

February 21, 2020

Dear Planning Commission and County Commissioners,

On behalf of the concerned residents who reside in the Rolling Hills neighborhood and the surrounding area, we are submitting a letter to you that encompasses three components: 1. General concerns; 2. Project alternatives; 3. A response to South Suburban Sanitary District's (SSSD) claims made in their Burden of Proof Statement in their application.

General Concerns

We are opposing the SSSD's proposal to import Class D "recycled water" into our neighborhood to be held in wastewater holding reservoirs, and to be used as irrigation water for the 550 acres of farmland that the SSSD will lease to tenants. This proposal will have many negative impacts on the homeowners who live in the communities where the project is to be constructed. This includes about 100 homeowners who live in the Rolling Hills neighborhood, along Short and Reeder Road, residents on Kings Way, and those who reside on Highway 39. A greater number of homeowners in the communities of Shield Crest, Collier Lane, and Pine Grove are also concerned about well water and aquifer contamination and air contamination over time. There are many concerns with the contents of the sewage water, the reservoirs that will be used to hold the recycled water, the SSSD's agreements to purchase land prior to project approval, SSSD's argument for why they need to use this land for the recycled water facility, and how people will be affected by the project. In addition, we have concerns about SSSD's lack of alternatives being presented, and their claims to the DEQ Codes. Therefore, we are presenting our arguments against the SSSD's project in this letter.

As part of their argument to build these wastewater reservoirs, they claim to use the "recycled water" to irrigate the farms in our neighborhood, but the recycled water can't even be used to irrigate all crops. It can only be used on fodder for animals, and it is unsafe for human consumption. Fodder crops have shallow roots (only 2 to 4 inches deep) and minimal nutrient uptake during the short growing season in the Klamath Basin. In approximately 20 years time, soils will become unusable for farming because irrigated wastewater can promote soil salinization (an increase in the concentration of soluble salts) or sodification (an excess of interchangeable sodium in relation to other cations; Jaramillio and Restrepo, 2017). Jaramillio and Restrepo (2017) report the use of wastewater in prolonged irrigation (more than 20 years) can result in negative changes in soil structure due to the accumulation of sodium; these salinity problems occur when the soluble salts are concentrated in the root zone limiting the capacity of plants to absorb water and nutrients and have a negative effect on soil microbes. Therefore, SSSD is proposing a temporary, short-sighted solution that causes more problems down the road for the County and SSSD users. Additionally, this doesn't allow for the future growth and development of the County.

The two 75 acre reservoirs of Class D sewage are going to cause many issues in our neighborhood. The reservoirs will contain biological contaminants, street runoff, pharmaceuticals, illegal drugs, nutrients, chemicals, heavy metals, and anything else people flush down the toilet, or run down a storm drain. Other compounds present in this wastewater that may pose risks to human health are emerging contaminants (ECs), which are molecules with biological activity on different organisms, and their physicochemical properties determine their persistence in the environment and facilitate their bioaccumulation (Jaramillio and Restrepo, 2017). ECs include analgesics, antihypertensive drugs and antibiotics, among others. Furthermore, some ECs correspond to endocrine disrupters and are known to alter the endocrine and immunological systems of aquatic organisms (Jaramillio and Restrepo, 2017).

Neighbors are also worried about the chronic stench, and the fact that they are going to be looking at giant cesspools. The reservoirs also have the potential to be giant breeding ponds for mosquitoes. Other than the reservoirs negatively affecting the views and aesthetics of our neighborhood, the entire project will result in a decrease in our property values. People don't choose to move to an area next to a sewage treatment facility.

Not to mention, the SSSD has been busy trying to take over property in order to make their wastewater treatment facility. Some have unfortunately sold out to this predatory cause as being offered more money than the value of their property. Do the patrons of SSSD know that the board has offered a million dollars for two of these properties when none of this process has even been approved? According to their December 17, 2019 Board Minutes, "The Secretary suggested an offer of \$500,000 and a 10-year free lease to farm approximately 100 acres on the Bryant property...Director Griffith made a motion to instruct the Secretary to meet with Wells and offer \$500,000 and a 10 year-free lease to farm on the Bryant property for the 65-acre portion of the Wells property." However, this quote from the Board notes doesn't even include the other properties they are purchasing for more than their value. This has all occurred before the SSSD Board opened up a discussion to the neighborhood residents. Thus, they haven't consulted the neighborhood residents about their plan before trying to purchase land. Once more, why are they working on securing land before their proposed water treatment facility has been permitted? The maps they have submitted to the planning department keep changing. There are too many unknowns to invest SSSD patrons' money into land that hasn't been approved to construct this deplorable facility.

To further demonstrate SSSD's lack of coordination and premature submission of this application to the County, members of this coalition have contacted Oregon Department of State Lands, US Bureau of Reclamation, Oregon Department of Environmental Quality, Klamath Irrigation District, and others, and all of these entities have indicated they had not heard of this project prior to our communication with them. No permit processes, applications, or

coordination with any of the major players who also need to approve this project has occurred. This is extremely irresponsible of SSSD to assume all of these entities will agree with or approve their proposal as they move forward with the purchase of land.

