

**MISSION STATEMENT: TO CREATE A HEALTHY, SAFE, DIVERSE, AND PROSPEROUS CITY
BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.**



**PUBLIC WORKS COMMITTEE AGENDA
CITY OF ONTARIO OREGON
TUESDAY, MAY 16, 2023, 3:00 PM, MT**
[Zoom Link](#)

1) CALL TO ORDER

Roll Call: Scott Wilson ____ Pat Woodcock ____ Jackson Fox ____
Jake Galeener ____ Al Christiani ____

City Council Ex-Officio ____ City Manager ____
PW Director ____ City Engineer ____

This Agenda was posted on May 10, 2023. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

2) MOTION TO ADOPT THE AGENDA

3) PUBLIC COMMENTS Citizens may address the Public Works Committee; however, the Public Works Committee may not be able to provide an immediate answer or response. Out of respect to the members and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

4) APPROVAL OF MINUTES

A) March 16, 2023

5) DISCUSSION ITEMS

A) Operations Update
B) Budget Update

6) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

7) NEXT REGULARLY SCHEDULED MEETING

A) Tuesday, June 20th, 2023

8) ADJOURN



PUBLIC WORKS COMMITTEE MEETING MINUTES

Thursday, March 16, 2023, 3:00 p.m. MT

Jacobs

The scheduled meeting of the Public Works was called to order by Chairman Scott Wilson at approximately 3:00 p.m. on Thursday, March 16, 2023, in the Council Chambers of City Hall. Committee members present in person or attended virtually were Scott Wilson, Pat Woodcock, Jackson Fox, Jake Galeener, and Al Christiani.

Others present in person or virtually were Casey Mordhorst, Paul Woods, Al Haun, Suzanne Mulvany, Neil DeJonge, Dan Cummings, Kari Ott, and Corinna Hysell.

AGENDA

The press was notified; this Agenda was posted on March 07, 2023. Copies of the agenda and minutes are available at the Public Works Headquarters and on the city's website at www.ontariooregon.org.

Fox moved, Woodcock seconded, **TO ADOPT THE AGENDA AS PRESENTED:** Motion passed unanimously.

ADOPTION OF MINUTES – FEBRUARY 21, 2023

RESOLUTION, ACTION &/OR MOTION:

THE MOTION WAS MADE BY MR. FOX, SECONDED BY MR. CHRISTIANI TO ADOPT THE MINUTES OF THE PREVIOUS MEETING, FEBRUARY 21, 2023: MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

➤ Changes to ODOT Fund Exchange Program and recommendations to address the new changes

