



HATHAWAY LARSON

Koback · Connors · Heth

February 23, 2021

**VIA EMAIL**

Erik Nobel  
Planning Director  
Klamath County  
305 Main Street  
Klamath Falls, OR 97601  
enobel@klamathcounty.org

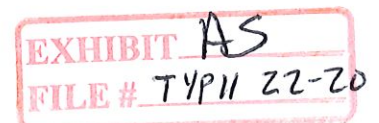
Re: South Suburban Sanitary District  
Class B Biosolid Project/Reeder Road Site  
TYP II 22-20

Dear Mr. Nobel,

On behalf of the South Suburban Sanitary District ("District"), this correspondence is in response to the evidence submitted by those in opposition to the above entitled matter by the County's February 16<sup>th</sup> deadline. The District's responses are timely and in compliance with the County's February 23<sup>rd</sup> deadline for this Case file.

Most of the testimony submitted by opponents were not relevant to the criteria applicable to the District's Class B Biosolid Project. However, the District responds to the following identified topics.

**Gregory S. Hathaway**  
1331 NW Lovejoy St., Ste. 950  
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1. Onsite wells: potential water contamination and disposition of wells.

Some opponents have expressed concern regarding the existence of wells on the Reeder Road Site and the land application of the Class B Biosolids potentially contaminating those wells. Walt Meyer, the District's Project Engineer from West Yost Associates responds to this issue in his letter to me dated February 22, 2021 which is attached as Exhibit A.

The District plans to abandon wells that are located on the Reeder Road Site where either Biosolids or Recycled Water are used to protect groundwater resources. Any abandonment of a well will be consistent with the requirements of OAR Chapter 690, Division 220 entitled "Abandonment of Water Supply Wells", and reported to OWRD pursuant to Division 205 of OAR Chapter 690.

In the alternative, Mr. Meyer advises that should the District retain any existing well on the Reeder Road Site (and not abandon a well), State law requires that certain setbacks be established including the setback that Class B Biosolids cannot be applied within 200 feet of a well.

As a result, any groundwater quality concerns expressed by opponents will either be addressed by capping or abandoning any existing wells on the Site in accordance with State law or, in the alternative, the District will not be able to apply its Class B Biosolids near any wells unless in compliance with the setbacks established by State law. These issues will be addressed by DEQ in its permitting process.

2. Alternative Sites.

As you are aware, based on LUBA's recent decisions reversing Klamath County's denials of the District's two Recycled Water Projects, an applicant's burden of consideration under ORS 215.246 (3) only requires an applicant to provide a written explanation for not using any sufficiently identified alternative under the very limited obligation imposed by ORS 215.246 (3). *South Suburban Sanitary District v. Klamath County*, (LUBA No.

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2020-082); and *South Suburban Sanitary District v. Klamath County and Susan F. House and William D. Kennedy*, (LUBA No. 2020-090).

An opponent suggested that the District and the City of Klamath Falls combine treatment plants for a long-term solution. The District has previously evaluated the combining operations alternative as one alternative for long term management of the District's wastewater treatment program. As explained in Mr. Walt Meyer's Letter dated February 22, 2021 attached as Exhibit B, the District concluded that a City of Klamath Falls alternative was not viable because the City did not currently have a defined project that would meet all of the state regulatory requirements.

3. Klamath Basin Improvement District Concern.

The Klamath Basin Improvement District expressed concern that the use of Biosolids on the Reeder Road site could increase non-point source contamination of water within the Klamath Project and its return flows. As explained in Mr. Meyer's attached letter (Exhibit B), Biosolids that are land applied as a soil amendment must be applied at agronomic rates and in strict compliance with DEQ regulations (OAR 340-050). DEQ regulation will require the appropriate application of Biosolids to prevent such contamination pursuant to a Biosolid Management Plan as required by OAR 340-050-0031.

The District respectfully requests that this correspondence, along with Mr. Meyer's letters (Exhibits A and B), be entered into the record regarding Case File TYP II 22-20.

Very truly yours,

HATHAWAY LARSON LLP

*/s/ Gregory S. Hathaway*

Gregory S. Hathaway

GSH/ph

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CC: South Suburban Sanitary District



## EXHIBIT A

1650 West 11<sup>th</sup> Avenue 541.431.1280 phone  
Suite 1-A 530.756.5991 fax  
Eugene OR 97402 westyost.com

February 22, 2021

Project No.: 515-50-19-15

SENT VIA: EMAIL

Mr. Gregory S. Hathaway  
Partner  
Hathaway Larson LLP  
1331 NW Lovejoy St., Suite 950  
Portland, Oregon 97209

SUBJECT: Disposition of Wells on Reeder Road Site

Dear Mr. Hathaway:

We have received a question regarding the disposition of wells that are located on the Reeder Road Site which will receive Class B Biosolids. To protect groundwater resources, the District plans to abandon wells that are located on this Site where either Biosolids or Recycled Water are used. Should a well be retained that may be used, legally required setbacks and appropriate well head protection will be employed as required by State law. For example, Class B Biosolids cannot be applied within 200 feet of a well.

With regard to abandoning of wells, the procedures used will be consistent with the requirements of OAR Chapter 690, Division 220, Abandonment of Water Supply Wells. The work will be reported to the Oregon Water Resources Department (OWRD) per Division 205 of the same chapter.

Many of the older well registrations in the OWRD data base did not include horizontal coordinates and consequently OWRD simply placed them on the map without precise location data. The maps we provided are based on the OWRD maps and we believe those to be very inaccurate. That said, before irrigation systems are installed, we will have to survey the properties and precisely show any wells that are located on the property. As part of the design of the irrigation systems, site surveys will be conducted and this process will include identification and location of all wells.

Sincerely,

WEST YOST ASSOCIATES

Walter J. Meyer, P.E.  
Managing Engineer



February 22, 2021

Project No.: 515-50-19-15  
SENT VIA: EMAIL

Mr. Gregory S. Hathaway  
Partner  
Hathaway Larson LLP  
1331 NW Lovejoy St., Suite 950  
Portland, Oregon 97209

SUBJECT: Alternatives to the Reeder Road Site for Biosolids Sites

Dear Mr. Hathaway:

Comments have been received regarding the District's application to apply biosolids at the Reeder Road site. Specifically, it is suggested that the District and the City of Klamath Falls combine treatment plants for a long-term solution. Combining operations was evaluated as one alternative for long term management of the District's wastewater treatment program. This option was not selected as already addressed in previous correspondence with the County due to cost and the uncertainty of the City's program. However, biosolids management at the District's wastewater treatment lagoons could be required in any event since there is an inventory of biosolids in the lagoons that may need to be removed and used as part of a biosolids program administered by the Oregon Department of Environmental Quality (DEQ).

Biosolids that are land applied as a soil amendment must be applied at agronomic rates and in strict compliance with DEQ regulations (OAR 340-050). The Klamath Basin Improvement District expressed concern that the use of biosolids on the site could increase non-point source contamination of water within the Klamath Project and its return flows. DEQ regulation will require application of biosolids to prevent such contamination. The District will be required to prepare and obtain a biosolids management plan per OAR 340-050-0031.

Sincerely,

WEST YOST ASSOCIATES

A digital signature of Walter J. Meyer, consisting of a stylized cursive script and the text "Digital Signature" below it.

Walter J. Meyer, P.E.  
Managing Engineer