The homeowners in our area will not be the only people greatly affected by this poorly planned project, this facility will also disrupt and put the 4.5 miles of the OC&E trail out of commission for an extended period of time as SSSD will need to bury their pipeline for pumping sewage to the proposed project area. So much for our Blue Zones feel to the area because it's getting replaced with human waste. Not only will thousands of recreational users of the trail be negatively affected by the SSSD project, but under the OC&E trail is an ODEQ and USEPA nightmare of contaminants from historical railroad operations. Therefore, extra caution will have to be used to prevent the contamination from being spread. In other words, more money will need to be spent to properly dispose of contaminated soils with the installation of a poop pipeline. Residents on both sides of the OC&E trail should be concerned about excavation of the contaminated dirt and should have been notified about the proposal as well. Also, as one strolls along the path, they will no longer be met with sweeping hills of alfalfa and other beautiful views, but that of a 17 foot wall of concrete used as a barrier to a 100-acre cesspool of human waste, and then surrounded by a security fence. Not only will that be something unappealing to recreationists, but can you imagine having this as your permanent view out of your kitchen window?

The entire OC&E trail is recorded as a historic cultural site by the Oregon State Historic Preservation Office and consultation needs to be done with them. Furthermore, wetlands are regulated by Oregon Department of State Lands and exist along both sides of the trail. SSSD will need a full delineation of those wetlands and if they affect any wetlands, they will need a mitigation plan. These are all important issues that SSSD has not considered yet.

Lastly, how about the notion that we aren't even part of the South Suburban Sanitary District customer base and yet they are forcing their sewage upon us. The waste will be piped into our neighborhood, even though we all have septic systems. We don't have rights to vote for their board, nor we are under their district, but they feel that through the ability to use taxpayer funds to pay exorbitant amounts of money to purchase surrounding land that they have a right to impose this hideous, multimillion dollar wastewater project upon us. We don't want it, we don't need it, so take it elsewhere.

Project alternatives

In their proposal, SSSD fails to acknowledge alternatives to this project. According to our research, recycled Water Use is regulated by ODEQ under Oregon Administrative Rules (OAR)

Chapter 340, Division 55, which prescribes methods, procedures, restrictions, treatment, and monitoring requirements for the beneficial use of reclaimed water. The 2001 Legislative Act relating to land application practices and land use regulations (Senate Bill 212), states “**Before a county land use decision is made on a land application proposal, the applicant responds in writing to public comments received by the county that identify alternative sites or methods for managing the industrial process water, reclaimed water or biosolids.** The applicant’s response describes how the alternative sites or methods were considered and why they were not selected. The land use decision can not be remanded or reversed, unless the applicant fails to provide a written response when required.”

As such, we offer the following alternatives to this proposal:

1. Updating SSSD facility to treat wastewater and continuing with current practice of depositing water in Klamath River
2. A partnership with City of Klamath Falls Public Works to utilize their treatment facility to meet TMDL standards for deposition of water into Klamath River. This is mentioned in the application; however, there is no analysis to dispute the claim about the cost prohibitive concerns involved with partnering.
3. Land application of recycled water on approximately 225 acres of SSSD-owned lands next to current treatment ponds west of Maywood Drive
4. Construction of pipeline south of Klamath Falls and land application on PacifiCorp land south of Joe Wright Road
5. Construction of pipeline south of Klamath Falls and land application on Collins Products lands
6. Pump the recycled water out to Swan Lake Rim to generate power
7. Pipe to Whiteline Reservoir, coordinate Green Diamond Resource Company, and used for wetland development.
8. Pipe to and use to irrigate agricultural lands in the Swan Lake Valley. The water could also be used to support wetlands adjacent to Swan Lake.
9. Pipe wastewater to Miller Lake Unit of the Lower Klamath National Wildlife Refuge near highway 97, south of Worden. Use for wetland development.

Obviously, we did not include all the details of these alternatives in this letter, but would be happy to discuss further with the planning commission and county commissioners at a later date.

Our response to claims made to Klamath County Land Development Code

The following includes SSSD claims made in the Burden of Proof Statement in their application submitted to the County on January 10, 2020. The claims are subjective and arbitrary. Our responses to land development code (Chapter 10, Article 54) and SSSD are as follows:

Code: The use will not force a significant change in accepted farming on surrounding lands devoted to farm use;

SSSD Claim: Existing fodder crops are planned, and the prolonged maintenance of those crops shall be a contractual requirement of tenant farmers. Contracts will range from 20-25 years on the acreage designated for irrigation. 100-ft setbacks will be required between the project and neighboring property owners, and any drainage or supply ditches that serve neighboring properties. There is no foreseeable impact to the surrounding properties by farming fodder crops with recycled water.

Our Argument: The first part doesn't make sense as if they are existing, how are they planned? According to their Board Minutes from December 17, 2019, they proposed to give the land users a 10 year free lease. What will they do for the following 10-15 years? The fodder crops will only uptake some of the nutrients every year, and salts and other contaminants will accumulate in the soil over time and make the land unfarmable. *See previous science.

