



Oregon

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Department of Environmental Quality

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Southern Deschutes County and Northern Klamath County Groundwater Protection Project Steering Committee Charter

The Oregon Department of Environmental Quality DEQ has the responsibility and authority for protecting all waters in the state, including groundwater. Through public awareness, outreach and establishment of committees DEQ seeks input and recommendations in these efforts.

For any collaborative process to operate smoothly, it is necessary for those involved to agree at the outset on the purpose for the process and on the procedures by which the group will govern its discussions, deliberations, and decision-making.

The members of the S. Deschutes/N. Klamath Groundwater Protection Project Steering Committee agree to operate under this Charter.

I. Purpose

The purpose of the committee is to provide recommendations to the DEQ on how to best protect the groundwater and prevent groundwater contamination of surface waters in the area of South Deschutes and North Klamath Counties. These recommendations may impact areas beyond the boundaries of the USGS study described below.

The committee will be an advisory level forum for collaborative efforts related to development of a groundwater contamination reduction and protection plan. The participants are voluntarily working together to achieve a mutually acceptable outcome that satisfies, to the greatest degree possible, the interests of all citizens in the groundwater protection area. The committee will be responsible for all decisions and actions that are publicly identified as the committee's.

II. Background

In some areas of Oregon, groundwater contamination comes from a combination of agricultural chemicals, animal waste and individual septic systems. Based on studies, the aquifers beneath the developed residential areas in both south Deschutes and north Klamath Counties are showing an increasing trend of nitrate contamination. The major source of contamination is from onsite septic systems.

In 1999 a groundwater work group, jointly formed by DEQ and Deschutes County, recommended taking action and creating an area-wide rule to address groundwater contamination concerns in the southern portion of the county. As a result of those recommendations as well as assistance from local, state and federal agencies and support from political leaders at all levels, DEQ and Deschutes County received federal funding from the United States Environmental Protection Agency EPA for the La Pine National Decentralized

Wastewater Treatment Demonstration Project and a USGS groundwater study and modeling project.

Extensive field research and study shows that within the defined study area, the underlying groundwater of south Deschutes and north Klamath Counties is threatened by continued use and placement of traditional onsite wastewater treatment systems (traditional meaning - standard, pressure distribution and sand filter systems).

The United States Geological Service USGS conducted a hydrological study that included portions of Deschutes and Klamath Counties within Townships, 19, 20, 21, 22, and 23, and Ranges 9, 10, and 11, see figure 1 on page 3. The primary objective of the study was to develop a thorough understanding of the hydrologic and chemical processes that affect the movement and fate of nitrogen within the shallow aquifers of the study area. A secondary objective was to provide a method for analyzing the effects of existing and future development on water quality. Discharge from onsite wastewater (septic) systems is considered a primary and significant source of anthropogenic nitrogen pollution to shallow groundwater in the study area.

The demonstration project showed that some new types of individual onsite wastewater systems that were specifically designed to enhance nitrate removal through de-nitrification can better protect groundwater. In addition, the possible extension of existing community sewer systems and the use of cluster onsite wastewater systems with the same proven de-nitrification capabilities are options to consider in protecting the shallow groundwater aquifers throughout the area.

