



OFFICE OF THE CITY MANAGER
City of Newport, Oregon
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MEMO

DATE: December 12, 2019

TO: Mayor and City Council

FROM: Spencer Nebel, City Manager

SUBJECT: Status Report for the Four-Week Period Ending Friday, December 6, 2019.

It is hard to believe that we are coming to a close of another year, with 2020 around the corner. 2019 has been a very robust year with significant changes on the City Council, and a lot of activity going on in the community. I appreciate the commitment and dedication that the members of the Council have in fulfilling your duties as elected officials for the City of Newport. I also want to express my appreciation for the job that our employees do in running the day-to-day operations of the City. The City organization is a very complex structure running a wide range of operations, including Police and Fire, Water, Wastewater, Water Distribution, Wastewater Collection, Storm Water, Streets, Parks and Recreation, Planning, Building Inspections, and the internal functions of government including the City Recorder responsibilities, Finance, IT, and HR. Furthermore, all of this work is done in a very open fashion and directly impacts people's lives every day in this community. While we may have the occasional hiccup in the services we provide, I really believe that on the whole we provide a very good level of service to the citizens of this community. I thank everyone for their day-to-day work, and look forward to working with everyone in the New Year. I hope everyone has an enjoyable and joyous holiday season as we close out 2019.

Highlights of activities over the last four weeks include the following:

- City offices were closed on Monday, November 11 in observation of Veterans Day.
- Held bi-monthly meetings with Jason Malloy and Lance Vanderbeck.
- Barb James, Rob Murphy and I met on issues relating to a grievance filed by the Fire union.
- Met with Wayne Belmont regarding his thoughts on the creation of a non-governmental entity to address homelessness issues in the Greater Newport Area. Wayne was expressing some caution about creating a formal 501C3 for this purpose. He was planning to share that at the first meeting of interested parties, in creating some sort of structure to carry on discussions regarding homelessness.

- Participated in a monthly lunch meeting of the Lincoln County Managers. We had discussion on the concept of merging CSC with the COG. Overall, there was general support to pursue those discussions to determine if this would be a feasible service delivery model. In addition, we discussed the concept of having some sort of county-wide housing position established, which would be jointly supported by local participatory local units of government.
- I attended the Airport Advisory Committee meeting to give a brief update on Life Flight. The Committee was appreciative of efforts taken to meet Life Flight's security concerns and to resolve the situation quickly. I also expressed my appreciation for the tenant that shared space upstairs voluntarily giving up their lease for this additional space for Life Flight.
- Participated in the first meeting of a group of stakeholders exploring the possibility of creating a non-governmental organization (NGO) to continue support for homelessness issues within the Newport area. Gail McGreenery has taken the lead to organize this effort. At this meeting, there was discussion on whether an NGO would be the appropriate step to take, with some advocating for a more collaborative body, such as the Lincoln County Affordable Housing partners. The group will meet to review this model, as well, to determine what pathway they would like to go in the future. As a City, we are participating in these discussions and providing some staffing support to keep these discussions moving forward.
- Mike Murzynsky, Steve Baugher and I met to develop materials as a result of the October Finance Work Group meeting.
- Heard a presentation from Gordian Job Procurement Services. This is a company that develops and bids, on a collaborative basis, various types of building and infrastructure work for cities to expedite the bidding process. Based on the small number of contractors, and the sporadic work that would occur on the coast, we mutually came to the conclusion that this probably is not a likely fit for the City of Newport.
- Derrick Tokos, Peggy Hawker and I met with Jim Salisbury with regard to his desire to rent the kiosk located on Urban Renewal property in South Beach. This is a building that was damaged by fire. We were going to have Joseph Lease take a look at the building to see whether or not it could be rented on a temporary basis, depending on the level of damage that was done by the fire. This building is scheduled to be torn down as part of the ODOT signal project on US 101 and redevelopment of this site.
- Participated in a Vision 2040 Advisory Committee meeting. The Committee was informed verbally that the grant request to help fund a coordinator for this effort was going to be granted by the Ford Family Foundation. This will be an important part of moving this process in a positive direction.
- Prepared agenda materials for the November 18 City Council meeting.
- Met with representatives of the Newport Employees Association (NEA) regarding travel advances and reimbursements, as well as, upcoming changes to health insurance provided by the City through CIS. CIS will be increasing deductibles and co-pays in 2021. We reviewed these changes with the Association. Members of the Association are interested in utilizing some sort of per diem system for reimbursement of travel expenses, versus submission of direct receipts. This is done in a number of organizations. We have indicated, from a policy standpoint, this is an issue that we are reviewing as part of the personnel policy rewrite, to

determine whether we want to make any changes to this process. Furthermore, Finance has made a number of changes in reviewing reimbursement requests, which the NEA wanted to better understand those changes. One problem that the Association had, was a delay in getting reimbursements. Moving forward, it is our intent to process the request in a timely fashion, and then reconcile at the end of the process, when there are questions about what is eligible for reimbursement.

- Held bi-monthly meetings with Richard Dutton and Judy Mayhew to review various issues within their departments.
- Met with Peggy Hawker to review various departmental issues.
- I was out of the office on the afternoon of Friday, November 15, for an eye appointment in Eugene.
- Held a routine Department Head meeting.
- I participated in the Council work session to discuss Sister City Committee interviews, the potential use of red-light cameras for traffic signal enforcement, and a review of modifications to the 2021 Goal Setting process.
- Participated in the November 18 City Council meeting.
- Participated in the Short-Term Rental Implementation Work Group meeting. Significant progress has been made since the July 1 implementation of the new short-term rental regulations approved by Council. There are still a number of issues that are working their way through the process to get this fully implemented. We have had a number of illegal short-term rentals identified by local citizens, and through our third-party provider, which are in various phases of enforcement. The signs have been made and installed for reporting complaints on vacation rentals to our third-party provider. This has been a big effort, but significant progress has been made, and will continue to be made, in implementing the regulations, as approved by Council.
- Met with Barb James to review concerns over a personnel issue in Parks and Recreation.
- Participated with John Lavrakas, Frank Geltner, Bob Cowen and Judy Kuhl to clean up the YBEF Operation and Policy Annex for presentation to the YBEF Board.
- Held bi-monthly meetings with Derrick Tokos, Tim Gross and Barb James.
- Held a bi-monthly meeting with Laura Kimberly to discuss Library issues.
- Participated in an Emergency Preparedness Committee meeting. We discussed the grant applications that have subsequently been approved by the City Council.
- Mayor Sawyer and I met with Joseph Longo regarding a potential upcoming film project that they would like to shoot in the Bayfront. Joseph Longo is working on his graduate thesis in a film school in New York and was checking on the types of requirements he would need to film in Newport. Our process requires a special use permit. They indicated that they would not need to shut down any streets, but may want to close off a section of sidewalk for a period of time for filming. We will review that request when it comes.
- Interviewed Mike Murzynsky on the KNPT radio show regarding the Finance Work Group efforts.
- Met with Judy Mayhew, Peggy O'Callaghan, Derrick Tokos and Tim Gross to discuss the development of better signage around the City Hall campus. This block contains City Hall, the Recreation Center, the Aquatic Center and the 60+ Center.

There have been suggestions from the Budget Committee regarding providing more visibility, particularly for the revenue generating operations of the Recreation Center and Aquatic Center from Highway 101. We discussed a number of options of identifying this complex by a common name, i.e. Newport Governmental Service Center, or something to that effect, with clear identification on a monument sign of the components of that operation. The sign would be placed at a location with good visibility from US 101. Furthermore, we would use some directional signage to direct people to parking for the facilities that are less evident from US 101 (particularly the Recreation Center and the Aquatic Center). We would like to get some estimates as a potential budget item for the 2020-2021 fiscal year.

- Met with staff to discuss final revisions to the agreement with the Lincoln County School District. We will be meeting with the District at the first of the year to finalize these agreements.
- Participated in the November 21 Finance Work Group meeting. For this meeting, I prepared various reports with Finance to continue guiding the discussion of actions relating to efforts to address the long-term structural budget deficit.
- Held a bi-monthly with Mike Murzynsky to discuss Finance Department matters.
- Toured the work completed at the skate park. This facility is a far different facility than it was prior to the work completed by Dreamland Skateparks. I appreciate the efforts of Rogue Ales and the friends of the skate park to finance the vast majority of this work. In addition, we utilized the remaining funding that was both donated and appropriated by the City Council last year. The breakdown of expenses and the donations are included in the report in the attachments.
- Met with Keith Steenson regarding various concerns he had with Airport maintenance issues, particularly wanting to know what the status is of the storm pipe under the airport. I explained that this project is proceeding with FAA funding. Apparently, Keith used to do some work at the airport in the past and was concerned about this storm sewer, as well as, other maintenance issues.
- Barb James and I spent time reviewing the employee handbook.
- Along with Mayor Sawyer, Councilors Allen, Goebel, Hall, Botello and Jacobi, participated in the rededication of the skate park. It was a very fun and entertaining rededication program with some of the experienced skate boarders demonstrating the use of various parts of this new skate park. I have driven by the skate park a number of times since the opening, and it has been amazing how much use it is getting with its new features. This area has truly been enhanced with a collaborative process with the City, private funding, donated funding, and a lot of donated labor to really transform this facility back into a very active part of our parks and recreation network.
- Councilor Goebel and I did a walk-through of Ann and Don Davis Park to determine how we can better sign the Vietnam Memorial walkway. I will be working with Newport Signs on some concepts of how to identify components of City parks. We also need signage for the Sam Moore Parkway, which is currently unsigned, as well as, for components of this park. I have been trying to utilize a uniform sign to bring about some continuity to our park system.
- Mayor Sawyer, Tim Gross, Derrick Tokos and I met with Colleen Deshazer from Verizon to discuss their desire to obtain a franchise agreement with the City of Newport. There is work that they want to do within the right-of-way to enhance services in Newport. We had an opportunity to talk to Verizon regarding 5G.

Colleen indicated that 5G on the coast is at least five years down the road. One of the issues that we will be discussing with Council in 2020, is putting ordinances in place to regulate wireless technology, which will be deployed in future years. The League of Oregon Cities is developing a model policy for this purpose. Once this is available, I think it would be in the City's best interest to put regulations in place to address the technology changes that will be facing communities across the state. With Steve Rich's illness and subsequent passing, we have been sitting on a number of franchise requests for the City. We will be meeting with Speer Hoyt to determine how we should proceed with these discussions.

