

Communication: Septic pumper business and its impact on neighborhood livability

Date: 2 Nov 2011

- Comments by: Scott Somohano, chair of Sumner Association of Neighbors (SAN)
- Presentation to: Portland City Council
- Contact phone: 503-254-1449
- Contact email: sumner.neighborhood@gmail.com
- Sumner neighborhood website: <http://sumnerpdx.org>

Overview of issue: WTS at 8828 NE Killingsworth

What:	A business, Sherwood-based Water Truck Service (WTS) , is performing septic waste disposal without the required conditional use permit for "waste-related use."
Where:	In Sumner neighborhood at the corner of NE 89th and NE Killingsworth . NE 89 th is the only entry and exit point from Killingsworth to the residential part of our neighborhood.
The specific issue:	Beyond the unsuitability of this site – under existing city law – due its size and location, the odor coming from WTS is greatly impacting the use by residents of their own property . It also changes the complexion of our neighborhood & drives down property values. And in a few cases it is affecting resident health .
When:	Since WTS opened for business at NE 89 th and Killingsworth in May 2010 . The odor issue was brought to the Sumner neighborhood association in June 2011.
Why bring this to the council now:	Three reasons: <ul style="list-style-type: none">➤ To praise the hard work of city staff at BES and BDS – and Matt Grumm in Commissioner Dan Saltzman's office – in helping Sumner neighborhood residents navigate this difficult and unpleasant situation.➤ To provide early warning to you of the opposition by nearby residents to any CU application for WTS at this location. A CU application deadline is pending on 19 December 2011.➤ Ask that the council consider taking other steps to prevent a rogue business from blighting a neighborhood like this in the future. For example:<ul style="list-style-type: none">○ Directly accepting septage at the city wastewater facility on Columbia Blvd. as was done until a few years ago○ Providing for quicker action to shut down offensive businesses in gross violation city land use laws
Business contact info:	<ul style="list-style-type: none">➤ Owner Bob Jonas (503) 682-2723➤ Site manager Paul Hardman (503) 682-9458

Timeline for WTS at 8828 NE Killingsworth

- **May 2010:** Water Truck Service (WTS), a Sherwood company owned by Mr. Bob Jonas, moves in at 8828 NE Killingsworth
- **May 2010:** City Bureau of Environmental Services (BES) issues a discharge permit.
- **November 2010:** BES finds a discharge violation by WTS and fines them.
- **February 2011:** BES finds a discharge violation by WTS and fines them.
- **April 2011:** BES places WTS under a discharge compliance order, completion date of 15 Dec 2011.
- **June 2011:** Residents near WTS ask Sumner Association of Neighbors (SAN) for help in dealing with 'putrid' odor of septage – human waste pumped from trucks into a drain inside the open bay.
- **June 2011:** Residents file a land use inquiry with city Bureau of Development Services (BDS).
- **July 2011:** BDS inspector determines that WTS does not have the required conditional use permit for a 'waste-related' use under code 33.254. BDS issues a violation letter to WTS.
- **August 2011:** WTS claims they lost the paperwork. BDS fines WTS \$500.
- **September 2011:** BDS and BES send reps to a SAN meeting to discuss WTS. BDS says they will work with WTS to mitigate odor whether WTS files for a conditional use permit or not.
- **Late September 2011:** WTS files for a pre-application conference with BDS – the first step of the CU permit process.
- **20 October 2011:** At the pre-application conference, BDS informs WTS that, due to limitations of the site, any CU application must request at least four 'adjustments' (i.e., exceptions) shown below.
- **20 December 2011:** Date by which WTS must file their CU application.

