**John Day Sewer Improvements – July 2023 Council Progress Report**

John Day’s Sewer Improvements Project has six primary tracks that are the focus of our efforts.

1. Section 7/Environmental Compliance
2. USDA and Other Funding Applications
3. DEQ Permitting Compliance
4. Preliminary Site Preparation for Companion Projects
5. Progressive Design/Build Procurement Document
6. Community Engagement and Outreach

This memo provides a progress summary for all six tracks July and early-August 2023. Our top priorities currently are Task 1) environmental compliance and Task 2) completing the funding application(s).

**High Notes:**

* Task 1: City’s Proposed Water Quality Mitigation Monitoring Plan submitted to USFWS and NOAA-NMFS for informal review
	+ Petroleum monitoring still a potential sticking point
* Task 4: Purple Pipe Final Design process underway, alignment being finalized.
* Recycled Water Plan drafted for DEQ review, sent to City for review.
* Task 4: Solar array engineering scope and contract transmitted to legal counsel.

**Two Decisions/Authorizations Needed:**

* Direct Ducote (or someone) to write the Risk Assessment and Resilience Plan w/Cybersecurity
* Who will be the City lead on capital projects? i.e. Parsons’ Easement negotiation.

# Section 7/Environmental Compliance (Task 1)

CWM-H20 (Bob Long) held discussions with USFWS’ Jeremy Buck about the potential for, and limitations of, surface water testing for the proposed WWTF and the groundwater discharge system. The point had to be made that the John Day River is not a navigable body and the City Staff cannot simply take a boat down the River to collect samples. Additionally, the River is privately owned in places, which prevents access without trespassing. Ducote Consulting coordinated with the City and CWM-H20 (Bob Long) to review the Draft Water Quality Monitoring Plan (Monitoring Plan), which was submitted for informal review to USFWS and NOAA-NMFS on July 28. The Monitoring Plan is attached as a part of this submittal to City Council.

The other primary focus of the Monitoring Plan and current negotiations with USFWS/NOAA-NMFS are related to the complexity and scope of potential testing that will be a part of the monitoring plan. Bob has provided a variety of potential testing regimes and their associated costs in the attached documents.

Bob Long, CHW-H20 comments on submission to USFWS/NOAA-NMFS:

*Because we are focused on the surface water quality and potential impacts to fish species and other aquatic species, I recommend that we reduce or eliminate the groundwater sampling with the exception of the contaminants of concern noted or alluded to in the Phase I Environmental assessment (Total Petroleum Hydrocarbons (TPH) and Polyaromatic Hydrocarbons (PAHs)), and then complete just one round for a presence/absence determination. Based on the neutral pH values required by the Water Pollution Control Permit for the City effluent released to groundwater, metal mobilization in groundwater is an unlikely event.*

 *For additional cost cutting, and for your consideration, if the groundwater metal sampling was eliminated or limited, we could increase the sampling for surface water to quarterly in order to establish statistical relevance, but limit metal the sampling to the most likely metals, namely Copper, Zinc, and Lead, which would be similar to current requirements for the EPA approved Oregon Stormwater regulations and NPDES limits. If these three metals are low or not detected, it is very unlikely that the less common metals requested would be present, detected, or have an adverse impact to aquatic species.*

*The relative ability to float the river above navigable waters is limited to very short windows of time and the City has significant concerns about the liability of training and managing staff and a boat to complete the requested sampling. We have found that we can get a sample using a hand-held sample boom to collect the water sample from shore where the City is granted access by property owners. This is the City’s preferred safety approach.*

**Additional Task Updates:**

1. 7/28: *Draft Water Quality Mitigation Monitoring Plan* submitted to USFWS & NOAA-NMFS
2. 8/11: NOAA-NMFS replied saying they would like to see the draft Biological Assessment along with the Monitoring Plan. MBS is preparing that for submission by Ducote.

**Status**:

* Within 4 months of the submission of the *final* Biological Assessment to USFWS/NOAA-NMFS under a Formal Consultation, a Biological Opinion will be issued. The 7/28 submission is *not* the final or formal consultation.
* After the final B.O., USDA will finalize the Environmental Report and publish it.

# 2. USDA and Other Funding Applications (Task 2)

USDA has changed staff and LaDonn McElligott is no longer the grant officer – she has been replaced with Kimberly Young.

**Additional Task Updates:**

1. 8/8: USDA reached out to officially introduce Kimberly as the new grant officer. The City also has to re-do a form after the National Office determined that Canyon City’s connections count as “Wholesale User of the City’s WWTP” and not as a part of the John Day’s overall connections.