- Met with Barb James to review additional parts of the employee handbook.
- Prepared agenda items for the December 2 work session and regular meeting.
- Conducted a six-month evaluation for Laura Kimberly as Library Director. I believe Laura has been an excellent addition to the City team to continue moving the Library in a positive direction.
- Participated in a phone presentation from Daniel DeRenzo from the National League of Cities Service Line Program. This program is backed by the National League of Cities with LOC also endorsing this program. This is an insurance program that residents can participate in to cover costs for water or sewer lateral line repairs or replacement. These can be very expensive replacements with property owners often not realizing that they're responsible for the sewer line connection between the home and the sewer main itself. Under this program, there is a community education component explaining property owners' responsibilities for their lateral lines, and provides individuals with an opportunity for insurance to cover that risk. I will be bringing this to the City Council for your consideration early in 2020.
- Tim Gross and I met with Wayne Belmont to discuss a number of issues. The first was in relationship to water issues at the airport. This is in regard to a possible location for a new animal shelter. The County is willing to pay a market lease price for land at the airport. To facilitate the water issues at the airport, the County would be willing to pay that lease up front to provide cash flow for addressing those water issues. The Airport Advisory Committee has had an opportunity to review this, and are supportive working with the County to find a location at the airport. The City has been working with Seal Rock to determine why there is such a drop off of water flow from the east side of US 101 to the west side of US 101. This may require water main replacement under US 101 to address this restriction.

In addition, we discussed the Oregon Coast Council for the Arts project to make the final phase improvements at the Performing Arts Center. Because of the scope of this project, Wayne (acting on behalf of OCCA) believes, and Tim concurs, that the professional contracts for design services should be a City contract. For smaller projects, we have allowed OCCA to contract directly for these services. The construction work would also be done as a City contract. Wayne has indicated that OCCA would want to get going with the design process early in 2020.

- Met with Mike Cavanaugh regarding provisions for a possible lease of the Frank Wade ball diamond to the Lincoln County School District (LCSD). These discussions are being done in advance of our next meeting with LCSD on the joint facilities use agreement.

- Met with Mike Clifford who owns a short-term rental that was operating without a license. Mr. Clifford lives in Idaho and spends some time in Newport each year, but has rented his facility out when he is not using it. He indicated that this is creating a financial hardship on his family to maintain this vacation home without rental income. The home is located within the overlay district and he is on the waiting list for a license. I indicated that since he was not licensed at the time the new ordinances were put into place, the only option he has at this time is to wait until a slot becomes available to apply for a license. He communicated he may want to appeal this issue with the City Council.
- Met with various staff on centralizing our inspection and monitoring of fire alarms and suppression systems in all City facilities. This has been an ongoing discussion with a number of issues that complicate the streamlining of this process. In a number of facilities we have, systems can only be maintained by a specific company. Our effort will be to streamline this to the extent possible and have an understanding what other maintenance issues will be required for those systems which require maintenance from a specified vendor.
- City Hall was closed in observance of Thanksgiving on Thursday, November 29 and Friday November 29.
- Held a routine department head meeting.
- Participated in a work session with the City Council to discuss the schedule for Council meetings and efforts to complete the work of the Council in a shorter period of time. The general consensus was that the work session should continue at 4 PM on the day of the Council meetings, but there should be a 15-minute break between the work session and the regular Council meeting. There was discussion on trying to make the regular meeting more efficient for folks that attend because of public hearings or presentations to the Council. There was also discussion on whether there should be limitations on discussion of agenda items. It was also discussed that when there is a large group in the room speaking on a particular item, that the public hearing time for each participant could be shortened. This would be based on the number of individuals signed up to speak on an item. This would be a decision made by the Mayor. Furthermore, we will stipulate a time limit for presentations to the Council. We will take a look at potential modifications to the agenda format to help implement some of these ideas.
- Met with Mayor Sawyer and Council President, David Allen, to review the evaluation compiled from the City Council members. I appreciate all of the comments that were made in the written evaluations. A final report will be compiled and presented to the Council for concluding this evaluation cycle on January 6. Based on discussions with Council President Allen and Mayor Sawyer, we will schedule an executive session at the January 6 work session to conclude discussions that were cut short on the December 2 Council meeting. This will be part of the work session on January 6.
- Participated in our first annual tree lighting ceremony. It was a fun event and the tree adds to the holiday spirit as you drive by City Hall at night. I want to thank the Chamber for providing the cookies and thanks to the Oregon Coast Chorus for providing some holiday music for this ceremony.
- Participated in the regular December 2 City Council meeting.
- Attended a Parks and Recreation staff meeting.

- Met with Andrew Grant and Tim Gross regarding biosolids at the wastewater treatment plant. We are evaluating options for additional testing to confirm earlier tests that the placement of Class A biosolids is not having a detrimental impact on the Siletz River. I've also attached a report from the DEQ for the Council's review regarding biosolids and the Siletz, as well.
- Held bi-monthly meetings with Derrick Tokos, Tim Gross, and Barb James.
- Participated in a conference call with Mark Wolf of Speer Hoyt, regarding upcoming mediation between the Newport Employees Association and the City to complete that contract. Following mediation in January, I will schedule an executive session to brief the Council where the City and the NEA stand in completing negotiations on a contract, if it is not resolved during mediation.
- Participated in a Yaquina Bay Managers meeting hosted by the Oregon Coast College president, Dr. Birgitte Ryslinge. One of the issues that we discussed among the managers, is the opportunity to evaluate the role of the Lincoln County Economic Alliance with the upcoming retirement of Caroline Bauman. There is a general consensus that this is an opportunity to determine how the Alliance and the funds spent on economic development can best be used in the future.
- Peggy Hawker, Cheryl Atkinson and I met to compile a list of franchise issues to forward to Speer Hoyt, in preparation for a teleconference with Mark Wolf.
- Met with Councilor Hall, Peggy Hawker and Richard Dutton regarding web-based communications. Councilor Hall is advocating the use of any email databases we have for expanding the distribution of our E-blast and other communications. We were hesitant to do this in the beginning, until we had confidence that we could sustain the E-blast going forward. We are up to over 800 email subscribers to the newsletter. In addition, we discussed creating easy access using QR Codes for online access for various issues, including the E-blast, meeting notices, and other items. Information on accessing E-blast and meeting notices will be placed on our service counters and at Council meetings. Furthermore, we will be making changes to our website to make this information easier to access.
- Met with Peggy Hawker, Gloria Tucker, and Richard Dutton regarding components that are available in Granicus that may either replace or supplement access for folks to get notices on agendas from what we currently do on our website. We will be evaluating how this fits in to our overall access to this information.
- Participated in the monthly YBEF meeting. YBEF has been going through reorganizational issues to try to better meet the needs of the YBEF members and its mission as a group to foster the development opportunities in the Yaquina Bay area. The Board adopted the policy annex. This will now accompany the bylaws that were adopted earlier by the Board to create some structure and instructions, to maintain continuity with the changes in leadership that YBEF has experienced, particularly, since the Chamber serves as the secretary for the organization. I think we are getting things back on track, and the focus in the upcoming year will be to bring in various people to discuss specific future economic issues within the Yaquina Bay area. The January meeting will focus on Toledo, Georgia Pacific, and the Port of Toledo.
- Mayor Sawyer, Peggy Hawker and I discussed putting together a bid for the 2021 Oregon Mayors Association Conference, here, in Newport. The Association is asking for proposals for locations. Since we are fresh off the OCCMA's Summer Conference, and Peggy has hosted, and will be hosting in 2021, the Oregon

Association of Municipal Recordors Conference in Newport, we would be in a good position to host the Oregon Mayors Association, as well. Unfortunately, the conference will be held in North Bend for 2020, so that may be a strike against Newport, since it will be coming back to the coast in 2021. We will see what happens!

Mike Murzynsky and I participated in a teleconference with Ross Williamson on steps to clean up the Room Tax Code provisions. This is something that will come back to Council early in 2020 for review and ultimate approval.

- Peggy Hawker, Jason Malloy and I met regarding the Council goal to establish a youth council. We have collected some information and will be reaching out to LCSD to discuss these concepts prior to presenting anything to the Council.
- Derrick Tokos, Jason Malloy and I met regarding issues that have to be addressed to facilitate car camping in the City. Furthermore, we have had discussions regarding our legal limitations on enforcing illegal camping on public property. This is an ever-changing field. The Boise Federal Appeals Court decision may be considered by the US Supreme Court to provide guidance on these legal issues that have complicated the enforcement of camping issues in local cities across the country.
- Reviewed nominations for our employee award and finalized the program for the Employee Appreciation Dinner which is taking place Friday, December 13.
- I was out of the office on the afternoon of Friday, December 6 to spend time with family visiting from Green Bay, WI. It always fun to play tourist in Newport, especially when the weather is not too bad!

Upcoming Events:

- The Employee Appreciation Dinner will take place Friday, December 13, at the Best Western. Please RSVP Melanie if you are able to attend.
- I will be participating in the interview panel for the League of Oregon Cities for the Manager of Membership Services on Monday, December 16 in Salem.
- I will be taking vacation from December 18 through December 27 to head to Michigan for the holidays. Peggy Hawker will be Acting City Manager during this time.
- City Hall will be closed beginning at noon on December 24 and 25 for the Christmas Holiday.
- City Hall will be closed January 1, 2020 for the New Year's Holiday.
- The first Council meeting of the New Year will be on Monday, January 6, 2020.
- Council Goal Setting will be January 13, 2020 from 9 AM- 3 PM
- I will be attending the OCCMA Board meeting in Salem on January 31.
- Annual joint work session with Lincoln County February 12, 2020 at 6PM in Council Chambers.
- Preliminary Budget Committee meeting is March 3 at 6 PM.
- I plan to attend the NW Regional Managers meeting in Vancouver, WA from March 18-20.
- The first Budget Committee meeting is April 21 at 5 PM
- The League of Oregon Cities Spring Conference is April 24 in Hermiston. Please let Peggy know if you plan to attend.

- The second Budget Committee meeting is May 12 at 5 PM.
- The third Budget Committee meeting is May 19 at 6 PM.
- I plan to attend the OCCMA Summer Conference in Bend from July 7-10.
- I plan to attend the Annual ICMA Conference in Toronto, Ontario, from September 23-26.
- The LOC Annual Conference will be October 14-16 in Salem. Please let Peggy know if you plan to attend.

