



AGENDA COVER MEMO

Memorandum Date: April 21, 2025

Order Date: May 6, 2025

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Dan Hurley, Public Works Director

AGENDA ITEM TITLE: ORDER/ In the Matter of Approving a Metropolitan Wastewater Management Commission Pretreatment Program Reporting Obligations Intergovernmental Agreement and Delegating Authority to Execute the Agreement

I. MOTION

That the Pretreatment Program Intergovernmental Agreement with the Metropolitan Wastewater Management Commission shown in Attachment A is approved and the County Administrator is delegated authority to execute the Agreement.

II. AGENDA ITEM SUMMARY

The Board of Commissioners is being requested to approve an Intergovernmental Agreement (IGA) with the Metropolitan Wastewater Management Commission (MWMC) and cities of Springfield and Eugene to continue compliance with its DEQ National Pollutant Discharge Elimination System permit.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Oregon Department of Environmental Quality (DEQ) is requiring MWMC, Lane County and the cities of Springfield and Eugene to enter into an IGA regarding reporting obligations for industrial pretreatment of wastewater outside the urban growth boundaries of Springfield and Eugene. DEQ is requiring this IGA to document which party would report to DEQ on industrial pretreatment activities if an industrial user is connected to the regional wastewater system from outside the urban growth boundary (UGB) of Springfield or Eugene.

B. Policy Issues

This IGA will have no immediate effects because industrial users cannot connect to wastewater system outside UGB without a Metro Plan amendment approved by the cities of Springfield and Eugene and Lane County and other prerequisites.

C. Board Goals

Lane County's partnership with the Metropolitan Wastewater Management Commission supports the Board's goals around Vibrant Communities by supporting essential infrastructure and services related to wastewater management.

D. Financial and/or Resource Considerations

Because this IGA does not authorize any changes to the current industrial pretreatment program or new connections to the wastewater system from outside the UGB, this IGA has no financial impact on Lane County.

E. Health Implications

Environmental Quality

The proposed IGA will allow MWMC to remain in compliance with environmental regulations designed to protect waterbodies and the beneficial uses associated with these waterbodies. For MWMC, the receiving waterbody is the Willamette River. MWMC's pretreatment program requires specific pretreatment measures to be followed to reduce water pollution from industrial sources.

F. Analysis

Analysis is contained in the attached memorandum from the City of Springfield's General Council (Attachment C). The DEQ approved the final draft of the pretreatment IGA by letter dated March 5, 2025 (Attachment B).

G. Alternatives/Options

1. Approve the Pretreatment Program Intergovernmental Agreement with the Metropolitan Wastewater Management Commission and delegate authority to the County Administrator to execute the Agreement.
2. Do not Approve the Agreement. If the IGA is not adopted, DEQ would require Lane County to adopt the MWMC's model pretreatment ordinance to remain in compliance.

IV. RECOMMENDATION

Public Works and the County Counsel's office recommend approval of the IGA to allow the MWMC to remain in compliance with operating permits from the DEQ.

V. TIMING/IMPLEMENTATION

If approved, staff will route the IGA to the County Administrator for execution.

VI. FOLLOW-UP

None.

VII. ATTACHMENTS

Attachment A: Pre-Treatment IGA

Attachment B: DEQ Approval Letter

Attachment C: City of Springfield General Council Memo

Attachment D: Board Order

INTERGOVERNMENTAL AGREEMENT
Metropolitan Wastewater Management Commission Pretreatment Program
Reporting Obligations for Pretreatment Activities Outside of Urban Growth Boundaries

THIS INTERGOVERNMENTAL AGREEMENT for the Metropolitan Wastewater Management Commission Pretreatment Program (the “Agreement”) is made as of this ____ day of _____, 2025 (the “Effective Date”), by and between the Metropolitan Wastewater Management Commission (“MWMC”), City of Springfield, an Oregon municipal corporation (“Springfield”), City of Eugene, an Oregon municipal corporation (“Eugene”), and Lane County, a political subdivision of the State of Oregon (“County”). Springfield, Eugene, and the County are collectively referred to herein as the “Local Governments.” Springfield and Eugene are collectively referred to herein as the “Cities.” The Local Governments and the MWMC collectively are the “Parties” and individually a “Party.”

