letter No. 19 and Response to Comment 417.

202

sewage spill (raw or chlorinated) into a very small waterway preferable to a few faulty septic systems?

For me the choice is clear. I firmly believe that data given in the D-EIS shows that any large (Phases one and two) will cause environmental and sociological problems far greater than the one we are attempting to solve: CONTAMINATION BY FECAL COLIFORM BACTERIA IN CORE NESKOWIN CREEK WHICH IS EITHER FROM HUMAN OR ANIMAL SOURCES OR A COMBINATION OF BOTH. I urge the EPA to continue studying the situation in Neskowin and to find NRSAs alternatives 1-3 unacceptable.

I hope that all past communications from Neskowin homeowners and concerned citizens are in your possession and on public record. If they are not, I ask that you contact Mr. Kenneth Vigil at Portland's DEQ office and request that they be submitted to the EPA as testimony.

You have been most kind and reasonable in your dealings with the people of Neskowin, which is appreciated. The EIS process has been of great value.

Thank you.

Sincerely,  
Katharine (Kacy) Joyce—

920 Madison  
Eugene, Oregon 97402  
503-342-4595

203

203. The data that has been collected and the analysis that has taken place related to the sewage collection, treatment and disposal proposals, addressed issues which could be anticipated to be impacted by the proposed project. The data which has not been collected was in areas not expected to be impacted by this project. Please refer to Response to Comment 5, Letter No. 1; and Response to Comment 133, Letter No. 31.

10130 Slab Creek Rd.  
Neskowin  
Oregon 97149.  
October 30, 1990.

Environmental Protection Agency  
Mail Stop WD-136  
1200 6th Avenue  
Seattle, WA 98101

To whom it may concern:

I would like to place on record the following remarks about the Draft Environmental Impact Statement (DEIS) relating to the proposed expansion of sewage treatment facilities at Neskowin, Oregon:

1. It is my understanding of the law relating to Environmental Impact Statements that such statements are required to analyze thoroughly and rigorously all of the risks which, within reason, are attendant on the project under consideration. In my opinion the above mentioned DEIS does not fulfill the legal obligations of such a statement due to acknowledged uncertainties and lack of study in the following areas of concern--

- a. Stream Flow: "Neskowin Creek has never been gauged. Although sufficient measurements have been obtained to gain a general understanding of summer flows, there is not enough data to generate statistically sound hydrographs." DEIS page 3-7  
"No record of winter discharge measurements exist (sic)." DEIS page 3-8  
"Flooding of the creeks in the study area is an annual winter occurrence. The degree of salt water encroachment into the lower portions of Neskowin Creek is not known." DEIS page 3-9  
"It is likely that adequate stream flows would be available during the winter months; however there is

204 204. Please refer to Response to Comment 66, Letter No. 19.

little direct data to support this (i.e. winter stream flows were calculated from a model, but rarely or never measured directly." DEIS page4-10

- b. Ecological Profile: Neskowin Creek has one of the last wild runs of Winter Steelhead on the Oregon Coast and its unique nature is recognized officially by the Oregon Department of Fish and Wildlife which protects the creek through a "Catch-and-Release" regulation and considers it an "Index Stream" in gauging the strength of the annual steelhead run. Several other salmon and trout species are also known to enter the creek in late Fall and Winter.

The DEIS provides little or no data on the following topics which it seems prudent to believe would need to be studied in order to produce an accurate ecological profile of the Neskowin Creek system, and thus a realistic assessment of environmental impacts: 1. An inventory and population measurement of all significant animal and plant species in the creek. 2. Food chains. 3. Biochemical effects on creek species of both treated and untreated effluent.

- c. Sanitation: One of the main purposes of the proposed project is, supposedly, to prevent present and future groundwater and other contamination from occurring in the Neskowin area due to the claimed failure of septic systems. It would, therefore, be reasonable to suppose that the DEIS would address the issues of the sources of contamination and the degree of improvement the project's implementation could be expected to bring. However, the DEIS acknowledges that it has not traced all sources of contamination, that it suspects that some contamination originates outside the project's catchment area, and given this possibility "the extent to which construction of the proposed treatment plant would alleviate the contamination is not known." DEIS page 3-16 (emphasis mine). My conclusion is that the DEIS does not fulfill its legal responsibility to provide as full and accurate information as possible while such basic issues remain in the realm of the

205 205. Please refer to Response to Comment 76, Letter No. 19.

206 206. Please refer to Response to Comment 68, Letter No. 19.

unknown.

2. With a realistic assessment of Neskowin's sanitation problems, a thorough analysis of contaminant sources, and an accurate projection of the degree of improvement to be expected from an expanded collection system, I am prepared to see some virtue in Phase I of the project. I am, however, totally opposed to Phase II for the following reasons:

a. The assumption of a doubling of the population in the Neskowin area by 2010 is ludicrous and cannot possibly have been derived by valid projections from existing demographic data. Neskowin's attractiveness as a community is in large part due to the fact that it is small and has almost reached the limit of expansion in area and population before "diminishing returns" set in, i.e. its present size and nature are the reasons why most current residents choose to live here. Anecdotal evidence which I have collected suggests that a large majority of Neskowin area residents neither desire nor see as beneficial any large population growth or much additional commercial development in the area. As a community we have the right to choose to be small. Therefore Phase II of the project is not in keeping with the nature and character of our area.

b. As I mentioned in a different context in Section 1b above, the DEIS provides little data on important ecological concerns about the effects of a treatment plant on, and effluent in, Neskowin Creek. Even if such data were available and could prove minimal disruption of the creek's ecosystem I think that any disruption of such a unique biological resource is unjustified, given the precariousness of the very existence of wild fish runs in Oregon due to similar human disruption of spawning grounds and food sources.

c. Pumping sewage from the Neskowin core area to holding tanks on Slab Creek Road would create contamination where none now exists due to leakage from the transfer lines. Up to 1% of raw sewage entering sewage lines leaks through cracks and gaps in the lines (cf. Carol

207 207. Please refer to Response to Comment 417 and Response to Comment 115, Letter No. 25.

208 208. Please refer to Response to Comment 76, Letter No. 19; Response to Comment 131, Letter No. 31; Response to Comment 214, Letter 53, and Response to Comment 238, Letter No. 61.

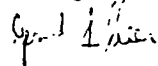
208a 208a The proposal is to pump treated sewage treatment plant effluent from the existing treatment plant site to the Simpson Timber Site for storage only during the summer months. The lines will be tight to ensure that pumping can be accomplished efficiently. No seepage from the pipes into the surrounding soils/groundwater is anticipated.

Hupping Stoner "How We're Handling Our Wastewater Now, And Alternatives for the Future", 1977; p 23). The possibility of accidental, untreated discharges gives even greater cause for concern.

d. Slab Creek Road is a small, scenic highway. As part of the Oregon Coast Bike Route it is used a great deal in summer by visitors from all over the Northwest and beyond. It winds through part of the Siuslaw National Forest and is home to a popular National Forest Camp-ground much used by cyclists and backpackers. I choose to live on Slab Creek because its scenic beauty adds a great deal to my quality of life. I can think of few places more aesthetically inappropriate for the location of sludge tanks.

I hope you will give serious consideration to my concerns.

Sincerely,



Gerard D. Killeen

- 209 209. The berms for the storage lagoons will be visible from Slab Creek Road; the lagoons themselves will not be visible. Landscaping and screening can be provided to minimize the visual impact of the proposal.

Randall Koch  
8105 Slab Creek Rd  
Neskowin, Oregon  
97149  
503-392-3504

Mr. Gerald Opatz  
RE E.I.S. 9-10 9 90121

Dear Mr. Opatz,

As a resident of Neskowin, living on Neskowin Creek for the last 12 years, I am very concerned about the discussion of locating effluent storage and processing up the Neskowin Creek Valley.

The population of the valley on a daily basis includes, for nine months of the year, <sup>100</sup>ninety students and <sup>10</sup>teachers as well as fifty full time residents.

The people who have located here have purchased land and spent money on their own systems because they desired the quality environment present <sup>here</sup>~~there~~. The EIS doesn't address the impact upon this area in a meaningful manner.

It notes the odor and its strength from summer storage of effluent but notes that because of low population the impact is insignificant.

The population of the valley affected on a

210. A lengthy screening process to locate suitable sites for treatment plants, subsurface disposal and storage lagoons was undertaken by both the engineer and the environmental consultants. Most of the sites were eliminated because of inadequate size, poor soils, steep slopes or sensitive habitats. There quite simply is not an adequate site location nearer Neskowin which meets the size and engineering criteria for storage lagoons other than the Simpson Timber site. The lagoons will be located uphill from Slab Creek Road. The berms creating the lagoons will be visible from the road; the lagoons themselves will not. Landscaping will create visual barriers to further reduce the impact.

210

211

211. Please refer to Response to Comment No. 422.



daily basis rivals the entire population of  
Neshonov for ~~thousands~~ nine months of the year.

The ironic thing is that the area impacted  
is offered not one benefit. All effects are  
negative. The character of this designated  
scenic drive, class one native stream and  
international big lake route ~~is~~ <sup>would be</sup> altered  
considerably by one and then <sup>another</sup> projected  
~~to~~ storage ponds with processing plant.

Aesthetically and in a daily onslaught of  
sense offense the impact of these factors  
would render the valley from idyllic to  
obnoxious.

The Neshonov area has long commended its  
size and ambitions scaled down for the  
correct reasons. People come here to enjoy  
family activities not based on commercial  
activity but on the environment of streams  
forests, beaches and clean fresh air.

To impact these qualities and to  
promote growth, as these sizes of plants  
clearly do, is against the mandate of

212

212. Please refer to Response to Comment 210, Letter No.  
53.

213

213. Please refer to Response to Comment 63, Letter No.  
19.

The E.P.A. and outside of any interest except vested interests on the NRSA and County planners, who are continually trying to promote tourism and increased development for increased tax revenue.

Some areas undoubtedly relish this interest and promotion. But the character of residents and visitors to this area are different and that is noted in the EIS.

But the actions proposed, and the scale of facility do all but ignore limitation and clearly promote growth as a positive outcome, ignoring the wishes clearly stated by 36 of 50 respondents to the only survey.

I feel that the problems inherent in this large of a facility could be more suitably addressed in a smaller scale plant & storage pond on the present site. I think that lowest dollar figures are not appropriate reasons for denying some of

alternatives given the cost (<sup>non-dollar</sup> ~~monetary~~ costs) of <sup>4</sup>  
the Simpson and Meadow I & II alternatives.

I feel also that if ~~the NRS~~ <sup>the NRSA</sup> chooses  
to go with the scale of plant described,  
that it should be within its boundaries  
or deal with the impact directly, and  
not impose itself on a beautiful and  
savored valley that exists as it is because  
of concentrations citizens and the stream  
which harbors a natural fish run and  
borders the Siuslaw Experimental Forest

The impact upon the stream, by dumping  
processed effluent in at mile 3.5 holds  
the potential for disaster for 1/3 of its  
run. The streambed is rich in habitat  
for spawning and is a genetic wonder  
and model for native species To threaten  
that environment "for only a few hundred"  
cutthroat" as well Steelhead and Chin  
is not going to fare well with citizens of  
this valley.

214. The existing situation allows for minimally treated effluent to seep from unidentified (and unidentifiable) sources into Neskowin, Hawk and Meadow Creeks. The water quality sampling indicates that these streams are contaminated due to fecal discharges. The purpose of this project is to assist in the elimination of these impacts. Please also refer to Response to Comment 95, Letter No. 22.

I suggest the ~~NRSA~~ <sup>NRSA</sup> look introspectively and accept some responsibility to look within its boundaries, ~~looking~~ to locate the ponds if in fact they need be any - where different than the present plant.

There is a valley on Butte Creek that has one resident and the winds would not carry to a population area. That location I don't see investigated, possibly because the NRSA president has land adjacent to it.

The search should continue or recalculate the needs of the village to potentially work within the limitations imposed by the environment rather than desecrating a different location for the sake of unprecedented growth against the community's desires or interests. I'm not willing to step aside + sacrifice <sup>this valley</sup> for the growth of <sup>sewer</sup> the NRSA and its ~~own~~ pumped up facilities. <sup>Handwritten: D. Randall</sup>

215

215. Please refer to Response to Comment 210, Letter No. 53.

216

216. Please refer to the discussion on the Butte Creek site in Chapter 2 under the site options section. Please also refer to Response to Comment 210, Letter No. 53.

217

217. The facilities planning process has assessed numerous collection, treatment and effluent disposal alternatives. The preferred alternative is the result of that assessment. The alternatives available to the Neskowin are relatively limited due to the topography, hydrology, and soils.

Richard H. Kosterlitz M.D.  
3935 S.W. Martins Lane  
Portland, Oregon 97201  
(503)246-2432

Mr. Gerald Opatz  
& Ms. Fredianne Gray  
Environmental Evaluation Branch (W/D 136)  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, WA 9801

October 4, 1990

Dear Gerry and Fredianne,

It was a pleasure to meet you both personally. Thank you for the time and attention you devoted to my visit and the sincerity with which you dealt with my concerns about the Neskowin EIS. I was also very impressed with Dr. Des Volgne.

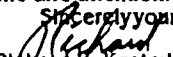
I want to respond to two major points that you brought up at our meeting:

1. Provision of documentation and data to support my Alternative #10. Our group is sincerely attempting to contact and retain engineers from two sources for assistance. However our funds are limited and the time frame may be too short to provide this material by November 5th, 1990. This problem may however become moot, since the flow data of Neskowin Creek and the effectiveness of any of the NRSA sewer plans are not known.

2. There was concern at our meeting that Alternative #10 would place an unfair financial burden on those in the core area who didn't want or need to be connected to the sewer, but would still have to pay for it.

There are a number of houses (including mine) in The Sewer District that cannot have sewers until Phase 2 of the plan is accomplished. Phase 2 is theoretical, and no definite plans, costs, or impacts have been developed. It is projected for implementation in 5-10 years. Meanwhile I and other homeowners situated so that they cannot participate in Phase 1. will still have to pay the Phase 1 monthly assessments. Therefore the financial inequality burden already exists in the current NRSA plan and would not necessarily be significantly different in Alternative #10.

I plan to submit a more detailed discussion of the EIS shortly. Once again many thanks for your time and attention.

Sincerely yours,  
  
Richard H. Kosterlitz M.D.

218 218. Please refer to Response to Comment 33, Letter No. 14 and Response to Comment 147, Letter No. 38.

54a

RICHARD H. KOSTERLITZ, M.D.

*Handwritten initials*

Mr. Gerald Opatz  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

October 30, 1990

Dear Mr. Opatz,

It was nice to see you again recently and I think you deserve a lot of credit for arranging two excellent public hearings on the Neskowin EIS.

I would like to add three comments to the EIS draft record, although I realize that the record is already voluminous.

First, Mr. Doug Marshal (who gave an excellent presentation of the sewage problems) stated that a limited alternative such as "Alternative # 10, would not be economical, indicating that it would only be economical to hook up all the core area properties. However, under our proposal for a scaled down project (such as is mentioned in the mitigation section of the EIS) costs would decrease considerably over the current alternatives and would thereby allow such selective hook-ups just as economically, as full hookups under the larger alternatives # 1-8.

Second, I'm enclosing a copy of an article from The Oregonian emphasizing the continuing decrease in some river salmon runs. You already know how concerned our group is about this aspect of the danger of effluent discharge into Neskowin Creek.

Third, I am enclosing an article from The Oregonian indicating that the water reservoirs in Oregon are currently only half full. This article increases our concerns regarding a worst case scenario whereby effluent discharge could become impossible periodically, even when deemed necessary by the kind of new systems proposed in the Alternatives.

With the hope that you may find these comments useful for the final EIS,

Sincerely yours  
*Richard H. Kosterlitz*  
Richard H. Kosterlitz M.D.

219. It is unclear how costs would be reduced. Implementation of Alternative #10 would still require the construction of all of the collectors and interceptors anticipated in Phase 1. Also, as indicated by the County Sanitarian, it would be difficult to identify failing systems even if testing were completed. Please also refer to Response to Comment 33, Letter No. 14.

219

220

220. This article is generic and not specific to Neskowin Creek. Please refer to Response to Comment 95, Letter No. 22.

221

221. This article is generic and not specific to the Neskowin Area. Please refer to Response to Comment 84, Letter No. 19.

RICHARD H. KOSTERLITZ, M.D.

Mr. Gerald Opatz  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

October 30, 1990

RE EIS 910/9-90-121, Neskowin

Dear Mr. Opatz

Since time is short before closure of public comment on the Neskowin EIS, I ask your indulgence on behalf of my continued correspondence on this subject, with the hope that it will be mutually beneficial. The purpose of this letter is to briefly call your attention to some public health aspects of ultraviolet sewage disinfection.

"The advantages of using UV are primarily related to the effluent constituents"—page 2-11, EIS

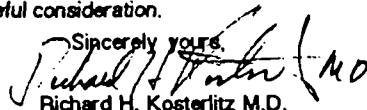
"Ground water quality in the Neskowin area is generally good, but is characterized by an elevated mineral content, particularly iron. A limited number of wells in the Clatsop Plains contain iron concentrations in the water which exceed the Federal Drinking Water Standards.....Reportedly, elevated iron concentrations are common in Oregon's coastal dune aquifer."—page 3-5, EIS

The following is quoted from Maxcy-Rosenau PREVENTIVE MEDICINE and PUBLIC HEALTH Tenth Edition, Ch:34, page 1108 (copy enclosed)

"Direct exposure to ultraviolet light of wave-lengths below 2800 Angstrom units (A) kills vegetative bacteria in a few seconds, and even spores are eliminated by slightly longer exposure. Light of suitable wavelength may readily be produced by mercury arc lamps with tubes of quartz or special glasses with high transmission in the ultraviolet. The principal wavelength of the light emitted by the mercury arc is 2538 A. There have been a few attempts to sterilize water by passing it under or around banks of such lamps in shallow flumes. The depth of water must be 5 inches or less because of rapid absorption of the ultraviolet rays by water. The process has failed in practice for several reasons, among which are the relatively high cost of operation, the difficulty of maintaining efficient operation of the lights, especially in the absence of any rapid test for efficiency, and the fact that even small quantities of color, turbidity, or iron in the water seriously diminish the effectiveness of the disinfection by absorbing the ultraviolet light."

Surely the EPA will not want to subject Neskowin to this kind of sewage treatment without further careful consideration.

Sincerely yours,



Richard H. Kosterlitz M.D.

3935 S.W. MARTINS LANE PORTLAND, OREGON 97201 PHONE (503) 246-2432

222

222. Please refer to Response to Comment 21, Letter No.11. Ultraviolet disinfection is effective on sewage treatment effluent. The review of the plans and specifications for the system and the NPDES permit will require compliance with discharge standards which will include adequate disinfection.

223

223. The UV disinfection will be treating sewage treatment effluent, not groundwater. The iron levels in the effluent will be low because domestic water supplies are required to have low concentrations of iron and other metal constituents (per the requirements of the Safe Drinking Water Act). Also, surface waters such as Neskowin's drinking water supply have naturally low levels of iron.

224

224. Please refer to Response to Comment 223, Letter No. 55, and Response to Comment 84, Letter No. 19.

Karla M. Namura  
P.O. Box 781  
Nashville, Or 97149

Gerald Opatz  
EIS Project Officer  
Environmental Evaluation Branch (w/6 136)  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, WA 98101

Nov 5, 1990

Dear Sir:

I am a long term year-round resident writing to express my concerns about the proposed development of a relatively large scale sewage treatment facility in Nashua, Oregon.

The alternatives presented seem expensive and out of proportion for such pollution problems as may currently exist. Costs for future growth and development should be borne by those developers; local residents should not be asked to pay for facilities to aid, abate and foster growth.

I question assertions that the entire core area of Nashua is in jeopardy of polluting the ground water, considering the sparse year-round population. Do you know which houses are occupied full-time? I find them to be bias in the draft EIS (Sept. 90) in support of development. For example, the paragraph discussing "groundwater" at the top of page 4-2 is moot - Nashua has a fine, new water system and our drinking water in the core area is in no way threatened by failing septic systems along Hawk Creek.

The proposed building profile along Slab Creek Road, with winter discharge to Slab Creek is objectionable for many reasons:

- the draft EIS does not consider a worst-case scenario of discharging either untreated sewage or harmful chemicals into Slab Creek thereby degrading this Class I stream and possibly threatening its wild fish runs.

continued -

225. Phase 1 is being proposed to respond to current pollution problems. Future expansion i. e. Phase 2 may be necessary to respond to future growth. Land Use Plans and Zoning Ordinances will dictate the direction of future growth; developer charges, while a possibility are beyond the scope of this EIS.

226 The second paragraph on page 2-10 states "...discharges into many septic systems occur only during a period of six to eight months every year." According to the County Sanitarian:

This may have been true ten years ago, but it is not correct today. Most of the beach houses I visit...while trying to resolve failing disposal systems, are being rented when not being used by the owners, their families, and friends.... Renters are generally harder on a disposal system than a homeowner. In most cases, daily water use per person is higher. Sharing a rental unit is not uncommon, with the resulting (temporary) hydraulic overload to the system.... Also, renters tend to flush or rinse more unsuitable items into the disposal system.

225

226

227

228

229



.... Winter usage of beach dwellings has risen steadily over the past several years.

Groundwater contamination does not necessarily stop when the source of pollution ceases. Migration of bacteria and chemicals takes place over a period of time -- days, months, or years. Although the source of contamination may be intermittent, the materials discharged will continue to contaminate the groundwater.

227. The project is not pro-development. Rather it proposes a long term solution to a known, documented pollution problem. Growth and development will be controlled by the Land Use Comprehensive Plan and Zoning Ordinances of Tillamook County.
228. Chapter 340, Division 40 of the Oregon Administrative Rules establishes mandatory minimum groundwater quality protection requirements which apply to federal and state agencies, cities, counties, industries, and citizens. High groundwater quality is to be protected.  
  
If a solution to the elimination of groundwater contamination is available, the resource should be protected regardless of the immediate use of the resource.
229. Please refer to Response to Comment 5, Letter No.1; Response to Comment 17, Letter No. 10; and Response to Comments 84, Letter No. 19.

- the draft EIS does not consider the impact on the residents of that road area ...

- 1) the potential impacts from a spill on the stream which flows through their property
- 2) the impacts on their recreational use of the stream which flows through their property
- 3) the economic impact on their property values
- 4) the aesthetic impacts - visual, olfactory, etc - of having a sewage treatment facility plopped in their treasured little valley.

I accept the fact that concentrations of fecal coliform (from human wastes) in Hawk Creek are unacceptably high at times. Do the large quantities of animal wastes which enter the creek at the McKean Stables or the large quantities of nitrates and other fertilizers which enter the creek at the golf course contribute to the unacceptably high concentrations of this bacterium either directly or indirectly, by creating a fertile medium in which the colonies of coliform might multiply?

The EIS should include an alternative which looks into solving the existing pollution problem with the least social and economic impact on the character of the community. This may involve identifying point sources of pollution and taking the steps necessary to correct the situation. And it may involve expanding or adding to the existing sewage treatment facility. But this other alternative should address the existing pollution problem. We can deal with the situation which exists responsibly without supporting alternatives which promote growth and development and which will change the character of our community.

Sincerely,

*Barbara Lowry*  
Barbara Lowry

230

230. Please refer to Response to Comment 210, Letter No. 53; Response to Comment 217, Letter No. 53 and Response to Comment 422.

231

231. Please refer to Response to Comment 68, Letter No. 19.

232

232. Please refer to Response to Comment 5, Letter No. 1; Response to Comment 17, Letter No. 10; Response to Comment 33, Letter No. 14; Response to Comment 63, Letter No. 19 and Response to Comment 71, Letter No. 19.

57



From the desk of...

Don McNeil  
1430 Aerial Way SE  
Salem, Oregon 97302  
(503) 364-1825

October 31, 1990

Environmental Protection Agency  
1200 6th Ave.  
Mail Stop WG 136  
Seattle, WA 98101

Gentlemen:

For the past 12 years we've owned property at Neskowin, Oregon . . . Lot 3 and the North one-half of Lots 5 and 6, Block 5, NESKOWIN, in Tillamook County, Oregon.

Due to increasing contamination of the water in Hawk Creek, brought on by overloaded septic tanks and other factors, there is a growing health hazard, particularly among youngsters who wade the creek.

We were in favor of plans for the proposed Neskowin sewer project, upon which we received a NRSA update, 1988 outlining tentative time tables.

Now we understand that the project has been delayed.

This is a desperate situation. We certainly want to be counted among the property owners who favor it, and urge all possible speed to get the project moving.

Sincerely,

Don McNeil

233 233. Comment noted.

234 234. Comment noted.

Melissa Madenski

9990 Slab Creek Road • Neskowin, Oregon 97149 • (503) 392-3808

November 4, 1990

Mr. Gerald Opatz  
1200 6th Ave.  
Seattle, WA 98101

Dear Mr. Opatz,

I'm a resident of Slab Creek Road in Neskowin Oregon. I'm writing in response to a proposed plan for a sewage treatment pond and effluent release into Slab Creek.

This stream is fragile, especially in relation to the winter steelhead runs. Although I don't fish, I've taken part with students in the S.T.E.P. program. I've taken my children to the creek to see the gravel-like beds where the salmon spawn. Because this "hatchery" is wild, it seems to me it is of prime benefit to tourists and residents alike. It offers wild salmon a safe place to spawn, and in doing so gives us information useful to hatcheries.

I'm also opposed to the treatment plant because I feel it will contribute to the over-development of Neskowin. I feel support for this project is directly related to people who hold real estate that they would like to develop. I think "planned" development is beneficial for any town, small or large; but this plan has the potential to destroy one of the few remaining wild salmon runs on the coast.

Most of us have lived on our road at least 15 or 20 years, some longer. We moved here because it was beautiful and peaceful--a good place to raise families. And we have built a community, one in which we support and care for each other, our children and the land on which we live. I think we have been good stewards of the land and the creek, and I know we are all committed to doing anything we can to see that development is handled carefully and with a good deal of thought and consideration to the consequences of that development. I'm hoping that you will inform us of the next step as this study progresses because we all care deeply for the place we live.

Sincerely,

*Melissa Madenski*

Melissa Madenski

235

235. Please refer to Responses to Comments 63 and 76, Letter No. 19.

59

October 30, 1990

E.P.A.

Mail Stop WD-136

1200 6th Ave.

Seattle, WA 98101

To whom it may concern:

As a resident of Neskowin and the mother of two sons, I am writing to express my concern over the pollution problems in this community. My sons love the beach and all of the recreational activities that are available to us here. It would be a great relief to know that when they want to play in the waves or the creek that they could do so without the risk of contamination.

I urge you to consider the families who love this community and this beach and want to continue to enjoy all that it has to offer. Please make a decision to get the sewer project started so we can clean up the mess.

Sincerely,

*Herri A. Martin*

Herri A. Martin

236

236. Comment noted.

60

1990



# neskowin beach golf course

P.O. Box 836 • Neskowin, OR 97149 • (503) 392-3377

William W. Martin PGA Professional

E.P.A.  
Mail Stop WD 136  
1200 6th Ave  
Seattle, Wa 98101

## To Whom It May Concern:

As a "true" friend, resident, and business owner in Neskowin I have to express my concern on the holdup of the sewer project in Neskowin. We have a serious pollution problem, as has been documented by state studies, and if the sewer does not proceed in a timely manner the problem will only get larger. Every year Neskowin is becoming a busier resort town, putting more and more pressure on the septic systems. More seepage is reaching the waterways and beaches and if this is not stopped it soon will become, if it isn't already, a major health hazard. Those who say they are "friends of Neskowin" by expressing unfounded environmental concerns to stall the project are dodging the main issue for their own selfish reasons. Their concerns have been addressed and found to be unwarranted and now the state must get this project moving before (1) someone does become seriously ill due to this health hazard and (2) before it becomes public knowledge the state has known of this problem for 5 years and has done little to get it cured.

In a vote a few years ago this community passed a levy to proceed with a sewer by a margin of 60 plus to 20. However, due to the very vocal minority, the state and federal agencies involved seem to think the community is not behind this project. This is far from the truth as the vast majority feel it is time to complete phase I of the project and then proceed with finding the best options for phase II.

Sincerely,

*William W. Martin*

William W. Martin

237 237. Comment noted.

MEYER, HABERNIGG & WYSE  
ATTORNEYS AT LAW  
900 S. W. FIFTH AVENUE  
SUITE 1900  
PORTLAND, OREGON 97204  
TELEPHONE (503) 228-8448  
FACSIMILE (503) 273-8138

ROGER L. MEYER  
CHARLES H. HABERNIGG  
SCOTT C. WYSE  
ROBERT D. GREAVES  
JOSHUA RADISH  
AGNES BOWLE  
THOMAS L. KRAMER

PAUL R. MEYER, P.C.  
COUNSEL  
BAR MEMBERSHIPS IN ADDITION  
TO OREGON:  
1 HAWAII & AMERICAN SAMOA  
2 CALIFORNIA  
3 IDAHO  
4 CALIFORNIA & NEW YORK

October 24, 1990

Mr. Gerald Opatz  
U.S. Environmental Protection Agency  
Region 10  
1200 South Sixth Avenue  
Seattle, WA 98101

Re: Draft Environmental Impact Statement for  
Neskowin Regional Sanitary Authority Waste Water  
Collection, Treatment and Disposal Facility

Dear Mr. Opatz:

I have had an opportunity to briefly review the above draft. It appears that the plan proposes alternatives without having investigated fully, and in some cases even at all, to obtain the necessary information to determine the impact of these proposals.

For example, it is proposed to discharge additional affluent in Neskowin Creek when the actual flow rates have not been satisfactorily measured and may become temporarily or permanently inadequate to support the expected discharge. Numerous other deficiencies are contained in the Draft Environmental Impact Statement which lead me to conclude that there is inadequate information to support proceeding with the EIS alternative. It is my understanding that a group of Neskowin citizens have proposed a new alternative called Alternative 10 which would be to repair and expand the existing sewage plant, utilize the new state of the art soil technology for existing and replacement septic tanks, together with regulation of the Neskowin Lodge, the horse stables, the Wayside Path and the golf course sewage. It would seem to me that at this time this is the only viable alternative. It is my understanding that you will be receiving a more detailed analysis

- 238 238. Please refer to Response to Comment 5, Letter No. 1; Response to Comment 66, Letter No. 19; and Response to Comment 95, Letter No. 22.
- 239 239. Please refer to Response to Comment 62, Letter No. 19.

Mr. Gerald Opatz  
U.S. Environmental Protection Agency  
October 24, 1990  
Page B

of the deficiencies of the Draft Environmental Impact Statement  
from the Friends of Neskowin which I adopt.

Very truly yours,

Roger L. Meyer



RLM:g



V.S. R.P.P.

RE: *Nasromin* *Seven* *Present*

*I am in favor of some project at Nasrom, or*

*Hubert G. Gussard*

240

240. Comment noted.

TO: EPA  
 GERALD OPATZ  
 WD 136  
 1200 6th Ave  
 SEATTLE, WA. 98101

11-1-90

FROM: ED. & CATHI OSBORNE  
 Box 384/10000 SLAB CREEK RD.  
 NESKOWIN, ORE. 97149

MR. OPATZ

THIS LETTER IS TO ENCOURAGE THE FAVORABLE DISPOSITION TO THE NESKOWIN PROJECT. MY WIFE AND I BOTH SUPPORT THIS. BE ADVISED, I PRESENTLY OPERATE THE EXISTING W.W.T.P. IN NESKOWIN, THEREFORE THIS IS A BIASED POSITION.

THERE IS LITTLE DOUBT AS TO THE NEED FOR IMPROVED SANITARY FACILITIES IN NESKOWIN. MY WIFE'S HOME CLEANING BUSINESS, MAKES US VERY AWARE OF THIS. HOME AFTER HOME CONTRIBUTE TO THE DETERIORATING WATER QUALITY, AS WELL AS THE HOME OWNERS DISMAY AS TO THE VIABLE OPTIONS OF SOLVING THEIR PROBLEM.

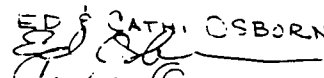
WE FEEL THAT WAITING FOR A ABSOLUTELY PERFECT ANSWER IS NOT FORTH COMING AND A WORKABLE COMPROMISE IS OFFERED NOW. IT MUST BE ACCEPTED.

CATHI & I OWN PROPERTY AND LIVE ON SLAB CREEK ROAD. AN ENVIRONMENTALLY SOUND TREATMENT AND STORAGE FACILITY ON OUR ROAD WILL NOT BE OFFENSIVE AND THE IMPROVED EMPLOYMENT POTENTIAL WILL BE WELCOMED.