Attachments:

- ✚ Attached is an email to Mona Linstromberg, Carla Perry, and Dharma Tamm regarding scheduling of the hearing to reconsider the appeal regarding the room tax for Rogue Ales.
- ✚ Attached is an email indicating the season summary for the cigarette butt collection tubes that were installed in various locations in the community. With this program sponsored by Surfrider, we reduced a lot of cigarette butts that might have been otherwise improperly disposed of.
- ✚ Attached is a report from Tim Gross regarding the Rogue Brewery wastewater violations and fines. As you are aware, Rogue has not been able to meet pH and BOD requirements discharged into the sanitary sewer system. Rogue pays an additional surcharge on their sewer bill for the high strength wastewater, but until a monitoring station was required by the City with the last Rogue expansion, the extent of these impacts was not known. We have been monitoring the situation, and as a result, have required Rogue to pretreat their wastewater. When Rogue didn't meet the compliance schedule provided, the City instituted fines to Rogue for the days violations exceeded discharge limits. Rogue is currently installing a new system to try to address the pH issues, and they are asking for a compliance agreement from the City to address the biological load discharges. As part of a compliance issue, we are utilizing a DEQ-type agreement with a compliance plan and schedule. A portion of the fines charged, will be held in abeyance to encourage the necessary investment to bring Rogue's discharge into compliance. This agreement is currently in negotiations between the City and Rogue. At this point, Rogue seems committed to addressing the issue. From a City standpoint, the most critical issue is reducing the load on the wastewater plant to allow our operations to function without the necessity to expand the plant.
- ✚ Attached is a breakdown of expenses and contributions made for the upgrade of the skate park. The source of revenues for these improvements are on the bottom of the attached sheet, with Rogue contributing about \$35,000, \$4,900 coming from funds that were donated to the City, residual City funds from the last skate park project, and additional contributed funds held by Surfrider in the amount of \$4,600. In addition, Dreamland discounted their labor substantially in order to complete this work at the skate park.
- ✚ Attached is the program for the skate park rededication. This was a truly fun event and had good participation from the community.
- ✚ Attached is a letter from the Lincoln County Board of Commissioners requesting the annual joint meeting between the City and Lincoln County. This is set for one hour beginning at 6 PM at Newport City Hall on February 12.

- ✚ Attached is a response from the Department of Environmental Quality regarding the Council work session held September 3 with representatives from the Save our Siletz group. The letter outlines the department's position on the use of Class A biosolids on agricultural lands in the Siletz area. DEQ has indicated that the properly managed biosolids from the City of Newport are not impacting the Siletz River.
- ✚ Attached is a letter indicating that Derrick Tokos has been appointed by the Department of Land Conservation and Development to participate on implementation created pursuant to HBs 2001 and 2003, to deal with increasing the supply of housing, specifically middle housing, in communities throughout the state. Derrick has been appointed as a small city representative to this process.
- ✚ Attached is a letter from NW Natural Gas regarding the role they are playing in moving future of the region to low-carbon renewal energy.
- ✚ Attached is a letter from an individual from Columbus, Georgia encouraging the City to resume commercial air service to the airport.
- ✚ Attached is a note from Patti Littlehailes thanking me for my presentation to the P.E.O.

I hope everyone has an enjoyable holiday season and I am looking forward to working with Council and Department Heads in 2020.

Respectfully submitted,



Spencer R. Nebel
City Manager

cc: Department Heads

Spencer Nebel

From: Spencer Nebel
Sent: Tuesday, December 03, 2019 12:53 PM
To: 'Mona Linstromberg'; carla perry; 'dharmat@rogue.com'
Cc: Michael Murzynsky; 'Ross Williamson'; 'mmerritt@rogue.com'; 'Catalano Law P.C.'; City Council
Subject: Reconsideration

To Mona Linstromberg, Carla Perry and Dharma Tamm:

On December 2, 2019, the City Council voted five to two vote to reconsider the motion made on November 18 which dismissed the appeal by Mona Linstromberg and Carla Perry regarding the room tax determination made by the tax administrator for the vacation rentals owned and operated by Rogue Ales. The motions as included in the draft minutes are as follows:

MOTION was made by Jacobi, to add to agenda to reconsider appeal of room lodging tax, seconded by Botello. Unanimous.

MOTION was made by Jacobi, seconded by Botello, to reconsider the appeal of the Rogue Ales lodging tax November 18 determination.

MOTION was made by Allen, seconded by Hall, to schedule a Jan. 6, 2020 hearing on the reconsideration of the council decision from Nov. 18, 2019, in which the council dismissed the appellants' room tax appeal for Rogue Ales, and to also reconsider the order that was signed in support of the motion for dismissal on Nov. 18, 2019.

As a result of these actions, a hearing has been scheduled for January 6, 2020 at 6:00 pm in the City Council Chambers to reconsider the actions taken on November 18 regarding this appeal. The order signed by Council President David Allen and forwarded to the parties of the appeal will stand unless the Council repeals the order following the January 6, council hearing and issues a different order regarding disposition of the appeal. I will be forwarding additional information regarding the appeal in a later email, but I wanted to give timely notice of this hearing.

Spencer R. Nebel

City Manager
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Spencer Nebel

From: Newport HOTYB <hotyb@newport.or.surfrider.org>
Sent: Saturday, December 07, 2019 6:33 AM
To: Spencer Nebel
Subject: Re: FW: Butts, butts, butts

Please excuse MY tardy reply!

Thanks for the excellent reporting. The 10th canister is on the top of the stairs to Agate Beach. I didn't see it in the report. The Rec Center desperately needs one .

Have a wonderful December however you celebrate it!

Your fan,

Joie Harrington

Secretary Newport Surfrider

On Mon, Dec 2, 2019 at 8:03 AM Spencer Nebel <S.Nebel@newportoregon.gov> wrote:

Hi Joie:

I apologize for getting this to you late, but in the email chain there is information about cigarettes butts collected over a two period from the Surfrider canisters. The canister were put into place in early May. We did not track collections through the summer. I think for reporting purposes, it would be fair to use this last collection as basis for the season. (i.e. 12 (two week periods) X Volume Collected for the two week period ending Monday November 25. This should be a conservative number since the summer months likely contribute more butts to the can than this time of year. These would be the season results based on the above methodology.

1. Jump-off-Joe $\frac{1}{2}$ Cup X 12 = 6 cups
2. Sam Moore Skate Park 10 cig. Butts X 12 = 120 cig butts
3. Ernest Bloch $\frac{1}{3}$ Cup X 12 = 4 cups
4. Port Dock 1 Restrooms $2\frac{1}{2}$ Cups X 12 = 30 cups
5. Vietnam, trail @ Davis Park $\frac{1}{3}$ Cup X 12 = 4 cups
6. In front of Bayfront Market $3\frac{1}{2}$ Cups X 12 = 42 cups
7. Bayfront Restrooms 3 Cups X 12 = 36 cups
8. Nye Beach restroom $\frac{3}{4}$ Cup X 12 = 9 cups
9. Ramp to beach @ Nye Beach parking lot 1 Cup. X 12 = 12 cups

I am sorry for not collecting the data as we had talked about in the spring. Can you send me the format that you would like to use going forward in the future to Jim and myself?

City of Newport

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Memo

To: Spencer Nebel, City Manager

From: Timothy Gross, Director of Public Works/City Engineer

Date: 12/6/2019

RE: ROGUE BREWING COMPANY WASTEWATER VIOLATIONS AND FINES

The Rogue Brewing Company discharges an average of 21,000 gallons of industrial wastewater to the City of Newport's sanitary sewer system every day. For several years City staff was aware that Rogue's wastewater discharge was exceeding limits of NMC 5.15 due to observations of damage to downstream infrastructure and process problems at the wastewater treatment plant but because regular monitoring was not available, the full extent of the issue was unknown. In 2017 the City required Rogue to install a wastewater monitoring station as part of a facility expansion.

The monitoring station is managed by the City and tracks volume, biological oxygen demand (BOD), pH, total suspended solids (TSS), and temperature from composite samples representing all of the waste discharged by Rogue to the City system. NMC 5.15 regulates sewer discharge limits as follows:

pH: >5.5 to < 9.0
5 day BOD: <300 ppm (mg/l) (parts per million/milligrams per liter)
TSS: <350 ppm (mg/l)
Temperature: <150 deg. F.

Monitoring station data indicates that Rogue is regularly discharging waste across the full pH range from 1 to 14, with daily BOD's averaging 3,000 ppm and temperatures as high as 156 deg. F.

Using the month of October 2019 as a typical example. Rogue discharged an average of 680 lbs. of BOD which constituted 19% of plant loading on average. However October 3rd Rogue discharged 1889 lbs. of BOD representing 61% of that days BOD loading. These peak events occur without warning and drastically affect the treatment plant processes. For TSS the Rogue represents a small portion on plant loading, 3% on average 10% of loading max. The TSS limits are within the permit in order to ensure that if Rogue implements a biological control system that they may not simply convert soluble BOD into TSS and discharge it to the sewer.

On August 30, 2017, the City officially notified Rogue Brewery of ongoing discharge violations and established dates that they were required to come into compliance. Wastewater effluent from

Rogue was required to meet pH requirements by March 1, 2018, and BOD requirements by January 1, 2019. Beginning in June of 2018, Rogue began receiving fines for discharge violations of \$500 per day, and beginning in June of 2019 Rogue began receiving fines of \$500 per violation per day. Even with continued and increasing fines, the wastewater effluent from Rogue has not improved.

NMC section 5.15.060.F gives the Public Works Director authority to adopt additional regulations consistent with the sewer code and section 5.15.065 requires all non-domestic users of the City sewer system shall comply with industrial pretreatment standards of 40 CFR Chapter 1 Part 403. Therefore because of the significant impact of the Rogue Brewery on the City of Newport's sewer system, the City has issued an industrial user permit to Rogue Brewery as a compliance mechanism establishing revised discharge requirements, timeframes for compliance, notification requirements, sampling standards, and fines for non-compliance. This permit was issued to Rogue effective August 1, 2019.

This permit (attached) varies from the municipal code in two ways. First, DEQ requirements dictate that minimum penalties begin at \$1,000 per day which is **higher** than the \$500 per day identified in NMC 5.15. Second, the discharge requirements are **less restrictive** than Municipal Code. The discharge limits in the permit were defined based upon what the wastewater treatment plant and collection infrastructure can support without process problems or infrastructure damage.

To date, Rogue Brewery has received \$241,000 in fines in 2019, which are summarized as follows:

Month	Rogue Violation Fines					Total 2019 Violations Fines
	Daily (2,200 mg/L)	BOD Weekly Avg (1,900 mg/L)	pH (<6.0, >10.0)	Daily (1,000 mg/L)	TSS Weekly Avg (1,000 mg/L)	
19-Feb	-	-	\$1,000	-	-	
19-Mar	-	-	\$500	-	-	
19-Apr	-	-	\$11,000	-	-	
19-May	-	-	\$14,000	-	-	
19-Jun	-	-	\$12,500	-	-	
19-Jul	\$11,500	-	\$15,500	-	-	
19-Aug	\$20,000	\$4,000	\$30,000	\$1,000	-	
19-Sep	\$23,000	\$4,000	\$28,000	\$1,000	-	
19-Oct	\$26,000	\$4,000	\$30,000	\$4,000	-	
19-Nov						
Total	\$80,500	\$12,000	\$142,500	\$6,000		\$241,000

In May of 2019, Rogue first submitted plans for a pretreatment process. Initial review by the City's wastewater engineer, Brown and Caldwell, indicates that the system does not include sufficient infrastructure to reduce BOD loadings but will address pH balancing. Rogue's design of this system is ongoing.