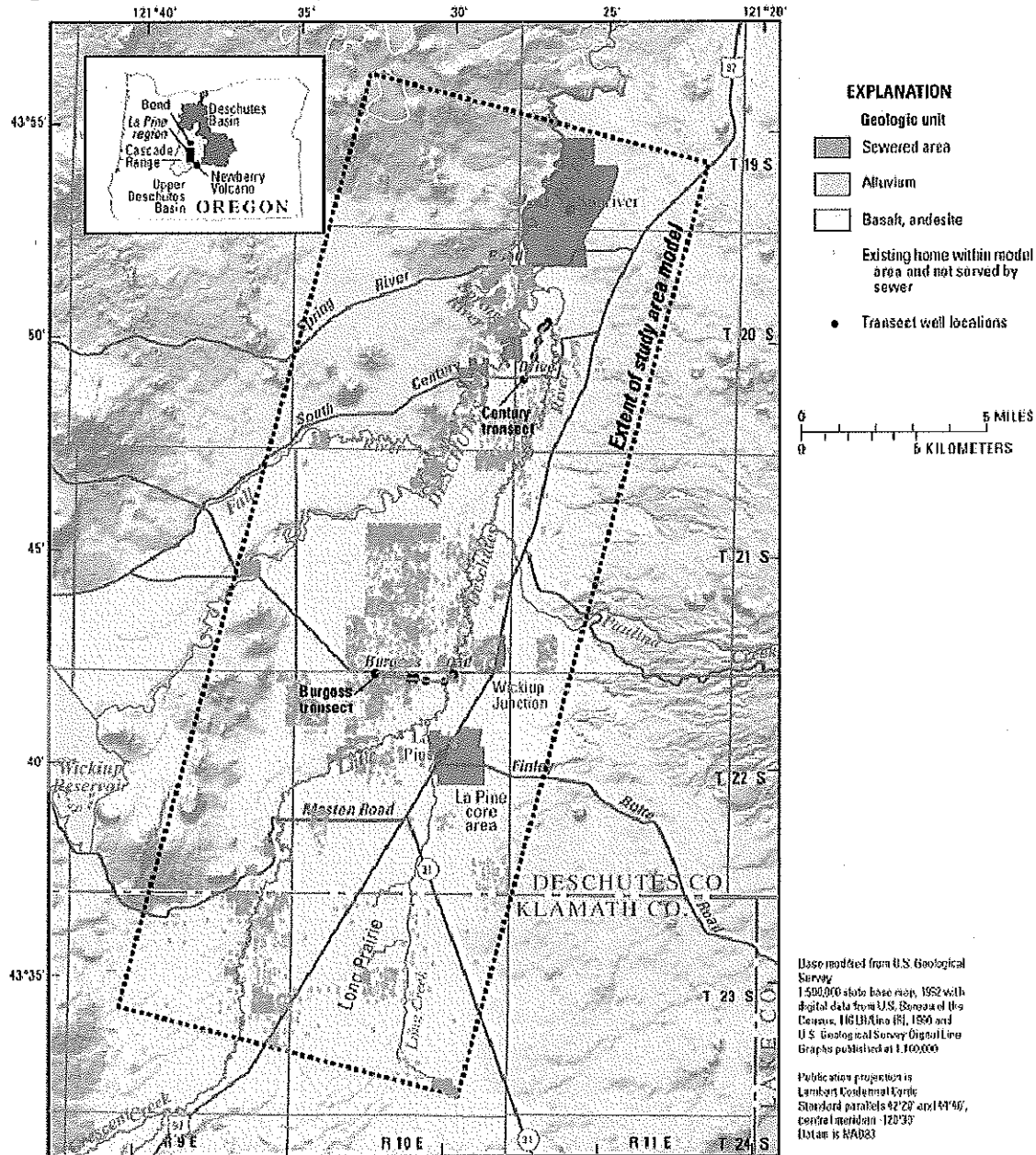
Some area aquifers have no natural protective barriers to the ground surface, are very vulnerable to contamination from surface activities, are interconnected, and have surface water (river) influences.

Generally water tables in the area are shallow, typically is less than 20 ft below land surface, and in some low-lying areas rises seasonally to within 2 ft of land surface. Sandy soils derived from pumice contain little organic matter and allow rapid infiltration of onsite wastewater effluent.¹ Groundwater in the shallow aquifer is becoming contaminated with nitrates and if left unchecked, will eventually reach unsafe levels. The EPA has set a maximum contaminant level for nitrate in drinking water to be 10 mg/l. An increasing trend of nitrate contamination can often indicate that other forms of domestic wastewater contaminants may be entering the groundwater.

To protect the quality of drinking water in the local aquifers, Deschutes County Commissioners passed an ordinance in 2008 to require eventual upgrades on all septic systems. County voters overturned the ordinance in a special election in March 2009. As result, in July 2009 Deschutes County Commissioners asked DEQ to take the lead in the efforts to resolve the issue. DEQ hosted town hall meetings in February and May 2010 with citizens and agreed to assemble a steering committee of citizens representing the South Deschutes and North Klamath affected areas to meet with and provide recommendations to DEQ.

¹ U.S. GEOLOGICAL SURVEY Scientific Investigations Report 2007-5237, <http://pubs.usgs.gov/sir/2007/5237/section2.html>

Figure 1. Location of study area and extent of the nitrate fate and transport model.