Four 'adjustments' (plus one) WTS must request as part of their CU application to operate legally at the 8828 NE Killingsworth site

Code	Requirement	Cannot comply because
33.254.030 (per BDS)	" vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts"	Access to site is NE 89 th and NE Emerson. Neither are major city traffic streets or in a freight district
33.254.040 (per BDS)	"...all activities relating to the receiving, sorting, processing, storage, transfer, and shipping of wastes must take place entirely within enclosed structures ..."	Building is not large enough to accommodate even small 800-gallon tanker trucks. Site routinely accepts 5500-gallon trucks.
33.254.060 (bonus item)	"The plan must document that the use will comply with the off-site impact standards stated in Chapter 33.262"	Continuous, frequent, or repetitive odors greatly exceeding detectable levels have been reported almost daily for several months. Among other impacts.
33.254.080 (per BDS)	"Waste-Related uses must be set back 100 feet from all property and street lot lines that abut C, E, or I zones."	Entire site is 160 feet x 233 feet. Not one inch of the property would be left after 100-foot setbacks.
33.254.080 (per BDS)	" Landscaping and screening requirements. The setback must be landscaped to at least the L1 standard."	No setback means no way to comply with landscaping requirement.

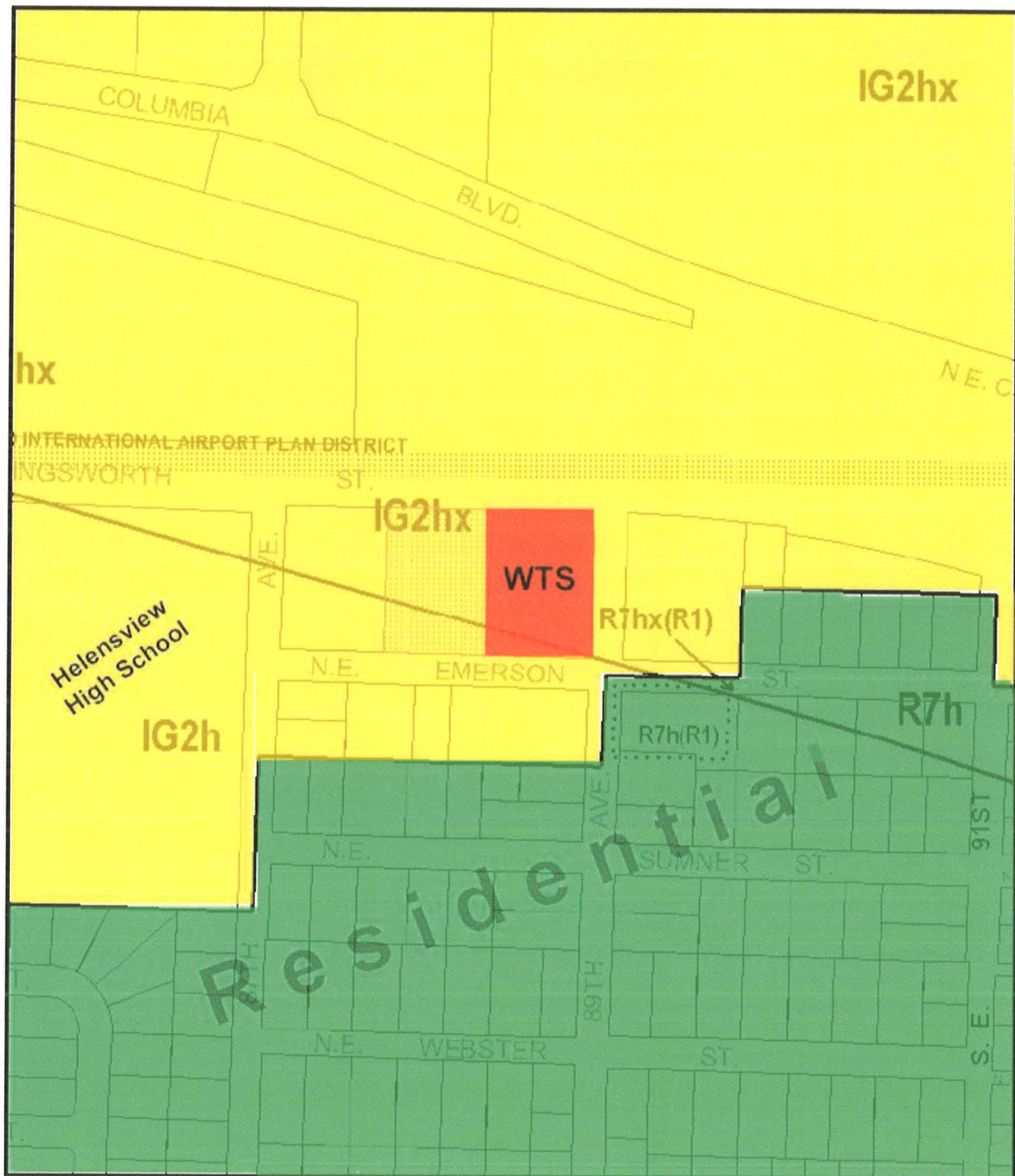
Images of WTS property at 8828 NE Killingsworth