241

241. Comment noted.

IN CLOSING I REITERATE, PLEASE FIND IN FAVOR  
OF THE MAJORITY OF RESIDENTS, HOME OWNERS  
AND VACATIONERS. SUPPORT A CLEAN ENVIRON-  
MENT AND HELP GUIDE DEVELOPMENT  
REALISTICALLY. GIVE US OUR NEW SEWER  
SYSTEM NOW DELAYING THIS PROJECT RAISES  
COSTS AND OUR PROBLEM WILL NOT GO AWAY.  
THANK YOU AND GOOD LUCK!

ED & SATHI OSBORNE  
  
Cathi Osborne

DAVID OUSELE  
Specializing in PICK Systems Software

8105 Slab Creek Road  
Neskowin, Oregon 97149 (503) 392-3875

October 30, 1990

Mr. Gerald Opatz  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Dear Mr. Opatz,

I am writing regarding the EIS Draft 910/9-90-121, Neskowin. I believe it is inadequate under NEPA for several reasons:

- Much of the supporting data is acknowledged to be unknown, specifically regarding stream flows in Neskowin Creek. Adequate winter stream flow is essential for all proposed alternatives, yet no record of winter discharge measurements exists (pp. 3-8 EIS).

I live on the banks of Neskowin Creek and know its year-round behavior intimately. Winter stream flows are highly variable — it floods a few days a year after heavy rains, but most of the time the winter flows are comparable to summer flows — a few inches of water. Not only that, but flows vary dramatically from year to year.

It is a gross error to assume Neskowin Creek can handle sewage discharges in the winter when summer flows are conceded to be inadequate.

- The report acknowledges that "the source of contamination ... has not been identified ... Specific sites which might be contributing to fecal contamination could not be identified from the results of this study. Given this limitation, the extent to which the construction of the proposed treatment plant would alleviate the contamination is not known." (pp. 3-16 EIS).

In other words, building the proposed treatment plants might not solve the problem!

This is absurd. The whole point of a sewage treatment system is to clean up the water. At the very least, the EIS should identify the actual sources of contamination so they can be addressed effectively.

242 242. Please refer to Response to Comment 66, Letter No. 19.

243 243. Please refer to Response to Comment 68, Letter No. 19.

DAVID OUSELE

Specializing in PCK Systems Software

8105 Slab Creek Road  
Neskowin, Oregon 97149 (503) 392-3875

---

- The proposed alternatives are all much larger and more expensive than the Neskowin community really needs. They include an "excess capacity" provision for 258 additional people -- which is more than the usual resident population of Neskowin!

This is an obvious attempt to open the door to property speculation in direct violation of the Clean Water Act, which states "The purpose of the funds is not to finance future growth ...".

A more appropriate and less expensive solution, Alternative #10 proposed by Friends of Neskowin, has been filed and should be evaluated.

I urge you to reconsider the alternatives. The current EIS draft does not adequately address the critical issues and needs more work.

Sincerely,



243a

243a Please refer to Response to Comment 77, Letter No. 19.

244

244. Please refer to Response to Comment 62, Letter No. 19.

October 30, 1990

Mr. Gerald Opatz  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Dear Mr. Opatz,

I am writing regarding the EIS Draft 910/9-90-121, Neskowin.

I believe that the draft EIS is inadequate. Not enough data is available on flow levels in Neskowin Creek — the creek has never been gauged (pp. 3 - 7 EIS).

As a year-round creekside resident I can attest that the stream level varies widely from winter to winter. The risk of insufficient dilution of discharges is too great.

Neskowin Creek is host to rare native salmon and steelhead runs. These runs hold valuable gene pools that must not be jeopardized by potentially toxic discharges. Even if secondary effluent is "safely diluted" its effects on imprinting and homing abilities of salmonids is unknown (pp. 3-22 EIS).

I therefore urge the further investigation of small flow systems. We can find a way to solve our problems without inducing excessive growth and incurring environmental damage to this special region.

Sincerely,



DALE OUSELE  
8105 BLAD CREEK ROAD  
NESKOWIN, OR 97149

245

245. Please refer to Response to Comment 66, Letter No. 19.

246

246. Please refer to Response to Comment 76, Letter No. 19.

GEORGE F. PATTEN, JR.

NOV

610 S. W. Broadway Suite #302

XXXXXXXXXXXXXXXXXXXX  
PORTLAND, OREGON 97205  
PHONE 503/525-9982  
238-4145

XXXXXXXXXXXX  
4040 N.W. TUALATIN AVENUE  
PORTLAND, OREGON 97201  
PHONE 503/525-6278

November 1, 1990

U. S. Environmental Protection Agency  
Attention: Mr. Gerald Opatz  
1200 Sixth Avenue #D136  
Seattle, Washington 98101

Dear Mr. Opatz:

You probably recall my letter of a year or so ago on the subject of the proposed sewer at our small coastal community of Neskowin. In that letter I informed you that I have been a property owner there for a great many years, enjoying the rural quality that is offered by its unique country village character.

For several years there has been an effort made to obtain the means to construct a sewer system there, in my opinion more to achieve the objective of further development than to really meet the pollution problem, if one in fact exists. I believe the very first objective of your agency should be to require the upgrading of existing septic systems to cure whatever pollution problem is known to exist. One of my present properties which is located adjacent to Hawk Creek could possibly be vulnerable to such an order, even though I installed a large septic tank some years ago to replace an old dry well. There may very well be still a number of those old fashioned systems still in use in the area, and their replacement could go far toward solving whatever problem is present. The horse corral across the creek from my house may also be responsible for a good deal of the pollution alleged. I remind you that in that particular section of Hawk Creek there is periodic "flushing" by the ocean tides. This natural activity surely helps to reduce the impact of whatever pollution really is present.

In previous letters I have pointed out that the Neskowin community occupies a quite restricted geographical area, largely flat and of extremely low elevation. This fact leads me to the unescapable conclusion that the increased density of population following the installation of a sewer would create an impossible drainage problem in disposing of the effluent created. I further believe that this expected population growth would likely soon outrun the capacity of the plant, and result in the creation of a far more serious problem than now exists. IF there is truly a problem at present the real causes should be positively identified and corrective measures enforced.

I thought your report was fair and quite complete. I am unalterably opposed to the adoption of Phase 2 as presented in your outline of the alternatives.

Respectfully,  
George F. Patten, Jr.

George F. Patten, Jr.

- 247 247. Please refer to Response to Comment 33, Letter No. 14.
- 248 248. Please refer to Response to Comment 33, Letter No. 14 and Response to Comment 68, Letter No. 19.
- 249 249. Please refer to Response to Comment 5, Letter No. 1; Response to Comment 17, Letter No. 10; Response to Comment 63, Letter No. 19; and Comment Letters 1, 14, 15, and 16.
- 250 250. Comment noted.

MAY 1 1990

DEAR MR. ORATZ

THANKS FOR PROVIDING THE FORUM THE OTHER NIGHT HERE IN NESKOWIN, I THINK IT WAS VALUABLE, AND TIME WELL SPENT. I DID NOT SPEAK, BUT I DO WISH TO SUBMIT THIS WRITTEN TESTIMONY.

MY NAME IS SKIP AATTEN AND I HAVE LIVED IN NESKOWIN NEARLY ALL OF MY 46 YEARS, WITH TIME OUT OF COURSE FOR EDUCATION AND MILITARY SERVICE, I HAVE INTIMATE KNOWLEDGE OF NESKOWIN'S HISTORY, ITS PEOPLE AND ITS PECULIARITIES BOTH PHYSICAL AND POLITICAL.

AS THE EIS PROCESS DRAWS TO A CLOSE IT APPEARS THAT THOSE DOING THE STUDY ARE FINDING OUT WHAT WE HERE HAVE KNOWN ALL ALONG; THAT THE BIGGEST PROBLEM FACING THIS PROJECT AS PROPOSED IS DISPOSAL.

I RESPECTFULLY SUBMIT TO YOU, THAT IF DISPOSAL IS SUCH A PROBLEM FOR CURRENT AMOUNTS OF EFFLUENT; WHAT THEN IS TO BE DONE WITH ADDITIONAL AMOUNTS COMING FROM THE GROWTH THAT THE PROJECT WOULD SURELY ENTAIL (I.E. AHSSETI)

IT IS NEITHER CRIMINAL NOR UN-AMERICAN TO ADMIT THAT WITH THE UNIQUE COMBINATION OF GEOGRAPHY AND GEOLOGY, AND GIVEN THE LAWS OF GRAVITY AND ECONOMICS, THAT THIS COMMUNITY'S SEWAGE TREATMENT PROBLEMS CANNOT BE SOLVED BY ORDINARY METHODS.



THE VERY OBJECT OF THE SANITARY AUTHORITY AS CREATED WAS PROBLEM SOLVING, NOT PROLONGED INDECISION AND SQUANDERING OF PRECIOUS ECONOMIC RESOURCES. THREE AND A HALF YEARS AGO THE VOTERS PASSED A BOND ISSUE OF \$800,000. THE BOND HAS NOT BEEN SOLD BUT THE SANITARY AUTHORITY HAS BORROWED HEAVILY FROM THE 1<sup>ST</sup> INTERSTATE BANK USING THE BOND AUTHORIZATION AS COLLATERAL. THEY HAVE ALSO DRAWN DOWN 107,914.<sup>35</sup> OF A \$309,000 OLD GRANT, AND AT PRESENT, OLD WILL NOT GIVE THEM ANY MORE. THEY HAVE BOUGHT A NEW TRUCK FOR A PART-TIME MAN TO DRIVE, THEY HAVE PAID OFF LARGE DEBTS TO THE ENGINEERING FIRM FOR A DESIGN WHICH IS NOW MOSTLY SCUTTLED, AND THEY HAVE PAID LARGE FEES TO THEIR ATTORNEY'S FIRM IN TILLAMOOK. THEY RENT OFFICE SPACE RATHER THAN USING A MEMBER'S BASEMENT, AND CONTINUE TO PAY CONSULTANT FEES, LEGAL FEES, INTEREST ON THEIR DEBT ETC.

IN THE MEAN TIME YOU MIGHT BE INTERESTED TO KNOW THAT THE COUNTY ALLOWED A PROPERTY OWNER ON INDEPENDENCE (IN THE CREEK AREA) (2 HOUSES FROM THE CREEK) TO COMPLETELY TEAR DOWN A HOUSE AND BUILD A NEW ONE OF DIFFERENT SIZE & CONFIGURATION FROM THE GROUND UP, INCLUDING A NEW SEPTIC TANK AND DRAIN FIELD.

251 251. This comment is beyond the scope of this EIS.

252 252. This comment is beyond the scope of this EIS.

THIS HOUSE WAS FINISHED THIS SUMMER. I SAW THE DRAIN FIELD FOR THIS HOUSE BEFORE IT WAS COVERED, AND IF ITS SIZE IS ADEQUATE, THEN THERE ARE FEW PROPERTIES HERE THAT COULD NOT ACCOMMODATE SUCH A SYSTEM.

NOW WITH THE TIME DRAWING NEAR FOR YOU TO MAKE A DEFINITIVE DECISION IN THIS MATTER, I IMPLORE YOU TO CHOOSE THE MOST-SENSIBLE ALTERNATIVE, AN ALTERNATIVE THAT HAS BEEN ON YOUR LIST OF POSSIBLE ALTERNATIVES SINCE THE BEGINNING OF THIS PROCESS 'NO ACTION,' OR PERHAPS LIMITED ACTION.

HERE IS A PROPOSAL WHICH IN MY VIEW MAKES MORE SENSE THAN ANY OFFERED PREVIOUSLY.

USE WHAT MONEY IS LEFT OF THE BOND AUTHORIZATION AND GRANT MONEY TO UPDATE AND MODERNIZE THE PRESENT SEWER FACILITY. THEN EXTEND A SEWER LINE FROM THE PUMA STATION AT THE BRIDGE ON SALEM STREET, <sup>NORTH ON HAWK AVE</sup> SO AS TO ENABLE HOOK UPS OF ALL THE HOUSES ADJACENT TO HAWK CREEK, PLUS THE GOLF COURSE CLUBHOUSE AND RESIDENCE AND A TEE CROSSING THE CREEK AT HAWK'S INDEPENDENCE TO HOOK UP THE RESIDENCE AT THE HORSE BARN.

THE ADDITION OF THESE FEW RESIDENCES (WHICH MORE THAN LIKELY ARE THE SOURCE OF THE PROBLEM) SURLEY WOULD NOT TAX THE CAPACITY OF THE

253 253. Please refer to Response to Comment 33, Letter No. 14.

REFURBISHED SEWAGE TREATMENT PLANT, THE ADDITIONAL VOLUME WOULD PROBABLY NOT CAUSE THE PLANT TO EXCEED THE AMOUNT OF DISCHARGE ALLOWED BY ITS CURRENT DISCHARGE PERMIT. IF IT DID EXCEED THESE AMOUNTS, THEN CLEAR CLEAN ULTRA-VIOLET TREATED EFFLUENT COULD BE PIPED BACK TO THE CORE AREA TO INDIVIDUAL DRAIN FIELD SITES, OR PERHAPS THE NEW KODIN WAYSIDE COULD BE PURCHASED OR CONDEMNED OR DONATED BY THE STATE AND USED FOR EXTRA DRAIN FIELD CAPACITY.

AND ..... WITH AN INDEFINITE MORATORIUM OR SUSPENSION OF MORE MAJOR SEWER PLANS, SOMETHING ELSE HAPPENS!

FOR 15-20 YEARS, PROPERTY OWNERS, FEELING THAT A SEWER PLAN WAS IMMINENT, HAVE PURPOSELY AVOIDED REPAIRING OR MODERNIZING THEIR SEPTIC SYSTEMS.

WITH THE POSSIBILITY OF A LARGE SCALE SEWER SYSTEM NO LONGER ON THEIR FINANCIAL HORIZON, THESE PROPERTY OWNERS COULD FEEL COMFORTABLE MAKING THE INVESTMENT IN NEW TANKS AND MODERN, STATE OF THE ART DISPOSAL SYSTEMS, WHEN THEIR OLD SYSTEMS ARE SHOWN TO BE INADEQUATE OR FAILING.

254 254. Please refer to Response to Comment 70, Letter No. 19

255 255. Please refer to Response to Comment 33, Letter No. 1

NEW SYSTEMS WOULD BE SUBJECT TO  
CODE OF COURSE, BUT ON VERY SMALL LOTS (A FEW)  
STRETCH THE CODE, OR PERHAPS TWO HOUSES  
NEXT TO ONE ANOTHER COULD SHARE DRAIN FIELD  
CAPACITY. - LET'S BE REALISTIC, CO-OPERATIVE  
AND INNOVATIVE.

THE LONG TERM EFFECT OF CONNECTING  
THOSE RESIDENCES CLOSEST TO THE CREEK, AND  
THE CREATION OF SOME INCENTIVE TO FIX PRESENT  
SYSTEMS WILL BE A GRADUAL AND LESS EXPENSIVE  
SOLUTION TO A PROBLEM THAT ~~MANY~~ MAY NOT  
BE AS MASSIVE AS MANY PERCEIVE IT.

THE ONLY OTHER ALTERNATIVE, WITH THE  
ABRACADABRA PROBLEM WHAT IT IS, WOULD BE OCEAN  
OUTFALL. WE BOTH KNOW THAT THIS COMMUNITY  
CANNOT AFFORD IT; THE PRESENT MOOD OF GOVERNMENT  
WOULD INDICATE THAT FUNDING AT THAT LEVEL  
WOULD NOT BE AVAILABLE, AND OF COURSE, OCEAN  
OUTFALL IS PROBABLY THE MOST CONTROVERSIAL  
METHOD OF DISPOSAL.

GIVEN THE PHYSICAL AND ECONOMIC REALITIES,  
IT APPEARS THAT THE IDEA OF A FULL BLOWN SEWAGE  
TREATMENT PLANT FOR THIS COMMUNITY IS BETWEEN  
THE PROVERBIAL "ROCK AND HARD PLACE" PERHAPS WE  
SHOULD FINALLY ACCEPT THAT FACT AND SETTLE  
ON AN EFFECTIVE COMPROMISE SOMEWHERE NEAR

256

256. Please refer to Response to Comment 181, Letter No 48.

257

257. The EIS discusses the ocean outfall as an alternative for Phase 2; costs have been estimated for that Phase. Please refer to Response to Comment 413.

MY LIMITED ACTION PROPOSAL. IT IS LOGICAL, LESS EXPENSIVE, LESS CONTROVERSIAL, AND MOST IMPORTANTLY, IT WOULD ACHIEVE THE DESIRED EFFECT; ENDING THE PRESENCE OF FECAL COLIFORM BACTERIA IN THE LOCAL WATERWAY.

THIS COMMUNITY IS TOO SMALL TO DO IT ANY OTHER WAY. WE ARE NOTHING MORE THAN A LITTLE NEIGHBORHOOD, WE HAVE VERY NEARLY 0 ECONOMIC BASE. IT IS FISCAL FOLLY TO ASSUME THAT A TOWN THIS SIZE CAN AFFORD A MULTI MILLION DOLLAR FACILITY AND THEREBY PROVIDE AT NO COST TO SOME, THE ESSENTIAL BUILDING BLOCKS TO DEVELOP LARGE PARCELS OWNED BY PEOPLE WHO ARE OR HAVE BEEN MEMBERS OR EMPLOYED BY THE NESCOWAN SANITARY AUTHORITY. THE GROWTH THAT WOULD FOLLOW WOULD ONLY EXACERBATE THE DISPOSAL PROBLEM THAT ALREADY EXISTS IN THE PRESENT PLAN.

I AM CONFIDENT THAT WITH WHAT YOU HAVE LEARNED FROM THE EIS PROCESS, YOUR DECISION MUST BE FOR LIMITED ACTION AT MOST.

WE CAN'T HAVE EVERYTHING ALL AT ONCE. LET'S USE WHAT MONEY WE HAVE LEFT WISELY AND IN ACCORDANCE WITH EPA REQUIREMENTS, AMONG THOSE, SOLVE THE PROBLEM THAT EXISTS AND BE INNOVATIVE.

LET'S DO JUST THAT.

SINCERELY *Ship Patten*

PHONE 503-392-3426

258 258. Please refer to Response to Comment 33, Letter No. 1

11.1.90

P.S.

ANOTHER THOUGHT JUST OCCURRED TO ME, IT IS POSSIBLE THAT YOU HAVE NOT BEEN EXPOSED TO THE COMMENTS THAT THE D.E.Q. RECEIVED IN THE SUMMER OF '88.

AMONG THEM THE 'OREGON TROUT' LETTER SUBMITTED FOR THE RECORD THE OTHER NIGHT BY KAREN JOYCE, I RECALL THERE WAS A LETTER FROM A BIOLOGIST/ZOOLOGIST FROM OREGON STATE UNIVERSITY CONCERNED ABOUT THE WELFARE OF THE RED LEGGED FROG.

ONE LETTER EXPRESSED WORRY ABOUT THE SILVER SPOTTED BUTTERFLY (AN ENDANGERED SPECIES) WHICH BREEDS IN THE SMALL OPEN MEADOWS ALONG NESHKOWN/SLAB CREEK.

OREGON RIVERS COUNCIL ALSO WAS REPRESENTED.

MANY OTHER CONCERNED CITIZENS ALSO HAD COMMENTS AND IDEAS THAT SHOULD CERTAINLY BE PART OF YOUR RECORD OVER →

259 259. Please refer to Appendix B of the DEIS. No endangered or threatened species are known to exist in the project area and thus none will be impacted.

IF YOU DO NOT ALREADY HAVE THESE,  
THEY SHOULD BE AVAILABLE FROM THE  
FILES OF KEN VIRIL (PORTLAND D.E.Q)

SW

68

CHARLES A. PHIPPS  
47920 HAWK ST., BOX 394  
NESKOWIN, OREGON 97149

JW

Nov. 1, 1990

Environmental Protection  
Agency  
Seattle, WA

Re Neskowin, Oregon Sewer Project

Mrs Phipps and I are permanent residents of Neskowin (core area), and we want to express our support for the proposed installation of a sewer system in Neskowin through the Neskowin Regional Sewer District. We believe this should be done as soon as possible consistent with applicable procedures. We have no objection to the method of effluent discharge into Neskowin Creek, as it has been described to us.

260

260. Comment noted.

Charles Phipps  
Mary A. Phipps



69

TO: RICH SANTNER

RECEIVED  
NOV 5 1990

Water Quality Division  
Dept. of Environmental Quality

Douglas S. Querin  
4756 S.W. Lowell Ct.  
Portland, OR 97221  
292-8164

November 2, 1990  
Dept. of Environmental Quality

RECEIVED  
NOV 5 1990

Ms. Judy Johdohl  
Northwest Regional DEQ  
811 S.W. Sixth, 10th Floor  
Portland, OR 97204

NORTHWEST REGION

Re: Neskowin, Oregon -- Sewage Treatment System

Dear Ms. Johdohl:

I have owned property at Neskowin, Oregon for a number of years. Like thousands of others, my family and I have immensely enjoyed the beauty and richness of this area along our Oregon coast. I have, however, always found it disturbing that there has never been an effective and properly functioning sewage collection and treatment system in place to serve the local residents and growing numbers of the visiting public.

Every few years there has been an outbreak of illness at Neskowin directly attributable to the lack of proper sewage facilities. My family and I, along with hundreds of others, have been victims of this lack of attention to the most elementary concern for public health. It is nothing short of shocking that this health hazard has never been remedied.

I am writing at this time to strongly urge the approval of a sewage collection and treatment system at Neskowin, Oregon. Only through such action can the threat to public health be permanently corrected. The parochial and self-serving interests objecting to an effective sewage treatment system in Neskowin should not be allowed to prevail over the general health and welfare of those families that cherish Neskowin, Oregon.

Very truly yours,

  
Douglas S. Querin

DSQ:sa

261 261. Comment noted.

262 262. Comment noted.

# NESKOWIN VALLEY SCHOOL

10005 SLAB CREEK ROAD • NESKOWIN, OREGON 97149 • 1-503-392-3124

George & Margot Thompson  
Founders

November 4, 1990

## Board of Trustees

Charles Richmond, Chairman  
Gleneden Beach, Oregon

Irgina Morgan, Vice-  
Chairman  
Neskovin, Oregon

Lloyd Ankony  
Neskovin City, Oregon

Robert Eaton  
Gleneden Beach, Oregon

Mamie Frank  
Neskovin, Oregon

Jack Crignon  
Portland, Oregon

Howe Howard  
Neskovin City, Oregon

Irene Jenkins, D.C.  
Gleneden Beach, Oregon

Margaret Iuenke  
Neskovin City, Oregon

Warren Morgan  
Newport, Oregon

Ken Robinson  
Idem, Oregon

Janet Rogers  
Gleneden Beach, Oregon

Margot Thompson  
Idem, Oregon

Nancy Pounding, Parent Rep.  
Lincoln City, Oregon

Sally Rissel, Director  
Neskovin City, Oregon

## Portland Advisory Members

Robert Sande, President

Erin Alport

Elizabeth Buehler

Mrs. Henry Carey

Barbara Carlson

Barbara Devitt

Barbara Harvey

Charlotte Henry

Isabel Higgins

Chris Kent

Leanne Morris

George Thompson

Helen Thompson

Thomas W. Thompson

Julia Vines

W. W. Vines

Mr. Gerald Opatz  
EIS Project office  
Environmental Evaluation Board  
E.P.A.  
1200 6th Avenue  
Seattle, Washington 98101

Dear Mr. Opatz:

I am writing in regard to the proposed location of a sewage treatment plant on Slab Creek Road in Neskovin, Oregon. I am Director of Neskovin Valley School, where the property borders five acres along Slab Creek Road and the Neskovin Creek. The sewage plant would use Neskovin Creek for possible emergency out fall. The presence of the creek is one of the main reasons for locating the school where it is so we can take advantage of it for environmental studies. Some programs we teach on a regular basis are fresh water biology, aquatic insect studies and our STEP program in which we raise 20,000 salmon each year. Neskovin Creek is so special that we are not allowed to release them into the creek because it is considered a native stream. The school has been conducting these science programs for its 87 students for 18 years. We are hoping to now offer some of the programs in the summer.

The possible out fall of chlorinated water would destroy the natural plant and animal life of this creek. Fly fishermen are also users of this creek and the book THE RIVER WHY, by David Duncan, obtained its inspiration from this beautiful creek.

I hope you will visit this site to see for yourself why it is unsuitable and how it would affect a natural science learning lab that has given young children a firsthand experience about the special and fragile creek environment necessary to sustain both plant and animal life.

Sincerely,

*Sally Rissel*

Sally Rissel  
Director

263 263. Please refer to Responses to Comments 75 and 76, Letter No. 19.



Nov.  
Oct. 2, 1990

Environmental Protection Agency  
Seattle, Wash. 98101

Dear People:

I am writing this letter to register my objection to the EPA's DEIS and plans for building a sewage treatment facility on Neskowin Creek (Slab Creek). Having only heard of the plan Sunday, October 28, I have not had the opportunity to read the entire plan and cannot be specific and comprehensive in my objections, but can list some concerns that immediately come to mind.

We want to solve the sewage problems in Neskowin, but without risking Neskowin Creek. Neskowin Creek has some of the few remaining native fish runs in the Northwest, and the water needs to be protected from the possibility of contamination. Also, apparently, tests of the Neskowin ground water do not distinguish between human and animal fecal pollution, nor do they pinpoint the origin of the pollution, and the building of a treatment plant does not ensure that Neskowin's problem of contamination will be solved.

Also, the preparation for growth reflected in the report does not reflect the desires of the majority of people living in and around Neskowin. We do not want to plan for growth and thereby create it.

We are therefore also exploring litigious means to prohibit the project if the EPA insists on continuing with its current inadequate plan and information.

At the meeting Sunday, a representative from the state water department made a statement about the availability of grants from the federal government. It came off sounding like a hard sell from a "tin man." I hope that the decision about the future of Neskowin Creek will not be made on the basis of an uneducated vote in order to get a quick buck.

I am a 12-year resident land owner on Slab Creek Road and my husband, who has also signed this letter, has been living with me there for five years.

If possible we would like copies of the EIS and EPA plans sent to us.

Yours truly,

*Carolyn Saunders*

*K M: X*

Carolyn Saunders  
Ken McCormack  
10130 Slab Creek Road  
Neskowin, OR 97149

264

264. Please refer to Responses to Comments 68 and 76, Letter No. 19.

265

265. Please refer to Response to Comment 63, Letter No. 19.

10130 Slab Creek Rd.  
Neskowin,  
OR. 97149  
Nov. 1, 1990

To: E.P.A.  
Mail Stop WD 136  
1200 6th Ave.,  
Seattle, WA 98101.

NOV 1990

Re: Draft Environmental Impact Statement concerning the proposed expansion of a sewage system and construction of a treatment plant at Neskowin, Oregon.

Dear Sir or madam,

I wish to place on record my strong objections to the sewage treatment facilities proposed in the Draft Environmental Impact Statement for Neskowin, viz. the Statement's Option 9.

In my opinion an improvement in the alleged level of groundwater and other contamination in the Neskowin core area can be accomplished by means that are far less drastic and less costly than the proposed method. This would mainly involve redoing failing septic systems by such means as retrofitting them with aerobic tanks, a method which would place no additional stress on the local environment.

Even if I were convinced that such methods were unsuitable for Neskowin (and there are no data available one way or the other) and that Phase I of the proposed project was the only viable alternative, I would still have to express my opposition to Phase II for these reasons: The population it expects to service bears no relation to what residents in our area want as a future place in which to live. We live here not because we assume population growth and commercial development but because we assume and want to sustain a quality of life without city-type problems. Thus Phase II is neither wanted nor needed. Secondly, the EIS contains hardly any information on the ecology of Neskowin Creek and no hard data on the possible effects of treated effluent on the fish and other aquatic life inhabiting the creek. Since this creek is now protected by catch-and-release fishing regulations and used as an indicator creek by the Oregon Dept. of Fish and Wildlife one would have expected an exhaustive assessment of environmental and ecological concerns associated with it. Indeed, given the acknowledged uniqueness of the ecosystem in question, I don't believe it should ever have been considered as a place in which to discharge treated effluent. Finally, Slab Creek Road is not an appropriate place in which to locate a treatment facility and holding tanks. Zoned "farm and woodland" it is an area of great scenic beauty adjacent to the Siuslaw National Forest and close to the Cascade Head Nature Preserve. The proposed Phase II facilities, however camouflaged, would be a black spot on the area and are unwanted by those of us who

260. Comment noted.

261. Comment noted.

262. Comment noted.

263. Please refer to Responses to Comments 75 and 76, Letter No. 19.

266 264. Please refer to Responses to Comments 68 and 76, Letter No. 19.

267 265. Please refer to Response to Comment 63, Letter No. 19.

266. Comment noted.

267. Please refer to Response to Comment 33, Letter No. 14.

268 268. Please refer to Response to Comment 115, Letter No. 25.

269. Please refer to Response to Comment 76, Letter No. 19.

269 270. A lengthy screening process to locate suitable sites for treatment plants, subsurface disposal and storage lagoons was undertaken by both the engineer and the environmental consultants. Most of the sites were eliminated because of inadequate size, poor soils, steep slopes or sensitive habitats. There quite simply is not an adequate site location nearer Neskowin which meets the size and engineering criteria for storage lagoons other than the Simpson Timber site. Please refer to Response to Comment 148, Letter No. 39.

choose to make our homes here.

I trust you will give full consideration to my concerns.

Yours sincerely,

*Katherine F. Saunders*

Katherine F. Saunders



November 1, 1990

To: Mr. Gerald Opatz  
Mail Stop WD-136  
EPA Region 10  
1200 Sixth Ave  
Seattle, WA 98101

Dear Sir:

Following are some concerns that I have regarding the DEIS for the planned sewer project by the Neskowin Regional Sanitary Authority:

1. During the development of the 1987 project (no mention in the DEIS) There was alot of discussion in a public hearing about the reason for determination of the portion of the project that was to receive EPA grant funds.

The statements then and since emphatically stated that only the area causing the pollution was eligible. Is this true?

If in fact this statement is true, why has the system that serves 6 major commercial customers and a small group of residences (all of whom are sitting on filled ground to try and set them above floods that have occurred a number of times in the last 70 years) being funded? There is no evidence that this system is contributing to the pollution of Hawk Creek or Neskowin.Creek.

2. There are 1200 tax lots in the NRSA. The Phase 1 portion is 425 units plus 100 extra that are supposedly addressing the needs of the community for the next 20 years. According to the statements in the DEIS, the extra capacity is spread over the entire district to control the community growth. What was left out of the DEIS was the ordinance that controls the hookups. The ultimate result will be that only Proposal Rock subdivision, Neskowin Heights, and vacant lots in the core area will ever be served. Is it the policy of EPA to control growth?

3. There is a lot of discussion about a sewer project creating a boom in growth to let some of the zones already approved after a great deal of public input to double the living units and increase population. It appears, from all the space given, that the public agencies are concerned. Is this correct?

No mention was made that Neskowin is in the center of a public owned beach and a major public parking area with major public toilet facilities that are serving at least 10,000 non-local tax paying visitors each year and increasing in numbers each year. It seems that denying tax paying property owners the right to use their property is completely unfair.

4. It was my understanding that EPA requires the District to come up with a 20 year plan. Is this correct?

The 20 year plan mentioned is completely unreal and impossible. Why did not the DEIS mention that the bonding capability is just over \$5,000,000? The plan mentioned is impossible to attain and this is what the " public interest minority" is looking for.

271. The area served by the existing collection and treatment system will be included in Phase 1 of the project. The existing treatment facility is periodically in violation of its permit and is in need of upgrading. Consolidating the existing system with the new system which will serve the core area is appropriate. No improvements to the existing collection system will be required. Please refer to Response to Comment 77, Letter No. 19.

272. EPA did not determine the allocation of the 100 "equivalent dwelling units"; this determination was made by the NRSA (see Appendix E of the DEIS). The 100 EDUs are not expected to be utilized in the short term. Phase 2 of the project is to serve the 20 year planning period. Please refer to Response to Comment 115, Letter No. 25 and Response to Comment 63, Letter No. 19.

273. During the EIS scoping process, community growth impacts were cited as a major public concern, therefore the EIS discusses this subject in some detail. Please refer to Response to Comment 63, Letter No. 19.

274. Please refer to Response to Comment 63, Letter No. 1 and Response to Comment 67, Letter No. 19.

275. EPA requires planning for a 20-year period. Phase 1 will respond to documented existing need, primarily in the core area. The discussion of Phase 2 presents alternatives which are feasible from an engineering and environmental point of view; it does not presuppose that it will be constructed. The timing of the need for Phase 2 will be dictated by land use and zoning constraints; if growth does not occur as predicted, the time for implementation of Phase 2 will be prolonged. Please refer to Response to Comment 413.

