



*Working with community wastewater treatment and stormwater management agencies
across the state to protect Oregon's water quality since 1987.*

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March 27, 2023

Representative Helm, Chair
Committee Members
House Committee on Agriculture, Land Use, Natural Resources, and Water

Subject: Neutral Testimony on HB 2765—a bill granting South Suburban Sanitary District exclusive authority to use and sell treated wastewater discharged by the district into the Klamath River or tributaries.

Chair Helm and Members of the Committee:

The Oregon Association of Clean Water Agencies (ACWA) appreciates the opportunity to submit written testimony related to House Bill 2765, which would enable the South Suburban Sanitary District to use treated wastewater for several beneficial purposes, such as irrigation and fish and wildlife habitat support. ACWA is a not-for-profit organization of Oregon's wastewater treatment and stormwater management utilities, along with associated professional consulting firms, which are dedicated to protecting and enhancing Oregon's water quality. Our members provide wastewater and stormwater services to over 3 million Oregonians, serving over 75% of Oregon's homes and businesses.

Wastewater utilities in Oregon face a growing number of water quality challenges as the Clean Water Act compels DEQ to adopt new water quality standards and renew wastewater National Pollutant Discharge Elimination System (NPDES) permits at an increasing rate. Wastewater utilities also face a growing affordability challenge, which is documented nationwide, and they must press for water quality solutions that are both cost-effective and affordable to their communities. In many cases, reuse of treated wastewater to sustain natural infrastructure like wetlands, riparian areas and fish and wildlife refuges, or to support agricultural or industrial process water needs, can be a cost-effective water quality solution that maximizes benefits to the environment, farmers, and industries, and can conserve or reduce withdrawals of fresh water from stressed surface or groundwater sources. HB 2765 presents an opportunity for South Suburban Sanitary District to maximize the benefits of wastewater reuse, in a manner that is financially achievable.

The South Suburban Sanitary District Plan to recycle treated wastewater for several beneficial purposes can support farmers, tribes, fish and wildlife, and the local economy.

The South Suburban Sanitary District (District) currently discharges treated wastewater to Lake Ewauna, the headwaters of the Klamath River, providing flows for fish and wildlife and downstream water users. To meet its NPDES permit and facilities capacity requirements going forward, the District has developed a facilities plan and strategy that would enable reuse of their treated wastewater for irrigation purposes downstream and for providing water to support downstream fish and wildlife habitat like the Lower Klamath National Wildlife refuge.

Under existing law, however, the District would have to achieve this strategy by diverting its discharge out of Lake Ewauna and into a new pipeline to convey its treated wastewater for beneficial reuse. The estimated cost of this pipeline is approximately \$20,000,000. With a customer base of a little over 20,000 people, this option would likely be cost prohibitive without state and/or federal funding support. It also would eliminate the existing environmental benefits of maintaining flows instream between the point of discharge by the District and the point of withdrawal by downstream users. There are no environmental or economic benefits (other than pipeline construction jobs) associated with expending \$20,000,000 on a pipeline for the purpose of transporting the water downstream (out of the river channel) to the same diversion locations the river can deliver the water to today.

Although ACWA is not positioned to comment on Oregon water laws, we recognize that the practical consequences of building a long and expensive pipeline, for the sole purpose of retaining control of the water, may cause the abandonment of highly beneficial wastewater reuse projects. If the District could continue to discharge its treated wastewater into Lake Ewauna and use the Klamath River as a natural conveyance system, a significant added cost burden could be avoided, which is important to this economically stressed region of the state. It also would sustain many attendant benefits for the river, the fish, the farmers, and downstream wildlife refuges.

Beneficial applications of reclaimed wastewater can help Oregon address the following challenges...

- **Adaptation and resiliency in the face of growing climate change impacts:** When used to maintain riparian areas, wetlands, and other green spaces, beneficial application of treated wastewater can support community efforts to adapt and become resilient to climate change impacts and can help sustain declining or stressed habitats. It can support community defenses against flooding and wildfires. Developing these approaches to water quality permit requirements also can avoid the addition of “grey infrastructure” projects like mechanical cooling and nutrient removal facilities that exacerbate greenhouse gas emissions, energy consumption, and chemical usage.
- **Water Quality:** Recycling and other beneficial application of treated wastewater can produce the best mix of environmental, social, and economic benefits for addressing numerous water quality challenges of growing concern, such as temperature and nutrients.
- **Drought:** Recycled water applications can help mitigate extended drought conditions, supporting agricultural or municipal irrigation and industrial process needs and leaving water in-stream for fish and other purposes.
- **Depletion of surface and ground water:** Recycled water can be used to offset consumptive uses of surface water and ground waters, which are under increasing pressure due to growth and climate change.

- **Affordability and sustainability of water utility services:** Recycled water projects match the appropriate level of treatment to the end uses which can save money, chemicals, and energy and minimize negative environmental impacts. This can help maintain stable utility rates.

State support is needed for local projects, like South Suburban Sanitary District's, to help solve the impacts of water scarcity on fish and wildlife, farms, tribes, and the economy.

As the state continues to tackle ever increasing pressures on water and the environment, local communities can help meet state goals for improved water quality, sustainable water supplies, and environmental and economic benefits by using treated wastewater for beneficial purposes. The state should continue to explore and find ways to open up new opportunities for wastewater utilities to capture more of the many potential benefits of treated wastewater when it can be applied to its highest and best purpose.

Respectfully submitted,

Susan L. Smith, Executive Director
Oregon Association of Clean Water Agencies (ACWA)