

**AGENDA
DAYTON CITY COUNCIL
WORK SESSION**



DATE: MONDAY, OCTOBER 18, 2021
TIME: 6:30 PM
VIRTUAL: ZOOM MEETING – ORS 192.670/HB 2560

If you would like to attend the meeting virtually, please click the link: <https://us06web.zoom.us/j/82045486146> to join the webinar or Telephone: 1 253 215 8782

Dayton – Rich in History....Envisioning Our Future

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER	
B.	ROLL CALL	
C.	APPEARANCE OF INTERESTED CITIZENS	

This time is reserved for questions or comments from persons in the audience on any topic.

D.	DISCUSSION ITEMS	
	1. Department of Environmental Quality (DEQ) Mutual Agreement and Order (MAO) 2017-183	1-8
	2. Infrastructure Project Prioritization for Funding Eligibility	9-11
E.	CITY COUNCIL COMMENTS/CONCERNS	
F.	INFORMATION REPORTS	
	1. City Manager’s Report	
G.	ADJOURN	

Posted: 10/14/21
Patty Ringnald, City Recorder

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Dayton AT LEAST 32 WORKING HOURS (4 DAYS) prior to the meeting date in order that appropriate communication assistance can be arranged. The City Hall Annex is accessible to the disabled. Please let us know if you need any special accommodations to attend this meeting.

NEXT MEETING DATE
City Council Regular Session, Monday, November 1, 2021, *Virtually until further notice*
City Council Regular Session, Monday, December 6, 2021, *Virtually until further notice*

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Department of Environmental Quality (DEQ) Mutual Agreement and Order 2017-183
Date: October 18, 2021

History/Background

In 2017 the city entered into a Mutual Agreement and Order (MAO) with the Department of Environmental Quality (DEQ). The city has met all requirements to date.

This MAO was put into place to determine whether a yearlong discharge permit was an option. This depended on the viability of the membrane pilot project that the City had put into place in 2015 and out of season discharges that were being requested. With the membrane pilot disassembled and out of season discharges not occurring since 2013, staff determined that the final requirements starting with #4 are no longer needed. In discussions with DEQ, it became clear that the City should ask for a termination of the MAO.

The MAO is attached for your review.

If the Council is in support of this direction, I will bring back a Resolution at the November meeting for your approval.

1 violations of conditions of the Permit. Therefore, pursuant to ORS 183.415(5), the Department
2 and Permittee wish to settle those past violations referred to in Paragraph 3 and address future
3 violations referred to in Paragraph 4 (unless caused negligently, willfully or intentionally) in
4 advance by this Mutual Agreement and Order (MAO).

5 6. The U.S. Environmental Protection Agency appropriately delegated the federal
6 NPDES permitting program to the Department, making the Department the primary
7 administrator and enforcer of the NPDES permits. The Department believes that this MAO
8 furthers the goals of the NPDES permitting program by ensuring progress towards compliance
9 and is consistent with the Department's goal of protecting human health and the environment.
10 However, the Department and Permittee recognize that this MAO does not eliminate the
11 possibility of additional enforcement of Permit requirements by the U.S. Environmental
12 Protection Agency or citizens under the federal citizen suit provisions.

13 7. This MAO is not intended to limit, in any way, the Department's right to proceed
14 against Permittee in any forum for any past or future violations not expressly addressed herein.

15 NOW THEREFORE, it is stipulated and agreed that:

16 8. The Environmental Quality Commission shall issue a final order:

17 A. Requiring Permittee to comply with the following compliance order:

18 (1) By February 1, 2019, permittee must complete construction of the
19 Ferry Street trunk sewer and the upgrade to the main pump Station.

20 (2) By February 1, 2020, permittee must complete an evaluation of all
21 inflow and infiltration sources within the city collection system.

22 (3) By February 1, 2021, complete the removal of all known inflow
23 sources from the city collection system.

24 (4) By February 1, 2022, submit for DEQ review and approval, a
25 predesign report that evaluates alternatives for expansion of the existing
26 lagoon treatment system to increase hydraulic and organic capacity.

1 (5) Within 45 days of receiving DEQ comments on the predesign
2 report, revise the report consistent with DEQ's comments and resubmit the
3 report for DEQ review and approval.

4 (6) By February 1, 2025, complete construction of the chosen
5 alternative for increasing capacity of the existing lagoon system, if needed.

6 (7) Requiring Permittee to submit annual status reports to the
7 Department by February 15, 2023, and February 15, 2024, on the progress
8 of (6) above.