Above: View of WTS from its main gate on NE 89th. Below: A septic truck pumping out on the open lot. Note unpaved surface and outdoor tanks. Both photos were taken on 27 June 2011.



Proximity of WTS site to residential and school properties



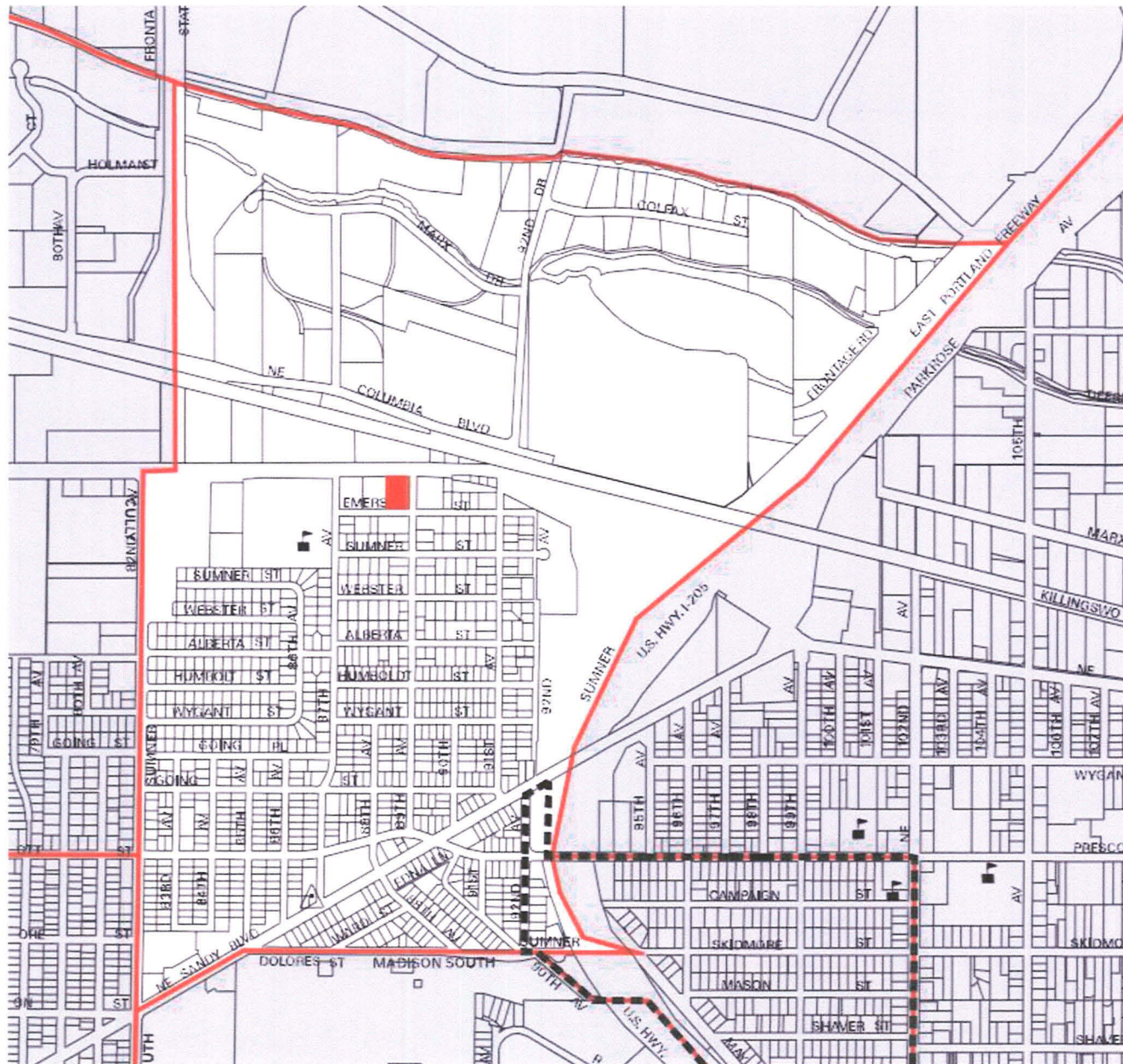
ZONING

-  Site
-  Also Owned



File No. EA 11-179135 PC
 1/4 Section 2539
 Scale 1 inch = 200 feet
 State_Id 1N2E21BA 15500

(Sep 23, 2011)



City of Portland

Office of Neighborhood
Involvement
and
Bureau of Planning

SUMNER

NEIGHBORHOOD ASSOCIATION

- Neighborhood Boundary
- - - Overlapping Boundary
- ▲ Fire Station
- School

NEIGHBORHOOD DESCRIPTION

The SUMNER neighborhood is located in the north-central part of the city. It is bounded by the Columbia River to the north, the city limits to the east, and the city limits to the south.

The SUMNER neighborhood is a residential area. It is characterized by a mix of single-family homes, multi-family units, and commercial buildings. The neighborhood is known for its historic architecture and its proximity to the city center.

The SUMNER neighborhood is a diverse community. It is home to people of many different backgrounds and ethnicities. The neighborhood is known for its strong sense of community and its commitment to social justice.



Scale: 1" = 900'
March 03, 2005



Parsons, Susan

From: Sumner Neighborhood Assn [sumner.neighborhood@gmail.com]

Sent: Monday, October 10, 2011 2:00 PM

To: Parsons, Susan