The City has received a request from Rogue for fine relief, and Public Works staff have been working with the City's attorney to draft a compliance agreement that will provide relief from future fines if Rogue implements a successful pretreatment program in a specified timeframe. This agreement is still in draft form pending additional discussions with the City Attorney and has not yet been distributed to Rogue for their review.

INDUSTRIAL USER PERMIT

In accordance with the provisions of Chapter 5.15.060 of the City of Newport Municipal Code or as amended, Rogue Ales and Spirits aka Oregon Brewing Company (Herein known as Permittee), Address: 2320 SE Marine Science Drive, Newport, OR 97365, is hereby authorized to discharge wastewater from the above identified facility, and through the discharge points identified herein, and into the City of Newport public sanitary sewer system in accordance with the conditions set forth in this permit.

Compliance with this permit does not relieve the Permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit. Noncompliance with any term or condition of this permit, or any compliance schedule, shall constitute a violation of Chapter 5.15.060 of the City of Newport Municipal Code.

This permit is effective on August 1, 2019 and will expire on July 30, 2024. Discharges not identified in the Application may be cause for enforcement as identified in the following paragraph.

In no case shall this permit be transferred to another owner, partnership or corporation without prior written permission from the City. Permittees wishing to transfer a permit to a new owner must notify the City in writing at least 90 days in advance of any anticipated transfer. Written notification must include information by the new owner which certifies the new owner's intent not to change the facility's operations or processes; identifies the specific date on which the transfer is to occur; and acknowledges full responsibility for complying with the wastewater discharge permit.

A Permittee may be required to re-apply for an Industrial Waste Discharge Permit at least 90 days prior to the expiration date,

PART 1 EFFECTIVE DATES AND SAMPLING POINTS

- A. During the period of August 1 2019 to July 31, 2024, the permittee is authorized to discharge process wastewater to the City of Newport's sewer system from the sampling points listed below.

TABLE 1. SAMPLING POINTS.

Table with 2 columns: Sampling point, Description. Row 1: Sample point #1 (point of city testing), Rogue Ales Sample Shed. Row 2: Sample point #2 (point of permittee testing), Last pump-out tank prior to wastewater going to Sampling point # 1.

PART 2 STATEMENT OF NON-TRANSFERABILITY

- A. In no case shall this permit be transferred to another owner, partnership or corporation without prior written permission from the City. Permittees wishing to transfer a permit to a new owner must notify the City in writing at least 90 days in advance of any anticipated

transfer. Written notification must include information by the new owner which certifies the new owner's intent not to change the facility's operations or processes; identifies the specific date on which the transfer is to occur; and acknowledges full responsibility for complying with the wastewater discharge permit.

PART 3 EFFLUENT LIMITATIONS

- A. Discharge from the sampling points listed above shall not exceed the following effluent limitations. Effluent limitations consist of the most stringent of all effluent limitations listed below as well as all applicable general, specific, categorical, and/or local limitations

TABLE 2. EFFLUENT LIMITATIONS.

Parameter	Units	Sampling point	Daily Max	Weekly Average
BOD	mg/L	Sampling point #1 and #2	2,200 mg/L	1,900 mg/L
BOD	lbs/day	Sampling point #1 and #2	500lbs/day	450lbs/day
TSS	mg/L	Sampling point #1 and #2	1000 mg/L	1000 mg/L
pH	Range	Sampling point #1 and #2	6.0-10.0	6.0-10.0
Flow	gpm	Sampling point #1 and #2	N/A	N/A

BMP Requirements (if applicable): NA

A significant increase in production may require additional storage capacity per City of Newport Municipal Code Chapter 5.15.060 : Each user discharging into the sewage system more than 25,000 gallons per day or more than two percent of the average daily flow into the sewage system, whichever is less, shall install and maintain, on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow over a 24-hour period. The facility shall have a capacity for at least 50 percent of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, and shall be regulated as directed by the City. A wastewater discharge permit may be issued solely for flow equalization.

1. General Prohibitions:

The Permittee shall not discharge, cause or permit to be discharged, directly or indirectly, any pollutant or wastewater, which will cause interference or pass through at the treatment plant(s). These general and specific prohibitions apply to all users of the City's wastewater system whether or not they are subject to Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.

2. Specific Prohibitions:

Per 40 CFR Part 403.5(b) and the City of Newport Municipal Code Chapter 5.15.060 , or as amended, the Permittee shall not discharge wastewater containing any of the following prohibitions from any of their permitted sampling points to the city sewerage system :

- a. Flammable or explosive materials with a closed cup flashpoint of <140°F
 - b. Corrosive materials with a pH < 6.0 or caustic materials with a pH > 10.0.
 - c. Solids (greater than ½ inch in any dimension) or viscous materials which will obstruct flow in the Publicly Owned Treatment Works (POTW)
 - d. Any pollutant, including oxygen demanding pollutants (COD, BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW
 - e. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.
 - f. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 77 degrees Fahrenheit (25 degrees Celsius) unless the DEQ, upon the request of the City, approves alternate temperature limits not to exceed 104 degrees.
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems
 - h. Trucked or hauled pollutants
3. Categorical Standards:

Classification of Categorical/Sub-Categorical Standard that applies: NA
 Classification as New/Existing: NA

4. Local Limits:

Local limits are established by 40 CFR 403, or as amended by State and Federal regulations.

PART 4 MONITORING AND REPORTING REQUIREMENTS

A. Sampling and Effluent Monitoring:

The permittee shall monitor and report the information from the above-identified sampling points for the following parameters, at the indicated frequency.

TABLE 3. SAMPLING AND MONITORING REQUIREMENTS.

Parameter	Units	Sampling point	Frequency	Sample Type
BOD	mg/L	Sampling point #2	Daily	Composite
TSS	mg/L	Sampling point #2	Daily	Composite
pH	Range	Sampling point #2	Continuous	pH meter
Flow	gpm	Sampling point #2	Continuous	Flow meter

1. All collection, preservation, handling, and laboratory analysis shall be performed in accordance with 40 CFR Part 136 and amendments thereto, unless specified otherwise in this permit. If a commercial laboratory performs sampling and/or analysis on behalf of the permittee, it is the permittee's responsibility to ensure that all sampling and analyses are performed in accordance with 40 CFR Part 136, or as otherwise specified.
2. In the event compliance monitoring shows any constituent regulated under local limits not otherwise specified in this permit to be approaching the limit, additional sampling and testing will be required to assure continued compliance with 40 CFR Part 403.

B. Reporting and Notification Requirements:

1. All reports required by this permit shall be submitted to the City of Newport at the following address:

City of Newport
 ATTN: Industrial Pretreatment
 169 SW Coast Hwy
 Newport, OR 97365

Or emailed to:
wwpermits@newportoregon.gov

2. Industrial Wastewater Discharge Application:

At least 90 days prior to commencement of discharge, new sources, including existing users which have changed operations or processes so as to become new sources shall be required to submit a Baseline Monitoring Report (Industrial Wastewater Discharge Permit Application) per the requirements in 40 CFR Part 403.12(b). The City may also request new Applications if facility changes are of a

magnitude that warrant additional or updated information on the processes, ownership, or use.

3. Periodic Compliance Reports:

Any Permittee subject to sampling, testing and reporting schedules set out in the permit shall submit Periodic Compliance Reports per 40 CFR Parts 403.12(e) and (h). The reports are due on the fifteenth (15th) day of the month following discharge and shall indicate the volume, nature and concentration of all pollutants in the effluent for which sampling and analyses were performed during the calendar month preceding the submission of each report. This includes the measured highest single daily value (Daily Maximum) and the 30 day average of total monthly flows (Monthly Average) flows. All reports shall be submitted to the City as requested.

If the Permittee subject to reporting requirements in 40 CFR 403.12(e) (Periodic Compliance Reports) monitors any regulated pollutant more frequently than required by the City, using the procedures specified in 40 CFR Part 136, and from Sampling location #2, the results of this monitoring shall be included in the compliance report.

4. Accidental Discharges, Slug Loads, or Spills:

- a. The permittee shall notify the City of Newport immediately upon the occurrence of any accidental discharge of substances prohibited by City ordinances or any slug loads or spills that may enter the public sewer which has the potential to disrupt the City of Newport sewer treatment process and/or endanger the health and safety of City employees. The notification shall include location of the discharge, date and time thereof, type of waste including concentration and volume, and corrective action taken to mitigate the issue in the future. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, state, or federal laws.

Wastewater treatment plant 541-574-3372, after hours 541-961-9002

- b. Within five days following an accidental discharge, the permittee shall submit to the City of Newport a detailed written report. The report shall specify:
 - i. Description of the cause of the upset, slug load, or accidental discharge; the cause thereof; and the impact on the permittee's compliance status. The description should also include location of the discharge, type, concentration, and volume of waste.
 - ii. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
 - iii. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

6. Notice of Violation:

If the results of the permittee's wastewater analysis indicates that a violation of this permit has occurred, the permittee must inform the City of Newport within 24 hours and repeat the sampling and pollutant analysis as soon as directed to do so by the City and submit, in writing, the results of this second analysis within 7 days of becoming aware of the violation.

7. Notification of Changed Discharge:

- a. The permittee shall immediately notify the City of any substantial change in the volume or character of pollutants in their discharge as soon as possible, including the listed or characteristic hazardous wastes for which the permittee has submitted initial notification under 40 CFR 403.12(p).
 - b. The Permittee shall immediately report any significant changes (permanent or temporary) to the premises or operations that cause substantial changes in production, volume or character of the wastewater discharge (including slug loading), or deviates from the terms and conditions of this permit, per the requirements in 40 CFR Parts 403.12(j) and 403.6(c)(7). Unless emergency situations prevail, the City requires that changes be reported prior to being implemented. Permit violations may occur if notification requirements are not followed.
 - c. The permittee shall give advance notice to the City of Newport of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
8. The permittee shall give notice to the City of Newport 90 days prior to any facility expansion, 15 days prior to any production increase, or process modifications which result in new or substantially increased discharges or a change in the nature of the discharge. In addition, permittees who have permit limitations calculated from a production based standard shall notify the City within two (2) business days after the permittee has a reasonable basis to know that the production level will significantly change within the next calendar month. Any permittee not notifying the City of such an anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of long term average production rate.
9. A permittee under a compliance schedule shall submit an update on compliance schedule progress with each periodic monitoring report.
10. Signatory Requirements and Certification Statement: The signed certification statement defined in 40 CFR Part 403.6(a)(2)(ii) shall accompany all reports and testing results submitted by any permittee. All reports submitted by Significant

Industrial Users shall be signed per the signatory requirements in 40 CFR Part 403.12(l).