RECITALS

- A. The Local Governments entered into an Intergovernmental Agreement to establish the MWMC, an intergovernmental entity, effective February 9, 1977 (the “IGA”), which has been amended from time to time. The MWMC was created to construct and operate regional wastewater facilities for the Eugene-Springfield area. More specifically, one of the MWMC’s functions pursuant to the IGA is to adopt a Pretreatment Program.
- B. Under the Local Governments’ Charters and the Oregon Revised Statutes, the Cities and County may cooperate in providing sewerage and may enter into contracts to carry on that function jointly or by transferring the function to one of the governmental units. The MWMC and the Cities have each adopted sewer use ordinances that are equally stringent and contain identical local limits applicable to industrial dischargers. The Cities operate as the “Control Authorities,” pursuant to 40 CFR Part 403, in only their respective jurisdictions, by and through the organizational structure of the MWMC. More specifically, the Cities, within their respective jurisdictions, vis-à-vis the MWMC: (1) issue control mechanisms for those industrial users located; (2) provide the MWMC with records related to their pretreatment activities, and have the authority to enter, inspect, and sample the facilities of industrial users; and (3) enforce their respective ordinances and determine remedies for breach.
- C. The State of Oregon Department of Environmental Quality (“DEQ”) issued a National Pollutant Discharge Elimination System Waste Discharge Permit no. 102486 (the “Permit”) to the MWMC and the Cities, effective November 1, 2022. The MWMC and the Cities jointly conduct and enforce a DEQ-approved Pretreatment Program in accordance with the requirements of the Permit and General Pretreatment Regulations (40 CFR part 403). Under the Permit, the MWMC and the Cities must update their inventory of industrial users subject to Pretreatment requirements at least annually. Section 13 of Schedule E of the Permit requires the submittal of an annual report to DEQ on or before March 31 each year that “describes the pretreatment program activities during the previous calendar year pursuant to 40 CFR 403.12(i)” (the “Annual Report”). The MWMC provides the Annual Report to DEQ for pretreatment activities within the Cities’ Urban Growth Boundaries (“UGB”), and for those facilities described in Recitals E and F.
- D. The purpose of this Agreement is to satisfy a requirement from DEQ that the Parties memorialize which of them is responsible for including in the Annual Report to DEQ any wastewater pretreatment activities subject to the Permit that occur outside of the Cities’ UGB.
- E. The Local Governments are bound by Oregon law and by the policies of the Eugene-Springfield Metropolitan Area General Plan (the “Metro Plan”), both of which substantially limit the Parties’ ability to extend wastewater service to serve areas outside of a UGB. Metro Plan Policy G.26

provides that wastewater service shall not be provided outside a UGB except to the following areas:

- a. “The area of the Eugene Airport designated Government and Education on the Metro Plan Diagram, the Seasonal Industrial Waste Facility, the Regional Wastewater Biosolids Management Facility, and agricultural sites used for land application of biosolids and cannery byproducts. These sites serve the entire metropolitan area.” With respect to these sites:
 1. The Eugene Airport contains a single Non-Discharging Categorial Industrial User (“NDCIU”) owned by the Weyerhaeuser NR Company. The MWMC, pursuant to the City of Eugene’s sewer use ordinance, conducts inspections and reports on this NDCIU in the Annual Report. The City of Eugene, vis-à-vis the MWMC, issues the control mechanism for this NDCIU.
 2. The MWMC owns and operates the Biosolids Management Facility (formerly the Regional Wastewater Management Facility). The City of Eugene, vis-à-vis the MWMC, conducts sampling and analysis at the Biosolids Management Facility (“BMF”) and reports these activities as specified in the Permit, which information is also included the Annual Report.
 3. The MWMC owns and operates the Beneficial Reuse Site (formerly the Seasonal Industrial Waste Facility). MWMC does not conduct any pretreatment activities at the Beneficial Reuse Site (“BRS”). The BRS is regulated under the Permit.
- F. Short Mountain Landfill is a Non-Hazardous Municipal Solid Waste Landfill that is permitted to discharge leachate as a Significant Industrial User under a City of Springfield Wastewater Discharge Permit issued to Lane County Waste Management. The permittee is authorized to haul leachate from Short Mountain and discharge into the Publicly Owned Treatment Works (“POTW”) within Springfield’s UGB, where it is monitored for Permit compliance. Short Mountain Landfill is not connected to the POTW.
- G. There are currently no industrial users (except for Short Mountain Landfill) and no connections to the POTW, subject to the Permit and outside a UGB and none shall be permitted to connect to POTW without prior notification and approval from the Cities and the MWMC, and entering into a new agreement addressing implementation and enforcement of the pretreatment program. Further, there are currently no connections to the POTW for wastewater services, subject to the Permit, and outside of the UGB. Pursuant to Statewide Planning Goal 11, implementing administrative rules, and the Metro Plan, the Parties do not have authority to extend wastewater service outside of a UGB unless certain prerequisites are satisfied, including but not limited to the following: An area that is outside the UGBs of Eugene and Springfield could connect to the MWMC wastewater service if (1) it is annexed to Eugene or Springfield; or (2) the Metro Plan is amended to allow extension to that area, consistent with Goal 11 and relevant administrative rules; and Lane County adopts its own sewer use ordinance in conformance with the MWMC’s EPA-approved Model Ordinance.

AGREEMENT

The Parties hereby agree as follows:

1. **Annual Report for Pretreatment Activities Outside Either City's UGB.** The MWMC shall be responsible for providing the Annual Report to DEQ for any pretreatment activities subject to the Permit that occur outside of either City's UGB. The Local Governments agree to promptly provide the MWMC with any information regarding pretreatment activities outside of either City's UGB and, further, to perform such other acts and things as the MWMC may reasonably request in order to carry out the intent and purpose of this Section, including but not limited to cooperate in order to ensure timely submittal of such Annual Report to the DEQ.
2. **No Duty to Investigate Outside the Cities' Jurisdictions.** The Cities shall only be responsible for monitoring, surveying and reporting on those industrial users that request connection and receive approval for discharging to the POTW and shall not be responsible for enforcing pretreatment standards against any facilities outside of a City's UGB that have not requested connection to the POTW.
3. **Modification; Termination.** This Agreement may not be modified or terminated without the prior written consent of the DEQ. Any modification to any condition or provision of this Agreement must be in writing and signed by the Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed as of the Effective Date.

CITY OF SPRINGFIELD, a municipal
corporation of the State of Oregon

By: _____
Nancy Newton, City Manager

Date: _____

CITY OF EUGENE, a municipal
corporation of the State of Oregon

By: _____
Sarah Medary, City Manager

Date: _____

[Signatures continued on following page]

LANE COUNTY, a political
subdivision of the State of Oregon

**METROPOLITAN WASTEWATER
MANAGEMENT COMMISSION**, an
intergovernmental entity

By: _____
Steve Mokrohisky, County Administrator

By: _____
Matt Stouder, Executive Officer

Date: _____

Date: _____



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Agency Headquarters

700 NE Multnomah Street, Suite 600

Portland, OR 97232

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TTY 711

March 5, 2025

Kristen Denmark
Cities of Springfield & Eugene
Shareholder; Thorp, Purdy, Jewett, Urness & Wilkinson, P.C.
410 River Avenue
Eugene, OR 97404
Sent via email on: March 5, 2025

Re: Multijurisdictional Agreement
Cities of Springfield & Eugene
NPDES Permit No.: 102486 File No.: 55999
Lane County

Dear Kristen Denmark,

The Oregon Department of Environmental Quality is in receipt of the Multijurisdictional Agreement (also known as the Intergovernmental Agreement) between Lane County, MWMC, Eugene and Springfield. The submission was first received by DEQ Pretreatment on August 1, 2024, and corrected copies were received on February 11, 2025, and March 5, 2025.