III. Committee Charge

DEQ and the committee will assess information needs and agree on a process to move forward.

1. DEQ and the committee will focus on the following:

- How to keep all citizens in the affected area informed of the process
- What must we resolve before moving forward

- c. What new information do we need to move forward
- d. What options/solutions need to be considered
- e. Other areas as defined

DEQ and the committee can form subgroups and designate subgroup members as needed. At the direction of DEQ and the committee, subgroup members may develop draft products such as research briefs, planning documents and other items and make recommendations to DEQ and the committee. Subgroups will not make decisions on behalf of DEQ and the committee.

Scientific and technical input will be provided on an “as-needed” basis by DEQ staff, committee members, staff from other identified local, state, and federal agencies, consultants or other designated entities or experts as agreed upon by DEQ and the committee. To the extent DEQ or a committee member is relying on the expertise of scientific or technical staff, those scientific or technical staff must be made available for discussion with other members of the committee if requested or needed. These technical advisers will not make decisions on behalf of DEQ and the committee.

Alternate committee members (see Section X – Committee Membership) are invited to participate in discussions and all related matters. Alternates offer input but may not vote or concur on procedural or substantive decisions unless they are taking the place of an absent member. Alternate members must abide by the operating principles within this document. When a member is absent an attending alternate will be a fully voting member of the committee. The chair will select the alternate in a rotation.

2. The committee will produce a draft report that summarizes research, key discussions and recommendations. DEQ staff will draft the report in collaboration with the committee chair and the committee members will review it for completeness. Once finalized all members will be asked to sign the report.

IV. Decision Making Process

The committee will operate collaboratively. The committee will strive to reach the consent of all members, and may require voting to determine the positions of members. If the committee cannot agree within a reasonable amount of time, the final report will note the different perspectives on the issue or issues. DEQ is the final decision-maker in the process.

V. Public Involvement

All meetings will be open to the public. For the committee to function without interruption, public comments will be taken during specified times as noted on each meeting agenda. Additionally, citizens who wish to discuss proposals are encouraged to communicate directly with committee members or DEQ project staff.

VI. Committee Meeting Schedule, Work Plan and Guidelines

1. Committee Meeting

At least seven members must be present to make decisions.

Committee meetings will likely be evening meetings (6:00 pm to 9:00 pm) to assist with public outreach and involvement. Half-day meetings (9:00 am - noon or 1:30pm - 4:30pm) or an occasional all-day meeting (9:00 am-4:00 pm with a 1-hour lunch) may be necessary. All meetings will be held in the La Pine area unless an alternate location is identified by the committee. The duration of the committee is one year, but may be extended as necessary.

Routine monthly meetings are currently scheduled for the first Tuesday of every month from Dec. 2010 to June 2011 at the Midstate Community Meeting Room located at 16755 Finley Butte Road in La Pine. The meeting dates are December 7, January 4, February 1, March 1, April 5, and June 7. The meetings will be held in the evening with members arriving at 5:45 PM, the meeting starting at 6 PM and ending at 9 PM. Changes to the meeting schedule or location may occur as necessary.

2. Process Overview

- a. Meeting Materials: DEQ staff will prepare and make materials available to committee members through a web posting or mailing at least one week prior to each meeting. The committee chairperson will collaborate with DEQ staff on agenda development.
- b. Meeting Summaries: DEQ staff will prepare and post committee meeting notes and the audio recording on the DEQ website. Minutes will summarize significant issues raised during the discussion and committee recommendations.
- c. Public Records and Confidentiality: Committee records, such as formal documents, discussion drafts, meeting summaries, and exhibits are public records and will be posted with the committee record on DEQ's website. All committee communications are public record and will be disclosed if requested.
- d. Process Conclusion: The committee will submit a report and recommendations to DEQ. The report will include sections for individual views if agreement was not reached on a topic.

3. Ground Rules

All committee members commit to each of the following:

- a. Comply with Oregon ethics laws.