5. There appears to be some doubt that the firm hired to do the study spent much time at Neskowin. There are many statements that are repeats of errors made in previous studies. Where is Pacific Sands Golf Course? Where is Hawk Crest? (Repeated at the public hearing by HGE engineer) How much time has HGE spent in Neskowin for the \$250,000 they have been paid to date? Why was the statement made that the tree farm on the Simpson property was an abandoned Christmas tree planting? This is a going Douglas Fir tree planting that HGE proposes to rip up to store the dangerous sewage effluent for 6 months and then dump it into Neskowin Creek in the winter. It seems inconceivable to me that pumping sewage for 3.5 miles to a new plant is cost effective when the District already has a site nearer to the source.

6. There two other options that have received little or no attention

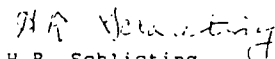
a. The wetlands north of Neskowin Beach Golf course. This was the number 1 site proposed in the 1981 study. Millions of gallons per day are treated in wetlands by Disney World in Florida every day. Why wasn't this given more study?

b. The Nestucca River was not mentioned as a disposal site. Why not? If the plan proposed is used, North Neskowin sewage will travel 6 miles for disposal. The Nestucca River is 4 miles away and system could include Winema church sewage and Horizon Hills that are both having problems.

7. One could go on and on about this project and it appears that more thought should be given to putting together a sound affordable project for the community.

A great help would be rendered to the general public if the agencies would explain in simple, understandable words that it is possible to produce high quality sewage effluent that is utilized for good use all over the world. Why was there no mention of Ozone final treatment?

Sincerely yours,

  
H.R. Schlichting  
PO BOX 817  
Neskowin, OR 97149

276 276 The Pacific Sand Golf Course (pg D-7) was a reference to sampling sites of DEQ when they took a number of water quality samples along Meadow and Hawk Creeks. Hawk Crest (pg 2-2) should read Hawk Creek Hills.

277 277. Please refer to Response to Comment 5, Letter No. 1; Response to Comment 17, Letter No. 10; Response to Comment 85, Letter No. 19; Response to Comment 148, Letter No. 22 and Response to Comment 299, Letter No. 78.

278

279 278. The wetland disposal option was considered in the FEIS. It was noted that the "use of existing wetlands is limited to polishing secondary effluent because water quality standards must be met near the point of discharge to the wetland (EPA 1987)." Treatment of wastewater may be accomplished in wetlands constructed for that purpose; treatment of wastewater in existing wetlands is possible only when no other practicable alternative exists. This option was dismissed from further consideration in the facilities plans.

280



279. The option of discharge to Nestucca River was evaluated briefly by the engineering consultant; it was determined to be not feasible.
280. Ozone final treatment is an effective disinfection agent. It is, however, expensive to install and operate and requires considerable maintenance.

From: Theodore Schlichting  
PO Box 765  
Neskowin, OR 97149

October 23, 1990

To: Gerald Opatz (Mail Stop WD-136)  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Re: Draft Environmental Impact Statement (DEIS) for  
Neskowin Regional Sanitary Authority (NRSA)

The following is submitted to the EPA as public response to the Draft Environmental Impact Statement for wastewater facilities proposed by the Neskowin Regional Sanitary Authority.

Although I have followed the activities of the NRSA during the last several years and have participated in the facilities planning process, I find the DEIS very difficult to understand. Some of the questions raised by the DEIS are listed below. Hopefully, the EPA will address these questions at the upcoming public meetings on October 27 and 28.

1. What were the specific factors leading to the determination by the EPA that the NRSA's proposed project had the potential to cause significant environmental impacts?

This is an important question because it addresses the NRSA's ability to plan an environmentally safe project. The critical point here involves the fact that the EPA's determination concerning potential impacts and its subsequent decision to prepare an EIS (December, 1988) came well after the NRSA had already begun to implement the 1988 revised Facilities Plan Update by making significant expenditures to acquire the existing sewer system. According to the public record, the NRSA's action to go ahead and begin implementation of the project was based on the facts that "We now have an approvable EPA Facilities Plan," and "We are virtually assured of EPA construction money this fall" (pg 2, Progress Report, NRSA, January 21, 1988).

**281** 281. EPA made its decision to prepare an EIS based on review of the draft environmental assessment in 1988. EPA's major concerns were water quality impacts associated with potential summertime discharge to Neskowin Creek and the public controversy associated with the project. The project appeared to meet certain of the criteria in 40 CFR 6.108 and 40 CFR 6.509. EPA does not approve the facilities plan; that is the responsibility of ODEQ. Facility plan approval cannot occur prior to completion of the NEPA process. EPA cannot comment on the basis of actions or statements made by NRSA.

Not only did the EPA not approve the revised Facilities Plan Update, it determined that implementation of the plan had the potential to cause significant environmental impact. The EPA must make some effort to explain the discrepancy. What specifically was the concern with the plan? Why did the NRSA appear to be unaware of this concern when it committed tax-payer money to acquire facilities which (the public was told) would be an integral part of the new system?

2. What was the preferred system development alternative formulated by the EPA during its preparation of the EIS?

At the scoping meeting held on January 27, 1989, it was explained that in addition to evaluating the NRSA's proposed facilities plan, the EPA would investigate other possible alternatives and would make a recommendation to the NRSA based upon its findings. It is my understanding that earlier this year the EPA did present its recommendation to the NRSA board of commissioners at a meeting which was closed to the public. Why the secrecy? Why doesn't the DEIS discuss the recommendation?

3. What is the public policy significance of the various revisions to the Facilities Plan Update which have been made in recent years?

The DEIS repeatedly refers to a 1988 version of the Facilities Plan Update but does not explain how this plan--one of many that have been proposed--relates to the overall planning process or to the statutory requirements concerning the development of construction plans for sanitary authorities. A Wastewater Facilities Plan prepared by Century West Engineers in 1981 was updated by HGE, Inc. and published by the NRSA in 1987, not 1988. It was this 1987 plan which was presented to the public at a hearing on April 25, 1987 and which was subsequently adopted by the NRSA via the formal process of passing an ordinance (No. 87-2). This ordinance specifies a.) the methods of wastewater collection, treatment, and effluent disposal to be used, b.) the area to be served by the project, c.) the funding sources for the project, and d.) confirmation of DEQ approval of the plans and specifications for the project.

282. EPA did not specify a preferred alternative in the draft EIS. An EPA preferred alternative has been identified in the final EIS, based on further review of issues and public comment received on the draft EIS. Many different alternatives were evaluated in the draft EIS. EPA staff met several times with the NRSA Board during development of the draft EIS. The NRSA would need to address whether these meetings were open or closed to the public.

283. The facility planning process, in the case of Neskowin, includes various documents prepared by the NRSA's engineering consultant, supplemented by the EIS. The facility planning process ultimately requires ODEQ approval prior to award of a construction grant. This approval cannot occur prior to completion of the NEPA process, therefore the comment that ODEQ approved the 1987 facility plan is in error. EPA, through the NEPA process, does not oversee the procedures used by the NRSA to raise its share of the funding. We cannot, therefore, comment on the relationship of the 1987 facility plan to the general obligation bond election. The language in the final EIS regarding land use compatibility has been changed.

Formal adoption and DEQ approval of the 1987 Facilities Plan Update in turn became the procedural basis for a general obligation bond election held on June 30, 1987. Those of us who participated in these public policy procedures were led to believe that they had some significance and meaning. It is rather disconcerting to find that the EPA does not consider them important enough to mention in the DEIS's review of project planning history. In addition, the discussion of "Legal, Policy and Regulatory Constraints" which begins on page 1-4 of the DEIS mentions neither Ordinance 87-2 nor the Oregon statutes specifying planning criteria and the requirements for raising funds through the sale of general obligation and revenue bonds.

The failure of the DEIS to make a distinction between the 1987 Facilities Plan Update and subsequent plans leads to outright errors in its analysis of development alternatives. For example, in discussing land use implications of various effluent disposal alternatives on page 4-22, the DEIS states that in August 1987 Tillamook County certified the 1988 plan as conforming to the county's comprehensive plan. This is not only wrong (as should be obvious by the incompatible dates), it also misrepresents (in a direct quote) the Tillamook County Board of Commissioners. The error is compounded by stating that the Land Use Compatibility Statement applies to Alternate 3. This effluent disposal alternative was not recommended in the 1987 Facilities Plan Update and was not addressed by the county in its land use review.

4. Why does the DEIS fail to explain that the existing sewer system was purchased by the NRSA in 1988, pursuant to the Facilities Plan Update?

On page S-1 and again on page 1-3, the existing sewer system at Neskowin is described as "privately owned." In table 2-7, acquisition of existing facilities is listed along with other components of a proposed project. In order for the public to cogently participate in the planning process, it is important to make clear the fact that the NRSA is already engaged in operating a public sewer system, which means that it is engaged in extending public benefits to certain private properties. The DEIS does nothing to clarify the planning implications of this situation.

**284** 284. The final EIS has been corrected to show that the NRSA has acquired the existing sewer system. The costs of acquiring the existing system are included in Table 2-7 to show that these costs are not grant eligible. EPA, through the NEPA process, does not oversee how the NRSA manages its local finances. We cannot comment, therefore, on how much of the \$800,000 bond issue has already been committed.

For example, how much of the \$800,000 bond issue money listed in table 2-6 is actually available for new facilities construction, and how much will be required to pay back bank loans which the NRSA has already spent in planning, acquiring and operating treatment and disposal facilities which are not a part of an approved facilities plan?

5. In what sense is the NRSA's current proposal an "addendum" to the Facilities Plan Update?

As explained in the DEIS, the NRSA's latest facilities plan involves new treatment and disposal methods located at a new site several miles outside of the NRSA boundaries, abandonment of facilities which the NRSA had previously planned to use (and which have already been purchased), abandonment of the concept of expanding the facilities to serve future needs, and new funding arrangements (including a \$1,000,000 revenue bond which has yet to be referred to NRSA voters and approved). This is an "addendum?" The NRSA may be hoping to circumvent the public policy procedures associated with abandoning an old plan and adopting a new one, but there is no reason why the EPA should make itself a party to these efforts by promoting the use of inaccurate and misleading terminology.

6. What is the significance of dividing public sewer development at Neskowin into two "phases?"

In the absence of some sort of explanatory context, the division of the Neskowin community into two geographical areas as described on page 2-2 of the DEIS seems rather arbitrary. What is the rationale for deciding what properties will be served by the proposed project and which will be excluded? The NRSA has adopted an ordinance (No. 88-2) under which a commercial development consisting of more than six "equivalent dwelling units" (such as a hotel, bed-and-breakfast, etc) will not be allowed to access available system capacity if the development is not a "phase I customer." The EPA needs to explain how the public's environmental interests are served by providing grant money to implement a plan which excludes new development from the available capacity of a public system, forcing the proliferation of many small private systems.

**285** 285. The facilities planning process includes planning done by the NRSA's engineering consultant and by EPA through the NEPA process. Through the EIS process, there has been considerable opportunity for public input into determining the remedies for Neskowin's sewage problems. EPA cannot comment on the local funding arrangements; these must be handled in accordance with state law.

**286** 286. The NRSA has been determined to have an immediate need for sewerage service, referred to as Phase I. Longer term need, depending on the timing of development and population growth, is referred to as Phase II. Phase I boundaries have been identified by the NRSA through the facility planning process. EPA will only be participating in eligible portions of the Phase I project. EPA will not participate in funding the excess capacity addressed by Ordinance 88-2, therefore we cannot comment on how that excess capacity will be allocated. The allocation of excess capacity is a local issue. The draft EIS did not advocate a system incapable of serving wastewater disposal needs. It stated that reducing the scope of the sewerage project could reduce socioeconomic impacts. Please also refer to Response to Comment 272, Letter No. 74.

The DEIS's explanation of how available capacity is to be "equitably" allocated among several different areas is unintelligible. If a given property is denied access to available capacity, does the fact that a certain number of other properties in the "area" have been granted hookups somehow justify the denial of access? The NRSA either has the intention to provide service to all properties that are bearing the cost of the project, or else it does not have this intention. The question of "equitable allocation" only arises in the latter case. If the NRSA is preparing to implement (with EPA grant assistance) a plan which does not include specific provisions detailing how the treated effluent from "phase II" customers is to be disposed and how the disposal facilities are to be funded (as required by Oregon planning statutes), then unfairness is a built in feature of the plan.

If the EIS is going to talk about "phases" it needs to supply some background explanation to avoid confusion. The 1987 Facilities Plan Update (adopted by Ordinance 87-2) describes a three-phased project. Since then, the use of the term "phases" has come to mean different things in different contexts. For example, in Ordinance 88-2 "phase-I customer" is defined in such a way which excludes some properties in the "core area." And even though the ordinance gives service priority to "phase I customers," the NRSA has already been selling capacity to non-phase I customers even though it has yet to complete an approved facilities plan and hence does not know what capacity new facilities will provide or even if such facilities will in fact be constructed.

If nothing else, the EIS needs to present a basic analysis of the community's sewer needs without making unexplained assumptions about "phases." Where are the areas and situations where new development is likely to occur because a utility infrastructure is already in place, the property is zoned for development, and specific plans exist for that development? What are the environmental implications of excluding such areas from a community sewer system? What is the potential for new commercial development? How might capital participation of such projects in a public sewer system benefit the long-range environmental integrity of the community? The DEIS rather crudely lumps all new development, regardless of where or how it occurs, into one category and

discusses it solely in terms of an "environmental impact." The DEIS actually suggests that the "impact" of new growth can be "mitigated" if the NRSA were to deliberately restrict the capacity of the facilities it constructs (page 5-3). To advocate a system which is intentionally designed to be incapable of serving the wastewater disposal needs of a community seems rather irresponsible and deserves a little better explanation than the one provided in the DEIS.

7. Did preparation of the DEIS involve on-site research?

Where is the "Pacific Sands Golf Course" (pg. D-7)? What does "Hawk Crest" refer to (pg 2-2)? Why is the Hawk Creek treatment plant site identified as "RR" zoned property (pg. 3-39)? Where is the "emergent wetlands" on this property (pg. 3-24)? Why is land use in the Hawk Creek valley described by saying "Farming and ranching is not as prevalent" [as compared to the Neskowin Creek valley] (pg. 3-7)?

The DEIS appears to be primarily a second-hand recapitulation of previously developed material compiled with little regard for accurate, relevant analysis.

8. What responsibility does the Neskowin community bear for solving the environmental pollution problems caused by substandard septic systems?

The DEIS briefly mentions and then dismisses the 1981 Facilities Plan by saying that federal grant money was not available at that time. Is such grant participation a prerequisite for construction of sewer facilities at Neskowin? What is the current status of the so-called "emergency health hazard" which was invoked by the NRSA in its efforts to pass the 1987 bonding authority? What responsibility does the Neskowin community bear with regard to the health hazards of polluted public resources?

Thank you for consideration of these issues.

Theodore Schlichting

287

287. The preparation of the EIS included on-site research. The Pacific Sand Golf Course (pg D-7) was a reference to sampling sites of DEQ when they took a number of water quality samples along Meadow and Hawk Creeks. Hawk Crest (pg 2-2) should read Hawk Creek Hills. The RR zoning designation of the property for the Hawk Creek treatment plant site (pg 3-39) was taken from the Tillamook County zoning map. The "emergent wetlands" identified on the Hawk Creek site are located between an historic fill and Highway 101. The statement on page 3-7 regarding farming and ranching in Hawk Creek valley has been edited to read "Farming and ranching is somewhat restricted in the Hawk Creek Valley."

288

288. The NRSA, and individual property owners within the NRSA, are responsible for complying with various federal, state, and local pollution control laws. The lack of availability of grant funding does not relieve the NRSA or individual property owners from complying with applicable laws. We assume the reference to "emergency" relates to language in Ordinance 2-87. We cannot comment on the meaning or status of that term since it seems to be specific to wording in the NRSA ordinance.

76

October 31, 1990

Mr. Gerald Opatz  
Environmental Protection Agency Regional Office  
1200 Sixth Avenue, Mail Stop WD-136  
Seattle, Washington 98101

Dear Mr. Opatz:

Please send me a copy of the Draft Environmental Impact Statement concerning the Neskowin Regional Sanitary Authority Wastewater Collection, Treatment and Disposal Facilities.

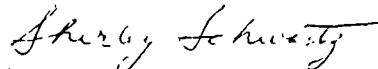
Please also send a copy of the transcript of the hearings held at Neskowin, Oregon, on October 27 and 28, 1990.

Since I have not yet had an opportunity to review the DEIS, I cannot comment on the various proposed alternatives. I was present at the hearing on October 27 and am writing now because of the response date of November 5.

However, I will state my opposition to the dumping of effluent into Neskowin Creek. I will also resist efforts to shift the burden of disposal to the Slab Creek area.

Thank you for coming to Neskowin.

Sincerely yours,



(Mrs.) Shirley Schwartz

Civil Servant (U. S. Department of Veterans Affairs) for 26 years  
Fifth Generation Oregonian  
Property owner on Slab Creek Road since 1982

Post Office Box 778  
Neskowin, Oregon 97149

289 289. Comment noted.



77

October 6, 1990

Mr. Gerald Opatz  
EIS Project Officer  
Environmental Evaluation Branch (W/D 136)  
Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, Washington 98101

Mr. Opatz

I have reviewed the draft EIS.

A sewer system in Neskowin is nonsense. It will benefit only a few for financial gain and have a negative impact on so many. Costs and the damage to the environment both culturally and physically are not acceptable.

Identify and correct the few that are contaminating and then abandon the idea of a sewer system for the good of Neskowin's future.

Sincerely,

*Becky Wiese Seeley*

Becky Wiese Seeley  
4038 N. Colonial Av.  
Portland, Oregon 97227

290 290. Comment noted.

Comments from Alex Sifford  
 EPA DEIS 910/9-90-021  
 Neskowin Regional Sanitary Authority  
 Wastewater Collection, Treatment & Disposal Facilities  
 October 31, 1990

#### SUMMARY

The DEIS describes impacts from 9 select sewer alternatives, eight of which are the same in size. Meeting the goal of the sewer should be clearly stated at the beginning of the document and tied to proposed alternatives throughout: to solve a water pollution (and potential health) problem.

Alternatives presented in the DEIS are all the same in size with one exception: the No Action Alternative. I urge the EPA to choose a new smaller system - Alternative 10 as proposed by the Friends of Neskowin - as the Preferred Alternative. A new alternative sewer system using the same collection design and upgrading and expanding the existing treatment system makes much more sense and should be chosen. The reasons for that suggestion are below.

Further, I urge the EPA to acknowledge that under no circumstances should a Phase Two system of any kind be included in this project. Goals of both the EPA and this project will be met by building a properly sized Phase One project. Any capacity available (from marginally increasing project size over the minimum necessary to solve the existing problem) is reserve and not excess. All capacity beyond existing customers should be clearly defined as reserved for core area lots currently not developable. NRSA Ordinance 2-88 may be amended to reserve capacity for the core area as a condition of the EPA grant. I urge this specific condition to the grant. No other plant capacity is needed, save for a modest contingency. Solving a pollution problem and concentrating excess/reserve capacity use to the problem area (highest density lots) furthers county land use planning goals by concentrating future development, and is good common sense for operating the sewer plant efficiently. For this reason, any discussion regarding a Phase Two of any kind should be eliminated from further discussion and analysis.

The growth inducing effects of even Phase One will be severe - over 10 percent growth from filling in the core area using the numbers on p.4-22 - but acceptable. The growth inducing effects of Phase Two are unacceptable and may violate federal law. A new alternative Phase One sewer system will solve the problem the proposed sewer project is intended to do.

The comments below are organized by DEIS chapter number.

- 291 291. Please refer to Response to Comment 5, Letter No. 1 and Response to Comment 17, Letter No. 10.
- 292 292. Please refer to Response to Comment 33, Letter No. 14.
- 293 293. A number of comments were received which recognized the need for sewerage of the core area but were opposed to the implementation of Phase 2. Please refer to Response to Comment 115, Letter No. 25.
- 294 294. Please refer to Response to Comment 77, Letter No. 19.
- 295 295. Please refer to Response to Comment 63, Letter No. 19.

Chapter 1

The Introduction states (p. 1-1) "septic tanks with seepage pits and cesspools are the predominant means of individual wastewater disposal in the area". Population and dwelling unit ratios used further in the report indicate that about 418 homes or condos exist in the core area. Can the DEIS not provide more detail supporting this statement? Is there data - even subjective NRSA or water district employee observations - indicating specific disposal conditions for each residence? There certainly is for customers of the existing system. Surely the NRSA knows which core area residences are in the worst shape. Those homeowners with obviously deficient systems should bear pollution testing costs if necessary. Tracer tests for suspected leaking systems have been proposed at previous public meetings as one means of pinpointing problems. The basis for building a sewer in the first place is due to inadequate septic systems: after a decade of study, the problem should be presented in substantial detail. (The water quality discussion on pp. 3-11 to 3-16 reinforces the geographically limited testing: no core area samples appear to have been taken. Yet p.3-12 states that fecal counts have been highest along lower Hawk Creek )

Chapter 2

The discussion of treatment alternatives p.2-9 points out that DEQ feels the existing plant is at the end of it's useful life. It would appear that unless such depreciation was not apparent to NRSA at the time of purchase, buying that plant was not a prudent thing to do. This seems to be confirmed by the recommendation in all but one alternative to abandon the existing plant. But given the current use of the plant, let's fix it up and use it. This is only common sense given serious land constraints in Neskowin.

The proximity of the existing plant argues strongly for rehabilitation and minor expansion sufficient to address suspected core area sewage problems. Equally important is the existing plant site is consistent with the Tillamook County Comprehensive Plan and policies (p.4-15). Other sites would require the County to amend its Plan and certify a new site.

The sludge disposal discussion is weak. Page 2-10 notes likely increases in plant sludge disposal operating costs, yet no estimates are broken out for the reader in the User Cost analysis. Please list likely disposal sites and hauling costs. An alternative sludge disposal system is used by the Redwood Sanitary Sewer District in Grants Pass, Oregon and should be proposed here. That system was awarded EPA's Sewer Sludge Management Excellence Award. Savings to NRSA residents from using a similar system could be substantial.

296 296. Please refer to Response to Comment 33, Letter No. 14 and Response to Comment 81, Letter No. 19.

297 297. The discussion of sludge and septage management has been strengthened in Chapter 2 of the FEIS.

The disinfection alternatives discussion sums up the only alternative to choose: "Chlorination provides a much more proven and reliable system for disinfection." For this reason, whichever alternative is chosen should use chlorination with dechlorination before discharge to any surface waters. Final discharge levels should of course meet both DEQ and Fish & Wildlife agency requirements.

It is better to downsize the system if capital costs increase as a result, and do the job right. It is irresponsible to choose a larger, cheaper, less reliable system that requires more maintenance. Reduce the capacity and use a chlorination/dechlorination treatment alternative that results in little or no impact on fisheries.

On page 2-13 the Hawk Creek site is dismissed due to "high construction costs". It is unclear why such costs would be high. Further on the same page, the Simpson Timber site is described briefly. Information presented shows that the site is 2 miles from the core area and that piping to it will cost \$150,000. Common sense dictates the NRSA must first optimize use of the current plant site and closest available land regardless of size. This will also avoid new site purchase costs and piping costs. Such savings could therefore be available for better plant treatment uses.

Again "high costs" attributed to another closer disposal site are not explained. Is it high land purchase costs that lead to the dismissal of both the Hawk Creek and Pasture 2 sites?. It appears so, but please clarify.

The User Costs discussion on page 2-26 does not adequately include homeowner solid waste disposal costs. For the homeowner, this means pumping their septic tank "every five to seven years" (p. 2-10). Such pumping cost will be borne by the homeowner/NRSA customer, and should be estimated in this section..

The User Fee Analysis (Table 2-6 on page 2-28) uses low average home costs. Many of us feel the low cost for homes in the area is \$40,000. The average will be significantly higher, so perhaps using \$60-80,000 is a conservative approach yielding more accurate cost estimates.

Note: The Phase 2 map on page 2-7 indicates service to Kiawanda Beach. That land is an active foredune, and therefore subject to overlay zoning. It seems the NRSA is either encouraging development there or is unfamiliar with Tillamook County and statewide planning guidelines for such areas. Regardless, that land will likely not be developable. Again this argues for EPA & NRSA to focus on an acceptable Phase 1 system.

298

298. Please refer to Response to Comment 45, Letter No. 17; Response to Comment 53, Letter No. 17; Responses to Comments 74 and 75, Letter No. 19; and Response to Comment 84, Letter No. 19.

299

299. The engineering consultant reviewed, evaluated and screened a wide variety of alternatives for collection, treatment, and disposal. The review of these alternatives included a cost element, a portion of which included land costs, and cost of construction (i. e. would construction on piling be required). The environmental review process examined the alternatives remaining after consideration of technical feasibility, constructability, initial engineering and cost had reduced the number of alternatives to those which appeared to be most practical and, initially, the most environmentally sound.

300

The EPA preferred alternative recommends construction of a contact stabilization/extended aeration treatment plant at the existing plant site. Lack of sufficient acreage at the existing plant site to accommodate the holding lagoon necessitated construction of the holding lagoon at some other site. Please refer to Response to Comment 148, Letter No. 39.

301

302

300. Please refer to Response to Comment 79, Letter No. 19.

301. Please refer to Response to Comment 114, Letter No. 25.

302. Comment noted.

Chapter 3

Much of the discussion in this chapter is area description. When real sewage discussion occurs, this is revealed: "The extent to which construction of the proposed treatment plant would alleviate the contamination is unknown". The remaining question is therefore why go ahead with alternatives addressing any areas other than the core ie., problem area? Why not instead choose a smaller alternative that upgrades the existing system and focuses on the core area.

Population projections discuss how "growth in the core area is limited by vacant lots sized too small for individual wastewater treatment systems and lack of alternative wastewater treatment facilities". This supports the premise of most Neskowin residents, the purported goal of the NRSA and this sewer project: to solve a pollution problem and use reserve capacity to allow the urban area to fill up with houses. Other areas in Neskowin will either use state-of-the-art individual wastewater treatment systems or will not be built. Period. It is explicitly not the responsibility of the NRSA nor of this project to provide sewerage for future growth. The goal is to solve a pollution problem.

Chapter 4

Land use impacts under the No Action Alternative state that the "impacts on the pace of development could occur" (page 4-3) if no action takes place. A new Alternative 10 would maintain those impacts at a minimum level. The NRSA and the EPA should remind themselves that this project is not proposed to affect the pace of development in this community. It is only to solve a problem.

Page 4-16 notes that a significant impact of any alternative using the Simpson Timber site is an expansion of the Community Growth Boundary and NRSA boundary. This contradicts County Policy of concentrating urban areas to provide efficient services, leaving remaining lands in productive farm and forest uses. Vic Affolter of Tillamook County confirmed the core area's high density to EPA with a lot size map at the public meeting October 27, 1990.

The new water supply system will cost Neskowin residents dearly - on top of already high water rates - as a result of Phase 2. The growth inducing impacts of this project are enormous - if Phase 2 were ever to occur. A trimmed down Phase 1 system is acceptable to most Neskowin citizens and supportable by the existing water system. This alternative is proposed in detail in comments provided by the group Friends of Neskowin.

Accommodating any anticipated future growth is not the goal of this project. Yet on page 4-22 the project as a whole is described as growth inducing. This is unacceptable and may violate the Clean Water Act.

303

303. Please refer to Response to Comment 68, Letter No. 19, and the first paragraph of Response to Comment 33, Letter No. 14.

304

304. Please refer to Response to Comment 63, Letter No. 19.

305. The draft EIS was in error regarding expansion of NRSA and community growth boundaries. The text in the final EIS has been corrected.

305

306. We assume the comment relates to the cost of the new sewer system. Please refer to Response to Comment 63, Letter No. 19. Phase 2 will only be constructed when the capacity of the existing plant is reached and if the Land Use Plan and Zoning Regulations allow for growth as projected in the EIS; if or when this growth occurs, the costs will certainly be borne by more than the existing population.

306

307. There may be a potential for growth inducement as part of Phase 2. However, as pointed out above, the Land Use and Zoning Regulations dictate how and where this growth might occur. EPA is providing funding for the existing Phase 1 proposal. Please refer to Response to Comment 63 and 77, Letter No. 19.

307

Sifford DEIS Comments  
page 5

The Phase 1 population impact "is not significant" page 4-23. To quantify this impact, it is 46 core area dwelling units to be added to 425 existing units for an increase of 10.8 percent. That is significant.

CONCLUSION

I urge the EPA to choose a new smaller system as the Preferred Alternative. One example of such an Alternative 10 is proposed by the Friends of Neskowin, but any similar alternative will solve the problem. The optimal alternative will:

- > upgrade and optimize the existing plant;
- > use any close available land regardless of size; and
- > address the core area problem only.

Such a new alternative sewer system using the same collection design and upgrading and expanding the existing system makes much more sense and should be chosen.

Further, I urge the EPA to acknowledge that under no circumstances should a Phase Two system of any kind be included in this project. Goals of both the EPA and this project will be met by building a properly sized Phase One project.

308

308. This 10.8 percent increase will occur over several years. The rate of growth at which this increase will occur is dependent upon a number of land use decisions and economic considerations. '

309

309. Please refer to Response to Comment 33, Letter No. 14.

310

310. Please refer to Response to Comment 115, Letter No. 25.

10/31/90

Dear Sirs

I have a home in the  
core area of Nekeawin  
and was not able to attend  
the sewer meeting -

I feel that Nekeawin is  
in desperate need of sewers -  
I feel that any system is  
better than none and pray  
that Nekeawin will get some  
sort of system soon!

Sincerely,

Sue Stephens

311 311. Comment noted.



80

CHARLES J. STRADER  
ATTORNEY AT LAW  
SUITE 401  
THE RIVER FORUM II  
4386 S.W. MACADAM AVENUE  
PORTLAND, OREGON 97201  
(503) 223-2321


US EPA  
Region 10

RE: Washoum Oregon  
Leach Project

Gentlemen -

I am a property owner in  
Washoum Oregon. I am in favor of  
plans for the community -

I urge your favorable approval  
of the proposed project

Yours very truly  


312 312. Comment noted.

81

Margot and George Thompson  
2529 N W Northrup Street  
Portland, Oregon, 97210

Margot and George Thompson  
Box 846  
Neskowin, Oregon 97149

November 3, 1990

Dear Mr. Opatz,

Thank you for coming to Neskowin to hear the concerns of our community regarding the EIS and the proposed sewer plans for the Neskowin area. This letter is to be included in the public record of the EIS and represents the questions and issues which the draft EIS raised upon its publication. Your attention to the issues prior to the publication of your recommendation and the final EIS will be appreciated.

The following is a list that touches upon a number of points raised by the process that has involved the community in resolving the problem of effluent disposal and public health:

- i. we do not feel a competent effort was made to develop an appropriate sewer proposal scaled to repair existing problems in Neskowin. The EIS is a source of public controversy because the different constituents in the debate from the local, county and state level believe the outcome will necessarily affect the quality of life in Neskowin. We feel the debate should focus on repairing the existing health problems and not on the use of a sewer proposal as a way to envision development for the Neskowin Area. Confusion over the goals of the proposals under review is contained in the language of the EIS. PHASE #1 may or may not fix the health problems from waste water. PHASE #1 will not serve the core area adequately. PHASE #2 would waste the financial and environmental resources of the community. Please refer to the letter submitted as part of the public record by the Friends of Neskowin on October 27 and 28, 1990.