- a. Notification of Flow Meter Malfunction or Reset The Permittee shall notify the City of Newport within 24 hours of becoming aware of a flow meter malfunction. The Permittee shall notify The City of Newport prior to reset, in the event the flow meter needs to be reset as a result of a malfunction.

C. Recordkeeping

1. Any Permittee subject to reporting requirements in 40 CFR Part 403.12 shall retain and preserve all records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of the Permittee in connection with its discharge. Such records shall be subject to review by the City, and shall include for all samples:
 - a. The date, exact place, time, and methods of sampling or measurements, and sampling preservation techniques;
 - b. Who performed the sampling or measurements;
 - c. The date(s) the analyses were performed;
 - d. Who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
 - g. Any BMP requirements and records/logs related to BMP requirements.
 1. The Permittee shall retain for a minimum of five years all such records defined above, and shall make such records available for inspection and copying by the City, the DEQ Director and the EPA Regional Administrator. This period may be extended by the request of the City, the DEQ Director or the EPA at any time. All records that pertain to matters which are the subject of special orders or any other enforcement or litigation activities brought by the City shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
 2. For any information faxed or e-mailed to the City, the original shall be retained on the Permittee's premises for a minimum of five (5) years; or the original may be mailed to the City as a follow-up to the fax or e-mail. This section does not supersede the other requirements of this permit.

PART 6 APPLICABLE CIVIL AND CRIMINAL PENALTIES

- B. Nothing in this permit shall be construed to relieve the permittee from its obligation to comply with any or all applicable pretreatment regulations, standards, or requirements under local, State, and Federal Laws, including any such regulations, standards, requirements, or laws that may become available during the term of this permit.
- C. Noncompliance with any term or condition of this permit, or any compliance schedule, shall constitute a violation of Chapter 5.15.060 of the Newport Municipal Code and may be grounds for administrative action or enforcement proceedings, including civil or criminal penalties (minimum pursuant to [40 CFR 403.8(f)(1)(vi)] maximum pursuant to [ORS 468.130(1)]), injunctive relief, and summary abatement, as identified in Chapter 5.15.060 of the Newport Municipal Code, or as amended. The permittee may also be subject to sanctions under state and / or federal law.
- D. In addition to civil or criminal liability, the permittee violating any of the provisions of the permit or the Newport Municipal Code, or causing damage or otherwise inhibiting the City of Newport wastewater disposal system shall be liable to the City of Newport for any expense, loss, or damage caused by such a violation or discharge. The City of Newport shall bill the permittee for the costs incurred by the City for any cleaning, repair, or replacement work caused by the violation of this permit,. Refusal to pay the assessed costs shall constitute a separate violation of this permit.
- E. Falsifying Information or Tampering with Monitoring Equipment- Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate may result in punishment under criminal laws of the City, as well as being subject to civil penalties and relief.

PART 7 SPECIAL CONDITIONS

- A. Engineering Report – A report describing Permittee's plan to meet the permit conditions shall be submitted to the City prior to construction.
- B. Slug Control / Accidental Spill Prevention Plan – A plan describing how the Permittee intends to prevent discharge of hazardous materials and slug loads to the City of Newport sewer system shall be submitted to the City within 90 days of the effective date of this permit.
- C. Compliance Schedule - A schedule that lays out implementation of the pretreatment system after approval of the Engineering Report shall be submitted to the City within 30 days of approval of the Engineering Report.
- D. O&M Manual- Describing the operation and maintenance of the engineered treatment system shall be submitted to the City within 30 days of system start up.

- E. Within 90 days following the date for final compliance with an applicable Categorical Pretreatment Standard, or, in the case of a new source, within 90 days following commencement of the introduction of wastewater into the sewer system, the Permittee subject to Pretreatment Standards and Requirements shall submit to the City a Report On Compliance (ROC) as required in 40 CFR 403.12(d) in order to determine compliance status. This report must contain the same information as outlined 40 CFR 403.12(b),

PART 8 STANDARD CONDITIONS

A. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

B. Permit Modification

The City reserves the right to amend any Wastewater Discharge Permit issued hereunder for good cause including, but not limited to the following:

1. To incorporate any new or revised local, State or Federal pretreatment standards or requirements;
2. Alterations or additions to the Permittee's operations, processes, discharge volume or characteristic not considered in drafting the original permit;
3. A change in any condition at the Permittee's facility or the Publicly Owned Treatment Works (POTW) requiring a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the POTW's collection or treatment systems, personnel or receiving waters;
5. Violation of any terms or conditions of the permit;
6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or any required reporting;
7. Revision of, or a grant of variance from applicable categorical standards per 40 CFR Parts 403.13, 403.6(e) or 403.15;
8. To correct typographical or other errors in the permit;
9. To reflect transfer of the facility ownership and/or operation to a new owner/operator;
10. Upon request of the permitted Industrial User, provided the request does not violate any requirements, standards, laws, rules or regulations;

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changed or anticipated noncompliance, does not stay a permit condition.

C. Duty to Reapply

The permittee must apply for reissuance by submitting a complete permit application in accordance with City of Newport Municipal Code Chapter 5.15.060 a minimum of 90 days before the expiration of the existing permit.

D. Dilution

The permittee shall not increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this discharge permit or any City Code, or in lieu of proper disposal of any material as solid waste. The City may impose mass limitations on dischargers, which in its judgment appear to be using dilution to meet applicable pretreatment standards or requirements of this section or in cases where the imposition of mass limitations is otherwise deemed appropriate by the City.

E. Representative Sampling

Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit, and unless otherwise specified, before the permitted discharge joins or is diluted by any other waste streams, body of water or substance. Samples must also be taken in accordance with 40 CFR Part 136 methodology.

All equipment used for sampling and analyses must be routinely calibrated, inspected and maintained to ensure its accuracy. Monitoring points shall not be changed without notification to, and prior City approval.

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

The green sample shed in the parkway is owned and operated by the City of Newport. It intercepts flow from the Permittee service lateral and discharges back into the Permittee service lateral. Service laterals are owned and maintained by the property owner. The Permittee will not have access to the sample shed.

F. Analytical Methods to Demonstrate Compliance

All sampling and analysis required by this permit must be performed in accordance with the techniques prescribed in 40 CFR Part 136 and the amendments thereto, otherwise approved by the EPA, or as specified in this permit.

G. Inspection and Entry

The City may inspect the facilities of any Permittee to determine compliance with the requirements of the City rules and regulations. The Permittee shall allow the City or its representatives to enter upon the premises of the Permittee at all reasonable hours without being unreasonably detained (not to exceed 15 minutes) and without prior notification by the City, for the purposes of inspection, sampling, and records examination and copying. The City shall have the right to set upon the Permittee's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Unusual clearance requirements for purposes of security may be considered unreasonable for purposes of this section.

H. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

I. Bypass and Upsets

1. **Bypass:** The intentional diversion of one or more waste streams or processes from any portion of the Permittee's treatment facility is prohibited per the City of Newport Municipal Code Chapter 5.15.060 .
2. **Upsets:** An "upset", and an affirmative defense for such, shall not be allowed under circumstances where non-compliance has been caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. In case of an upset or upon reduction, loss or failure of its treatment facility, the permittee shall control production and/or all discharges to the extent necessary to maintain compliance with applicable pretreatment standards until treatment is restored or an alternative method of treatment is provided. This requirement also applies in situations where the primary source of power for the treatment facility is reduced, lost or fails.

J. Petitions and Appeals

The Permittee, may petition the City of Newport to reconsider the terms of a wastewater discharge permit or the denial of a wastewater discharge permit within thirty (30) days of its issuance or denial. A wastewater discharge permit or notice of denial of such permit shall contain notice of the petition for review procedures that a person may follow to obtain administrative review of the permit decision.

Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

A petition for review shall be in writing and served either in person or by certified mail to the City of Newport. In its petition, the appealing party must specify the name and address of the person filing the petition for review, the wastewater discharge permit

provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

The effectiveness of this permit will not be stayed pending the appeal. If the City of Newport fails to act within 30 days, a request for reconsideration will be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit will be considered final administrative actions

K. Severability

If any provision(s) of the sewer use ordinance are invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

L. Permit Termination

This permit may be terminated for the following reasons.

1. Falsifying self-monitoring reports
2. Tampering with monitoring equipment
3. Refusing to allow timely access to the facility premises and records
4. Failure to meet effluent limitations
5. Failure to pay fines
6. Failure to pay sewer charges
7. Failure to meet compliance schedules

- M. Hazardous Waste Notification The Permittee shall notify the City, EPA Regional Waste Management Division Director, and Oregon DEQ Hazardous Waste Division in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, in accordance with 40 CFR 403.12(p).

PART 9 Definitions

- A. Industry standard terms are defined in 40 CFR § 403.3 - Definitions.
- B. Bypass 40 CFR § 403.17 - Bypass.
- C. Upset 40 CFR § 403.16 - Upset provision
- D. Substantial change in volume- "A flow of over 40,000 gallons per day. A cessation of flow for over 24hrs."
- E. Substantial change in character of wastewater- "A change in viscosity, percent solids, temperature or pH with the potential to create pass through or interference as defined in 40 CFR § 403.3 - Definitions."
- F. Substantial change in nature of discharge- "The addition of a new source or treatment process that increases or reduces the volume or changes the character of the discharge."

G. Production increase- "A change of over 25% in production"

By: _____

Issued:

Tim Gross Public Works Director
169 SW Coast Hwy
Newport, OR 97365

Date:

Permittee Authorized Representative

Title: _____

Address: _____

NEWPORT BUDGET

CONCRETE	\$10,949.00
ROCK	\$540.00
PAYROLL	\$26,062.88
REBAR	\$1,470.64
COLOR & STAMPS	\$475.51
SEALANT	\$622.50
COPING	\$1,250.00
MISC. METAL	\$360.00
FENCING PARTS	\$119.99
WOOD	\$1,296.32
MISC. MATERIALS	\$1,113.16
BUSINESS LICENSE	\$150.00
FUEL	\$590.00
TOTAL BUDGET	\$45,000.00

DONATION ITEMS NOT LISTED IN BUDGET

BY DREAMLAND SKATEPARKS LLC

MARK LABOR	65 HOURS @ \$45/HR	\$2,925.00	(DISCOUNTED LABOR FEE)
DANYEL LABOR	48 HOURS @ \$25.00	\$1,200.00	(DISCOUNTED LABOR FEE)
EXCAVATOR		\$1,200	DISCOUNTED RENTAL FEE)
CONCRETE PUMP		\$3,000.00	(DISCOUNTED RENTAL FEE)
MISC. MATERIALS FROM THE COMPOUND		\$400.00	
FENCING RENTAL		\$1,000	
OVERHEAD - INSURANCE & TAXES 26% OF 45K		\$11,700	

TOTAL DREAMLAND DONATION \$21,425.00

THIS DOES NOT INCLUDE DONATED LABOR FROM THE CREW

TOTAL PROJECT COST WITH INKIND DONATIONS AND BUDGET OF \$45,000 = \$66,425.00

REVENUE FOR THE PARK

ROGUE - (Dreamland beer sales)	\$32,832.00
ROGUE- (Tap sales for fundraisers)	\$2,611.00
CITY OF NEWPORT -Previous 2018 budget remainder	\$4,926.00
SURFRIDER FOUNDATION (Fundraiser money)	\$4,631.00

GRAND TOTAL OF FUNDS AVAILABLE IN BUDGET \$45,000.00

DONATIONS (By Dreamland) \$21,425.00



Dreamland Skateparks removing graffiti from the skatepark in preparation for the improvements.