- b. Attend each meeting to ensure continuity throughout the process. If a committee member is absent for two consecutive meetings, he or she may be replaced by an alternate member.
- c. Review proposed or draft documents and reports in a timely manner (by a date agreed upon by the committee).
- d. Treat everyone and their opinions with respect.
- e. Engage in good faith discussions.
- f. Act in good faith in all aspects of the collaborative effort.
- g. Refrain from personal attacks or prejudiced statements against other committee members.
- h. Express consistent views and opinions in the committee and in other forums.
- i. Allow one person to speak at a time.
- j. Comment constructively and specifically on issues.
- k. Consult regularly with constituencies and provide their input.
- l. Stay focused on the specific charge as outlined in this charter.
- m. Will not represent one's personal or organization's views as views of the committee.
- n. Will not represent or misrepresent the views of any other member, group, or the committee as a whole.

4. Information Exchange

Committee members will provide information as much in advance as possible of the meeting. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

VII. Communications and Media Coverage:

Eric Nigg, DEQ's Eastern Region water quality manager, or Robert Baggett, the steering committee's assigned DEQ staff, will respond to media inquiries associated with the organization, structure, process, and charge of the committee. The chair or appointee of the committee will represent and speak for the committee to the media.

While free to communicate with the media and others, committee members recognize that the collaborative process is enhanced when they raise ideas and concerns at a formal committee meeting. Additionally, members recognize that the way in which positions are publicly represented may affect the ability of the committee to work together.

VIII. Process Support

DEQ is responsible for providing staff support to the committee by providing background and technical information about the technologies available to protect groundwater, public health and the environment. DEQ will consult with other agencies and stakeholders, as needed, to support the committee. Some agencies and stakeholders may be asked to provide or present information to the committee.

IX. Committee Membership

The committee will be comprised of 11 primary members and some alternate members. Alternate members attend meetings and are ready to step in if a primary member is absent or leaves the committee. Alternates will take turns filling in for absent committee members. If a primary member leaves the committee, the remaining primary members will select a replacement from the alternative members. If a tie vote occurs DEQ will make the final selection.

Any member may withdraw from the committee at any time after discussing the withdrawal with the DEQ project staff and committee chair. Any member that withdraws from the committee shall remain bound by the good faith and other provisions of these operating principles.

Present and future committee members will be appointed by DEQ Deputy Director Joni Hammond.

The initial appointment of committee members is for one year. Towards the end of the year, with consultation of the committee, DEQ will consider extending member appointments, rotating alternate members into the committee, and/or seeking some new applicants for the committee.

The committee will be chaired by John Blakinger, and co-chaired by Robert Ray as approved by the DEQ Deputy Director Joni Hammond.

The chair will be responsible for:

- Facilitating meetings;
- Working with DEQ staff to set the agenda
- Keeping members focused on the issues and objectives;
- Ensuring that all members adhere to the process and ground rules;
- Representing the committee to the media.

Primary committee members: John Blakinger; David Crider; Judy Forsythe; Bill Gaetano; Aileen Harmon; Gary Mose; Marietta Qual; Robert Ray; Conrad Ruel; Leon Shields; Lee Wilkins

Alternate committee members: Allen Hammermann; Ray McKinley; Sunni Rounds

Agency-technical advisors: TBA

DEQ project staff:

Linda Hayes-Gorman, Eastern Region Administrator, (541) 633-2018

Eric Nigg, Eastern Region Water Quality Program Manager, (541) 633-2035

Robert Baggett, Natural Resource Specialist 4 and SD/NK GWPP Coordinator (541) 633-2036

Brian Mannion, Eastern Region Communication and Outreach Rep. (541) 633-2008

By my signature I agree to the conditions stated within this charter and any future amendments agreed to by the committee and DEQ.

John Blakinger

John Blakinger
Date 1-4-11

David Crider

David Crider
Date 1-4-11

Judy Forsythe

Judy Forsythe
Date 1-4-11

Bill Gaetano

Bill Gaetano
Date 1/4/11

Aileen Harmon

Aileen Harmon
Date 1-4-11

Gary Mose

Gary Mose
Date 1/4/11

Marietta Qual

Marietta Qual
Date 1-4-11

Robert Ray

Robert Ray
Date 1-4-11

Conrad Ruel

Conrad Ruel
Date 2-1-11

Leon Shields

Leon Shields
Date 1/4/11

Lee Wilkins

Lee Wilkins
Date 6-4-2011

Allen Hammermann

Allen Hammermann
Date 1-4-11

Ray McKinley

Ray McKinley
Date 2/1/11

Sunni Rounds

Date _____