

CAL KRAHMER

September 10, 1996

Tape 4, Side 1

M.O'R.: This is a continuation of the interview with Cal Krahmer on September 10th, 1996.

Go ahead.

C.K.: It's still quite controversial and that. I have a son that is on the State Board for Farm Bureau, and he has been quite involved in it and quite vocal about it, and I guess he's carrying on my issues in it.

There was a real deep split within Farm Bureau between Eastern Oregon and Western Oregon on land use. And about a year ago that turned around, and that split is not near as prevalent as it was, but the issue that turned it around was the loss of the Taylor Grazing Act lands to the environmentalists, and of course, those ranchers in Eastern Oregon were very concerned about it. They needed support a lot broader than just those people that were using those lands. And the people in Farm Bureau came and said, "How come we aren't getting any support out of you?" And they just made it real clear that you've been fighting land use planning all these years, and Western Oregon agriculture needs it very badly, and it's time for you guys to come together with us and say, Okay, we're going to support each other in your issues. And when Western Oregon agriculture put that over the head of the Eastern Oregon ranchers, it's brought them all together a lot better.

M.O'R.: And you think the Eastern Oregon ranchers were opposed to land use planning just because they're generally a more conservative lot, or it didn't have an impact on them?

C.K.: Yes, it had an impact because they were calling - it was what they called Destination Resorts, which are resorts that

are basically surrounded by the natural resources of the State that they're showing off. And the land use rules have really limited the ability to build those Destination Resorts, which are quite remote but very popular.

M.O'R.: Why would the farmers care one way or another about the Destination Resorts?

C.K.: Because they were using some of their private lands to buy that were being sold for those.

M.O'R.: And under land use they can get a good price for them, and they probably don't want any State agency telling them what they can or can't do.

C.K.: Right. And the thing about it is the impact wasn't too great on their ability to continue to use their land as they had for decades before.

M.O'R.: Like here on the west side.

C.K.: When the pressure got so great, it eliminated agriculture, and of course, now with the land use planning law, and if you're zoned agriculture, then it means that you can use and do those practices that it takes to raise an agriculture crop, which sometimes creates dust and there's lots of spraying that's being done and all those things. Well, the neighbors around don't have too much impact on those kinds of things like they would have otherwise, because that's a normal use of that land.

M.O'R.: Let me bring it back here, just to finish the story about Jack Churchill. You said that you had met him in the early '70s when you were on the conservation board, and he was working for DEQ. You said that he wound up having his responsibilities redefined as DEQ staffer. What was the issue at that time?

C.K.: Well, he was the staff person for that committee, and that committee was going about doing its job, and they were passing motions and creating policy - or they couldn't create policy, but

recommendations for policy. And he, as the first staff person, was also responsible for the minutes and those things of the committee. And when the committee got to see the minutes, gosh, it was nothing like what was said in the committee. They had been altered and changed and the meanings were completely different, and it was all in favor of the environmental movement. And so after about the third or fourth time that that happened, he was there no longer.

M.O'R.: Were there environmentalists that were part of the committee, or was it just ...

C.K.: No. I would say, no. It was a group of conservationists. They're not environmentalists, they're conservationists. I think they're a little bit higher-class person than an environmentalists because they not only have to work with the theories on an environment, but they also have to implement it and put it on the land. And sometimes that's two different things. And until the environmental community has to put their ideas on the land, it really don't mean much. But these were people that worked in conservation and had to put it on the land and they had to sell their projects, and so they were pretty realistic people.

M.O'R.: And their ideas weren't getting adequately recorded in the minutes?

C.K.: No.

M.O'R.: So the committee as a whole protested to the DEQ?

C.K.: Yes.

M.O'R.: Okay, so you said that was in the '70s. What about Jack Smith? Did you know him as well?

C.K.: I didn't know him until after the lawsuit, and then I got acquainted with him.

M.O'R.: Let me just ask you then when you first heard about the lawsuit. How did you hear about the lawsuit?