This change does not relax Publicly Owned Treatment Works (POTW) legal authorities, relax local limits, change the POTW's control mechanism, decrease the frequency of self-monitoring or reporting required of industrial users, decrease in the frequency of industrial user inspections or sampling by the POTW, or change the POTW's confidentiality procedures; therefore, DEQ has determined that this change is non-substantial.

This letter serves as a final approval of the Multijurisdictional Agreement (also known as the Intergovernmental Agreement) between Lane County, MWMC, Eugene and Springfield.

Thank you for your work in revising your Multijurisdictional Agreement.

Sincerely,

Nicole Morris
Oregon DEQ Pretreatment Coordinator

cc: Brad Eagleson, Western Region Inspector

Shawn Krueger, City of Springfield

Diane Lloyd, Oregon Department of Justice

Megan Withroder, Thorp, Purdy, Jewett, Urness & Wilkinson, P.C.

Matt Stouder, City of Springfield

Brenda Stewart, Thorp, Purdy, Jewett, Urness & Wilkinson, P.C.

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).

Translation or other formats

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Metropolitan Wastewater MANAGEMENT COMMISSION



partners in wastewater management

MEMORANDUM

DATE: February 6, 2025

TO: Metropolitan Wastewater Management Commission (MWMC)

FROM: Megan Withroder, General Counsel
Kristin Denmark, General Counsel

SUBJECT: Pretreatment Intergovernmental Agreement

**ACTION
REQUESTED:** Informational and Discussion

ISSUE

As a condition of the MWMC's current discharge permit, the MWMC is required to institute an Intergovernmental Agreement (IGA) regarding certain industrial pretreatment program responsibilities. At the February 14, 2025, MWMC meeting, legal counsel will present an update on the new IGA between the MWMC, the Cities of Springfield and Eugene, and Lane County regarding pretreatment activities (the "Pretreatment IGA").

BACKGROUND

The requirement for the parties to draft a Pretreatment IGA stems from a 2015 audit of the MWMC by the EPA and subsequent correspondence from the EPA¹. This issue was not resolved prior to DEQ's issuance of the National Pollution Discharge Elimination System Permit (NPDES) No. 102486 (the "Permit") to the MWMC on October 10, 2022. Specifically, Schedule E, Section 2 of the MWMC's Permit states:

"The permittee must also establish, where necessary, contracts or agreements with contributing jurisdictions. These contracts or agreements must identify the agency responsible for all implementation and enforcement activities to be performed by the contributing jurisdictions. MWMC is responsible for ensuring that all aspects of the pretreatment program are fully implemented and enforced."

¹ The requirement for an intergovernmental agreement addressing pretreatment activities was not listed in the Corrective Action Items in the 2015 audit; however, it was addressed in subsequent email correspondence from the EPA that was later incorporated into MWMC's Permit.

It is important to note that the Pretreatment IGA will not change anything in practice. It simply documents our current practice and, at its most basic level, the Pretreatment IGA specifies that MWMC will report annually to DEQ for any pretreatment activities subject to the Permit² that occur outside of the Cities' urban growth boundaries ("UGBs").

A concern of both DEQ and EPA has been who is monitoring areas outside of the Eugene and Springfield UGBs but within Lane County for pretreatment activities subject to the Permit. In conversations with counsel at the Oregon Department of Justice ("DOJ"), counsel for MWMC explained that the Cities do not have the authority to expand the connections to the Publicly Owned Treatment Works ("POTW") outside of the UGBs without multiple, significant changes in the law and other required prerequisites, including, but not limited to: (1) amendment to the Metro Plan; (2) annexation of the area by the applicable City or adoption of a sewer use ordinance by Lane County; (3) receipt of notice and request for connection from the proposed user; and (4) approval of the connection to the POTW.