 ODOT Fund Exchange What is Fund Exchange? The Fund Exchange program provides local agencies a flexible funding option for delivering transportation improvements without being constrained by federal requirements. Funding may only be used for projects that are consistent with the Oregon Constitution, Article IX, Section 3a. Please contact your organization's attorney to determine project/item eligibility.	 Oregon Constitution Language Section 3a. Use of revenue from taxes on motor vehicle use and fuel; legislative review of allocation of taxes between vehicle classes. (1) Except as provided in subsection (2) of this section, revenue from the following shall be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets, and roadside rest areas in this state: (a) Any tax levied on, with respect to, or measured by the storage, withdrawal, sale, distribution, importation or receipt of motor vehicle fuel or any other product used for the propulsion of motor vehicles; and (b) Any tax or excise levied on the ownership, operation or use of motor vehicles. (2) Revenues described in subsection (1) of this section: (a) May also be used for the cost of administration and any refunds or credits authorized by law. (b) May also be used for the retirement of bonds for which such revenues have been pledged. (c) If from levies under paragraph (b) of subsection (1) of this section on campers, motor homes, travel trailers, snowmobiles or like vehicles, may also be used for the acquisition, development, maintenance or care of parks or recreation areas. (d) If from levies under paragraph (b) of subsection (1) of this section on vehicles used or held out for use for commercial purposes, may also be used for enforcement of commercial vehicle weight, size, load, conformation and equipment regulation. (3) Revenues described in subsection (1) of this section that are generated by taxes or excises imposed by the state shall be generated in a manner that ensures that the share of revenues paid for the use of light vehicles, including cars, and the share of revenues paid for the use of heavy vehicles, including trucks, is fair and proportionate to the costs incurred for the highway system because of each class of vehicle. The Legislative Assembly shall provide for a biennial review and, if necessary, adjustment of revenue sources to ensure fairness and proportionality. (Created through S.J.R. 7, 1979, and adopted by the people May 20, 1980 (this section and section 3 adopted in lieu of former section 3 of this Article); Amendment proposed by S.J.R. 44, 1999, and adopted by the people Nov. 2, 1999; Amendment proposed by S.J.R. 14, 2003, and adopted by the people Nov. 2, 2004)
 ODOT Fund Exchange What authorizes Fund Exchange? The Oregon Department of Transportation has an agreement, located with the Association of Oregon Counties (AOC) and League of Oregon Cities (LOC) which provides Federal Surface Transportation Block Grant (STBG) funds to cities, counties, and non-Transportation Management Area (TMA) Metropolitan Planning Organizations. Fund Exchange provides an opportunity for local cities and counties to exchange their Federal STBG dollars for State Highway Fund dollars.	 ODOT Fund Exchange New in 2023: According to AOC, Oregon Counties took "no position" on the revised Fund Exchange proposal and instead will follow federal aid project requirements (*see below). Counties may still draw the allocated fund exchange for years 2022 and prior, but those funds must be requested by 12/31/2023 or they will lapse. Additionally, for cities/MPOs using the Fund Exchange up to \$250,000 may be exchanged at the 90¢ rate and any funds \$250,000 and above may be exchanged at a 1-for-1 ratio, but must be used on bridge projects only. Any funding above \$250,000 that doesn't qualify for bridge projects is considered federal. Cities may still draw the allocated fund exchange for years 2022 and prior, but those funds must be requested by 12/31/2023 or they will lapse. **2023 forward Local Agencies cannot carry a balance of more than 4 years STBG allocation





Leak discovered on Saturday September 3, 2022
Jacobs staff were able to shut-off the line within
hours of discovery.



Skyline Pipeline Leak Response



- Immediate notification to Oregon DEQ as required by the NPDES Permit;
- Inquires made with US Army Corps of Engineers to confirm exemption to conduct emergency repair work under the federal 404 program;
- Inquires made with Oregon Department of Lands to acquire emergency authorization permit to conduct emergency repair work;
- Request of Warrington Construction to divert efforts from the current SRCI pipeline work to Emergency Pipeline Repair work;
- Work completed in 30 days for cost less than \$50,000.
- Ongoing discussions with DEQ regarding whether or not the City exercised "reasonable control" over operations prior to the event.

NPDES Permit Background



- NPDES permit #101633 was issued to the City of Ontario on January 10, 2019. The permit will expire on November 30, 2023. The City must submit a renewal application by June 1, 2023.
- The permit has been modified three times. The first (minor) modification provided an update to land use information in the permit and fact sheet and was issued on June 1, 2019. The second (minor) modification updated Schedule A, Table A2 to remove interim ammonia limits and updated Schedule C, Table C-1 to remove interim ammonia limits and was issued on October 1, 2020. The third (major) modification was requested on May 1, 2021 by the permittee to remove the interim total inorganic arsenic and final limits for ammonia. Additionally, an update to the Recycled Water Use Plan was approved and submitted for public notice. The third modification was issued on December 10, 2021.

NPDES Permit Key Accomplishments since 2019



- Completed biosolids removal from Cell 1 in the Fall of 2020 (\$1.5 M);
- Completed Outfall Diffuser Design and obtained necessary permitting (\$0.55M);
- Completed CCTV Inspection of Entire Collection System (\$0.35M);
- Initiated Facility Plan in Fall of 2022 (\$0.25M);
- Identified 32 Sewer Only Customers and are making plans to remove customers with water supply concentrations of arsenic that exceed the final effluent limit for arsenic;
- Completed 11,000 feet of sewer line replacement in the highest priority area in 2022/23 with CDBG funds and City funds (\$2.99M).