313

313. Please refer to Response to Comment 33, Letter No. 14.

314

314. Please refer to Responses to Comments 61 through 88, Letter No. 19.

2. We do not feel the draft EIS contains enough new data about stream flows, water temperatures, and fish populations in the Neskowin Creek. There is not enough accurate and new information provided by the EIS to make a sound decision possible. The proposals which have been developed for our area miss the mark, leaving huge areas of concern (human health and the ecology of the area) hanging in the balance.
3. The Tillamook County planning department has consistently articulated mixed messages with regard to the proposed sewer plans. Mr. Affolter has contradicted himself on numerous occasions when speaking as a professional public employee. The arguments which he presents to the community vary from one hearing, newspaper article, conversation and meeting to another. This inconsistent posture has been accompanied by maps inconsistent with the areas under discussion in the proposals. How can any of the people involved in this decision make a judicious resolution to the problem of wastewater in Neskowin without clear, thoughtful and responsibly gathered data? Mr. Affolter is defensive when substantive questions are asked to which he has been unable to adequately respond. Rather than taking the time to address the legitimate concerns of registered voters in the affected areas, he subverts the public discussion of the issues by stating that the public doesn't understand the process thereby belittling its citizens. Mr. Affolter takes a variety of stands. He has not presented unbiased information for our review. We feel Mr. Affolter and the Tillamook County Planning Department have seen the proposed sewer systems and the accompanying construction budgets as an indirect opportunity to direct future development of the Neskowin area. We feel the posture of the Tillamook County Planning Department has subverted the original goal of fixing a public health problem in Neskowin. Mr. Affolter has used his professional position as public planner to speak personally. We feel this behaviour has had an adverse effect upon the process, needlessly polarizing the community and making the truth harder to find. How will you measure the effects of such behavior on this public process of finding a good solution to a complex problem? We feel the

315. Please refer to Response to Comment 66, Letter No. 19.

315

316

316. Please refer to Comment 31; Response to Comment 31, Letter No. 14, and Response to Comment 61, Letter No. 19.

317

317. This comment is beyond the scope of this EIS.

Neskowin property owners need to arrive at a consensus that fairly weighs every aspect of the proposed systems from health to ecology to cost.

4 We understand that there is pressure to meet the construction grant deadlines. However, we feel it is fruitless to fund a proposal simply because it has the ability to be funded. The proposal should be funded on merit: the known potential of the considered proposal to solve the public health problems of the Neskowin as economically as possible. Why does it appear that the construction grant money and its deadline are driving the discussions of proposed systems for Neskowin? It is our opinion that the true goal of finding a good economical system has been lost in the rush to get money for a project. We feel the EIS is inadequate on many levels, but particularly in the areas of goals and information for sound decision making. We feel a sewer system is worth doing well since we will live with its effects after its installation. Do you think it is right to spend anybody's money for a project poor in concept and development?

5. We appreciate the work you are doing and we will continue to take a keen interest in your decisions and recommendations. Please know that we support every effort in this public process to find and articulate the truth prior to funding or recommending any system. We feel there are alternative proposals that have not been given serious consideration. Please help us find them. Neskowin has a right to unique solutions.

6 We would appreciate your consideration of our concerns as expressed in this letter, as reflected in our public comments spoken into the hearing record on October 27 and 28, 1990 and as written in our letters to you throughout the process under comment.

Mr. Opatz, we look forward to hearing from you. If you have any questions with regard to any of our statements please contact us; we would enjoy speaking with you. Thanks again for coming to our community. We await the final recommendation and revised EIS with interest. Your conclusions will directly affect our community. We have been property owners in Neskowin since 1967. Before that

**318**

**318. Please refer to Response to Comment 217, Letter No. 53; Response to Comment 354 and Response to Comment 367.**

**319**

**319. Please refer to Response to Comment 133, Letter No. 31.**

our families had been taxpayers in Tillamook County as well.

Thanks again for your interest and concern.

Sincerely, *Margot Thompson*

*George Thompson*  
Margot and George Thompson  
Neskowin Property Owners, Taxpayers &  
Co-Founders of Neskowin Valley School

*MARGOT AND GEORGE THOMPSON*  
*u*

82

Dept. of Environmental Quality  
**RECEIVED**  
NOV 7 1990

NORTHWEST REGION George T. Tutt  
100 NE Barnes  
Gresham, OR 97030

November 5, 1990

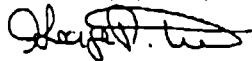
Ms. Judy Johdohl  
Northwest Region DEQ  
911 SW 6th, 10th Floor  
Portland, OR 97204

Dear Ms Johdohl:

My family has owned property in Neskowin for the past 20 years and have enjoyed the beaches and the total environment. A number of years ago there was a serious outbreak of illness caused by a malfunctioning septic system. People were required to boil the tap water before using. At that time it was determined to install a sewage system to alleviate the problem and prevent future more serious infectious outbreaks.

I wish to voice my support of the proposed sewage collection and treatment system for Neskowin, Oregon. At the present time a few people with selfish interests are blocking the health and welfare of an entire community. Should they be successful in the denial of sanitary conditions? Should small children be admonished every time they want a drink of water? Is this the Oregon we are all proud of? I think not! Please act responsibly for the good of the majority of the residents and visitors to this scenic part of Oregon. Support the sewage treatment and collection system of Neskowin.

Sincerely yours,



George T. Tutt

320 320. Comment noted.

321 321. Comment noted.

October 6, 1990

Mr. Gerald Opatz  
 EIS Project Officer  
 Environmental Evaluation Branch (W/D 136)  
 Environmental Protection Agency  
 1200 Sixth Avenue  
 Seattle, Washington 98101

10

Mr. Opatz

I have reviewed the draft EIS. I am even more convinced that Neskowin does not need a sewage system. According to the EIS Neskowin would, in fact, be harmed by a sewage system.

Any discharge of effluent into Neskowin Creek is unacceptable. Have studies been conducted to show the effect of this dumping on plant and animal life? This question would have to be answered beyond any doubt before dumping could occur.

I am on a fixed income and I have an adequate septic tank system. I do not want the expense of a sewer system nor the hidden costs or continually increasing monthly payments.

I think the homeowners responsible for contaminating the creek should be identified and corrections made.

It is of utmost importance to keep Neskowin livable. I feel the sewer system would contribute in a negative way to Neskowin's future.

Sincerely,

*Janet C. Wiese*  
 Mrs. J. C. Wiese  
 3204 N. Farragut St.  
 Portland, Oregon 97217

**322** 322. Comment noted.

**323** 323. Please refer to Response to Comment 5, Letter No. 1; Response to Comment 17, Letter No. 10; Response to Comment 32, Letter No. 14 and Response to Comment 76, Letter No. 19.

**324** 324. A number of studies have been conducted which examined the impact of secondary treated effluent upon stream biota. Some as listed in Response to Comment 76, Letter No. 19 investigated concentrations of effluent 20 times stronger than proposed as a minimum dilution for this project and found no effect to salmonids.

84

John R. & Janet J. Stahl  
9780 Whiskey Ck., Rd. W. (Netarts)  
Tillamook, OR 97141

November 5, 1990

US Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Re: EIS  
Neskowin Regional Sanitary Authority  
WW Collection, Treatment and Disposal Facilities

Gentlemen:

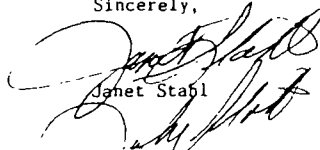
We are in favor of Sanitary Sewers at the above location.

It is nearing the end of 1990 and villages must accept the responsibility of a clean environment. That responsibility does not stop at the metro boundaires.

We also cannot understand why this process has taken so long—years. The funds have been available, the message has been clear from many governmental agencies to name: Oregon Department Environmental Quality and Tillamook County Health Departments. The need for sanitary disposal goes on daily.

We ask your departments to respond quickly while funds are available for this project.

Sincerely,



Janet Stahl

John Stahl

325 325. Comment noted.



85

3290 Camella Dr.  
Salem, OR  
November 7, 1990

Dear Sir:

We own a vacation cabin at Neskeam, OR, which my parents purchased in 1947. Our grandchildren are the fourth generation of our family to love and enjoy Neskeam. It has always been the favorite summer-time activity for small children to play in Neskeam Creek. We have felt it necessary to deny our gr. children this pleasure in recent years because of possible pollution. I'm afraid some unsuspecting family is going

325a 325a. Comment noted.

to have a very sick  
child because of the  
contamination

This is but one  
reason (I trust  
others have been  
called to your attention)  
my husband and I  
feel it is crucial  
to have a sewer  
system in Neskevin -  
and now is really  
not soon enough!

Sincerely  
Eugene H. Ramsey

# **Response to Public Testimony**

---

# COPY

## TRANSCRIPT OF PUBLIC HEARINGS

Regarding the DRAFT ENVIRONMENTAL IMPACT STATEMENT  
for the NESKOWIN REGIONAL SANITARY AUTHORITY WASTEWATER  
COLLECTION, TREATMENT, AND DISPOSAL FACILITIES held  
Saturday, October 27, 1990, and Sunday, October 28, 1990,  
at the Neskowin Fire Hall, in the County of Tillamook,  
State of Oregon.

Mr. Kenneth Brooks, Hearing Officer.

## INDEX

Speakers	Page
<u>Saturday, October 27, 1990:</u>	
Ken Brooks, Introductory Remarks.....	3
Gerald Opatz, EPA.....	6
Dan Fraser, FmHA.....	9
Kevin France, HGE Engineers.....	11
Richard Santner, DEQ.....	13
Vic Affolter, Tillamook County.....	15
John Anderson.....	26
Hal Schlichting.....	28
John Corliss.....	31
Jann Steelhammer.....	33
Katharine Joyce.....	34
David Joyce.....	36
Margot Thompson.....	40
Alex Sifford.....	41
Mike Kowalski, NRSA.....	48
Lee Haga.....	50
Ted Schlichting.....	52
Les Fultz.....	53
Bryce Shumway.....	56
<u>Sunday, October 28, 1990:</u>	
Ken Brooks, Introductory Remarks.....	59
Gerald Opatz, EPA.....	62
Dan Fraser, FmHA.....	66
Kevin France, HGE Engineers.....	68
Richard Santner, DEQ.....	70
Doug Marshall, Tillamook County.....	75
Margot Thompson.....	86
David Joyce.....	89
Katharine Joyce.....	91
Jann Steelhammer.....	94
Marnie Frank.....	95
Norm Sievertson, EPA.....	97
Lana Kowalski.....	99
Randall Koch.....	101
Nancy Schweiger.....	105
Marvin Greenbaum.....	107
Mike Kowalski, NRSA.....	109
Joyce Anderson.....	110
Reporter's Certificate.....	112
Exhibits	

1 Ken Brooks: Good evening. I'd like to call this hearing to  
2 order, please. My name is Ken Brooks. I'm the Assistant  
3 Regional Administrator for EPA's Oregon Operations office. I'm  
4 located in Portland, Oregon. I have been designated as the  
5 hearing officer for this public hearing on our Draft  
6 Environmental Impact Statement for the proposed Neskowin sewage  
7 system.

8 I want to welcome each of you to the hearing and thank you  
9 for your interest in the EIS and the proposed project. For the  
10 record, this hearing is being held on October 27, 1990,  
11 beginning at 7:03 p.m. in Neskowin Fire Hall. This hearing is  
12 to provide an opportunity for citizens, interest groups, and  
13 public agencies to comment on the draft EIS. We will hold  
14 another hearing tomorrow beginning at 2:00 p.m. in the same  
15 place.

16 First, I'd like to mention a couple of housekeeping  
17 items. We have sign-up cards at the entrance of the room, and  
18 I'd like everybody who wishes to be on our mailing list to  
19 please fill out a card. We are also asking you to fill out a  
20 card if you wish to provide testimony this evening. That will  
21 give me an idea of the number of speakers we'll have, so I can  
22 assure everybody will have a turn at speaking this evening.

23 If we have a large number of speakers, I will call a short  
24 recess around 9 o'clock. In the interest of time this evening,  
25 I would ask that you limit redundant testimony. That is, if a

1 previous speaker has made the same comments you wish to make,  
2 you can just refer to the previous speaker's comments.

3 Making an opening statement this evening will be  
4 Gerald Opatz of our regional office in Seattle. Mr. Opatz will  
5 briefly discuss this EIS process and describe how EPA intends  
6 to make a decision on the project. Dan Fraser of the Farmers  
7 Home Administration will follow Mr. Opatz in describing his  
8 office's role in the project.

9 During Mr. Opatz' and Mr. Fraser's statements, I will be  
10 arranging the order of those who wish to speak this evening. I  
11 will be arranging the order of speakers in the following  
12 manner: First, those individuals representing Federal, state,  
13 or local agencies; second, those representing organizations;  
14 and finally, individuals who wish to speak in their private  
15 capacity.

16 You will note that we have a court reporter this evening  
17 who will be making a transcript of the testimony. This  
18 transcript will be available to anyone on request at no cost.  
19 This transcript is important since your testimony this evening  
20 will become part of the official record. When you are called  
21 to speak, please first give your name and speak slowly and  
22 loudly enough so our court reporter doesn't miss any of your  
23 testimony.

24 The oral comments you provide this evening are just as  
25 important as written comments you may send to us. Both written

5  
1 and oral comments will be fully considered and responded to in  
2 our final EIS. Please also note that the public comment period  
3 will run through November 5th. In other words, we will receive  
4 written testimony through the 5th of November. So if you do  
5 not wish to make an oral statement today or you wish to  
6 supplement your oral testimony, you may send your comments to  
7 the Seattle office as indicated in the EIS.

8 The last procedural issue I want to tell you about is that  
9 there will be no cross-examination or questions of the speakers  
10 this evening, nor will EPA be attempting to respond to your  
11 questions other than on procedural, EIS, or grant-related  
12 issues. We will not try to answer project-specific or policy  
13 issues since EPA will not be developing a final position on  
14 this project until after the close of the comment period and  
15 our careful analysis of all comments have been completed.

16 We're here to listen to your concerns and comments this  
17 evening. Please be assured that your comments will be  
18 thoroughly analyzed and responded to in the final EIS.

19 I now would like to have Jerry Opatz make an introductory  
20 comment. Could we please have all the sign-up cards brought to  
21 the front of the room, and I'll arrange for the speakers.

22 Gerald Opatz: There's still a couple more chairs if we want to  
23 try to work in and get a seat. There are two up here and looks  
24 like a couple back there.

25 Unidentified Man: I'll stay -- right here is fine.

6  
1 Ken Brooks: Anybody else who would like -- might want to speak  
2 this evening? Okay. Jerry.

3 Gerald Opatz: Thank you, Ken. My name is Gerald Opatz, and  
4 I'm Chief of the Environmental Review Section of EPA's regional  
5 office in Seattle. I'd like to give you a brief history of  
6 EPA's involvement in this EIS process and describe to you the  
7 steps remaining for completing the EIS.

8 In the fall of 1988, EPA was requested by the Department  
9 of Environmental Quality to prepare an EIS on the proposal by  
10 the Neskowin Regional Sanitary Authority to construct a sewage  
11 collection and treatment facility. We evaluated the  
12 information available at that time, fall of 1988, and agreed  
13 that the project could have significant water quality and  
14 socioeconomic impacts and agreed that it would be appropriate  
15 to prepare an EIS to describe and evaluate those impacts.

16 The first step in preparing the EIS was to conduct  
17 scoping. This is a process for determining the scope of issues  
18 to be addressed in the EIS and for identifying significant  
19 issues related to the proposed action. As a result of the  
20 scoping process, a number of important issues were identified  
21 for the EIS including effluent disposal methods, groundwater  
22 contamination, public health risks associated with children  
23 playing and swimming in Neskowin Creek, and the effect of the  
24 sewage system on community growth and development.

25 A scoping meeting was held here in Neskowin in January of

1 1989. After the close of the scoping process, EPA through its  
2 contractor, Jones & Stokes, commenced pulling together the  
3 information necessary to prepare the EIS; and we started  
4 writing it at that time. That was January -- shortly after  
5 January of 1989.

6 The Farmers Home Administration subsequently requested to  
7 be a cooperating agency with EPA since they, too, would be  
8 providing funding; and Dan Fraser will speak on Farmers Home  
9 Administration involvement in a few minutes.

10 EPA had been working on the draft EIS from early 1989  
11 through mid 1990, roughly a year and a half. And at the end of  
12 that time period, we concluded that none of the effluent  
13 disposal alternatives that we had studied to that time would be  
14 acceptable.

15 We advised the Sanitary Authority of that fact and  
16 indicated that the EIS process could not develop further  
17 alternatives and that the authority, through its consultant,  
18 would need to take the lead in developing other effluent  
19 disposal alternatives; and I believe we indicated that to those  
20 of you on our mailing list in -- I believe it was August. We  
21 had a short fact sheet that went out describing that.

22 The Authority then took the lead on identifying subsequent  
23 or additional effluent disposal alternatives and identified  
24 what we have included as Effluent Disposal Alternatives 1 and 2  
25 in the draft EIS. From these two alternatives, five

1 development options were identified and cost analyses are  
2 presented for these five development options.

3 We have identified our so-called Option 5 as being the  
4 most cost effective of those alternatives. Please note,  
5 though, that EPA has not identified a preferred alternative in  
6 this draft EIS. We will identify a preferred alternative in  
7 the final EIS after evaluating all comments and any new  
8 information which is presented through this public comment  
9 process.

10 Where do we go from here with the EIS? First, as Ken  
11 indicated, and let me restate that the public comment period  
12 does remain open through November 5th. Upon close of the  
13 comment period, we will analyze all the comments received here  
14 at the public hearings and -- today and tomorrow, and those  
15 written comments that are sent to us.

16 Upon review and analysis of those comments, we'll  
17 determine what changes need to be made to the draft EIS; and we  
18 will prepare a final EIS which will include a written response  
19 to all comments received. The final EIS will be sent to all  
20 persons on our mailing list, and there will be a 30-day review  
21 and comment period. The final EIS, again, will identify the  
22 planned EPA action.

23 At the end of the 30-day review process, EPA will issue  
24 its record of decision, which will include all mitigation  
25 measures adopted by the agency to avoid or minimize

1 environmental harm. These mitigation measures will be  
2 incorporated as enforceable grant conditions if appropriate.

3 As far as timing for how long completion of the EIS will  
4 take, that answer is going to be dependent upon the nature of  
5 all the comments we receive. We have already received many  
6 very thoughtful comments which will take some time for us to  
7 analyze and either incorporate into the EIS or adequately  
8 respond to in our response to comments.

9 As you may understand, since we've been involved with this  
10 now for a couple years, we're anxious to complete the process;  
11 but we're not going to release the final EIS until we do give  
12 adequate consideration to all the comments that we've  
13 received. I can tell you that unless there are going to be  
14 major changes made, we certainly hope to be able to release the  
15 EIS in the December, January time frame. But that's only if we  
16 don't have major changes we feel we have to make in the final.

17 That concludes my testimony, Ken.

18 Ken Brooks: Thank you, Jerry. Daniel Fraser of Farmers Home  
19 Administration.

20 Dan Fraser: My name is Dan Fraser. I'm with the Farmers Home  
21 Administration, an agency of the U.S. Department of  
22 Agriculture. I'm the State Environmental Coordinator for  
23 Farmers Home as well as being a loan officer in the Community  
24 and Business Programs Division. I'm located in the Portland  
25 office.

1 Farmers Home Administration administers a number of  
2 financial programs for rural areas. One of those programs is  
3 our Rural Water and Wastewater Loan and Grant Program. This  
4 program is available to rural communities such as Neskowin and  
5 those under 10,000 population. The loan and grant program can  
6 be used for construction and development of water and  
7 wastewater facilities.

8 Several years ago, the Neskowin Regional Sanitary  
9 Authority submitted a preapplication to Farmers Home  
10 Administration for a loan in the amount of \$800,000. That loan  
11 would be used to purchase the Sanitary Authority's bonds for  
12 the completion of the sewer system and would also be used to  
13 complement the grant funds that had been applied for from the  
14 EPA.

15 As a federal agency, Farmers Home Administration is  
16 subject to the requirements of the National Environmental  
17 Policy Act the same as the EPA is, and we cannot make a final  
18 decision on any requests for financing or assistance until the  
19 NEPA requirements have been satisfied.

20 When it was determined that the EIS would need to be  
21 prepared to evaluate environmental impacts created by the  
22 project, Farmers Home Administration asked EPA to include us as  
23 a cooperative -- cooperating agency. The reason for doing that  
24 is that in order to satisfy our need for requirements, it would  
25 be much easier if we could dovetail our process with theirs and



1 avoid any duplication.

2 So we've been involved with the EPA in the preparation and  
3 coordination of the EIS from the day it was started. We will  
4 not be able to make any final decisions on the financial  
5 assistance that has been requested until the EIS is completed  
6 and the NEPA requirements have been met.

7 Briefly, that will explain the involvement of Farmers Home  
8 Administration, how we're involved in the project, and what our  
9 role is with the EIS process.

10 Ken Brooks: Thank you, Dan. Kevin France representing  
11 HGE Engineers.

12 Kevin France: I'm Kevin France. I'm with HGE Engineers in the  
13 Portland office, and we're the Sanitary Authority's engineer  
14 for this project.

15 As Gerald has kind of given an introduction to, we  
16 prepared a facility plan and addendum in August to update the  
17 original facilities plan that was prepared in 1988. And in the  
18 addendum we evaluated different types of collection systems,  
19 treatment processes, treatment plant sites, and definite  
20 disposal options.

21 We evaluated septic tank effluent collection systems and  
22 conventional gravity collection systems. We evaluated  
23 recirculating gravel filter treatment plants, flocculative  
24 lagoons, extended aeration treatment plants, and utilizing the  
25 existing extended aeration treatment plant in combination with

1 the new treatment plant.

2 We evaluated many different sites to locate the treatment  
3 facilities. These included the existing treatment plant site,  
4 the Hawk Creek site, the Pasture 2 site, and the Simpson Timber  
5 site. The site that was identified as the preferred site in  
6 the 1988 facilities plan has been developed and is no longer  
7 available.

8 For disposal options, we evaluated spray irrigation,  
9 subsurface disposal, and direct discharge to Neskowin Creek.  
10 For disinfection alternatives, we evaluated ultraviolet  
11 radiation, chlorination, and dechlorination.

12 The recommendation of the 1990 facilities plan addendum  
13 was to construct the project in two phases. Phase 1 would  
14 provide sewer service to the Neskowin core area, the point, and  
15 the western portion of Proposal Rock. Phase 2 construction  
16 would extend sewer service to Viking Estates, Kiawanda Beach,  
17 Neskowin Crest, Hawk Crest, Neskowin Heights, and the remainder  
18 of Proposal Rock.

19 The recommended alternative developed in the 1990  
20 facilities plan addendum was to provide a septic tank effluent  
21 collection system, to abandon the existing treatment plant, to  
22 construct an extended aeration treatment plant at the Simpson  
23 Timber site, to hold the effluent from the treatment plant  
24 during the summer in a lined lagoon, and then to discharge the  
25 effluent in the winter to Neskowin Creek when the flows in the

1 creek were great enough to provide adequate dilution of the  
2 effluent, and the effluent would be disinfected using  
3 ultraviolet radiation so that there wouldn't be any chlorine  
4 residual going to the creek to affect the fish population.

5 Ken Brooks: Thank you, Kevin. Richard Santner from the Oregon  
6 Department of Environmental Quality.

7 Richard Santner: Thank you, Mr. Chairman. We have submitted a  
8 letter of comment from Lydia Taylor, Administrator of the  
9 Department's Water Quality Division, and I would like to take  
10 just a brief moment to read that letter to the attendees this  
11 evening, so it is clear before it's published in the final EIS  
12 what the position of the Department is on this matter.

13 Let me step back and add that I am an employee in the  
14 Water Quality Division of the Department of Environmental  
15 Quality. The letter is addressed to Gerald Opatz.

16 "Dear Mr. Opatz:

17 "The Oregon Department of Environmental Quality requests  
18 that the public comment record for the above referenced DEIS  
19 indicate that the Department supports the proposed project as  
20 essential for protection of public health and water quality in  
21 the Neskowin area. Our support is reflective of the fact that  
22 the project ranks 16th (among 104) on the Department's current  
23 Construction Grants Priority List. The Neskowin project has  
24 had a relatively high priority ranking for several years since  
25 a study conducted by the Department in 1985 concluded that

326 326. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 1,  
Letter No. 1.

1 bacterial contamination of the creeks near the Neskowin core  
2 area results from failing on-site waste disposal systems.

3 "The DEIS and 1988 Facilities Plan Update bring together  
4 much information that makes the need for the proposed project  
5 apparent. Among the salient considerations are these:

6 "Water quality sampling over the last decade has  
7 repeatedly found evidence of fecal bacterial contamination of  
8 area streams. The 1985 DEQ study indicated the contamination  
9 derives from human sources through failing on-site systems.

10 "The bacterial contamination of area surface waters is an  
11 indication of a threat to public health. This is of especially  
12 great concern due to the recreational nature of the Neskowin  
13 area and the contact recreation use of area surface waters in  
14 summer.

15 "The sand dune soils prevalent in the core area are poorly  
16 suited to on-site waste disposal systems. These rapidly  
17 draining soils generally do not allow for adequate removal of  
18 pathogenic or chemical contaminants. In the specific case of  
19 Neskowin, the core area has developed on small lots at urban  
20 densities which would not be acceptable for on-site systems  
21 under DEQ's present rules. The use of seepage pits and  
22 cesspools which are also prevalent in the core area would  
23 likewise not be allowed. The existing on-site systems  
24 constitute a continuing threat to public health and the quality  
25 of surface and groundwater.

327 327. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 2,  
Letter No. 1.

328 328. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 3,  
Letter No. 1.

329 329. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 4,  
Letter No. 1.

1 "It is the policy of the State of Oregon, as stated in  
2 ORS 468.710, to prevent and abate water pollution and to  
3 ensure that no waste be discharged to waters of the state  
4 without adequate treatment.

5 "Clearly, improperly treated waste is being discharged  
6 into Neskowin area groundwater and creeks resulting in a threat  
7 to public health and degradation of water quality. The  
8 construction of a properly functioning sewage collection and  
9 treatment system is the most appropriate means of permanently  
10 correcting this situation. The Department supports  
11 implementation of the proposed project.

12 "Thank you for the opportunity to comment.

13 "Sincerely, Lydia R. Taylor, Administrator, Water Quality  
14 Division"

15 Thank you, Mr. Chairman.

16 Ken Brooks: Thank you. Vic Affolter, Tillamook County.

17 Vic Affolter: I have a map. Where do you think? Over there?

18 Ken Brooks: Do you want to put it over there?

19 Vic Affolter: Yeah. Just a second.

20 Ken Brooks: If it's getting stuffy, maybe we can crack that  
21 door a little bit. There's two more chairs up front here if  
22 anybody is interested.

23 Following Vic will be John Anderson. You're in the bull  
24 pen.

25 Vic Affolter: Okay. I'm Vic Affolter. I'm the Director of

330

330. This comment was submitted as part of the written comment. Please refer to Response to Comment 5, Letter No. 1.

1 Community Development for Tillamook County; and as such, I have  
2 responsibility for administering the County's planning,  
3 building, and sanitation regulations. And it's the sanitation  
4 issue that brings me to Neskowin tonight.

5 I'll -- during my testimony I'll discuss the significance  
6 of the colored map up there for you, but I've -- I've got  
7 written testimony to make available, and I brought some  
8 additional copies in case anyone's interested. I don't know if  
9 I should pass them out or leave them up here. Do you have a --  
10 we could run them around the room if you like. I don't want to  
11 detract from anyone else's testimony, but there's about 15  
12 copies. So if you wish to share, that would be fine.

13 Ken Brooks: Why don't we just put them on the table.

14 Vic Affolter: Why don't we put them on the table. It would be  
15 less distracting, yeah.

16 The Tillamook County Board of County Commissioners has  
17 submitted written testimony to EPA on this project. It was  
18 mailed on Wednesday, and you may have received it on Friday.  
19 And the essence of their testimony is to express their concerns  
20 about the public health conditions here in Neskowin resulting  
21 from the pollution that's occurring from the current sanitation  
22 situation, or lack thereof, in Neskowin and particularly to  
23 indicate their total opposition to the No Action Alternative.

24 They feel very strongly that the -- at least the core  
25 developed area of Neskowin requires sewerage. They've asked me

331 331. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 23,  
Letter No. 13.

1 to provide some more specific testimony on that issue, and the  
2 sanitarian who works for me, Doug Marshall, will be here  
3 testifying tomorrow afternoon on some of the more specific  
4 sanitation issues and some of the alternatives.

5 Our experience with the situation in Neskowin concurs with  
6 some of the key statements in the Draft Environmental Impact  
7 Statement, and some of these include the fact that all of the  
8 soils in the Neskowin project area provide poor treatment for  
9 septic tanks and absorption fields -- all of the soils in the  
10 Neskowin area -- that septic tanks with seepage pits and  
11 cesspools are the predominant means of sewage disposal in  
12 Neskowin core area. That is a fact.

13 We're not even talking about drain fields in many or most  
14 cases. We're talking about seepage pits and cesspools.  
15 Neskowin, of course, has a history of water quality problems.  
16 Contamination of the creeks has been attributed to the  
17 sanitation situation here, and the DEIS notes that the No  
18 Action Alternative would result in, quote, potentially  
19 significant adverse impacts on groundwater, surface water  
20 quality, land use, socioeconomics, and public health.

21 We feel that, if anything, the DEIS understates the  
22 problem in Neskowin, and I hope to be able to illustrate that  
23 for you a little more clearly.

24 The Neskowin core area is platted and built at an urban  
25 density, and this, coupled with adverse soil conditions,

332

332.

Comment noted. The dune soils of the core area have been described as being very poor for septic system drainfields. In addition to the poor suitability for a septic drainfield in this soil type, the fact that homes are built to urban densities further exacerbates the subsurface treatment situation.

1 clearly requires a community sewer system. I want to have a  
2 sense of the platting of the Neskowin area, and that's  
3 illustrated by the colored map I have on the wall. The red  
4 area indicates parcels that are 5,000 square feet or smaller in  
5 the core area, and the area shown on the map, the colored area,  
6 goes from the point up to Corvallis.

7 Approximately 63 percent of the lots in the core area are  
8 5,000 square feet or less. If you include in that the  
9 Breakers, Pacific Sands, and Chelan, as I think we should, then  
10 we're up closer to 70 percent of the dwellings around parcels  
11 that are at a density that is greater than one house per 5,000  
12 square feet, at that density or greater.

13 Only 23 percent of the lots are larger than 7,500 square  
14 feet, and this is very important; because our sanitarian  
15 estimates that lots would have to be at least that big to have  
16 a reasonable chance of qualifying for an adequate repair area  
17 for a failed system. Those over 5,000 feet with the highest,  
18 most expensive technology, some of those might have a chance.  
19 But we're saying somewhere between 60 and 70 percent of the  
20 lots really could not be adequately repaired when failures are  
21 occurring.

22 When you have a situation where you have seepage pits and  
23 cesspools, you've got essentially failures built into that.  
24 You have effluent going into the groundwater, the aquifer, and  
25 consequently, the streams of the Neskowin area. All septic

332

333

333. This comment was submitted as part of the written comment. Please refer to Response to Comment 24, Letter No. 13.

1 tanks and drain fields will ultimately fail. They're even more<sup>19</sup>  
 2 mortal than we are. The projected time frame is much less than  
 3 that which we are given. You can assume that every system in  
 4 Neskowin will fail within the lifetime of people living in this  
 5 community.

6 So the question then becomes: What do we do about that  
 7 when these fail? We better not stick our head in the sand,  
 8 because that will be polluted. We need to have a way of  
 9 dealing with that, and what we're saying here, in up to 70  
 10 percent of the cases, there will not be an adequate way to deal  
 11 with that. And that's, I think, really the reason why I'm here  
 12 tonight. You know, what is this person from Tillamook County  
 13 Government doing down here?

14 I'm here because -- for several reasons, but one is  
 15 because when failures occur, we have to deal with them. And  
 16 we're put in a situation where increasingly there are not good  
 17 choices. More and more pressure is put on us to approve  
 18 repairs that will continue to contribute to pollution problems  
 19 in Neskowin, or we can impose very expensive alternatives on  
 20 people including having a -- just a septic tank which could be  
 21 pumped on a regular basis or limiting, ultimately, people's use  
 22 of their property. And none of those are good alternatives.

23 Incidentally, on a personal side, I probably have as much  
 24 reason to oppose this system as anyone in the room. My family  
 25 homesteaded about a mile and a half up this valley, and that

334. These alternatives could become requirements if the current situation is not remedied. As noted in Comment 10 and in the DEIS in Table S-3 and in Chapter 4, pages 4-1 through 4-4, continued use of essentially the "No-Action Alternative" will have significant adverse effects on groundwater, surface water quality, and land use. Probably the most important implication of continuation of this alternative are the potential public health risks.

335. Comment noted.



1 property which my family owned for about 70 years -- they  
 2 homesteaded in the 1890s -- is in some of the more likely  
 3 alternatives proposed for sewage lagoons. And that isn't the  
 4 most pleasant thing to think about on property that you have  
 5 that kind of attachment to.

6 But I want to make it clear I'm not opposing those  
 7 alternatives, because I think it's absolutely important that we  
 8 put our personal feelings and needs aside and look at the needs  
 9 of the Neskowin community. I want to just highlight a few  
 10 other aspects of my testimony. There's a proposal made by some  
 11 people in the community, and I think it's a well-intended and  
 12 well-meaning proposal, that's been called Alternative 10.