Code: The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features

SSSD Claim: The parcels designated for farming have a history of being successfully farmed for the same fodder crops anticipated for the project. The application of recycled water is currently an accepted use of EFU zoned land.

Our Argument: The parcels are not suitable for "recycled water" due to slopes greater than 8% (LiDAR data) and Extensively Well Drained Sandy Soils (NRCS data). This area is obviously a "geographic ridge" and a project of this type should be proposed for an area characterized as a "geographic bowl". They are taking almost 100 acres out of farm use for wastewater storage, so the character of the land is being changed. They will put a 17 ft or 30 ft barrier wall (conflicting info in application) around the storage which will drastically change the size, shape, topography, and natural features of the area.

Code: The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;

SSSD Claim: Farming the existing fodder crops will keep the majority of the property relatively the same as currently farmed. The proposed use of farming and water storage are not anticipated to affect the surrounding properties' ability for farm. The reservoir will be placed solely within the boundary of the project area and will not physically encroach on the neighboring properties. Many of the surrounding properties will not be able to view the reservoir from their respective properties due to the proposed placement of the reservoir behind a 30-ft knoll. The exterior dikes of the reservoir will have vegetation conforming to local vegetation hues.

Our Argument: They are taking almost 100 acres out of farm use for wastewater storage, so the character of the land is being changed. They will put a 17 ft or 30 ft barrier wall around the

storage which will drastically change the size, shape, topography, and natural features of the area. They cannot guarantee that the proposed actions will not contaminate our wells. If our wells are contaminated, our homes cannot be sold, and therefore, “substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses”. We will be exposed to aerosolized wastewater on a daily basis. The reservoir levees will affect our view shed; therefore, there will be physical encroachment. The toxins in the air, odors, mosquitoes, and other bugs that will be a result from the sewage reservoirs and irrigation. SSSD cannot guarantee that the exterior of the dike’s vegetation will survive and not turn into a noxious weed issue. Additionally, there will be a large disturbance on the OC&E Trail during the construction, maintenance, and potential repairs needed over the 20 year lifespan of the project. Once more, the OC&E Trail is a historic railroad that is contaminated with creosote and other toxins that will be unearthed during construction and maintenance (see discussion above regarding trail impacts). Finally, this project limits the ability for farmers to farm other crops than fodder.

Code: The use is or can be made compatible with existing uses and other allowable uses in the area.

SSSD Claim: The proposed agricultural use is compatible with the current County zoning designation of EFU. The recycled water application and the reservoir supports the long-term use of approximately 550 acres of fodder production and allows existing irrigation rights to be potentially utilized elsewhere within the farming community, as the irrigation project water would no longer be needed for these parcels. Currently there are at least 7 additional recycled water projects currently approved in Klamath and Lake Counties (see Figure 8).

Our Argument: It is not usable after 20 years, so long term is arbitrary. This is a temporary use with a permanent change to the landscape. The “recycled water” projects noted for comparison in the proposal are substantially less in population served; they are less than 15% of the population served in this proposed project. Volume of water will be different, among other entities required for this project. The LaPine and Crescent wastewater plants process Class C wastewater.

SSSD Summary: The District Recycled Water Project is an appropriate and accepted use of the EFU zoned land and is critical to the economic wellbeing of Klamath County.

Our Argument: The District Recycled Water Project is not an appropriate use of the EFU zoned land. It is not critical to the economic wellbeing of Klamath County as it is a temporary solution. It will only be used for 20-25 years. It doesn’t factor in any future growth of the County. Ultimately, it changes the characteristics of the landscape in the long run making it unfarmable which isn’t compatible with zoning. Finally, what will happen to the land once the time is up on the project?

Conclusion

Based on the claims of the proposal submitted by the SSSD, and the research we've conducted, there is no reason for the SSSD to use the land in our neighborhood for their reservoirs of Class D sewage, nor for irrigating our neighboring farms with the "recycled water". There are many shortsighted, arbitrary, and poorly planned components of this project. Being that we have refuted many of their claims in their proposal to the County, this project should not continue. SSSD should have never started purchasing land before their project was approved, they should have communicated better with the neighbors who will be affected, and they should abandon this project in its entirety. For SSSD to fail to exhaust all their alternatives before proposing this plan is not only negligent, but a waste of patrons money. In the long run, this is only a temporary solution for a problem that will still need to be fixed at a later date. As the project only will last 20-25 years or less, what will become of the land after it is contaminated? What will they then do with the wastewater that they claim can't be disposed of in the Klamath River? As property owners outside of the SSSD, it is not right for the SSSD to use our land for this temporary project. We are requesting the Klamath County Planning Commission and Commissioners to please not allow the SSSD to continue with this proposal.

Sincerely,

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Literature Cited: Jaramillo, M.A. and I. Restrepo. 2017. Wastewater Reuse in Agriculture: A Review about Its Limitations and Benefits. *Sustainability*. 9, 1734, pp. 6-9.