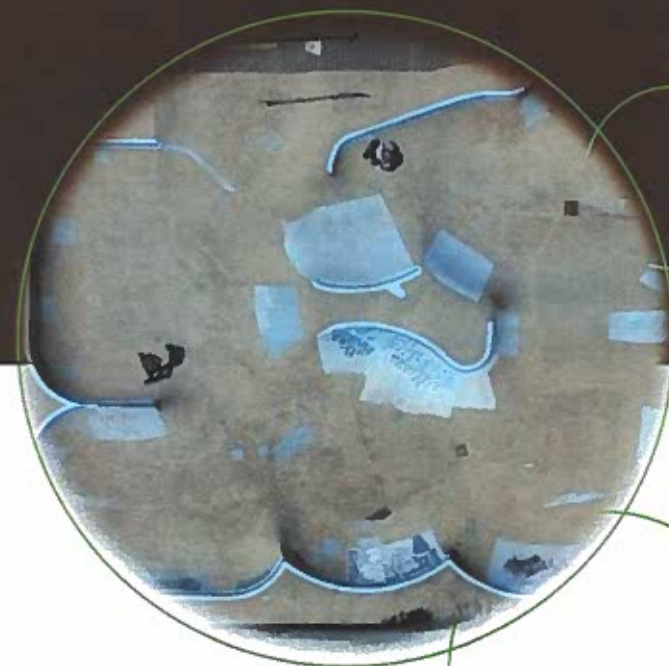
Heavy brush and trees removed from the east side of the skatepark in 2018.



New skatepark clamshell (above) and entry (below)



NEWPORT SKATEPARK GRAND REOPENING AND RIBBON CUTTING



**SATURDAY,
NOVEMBER 23, 2019
NOON**



Emcee

Spencer R. Nebel, City Manager

Speakers

- **Dean Sawyer, Mayor**
- **Danyel Scott, Dreamland Skateparks**
- **Kevin Kowalski, Professional Skateboarder/Newport Skatepark Alliance**
- **Noah Smith, Rogue Ales and Spirits**

**Ribbon Cutting
Skate Demo
Music/Prizes**

**After Party Celebration at
Rogue Bayfront at 5:00 P.M.**



HISTORY

Over the past two and-a-half years, a team of dedicated volunteers has been working diligently to raise funds and awareness for the much-needed improvements and upgrades to Sam Moore Parkway and the Newport Skatepark. The City of Newport and Dreamland Skateparks, completed Phase 1 of renovations in November of 2018, which included correcting drainage issues in the bowl, resurfacing the skatepark, and clearing tons of overgrowth from the surrounding area of the park. Since then the park has experienced an uptick in use and gained positive feedback from the local community.

Phase 2 of the project completed the 2,000-square foot section that falls within the current footprint of the skatepark and has remained unfinished since the park was first built. This involved removing the existing pavers, pouring concrete, and adding new street and flow features to the area. This not only improves the functionality of the skatepark ten-fold, but also improves the over-all aesthetic of the locale, as well.

The hard costs for Phase 2 of the Newport Skatepark improvements were approximately \$45,000. This was funded with residual funds held by the City of Newport from Phase 1 of the project, funds contributed by individuals for the skatepark improvements, and proceeds from a promotional effort by Rogue Ales and Spirits. To close the financial gap, Rogue Ales contributed an additional \$30,000. The project also received a significant amount of in-kind support from Dreamland Skateparks in order to complete these significant enhancements to this facility.

On behalf of the City of Newport, we thank the Newport Skatepark Alliance, Dreamland Skateparks, Rogue Ales and Spirits, Newport Public Works Department, and individual volunteers and contributors who made this project a reality.



Board of Commissioners

Courthouse, Room 110
225 W. Olive Street
Newport, Oregon 97365
(541) 265-4100
FAX (541) 265-4176

November 18, 2019

City of Newport
Dean Sawyer, Mayor
169 SW Coast Highway
Newport, OR 97365

RE: Joint Session with Lincoln County Board of Commissioners - 2020

Dear Mayor Sawyer:

The Lincoln County Board of Commissioners would once again like to schedule a joint work session with your city councilors. The joint work session, to be held in your council chambers, would begin at 6:00 p.m. and continue to no later than 7:00 p.m. We would then hold our regular weekly Board of Commissioners meeting immediately following the joint session and would include information and discussion items that might be of particular interest to citizens in your area.

We hope the following meeting date is convenient for your schedule:

February 12th

To confirm this date, please contact me at kpeter@co.lincoln.or.us. Our Board looks forward to continuing its ongoing communication and cooperation with you and your council members.

Sincerely,

Kristi Peter
Executive Assistant
Lincoln County Board of Commissioners

e-c: Peggy Hawker, City Recorder p.hawker@newportoregon.gov



Handwritten signature and initials in blue ink.



Oregon

Kate Brown, Governor

Department of Environmental Quality
Agency Headquarters
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 229-5696
FAX (503) 229-6124
TTY 711

November 19, 2019

City Council
City of Newport
169 SW Coast Hwy,
Newport, OR 97365



RE: Oregon Department of Environmental Quality response to issues raised by the Save Our Siletz Group

City Council Members:

During the closing remarks of your working session on September 3, 2019, the council requested representatives of the Save Our Siletz (SOS) group and the Oregon Department of Environmental Quality (ODEQ) to provide written statements addressing the issues concerning the land application of biosolids on agricultural fields. Specifically, the council asked the representatives of SOS to provide a description of their four or five primary concerns surrounding the land application of biosolids, and then for ODEQ to provide a response addressing those concerns. At this time, ODEQ has not received a document summarizing the SOS group's concerns. To be responsive to the needs and wishes of the city council, ODEQ has attempted to summarize and respond to the SOS presentation at the September 3 working session. ODEQ would also like to take this opportunity to note that the City of Newport's wastewater treatment facility is proactive in maintaining compliance with federal and state regulations in the production and management of their Class A biosolids.

The SOS group's presentation provided summaries from various sources that range from regulations, study summaries, and news articles. For the purpose of responding, ODEQ has attempted to summarize their presentation into the following categories: 1) The SOS group asserted that biosolids contain chemicals that are adversely affecting human health and the environment, 2) The SOS group asserted land application of biosolids is degrading the water quality of the Siletz River, 3) The SOS group asserted biosolids are creating health issues in Lincoln County, 4) The SOS group asserted the EPA's Office of Inspector General's November 2018 report's findings suggested that the EPA's biosolids program does not adequately protect public health, 5) The SOS group's assertion that US Geological Survey is available at this time to conduct a water quality study if requested, 6) Interpretations from the documents that SOS suggests support their concerns. 7) The City of Toledo advocated the City of Newport to join in a venture to build a gasification facility to manage biosolids.

The following is ODEQ's brief synopsis to each of these concerns; a more detailed analysis follows.

- 1) ***The SOS group asserted that biosolids contain chemicals that are adversely affecting human health and the environment:*** A variety of chemicals have been detected in various biosolids across the country. These chemicals come from industrial sources, consumer products, pharmaceuticals, household chemicals, and other sources. The specific chemicals and their concentrations in a given municipality's biosolids are related to the specific sources that discharge to the wastewater treatment plant. As a result, the concentration of chemicals identified in biosolids in news reports and research articles presented by the SOS group does not directly reflect the City of Newport's biosolids.
- 2) ***The SOS group asserted the land application of biosolids is degrading the water quality of the Siletz River:*** Based on the most recent water quality review, ODEQ has identified the Siletz River is deficient in several water quality parameters. The cause of these deficiencies can be from several factors but it is highly unlikely to be a result of land application of biosolids.
- 3) ***The SOS group asserted that biosolids are creating health issues in Lincoln County:*** ODEQ is not aware of any documented health issue in Lincoln County that has been caused by the land application of biosolids.
- 4) ***The Office of Inspector General's November 2018 report on EPA's biosolids program:*** The 2018 report did not address the full program review process, which was later addressed in the subsequent July 2019 letter from the US EPA's Office of the Inspector General that stated "...all recommendations for the subject report are now considered resolved."
- 5) ***The SOS group asserted that Chauncey Anderson with the US Geological Survey is standing by to conduct a water quality study of the Siletz River, he just needs to be invited:*** Mr. Anderson stated that he does not currently have the availability nor access to the funding necessary to conduct this study.
- 6) ***Documents provided by the SOS group supporting their concerns.*** ODEQ has reviewed these documents and has found they fail to provide evidence that the proper land application of biosolids produces an undue risk to human health, the environment, or could have an adverse effect on water quality in adjacent water bodies.
- 7) ***Oregon DEQ's understanding of gasification of biosolids:*** ODEQ makes no implied or direct endorsement or denial of any developing technologies.

Additional Information

1) ***The SOS group believes biosolids contain chemicals that adversely affect human health and the environment:***

The media articles and research papers provided by the SOS group focus on biosolids produced in areas with large industrial dischargers or facilities that produce the chemicals of concern. The City of Newport's primary industrial discharger to the wastewater plant is Rogue Brewery. Breweries discharge wastewater that includes the following regulated parameters: biological oxygen demand, total suspended solids, temperature, and can have varying pH. Breweries do not release significant concentrations of the chemicals identified in the material presented by the SOS group.

For the City of Newport, the remaining potential source of these chemicals of potential concern is from household wastewater. As noted in the third and fourth slides of ODEQ's presentation during the September 3 working session, the concentrations of the chemicals that have been found in biosolids from much larger municipalities with more industrial discharges are

significantly lower than what people are often exposed to in their own homes. With the lack of potential industrial sources of these compounds in the City of Newport, it is expected that the concentrations of these chemicals in your biosolids will be even lower. Banning the land application of biosolids would not significantly reduce our exposure to these chemicals. Along the Siletz River, the most effective way to reduce one's exposure to these chemicals is reducing the consumption of consumer products containing these chemicals.