13 It's called the Limited Action Alternative, and as I  
 14 understand that alternative, it would involve a site-specific  
 15 identification of failed or problem systems. It would have  
 16 those system sewerd but not the others, and presumably, it  
 17 would sewer additional systems as problems arose.

18 There are some significant problems with that approach,  
 19 and I think it's a sincere attempt to limit the scope of this  
 20 system; and I think it comes particularly from people who are  
 21 concerned that the sewer system will encourage or facilitate  
 22 growth in the Neskowin community, something they don't feel  
 23 very comfortable about. And I'm not here, frankly, to testify  
 24 one way or another on the growth issue.

25 But the problem with that proposal is at least several-

335

336

336. Numerous comments were received which proposed this limited action alternative. The difficulty of identifying failed systems is but one aspect of implementation of this alternative. Even if each failed system could be identified, the fact remains that the collection system would still need to be constructed throughout the project area. Design would still be required assuming that all systems would eventually fail; sizing of the collection system would not be reduced. Please also refer to Response to Comment 48, Letter No.16, and Response to Comment 33, Letter No. 14.

1 fold. The nature of the pollution, the nature of the failed  
2 systems here is that it's a very diffuse situation. It's very  
3 hard to pinpoint individual systems that are failing and  
4 contributing to contamination of the creeks, because we have  
5 these cesspools, we have seepage pits, and we have effluent  
6 going from them or directly down into the groundwater and the  
7 aquifers.

8 And it doesn't go like straight from those to the creek.  
9 It goes down into the groundwater first. In some cases we've  
10 been able to identify failed systems that are contributing  
11 greatly directly to the creek. We were able to do that in the  
12 case of the golf course. Bill Martin was required to put in a  
13 new drain field. Fortunately, he had room for that on his  
14 property. Most people wouldn't.

15 But in most cases, we cannot identify the direct sources  
16 of pollution; and when problems do occur, the enforcement  
17 agencies are usually the last to know about them. Because if  
18 people know that there aren't good alternatives or repairs are  
19 very difficult to obtain, they're not likely to tell the  
20 enforcement people that they have a problem.

21 So we're the last to know about it, and the kind of  
22 monitoring, the kind of technology that would be required to  
23 identify these failures is -- we don't have those resources,  
24 and I don't think DEQ has those resources. The other problem  
25 is there are certain economies of scale when you're putting in

1 a sewer system.

2 You have to be assured that you're going to be serving at  
3 least so many houses for the system to -- for the thing to  
4 pencil out economically, and you can't base a sewer system on  
5 an unknown number of hookups over an uncertain period of time.  
6 You have to know up front that a certain area is going to be  
7 served.

8 The other thing -- another thing that I'm concerned about,  
9 of course, is -- are delays that are going to push this project  
10 beyond the time when it can be funded, and there have been  
11 requests for a lot of additional information. And all of those  
12 requests, if they're taken seriously, would clearly push this  
13 project beyond a time when there's public funding available.

14 There have been requests for very specific impact  
15 information on T and ES, threatened/endangered species, ranging  
16 from the bald eagle to the big-eared bat. And if we're going  
17 to try to connect everything in the universe down here, the  
18 time it's going to take will not allow for the funding of this  
19 system.

20 There's a lot of concern about putting treated effluent  
21 into Neskowin Creek at a 20:1 dilution rate under controlled  
22 circumstances during relatively high-water winter months. I  
23 think we have to compare that concern with what's happening or  
24 what would continue to happen under the No Action Alternative;  
25 whereby, more and more untreated effluent is put into the

336

337

337. The Environmental Impact Statement provides sufficient information on which to base a decision for this project. In many instances, the requested information would have no bearing on the decisionmaking for this project since implementation of this project would not have an effect on the requested information.

338

338. The discharge of treated effluent at a dilution ratio of 20:1 will certainly have a much lesser impact on water quality and biota than the existing condition. The discharge requirements of ODEQ have been established to preclude negative impacts on the receiving waters. Water quality standards would be met and beneficial uses would be protected.

1 aquifer and streams in the Neskowin area on a year-round basis.  
 2 You have to compare which of those is most harmful to the  
 3 community.

338

4 And finally, a brief comment on the growth issue. I think  
 5 there's obviously genuine and sincere concern among people who  
 6 feel that a sewer system would facilitate growth in the area,  
 7 but what we're testifying on tonight is sewerage the core area,  
 8 essentially, Phase 1.

339

9 I think Phase 2 has some of the same problems as Phase 1.  
 10 There are some relatively high-density areas within Phase 2,  
 11 but they're not as concentrated as the core area. There aren't  
 12 as many lots in those areas, so it's really a question of  
 13 degree. And the core area is -- of course, is the largest and  
 14 most substantial problem. But on the growth issue, I think  
 15 people have to understand that even if you didn't provide  
 16 adequate sewer services for the core of Neskowin, you're not  
 17 going to prevent growth from occurring in this area.

340

18 You may be encouraging it to occur in larger-scale  
 19 increments, because a developer who has enough land to work  
 20 with can afford to come in with their own system. And you saw  
 21 it happen with the campground south of here in Neskowin.

341

22 So those are things you need to keep in mind, that we're  
 23 not talking about -- we're talking about sewerage, essentially,  
 24 the core area where most of the lots are developed. In fact,  
 25 there are approximately 51 undeveloped lots in the core area.

342

339. A number of comments were received on growth. Phase 1 of this proposal will provide sewers to the core area and a limited number of additional homes. Clearly, there is a problem with the core area which will be alleviated with this project. In addition, there are a few vacant lots in the core area (and other areas to be sewerage) which can be developed following completion of this project. The land use decisions to allow for this additional development have already been made; the Phase 1 sewerage is in response to what has already occurred and what is permitted under current land use regulations. Please also refer to Response to Comment 135, Letter No. 32.

340. This comment was submitted as part of the written comment. Please refer to Letter No. 15.

341. Comment noted.

342. Comment noted.

1 The rest -- that's 51 out of 288. So roughly over 80 percent  
2 of the lots are developed.

3 I think that concludes my testimony. We just want to  
4 emphasis that from a public-health perspective, we strongly  
5 support sewerage the core area. We believe that the Draft  
6 Environmental Impact Statement provides ample and persuasive  
7 arguments in support for that position, and we also completely  
8 endorse the testimony provided by Department of Environmental  
9 Quality tonight.

10 Unidentified Man: I have a question, Vic. Would you explain  
11 to the people what happened up by the water tower where you  
12 allowed this fellow -- there was 7,500 square feet lots, and  
13 you let him have one at fifty-three -- I mean fifty-eight  
14 three-hundred, and then they're putting in septic tanks up  
15 there. Would you explain to the people how this happened.  
16 Instead of a 7,500 square foot lot, he was allowed fifty-eight  
17 three-hundred. And the other one was fifty-eight two-fifty, or  
18 something like this. I saw your letter.

19 Vic Affolter: I don't have my files with me. I don't know  
20 when that happened, I don't know the circumstances, and I don't  
21 think that's --

22 Unidentified Man: I know exactly where it is.

23 Vic Affolter: Yeah. It's my understanding that this is not  
24 the way we're functioning tonight.

25 Ken Brooks: Why don't you get with Vic after the meeting.

342

343 343. This comment is beyond the scope of this EIS.

1 Unidentified Man: I don't want to get together with Vic after  
2 the meeting.

3 Vic Affolter: I think --

4 Unidentified Man: I just want him to explain why these  
5 allowances were made when he's talking about septic tanks and  
6 yet they're putting them up there.

7 Ken Brooks: And I think you very well deserve an answer to  
8 that, but I don't think that's really pertinent to what we're  
9 doing right now.

10 Unidentified Man: People want --

11 Vic Affolter: Let me finish my testimony -- let me finish my  
12 testimony by saying that I think I have just heard a rhetorical  
13 question, but let me -- let me just point out that without a  
14 sewer system, the County will be under continuing pressure to  
15 approve development on septic tank and drain fields; and we'll  
16 be doing that by current regulations.

17 And I think that, hopefully, those pressures wouldn't  
18 cause the County to make bad decisions; but most of what's been  
19 approved in the core area that we're dealing with was approved  
20 way before we had the current regulations, and they would not  
21 be approved today.

22 Most of the development the Neskowin area has that we're  
23 looking at could not be approved under today's standards. But  
24 I don't want to get into a discussion over issues that I'm --  
25 frankly, we deal with hundreds of permits each year; and I'm

344

344. The land use decisions which have been made in the past to allow certain types of development within the core area may well need to be modified to preclude non-sewered development. However, as pointed out above, permits are still being approved for the core area.

1 not coming down here prepared to discuss a specific one. If  
 2 you wish to call me in my office when I can access our files,  
 3 I'll be happy to respond to your question.

4 Ken Brooks: Thank you, Vic. John Anderson is the next speaker  
 5 followed by Hal Schlichting.

6 John Anderson: I'm John Anderson. I reside at Neskowin  
 7 Crest. I just have a few small points here, strictly personal;  
 8 in that, the report is contradictory relating to the inclusion  
 9 of Neskowin Crest under this district. That -- before I go  
 10 further on that, I want to point out that I think your maps in  
 11 your preliminary report should show the designated areas of the  
 12 various subdivisions, which would include items such as the  
 13 Neskowin Crest Subdivision.

14 The area immediately north of that division is called  
 15 Pacific Sands Heights Subdivision, and further north of that is  
 16 an area called Ocean Creek. And then, of course, you do show  
 17 Viking Estates on there; but I think you should show every one  
 18 of those, delineate clearly what each of those subdivisions are  
 19 and covered.

20 Now, getting back to Neskowin Crest. This is for the  
 21 benefit of the EPA people who issued this report. Neskowin  
 22 Crest is not part of the Neskowin Regional Sewer District. We  
 23 gained an exclusion at about the same time that Neskowin North  
 24 did from the County commissioners through a directive order.  
 25 And therefore, I would think that any future reports would

345

345. This comment was submitted as part of the written comment. Please refer to Response to Comment 113, Letter No. 25.

346

346. This comment was submitted as part of the written comment. Please refer to Response to Comment 112, Letter No. 25.

1 exclude Neskowin Crest from being included in anything relating  
2 to Phase 2.

3 Now, I just have a brief comment relating to the user  
4 fees. For some of you, I happen to be a consulting engineer,  
5 now retired; but I'm a chemical engineer, have over 30, 40  
6 years experience in the field. And you're coming up with a  
7 user fee schedule in which you note the inclusion of a \$40,000  
8 house in those monthly figures, and my comment is that is way  
9 too low.

10 I think you should be using a figure, minimally, of a  
11 house 80,000 in that figure. If you did that, you would find  
12 that your monthly fees in Phase 1 would be of the order of 30,  
13 almost \$31 per month. And although you made a comment of the  
14 estimate for Phase 1, I think you ought to include an estimate  
15 for Phase 2 on the normal user in the district.

16 I'd like to relate out for the audience here that the cost  
17 of Phase 1 is posted in this preliminary report as around 3  
18 million 3. For approximately 1,339 residences. If you get  
19 into Phase 2, you will add on a factor of 300 percent or come  
20 up with a figure of approximately 9 million 4, additionally, on  
21 top of the 3 million 3. And that will cover only the  
22 additional number of residents of 1,376.

23 So you can see the enormity of that cost feature as it  
24 relates to Phase 2 and is -- should be just tossed right out  
25 the window and forgotten. I think one more comment relating to

347

347. This comment was submitted as part of the written comment. Please refer to Response to Comment 114, Letter No. 25.

348

348. User costs for Phase 2 were not calculated for this document because the source of outside funding is at this time unknown and thus the amount of financing required is unknown. User costs cannot be calculated without additional financial information.

349

349. This comment was submitted as part of the written comment. Please refer to Response to Comment 115, Letter No. 25.



1 your sampling data. I kind of took a brief look at that. You  
 2 do show areas of contamination, but you have got a large amount  
 3 of contradictory data there; and I won't get into the details  
 4 on that.

5 If you get into the terminology which these people use  
 6 called the ratio of FC over FS, which is the fecal coliform  
 7 over the -- some sort of streptococci material -- which that  
 8 ratio FC over FS is four or more, it would indicate  
 9 contamination by people. There are very few instances in here  
 10 where that has shown in the data. And on top of that, as  
 11 several of the places are fairly close to a concentrated  
 12 source, such as the horse stables.

13 Another location which has possibly been rectified is the  
 14 Neskowin Beach Golf Course clubhouse. They have a new field  
 15 now, and that may have canceled out that problem; but there are  
 16 areas of data that are highly contradictory as it relates to  
 17 some of the stream data.

18 That's all I have to say.

19 Ken Brooks: Thank you John. Hal Schlicting, followed by John  
 20 Corliss.

21 Hal Schlicting: My name is Hal Schlicting. I'm involved in  
 22 the Hawk Creek development, lived here for 30 years and for the  
 23 last 14, 15 years have been directly and indirectly involved in  
 24 the progress of sewerage in Neskowin. Regarding the DEIS  
 25 statement, there's considerable misinformation that I won't go

350

350. The data indicate that during certain time periods and at certain locations, there is an indication of human fecal contamination. The presence of these bacteria in the surface waters indicates that during high use periods (i.e. summer months) there is human fecal contamination in the streams.

351

351. The Neskowin Beach Golf Course has recently installed a new drainfield. It is unknown whether the golf course may still be contributing to ground water and surface water contamination.

1 into now but will submit written, because it's of considerable  
2 scope.

3 One of the areas of concern that I have was the statements  
4 regarding the agency's concern about the areas where there is  
5 wetlands, and they have -- the studies have indicated that --  
6 there was a reference to 1972 as being the 100-year flood.  
7 Well, on Thanksgiving of 1960, the entire area was covered with  
8 water; 1964 was the worst flood in -- it was related in the  
9 paper by Governor Hatfield that this was the greatest disaster  
10 that had ever hit Oregon.

11 The so-called 100-year flood plain in Neskowin Creek was  
12 indicated to go as far as the bridge that crosses into the  
13 South Beach area, and in the '64 flood that area was covered  
14 with water so deep that the -- clear to the concrete bridge,  
15 approximately a mile upstream that a family that was living in  
16 the South Beach area was marooned for three days.

17 And going back talking to old-timers, in 1928 there was a  
18 flood which could be estimated at probably 14 feet through the  
19 entire community. And in 1939 Idris Holcolm has indicated --  
20 she lives up on the north end of the core area, up in Klawanda  
21 Beach, and that she was marooned for three days up there.

22 And the folks that we bought our property from had a  
23 dairy, and they pastured in the wetlands north of the golf  
24 course. And they had to put their cattle up on top of that  
25 ridge, which would indicate that the flood waters were at

352 352. The terminology of a "100-year flood" and "100-year  
floodplain" is simply a statistical reference to the chance  
of occurrence of a specific flow over a specific area. A  
"100-year flood" is that flow of water which is expected  
to occur one percent of the time or less; the "100 year  
floodplain" is that area over which this flow will travel.  
There is no doubt that flows exceed these levels and as  
has been pointed out they do occur more often than  
once in each 100 years. The DEIS used the official  
floodplain information from the Federal Emergency  
Management Agency.

probably 14 feet, at least, elevation which -- and indications in both the '28 and '39 times were that residents rode their boats over the entire area across fence posts and everything else. So you know the water was deep, and I think these facts should enter in the record.

Another area that has bothered me over the years. I've attended just about every public hearing where the agencies have been involved, and including the DEIS there isn't a single reference to the quality of the effluent coming out of these proposed treatment facilities in the way that the average person could understand it.

They talk about fecal coliform and 20/20 and all the rest of the stuff, but no one has ever indicated to the average person. Now, just how bad is this stuff? It must be really bad, because this project talks in terms of spending \$3 million to treat the effluent, 110,000 gallons a day, which is unbelievably small. And in the ultimate treatment, it's going to cost \$4 1/2 million to take this terrible stuff a quarter of a mile out in the ocean to get rid of it, and these are areas that I just don't understand.

Technology -- through my studies and talking to a lot of different people, indicates that the technology is available at very reasonable prices to treat the effluent; and it appears to me that more effort should be put into finding a much more economically feasible way to dispose of that effluent. And I

352

353

353. The requirements for secondary treatment are to discharge no more than 20 mg/l solids (0.002 percent solids) and less than 20 mg/l of biochemical oxygen demand (BOD). BOD is a measure of the amount of oxygen required to stabilize the biodegradable organic material remaining in the treated effluent. The lower the BOD, the less oxygen will be demanded from Neskowin Creek to break down the organics. Because fish and many aquatic plants require oxygen to survive, the removal of BOD is an important function of the wastewater treatment process. The organic material, the major constituent of the sewage entering the treatment plant, is broken down (oxidized) through treatment into simpler chemicals. This reduces the oxygen demand and results in minimizing the impacts to the receiving waters. Limiting the total suspended solids to 20 mg/l and the BOD to 20 mg/l has been determined to virtually eliminate impact to receiving waters when adequate dilution (20:1) has been attained. Please also refer to Response to Comment 95, Letter No. 22.

354

354. The facilities planning process and this EIS process have screened a great number of proven technologies for collection, treatment, and disposal. The alternatives presented in the DEIS are those which through professional engineering have been determined to be the most feasible for the Neskowin Sanitary Authority.

1 think this is the area that needs to be thoroughly looked at.

2 Thank you.

3 Ken Brooks: Thank you, Mr. Schlicting. John Corliss, followed  
4 by Jann Steelhammer.

5 John Corliss: My name is John Corliss, and I'm a property  
6 owner in the core, core area of Neskowin. We have a lot that  
7 is 24 feet wide and 70 feet long, so we're one of  
8 Vic Affolter's worst of the worse.

9 We are on the old, existing system; and we feel we're no  
10 longer a part of the problem, but we are a major part of the  
11 problem. We'd like to see something done that would include  
12 the present system that has been developed in Neskowin. To  
13 abandon that system seems foolhardy and not using the developed  
14 resources very well.

15 I think I would echo the testimony and expand on the  
16 testimony of Mr. Anderson that we should drop Phase 2  
17 consideration at this time. It does not seem appropriate with  
18 respect to the core area, and that seems to be the immediate  
19 source, the closest source, and hence, the source that needs to  
20 be evaluated first in terms of any contributions to fecal  
21 coliform in Neskowin Creek.

22 The immediate streamside and near streamside runoff areas  
23 should be those first evaluated and then look at areas out  
24 beyond that core area. The second point I would raise is that  
25 one I've already addressed, and that is to incorporate the

355

355. Please refer to Response to Comment 354 and Response to Comment 81, Letter No. 19.

356

356. This comment was submitted as part of the written comment. Please refer to Response to Comment 115, Letter No. 25.

existing system into the plan. I have read the report, and it's not clear to me. And partly, it's because Phase 1 and Phase 2 are covered in the same report, and it's difficult to know where one ends and the other begins.

What is going to be the fate of those systems, those homes that are already on the existing system? Must they be a part of a new septic-tank collection system, or are they going to continue to use the system that has been developed and paid for and is currently operating?

The third point I would like to raise relates to the Alternative 7, relating to spray irrigation. I made earlier testimony to EPA and DEQ concerning the opportunities of lands, soils, upstream in Slab Creek, available for spray irrigation. The evaluation in Alternative 7 speaks to poorly-drained soils.

I am a soil scientist with 30 years experience. I know what I'm talking about. The soils that were evaluated definitely do have high water tables and poor drainage characteristics. The problem is, the testimony I gave previously has not been recognized. I asked to go up Slab Creek beyond the present Simpson site and look for additional sites for spray irrigation.

I think that remains one of the few real practical alternatives to deposition of the treated effluents other than dumping them into Neskowin Creek, and I'm very much opposed to

356

357

358

359

357. It is anticipated that those homes on the current system will remain on the existing collection system; these collectors will be routed to the proposed new treatment system.

358. Continuing further up Slab Creek Road further increases the costs of treatment and thus the user costs. The screening process for sites did not locate soils which could accept this amount of effluent within a cost effective range for Neskowin.

359. A number of commentors have indicated their opposition to this project. The EIS and engineering process have attempted to minimize overall environmental impact while providing alternatives to the current sewage situation.

1 that particular action. Thank you.

2 Ken Brooks: Thank you. Following Jann will be

3 Katharine Joyce.

4 Jann Steelhammer: Oh, I think there's lots of things going  
5 through my mind right now. The most important issue seems to  
6 be, as the gentleman from the FHA pointed out and Vic Affolter  
7 pointed out, is the real main reason we're doing this is to  
8 clean up the creek and to take care of the pollutants in our  
9 creek. And Vic stated that it was too expensive to try to  
10 source-identify these particular places.

11 But I'd like to quote from the EIS statement which --  
12 let's see. This is on page 3-16 of the EIS, and it says, "The  
13 source of contamination of these sites has not been  
14 identified." "Inadequate or failing septic systems outside the  
15 collection area boundary have been identified by Tillamook  
16 County health authorities as potential sources of  
17 contamination."

18 Now, this is where Vic comes in and says that we can't  
19 afford this. Specific sites which might be contributing fecal  
20 contamination cannot be identified from the results of this  
21 study. "Given this limitation, the extent to which  
22 construction of the proposed treatment plant would alleviate  
23 the contamination," of the creek, "is not known."

24 It seems to me that -- or I would like to submit that  
25 possibly we might have to expand looking into those sources if

360 360. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 186,  
Letter No. 49.

1 they are not guaranteeing us that going through all of this  
2 expenditure would actually clean up our creek. If that is our  
3 purpose, then it seems that we should have to look into  
4 whether, in fact, doing the sewer would serve our purpose and  
5 clean up the creek. And they are telling us here that they  
6 cannot make that guarantee.

7 So I guess that's about all I want to say.

8 Ken Brooks: Thank you, Jann. Katharine Joyce, and following  
9 Katharine will be David Joyce.

10 Katharine Joyce: I would like to first say that I agree with  
11 Jann Steelhammer, and that was going to be something that I was  
12 going to say. I would like to add that I feel that one of the  
13 most important things in solving the problem at hand in  
14 Neskowin is to first identify the problem in Neskowin,  
15 succinctly and clearly, so that there is no question about the  
16 problem that we're trying to solve.

17 I think that it's expensive and folly to go ahead and try  
18 to correct a problem when we're not exactly sure what the  
19 problem is. So that is my feeling. That's the number one  
20 priority at this point, and I feel that a lot of data is  
21 lacking in the EIS in respect to this question.

22 Concerning the alternatives and in speaking with various  
23 people about the EIS and trying to understand what it is, it  
24 was my feeling in the end that an EIS really is about  
25 alternatives and ways of solving problems. It was my opinion

360

361

361. This comment was submitted as part of the written comment. Please refer to Response to Comment 186, Letter No. 49.

1 that Alternatives 1 through 8 in this particular document were  
2 very similar. They were different disposal methods, but they  
3 all came to the same end.

4 The scope of the sewer was about the same size, the same  
5 expense, variations on disposal methods for effluent. No  
6 Action, I believe that was No. 9, was at the extreme opposite  
7 end. Therefore, I feel that a limited action alternative is  
8 extremely important to pursue.

9 And I was given a letter that was written by the law firm  
10 of Stoel, Rivers, Boley, & Grey that quoted the NEPA rules.  
11 And I'll read that, and it says that the N-E-P-A, NEPA rules  
12 indicate that state and Federal agencies responsible for  
13 approving and funding such sewer projects as Neskowin's  
14 perform a thorough analysis of all reasonable alternatives.  
15 And again, it's my opinion that all reasonable alternatives  
16 such as one for limited action have not been researched.

17 I'm also concerned about the -- oh, wait a minute. Back  
18 up a minute. Tillamook County, I believe it is in their -- is  
19 it Chapter 16? Anyway, Tillamook County's Comprehensive Plan  
20 which states that controlled release of treated industrial,  
21 domestic, and agricultural waste into ocean, river, or estuary  
22 waters be permitted only if no practicable alternatives exist.  
23 And I think that all practicable alternatives need to be looked  
24 into before we consider putting treated effluents into Neskowin  
25 Creek.

362

362. This comment was submitted as part of the written comment. Please refer to Response to Comment 33, Letter No. 14; Response to Comment 217, Letter No. 53; and Response to Comment 125, Letter No. 31.

363

363. Please refer to Response to Comment 354.



1 I'd like to stress the fact, also, that I'm very concerned  
2 about Neskowin Creek. I feel the fact that they have -- that  
3 Neskowin Creek has five species of fish, three salmon, one of  
4 which is possibly going to be on the endangered species listing  
5 for some of the Oregon rivers, the chum, that we have all five  
6 of these species living healthfully in Neskowin Creek is very  
7 important.

8 And that -- that the biota in Neskowin Creek and the fish  
9 habitat spawning, their times, should be studied really in a  
10 detail so that when and if anything is put into the creek, it  
11 is done in such a way that these five species of fish are  
12 allowed to spawn and to continue living healthfully there.

13 The fact that these fish are doing well now is indicative  
14 that the stream is healthy at this time. And I think problems  
15 done -- caused by an ill-done and ill-conceived project could  
16 be far worse than any problems we're trying to correct. Thank  
17 you.

18 Ken Brooks: Thank you. David Joyce, to be followed by  
19 Margaret (sic) Thompson.

20 David Joyce: My name is David Joyce, and with my wife, we are  
21 homeowners in the core area here in Neskowin. I would like to  
22 speak specifically about the apparent bias towards the  
23 inevitability of growth in the Neskowin area. I think it's been  
24 shown clearly over and over that the Neskowin area is an area  
25 that is uniquely unsuited to handling large numbers of people.

364

364. This comment was submitted as part of the written comment. Please refer to Response to Comment 95, Letter No. 22.

365

365. This comment was submitted as part of the written comment. Please refer to Response to Comment 173, Letter No. 47.

1           That's why it's taken so long, this tortuous process, of  
2           getting to the point that the EPA has finally achieved with the  
3           EIS where alternative after alternative has been thrown out; and  
4           finally, we're asked to look at the least evil of what is left.

5           I know that the State is very pro-growth. We have a  
6           governor who is putting out millions of dollars with the idea  
7           that bringing tourists to Oregon is somehow good and that no  
8           one is hurt by that. I believe anyone who spends any time at  
9           the coast has seen the incredible blight that has actually  
10          occurred from thousands of tourists going up and down our  
11          highway.

12          A lot of people speak about growth and jobs and all of  
13          this as somehow we're all supposed to fall in line here and  
14          say, "Oh, yes. This is all good." I think the experience of  
15          many people in Oregon is that this is not good. Certainly, the  
16          experience of people in Neskowin is that there's nothing about  
17          tourism that serves our interests.

18          The resort as it exists and Proposal Rock are filled to  
19          overflowing. We have no economy here. Surveys indicate that  
20          that's the way people want it. This is the town that wants to  
21          not have some feeling of obligation to grow, get larger, have  
22          resorts, condos, the whole bit. And part of the reason for  
23          that is that people value the beautiful area here, the small  
24          community flavor; but the other thing is that this area cannot  
25          accept large areas of people.

1           It may be a tragedy for many people to understand that,  
2           but that is true. We can't get rid of the sewage. And so  
3           while Mr. Affolter's job really is to promote growth in  
4           Tillamook County and get the tax dollars for the general fund  
5           and all of that, it isn't what the people of Neskowin want; and  
6           it isn't what the area can absorb.

7           I think there are many examples of the EIS having a growth  
8           bias. It lists lack of -- it lists certain sewer systems not  
9           allowing development to occur as being negative aspects, and I  
10          think that none of that really should contaminate this finding  
11          at all. The EIS is not at all directed towards promoting  
12          growth or commenting on it, as far as I can tell.

13          It seems quite implicitly within the whole statement that  
14          there's this feeling of growth as somehow being good; and as  
15          far as I can tell, that is not really what this is supposed to  
16          be about at all. It's about fixing a problem that we have in  
17          the core of the area.

18          On page 4-26 it mentions that certain -- the sewer system  
19          discussed there would have the indirect benefit of promoting  
20          tourism, for example. And this kind of language occurs  
21          throughout it, and I think it's really -- you know, people just  
22          say, "Oh, yeah, tourism," as if we're all supposed to decide  
23          that that's a good thing. I don't think it is.

24          It's very expensive to have growth in this area. Not only  
25          the sewer system right now, as many people have pointed out,

1 but as other people come on-line and as inevitably new areas  
2 are opened up because there's a sewer system, all of the people  
3 who are on it at that point are going to be paying to expand  
4 that system and really are buying the opportunity to make the  
5 problem worse without any chance to get out of it.

6 So I see this as being very critical in terms of just  
7 allowing a lot of things that are not good for this area to  
8 occur and it costing us all a great deal of money. Also, of  
9 course, if we're going to have all this new projected growth in  
10 here, and there are lots -- all these projections about how the  
11 population is going to double within the next 20 years or  
12 something. I mean, it's preposterous.

13 That is going to mean all sorts of new water supplies.  
14 The water that goes out has got to come from somewhere. So  
15 we're not just talking about a sewer system. We're talking  
16 about roads. We're talking about a whole new water system.  
17 We're talking about power, the possibility for a need of a  
18 full-time policeman here.

19 I think before long we're going to have stop signs in  
20 Neskowin. It doesn't make any sense. Not stop signs,  
21 stoplights, you know. It doesn't make any sense. This is an  
22 overkill system, and it does -- it goes way beyond solving a  
23 problem that we have in the local area. And Phase 2 is  
24 completely ridiculous, in my view. It -- the only possible  
25 thing Phase 2 could do would be to turn this place into another

1 Lincoln City; and we've got Lincoln City on the other side of  
2 Cascade Head, and it should stay there.

3 I think the thing that's really unique about Neskowin is  
4 the way that it is now, and people in this community value and  
5 cherish it. Maybe we do have a sewer problem. Maybe we need  
6 to have some way of solving this situation, but I don't think  
7 we need to decide that we need to become another of Tillamook  
8 County's urban-growth areas. Thank you.

9 Ken Brooks: Thank you, David. Margaret (sic) Thompson, and  
10 next to speak will be Alex Sifford.

11 Margot Thompson: My name is Margot Thompson, and I've been a  
12 property owner in Neskowin since 1967. I own several tracts of  
13 land, one of which is a residence; and also several pieces of  
14 property along the Neskowin Creek. I'm in areas that could be  
15 affected both in the current system and in possible Phase 2  
16 systems.

17 I do not feel that the -- the EIS, as it is presently  
18 drafted, really presents us with concrete, new data that is  
19 fairly gathered and up-to-date upon which we can make a sound  
20 decision at this time. I feel we need more information. I  
21 would like to speak to Vic Affolter's concern about deadlines.  
22 I think there's a lot of pressure. Mentioned, I think, at  
23 least twice and possibly more times in his letter to Mr. Opatz  
24 that deadlines were of primary concern.

25 However, it was also said by Mr. Opatz in his opening

365

366

366. Please refer to Response to Comment 337, and  
Response to Comment 354.

1 remarks that while deadlines were an issue and a concern  
2 because this has taken so long, that I still think the goal is  
3 to find the best system for the area. And I think we should  
4 take whatever time it takes to do that, so we can really  
5 correct the problem. And I don't believe that development for  
6 the area should be made the back door through water, sanitary  
7 district kind of formation.

8 I think it's extremely important that we correct the  
9 problem. I'm for fixing it, and I do hope that we will allow  
10 this community to change it's mind and that we can have a  
11 consensus here at some point. It is my sincere goal that we  
12 work together as a community to preserve the quality of life  
13 we like, to make sufficient room for some of the newcomers that  
14 also appreciate that quality, but I also do not want the  
15 drinking water, the wastewater, or any of the waters of the  
16 area contaminated permanently.

17 And I really believe that we need more information to go  
18 on, and many of the other people who have testified this  
19 evening have raised issues that I would raise. So I won't go  
20 into them now, but I will submit a further letter point by  
21 point, outlining my problems.

22 Ken Brooks: Thank you, Margot.

23 Margot Thompson: Thank you.

24 Ken Brooks: Alex Sifford, and then Mike Kowalski.

25 Alex Sifford: Thank you. For the record, my name is

1 Alex Sifford, and I'm the president of the Neskowin Community  
2 Association; and I am speaking tonight strictly as a citizen  
3 and homeowner in Neskowin and not representing the views of the  
4 Community Association.

5 I'd like to first thank the EPA, DEQ, and Sewer Authority  
6 for holding this meeting. I think a few more of these wouldn't  
7 hurt, regardless of the status of the DEIS, so much as to  
8 inform the community of what the activities of the Sewer  
9 Authority are, where they are currently at. I would hope that  
10 the agencies involved, including the Economic Development  
11 Department and the Farmers Home Loan Administration or Farmers  
12 Home Administration, will bear with us and simply hold the  
13 dollars tied to the project as opposed to deadlines that are  
14 potentially near due. So that when the project is finally  
15 decided upon, the dollars will still be there.