9 B. Requiring Permittee to comply with the following interim measures:

10 (1) No effluent discharge to the Yamhill River in October except when
11 the lagoon freeboard is less than one foot.

12 (2) No effluent discharge to the Yamhill River in May except when
13 the flow of the South Yamhill River at USGS gage #14194150 (South
14 Yamhill River at McMinnville) is greater than 60 cubic feet per second
15 and discharge is necessary to increase holding capacity of the wastewater
16 lagoons for summer influent when the lagoon freeboard is less than one
17 foot.

18 C. Requiring Permittee, upon receipt of a written Penalty Demand Notice
19 from the Department, to pay the following civil penalties: \$600 for each day of violation of the
20 compliance order set forth in Paragraph 8A and \$300 for each day of violation of the interim
21 measures in Paragraph 8B.

22 9. If any event occurs that is beyond Permittee's reasonable control and that causes
23 or may cause a delay or deviation in performance of the requirements of this MAO, Permittee
24 shall immediately notify the Department verbally of the cause of delay or deviation and its
25 anticipated duration, the measures that have been or will be taken to prevent or minimize the
26 delay or deviation, and the timetable by which Permittee proposes to carry out such measures.

1 Permittee shall confirm in writing this information within five (5) working days of the onset of
2 the event. It is Permittee's responsibility in the written notification to demonstrate to the
3 Department's satisfaction that the delay or deviation has been or will be caused by circumstances
4 beyond the control and despite due diligence of Permittee. If Permittee so demonstrates, the
5 Department shall extend times of performance of related activities under this MAO as
6 appropriate. Circumstances or events beyond Permittee's control include, but are not limited to,
7 acts of nature, unforeseen strikes, work stoppages, fires, explosion, riot, sabotage, or war.
8 Increased cost of performance or a consultant's failure to provide timely reports are not
9 considered circumstances beyond Permittee's control.

10 10. The violations set forth in Paragraphs 3 are expressly settled herein with penalty:
11 All other violations of the seasonal discharge limit that occur during the term of this MAO,
12 except those described in Paragraph 8B, will be addressed per DEQ's Enforcement Guidance
13 Internal Management Directive in effect at the time of the violation.

14 11. Permittee and the Department hereby waive any and all of their rights to any and
15 all notices, hearing, judicial review, and to service of a copy of the final order herein. The
16 Department reserves the right to enforce this order through appropriate administrative and
17 judicial proceedings.

18 12. Regarding the order set forth in Paragraph 8A above, Permittee acknowledges that
19 Permittee is responsible for complying with that order regardless of the availability of any
20 federal or state grant monies.

21 13. The terms of this MAO may be amended by mutual agreement of the Department
22 and Permittee.

23 14. The Department may amend the compliance order and conditions in, or terminate,
24 this MAO upon finding that such modification or termination is necessary because of changed
25 circumstances or to protect public health and the environment. The Department shall provide
26 Permittee a minimum of thirty (30) days written notice prior to issuing an Order amending or

1 terminating the MAO. If Permittee contests the Order, the applicable procedures for conduct of
2 contested cases in such matters shall apply.

3 15. This MAO shall be binding on the parties and their respective successors, agents,
4 and assigns. The undersigned representative of each party certifies that he or she is fully
5 authorized to execute and bind such party to this MAO. No change in ownership or corporate or
6 partnership status relating to the facility shall in any way alter Permittee's obligations under this
7 MAO, unless otherwise approved in writing by DEQ.

8 16. All reports, notices and other communications required under or relating to this
9 MAO should be directed to Tim McFetridge, DEQ Western Region Salem Office, 4026 Fairview
10 Industrial Drive, Salem, Oregon, 97302, phone number 503-378-4995. The contact person for
11 Permittee shall be Steve Sagmiller, Public Works Director, City of Dayton, 416 Ferry Street,
12 Dayton, Oregon, 97114, phone number 503-864-2956.

13 17. Permittee acknowledges that it has actual notice of the contents and requirements
14 of this MAO and that failure to fulfill any of the requirements hereof will constitute a violation
15 of this MAO and subject Permittee to payment of civil penalties pursuant to Paragraph 8.C
16 above.

17 18. Any stipulated civil penalty imposed pursuant to Paragraph 8.C shall be due upon
18 written demand. Stipulated civil penalties shall be paid by check or money order made payable
19 to the "Oregon State Treasurer" and sent to: Business Office, Department of Environmental
20 Quality, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232. Within 20 days of
21 receipt of a "Demand for Payment of Stipulated Civil Penalty" Notice from the Department,
22 Permittee may request a hearing to contest the Demand Notice. At any such hearing, the issue
23 shall be limited to Permittee's compliance or non-compliance with this MAO. The amount of
24 each stipulated civil penalty for each violation and/or day of violation is established in advance
25 by this MAO and shall not be a contestable issue.