A common misconception that is confusing for the general public is the notion that if a potentially hazardous chemical is present in something than it is not safe to use. Today we have accepted laboratory methods that can detect substances down to parts per trillion. To put this in perspective, one part per trillion is the equivalent of four grains of sugar in an Olympic sized swimming pool or one second in 32,000 years. The detected presence of a contaminant may not equate to a risk.

Because new chemicals are produced and because of scientific advances, the EPA's biosolids program is subjected to regular review to determine if it is protective of public health and the environment. The National Academy of Sciences conducted a full review of the research, risk assessments, and regulatory practices of land application of biosolids in 2002 and came to the following conclusion: "With proper management, biosolids land application is protective of public health and the environment and it provides a resource value for crop production..." More recently the EPA's Office of Inspector General conducted a review in 2018 that is discussed in more detail below. They posted their final findings in July 2019 and stated: "...all recommendations for the subject report are now considered resolved."

2) *The SOS group believes the land application of biosolids is degrading the water quality of the Siletz River.* Because biosolids release nutrients slowly they provide a more environmentally friendly option to many commercial fertilizers and are less likely to leach into the groundwater.¹ Several research documents have proven these points. For example, the Journal of Environmental Quality published peer reviewed research that found the phosphorus transfer from the biosolids field when runoff was induced was 70% less than what came off the control field in the same conditions.² In another example a research project reviewed the potential water quality hazards from land application of biosolids on a wildfire site. Their study found "...biosolids application from Denver Metro Wastewater District does not constitute a threat to surface water supplies."³ Please note that the Denver wastewater facility services a large multiple-municipality industrial base; much larger than the City of Newport. Because the biosolids from Denver were not found to constitute a threat there is little reason to think that the properly managed biosolids from the City of Newport would pose a threat.

Biosolids also improve the soil's water-holding capacity and improve soil structure which promotes plant growth and reduces erosion.⁴ The use of biosolids in place of commonly used

¹ Coffey, et al, *Long-term crop and soil response to biosolids applications in dryland wheat*. Journal Environ Qual. 2013

² Withers, et al, *Phosphorus Transfer in Runoff Following Application of Fertilizer, Manure, and Sewage Sludge*. Journal Environ. Qual. 2001

³ Meyer, et al, *Biosolids Applications affect runoff water quality following forest fire*. Journal Environ. Qual. 2001

⁴ Sullivan, et al, *Fertilizing with biosolids*. Pacific Northwest Extension Publications PNW 508-E. Oregon State University. 2007

fertilizers can be more protective of water quality.⁵ Because the Siletz River is identified as deficient in several water quality parameters ODEQ is working to improve the water quality in the river by reducing pollutant discharges from point sources and developing programs to reduce potential adverse effects from non-point source discharges.

3) *The SOS group believes biosolids are creating health issues in Lincoln County:* The ODEQ does not track emerging health issues. This work is conducted by the Oregon Health Authority and local county health departments. While ODEQ has worked with various health departments when an issue has been identified, the health department identifies the issue and requests ODEQ assistance, when applicable. If a health issue has been recently identified in Lincoln County, ODEQ's assistance has not been requested at this time. It should be noted that biosolids are beneficially land applied across the country.

4) *The Office of Inspector General's November 2018 report on EPA's biosolids program.* The EPA's Office of Inspector General recently conducted a review of EPA's biosolids program and released its initial findings in November 2018. The title of this report stated, "EPA Unable to assess the impact of hundreds of unregulated pollutants in land applied biosolids on human health and the environment." Unfortunately, this review did not include a significant portion of the research that has been conducted on chemicals in biosolids. After the report was released, EPA's water quality director and EPA's biosolids program staff worked with the Office of Inspector General and resolved the inspector's concerns. In July 2019, the EPA's Office of Inspector General released the final findings stating "...all recommendations for the subject report are now considered resolved."

5) *The SOS group said Chauncey Anderson with the US Geological Survey is standing by to conduct a water quality study of the Siletz River, he just needs to be invited.* Based on ODEQ's conversations with Mr. Anderson it has been confirmed that he does not currently have the availability nor access to the funding necessary to conduct this study. Before any work can begin, several partnerships with other agencies such as local tribes, municipalities, and state agencies will need to be established to secure sufficient access, funding, and resources for a successful and comprehensive study.

6) *Documents provided by the SOS group supporting their concerns.* Each document is discussed in more detail below:

- **ALS Environmental agreement** - This is an invoice from the ALS Analytical Laboratory for sediment sampling work. This document provides no laboratory data. However, Siletz River sediment data was previously provided by the SOS group in a January 8, 2018, Lincoln County press release. The press release states that three sediment samples were collected downstream from three different biosolids land application sites. All results indicated non-detect which means the chemicals were not able to be identified in the river sediment.
- **EPA article** – This is the original news release of the Nov. 2018, EPA's Office of Inspector General's report. ODEQ's response is provided above.

⁵ Withers, et al, *Phosphorus Transfer in Runoff Following Application of Fertilizer, Manure, and Sewage Sludge.* Journal Environ. Qual. 2001

- **University of Nebraska research** – This is a research paper that states contaminants were found in earthworms in fields that received biosolids. However, this report also stated significant concentrations of these same contaminants were also found in the worms from the field that received manure and the control field (the field that did not receive biosolids or manure). This research paper only shows contaminants were found in earthworms, it does not confirm the contaminants came from biosolids or that they are causing an adverse effect to human health or the environment.
- **Canadian study** – This is a literature review to identify articles and research papers that contain discussions on contaminants in biosolids in Canada. This document states: “Thus the detection of ESOCs (emerging substances of concern) in biosolids does not automatically imply that there is a risk for human health or the environment associated with proper biosolids management.”
- **Virginia Tech article** – This appears to be a copy of a chapter out of a textbook on land application of biosolids. It reads like a course on biosolids and does a good job of laying out the federal regulations governing the land application of biosolids and how to determine an appropriate land application rate. This source does not identify any adverse effects from the proper land application of biosolids.
- **Arizona State University Research** – This is a paper discussing a model developed to identify the potential removal of ionizable organic contaminants in sewage sludge by changing the pH. This paper does provide a potential improvement to wastewater treatment, however, it is currently only a laboratory test and has not been proven viable at a full-scale production level. This source does not identify any adverse effects from the proper land application of biosolids, just a potential method to further treat sewage sludge.
- **USGS article** – This is a list of 25 contaminants found in biosolids. There is no discussion of the sampling methodology, what facilities provided the material, analytical methods, risk, or exposure. It does not indicate the contaminants are causing an adverse effect on human health or the environment.

7) Oregon DEQ’s understanding of gasification of biosolids

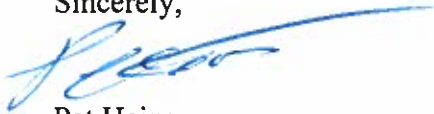
The following information is intended to provide some context and background surrounding the potential use of gasification as a biosolids management option.

While the technology of gasification has been around for some time, the utilization of this technology for managing biosolids is still in its infancy stages. At this time there are no biosolids gasification facilities in Oregon, but there have been a few pilot-scale projects in the United States such as Primenergy in Tulsa, Oklahoma (2008) and Stamford Biogas in Stamford, Connecticut (2008). Neither one made it into full-scale production due to the high costs. The full-scale facilities that ODEQ is aware of here in the US include, MaxWest in Sanford, Florida (2009) which closed in 2014. There is a facility in Lebanon, Tennessee operated by Aries that has found they need to augment their feedstock with high concentrations of wood fiber to be viable. It is ODEQ’s understanding that there is a proposed project in New Jersey and two in California currently in the permitting stage.

Oregon's biosolids regulations do not recognize gasification as a permitted management option. If the City decides to proceed with gasification, the permitting would need to be addressed through ODEQ's solid waste and air quality programs as well as US EPA's biosolids regulations.

Thank you for this opportunity to respond to the information that was presented at the September 3 work session. If you have any questions, please do not hesitate to contact me.

Sincerely,



Pat Heins
Oregon DEQ
State Biosolids coordinator

EC: Andrew Grant/Newport WWTP
Steve McMillan/ODEQ Eugene
Mary Camarata/ODEQ Eugene
Paul Kennedy/ODEQ Eugene
Ranei Nomura/ODEQ Salem
Geoff Rabinowitz/ODEQ HQ
Annalisa Bhatia/ODEQ HQ
Rian Hoof/ODEQ HQ
Keith Anderen/ODEQ Eugene



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

November 4, 2019

Derrick Tokos
d.tokos@newportoregon.gov

SENT VIA EMAIL



Subject: Housing Rulemaking Alternate and Subcommittee Member Invitation

We are writing to you today to invite your help addressing a shortage of housing in Oregon. As directed by the Legislature, pursuant to House Bills 2001 and 2003, the Department of Land Conservation and Development (DLCD) has begun work to increase the supply of housing, specifically 'middle housing' in communities throughout the state. Examples of middle housing include multi-family housing such as duplexes, triplexes, and fourplexes. The new laws also require development of housing production strategy methodology – a first for Oregon.

In response to HBs 2001 and 2003, the Land Conservation and Development Commission (commission) has initiated rulemaking to begin implementation of the 'middle housing' and housing production strategy requirements. To advise on this rulemaking, the commission directed DLCD to establish a rulemaking advisory committee. The purpose of the committee is to ensure that both the commission and DLCD hear from a broad group of stakeholders and interested persons during the rulemaking process.

With the legislation of this scope, there are a range of important perspectives on how these bills will affect housing supply, land use and local communities. **Based on your experience, role, and interest in housing and land use, we respectfully request your participation as a as an alternate member on this advisory committee and to participate directly on a subject matter specific subcommittee.**

The department will be asking the Commission to adopt these rules in 2020.



As an alternate member you would coordinate with the primary member in the same seat as need and perhaps more importantly, help us develop the technical rules on a subcommittee. There are three subcommittees being formed.

Housing Rulemaking Alternate and Subcommittee Member Invitation
November 4, 2019
Page 2 of 2

- Middle Housing Requirements (medium and large cities)
- Infrastructure Deficiency Process
- Housing Production Strategies

As you are able, please also monitor the main rulemaking advisory committee via Zoom (video conference) to stay up to date. Written comments are also welcome at any time.

Please let us know if you can participate in this effort by replying to this email by Wednesday, November 6.