16 We're asking them to keep dollars that are already  
17 budgeted and committed, so I don't think it's a big favor to  
18 ask. Thirdly, I'd like to note that the -- I think it's a  
19 generally agreed upon precept that all residents of Neskowin  
20 want to solve the problem. If there's any dispute or  
21 disagreement, it's over a means to address the problem of the  
22 pollution that we know exists in the water supply -- rather the  
23 water bodies of the area.

24 Many of the presenters tonight have echoed comments that I  
25 would agree with, and so I will simply summarize my remarks. I

367 367. No EPA construction grants may be made after September 1991, and it appears that funding will run out sooner than that, possibly in March 1991. While this project has a high priority, other communities are competing for these funds. EPA funds have not been specifically committed to the Neskowin project.

1 will be submitting full, written testimony to the EPA before  
2 the November 5th deadline. In summary, I think a new, smaller  
3 alternative based on upgrading and expanding the existing  
4 system makes much more sense and should be chosen. The reasons  
5 for that suggestion are in my detailed testimony.

6 Again, under no circumstances should a Phase 2 system of  
7 any kind be included in this project; and I feel that because  
8 again, I think everyone agrees we're here to solve the problem;  
9 and Phase 2 does not address the problem. Phase 2 goes beyond  
10 the problem. Phase 1 is the issue at hand. I think I'm  
11 echoing Vic Affolter's remarks when I say that.

12 Further, I believe personally that a new Phase 1  
13 alternative, whether it's known as Alternative 10 proposed by  
14 certain constituents of the area or not, will solve the problem  
15 that the sewer project is intended to do. I'd like to  
16 highlight just a few of my points, and then my remarks will be  
17 done. First of all, again, out of the nine alternatives, it  
18 appears that eight are a very similar size.

19 This No. 1 argues for choosing a new alternative.  
20 Further, I think that the description of the problem is  
21 woefully lacking. With an estimated 418 homes or condos  
22 existing in the core area, can the Draft Environmental Impact  
23 Statement not provide more detail supporting the statement  
24 regarding the cesspools and septic tanks that are leaking? I,  
25 personally speaking -- have spoken, rather, with folks in the

368 368. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 296,  
Letter No. 78.

369 369. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 295,  
Letter No. 78 and Response to Comment 115, Letter  
No. 25.

370 370. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 172,  
Letter No. 47.

371 371. Please refer to Comment 336.



1 community who say, "Yes, I am familiar with certain areas that  
2 I believe are leaking."

3 I think we're dealing with a small enough area as shown by  
4 the map that Vic has graciously provided that it's truly a  
5 small enough town that we can go out and count individual  
6 situations. I would also believe that the water quality  
7 discussion on pages 3-11 to 3-16 in the DEIS reinforces the  
8 geographically limited testing that has been done.

9 For example, I believe that literally going along Hawk  
10 Creek at a hundred foot intervals and measuring fecal coliform  
11 and other matters in the water would be far more beneficial to  
12 the community in pinpointing sources of pollution than the  
13 sites listed again on those pages that I cited.

14 The discussion of treatment alternatives on page 2-9  
15 points out the DEQ feels that the existing plant is at the  
16 end of its useful life. I find that ironic. It would appear  
17 that, unless such depreciation was not apparent to the NRSA at  
18 the time of the purchase, buying that plant was not necessarily  
19 a prudent thing to do. This is -- we're talking about a  
20 purchase that is only several years old. This seems to be  
21 confirmed by the recommendation in all but one of the  
22 alternatives to abandon the existing plant.

23 But given the current use of the plant, I would propose  
24 that we fix it up, upgrade it, and use it. The proximity of  
25 the existing plant also argues strongly for rehabilitation or

371

372

372. Use of the existing treatment plant and the existing treatment plant site was again evaluated by the 1990 Facilities Plan Addendum (HGE, Inc. 1990). The Facilities Plan Addendum recommended abandoning the existing treatment plant and constructing a new 110,000 gpd contact stabilization/extended aeration plant at the Simpson Timber Site. The EPA preferred alternative recommends construction of this new treatment plant at the existing treatment plant site. Please refer to Response to Comment 81, Letter No. 19 and Response to Comment 354.

1 minor expansion sufficient to address the suspected core area  
 2 sewage problems. Equally important is that the existing plant  
 3 site is consistent with Tillamook County Comprehensive Plan and  
 4 policies as cited in the DEIS on page 4-15.

5 Other sites would require the County to amend its Plan  
 6 and certify, to use the DEIS language, a new site. I believe  
 7 that the sludge-disposal option is also weak. We note that  
 8 increases in plant sludge-disposal operating costs, yet no  
 9 estimates are broken out for the reader in the user-cost  
 10 analysis. In my detailed testimony, I'll ask that we show  
 11 where the likely disposal sites are and the hauling costs  
 12 associated with them.

13 Further, I refer to a very successful sewer district  
 14 disposal, sludge disposal program operating in Grants Pass,  
 15 Oregon. It is perhaps an option that we should consider here.  
 16 Disinfection (sic) alternatives discuss ultraviolet  
 17 disinfection (sic) and chlorination, and to quote from the  
 18 DEIS, "Chlorination provides a much more proven and reliable  
 19 system for" disinfection (sic).

20 I would argue that under all alternatives chosen, we use  
 21 chlorination with the obvious dechlorination (sic) that would  
 22 need to occur before any treated effluent is discharged in the  
 23 surface waters in Neskowin.

24 Further, on page 2-13, the Simpson Timber site is  
 25 described briefly. Information presented shows that the site

372

373

373. Use of the Simpson Timber site is consistent with the Tillamook County Land Use Plan. A conditional use permit, however, would be required. See Appendix C.

374

374. This comment was submitted as part of the written comment. Please refer to Response to Comment 52, Letter No. 17.

375

375. This comment was submitted as part of the written comment. Please refer to Response to Comment 53, Letter No. 17.

376

376. This comment was submitted as part of the written comment. Please refer to Response to Comment 277, Letter No. 74.

1 is 2 miles from the core area and that piping costs to it will  
 2 cost a 150,000 bucks. Common sense dictates that using a  
 3 current site will avoid new site-purchase costs and piping  
 4 costs. It would appear that such savings could, therefore, be  
 5 available for better treatment-plant options.

6 The user-cost discussion on page 2-26 does not adequately  
 7 include homeowner solid-waste disposal costs. Again, to echo  
 8 John Anderson's remarks, we're first of all assuming a  
 9 different value of a home than might, in fact, be documented as  
 10 the average value of homes in the Neskowin core area. And  
 11 secondly, for the homeowner, we also have to conclude the fact  
 12 that their septic tank will continue to have to be pumped every  
 13 five to seven years. Such pumping costs will obviously be  
 14 borne by the homeowner and the resident, but they ought to be  
 15 pointed out.

16 The Phase 2 map on page 2-4 is particularly disturbing to  
 17 me. It indicates service to Kiawanda Beach, and it's my  
 18 understanding -- it's not on the map Vic has provided, but if  
 19 folks who have their copies here, it's on page 2-7. It seems  
 20 to indicate that we're going to serve an area that, it's my  
 21 understanding, is an active foredune and is thoroughly  
 22 undevelopable. I believe it's also zoned that way for the  
 23 County, but again, common sense would dictate you don't build  
 24 on dunes that are either building or eroding.

25 This system -- again, this sort of description of Phase 2

376

377 377. This comment was submitted as part of the written  
 comment. Please refer to Response to Comment 52,  
 Letter No. 17.

378

378. Removal of septage from individual septic tanks will  
 continue to be required periodically. The NSRA will  
 be responsible for maintaining the septic tanks; costs  
 for periodic pumping have been included in the  
 estimated operation and maintenance costs used in  
 the user fee analysis.

379

379. Planning for collectors in Phase 2 has not proceeded  
 beyond the conceptual stage. Additional planning and  
 design will be required for the Phase 2 collectors as well  
 as the treatment plant expansion and effluent disposal  
 system. Land use plans and zoning regulations will  
 dictate the location of housing; the sewer system will be  
 designed to respond to the demand created by land use  
 decisions.

1 argues for focusing on the problem, Phase 1, solving the  
 2 problem. Much of the discussion in Chapter 3 is in an area of  
 3 description. When the real sewage discussion occurs, the truth  
 4 also is revealed. The extent to which construction of the  
 5 proposed treatment plant would alleviate the contamination is  
 6 unknown.

7 It's 1990. I think we could get a little better handle on  
 8 solving the problem. The support of growth in the core area --  
 9 pardon me, under projection of -- under population projections  
 10 in Chapter 3, states that growth in the core area is limited by  
 11 vacant lots sized too small for individual wastewater treatment  
 12 systems, and by the lack of alternative wastewater treatment  
 13 facilities.

14 Again, this was echoed and pointed out in detail by  
 15 Vic Affolter of the County. This supports, I believe, the  
 16 premise of most Neskowin residents, the purported goal of the  
 17 NRSA, and this sewer project to solve a pollution problem and  
 18 use reserve capacity to allow the urban area; that is, the core  
 19 area of Neskowin to fill up. Other houses in Neskowin will  
 20 either use state-of-the-art individual wastewater treatment  
 21 systems or will not be built, period.

22 It is explicitly not the responsibility of the NRSA to --  
 23 nor of this project -- to provide sewerage for future growth.  
 24 The goal is to solve the pollution problem.

25 Thank you.

380 380. This comment was submitted as part of the written  
 comment. Please refer to Response to Comment 186,  
 Letter No. 49.

381 381. This comment was submitted as part of the written  
 comment. Please refer to Response to Comment 173,  
 Letter No. 47.

1 Ken Brooks: Thank you, Alex. Mike Kowalski, and then Skip  
2 Patten.

3 Mike Kowalski: I'm Mike Kowalski. I am presently serving as  
4 the manager of the Neskowin Sanitary Authority. Before that, I  
5 was a Board member for ten years, from 1977 to '87. I was a  
6 resident of Neskowin from '72 to '87; and presently, I'm a  
7 homeowner and property owner of some other tracts in the  
8 district. My comments are primarily from the standpoint of  
9 being the manager of the District.

10 Much of what I had to say has already been stated, but the  
11 first thing -- one of the most important things I could do is  
12 to indicate how much the NRSA appreciates the public input that  
13 we're getting; and I urge you, and people that you know that  
14 aren't here but yet are involved in Neskowin, to please make  
15 your thoughts known within -- within the time frame, if that's  
16 possible.

17 I would just add a few comments from a historical  
18 perspective on what NRSA has done over the years. During my  
19 tenure with NRSA, I've seen a number of sewer proposals come  
20 and go. I don't remember exactly how many there have been. I  
21 don't even remember the details, except for a few. I was  
22 talking with Hal Schlichting recently about the proposal in  
23 1984, and at that time Hal was chairman of the District.

24 He reminded me that the plan that we were trying to put  
25 forth at that time would have sewered the whole district for

382 382.

Comment noted. Funding depends on the availability of funds and the priority ranking developed by ODEQ. Neskowin is ranked high in priority but the availability of funds may be insufficient to provide funding for this project if application is not made in the near future.

1     \$1.6 million. Then in 1988, we had the proposal, as most of  
2     you are aware, that was the forerunner of this EIS. That  
3     proposal was to sewer the core area for \$2.2 million. And now  
4     we have the present proposal, which serves the same area as the  
5     '88 plan, and -- I'm reading in the EIS -- it's \$4 million.

6             It is clear to me, as I'm sure it is to you, that not only  
7     is it getting more expensive to build community sanitation  
8     facilities; but the costs are increasing at a very rapid rate.  
9     Effectively, what we're seeing is a proposal that's doubled in  
10    cost in two years. Now, it's not as -- quite so horrible as it  
11    sounds; in that, with the plan that's presented, approximately  
12    two-thirds of the funding of this proposal is planned to be  
13    funded through grants.

14            It remains to be seen, of course, on some of those grants  
15    just what the amounts will be. For instance, the Farm Home  
16    grant. I would like to conclude by saying that the Board is  
17    doing its best to provide the lowest cost, most  
18    environmentally-sensitive design for the community. Please  
19    continue to help us with your input.

20            Thank you.

21    Ken Brooks: Thank you, Mike. Skip Patten.

22    Skip Patten: I don't have any comment, thank you.

23    Ken Brooks: Okay, Skip. And the last card I have is for  
24    Lee Haga. Is there anyone else who would like to speak after  
25    Lee?

1 Unidentified Man: Yeah, I would.

2 Ken Brooks: Okay. Could you give them a card, please. And  
3 then this gentleman over here. Thank you.

4 Lee Haga: My name is Lee Haga, and I've been a resident on  
5 Slab Creek Road for 12 years; and I've owned property there for  
6 about 15. And I would just like to say that I am very much  
7 opposed to dumping effluent on Slab Creek, period. And I also  
8 am very much opposed to any plans of creating a man-made lake  
9 for sewage treatment up on that road.

10 There's about 20 to 25 families that live on that road,  
11 and even though we may not be very obvious -- some of our homes  
12 are tucked away up in the hills by choice -- we live there  
13 because we want to live there and because our choice of that  
14 locale fit in with our philosophy of beauty and just the real  
15 pleasant remoteness of that particular area. And it's very --  
16 one of the choicest areas on the coast to live.

17 I talked to many of the homeowners today, and most of them  
18 would agree with me that they are also actively opposed to any  
19 dumping of effluent on that creek, at any point along that  
20 creek, whether it's up near where our houses are or beyond or  
21 closer to the ocean itself.

22 We also are very much against the -- like I said, the  
23 creation of a man-made lake. My child and her friends have  
24 played along that creek. They've waded in that creek. They've  
25 swum in it. We've rafted along that creek. We've swum in it.

383 383. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 159,  
Letter No. 42.

1 We treat that creek with a lot of respect, and that creek is  
2 actually one of the main reasons we're here; because it makes a  
3 beautiful confluence with the ocean, and the Indians rather  
4 favored it, and so do we.

5 And ecologically speaking, most of the families that live  
6 up there treat that creek with a lot of respect. We don't dump  
7 contaminants along it. We don't fish it. We just like to know  
8 that it's a healthy stream and that it's getting healthier  
9 every year. And I would hate to see that reverse itself. So  
10 in other words, anything that -- any proposal that goes against  
11 that kind of holistic awareness of the importance of keeping  
12 that creek as natural and as beautiful as possible, goes  
13 against what we feel is important.

14 As for the lake, I myself don't want to live near a lake  
15 that has sewage. Sure, maybe it's a mile down the road, so out  
16 of sight, out of mind. Not in our book. We drive by that road  
17 every day, and I would hate to see anything of that nature  
18 being installed in there.

19 And I know that the people that own houses down here maybe  
20 would love to see the sewage dumped up there, because it's  
21 definitely out of sight and out of their minds; but as far as  
22 we're concerned, that's not going to happen. And we're very  
23 much against that.

24 We'd like to -- we've never really been part or want to be  
25 part of the sewage system in Neskowin. That's -- you know, why



1 should we? We're way up there, and we're all pretty content  
2 with the septic systems we've got. We keep them in good  
3 repair, and they're pretty efficient. And that just seems to  
4 be -- you know, seems to go along with -- well, it seems to be  
5 the best system for us out there.

6 Also, Slab Creek Road has been designated a scenic route.  
7 You can see it along -- the signs. It sure won't be scenic if  
8 there's any kind of a septic dumping-ground up there. And I'd  
9 like to point that out, that that road is one of the classic  
10 bike routes along the coast; and bikers and campers and tourists  
11 love to drive along there.

12 There is the experimental forest people like to see.  
13 There's a lot of classic, old farms and farmland that just need  
14 to be preserved. So speaking for the residents that can't  
15 show up, although there is one of them here -- most of them  
16 will try to come tomorrow -- I can tell you that we are against  
17 that kind of idea. Thank you.

18 Ken Brooks: Thank you, Lee. Let's see. I just received two  
19 cards. Jean Harmon you don't want -- you do not want to speak  
20 then, this one indicates? Jean Harmon?

21 Jean Harmon: That's correct.

22 Ken Brooks: Okay. Fine. Okay. Ted Schlichting. Les, you'll  
23 be next.

24 Ted Schlichting: Yes. My name is Ted Schlichting. I just have  
25 one comment. I'd like to address what I believe is a

383

384

384. This comment was submitted as part of the written comment. Please refer to Response to Comments 281 and 283, Letter No. 75.

53  
1 deficiency in the DEIS, and that is the fact that it doesn't  
2 explain the public policy framework under which the current  
3 project has been planned and funded. There's no mention of the  
4 ordinances that have been passed and the relationship to the  
5 funding arrangements.

6 There's been a lot of talk tonight about limiting the  
7 system, but it's my understanding that the funding  
8 arrangements, whether they're good or bad, have already been  
9 based upon previous public policy procedures that have been  
10 adopted. And if that's going to be changed, there needs to be  
11 a concomitant change in those ordinances and other public-  
12 policy matters that have already been adopted. And that's  
13 something that the DEIS doesn't go into at all; and it needs to  
14 be, I think, addressed in the final version. Thank you.

15 Ken Brooks: Thank you, Ted. Les Furtz (sic).

16 Les Fultz: Fultz.

17 Ken Brooks: Fultz. And after -- the next speaker will be  
18 Bryce Shumway.

19 Les Fultz: My name is Les Fultz, and I live on -- I live on  
20 Neskowin Creek. And I look around in the room, and I see -- I  
21 don't see anyone else that actually lives on Neskowin Creek,  
22 and I do.

23 I don't know how many of you have heard the word NIMBY,  
24 N-I-M-B-Y, but it stands for "not in my back yard." And I've  
25 been to many public hearings over my -- in my life. I happen

384

385 385. Comment noted.

1 to be a professional engineer, a professional land surveyor.  
2 I have done sewer design. As a matter of fact, the private  
3 sewer system -- that was a private sewer system that NRSA had  
4 purchased. I designed the original plant.

5 The problem that I -- I've been sitting here listening to  
6 this, and I did not intend to speak. I did not sign a card  
7 when I came in, but the thing that bothers me is I see here is  
8 that there are so many, many people in the Neskowin community  
9 that need sewage, need it; and I'm not talking about the core  
10 area. I don't live in the core area.

11 I'm talking about the -- out in the Phase 2 area, in  
12 Neskowin Heights, for example; the portion of Proposal Rock;  
13 Hawk Creek Hills; Neskowin North that Mike Kowalski has  
14 developed; Pacific Sands Heights; Viking Estates; Ocean Creek;  
15 NEFF Addition. All of these -- all these have lots -- a good  
16 many of those -- I think almost all the lots are sold, and  
17 those people would like to live here, too. And there -- none  
18 of those -- none of those sites, those lots, are large enough  
19 for a septic system, for an on-site disposal system. And the  
20 problem that I have in sitting here is that I look around the  
21 room; I see none of those people here.

22 You haven't heard any of their testimony. You haven't  
23 heard any of the statements of the people in Neskowin Heights,  
24 for example, in Hawk Creek Hills, that would like to build and  
25 like to become a part of the community, would like to be a part

1 of this quiet, non-industrial, non-commercial community. And  
2 it's -- unfortunately, so many of these owners of these lots in  
3 these subdivisions I'm talking about, many of them live far  
4 away. They probably not even have been informed that this  
5 meeting is being held.

6 And so that we have a whole segment of the Neskowin  
7 community, owners in the Neskowin community, deeded -- they  
8 have -- they paid for their property just like all of you have,  
9 and they're not here to state their case. And I would -- I  
10 have no hesitation in saying that I know the numbers of the  
11 people who would speak in their own behalf are much more than  
12 the ones that we have here tonight. And I just -- I just am  
13 disturbed about the NIMBY feeling, because are so many people;  
14 and unfortunately, so many of you people don't know these other  
15 people, and I do.

16 I know a lot of them, and they're all fine people. And  
17 they would fit in the community very nicely. They don't want  
18 to see any commercialism. They don't want to see a Lincoln  
19 City here. Neither do I. And I've been in -- I went to the  
20 Lincoln City area in 1949. I saw it grow a great deal, and I  
21 agree with many of the statements that have been made about  
22 Lincoln City.

23 But the commercializing or this kind of thing of the  
24 Neskowin community, the County alone will take care of a good  
25 share of preventing of that. Look at the number of -- look at

1 the limited commercial area in the Neskowin area, just very  
2 little commercial area. And it was done that way by the  
3 developers, the owners of the property specifically asking for  
4 only that much. And we do have to have some commercial area.  
5 We do have to have some. We can't -- we can't just live in our  
6 house, and that's all there is to it.

7 And just as an example, how do you people get your  
8 gasoline for your vehicles? Cloverdale, Pacific City, or  
9 Lincoln City or Otis, eight, ten miles away at least. And  
10 that's fine for the people who can afford to do that, but there  
11 are a lot of people who can't really afford to go that far for  
12 their gasoline. Why isn't there something like that here?

13 And it's those kind of things that -- that isn't  
14 commercialization like Lincoln City. That's the kind of basic  
15 necessities that a community like this needs. So I close by  
16 saying that I am going to put my statements into writing, and  
17 I'm going to make some effort to get some of these people that  
18 haven't been here to give their viewpoint, also.

19 There were some good points made tonight. I'm not saying  
20 that the people were wrong. It's just that they're -- I feel  
21 that all the testimony is somewhat one-sided, and I know there  
22 are a lot of people who could present another side that would  
23 be just as convincing as what we heard tonight. Thank you.

24 Ken Brooks: Thank you, Les. Bryce Shumway.

25 Bryce Shumway: I'm Bryce Shumway. I live 3 miles up Slab

1 Creek Road, and I own 80 acres up there. In fact, I bought  
2 Vic Affolter's uncle's place, Walt Affolter. And probably this  
3 doesn't affect me, since I'm out of the area; but I wanted to  
4 point out a point here that -- well, first of all, well said,  
5 Les. You stole my thunder.

6 You said just about everything I was going to say, except  
7 that -- about our drinking water. Most of our drinking water  
8 comes from springs around here. I don't think there's a well.  
9 I don't believe there's a well in the area. Do you have a  
10 well?

11 Margot Thompson: Neskowin Valley School is on a well.

12 Bryce Shumway: Okay. I see.

13 Margot Thompson: That's okay.

14 Bryce Shumway: Okay. Well anyway, most of our drinking water  
15 is from springs up in the hills, as mine is; and there's very  
16 little chance of contamination from groundwater, polluted  
17 groundwater there. But I can see that there is a problem  
18 probably for sewage disposal here in the core area all right,  
19 and I'm at a loss to submit a solution.

20 Someone mentioned that a spray system might be well to get  
21 rid of the sludge; and then, I think, Mr. Schlichting mentioned  
22 about taking it out in the ocean and dumping it a quarter of a  
23 mile away. What's the difference? If it runs into the creek,  
24 it goes to the ocean. If you dump it out there, it's in the  
25 ocean. So what's the difference?

386 386. Comment noted.

1 But the way these farmers get rid of their liquid manure  
2 is spray it on the pastures, and it fertilizes the grass and is  
3 taken care of; and it works out real well. But I don't know  
4 how that would work for a sewage-disposal system of this sort.  
5 Anyway, I wanted to say that my septic system is working real  
6 well, and I know there's absolutely no contamination going into  
7 Neskowin Creek from my sewage system.

8 It was approved by Tillamook County; and at the present  
9 time, I have sold one piece of property there. And it is now  
10 under the jurisdiction of the new owner, so all we have is  
11 responsibility for our own home now. So I thank you and --  
12 very much.

13 Ken Brooks: Thank you, Bryce. Is there anyone else who would  
14 like to speak this evening? Okay.

15 I'd like to -- before adjourning, I'd like to compliment  
16 everybody here, the entire group. I don't think I've ever seen  
17 a community where it appears that everybody belongs to the  
18 toastmasters' club. Truly some outstanding presentations, and  
19 I can assure you everything that was said and everything that  
20 you submit will be fully considered.

21 There will be another hearing tomorrow. If there's  
22 anybody that you know that hasn't had an opportunity to be here  
23 this evening, please encourage them to come tomorrow or submit  
24 written testimony. Yes, sir?

25 David Joyce: Sir, it might be well to indicate that tonight

1 the clocks are set back an hour, just so people are not  
2 confused about the meeting time.

3 Ken Brooks: That's a very good point. I think I'd better  
4 change mine right now.

5 It is now 8:44, and this hearing is adjourned.

6  
7 (October 28, 1990)

8 Ken Brooks: Good afternoon, ladies and gentlemen. Since  
9 it's two minutes after 6:00 (sic), and this is an official  
10 hearing -- I have a short announcement to read before we  
11 begin.

12 My name is Ken Brooks. I'm the Assistant Regional  
13 Administrator for EPA operations in the State of Oregon. I  
14 have been designated as the hearing officer for this public  
15 hearing on our Draft Environmental Impact Statement for the  
16 proposed Neskowin sewage system.

17 I want to welcome each of you to the hearing and thank you  
18 for your interest in the EIS and the proposed project. For the  
19 record, this hearing is being held on October 28, 1990; and as  
20 I said, it is 2:07 p.m. in the Neskowin Fire Hall. This  
21 hearing is to provide an opportunity for citizens, interest  
22 groups, and public agencies to comment on the draft EIS.

23 We will hold -- this is a second hearing. We had a  
24 hearing last night. First, I'd like to mention a couple of  
25 housekeeping items. We have sign-up cards at the entrance of

1 the room, like this. Anyone who would like to be on our  
2 mailing list, would you please fill out one of these cards. We  
3 also request that you fill out a card if you'd like to provide  
4 testimony this afternoon. That will give me an idea of the  
5 number of speakers we will have, and I can arrange the cards  
6 accordingly.

7 If we have a large number of speakers, we will recess at  
8 4 o'clock if we need to continue after that time. In the  
9 interest of time, I would ask that you limit your redundant  
10 testimony, please. That is, if a previous speaker has made the  
11 same comments you wish to make, you can refer to that previous  
12 speaker's comments. Making an opening statement this afternoon  
13 will be Gerald Opatz of our regional office in Seattle.  
14 Mr. Opatz will briefly discuss this EIS process and describe  
15 how EPA intends to make its decision on the project.

16 Dan Fraser of the Farmers Home Administration will follow  
17 Mr. Opatz in describing his office's role in the project.  
18 During Mr. Opatz' and Mr. Fraser's statements, I will be  
19 arranging the order of those who wish to speak this afternoon.  
20 I'll be arranging the order of speakers in the following  
21 manner: First, those individuals representing Federal, state,  
22 or local agencies; second, those representing organizations;  
23 and finally, those individuals who wish to speak in their  
24 private capacity.

25 You will note that we have a court reporter who will be



1 making a transcription of the testimony. This transcript will  
 2 be available to anyone without cost. The transcript is  
 3 important since your testimony this evening will become part of  
 4 the official record. This afternoon. Excuse me. I forgot to  
 5 cross out that. When you are called to speak, please give your  
 6 name and speak slowly and loudly enough so that our court  
 7 reporter doesn't miss any of your testimony. The oral comments  
 8 you provide this afternoon are just as important as the written  
 9 comments you may send to us.

10 Both written and oral comments will be fully considered  
 11 and responded to in the final Environmental Impact Statement.  
 12 Please also note that the public comment will run through  
 13 November 5th. So if you want to make oral -- or written  
 14 statements in addition to your oral comments today, we will  
 15 receive -- we will accept those through the 5th of November.

16 Unidentified Man: Where do you send those?

17 Ken Brooks: The address, I believe, is in the EIS. Jerry?

18 Gerald Opatz: Yeah, to our Seattle office. Do you have a  
 19 copy of the EIS?

20 Unidentified Man: No.

21 Ken Brooks: Can we write it on the board up here?

22 Gerald Opatz: Yeah.

23 Ken Brooks: Could you, please.

24 Gerald Opatz: Sure.

25 Ken Brooks: The last procedural issue I would like to tell you

1 about is that there will be no cross-examination or questioning  
 2 of the speakers, nor will EPA attempt to respond to your  
 3 questions other than on procedural, EIS, or grant-related  
 4 issues. We will not try to answer project-specific or policy  
 5 issues since EPA will not be developing a final position on  
 6 this project until after the close of the comment period and  
 7 our careful analysis of all comments received.

8 We're here to listen to your concerns and comments this  
 9 afternoon and please be assured your comments will be  
 10 thoroughly analyzed. I would now like to have Jerry Opatz make  
 11 his introductory comments. Could you please pass any of the  
 12 sign-up cards to me at this time, or at any time you fill them  
 13 out, please pass them forward. Jerry.

14 Gerald Opatz: Thanks, Ken. My apologies to those of you who  
 15 were here last evening and have to listen to me a second time,  
 16 but I guess that's your choice. The -- my name is Gerald  
 17 Opatz. I'm chief of the Environmental Review Section in EPA's  
 18 regional office in Seattle.

19 I'd like to give you a brief history of EPA's involvement  
 20 in this EIS process and describe the steps remaining in  
 21 completing the EIS. In the fall of 1988, EPA was requested by  
 22 the Department of Environmental Quality to prepare an EIS on  
 23 the proposal by the Neskowin Regional Sanitary Authority for  
 24 its -- on its proposal to construct a sewage collection and  
 25 treatment system. We evaluated the information available at

1 that time and agreed that the project could have significant  
2 water quality and socioeconomic impacts and agreed that it  
3 would be appropriate to prepare an EIS to describe and evaluate  
4 those potential impacts.

5 The first step in preparing that EIS was to conduct  
6 scoping, and this is a process for determining the scope of  
7 issues to be addressed in the EIS and for identifying  
8 significant issues related to that action. As a result of the  
9 scoping process, a number of important issues were identified  
10 for inclusion in the EIS. These included effluent disposal  
11 alternatives, groundwater contamination, potential health risks  
12 associated with children wading and bathing at the mouth of  
13 Neskowin Creek and the effect of the sewage system on community  
14 growth and development.

15 A scoping meeting was held here in Neskowin in January of  
16 1989. After the close of the scoping process, EPA through its  
17 consultant, Jones & Stokes, started pulling together the  
18 necessary information for preparing the EIS, and we started  
19 writing it. The Farmers Home Administration subsequently  
20 requested to be a cooperating agency with EPA on this EIS since  
21 they, too, would be providing funding for the project; and Dan  
22 Fraser will speak more to that in a couple moments.

23 EPA has been working on the draft EIS from early -- had  
24 been working on the draft EIS from early 1989 through mid 1990,  
25 through about June, July of this past summer. And at the end

1 of that time period, we concluded that none of the effluent  
2 disposal alternatives that we had studied in that time period  
3 would be acceptable. We advised the Sanitary Authority of that  
4 fact and indicated that the EIS process could not develop  
5 further alternatives and that the Authority, through its  
6 consultant, would need to take the lead in developing other  
7 effluent disposal alternatives.

8 The Authority did this and identified what we have  
9 included as effluent disposal Alternatives 1 and 2 in the draft  
10 EIS. For these two alternatives, five development options were  
11 identified. And the cost analyses included in the EIS indicate  
12 that the most cost-effective alternative is our so-called  
13 Option 5. Please note, though, that EPA has not yet identified  
14 its preferred alternative in this draft EIS.

15 We will identify a preferred alternative in the final EIS  
16 after evaluating all comments and any new information that may  
17 be presented through this public hearing and public comment  
18 process. Where do we go from here in the EIS process? First,  
19 as Ken indicated and I'd like to state, too, that public  
20 comment period does run through November 5th; and upon close of  
21 the comment period, we will analyze all the comments received  
22 here at the public hearings and those that are sent to us, and  
23 we will prepare our final EIS.

24 The final EIS will include a detailed response to all the  
25 comments that we've received. The final EIS will be sent to

1 all persons on our mailing list, so if you're not on our list  
 2 as Ken indicated, please be sure to fill out a card. And when  
 3 we send out the final EIS, there will be a subsequent 30-day  
 4 review and comment period. The final EIS, again, will identify  
 5 the planned EPA action.

6 At the end of the 30-day review period, EPA will issue its  
 7 record of decision. This will specifically identify our  
 8 proposed action and will include all mitigation measures  
 9 adopted by the agency to avoid or minimize environmental harm.  
 10 These mitigation measures will be incorporated as enforceable  
 11 grant conditions, if applicable. As far as timing for how long  
 12 completion of this process will take, that answer is dependent  
 13 upon the nature of the comments we receive through the public  
 14 comment process.

15 We have already received, both in writing and last night  
 16 -- for those of you who were here yesterday evening -- quite a  
 17 number of very thoughtful comments that is going to take --  
 18 that are going to take some time for us to fully analyze and  
 19 respond to. We're obviously, having been involved with this EIS  
 20 now almost two years, we're anxious to complete the process;  
 21 but we won't release the final, we can assure you, until we  
 22 have given full and adequate consideration to all the comments  
 23 we've received. And unless there are major changes we need to  
 24 make in the EIS, we would hope to have the final out maybe  
 25 December or January.