26 19. This MAO shall terminate at the end of the day on the date the final compliance

1 task in Paragraph 8A above is to be completed. However, Permittee remains liable for stipulated
2 penalties for any violations of the MAO occurring during the period the MAO was in effect and
3 demanded pursuant to Paragraph 18.

4
5 **PERMITTEE**

6
7 _____
8 Date

Scott Pingel, City Manager, City of Dayton

9 DEPARTMENT OF ENVIRONMENTAL QUALITY and
10 ENVIRONMENTAL QUALITY COMMISSION

11
12
13 _____
Date

Sarah G. Wheeler, Acting Manager
Office of Compliance and Enforcement
on behalf of DEQ pursuant to OAR 340-012-0170
on behalf of the EQC pursuant to OAR 340-011-0505

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Infrastructure Project Prioritization for Funding Eligibility
Date: October 18, 2021

History/Background

As the State of Oregon and Yamhill County start allocating/awarding their American Rescue Plan funds (Oregon State: \$2.6 billion, Yamhill County: \$20.8 million, Dayton: \$603k) staff wanted to touch base with the Council to review our water and sewer infrastructure projects. With multiple sources of funds available, having direction on which projects to seek funding for first will be helpful.

Attached is a listing of 6 infrastructure projects. Steve Sagmiller and Denny Muchmore will be in attendance to address any questions the Council may have.

Yamhill County ARPA Funding Info:

TOTAL ARPA ALLOCATION: \$20,802,919

Received 50% in March 2021 and anticipate remaining 50% in March 2022

Public Health Response

- 15% of total ARPA allocation (\$3,120,437)

Economic Impacts

- 33% of total ARPA allocation (\$6,864,963)

Revenue Loss

- 14% of total ARPA allocation (\$2,912,408)

Water & Sewer Infrastructure (transmission or distribution of water or sewer)

- 33% of total ARPA allocation (\$6,864,963)

Broadband Infrastructure

- 5% of total ARPA allocation (\$1,040,145)

It was decided to go with a competitive grant program that will result in IGAs with all funded jurisdictions for reporting purposes.

The categories will be:

- Planning - \$200,000 max
- Capital projects - \$500,000 max
- Implementation - \$1.5 million
- Total Project = \$2.2 million**

Application process is slated to start Nov 1 with funds dispersing beginning of January.

1. Utility Bridge with Infrastructure Upgrades

- Budget \$4.5 million with \$1m for liquefaction mitigation
- Currently bridge engineers are in plan and design phase
- Environmental Review is completed
- DEQ and Business Oregon financing secured
- Environmental Review is completed
- Current project is a midspan replacement with \$150k allocated to approach span upgrade
- To include the approaches, DOWL estimated \$4.8 million using 4 smaller pre-fab truss spans

2. Highway 221 Pumpstation

- Cost Estimate: \$800k-\$1 million
- If fails – we will discharge sewage into Palmer Creek into Yamhill River right at the boat ramp.
- Topo survey – need to do verification of that area
- Geotech – no report done but geo engineers didn't think it would be needed soil logs from bridge
- Pre-Design report completed and approved by DEQ and USDA Rural Utilities Service
- Conceptual approval of location and layout by DEQ
- This lift station does not meet any DEQ criteria. There is no redundancy built into the system. This is a one pump lift station with no backup power. DEQ requires lift stations to have a minimum of two pumps and backup power.

3A Fisher Farm Tie-In

- Cost Estimate: \$500k
- Completed: water testing, water rights transfer, and topo survey
- Preliminary research for the methane stripper is completed
- New well pumps and VFD controls on all 3 wells
- Methane Stripper and Booster Pump sized for all 3 wells
- Agreement with Lafayette on use/purchase of this water from the joint system

3B Water Transmission Line from MacDougal Wells

- Cost Estimate: \$2.2-\$2.5 million
- McDougal Wells to the PRV 12" new pipe – has to go under the highway and the railroad tracks
- 1932 pipe
- Need to do topographic survey (\$20k)

4. Palmer Creek Waterline Crossing

- Cost Estimate: \$400k
- End of first street to the end of Palmer Lane
- Title Research /negotiate for easement.

5. Waterline Replacements

- 9th Street from Church to Ash - Estimates: \$110k
- Church Street – 9th to Laurel (critical part) - \$100k
- 4th Street – Ferry to Mill - Design is completed – Estimate: \$100k
 - Design is on the shelf