CDBG Sewer Line Replacement Project Results



Arsenic Concentration in collection system before the project:
10 parts per billion

Arsenic Concentration in collection system after the project:
2 parts per billion

NPDES Permit Key Compliance Deadlines in the Future



- Complete new outfall diffuser construction by September 1, 2023;
- Facility Plan Outline to DEQ by May 1, 2024 and completion of Facility Plan by May 1, 2029;
- New Facility Monitoring Plan by May 1, 2024;
- Annual Progress Reporting for Arsenic Removal 2022-2030;
- Complete Arsenic Treatment System Final Design by October 1, 2030;
- Notice of Bid Award by January 1, 2031;
- Construction complete by January 1, 2034;
- Final compliance with effluent limit for Arsenic and Hydrogen Sulfide by November 1, 2034.

NPDES Permit Compliance Strategy



- Wastewater Treatment technology to remove arsenic has both a high capital and high operating costs that exceed the affordability of the community;
- With over 57.88% of the population being Low and Moderate Income and 88.1% of the population in an Underserved Community Census tract, the current residential wastewater rate structure of \$52.24 per month for 7,500 gallons of service is at the limit of affordability;
- With compliant water supply (<2.1 ug/L) and no residential, commercial and industrial sources of arsenic, the NPDES compliance strategy is source identification and removal in the collection system;
- The timeline for compliance must align with efforts to bring the entire flow of the Snake River into compliance (both Idaho and Oregon).

NPDES Permit Compliance Strategy



- An extreme low flow for the Snake River at the point of compliance is 5,000 cfs;
- The current NPDES permit authorized flow volume of 4.72cfs (well above current actual discharge volumes of 2.4 cfs) represents less than 0.1% of the flow volume in the Snake River at the extreme low flow condition;
- Current concentrations of arsenic in the Snake River at the point of compliance in Ontario range from 4-6 ug/L;
- Efforts and expenditures by the City of Ontario to comply with the final effluent limit of 2.1 ug/l for arsenic ahead of watershed-wide efforts to come into compliance will not have a measurable effect on arsenic levels in the Snake River and can cause economic harm to the citizens of Ontario.

Arsenic Water Quality Compliance status in Idaho



- Idaho just completed a multi-year study of arsenic exposure and toxicity and is proposing a concentration of 4.3 ug/L as the standard for arsenic in the Snake River;
- Standard must be approved by the legislature this session and if approved will be forwarded to EPA Region 10 for review and approval;
- Idaho must come up with a plan to meet Oregon's standard of 2.1 ug/L at the state line;
- Given the flow rate and current concentrations, attainment of the standard will be decades away;
- Oregon DEQ must take this condition into consideration when acting on the Ontario NPDES Permit.

Arsenic Water Quality Compliance status in Oregon



- Oregon DEQ has not initiated efforts to develop a TMDL for arsenic as required under the Clean Water Act for the Snake River and its tributaries;
- Absent a TMDL, efforts to reduce non-point sources of arsenic in Oregon will be delayed until such time that a framework can be defined to implement a set of actions that will insure attainment of the water quality standard.



City of Ontario NPDES Permit Issuance Requests

- Engage the Regional Solutions Team to maximize grant funding opportunities;
- Extend arsenic and hydrogen sulfide compliance deadlines to 2045 to allow for the replacement of 10,000 to 15,000 feet of sewer line every 2-3 years;
- Acknowledge that compliance will be through source identification and removal not installation of new technology.

RESOLUTION, ACTION &/OR MOTION:

THE MOTION WAS MADE BY MR. GALEENER, SECONDED BY MR. FOX THAT THE PUBLIC WORKS COMMITTEE RECOMMEND TO THE ONTARIO CITY COUNCIL THE PROPOSED NPDES PERMIT APPLICATION STRATEGY AS PRESENTED BY STAFF: MOTION PASSED UNANIMOUSLY.

NEXT REGULARLY SCHEDULED MEETING

Tuesday, April 18, 2023

RESOLUTION, ACTION &/OR MOTION:

DUE TO SCHEDULING CONFLICTS THE REQUEST WAS MADE TO MOVE THE APRIL PWC MEETING FROM TUESDAY THE 18TH TO THE WEEK PRIOR – TO THURSDAY, APRIL 13, 2023, AT 3:00 PM: THE CONSENSUS PASSED UNANIMOUSLY.

ADJOURN 3:57 PM

Christiani moved; Galeener seconded **TO ADJOURN**: Motion passed unanimously.

APPROVED:

Signature

Date

(Scott Wilson, Chairman / Jake Galeener, Vice-Chairman)