1 That will only be after we feel very comfortable that  
 2 we've fully analyzed the comments that we've received.

3 David Joyce: Is it possible, just as to clarify, is  
 4 Option 5 the same as Alternative 5 in the EIS?

5 Gerald Opatz: No -- the -- and I -- we are going to need to  
 6 clarify that in the final. I apologize for the confusion. The  
 7 Chapter 2, which goes through the various alternatives and then  
 8 talks about the development options is somewhat confusing. The  
 9 -- Option 5 is -- I need to check, but I believe it's a  
 10 combination -- I believe it's probably based on Alternative --  
 11 effluent disposal Alternative 1.

12 Katharine Joyce: Disposal?

13 Gerald Opatz: Yeah. Option 5 is summer-hold and  
 14 winter-discharge. That is identified as being the most  
 15 cost-effective alternative. I think we're going to look and  
 16 maybe change some of that terminology around in the final to  
 17 try to clarify that, so --

18 David Joyce: I think that's Alternative 2.

19 Gerald Opatz: Okay.

20 Ken Brooks: Thanks, Jerry. Dan Fraser from Farmers Home  
 21 Administration.

22 Dan Fraser: My name is Dan Fraser. I'm with the Farmers Home  
 23 Administration, an agency of the U.S. Department of  
 24 Agriculture. I'm the State Environmental Coordinator for FmHA  
 25 and also a loan specialist in the Community and Business

1 Programs Division. My office is located in Portland.

2 FmHA administers a number of financial assistance programs  
3 for rural areas, one of those being the Rural Water and  
4 Wastewater Loan and Grant Program. It's a program that's  
5 available to rural communities with less than 10,000 population  
6 for the construction, development, or expansion of water and  
7 wastewater facilities.

8 The Neskowin Regional Sanitary Authority submitted a  
9 preapplication to the Farmers Home Administration a number of  
10 years ago requesting financial assistance to complement the EPA  
11 funding, grant funding, to complete or construct a wastewater  
12 system for the Neskowin area. As a Federal agency, FmHA is  
13 required to comply with the National Environmental Policy Act,  
14 which is commonly referred to as NEPA, and we cannot approve  
15 any funding until the NEPA requirements have been complied  
16 with.

17 When it was determined that an EIS would be necessary to  
18 -- or be required to be prepared for this project because of  
19 the environmental impacts, FmHA asked the EPA to include us as  
20 as cooperating agency. The reason we did that was to lessen  
21 any duplicative work that we would have to do that EPA would  
22 also have to do under the NEPA requirements and to do our  
23 environmental review concurrent with theirs. EPA included FmHA  
24 as a cooperating agency, and we've been working with them in  
25 the coordination and preparation of the draft EIS.

1 Regarding funding from Farmers Home Administration, at  
2 this point, FmHA has not approved, set aside, or otherwise  
3 committed any funds to this project. Once the EIS process is  
4 completed, then the Neskowin Regional Sanitary Authority's  
5 application will be considered, along with other applications  
6 we have on hand, on a priority basis to determine which  
7 projects are funded. So at this point, there's been no  
8 commitment at all regarding funding for this project.

9 Briefly, that explains FmHA's involvement in the project  
10 and in the EIS process and also explains our basic policies and  
11 procedures regarding funding. I think that's all I have, Ken.  
12 Ken Brooks: Thank you, Dan. Kevin France, HGE Engineers.  
13 Kevin France: I'm Kevin France. I'm with HGE Engineers out of  
14 our Portland office, and we're the engineer for the Sanitary  
15 Authority on this project.

16 When the facilities -- or the environment -- EIS process  
17 in July of this year determined that additional effluent  
18 disposal alternatives needed to be developed, we prepared an  
19 addendum to the facilities plan that we prepared in 1988. And  
20 in the facilities plan addendum, we evaluated two methods --  
21 two different types of collection systems. We evaluated a  
22 septic effluent collection system and a conventional gravity  
23 collection system.

24 We evaluated several options for treatment processes.  
25 These included a recirculating gravel filter, floccutative

1 lagoons, an extended aeration process; and in combination with  
 2 the above processs, we looked at utilizing the existing  
 3 extended aeration treatment plant in combination with a new  
 4 treatment plant.

5 We evaluated four different plant -- treatment plant  
 6 sites. They were the existing treatment plant site, the Hawk  
 7 Creek site, the Pasture 2 site, and the Simpson Timber site.  
 8 The site that was recommended in the the 1988 facilities plan  
 9 was no longer available, because it had been developed.

10 For effluent disposal options, we looked at three things.  
 11 We looked at spray irrigation, subsurface disposal, and direct  
 12 discharge to Neskowin Creek. For disinfection options, we  
 13 looked at ultraviolet radiation and then a chlorination,  
 14 dechlorination process. The recommended alternative of the  
 15 1990 facilities plan addendum was to construct the project in  
 16 phases.

17 The Phase 1 portion of the project would provide sewer  
 18 service to the core area, the point, and the western portion of  
 19 Proposal Rock. The Phase 2 portion of the project would  
 20 include Viking Estates, Kiawanda Beach, Neskowin Crest, Hawk  
 21 Crest, Neskowin Heights, and the remainder of Proposal Rock.  
 22 The recommended alternative included constructing a septic tank  
 23 effluent collection system for the parts of the system that are  
 24 current unsewered.

25 We would continue to utilize the existing collection

1 system in those areas that have sewer service now. We would  
 2 abandon the existing treatment plant, because it was determined  
 3 it would be more economical to build the new plant a little bit  
 4 larger than it would be rehabilitate the existing treatment  
 5 plant. We would construct a new extended aeration treatment  
 6 plant at the Simpson Timber site.

7 At that site we would construct a holding lagoon which  
 8 would be lined to prevent any seepage of the treated wastewater  
 9 from entering the groundwater, and we would hold the treated  
 10 wastewater during the summer months. And then in the winter  
 11 months when the flow in the creek was great enough to provide  
 12 adequate dilution, we would discharge to the creek, and  
 13 ultimately, out to the ocean. And the recommended disinfection  
 14 process was ultraviolet radiation.

15 Ken Brooks: Richard Santner from the Oregon Department of  
 16 Environmental Quality.

17 Richard Santner: Thank you, Ken. My name is Richard Santner.  
 18 I am employed at the Oregon Department of Environmental  
 19 Quality, Water Quality Division; and I would like, initially,  
 20 to read into the record a letter regarding this draft EIS and  
 21 this project from Lydia Taylor, the Administrator of our Water  
 22 Quality Division. And I beg the indulgence of those folks who  
 23 were here last night and have to hear a second reading.

24 I would say that we read it aloud now, because we would  
 25 like the community to know the position of the Department on

1 this particular project. The letter is addressed to  
2 Gerald Opatz.

3 "The Oregon Department of Environmental Quality requests  
4 that the public comment record for the above referenced DEIS  
5 indicate that the Department supports the proposed project as  
6 essential for protection of public health and water quality in  
7 the Neskowin area. Our support is reflective of the fact that  
8 the project ranks 16th (among 104) on the Department's current  
9 Construction Grants Priority List. The Neskowin project has  
10 had a relative highly priority ranking for several years since  
11 a study conducted by the Department in 1985 concluded that  
12 bacterial contamination of the creeks near the Neskowin core  
13 area results from failing on-site waste disposal systems.

14 "The DEIS and the 1988 Facilities Plan Update bring  
15 together much information that makes the need for the proposed  
16 project apparent. Among the salient considerations are these:

17 "Water quality sampling over the last decade has  
18 repeatedly found evidence of fecal bacterial contamination of  
19 area streams. The 1985 DEQ study indicated the contamination  
20 derives from human sources through failing on-site systems.

21 "The bacterial contamination of area surface waters is an  
22 indication of a threat to public health. This is of especially  
23 great concern due to the recreational nature of the Neskowin  
24 area and the contact recreation use of area surface waters in  
25 summer.

387 387. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 1,  
Letter No. 1.

388 388. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 2,  
Letter No. 1.

389 389. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 3,  
Letter No. 1.

1 "The sand dune soils prevalent in the core area are poorly  
2 suited to on-site waste disposal systems. These rapidly  
3 draining soils generally do not allow for adequate removal of  
4 pathogenic or chemical contaminants. In the specific case of  
5 Neskowin, the core area has developed on small lots at urban  
6 densities which would not be acceptable for on-site systems  
7 under DEQ's presents rules. The use of seepage pits and  
8 cesspools which are also prevalent in the core area would  
9 likewise not be allowed. The existing on-site systems  
10 constitute a continuing threat to public health and the quality  
11 of surface and groundwater.

12 "It is the policy of the State of Oregon, as stated in  
13 ORS 468.710, to prevent and abate pollution and to ensure that  
14 no waste be discharged to waters of the state without adequate  
15 treatment.

16 "Clearly, improperly treated waste is being discharged  
17 into Neskowin area groundwater and creeks resulting in a threat  
18 to public health and degradation of water quality. The  
19 construction of a properly functioning sewage collection and  
20 treatment system is the most appropriate means of permanently  
21 correcting this situation. The Department supports  
22 implementation of the proposed project.

23 "Thank you for the opportunity to comment.

24 "Sincerely, Lydia R. Taylor, Administrator, Water Quality  
25 Division.'

390 390. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 4,  
Letter No. 1.

391 391. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 5,  
Letter No. 1.

1 I'd like to add on a few other remarks regarding funding  
2 and process. Comments were made last night which shows, I  
3 think, some misunderstanding perhaps of what the situation is;  
4 and I would like to clarify that. The grant -- one of the  
5 grants that the Sanitary Authority is seeking is an EPA  
6 Wastewater Treatment Works Construction Grant.

7 The State of Oregon is a state which is called a delegated  
8 state. That is, we administer that grant program on behalf of  
9 EPA in Oregon. The grant, however, is a Federal grant. We  
10 work with project applicants, communities like Neskowin or  
11 other communities, to develop an appropriate grant application,  
12 to have done a facilities plan, and so forth.

13 And when we deem them to have an appropriate project and  
14 an appropriate application, we do what is called "certify" that  
15 application, certify that project, send that to EPA; and EPA  
16 Seattle awards that grant. The construction grants program  
17 will expire, and I say that categorically, will expire on  
18 September 31 (sic), 1991.

19 There will be no more EPA construction grants awarded  
20 after that date. Pragmatically speaking, an application cannot  
21 come in that late and be processed and awarded. It needs to be  
22 -- let us say for right now, on the order of a month or so  
23 before that. That leaves the conclusion that the Regional  
24 Sanitary Authority here has to have developed and have approved  
25 a grant application by that date to be considered at all.

392 392. Comment noted.



1       However, I need to add a bit of complexity to that. We  
2       are in the final year of the program. The State of Oregon has  
3       available to award a finite pot of money. We are working with  
4       other communities like Neskowin on the development of projects  
5       and applications. The number of communities and the amount of  
6       money those communities could potentially apply for exceeds the  
7       amount of money that we have available to award.

8       The conclusion one reasonably comes to from that is that  
9       the earlier any jurisdiction, Neskowin or any other, comes in  
10      with an approvable application, the more likely it is to be  
11      funded. The Environmental Quality Commission, our policy body  
12      -- the Department's policy body -- has adopted a policy for the  
13      final year of administration of the program.

14      What we do, basically, is save up the applications that  
15      come in in any quarter, then award the grants to those fundable  
16      applications in their rank order on this priority list I  
17      mentioned. It looks like no one is going to be coming in in  
18      the first quarter. I think it's likely people will be coming  
19      in in the second quarter and the quarters thereafter. As the  
20      project -- as the year gets closer and closer to its end, the  
21      availability of money becomes more and more uncertain.

22      Therefore, it is in the interest of this community, and  
23      any other seeking a grant, to get on with it as expeditiously  
24      as they can. But I can make you a fiat statement, a definite  
25      statement, that applications which are not in and processed by

1 September 31st (sic), or actually somewhat before then, of 1991  
2 will not get a grant. And if, in the end, it works out that  
3 this community builds a sewer system, clearly, it is  
4 advantageous to do it with approximately \$2 million in Federal  
5 grant than to do it without that amount of money.

6 Thank you, Mr. Chairman.

7 Ken Brooks: Thank you, Richard. Doug Marshall, Tillamook  
8 County.

9 Doug Marshall: I'm Doug Marshall, the County Sanitarian. I  
10 got a subpoena a couple of weeks ago, and they spelled my name  
11 D-o-g. So if you put me down on a subpoena be sure to spell my  
12 name right.

13 I had some specific comments on the EIS draft statement,  
14 and rather than read them in verbatim, I just wanted to kind of  
15 highlight them. I made ten copies. I really didn't expect  
16 this many people to show up, but you're welcome to them if you  
17 want them.

18 On page 2-2 of the EIS, they talked about, quote, Neskowin  
19 North received County Sanitary approval for its septic systems,  
20 unquote. I started here in 1980, but I have been a sanitarian  
21 since 1970. The point I wanted to make was, in '73, DEQ was  
22 created. Prior to '73, the rules for subsurface sewage were  
23 that if you wanted to do a subdivision, you looked at two or  
24 three spots on the subdivision. If they looked feasible, you  
25 went ahead and platted it, sold lots. When the owner was ready

393. This comment was submitted as part of the written comment. Please refer to Response to Comment 36, Letter No. 15.

1 to build, then they came in and got their septic approval, if  
2 possible.

3 As you can imagine, a number of the lots they could not  
4 get septic approval on that weren't right in the area where the  
5 few test holes had been dug. So when DEQ was created, they  
6 required that every lot be septic-approved before you platted  
7 it. So in that statement, it is correct that it did have  
8 sanitarian approval at that time, but remember that it was just  
9 a general approval for the whole subdivision.

10 Most of Neskowin North that can be developed on sewers is  
11 already developed. There are a few other approvals out there  
12 that haven't been built on, but you're not going to see many  
13 more houses out there than there are now, at least on our  
14 technology today.

15 Second paragraph on page 2-10 talks about discharges into  
16 many of the septic systems in the area occurring only during  
17 the period of six to eight months during the year. What I've  
18 seen in the ten years I've been here is that that may have been  
19 true ten years ago, but over the years I'm seeing more and more  
20 winter use of vacation dwellings. The old idea of the coastal  
21 vacation cabin with the outhouse out back and cold running  
22 water is fast disappearing.

23 I find myself doing more and more repairs where I'm  
24 looking through the window, trying to figure out water use on  
25 the house, estimating bedrooms. We're looking at pretty well

393

394 394. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 37,  
Letter No. 15.

395 395. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 37,  
Letter No. 15.

1 set-up second homes, all of the conveniences, garbage  
2 disposals, dishwashers, hot tubs, all of the things that scare  
3 the sanitarian to death if they're going in the septic.

4 The other thing that I'm seeing is more and more of the  
5 places that I'm called out to do repairs on the septic system  
6 are being rented out either part-time or full time. And I  
7 find, generally, over time that renters are a lot harder on a  
8 septic system than a homeowner would be. We find that a lot of  
9 items that wouldn't normally go down a system end up in a  
10 system if it's been rented out. Most of those items aren't  
11 real good on a system.

12 Page 4-3 under the No Action Alternative, the core area  
13 will not be able to grow. I'm seeing growth every year on the  
14 coastal dune areas, Tierra del Mar, Neskowin North -- or  
15 Nedonna Beach, Neskowin, any of the areas where we've got beach  
16 homes. It isn't all new dwellings that are being constructed.  
17 I'm seeing a lot of remodels, upgrades of existing structures.

18 I pulled some statistics out of my files. Last year here  
19 for the Neskowin core area, the area we're talking about  
20 sewerage up, I did two permits for brand-new dwellings. During  
21 that same time period, I did seven authorization notices. The  
22 authorization notice is a catch-all phrase for a remodel, loan  
23 report, existing system evaluation, that sort of thing. Out of  
24 that seven, five of them I approved with some conditions,  
25 mainly, that the sewage-disposal systems needed to be

395

396

396. This comment was submitted as part of the written comment. Please refer to Response to Comment 38, Letter No. 15.

1 upgraded.

2 I also did four septic repairs in the Neskowin area during  
3 the last year. All of those four were undersized repairs.  
4 Later on, I've got some numbers here for sizes of an adequate  
5 repair. So if we want to get into that, we can. Most of the  
6 old -- older homes in the area are served by cesspools and  
7 seepage pits, the cesspool being just the sewage flows out of  
8 the house into a pit. There's no septic tank to even settle  
9 the solids. The seepage pit has a septic tank, and then it  
10 goes out to a deep pit.

11 The problems with those kind of systems are that they are  
12 in direct contact the groundwater table much of the year. We  
13 found in our studies that we need about 4 feet of separation  
14 between the bottom of a sewage-disposal system and the  
15 groundwater table for the sewage to get adequate treatment, and  
16 it needs to be dry; and this applies in coarse-textured soils  
17 like the sands.

18 Most of Neskowin core area here, Yaquina and Netarts beach  
19 sands, they contain a lot of fines. Like many of the other  
20 dune areas in the Oregon coast, it's underlain by a fresh-water  
21 aquifer. Densities are such that -- so you don't see it mixing  
22 much with the Pacific Ocean, although it extends out onto the  
23 beach front. That same aquifer, when the rains start and you  
24 look out here on the golf course, you're seeing part of that  
25 aquifer. It's all interconnected.

396

397

397. This comment was submitted as part of the written comment. Please refer to Response to Comment 4, Letter No. 1.

1 I would "guesstimate" that the average depth of that  
 2 fresh-water underground aquifer is about 30 inches during the  
 3 winter months. The other thing to keep in mind is that if you  
 4 cut a cross-section through the Neskowin area, that water table  
 5 conforms approximately to the ground formed above it. So even  
 6 though you've got some foredune and some high dune area, that  
 7 water table rises up in that, having to do with capillarity.  
 8 So many of the drain fields up in those higher areas still  
 9 don't have that 4 foot of separation.

397

10 Without the 4 foot of separation between the bottom of  
 11 the disposal system and the groundwater table, the bacteria  
 12 flows into the groundwater table and disperses. Studies by  
 13 Bouma, Terry Rahe, some of the other leading people in the  
 14 state, show that that bacteria travels 200 feet or more, and  
 15 it's still hot, still untreated.

16 The point I wanted to make is many of the systems out  
 17 there, even with the small repairs that we're having to do, are  
 18 still contaminating that underground aquifer. It comes down to  
 19 the point of, do we want to preserve that aquifer for future  
 20 generations or do we want to continue contaminating it with raw  
 21 or partially-treated effluent.

22 When I talk about repairs on -- for existing structures,  
 23 usually the two repairs that we do, if possible, are the  
 24 low-pressure system and the sand filter. The problem with a  
 25 sand filter, of course, it conserves area, but it's very

398

398. The situation in this community is obviously complex. The soils in the area clearly do not lend themselves to adequate subsurface treatment at existing densities. Septic systems are not an adequate solution to disposal at urban densities.

1 expensive. We're talking a sewage-disposal system in the range  
2 of 5,500 to \$10,000 depending upon how many bells and whistles  
3 you want to put on it.

4 On lots 5,000 feet -- square feet and smaller, it's  
5 getting tough to even find area for a sand filter. With  
6 setbacks, a sand filter requires about 2,100 square feet. A  
7 low-pressure system, properly done, shallow, with a cap over  
8 the top of it, takes about twice that much or 5,100 square feet  
9 -- or more than twice than that much. Many of the lots in the  
10 core area don't have enough room to do that. So when I talk  
11 about undersized repairs, I'm talking seepage trenches,  
12 low-pressure beds. In some cases, if they have a seepage pit  
13 and I can't find any other room, we go ahead and put in new  
14 seepage pits.

15 The problem when room becomes at a premium is, what do we  
16 do with the old, contaminated gravels and sands. You just  
17 can't throw them in the back of a truck and haul them off  
18 somewhere and dump them. That sewage dribbling out the back of  
19 the truck perturbs people when they get it on their  
20 windshield. It tends to be a health hazard, too. When people  
21 know what it is, they really don't want it buried in their yard  
22 somewhere. So it's hard to get rid of. I've had to take it as  
23 far as the landfill to dispose of it, and that's rather a waste  
24 of landfill space.

25 The nice thing about the sand filter is that it really

1 treats the effluent before it gets down into that groundwater  
2 table. The two parameters that we measure sewage in,  
3 generally, are BODs and suspended solids. They -- a sand  
4 filter cuts about 97 to 99 percent of that out of the effluent  
5 in addition to most of the bacteria. It reduces the nitrates  
6 about half. Most of the State standards are written with  
7 nitrates in mind when you're talking bacterial pollution of  
8 underground aquifers.

9 Nitrates are easy to test for. They're always present in  
10 sewage. Planning made up some maps. I don't know if I should  
11 point this out, but I think the sewer comes up to about here,  
12 doesn't it, Mike?

13 Mike Kowalski: Yeah.

14 Doug Marshall: Yeah. They got a little carried away.

15 So if we ignore this section, the idea was to color the lots  
16 that are less than 5,000 square feet red, because those are the  
17 ones that I really have a problem with trying to do a repair  
18 on. A lot that's 5,000 square feet, typically, you get out and  
19 look and most of it's covered with house, driveway, parking;  
20 and I'm left over with -- it's not very much room.

21 The orange are 5,000 to 7,500 square feet. If everything  
22 works right, usually we can get a -- a repair system in there  
23 that's adequate on lots that size, depending again on the size  
24 of the house. And then the larger lots are -- the green or  
25 yellow, over 7,500 square feet. I think we're talking



1 something in the neighborhood of -- what? Sixty -- I'm sure  
2 Vic dug those out. Sixty some percent are under 5,000 square  
3 feet. I don't have his numbers. I think that's close.

4 Sixty-three percent? If the sewer doesn't go and I'm  
5 called to do repairs, the lots that are red are the ones that  
6 I'm going to have a heck of a time trying to fix with an  
7 on-site solution. In the past, I have put in whatever we can  
8 put in to get by in the hopes that the sewer is coming. In all  
9 honesty, I'm kind of hanging my neck out doing that. The  
10 choice is kicking people out of their home, vacation home, or  
11 trying to get the sewage back underground.

12 So far, we've got it back underground, but understand that  
13 most of those repairs that I'm doing are contributing directly  
14 to the groundwater contamination. Houses along Hawk Creek, for  
15 instance, irregardless (sic) of what kind of system they have,  
16 if you're talking effluent that travels a couple hundred feet  
17 or more in the groundwater contribute to the pollution in that  
18 creek.

19 You're not going to see in rapidly-draining or  
20 coarse-textured soils sewage coming up to the surface very  
21 often. It disperses in that groundwater and flows on the  
22 gravity gradient. Sand is particular -- the Oregon beach  
23 sands, because it has so many fines in it. Dyeing suspected  
24 failing sewage systems doesn't work well. The particulate size  
25 of the dye, the foreseen dye, is taken up by the sand, is

1 filtered out, and we don't get it.

2 I might back up. We talk about failures either as  
3 point-source failures or nonpoint-source failures.

4 Point-source is when you walk out there, and you've got a pipe;  
5 and it's got gray, smelly stuff coming out of it. The old  
6 sanitarian's test used to be if it looks, smells, and tastes  
7 like sewage, it probably is. We don't see too many of those in  
8 the Neskowin area. I can only think of two or three in the  
9 past five or six years that I've found.

10 We would talk of sewage as a nonpoint-source, a saturated  
11 flow. The systems along here contributing to that bacterial --  
12 high bacterial counts that they're seeing on the -- in the  
13 creek when they test. So going in and dyeing them won't work  
14 to figure out who's contributing to what. We could go in and  
15 tag the bacteria radioactively; and in fact, that's how the  
16 tests were done for travel of bacteria in coarse-textured soils  
17 under experimental conditions. You're talking very expensive  
18 testing.

19 It always creates a lot of problems when you talk about  
20 dumping radioactive things out into the environment. It makes  
21 me a little nervous, too. I don't know of any other way to  
22 specifically nail down which house is contributing how much  
23 load. I went out on a repair that we would class as as  
24 point-source a couple of years ago, narrowed it down to three  
25 houses, knocked on one door, and there were weekend renters in

398

399 399. Please refer to Comment 398 and Response to  
Comment 33, Letter No. 14. The limited action  
alternative cannot be implemented without the  
identification of failed systems. As this testimony  
indicates, the determination of those failed systems is a  
very complex and costly procedure.

1 there. And when they figured out who I was and what I wanted  
2 to do, they really weren't willing to let me in to dump dye  
3 down the toilet to see if that's where it was coming from.

4 So I didn't push it. I tried the next house, and no one  
5 was home, went through the lady that owned it, was told by her  
6 lawyer I'd have to get a court order to do it. Right now, I'm  
7 working about eight weeks behind on the paying customers that  
8 come through the door that want new houses; and I really haven't  
9 taken the time to go out and go up through the court system,  
10 the time it takes to write up a brief, get a court order, and  
11 dye the system.

12 Luckily, the case that I'm talking about, the people  
13 wanted to remodel, came in and voluntarily upgraded the  
14 system. So we got that one repaired. The enforcement  
15 proceedings to force people to repair their systems are very  
16 lengthy, and you can be talking two or three years.

17 I was given a letter by the Friends of Neskowin Friday  
18 afternoon, and I really haven't had time to do a proper  
19 response. I wanted to submit written comments before the 5th  
20 deadline. I did notice one paragraph in there talking about an  
21 additional alternative, recommending another alternative, 9 or  
22 10. And I wanted to talk about that a minute. Anybody know  
23 the one I'm talking about?

24 As you can see, I haven't had time to read this real  
25 thoroughly yet. The point that they wanted to raise, I think

399

400

400. Please refer to the previous two Responses to Comment. This comment was submitted as part of the written comment. Please refer to Response to Comment 187, Letter No. 49.

1 -- and correct me if I'm wrong -- was they wanted another  
2 alternative added to the other alternatives about some more  
3 surveying, forcing the people that we couldn't fix their drain  
4 fields to hook to the sewer now. Using some dye testing or  
5 whatever to determine where the problems were and either  
6 correcting them on-site or hook into the sewer.

7 I've been in this business about 20 years. About 12 years  
8 ago -- up to about 12 years ago, Federal funds were readily  
9 available for sewer projects. You could get 75 to 85 percent  
10 Federal monies. So when a sewer project went, you ran the  
11 sewers, hooked up everybody that was failing; and then as the  
12 other systems failed, you forced them to hook on.

13 Monies have gotten so tight for these kind of projects  
14 that I don't think you're going to see that anymore, at least I  
15 haven't in the last two sewer projects that I worked in.  
16 Generally, if they run a sewer line down the street, everyone  
17 has to hook on. It's a simple matter of economics. The  
18 Federal monies have pretty well dried up for these.

19 The other point that I wanted to raise, it would be nice  
20 if we could go back and do door-to-door surveying, but because  
21 dye, the old traditional dye methods, don't work in sands, I  
22 don't know how we can nail down which house is contributing  
23 what pollution to the creek short of some very exotic tests.  
24 If Measure 5 passes, I doubt that you'll see any monies  
25 available for that kind of testing at all.

1 Ken Brooks: Could you kind of wrap it up?

2 Doug Marshall: Yes. I'll be here for questions if you have  
3 any.

4 Ken Brooks: Thank you. The next speaker is Margot Thompson,  
5 and she'll be followed by David Joyce.

6 Margot Thompson: My name is Margot Thompson, and I introduced  
7 myself last evening when I also made comment. I've been a  
8 taxpayer since 1967 in Tillamook County, and I own several  
9 tracts of land in all the areas affected.

10 I would like to say that I am aware that there has been or  
11 is a branch of the EPA called the Small Flows Clearing House  
12 that exists to help small communities such as ours find  
13 suitable as well as affordable solutions. I do not see any  
14 mention of this in the EIS. I want to know why all available  
15 avenues of information are not being investigated and the  
16 findings submitted into the written record of the EIS.

17 Secondly, if this project is worth doing well-- worth  
18 doing, it is worth doing well; and I believe that to be true.  
19 I want to know why the Tillamook County Planning Department  
20 consistently submits inaccurate and misleading maps of NSRD and  
21 areas to be included in the proposals. Are we to make, as  
22 citizens in this community, informed decisions based on such  
23 distorted information?

24 Third, I would like to read, because I have received a  
25 number of phone calls from people in this community who are

401 401. The EPA National Small Flows Clearinghouse was established in 1979 to assist small communities in designing, constructing, operating, and managing wastewater systems. The Clearinghouse can provide useful information to consultants not familiar with small system technology; however, the consultants for the NRSA have considerable experience in designing wastewater facilities for small communities. Please also refer to Response to Comment 354.

402 402. This comment is beyond the scope of this Environmental Impact Statement.

1 long-time friends of mine and people that I respect and love  
2 about this, quote, "letter," that has been circulated. And I  
3 would like anyone to know that if they would like a copy of our  
4 letter from the Friends of Neskowin, it is available upon  
5 request.

6 I would also like to say that, quoting from the last part  
7 of the letter so that it won't take too much time, but I would  
8 like to read it into the record. So please bear with me. This  
9 is a quote.

10 "A group of Neskowin citizens has proposed a new  
11 alternative; Alternative #10:

12 "Proper repair and expansion of the existing sewerage  
13 plant, plus utilization of the new 'state of the art' soil  
14 technology for existing and replacement septic tanks, together  
15 with proper regulation of Neskowin Lodge, the Horse Stables,  
16 The Wayside, and the Golf Course sewerage, could solve the  
17 pollution problem.

18 "We have asked that this alternative be added to those  
19 previously evaluated.

20 "This alternative:

21 "A) Is outside the range of the other proposed  
22 alternatives considered.

23 "B) Has less environmental impact than the other EIS  
24 alternatives discussed.

25 "C) It is less expensive than the other EIS alternatives

403

403. This comment was submitted as part of the written comment. Please refer to Response to Comment 62, Letter No. 19.

1 discussed.

2 "D) It is the alternative most compatible with the  
3 mitigation concepts in the EIS especially unknown or  
4 inconclusive.

5 '... , core area...the County has required that any  
6 development in these areas utilize state-of-the-art individual  
7 wastewater treatment systems. These systems are the most  
8 effective in avoiding aquifer contamination but are expensive.'

9 Page 3-44 EIS

10 "As noted above, we also propose this approach as part of  
11 our alternative (also note Exhibits G and R)

12 "This would require hook-up of irreparable septic systems  
13 in the core area and additional hook-up of those other core  
14 area homeowners who elect to do so, while maintaining reserve  
15 capacity for vacant land owners in the core area.

16 "This reasonable Alternative is already generally  
17 described by the EPA in the EIS Mitigation 'In order to  
18 mitigate these indirect impacts NRSA could scale down the  
19 treatment plant capacities proposed for Phases 1 and 2, or the  
20 areas to be sewerred in Phase 2.' Page 5-3 EIS

21 'Upgrading the existing plant which ODEQ has indicated is  
22 at the end of its service life, appeared to be a viable  
23 alternative and was further evaluated. Page 2-9 EIS

24 "A great deal of effort has been expended our group to  
25 develop this balanced compromise solution to the many difficult

1 and controversial Neskowin sewer plan problems.

2 "Therefore, it is hoped 'Alternative #10' will be given  
3 every consideration as a plan which best addresses the aims of  
4 various resident groups and best complies with the various  
5 mandates regarding environmental impact, and cost  
6 containment."

7 And I have signed this letter and submitted it along with  
8 others who also drafted the letter, and I would like to say  
9 that I don't think that any plan is going to go forward without  
10 further refinement. But I think this is a sincere attempt at  
11 looking at the truth of the situation and trying to envision a  
12 very positive future for our community that does not exclude  
13 people, but it envisions very positive growth in a very  
14 contained kind of way. And thank you very much.

15 Ken Brooks: Margot, could you give the reporter a copy of that  
16 letter, please.

17 Margot Thompson: Yes. I believe they already submitted it.

18 Ken Brooks: David Joyce, to be followed by Katharine Joyce.

19 David Joyce: Without duplicating what I said last night, I  
20 would like to acknowledge that, certainly, in this process it's  
21 important to look at the big picture for what's being proposed  
22 for a community like Neskowin and to plan for the future in the  
23 design of any system to solve the pollution and health problems  
24 that may result from what we have now.

25 And I tried to point out last night, and I want to



1 emphasis again today, that the big picture is -- for this area  
2 that this is an area which cannot and does not -- cannot handle  
3 and does not want growth. Certainly, growth -- does not want  
4 growth that's going to bring some notion of economy to our  
5 community, that's going to bring in -- that's going to change  
6 the nature of what this community is all about.

