

Willamette RIVERKEEPER®

March 27, 2013

Senate Environment and Natural Resources Committee

Re: SB 523

Dear Chair Dingfelder and Committee Members:

On behalf of Willamette Riverkeeper I am voicing support for SB 523. I've attached amended language that more directly addresses the need along the Willamette, and many of our State's other rivers and waterways. Simply stated, SB 523 as reflected in the amended language is about the Public's Right to Know along their waterways.

Imagine paddling your canoe along a river, or fishing in your boat, and passing over a massive plume of discolored water. Imagine this plume accompanied by a ghastly smell. If you were the average person, you'd wonder what was wrong, and why such a thing was happening. You may also be interested in reporting the issue to ensure that it gets dealt with quickly. Last summer this happened to me paddling the Willamette River with one of the Rangers from the Oregon State Parks and Recreation Department (OPRD) near Halsey, OR. In my nearly 13 years of working on behalf of the river, it was the worst thing I've ever seen. Something was clearly wrong and water quality was compromised. Yet then as now, the average person fishing or paddling over such a scene would have no clear indication what was happening.

Because I know the river and the issues that affect it, I knew the general area had an outfall from a couple of nearby mills. One of the mills was having a major water quality issue, and that is now in the process of being addressed. Last Summer as we investigated the issue we heard that people fishing had called the Oregon State Parks and Recreation Department (OPRD) wondering what the problem was. Other's nearby who had paddled the river encountered the plume and wondered what was going on and had sought answers locally. The problem is, where these discharges occur, there is nothing to indicate that there is a permitted discharge of treated waste to enter the river.

In our view there is a simple fix to this - place a basic sign along the bank where these discharges occur. Signage is a direct, inexpensive way to provide the public a basic tool that lets them know there is a permitted discharge point. Some of our reasoning on this follows:

- 1) Problems occasionally occur at discharge sites, and if a person is there fishing near an outfall, and something is questionable, today there is no way to know what is happening. It makes sense to have a simple, legible sign with a phone number of the permit holder. A person fishing could then call the permit holder and talk about the issue to determine if it is a problem.
- 2) Given that the State of Oregon allows the privilege of discharging wastewater into public rivers under the Clean Water Act, it makes sense that simple signage provide information to river users where these discharge points occur. It is a basic Right to Know issue.
- 3) The State of New York legislated signage and now they are found at all discharge points.
- 4) The State of Tennessee Department of Environment and Conservation began requiring signage at discharge points back in the 1980s, and now anyone in the State of Tennessee who fishes, paddles and boats on the State's waters have clear signage where outfalls occur.
- 5) In Oregon we have done a fair job of implementing the Clean Water Act. That being said, problems and accidents occur every year throughout the State. Installing signage at discharge points into our rivers and other waterways can help provide a faster response time for dealing with such problems. When people see it, they can quickly call and report it.
- 6) SB 523, with the amended language, is not a punitive measure, but rather one that can help the public understand how our system of implementing the Clean Water Act Works. It seems only fair that river and other waterway users have a clear indication of these sites where they are recreating.

While some will argue that signage is not needed, from a river user's perspective, it is needed. I know this first hand, as do many other river users. We encourage the Committee to consider the amended language for SB 523 we have provided.

In our view, this makes sense for Oregon, and the tens of thousands of people who use our rivers and other waterways for fishing, canoeing, kayaking and more.

Thank you for your consideration of this testimony.

A handwritten signature in black ink that reads "Travis Williams". The signature is written in a cursive style and is positioned above a light gray rectangular background.

Travis Williams
Willamette Riverkeeper

Purpose of the amendment:

The amendment proposes to narrow and simplify the scope of the bill by requiring signage on NPDES dischargers who discharge to waters where public water contact recreation occurs. The amendment describes specifications of the sign, the information required, responsibilities of the permit holder and DEQ and allows for exceptions.

SB 523 proposed amendment:

Delete lines 6-30 page 1 and insert the following:

Section 2. (1) Any person possessing a NPDES permit which allows the discharge of waste water into the surface waters of the state that are used for water contact recreation shall post a sign at all discharge points to those surface waters, except for those sites where the discharge is composed exclusively of storm water runoff.

(2) All NPDES permit holders for discharges to waters of the state designated in OAR 340-041-0101 to OAR 340-041-0340 (Tables 101A to 340A) as having the beneficial use of water contact recreation shall erect or post a conspicuous and legible sign not less than eighteen inches by twenty-four inches bearing the following statement:

"Oregon Permitted Discharge Point Permit No. ____ (insert permit number, DEQ telephone number and website link to permit information). For information on this discharge you can contact: ____." (insert name of permit holder and their telephone number) phone.

(3) It shall be the responsibility of the permit holder to periodically and reasonably maintain the sign to ensure that it is still legible, visible and factually correct. A good faith documented effort by permit holder to maintain such sign will be an affirmative defense for its absence.

Section 3. (1) The Department Of Environmental Quality shall post on their web site the NPDES permits and the Discharge Monitoring Reports prepared by the permit holder to demonstrate compliance with its NPDES permit for the effective dates of the permit.

(2) The department shall, pursuant to the terms and conditions of the permits issued, establish the actual appearance and location of the sign on the property of the permit holder in as close proximity to the point of discharge into the surface waters as is reasonably possible while ensuring the maximum visibility from the surface water and shore.

(3) The department may in its discretion waive all or part of the requirements of this section if it determines that: (a) such sign cannot be reasonably maintained; (b) such sign would be inconsistent with the provisions of another statute; (c) such sign could not be so located as to provide a public purpose; (d) the nature of the discharge is temporary and of a relatively short duration; (e) the permit has been issued under the terms and conditions of a general permit as authorized by this title; or (f) the discharge is not a major, significant discharge.

Submitted by Willamette Riverkeeper
March 27, 2013