For more information please read the September 2019 staff report to LCDC here: <https://www.oregon.gov/LCD/Commission/Pages/LCDC-Meeting-September.aspx>

We value your time and expertise and hope you will be able to serve in this capacity. Please let us know if you can serve or if you have any questions by contacting our Senior Planner of Housing Ethan Stuckmayer via email at ethan.stuckmayer@state.or.us or by phone at 503-934-0619.

Sincerely,



Jim Rue
Director

Housing Rulemaking Advisory Committee Membership

Updated November 06, 2019

	Co-Chair	Co-Chair
	Jerry Lidz LCDC	Anyaley Hallova LCDC
	Primary	Alternate
League of Women Voters of Oregon	Peggy Lynch	Debbie Aiona
Mayor/Councilor – Medium	Drew Farmer, Coos Bay	Scott Fairley, Pendleton
Mayor/Councilor – Large	Chris Pryor, Eugene	Angel Falconer, Milwaukie
Planning Director Medium/Large	Mark Rust, Springfield	Heather Richards, McMinnville
Market-rate Missing Middle Developer	Stacey Stemach	Kol Peterson
Finance (Market) Affordable Housing Developer	Mike Schrader Joel Madsen	TBD Brian Shelton – Kelley
Public Works Medium/Large Local Government Housing Administrator	Jeff Blaine, Albany Lynne McConnell, Bend	Derrick Tokos, Newport Stephanie Jennings, Eugene
Environmental and Social Justice	TBD	TBD
Tenants Advocacy	Katrina Holland	TBD
Metro Regional Government Metro Area Counties	Ted Reid Theresa Cherniak, Washington County	Jes Larson Martha Fritzie, Clackamas County
Fair Housing Research/Academic	Allan Lazo Dr. Sarah Adams-Schoen	LeRoy Patton Dr. Gerardo Sandoval
Special Districts	Shelly Parini-Runge, Clackamas County	Jeannine Rustad, Tualatin Hills Parks and Recreation
Land Use Organizations Advocates for Missing Middle Housing	Mary Kyle McCurdy TBD	Damian Syrnyk Michelle Glass
Development/Homebuilders Affordable Housing Advocacy	Jodi Hack Ed Sullivan	Ellen Miller Alison McIntosh

Historic Preservation/Neighborhood	Kimberli Fitzgerald	Amanda Ferguson
Sovereign Nations/Tribes	Pamela Barlow-Lind	TBD
Resident Renter Market Rate	Tim Morris	Kelsey Zlevor
Homeowners Association Market Housing	Nancy McDaniel	TBD
Resident Subsidized Housing	TBD	TBD
Homeless-serving Organization	TBD	Will Harris
Realty Professionals	Hope Berahe	Hugh Prichard
Affordable Housing Missing Middle	Kimberly Horner	Shannon Vilhauer
Planning Director	Colin Cooper, Hillsboro	Brian Martin, Beaverton
STAFF		
Name	Phone	Email
Ethan Stuckmayer	503-934-0619	Ethan.stuckmayer@state.or.us
Kevin Young	503-934-0030	Kevin.young@state.or.us
Gordon Howard	503-934-0034	Gordon.howard@state.or.us
Casaria Taylor	503-934-0065	Casaria.taylor@state.or.us





MR. SPENCER NEBEL
CITY OF NEWPORT
169 SW COAST HWY
NEWPORT OR 97365-3806

November 2019

Dear Spencer,

In the Pacific Northwest, our natural gas system is playing a critical role in helping our region move to a low-carbon, renewable energy future. Recently, we reached a significant milestone that represents a real opportunity to respond to climate change. This is the first in a series of notes I will share, in an effort to keep you informed about the innovations we're pursuing to achieve our climate goals without sacrificing the affordable and reliable energy service you and our communities depend on.

The natural gas system is uniquely positioned to bring waste to market as renewables, like renewable natural gas and renewable hydrogen. These latest breakthroughs in renewable energy are newer than wind and solar, but offer similar carbon reduction benefits using the existing energy system already in place.

In September, we stood with Governor Kate Brown to commemorate the signing of SB 98 – the first and most aggressive law of its kind in the country – to establish a clear direction for how we will take waste from food, animals, wood and wastewater that would otherwise result in emissions and turn it into renewable natural gas. This groundbreaking law positions NW Natural to be able to provide this renewable energy for our customers faster than any other utility in the U.S.

As NW Natural works to add renewables to our system, natural gas is supporting the Northwest's transition to a low-carbon energy future today, and in the decades to come. Here are three key points you should know:

1. **We deliver a vast amount of energy for a modest carbon footprint.** NW Natural delivers more energy in Oregon than any other utility, yet the use of natural gas in our customers' homes and commercial businesses makes up just 5% of Oregon's annual emissions, compared to about 30% for electricity generation and about 36% from transportation.¹
2. **Natural gas is a clean, affordable and dependable way to heat your home on the coldest winter days.** It's an essential part of our energy mix that ensures the heat is running when customers need it most.
3. **Cities will continue to rely on natural gas.** Using the gas system and equipment we already have in place will reduce the need for new energy infrastructure, which is why we don't support policies that would limit natural gas for use in homes only to rely on it to generate electricity. This would be costly and won't reduce emissions the way other solutions can.

Adding renewables into our pipeline, combined with encouraging energy efficiency and wide adoption of our carbon-offset program will yield the fastest and most affordable results for our communities and the climate. As one of the oldest companies in the Northwest, we've been a critical part of our communities for 160 years. Every day, we provide warmth and comfort to more than 2 million people reliably, safely and affordably.

We're focused on putting our energy network to use in new and innovative ways to achieve our region's climate goals. I invite you to provide us your preferred contact information and I look forward to keeping you informed about our progress.

Sincerely,

David H. Anderson
President & CEO

¹ Source: Oregon DEQ In-Boundary GHG Inventory 2015 data.

UNDERSTANDING RENEWABLE NATURAL GAS

WHERE IT COMES FROM

Renewable natural gas is made from organic materials like wood, food and even human waste. When all of these materials decompose they produce methane, which can be converted to renewable natural gas – closing the loop on waste.

HOW MUCH IS THERE?

In its first inventory of technical potential, the Oregon Department of Energy found nearly 50 billion cubic feet of renewable natural gas sources – that’s equivalent to the total amount of natural gas used by all Oregon residential customers today!

HOW DOES IT HELP?

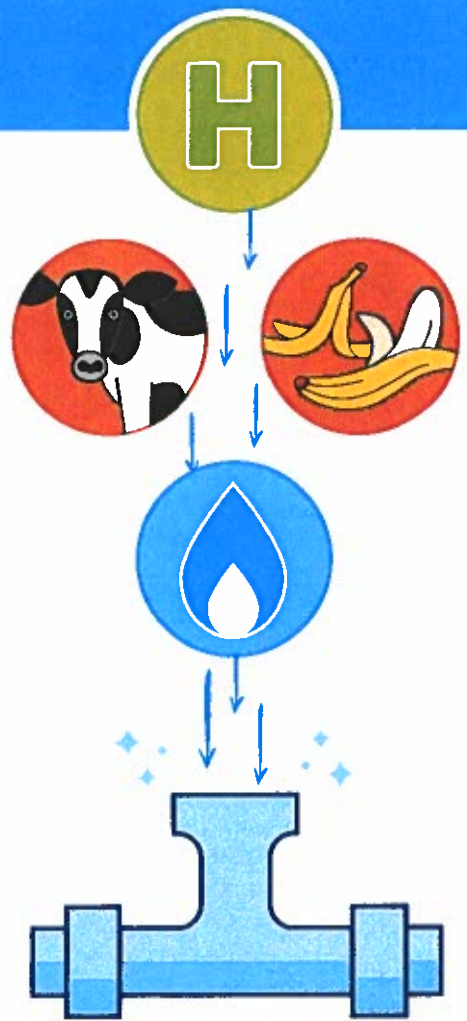
Renewable natural gas has a similar climate benefit to wind and solar energy. It dramatically reduces greenhouse gas emissions that contribute to climate change.

OTHER SOURCES

Renewable hydrogen, also called Power to Gas, is a cutting-edge process that captures surplus wind and solar energy and converts it to renewable natural gas or hydrogen through electrolysis. This renewable energy can be stored and then blended into our pipeline system to one day serve homes, businesses and vehicles – providing a potential path to 100% renewable energy in the pipeline system.

WHAT'S NEXT?

The 2019 Oregon Legislature passed groundbreaking legislation (Senate Bill 98), creating the opportunity for utility purchases of renewable natural gas and renewable hydrogen. The new Oregon law sets voluntary targets to dramatically increase the amount of renewable natural gas blended into utility customer deliveries. The law includes price limits to protect customers as this market develops. NW Natural will be working in 2020 to help develop the rules around this new law.



CITY OF PORTLAND WASTEWATER TREATMENT PLANT

The City of Portland is developing one of the region’s first renewable natural gas projects at its Columbia Boulevard Wastewater Treatment Plant. Biogas from sewage treatment will be captured and conditioned to pipeline quality renewable natural gas.

NW Natural has worked as a partner to the city on this landmark project, which includes a compressed natural gas fueling station on site, and an interconnection to NW Natural’s distribution pipeline infrastructure.

Online: www.portlandoregon.gov/bes/RNG

Learn more at LessWeCan.com.

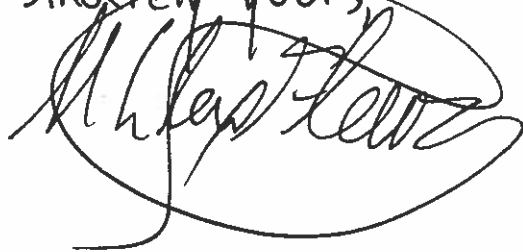
SOURCES

1. Oregon Department of Energy, “Biogas and Renewable Natural Gas Inventory SB 337 (2017), 2018.” Online at www.oregon.gov/energy.

To whom it may concern:

Commercial air service could resume to Newport with several airline options. Air, Choice One, Boutique Air, and/or Southern Airways Express could offer flights to and from Portland (PDX) over to the Newport area. This could help add more tax revenue jobs, and tourism. This could also help benefit the environment such as lowered emissions and less traffic. Overall, this would greatly benefit a lot of people. Thank you.

Sincerely yours,



3912 Willis Rd, Apt 10
Columbus, GA 31904

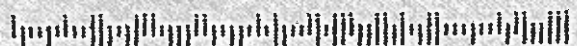
MACON GA 310

NOV 20 2019 PM 3:11



Newport Municipal Airport
135 SE 84th St.
South Beach, OR 97366

97366-971035



Patti Littlehales

Spencer,

Thank you for a great state-of-the-city update, filled with thoughtful comments and sprinkled with your wise humor and outreach. The presentation was so appreciated by P.E.O. members, we so appreciate your taking time from your busy schedule.

Gratefully, Patti