

My recommendation is to stop the illegal dumping of dairy waste into the Tillamook estuary. This waste runs through five rivers, through the bay and into the the Pacific Ocean through one small bar.

And, because of logging, Tillamook Bay has lost over 80% of is volume, yet today ODF is clear cutting steep mountain slopes on our rivers banks. An old boy political will is able through "voluntary compliance" to maintain the status quo - for instance:

HAYES OYSTER CO

Dealers in Shellfish Since 1912

Bay City, Oregon 97107-3324

503 842 3544

July 17, 2000

To: Executive Board

Pacific Coast Shellfish Growers Association

120 State Avenue NE PNB #142

Olympia, WA 98501

Tillamook Bay, because of fecal coliform contamination is closed up to 100 days a year. Closed for the beneficial human uses, one of which is shellfish harvesting.

The Tillamook dairy industry creates 500,000 tons of manure annually. This dairyland surrounds the Tillamook estuary and it's tributaries.

The Tillamook dairy farmers own 100% of the Tillamook County Creamery Association - the makers of Tillamook Cheese.

After over twenty years of, and because of fecal coliform contamination, Tillamook Bay was awarded a National Estuary Project.

I have attended six years of this Project's Management Committee meetings, Policy Committee meetings, Scientific/Technical Committee meetings and Citizen Action Committee meetings.

In 1995, a surprising event occurred at the Tillamook Bay National Estuary Project's first Management Committee meeting devoted to "Water Quality". This surprise event set the tone for the next five years of the Project: When this 7 hour water quality meeting was nearly over and dairy waste, as a pollutant, had not been mentioned, I brought it up. When I did, the Tillamook OSU Marine Extension Agent, also a Management Committee member, said: "We don't know that! It could be seagulls, seals, elk, deer - or cat and dog runoff!".

Mae West once said: "It wasn't what I did, but how I did it. It wasn't what I said, but how I said it and how I looked when I did it and said it".

That statement applies to Tillamook's OSU Seagrant Agent. He was furious, his body language, his glare, his words all implied "How dare *you* say such a thing about *our* dairy industry?" He was sitting with his friends, the dairy representatives. I was surprised, disappointed and felt betrayed. The Management Committee was 95% government agents, unable and unwilling to say anything, but the point had been made, the tone was set and that tone remained for the next five years and remains to this day: We do not talk about dairy waste, manure management, agricultural runoff, etc. I am the lone voice continuously bringing it up at the end of meetings, during the "Public Comment" time.

Consequently, after five years and nearly ten million dollars, the Tillamook National Estuary Project, it's EPA representative, Oregon's Department of Environmental Quality, Oregon's Department of Fish and Wildlife and Oregon's Department of Agriculture, all represented on the TBNEP's Management, Policy and Scientific/Technical Committees, have no idea where the fecal coliform is coming from or why the estuary is closed for 100 days a year.

In January, 1996, the Oregon DEQ advertised a public meeting in Garibaldi, Oregon. It was about a Mutual Agreement and Order to permit an eight year extension on Garibaldi's raw sewage overflows into Tillamook Bay. I was at that meeting because I was very concerned because DEQ had not taken into consideration the very popular public clam beds and private oysterbeds in the path of this contamination. DEQ had not even consulted with or notified Oregon Department of Agriculture.

To my surprise, the Tillamook County USO Marine Extension Agent arrived at this meeting with a dairy farmer. That dairy farmer was, is, the director of Tillamook's Soil and Water Conservation District, a Board Member of the Tillamook County Creamery Association and a member of the Policy Committee of the Tillamook Bay National Estuary Project.

I thought they were there to help protest the pollution extension permit and to help protect the shellfish beds.

I was wrong. The OSU Marine Extension Agent and the dairy representative were there to make a plea *for* the dairy industry. Their thinking was: If Garibaldi can get an extra eight year pollution discharge extension, then why shouldn't the dairy industry also get an eight year extension on their pollution discharges? Once, again, the Tillamook OSU Marine Extension Agent was not concerned about the shellfish beds, he was, instead, again, acting as a special interest lobbyist for the Tillamook dairy industry.

I have many more examples and similar documented events. The truth is: Tillamook County's OSU Marine Extension Agent is not a friend of the shellfish industry. He may have government agents, especially agriculture and forestry, saying glowing things about him - and they may be true for them, but the truth is, he is *not* a friend to *our* industry.

It brings to mind a quote: "The worst sin of all is to do well that which shouldn't have been done as all".

Jesse Hayes

President

Mr. Elliot Zais
Northwest Region Water Quality
Oregon Department of Environmental Quality
2020 SW 4th Ave.
Suite 400
Portland, OR 97201-4987

Re: Proposed Permit Renewal for Tillamook County Creamery Association

Dear Mr. Zais:

I represent Hayes Oyster Company, which has asked me to provide to your agency the following comments on the proposed draft NPDES permit (dated 22 April 2002) for the Tillamook County Creamery Association facility located in Tillamook, Oregon.

Permit conditions as specified in Schedule A, § 1.a. are inappropriate to the extent that they are based on ODEQ rules for Minimum Design Criteria for Treatment and Control of Wastes OAR 340-041-0215 subsection (2) but not subsection (1). In other words, treatment criteria should be based on the facility's treatment of sewage wastes in addition to its treatment of industrial wastes.

TCCA representatives formerly boasted that on certain summer days that the creamery was the largest “city” in Tillamook County based on sewage flows into its Waste Water Treatment Plant (“WWTP”). Undoubtedly during much of the summer months sewage loads to the WWTP comprise a substantial amount of the total waste treated by the facility daily. Ever since the TCCA elected to open its visitor center at the creamery there has been a fundamental incompatibility between its municipal sewage and industrial waste streams. The high BOD/TSS of the creamery waste interferes with treatment efficacy for human sewage coliforms and pathogens. This incompatibility is evident in the ODEQ’s Design Criteria for municipal sewage treatment plants, which include monthly average effluent concentration limits of 20 mg/l of BOD and 20 mg/l of TSS not included in TCCA’s draft permit.

Minimum monitoring requirements in Schedule B subsection 1. for effluent BOD5, Suspended Solids and E.coli are inadequate to the extent they require monitoring only 2 times per week. Due to the nature of the creamery’s batch operations there can be substantial variability in the treatment plant’s discharges. TCCA recognized this in previous years when it voluntarily monitored these parameters on at least a daily basis. Since daily effluent monitoring for BOD5, SS and E. coli appears to be necessary for the proper operation of TCCA’s WWTP and not an undue burden in light of TCCA’s prior history, daily monitoring for these parameters should be included in the TCCA’s permit.

Discharge limits for Outfall 003 can not be set in accordance with 340-041-0215(2)(b) until the location of the Outfall 003 is established. Furthermore, we note that discharge at the new Outfall 03 is intended to solve the chronic fecal coliform “regrowth” problem evident in the disparity between the WWTP discharge and the Wilson river outfall. We have always understood that the “regrowth” problem was a manifestation of the incompatibility of TCCA’s sewage and industrial waste streams, and we do not understand how simply stopping monitoring at the point of impact – the river – or discharging to other waters of the state will solve this problem.

Finally, the Department did not adequately consider the impact of bacteria discharges on the beneficial use of commercial shellfish harvesting in Tillamook Bay.

We look forward to receiving the Department’s response to these comments.

Sincerely,

Thomas R. Benke

cc: Mr. Jesse Hayes, President

Hayes Oyster Company