



PHOTO BY TODD COOPER

Water Violations

Earlier this year Travis Williams of Willamette Riverkeeper was floating down the river near Halsey — 13 river miles south of Corvallis' drinking water intake — when he noticed a murky, smelly patch in the river. Williams discovered the murky patch was the mixing zone for two pulp mills, Cascade Pacific Pulp and Georgia-Pacific Consumer Products. Williams and attorney Doug Quirke of the Oregon Clean Water Action Project (OCWAP) think that the dark effluent is in violation of the mills' permit to pollute.

A mixing zone is a spot where pollution enters into a river, such as the Willamette, and it's legal for it to be there. These mixing zones exist throughout the Willamette River. They are not marked and a large portion of enforcing whether an industrial source of pollution is meeting its discharge permit requirements is done through self-reporting by that same source.

Water quality standards do not have to be met in a mixing zone, but when the effluent hits the end of the mixing zone, the water is then supposed to meet criteria for fish and drinking water, and people could swim there, says Steve Schnurbusch, of the Oregon Department of Environmental Quality.

But Williams says what he saw extended beyond the borders of the zone. A flight over the outflow more than a month after Williams first spotted the patch of murky water still showed a large dark patch in the Willamette's water.

Quirke and OCWAP teamed up with Willamette Riverkeeper in 2004 to keep an eye on what's been flowing into the river. Stormwater from Eugene's streets and parking

lots flows into the Willamette; industries discharge pollution into the river and into the waterways that feed into it; and the Metropolitan Wastewater Management Commission as well as other municipal waste treatment plants release treated sewage into it. OCWAP reviews the reports that come in to the DEQ and other agencies and "where we find violations we enforce the Clean Water Act against the violators," Quirke says.

Schnurbusch says the issue with the paper mills is that river flows have built up a gravel bar near where the companies discharge. Normally effluent is released into the river where the water is deep enough and flows fast enough that it swiftly mixes into the water. Schnurbusch compares it to taking something that's toxic to humans and putting a drop directly in your mouth; it would have toxic effects, but a drop in a swimming pool would not. He says both mills are meeting their criteria for what they are permitted to put into the river.

"The issue is that it's getting outside of the mixing zone, that's the problem," Quirke says, adding, "Thou shalt not exceed — you're not supposed to have offensive looking and smelling stuff in the river outside of the mixing zone."

Quirke says the way OCWAP and Willamette Riverkeeper deal with incidents like this is to issue a 60-day notice of intent to sue under the Clean Water Act. Williams says that nine times out of 10 the industries remedy the problem after they get the letter; if fines have to be paid, they are usually given to nonprofit groups working to improve the river.

"It's not that industries can't pollute," Quirke says, "the Clean Water Act has a major section that allows for permitting of pollution. It's still pollution but it's legal

pollution." Mixing zones are "a free pass on water quality standards, X number of feet this way and that way and downstream," but plants like Cascade Pacific, which he says seems to be the source of the dark effluent in Halsey, still need to meet water quality standards around the zone, not just meet the numbers on their effluent.

Schnurbusch says DEQ doesn't have the authority to go after the Halsey plants "even if we wanted to because they are in compliance with their permit."

According to Williams, Willamette Riverkeeper tried unsuccessfully in 2007 to have it mandated that sources mark their mixing zones. He says a simple buoy and a sign saying a factory is discharging and providing a phone number would make lot of sense. "That way when you are paddling by, and it smells like decaying bodies you can call somebody."

Quirke says since OCWAP and Riverkeeper began going after polluters they aren't seeing as many industrial stormwater-type violations. "It would seem word got around that Willamette Riverkeeper represented by my organization means you can't get away with shoddy discharges," he says. But he points out Eugene and Springfield still have their share of problems: International Paper in Springfield is discharging under a permit that expired March 31, 1998. Arclin USA, also in Springfield, has a permit that expired Aug. 31, 1999, and Georgia-Pacific Chemicals in Eugene has a permit that expired Oct. 31, 2001. International Paper, formerly Weyerhaeuser, is linked to a toxic plume of chemicals near Springfield's water supply.

Quirke and OCWAP will be providing *EW* with monthly pollution updates, see this week's News Briefs. — *Camilla Mortensen*



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