**Status**:

* Risk and Resilience Assessment / Emergency Response Plan, with cybersecurity element needs to be written. Ducote write?
* City Staff working with Ducote and USDA on remaining documents.
* New USDA staffer assigned to the project on the funding side of things.
* Cannot proceed to commitment of funds until the USDA Environmental is completed.

# DEQ Permitting (Task 3)

The Department of Environmental Quality (DEQ) issued a new wastewater pollution control facility (WPCF) permit effective on May 1, 2022 (Permit Number: 103281; File Number: 127619). The permit is good for ten years and expires December 31, 2032.

The City is also required to submit a Recycled Water Use Plan meeting the requirements in OAR 340-055-0025 for Schedule D. The City must submit this plan or any significant modifications to DEQ for review and approval with sufficient time to clear DEQ review and a public notice period before distributing recycled water. You are prohibited from distributing recycled water prior to receipt of written approval of the City’s Recycled Water Use Plan from DEQ.

**Status**:

* 8/11: HECO submitted the *Recycled Water Plan* to the City for review. Ducote has reviewed and provided comments.

# Preliminary Area Preparation for Companion Projects (Task 4)

The City has three ongoing companion projects that accompany the Wastewater Treatment Plant. They are (1) Site improvements to NW 7th Street and the former Oregon Pine/DR Johnson mill site to make the new facility accessible; (2) Design and construction of the reclaimed water (purple pipe) distribution system; and (3) Design and potential construction of a solar array to power the new facility. The City also completed updates to its [DiscoverJohnDay.com website](https://www.discoverjohnday.com/grow) to promote the Project and the City’s use of reclaimed water to create a sustainable high-desert community.

## Area Improvements

Trail improvements contracted through Knife River are nearing completion with an inspection planned. These improvements will be paid by the HB5006 DAS-8154 and Oregon Parks and Recreation Department’s Recreational Trail Program grants. 7th St. (West) contracted through Tidewater is also nearing completion with inspection planned.

## Purple Pipe System

The Oregon Water Resources Department (OWRD) awarded the City $2.9 million in August 2022 to design and build the purple pipe distribution system. The matching funds for this companion project are the City’s planned expenditures for the treatment plant.

**Task Updates:**

* HECO has been in regular contact with City Staff and is finalizing the alignment. Survey is being conducted throughout town.

**Additional Updates:**

* Not clear on who will be taking the lead on Parson’s Easement and Malheur Lumber negotiations after Aaron’s departure.
* HECO in discussions with the City Staff about taking on a larger role in project management on this effort.
* Environmental team needs to be assembled for wetland delineation and cultural survey.
	+ Can use a variety of firms that are on the Professional Services Roster.

## Solar Array

The City was awarded a design contract for $100,000 by the Oregon Department of Energy (ODE) under its Community Renewable Energy Program (CREP). The city council approved the grant agreement at its May 9 meeting. Expiration deadline – May 2024.

**Status**:

* An engineering firm – Tetra Tech – has been selected for the Design and Preliminary Engineering. The contract is currently under review by BLJ.

# Progressive Design/Build Procurement Document (Task 5)

When the environmental review (Task 1) is published and the public comment period is completed, our Business Oregon grants and loans will “unlock” so we can begin the bidding process on an engineer and vendor. That bid process will be covered under a Progressive Design/Build solicitation unless that method fails to receive USDA approval at the National Office. Having the solicitation process begin requires both Task 1 and Task 2 outlined to be completed and finalized.

**Status**:

* Current status: No follow-up with BLJ on this document. Not a high priority item until the Biological Assessment has at least been submitted.

# Community Engagement and Outreach (Task 6)

**Status**:

* Canyon City rate negotiation is on-going.
* Citizen Advisory Committee has not been formed.

**Task Overview Schedule and Timeline:**

|  |  |
| --- | --- |
| **COMPLETED** | **ONGOING** |
| **TASK** | Preliminary Engineering Reports (1 & 3 updates) | Grants Secured ($10.7m) | Environmental Compliance\* | Finalize Funding Commitments (USDA & CWSRF) |
| **Status** | 2019 - 2022 | 2018 -2022 | *2019 - current* | *2018 - current* |
| **Est Timeframe** |   |   | 4-7 months | 4-8 months\* |
| **TASKS NOT BEGUN** |
| Bid the Progressive Design/Build, PDB (Engineer + Vendor Team) | Procure an Owners Rep (City-side Engineer for QA/QC) | Final Design & Off-Site Construction (PDB Team), City Engineer QA/QC | Bid Construction on the WWTF | Complete Construction on the new WWTF |
|   |   |   |   |   |
| 2-3 months | 1-2 months | 12 months | * 1. months
 | 12 months |