Counsel for DOJ explained that while she understood those prerequisites, there would be no way for DEQ to know if any of those events took place. Therefore, both DEQ and EPA needed assurance – through this Pretreatment IGA – that there is a party contractually obligated to report any such connections to DEQ³. Once the Pretreatment IGA is executed, MWMC will only need to report to DEQ that there have been no changes to the industrial users outside of the Cities' UGBs and connected to the POTW.

DISCUSSION

Legal counsel for MWMC, the Cities of Eugene and Springfield, and Lane County previously agreed upon a draft Pretreatment IGA, which was submitted to DEQ for review in May 2024. DEQ provided additional comments and direction to MWMC's legal counsel, which necessitated certain revisions to the Pretreatment IGA, mostly in the form of Recitals designed to explain to DEQ that: (1) the Cities have all the legal authority necessary to implement and enforce the pretreatment program within their jurisdictions; (2) there are specific exceptions to the Metro Plan that allow wastewater service to certain facilities (such as the airport, Biosolids Management Facility, and Beneficial Reuse Site) and those facilities are regulated by the pretreatment program or the Permit; and (3) there cannot be any additional connections to the POTW unless numerous prerequisites are met.

Concurrent with delivery of this memo to the Commission, the Pretreatment IGA is being submitted to DEQ for final review and approval. Once approved by DEQ, we will return to the Commission for authorization to enter into the Pretreatment IGA. Once executed by the parties, the requirement under Schedule E, Section 2 of the Permit will be satisfied.

ACTION REQUESTED

This memo is presented for informational purposes; no specific actions or decisions are requested

² As used herein, "subject to the Permit" means a user is connected to the Publicly Owned Treatment Works. This is important because Lane County is geographically vast and many areas of Lane County are not connected to the POTW.

³ Regardless of this Pretreatment IGA, should any significant industrial user connect to the POTW, it would *have* to be reported in the annual Pretreatment Report submitted to DEQ pursuant to MWMC's NPDES permit.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 25-05-06-XX

In the Matter of Approving a Metropolitan
Wastewater Management Commission
Pretreatment Program Reporting Obligations
Intergovernmental Agreement and
Delegating Authority to Execute the
Agreement

WHEREAS, Lane County, the City of Springfield, and the City of Eugene are partners through an Intergovernmental Agreement in the Metropolitan Wastewater Management Commission to manage wastewater services in the Eugene-Springfield Metropolitan regions; and

WHEREAS, The Oregon Department of Environmental Quality (DEQ) is requiring MWMC, Lane County and the cities of Springfield and Eugene to enter into an Intergovernmental agreement (IGA) regarding reporting obligations for industrial pretreatment of wastewater outside the urban growth boundaries of Springfield and Eugene; and

WHEREAS, the DEQ is requiring this IGA to document which party would report to DEQ on industrial pretreatment activities if an industrial user is connected to the regional wastewater system from outside the urban growth boundary (UGB) of Springfield or Eugene; and

WHEREAS, per the proposed IGA, the MWMC shall be responsible for providing the Annual Report to DEQ for any pretreatment activities subject to the Permit that occur outside of either City's UGB and Lane County agrees to promptly provide the MWMC with any information regarding pretreatment activities outside of either City's UGB and, further, to perform such other acts and things as the MWMC may reasonably request in order to carry out the intent and purpose of this Section, including but not limited to cooperate in order to ensure timely submittal of such Annual Report to the DEQ.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

That the Pretreatment Program Intergovernmental Agreement with the Metropolitan Wastewater Management Commission is approved, and the County Administrator is delegated authority to execute the Agreement.

ADOPTED this 6th day of May, 2025.

David Loveall, Chair
Lane County Board of Commissioners