Subject: Signup for Communications at Nov 2 city council meeting

Hi Susan --

We spoke earlier today. I'd like to sign up to address the council on Wed Nov 2.

Date requester wishes to speak: Wed, Nov 2

Requester's name: Scott Somohano

Address: 4523 NE 89th Ave, Portland, OR 97220

Phone number: 503-254-1449

A few sentences regarding the issue:

As chair of Sumner neighborhood, I seek the council's awareness about livability, odor and health issues related to Water Truck Service (WTS), a septic pumper and wastewater disposal business operating at 8828 NE Killingsworth.

WTS has been trucking in and disposing septage -- that's human waste pumped from septic tanks -- since spring 2010 without the required conditional use (CU) permit.

On Oct 20 they will have their 'pre-app' conference with BDS. WTS will need several major 'adjustments' to the waste-related CU requirements -- as specified in in city code 33.254 -- to gain approval. I want council to be aware that the current site is not suitable for this kind of business.

Thanks!

Scott Somohano

chair and webmaster

Sumner Association of Neighbors (SAN)

SumnerPDX.org

10/10/2011

Request of Scott Somohano to address Council regarding livability, odor and health issues related Water Truck Service (Communication)

NOV 02 2011

PLACED ON FILE

Filed OCT 28 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By 

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Leonard		
Adams		