7 I think it's clear that the reason the EIS has taken so  
8 long, has been such a difficult process, is that -- as I  
9 mentioned last night, this is an area which is uniquely  
10 unsuited to accepting large amounts of effluent. Therefore,  
11 any solution must be to solve the problem and not assume that  
12 growth is good or inevitable for this area.

13 As a matter of fact, I think the DEQ and the County should  
14 recognize and promote the need for growth limitations in this  
15 area; because it's very clearly not an area which can accept  
16 the kinds of projections, I believe, which are included in the  
17 DEIS where they're speaking about the population here doubling,  
18 I believe it's by the year 2006. This is an area which cannot  
19 accept that kind of growth, I believe.

20 We should promote the need for growth limitations and  
21 limit it beyond the core area and single family dwellings in  
22 the core area. I would like to know where is the solution that  
23 solves the problem as it exists now and doesn't create a myriad  
24 of new ones.

25 I feel that Phase 2 is way out of line in terms of what's

**404**

404. This comment was submitted as part of the written comment. Please refer to Response to Comment 173, Letter No. 47.

1 needed. It has absolutely nothing to do with the problem as it  
2 exists now. It assumes that massive numbers of people are  
3 going to be moving into this area and that somehow we have to  
4 spend a great deal of money and disrupt the whole nature of our  
5 community to prepare for these people who are coming.

6 I'm as interested as anyone else in solving the health  
7 problems that we have in this community, but I think that any  
8 solution should be scaled to the problem and scaled to the  
9 community and not provide enabling sewer systems that are going  
10 to make the problem worse by allowing the hundreds, if not  
11 thousands, of more people who will be attracted to this area if  
12 we have sewer systems running all over the place. Thank you.

13 Ken Brooks: Thank you, David. Katharine Joyce, with  
14 Jann Steelhammer to follow.

15 Katharine Joyce: My name is Katharine Joyce. I spoke last  
16 night, and I'm not going to repeat myself. What I'm going to  
17 do today is I have it letter here from Oregon Trout that was  
18 written to Mr. Kenneth Vigil of the DEQ. It was written  
19 July 15, 1988, by Mr. Dale Pearson with help from  
20 Mr. Bill Bakke, who are both affiliated with Oregon Trout.

21 I don't know if all of you saw the Oregonian today, but  
22 there was an article on the front page concerning endangered  
23 species of salmon; and several of those species, especially  
24 winter steelhead, we have in Neskowin Creek. It is my opinion  
25 that the -- wastewater disposal of any sort, especially

404

405

405. This comment was submitted as part of the written comment. Please refer to Response to Comment 95, Letter No. 22.

1 chlorinated effluent would be disastrous to our five species of  
 2 -- wild species -- the creek has not been stocked since 1968 --  
 3 would destroy that unique waterway.

4 Mr. Pearson of Oregon Trout lists five different important  
 5 points in his letter. I won't read them all to you, but some  
 6 of them are -- he says that we should take a complete inventory  
 7 of all fish and other aquatic species, which includes  
 8 shellfish, insects, ocean species, and everything that exists  
 9 in the waterway. We need life histories of these species,  
 10 especially run times and spawning periods; and as you know, the  
 11 water -- the treatment -- wastewater is going to be held during  
 12 the summer and discharged during the winter months, which is  
 13 during the spawning period of these fish.

14 The potential effects, the possible chemical and  
 15 temperature changes on the homing ability of the fish should be  
 16 clearly understood. If returning fish become confused as to  
 17 location of their birth stream due to changes in taste, smell,  
 18 or temperature of its water from effluent discharge, the entire  
 19 run could be extinguished, even though the effluent has no  
 20 toxic characteristics whatsoever.

21 In summing, I just just want to read a summing paragraph  
 22 to enter it into the record.

23 "I cannot overemphasize the importance of a thorough and  
 24 diligent analysis of these factors. The small size of  
 25 streamflows of Neskowin Creek drastically limit its ability to

406. The effluent to be discharged will meet state water quality standards and will protect beneficial uses of Neskowin Creek. These standards have been established to preclude impacts to the species living in the receiving waters. An inventory of the species would serve no purpose for this document since these organisms should not be impacted by the proposed action.

406

The timing of smolt outmigration varies for different species and locations; however, most fish migrate between March and June. There are several factors which are thought to trigger downstream migratory behavior, the most prominent of which is an increase in stream flow. This suggests that outmigrants would be passing through the area influenced by the effluent at periods of relatively high stream flow. At high stream flows, the effluent would be most effectively diluted, and would probably not significantly alter the chemical status of the stream. It is generally accepted that the addition of dilute chemicals such as sewage treatment plant effluent do not impact a salmonid's ability to imprint and home on its rearing stream.

407

407. Please refer to the previous comment. With dilution rates of at least 20:1 the impact to the water quality and the species in the receiving waters should be insignificant.

absorb, even for short periods of time, the effects of discharges that are chemically damaging to aquatic life or that cause water temperatures to rise to intolerable levels."

Also, I might point out that in the DEIS it is admitted that stream flows in Neskowin Creek have never been calculated, and the dissolution ratios of 20:1 can only be assumed. They cannot be promised. So I submit this letter from Dale Pearson of Oregon Trout as -- for public record.

Secondly, I would like to say that I -- some of the comments I was going to make were made by Margot Thompson, and I agree with her wholeheartedly about solution No. 10 -- Alternative 10 or something in that area. I feel that we -- I request -- would like to have included in the DEIS -- I mean in the FEIS, or whatever, a written cost comparison on innovative alternatives such as the ones we have proposed, and I would like to see some discussion of chemical toilets such as the Clivus Multrum brand, which is a proven brand, all -- perhaps it would be possible to take available funds and purchase empty properties within Neskowin proper, in the core area, and use those for extra drain fields.

You may think this is an odd idea, but I don't think any idea at this point is too innovative, too crazy, anything. We should be exploring all reasonable ideas; and I think it should be possible to solve our contamination problems, as soon as we figure out what they are, without the growth inducements of the

407

408

408. The effluent to be discharged will not elevate the temperature of the receiving water. In addition, no chlorine will be added for disinfection so that the effluent will also not be chemically toxic. Please refer to Response to Comments 406 and 407; and Response to Comment 95, Letter No. 22.

409

409. This comment was submitted as part of the written comment. Please refer to Response to Comment 90, Letter No. 21 and Response to Comment 95, Letter No. 22.

410

410. This comment was submitted as part of the written comment. Please refer to Response to Comment 172, Letter No. 47.

411

411. Please refer to Response to Comment 41, Letter No. 16.

1 DEIS, Alternatives 1 through 8, and that all innovative ideas,  
 2 approaches should be taken seriously. And all questions should  
 3 be answered with specific data as it can be collected. Thank  
 4 you.

5 Ken Brooks: Thank you, Katharine. Katharine, do we have a  
 6 copy of that?

7 Katharine Joyce: Oh, yes, here.

8 Ken Brooks: Jann Steelhammer, and to be followed by Marnie  
 9 Frank.

10 Jann Steelhammer: I think those of you who were not here last  
 11 night have missed a lot. So I'm sorry you missed it, because  
 12 we made some very basic points last night, and we're now kind  
 13 of expounding a little bit.

14 But at this point, I would like to refer to the Tables  
 15 that are on pages S-4 and S-5 of the EIS. They are titled  
 16 Summary of Significant Impacts Associated with the Plant Siting  
 17 Alternatives. More specifically, I would like to address the  
 18 comparison of the socioeconomic impact on Alternatives 1  
 19 through 8.

20 For all eight options, it states that the socioeconomic  
 21 impact will cause a -- and I quote. "Potential increase in  
 22 population leading to increase in crime/police protection,  
 23 other utility demand,' referring to a larger water system, and  
 24 "commercial development." Unquote. My question is why an  
 25 option has not been offered which would have a socioeconomic

412 412. It is acknowledged that Phase 1 would have some socioeconomic impacts. However, these impacts are not considered significant.

1 impact of fixing a pollution problem with no impact on growth  
2 beyond allowing for single family dwellings to try to keep the  
3 flavor of the community the way it is. And I would like to see  
4 an option put into the EIS which is sort of a middle ground.

5 In other words, I think Phase 2 is an ill-considered very  
6 large, very expensive plan; and though we are going for Phase 1  
7 and it's cheap money, if you will consider the cost to you of  
8 Phase 2, you will find that it now becomes a very expensive  
9 option. And it is not limited enough to protect the family  
10 beach atmosphere that we have here.

11 And I'm not saying that all those properties in Phase 2  
12 should be excluded as single-family dwellings. I just don't  
13 want to see small development, resorts which will over-tax or  
14 demand restaurants; schools; more police; lighting; bigger,  
15 better roads; and a big water system and things that we all are  
16 going to pay for plus destroying the feeling of our community.  
17 It is okay for Oregon to have a family beach. And that -- so I  
18 would request that we have some more specific answers to the  
19 question of why a more moderate alternative has not been  
20 offered and apparently not been considered. Thank you.

21 Ken Brooks: Thank you. Marnie Frank, and next after Marnie  
22 will be Lana Kowalski.

23 Marnie Frank: I'm a member of the Tillamook County Planning  
24 Commission, and I'm also a secretary of the Neskowin Community  
25 Association; however, I'm not speaking today representing

413 413. Phase 2 can be developed as the demand for expansion  
of the existing system is realized. The high cost of Phase  
2 relates to the need for an alternative effluent disposal  
system; because of the concern for discharges to  
Neskowin Creek, the only system evaluated during this  
planning process was an ocean outfall. Please also refer  
to Response to Comment 115, Letter No. 25.

1 either of those organizations. I'm speaking as a citizen and  
2 full-time resident of Neskowin.

3 My statement does not contain any technical information.  
4 However, I do want to go on the record as saying that I favor a  
5 solution to the pollution problem that currently exists in  
6 Neskowin. I feel that it's really important that we resolve  
7 that pollution problem. I feel that this solution must be  
8 based on complete information, and judging from the testimonies  
9 that I've heard and from information I've gleaned from last  
10 night's testimonies, it sounds to me as though there isn't  
11 adequate information at this point to develop a sound  
12 solution.

13 Therefore, I urge the EPA to spend the time and the effort  
14 to get the necessary information so that we can develop a sound  
15 solution to the pollution problem. And I realize that there is  
16 a threat of losing grant money for that, but I still feel that,  
17 in the long run, it is a less-costly procedure to get a good,  
18 sound solution to our pollution problem.

19 I also want to state that I am 100 percent opposed to  
20 Phase 2 as proposed in the EIS. I think that Phase 2  
21 represents a consideration of growth, and I do not feel that  
22 growth is -- this is the proper forum for considering growth  
23 for our community. Phase 2 has nothing to do with solving the  
24 pollution problem which currently exists in Neskowin.

25 Growth is not a question that should be answered by

414 414. Comment noted.

415 415. The EIS addresses those issues which may be impacted by this proposed project. A number of issues have been raised which will not be affected by construction of this system. Data on these issues was not incorporated because it would not add to the base from which decisions must be made.

416 416. A number of commentators indicated their opposition to Phase 2 of this proposal.

417 417. The sewerage project should not determine future growth. The Tillamook County Comprehensive Land Use Plan and Zoning Regulations will dictate the pattern and level of growth.

1 County, State, or Federal agencies. It's a question that needs  
2 to be answered by the citizens of Neskowin, and we need to  
3 consider that within the current guidelines developed by those  
4 agencies; but it is a question that Neskowin citizens need to  
5 determine the answer for. And I do not feel that the solution  
6 to our pollution problem is the proper forum for making a  
7 determination for the future growth of Neskowin.

8 Therefore, I urge you in your decision-making process to  
9 focus on solving the pollution problem rather than focusing on  
10 future growth of our community. Thank you.

11 Ken Brooks: Thank you, Marnie.

12 I'd like to ask a clarifying question. This issue came up  
13 several times last night about Phase 1, Phase 2. Jerry, the  
14 EIS deals with both phases, it looks at the environmental  
15 impact from both phases; but as far as funding considerations  
16 that are now being considered, don't they only apply to Phase  
17 1? Or maybe Richard can help with that.

18 Norm Sievertson: Ken, let me try to respond to that question  
19 or this concern.

20 Margot Thompson: Could you introduce yourself, please.

21 Norm Sievertson: My name is Norm Sievertson, and I am with  
22 EPA. I've worked with Jerry up in the Seattle office.

23 EPA's grant program has certain criteria that must be  
24 followed to develop a facility plan that would be considered  
25 for funding. One of that criteria is that a municipality,



1 sewer district, whatever, must consider alternatives to satisfy  
 2 the existing pollution or health concern. Those alternatives  
 3 must be evaluated on a dollar basis based on present worth cost  
 4 to determine which alternative appears to be the least costly  
 5 from a dollar standpoint, if you will.

6 To assure that the evaluations are based on a common  
 7 ground and to respect the fact that in many communities growth  
 8 is certainly anticipated, supported, and desirable in many  
 9 communities, EPA's criteria requires that alternatives be  
 10 compared on a 20-year planning period. This means that a  
 11 solution, any alternative, if you will, to be considered would  
 12 be based on what the facility planner expects to be in the area  
 13 20 years down the road. This is a planning projection, if you  
 14 will.

15 The Neskowin Sanitary District in its facility planning  
 16 efforts had come up with population projections, the Phase 2  
 17 projections, if you will. That is a projection based on the  
 18 Neskowin District's assessment of what they think would be  
 19 here. It may have been impacted by the engineer preparing the  
 20 plan for Neskowin. I suspect that the County population  
 21 projections were somehow coordinated with that or maybe the  
 22 projections in Neskowin based on that; but at any rate, the  
 23 facility plan includes an estimate of the population 20 years  
 24 down the road within the service district that would be  
 25 considered to be served by this facility.

1 The facility plan recognizes that there's initial need.  
 2 That initial need, Phase 1, if you will, is what they really  
 3 intend to serve now. But to satisfy EPA's criteria, they took  
 4 a look into the future based on their estimates of what they  
 5 think might be here and based alternatives on that 20-year  
 6 solution.

7 The facility plan, as I understand it, recognizes a  
 8 20-year solution, compares alternatives, and proposes to  
 9 construct facilities in the two-phase approach, Phase 1 to  
 10 serve what exists now and a little more, if you will, as far as  
 11 population is concerned. And at some future date, there  
 12 probably will be a time for the Neskowin District, perhaps the  
 13 County as well as the citizens in this area, to make some  
 14 decision on are we really going grow as we projected in the  
 15 facility plan? Was that an ambitious projection that we want  
 16 to adjust now?

17 And we recognize, the EIS I'm pretty sure points this out,  
 18 that there's some decision point coming up for the Neskowin  
 19 citizens five or six years down the road; and I think that -- I  
 20 hope that answers the question.

21 Ken Brooks: Thank you, Norm. That helps. I hope that might  
 22 help others. I know a number of people talked to me about that  
 23 last night, and I couldn't really answer it either.

24 Lana Kowalski to be followed by Randall Koch.

25 Lana Kowalski: My name is Lana Kowalski. I grew up in

1 Neskowin as a child; and with my husband, Mike, we've owned a  
2 home in the core area for 18 years.

3 My -- my mother often took us to the beach on warm summer  
4 days when I was a little girl, and we used to walk by the old  
5 Neskowin campgrounds, which is where the Neskowin Lodge  
6 condominium is presently located. At the edge of the creek,  
7 there used to be a small, little wooden building; and it was  
8 the public restroom for the park.

9 There was a pipe that ran down the back side, and it  
10 emptied into the creek. In the summer, the pipe didn't quite  
11 reach the water level, so as people used the restroom, there  
12 was a discharge into the creek. The water in the creek at that  
13 place was kind of a dark, murky, gray-green color; and you  
14 really couldn't see the bottom of the creek. But that was  
15 okay, because we never looked. We always looked away. And  
16 then we hurried on down to Proposal Rock to play where the  
17 incoming ocean had, hopefully, diluted the contamination.

18 And so here we are today, and many of us are still turning  
19 our heads and looking away from the pollution that's happening  
20 in the middle of our community. As a health care professional,  
21 I believe that if there's a health problem existing, it must be  
22 addressed and as soon as possible. How many tests do we need  
23 before we admit that many of our antiquated septic systems  
24 aren't doing the job anymore?

25 Trying to identify failing systems still leaves us with

1 the ongoing problem. Septic systems will continue to fail, and  
2 our creek will continue to be polluted. We need a sewer system  
3 for the core area, and all other concerns must be secondary to  
4 ridding our community of the health risks that now exist. We  
5 must not continue to turn our heads away from a problem with  
6 stopgap solutions and hope that the problem will go away.

7 We must come together as neighbors and as friends and as  
8 concerned citizens and support a permanent solution now while  
9 the funding is available. I join others who support the  
10 implementation of the proposed project in Neskowin.

11 Ken Brooks: Thank you, Lana. Randall Koch.

12 Randall Koch: My name is Randall Koch. I'm a homeowner on  
13 Slab Creek, or Neskowin Creek as its referred to in the report,  
14 and there are -- I have concerns as someone who actually  
15 doesn't live in the core of Neskowin but lives near the area.

16 First, I'd like to state that I'm sure everyone is very  
17 concerned about the pollution that affects the creek and wants  
18 to find a solution that works. There are so many complexities  
19 involved here with the implications of any action that I think  
20 it's very difficult to come up with a solution; and there's  
21 been a lot of work done, obviously, and research on many  
22 people's parts.

23 In Mr. Sievertson's questioning, I just was -- had  
24 underlined something about that, so I want to speak to that  
25 also. As regards the higher, long-term population growth rate

418

418. Comment noted. A number of commentors indicated their support for the project. Please also refer to Response to Comment 89, Letter No. 20.

on page 4-23 of the report, it -- the facilities plan projects a higher, long-term population growth rate within the NA -- NRSA boundary than either the historic growth rate or the projected County growth rate and that the higher growth rate within the proposed project they say is appropriate based on, you know, growth of population in coastal areas.

And yet on 4-25 in a survey done about the quality of life and the community impacts, of 50 people surveyed, 36 said that they wanted to maintain the quiet, residential, family-oriented character of the Neskowin area and do not want commercial development, which is implied that the increased population will be -- as was read earlier, will be -- and the Phase 2 plan would all be based on increased desire to come here and commercial development.

So just in those two pages, it seems like the desires and implied growth in the area are directly contradictory to the desire -- the desire of the people in the community as pointed out, you know, just within two pages. It seems to be contradictory. One thing says we -- that this is going to be needed, and yet it's against the desire of the community to have that growth. So anyway, that kind of speaks to what was addressed there by Mr. Sievertson.

The implications for people who do not live within the core of this report is kind of why I want to bring this up in the report, in this testimony, and that is that it seems to be

419. Comment number not used.

420 420. Growth as discussed in the EIS does not necessary imply commercial development. The Comprehensive Land Use Plan and Zoning Regulations will determine the development which may occur in Neskowin.

421 421. The siting of the holding lagoons outside the urban growth boundary will not change the location of the boundary. Appendix C of the DEIS indicates that sewer service can not extend beyond the urban growth boundary of Neskowin.

1 indicated that people who live near the plant up the valley  
2 will be then included in the NR -- NRSA in that the sewer line  
3 will run up to the plant and include the people in the  
4 urban-growth boundary who right now are outside of that  
5 urban-growth boundary.

6 That seems to be the implication as pointed out on 4-16,  
7 and we will also be impacted by the odor of the plant as it's  
8 aerated over the land there and stored all summer, accumulating  
9 there. People know where the wind flows up that valley, and  
10 right now, we -- on many days we can smell the salt air of the  
11 coast; and that's something we really cherish, when we can  
12 smell the salt air and go, "Yeah, it is 4 miles away." It's  
13 wonderful to smell that. Well, I'm sure that would not be  
14 quite the same smell if there was a sewage treatment plant, in  
15 my case, .7 miles down the valley.

16 So there are a couple of major impacts that this has on  
17 us. We would be -- as far as I can conclude, we would be under  
18 the jurisdiction of the Sanitary District, which -- we've gone  
19 to a lot of trouble and expense to comply with the County  
20 sanitary conditions so that our sewer systems do comply. And  
21 they're -- ours -- in my case, it's about 12-years-old and was  
22 over-built to consider the implications of, you know, being  
23 there on a full-time basis; and we would now be at the whim of  
24 someone down here who has a completely different situation and  
25 needs and desires.

421

422

422. There may be odors associated with the sewage treatment plant. In order to mitigate for this impact, EPA's preferred alternative is to locate the sewage treatment plant at the site of the existing plant. The sewage effluent to be stored in the lagoons at the Simpson timber site will be highly treated effluent with minimal potential for odor.

423

423. Please refer to Response to Comment 421.

1 I feel it would be kind of -- I'm not too pleased with the  
 2 implications of being included in a district that probably  
 3 doesn't have my considerations very much in mind. Also, this  
 4 -- this implies that with the sewer going out the valley and an  
 5 expanded urban-growth boundary that there would probably be  
 6 interest in people locating out that valley, because they could  
 7 hook up to the sewer and would probably want to change the  
 8 zoning out there away from farm and woodlands to -- since  
 9 they're inside the urban-growth boundary, they'd probably want  
 10 to have some development going on out there. And there's been  
 11 a lot of effort that has gone in to preserve those wood --  
 12 woodland and farmland zones so that there would be a limited  
 13 growth out there.

14 And my other main concern goes along with the concerns of  
 15 these other groups about the impact of effluent and any  
 16 worst-case scenario, which if there is a chlorinated,  
 17 dechlorinated situation of effluent going back into the creek,  
 18 somebody makes a mistake and you chlorinate Slab Creek from 1  
 19 mile up, you're pretty much going to eradicate the -- well,  
 20 it's going to be pointed out in the report if the -- if the  
 21 life in the stream is impacted by a chlorination spill in the  
 22 middle of the time when they are -- when the fish are  
 23 migrating, which is the time they are going to be pouring the  
 24 effluent into the creek, between February -- no November and  
 25 March, you could pretty much destroy the whole fish run in a

423

424

424. Ultraviolet (UV) irradiation is the preferred method of disinfection. Chlorination and the potential for chlorine spills into Neskowin Creek will not exist under the current proposal. During times that the UV disinfection system is being maintained, effluent will be held in the storage lagoons. Discharge will only occur when the UV is operable; chlorine disinfection as a back-up will be unnecessary.

1 stream which is a class one natural stream right now, which is  
2 a very rare item, as can be pointed out by the Trout paper.

3 It's very unusual in a sense of a stream that carries a  
4 native run of fish. So those would -- kind of a minimum of  
5 research -- I really see a lot of problems with this particular  
6 solution, and I think that the -- that there needs to be more  
7 research to find out the total impact that would be indicated  
8 by Alternative 1. I think Alternative 2 is very far-reaching  
9 and out of proportion to the desires of the community, and I  
10 think that some alternatives and the goals of the community  
11 need to be kind of aired.

12 It seems like the only time I ever come to a hearing is  
13 when it's a red flag, and there's a problem. But somehow,  
14 without being a city, this community needs to understand what  
15 its desire is in the future, come up with a mission that these  
16 things can address; so you're not going on one basis, and we're  
17 going on another basis, or we're always going sideways.

18 We need to come up with a mission that we all have and  
19 desire and then focus on that as part of the solution.

20 Ken Brooks: Thank you, Randall. Nancy Schwieger, and she'll  
21 be followed by Marvin Greenbaum.

22 Nancy Schwieger: Okay. I agree with Randall's comments. I  
23 also live up Slab Creek Road, and in my opinion, it's not  
24 acceptable to have any kind of sewage facility, especially  
25 releasing effluent to Neskowin Creek at any time, whether it be

424

425 425. This comment was submitted as part of the written  
comment. Please refer to Response to Comment 95,  
Letter No. 22.

1 summer or winter.

2 The degradation of Neskowin Creek, it being a class one  
3 stream for fish and game, has already put restrictions on when  
4 and how people fish the creek because of years of abuse. If  
5 you are going to be doing more environmental -- the possibility  
6 of more environmental damage or significant impact would, in my  
7 opinion, possibly leave Neskowin Creek dying.

8 There's a scenic route and a bicycle route written up in a  
9 lot of books, papers, so on and so forth, saying that this is a  
10 beautiful way to see the countryside through United Nations'  
11 Bio-Reserve, which is a unique environment which Neskowin Creek  
12 is a part of. And it would be a wonderful way to drive along  
13 the sewage treatment plant for Neskowin.

14 I'm assuming -- I'm assuming that our zoning laws would  
15 change, and it would decrease our property values. Air quality  
16 and noise impacts would be significant. We live less -- or  
17 approximately a half a mile away from the proposed site, and I  
18 really enjoy getting out in the morning and smelling the fresh  
19 air, the sea air; and I'm afraid the effluent smell would  
20 definitely decrease the reason that I moved to the area, which  
21 was to get out of the core area and to enjoy a forested  
22 environment which was close to the ocean.

23 I don't think Neskowin Creek should be sacrificed so that  
24 Neskowin can have a sewer. I think Neskowin should have a  
25 sewer. I think there should be other alternatives which would

425

426

426. Please refer to Response to Comment 421, and Response to Comment 422.

427a The facilities planning process has evaluated a number of sites along with the development of the treatment alternatives. As noted in the EIS, the number of suitable sites for the proposed project is very limited. Please also refer to Response to Comment 354.

427a



1 bypass using Neskowin Creek to release effluent.

2 Ken Brooks: Thank you, Nancy. The last person I have that is  
3 signed up to speak is Marvin Greenbaum. Would anybody else  
4 like to speak after Marvin?

5 Marvin Greenbaum My name is Marvin Greenbaum. I live on Slab  
6 Creek Road, 8105 Slab Creek Road. I am a little bit  
7 embarrassed. I don't think I have too much intelligent to say  
8 about this matter, mainly, because I only learned about it's  
9 impact on me last night -- possible impact on me. I guess I  
10 consider myself a socioeconomic impact point living up Neskowin  
11 Creek, and I understand that one of the options is to put a  
12 treatment plant halfway to my home up there.

13 I have been a resident -- I have been a land owner in  
14 Neskowin since 1973 and a resident since 1980, so anybody who  
15 has been around here that long must be aware of the concerns of  
16 the Neskowin community about pollution and sewage disposal. I  
17 must say, though, that up until last night, I considered it a  
18 Neskowin Beach problem and not my own. As of last night, I  
19 think I've changed my ideas.

20 I have just a couple of points that I can make, not having  
21 very intelligent comments to make at this time. The first is  
22 that I'm dismayed that the recent proposal to place a potential  
23 treatment plant up Slab Creek Road has never even come to my  
24 attention prior to last night. Now, that may be my fault, but  
25 somehow I would see as -- that's one of the proposals that it

427 427. EPA diligently attempted to advise the Neskowin  
community of the EIS process. It is unfortunate that we  
were not effective in informing all interested parties.

1 has not been more broadly broadcast to the people living along  
2 that road is quite a concern of mine.

427

3 I don't know who -- where to place the blame for it. I  
4 assume that maybe I have to, because I wasn't more aggressively  
5 informed; but I assumed that perhaps the Neskowin Regional  
6 Sanitary Authority did not consult the people who were living  
7 along that road. I could not be informed about that.

8 I want also to point out that the -- I was involved as one  
9 of the land owners in the changing of the name from Neskowin  
10 Creek to Slab Creek Road a number of years ago in the effort to  
11 obtain a more historic connection with the people who live  
12 there with the Neskowin area. It was originally called Slab  
13 Creek -- Slab Creek, I understand. And we were instrumental in  
14 having that changed back to Slab Creek.

15 I don't know whether it's come to people's attention that  
16 there's a designation of Slab Creek as a scenic highway, and I  
17 think that would be quite important. The site, I understand,  
18 that's been talked about in one of the options is Simpson  
19 Timber Company. We all know that timber companies aren't known  
20 for their concern about scenic surroundings, for the most  
21 part. And I'm quite interested in having that considered, what  
22 impact the treatment facility would have on its -- on the --  
23 Slab Creek's scenic environment. Thank you.

24 Ken Brooks: Thank you, Marvin. Again, would anybody else --  
25 Doug?

428

428. The lagoon berms will be visible from the road.  
Appropriate landscaping should help to minimize the  
visual impact of the berms.

1 Doug Marshall: If nobody else wants to speak. You know, once  
 2 you get me turned on, you can't get me shut off; but I'd like  
 3 to talk about composting toilets and some of that if anyone is  
 4 interested.

5 Ken Brooks: I don't think -- you know, I think a better forum  
 6 might be afterwards or something. That really doesn't pertain  
 7 specifically to the draft EIS, and I think there are people  
 8 that do need to leave. We've been here for the last 2 1/2  
 9 hours. I'd like to very sincerely thank -- yes?

10 Mike Kowalski: Ken, I'd maybe make a quick statement, if I  
 11 might.

12 Ken Brooks: Okay.

13 Mike Kowalski: It just occurred to me that the Sanitary  
 14 Authority was not represented today. I made a few comments  
 15 last night, and I just wanted you to know that the Authority,  
 16 too, appreciates all of your comments and will take them into  
 17 careful consideration. We've heard a lot about what are the  
 18 negatives with the plan, and being a very comprehensive plan,  
 19 it can't be perfect. We know that.

20 I would urge you, though, as well, if there are positives  
 21 in the plan, we really need to know that, too. We need to  
 22 build on something that's generally thought to be positive in  
 23 the plan, or we have -- or we're going back to ground zero.  
 24 Thank you very much.

25 Ken Brooks: Yes, ma'am.

1 Joyce Anderson: May I say a few words?

2 Ken Brooks: Yes, ma'am.

3 Joyce Anderson: My name is Joyce Anderson, and we're a  
 4 landowner in Neskowin Heights. It's Lot 4. We've owned the  
 5 land for around 15 years, and we've waited to build for some  
 6 time, until we had the finances to do so. And for about the  
 7 last two years, we have wanted to build; and we've waited with  
 8 great expectation to hear what might come out of all of the  
 9 research being done in the last two years, and we do appreciate  
 10 that.

11 I really appreciate what the city, the town here, is going  
 12 through. I understand that totally. We lived in an area where  
 13 there were very few homes outside of Portland, and people came  
 14 and built near us, too. And I know some of what you're going  
 15 through. At the same time, I think it's hard to deny what's  
 16 going to come in this state.

17 One thing that is seen is that there will be some kind of  
 18 growth, and on the Table, I believe it was 3-43, I wonder how  
 19 much of that growth is full time or is part-time. What we  
 20 wanted to build was a small home that would be approved by an  
 21 architectural committee in this area, as we have in our area in  
 22 Happy Valley. We wanted it for a family, which is a single  
 23 family. There's three of us.

24 We just want to come here on weekends. We don't want to  
 25 disturb anybody. We like people around here. We think people

111  
1 are interesting, and we like to get to know people. We enjoyed  
2 going to a meeting the other night at the Sanitary Authority  
3 and just finding out about the area and the history around  
4 here.

5 I hope you'll consider us, too. We're part of Phase 2,  
6 and I hear a lot of comments about that; but we've waited a  
7 long time. And we'd really like a home to come to on the  
8 weekends that wouldn't be rented out and would just be for us,  
9 for the three of us. I want to thank all of you, the EPA,  
10 everyone, for all of the time that you've given to all the  
11 considerations on all of our behalf. Thank you all.

12 Ken Brooks: Thank you very much. Is there anyone else who  
13 would like to speak?

14 Ladies and gentlemen, I would most sincerely like to  
15 compliment you. I've been to a number of hearings, and I think  
16 that the people that have spoken, both this afternoon and last  
17 night, were some of the most well-informed. And I know this  
18 issue is -- there's some different opinions on it. I think  
19 you've been very tolerant and very cordial to each other, and  
20 that's to be commended.

21 If there's no one else that would like to speak this  
22 afternoon -- I said we've been going for 2 1/2 hours. I forgot  
23 the clock hasn't been set back from daylight-saving time. So  
24 it may have seemed that long, but it hasn't been quite that  
25 long. So at about 3:41, I'd like to adjourn this hearing.

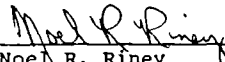
429 429. Comment noted.

CERTIFICATION

I, Noel R. Riney, a freelance court reporter and Notary Public in and for the State of Oregon, hereby certify that the transcript prepared for PUBLIC HEARINGS REGARDING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE NESKOWIN REGIONAL SANITARY AUTHORITY WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL FACILITIES, is a true and correct verbatim transcript of testimony given of the proceedings of October 27, 1990; and October 28, 1990, at the Neskowin Fire Hall.

I further certify that I am not interested in the cause, nor am I related by blood or marriage to any interested party in the cause.

Dated this 2nd day of November 1990.

  
Noel R. Riney  
My Commission Expires 5/13/94

NOEL R. RINEY REPORTING  
2013 Bayshore Drive  
Waldport, OR 97394  
(503) 563-2284