C.K.: Well, we were all attuned with what was going on in the politics of the environment. And of course, the conservation districts have always thought that they would be a major and key factor in non-point parts of the water quality law. And they didn't know to what extent it would be, but they believed that it could be totally the cities, including the cities, or it could be partial. It might be only forestry, or it might only be agriculture. And as it has come down in Oregon, it has been limited to agriculture.

M.O'R.: The responsibility for non-point source, you mean?

C.K.: Yeah. And of course most of the animal waste is considered non-point, and the first responsibilities of animal waste was given to the conservation districts before it became a part of the Department of Ag. The conservation districts and the State Conservation Commission was - can you turn this off a bit?

[Interruption]

M.O'R.: So anyway, you were saying that the non-point source burden fell on the ...

C.K.: Yes. And the animal waste. And of course we did implement the animal waste deal on the state level.

M.O'R.: What was that exactly?

C.K.: That was the regulation that included dairies and the hogs and the poultry operations. We did not pursue the hobby farms, just commercial, and we did not pursue the range lands also. And the winter feeding over there, we didn't pursue that because that had been all pretty much open, and you don't try to bite off more than you can chew at one time. And so that was when we first got involved in what we did.

Since then the State Conservation Agency has been put into the Department of Agriculture. It's now called part of the Natural Resources Division of Department of Agriculture, and the conserva-

tion districts are really under them. There's always been a discussion, controversy as to whether a district is a local entity or a state agency. And of course, funding for that district then, that becomes an argument because county government has said that's a state agency. So consequently districts have never had very much money. And of course in DEQ's role of giving the responsibility to the districts, then they says, "Okay, you've got the responsibility, it's your job to get the money."

So those kinds of issues have been going on for umpteen years.

M.O'R.: So they don't hesitate to give the districts responsibility, but dollars to go along with it are a different problem.

C.K.: Right. With the advent of the lawsuit and the emphasis on the Tualatin Basin for non-point, there has been a lot of work done with the hobby farms, as they're called, and especially the horse people, to clean up their act. Because in the large urban areas like Portland and Seattle and those places, they find that 10,000 horses is not unusual. And that's quite a herd of cattle, or quite a herd of anything. And they're spread out all over and most of them roam the water off of the streams directly, and you're dealing with lots and lots of people usually. Usually there's only one to ten horses in one area, and so you're looking at a lot of ownership. And the governments have never really got a handle on that animal waste problem.

M.O'R.: In terms of the kinds of requirements that are placed upon these hobby farmers, what kind of things do you have to do?

C.K.: It says that you cannot pollute the waters of the State of Oregon. It's just that simple.

M.O'R.: Okay. But translated that means you don't like cattle grazing the streams or drinking in the streams?

C.K.: Right. They want all the streams fenced, and like the dairymen, you'll see these big large lagoons, and they've got to hold all their waste in those lagoons, and then pump it out in the spring when it can't run off.

And of course like last winter, they don't like to make those lagoons more than five foot deep because then they become a danger or a hazard. But last year we got four foot of rainfall. So that only left one foot in that lagoon for animal waste. And so like this spring, they were really looking at some serious problems.

My concept was that when we had that high water that was flooding all over, well, the sewer plants and everything else was dumping raw sewage. They couldn't handle it. Why weren't the dairymen cleaning out their lagoons and dumping it at the same time? There was so much volume of water that you could have never measured it and you know, the pollution that was in it. And let her go. But because of the restrictions and the laws like they are, there's no exceptions. And so consequently those guys ended up holding all their waste, and then they didn't have room this spring to do anything with it, and then it becomes a real pollution problem.

M.O'R.: And they still can't let it go, of course. What do you do in that situation?

C.K.: Just keep your mouth shut and do as best you can. And all the regulators, they turn their back and can't see nothing.

M.O'R.: Because they've never seen a similar situation.

C.K.: And of course the one thing that doesn't really help us with trying to work with these fellows is that the City of Portland, DEQ has given them the leniency to stop releasing any of their raw sewage until the year 2020. And so they're releasing raw sewage every time they have a quarter inch of rain down in Portland because of the storm outfalls or the sewer outfalls, and they've

got some blockages in those to run the sewer to the plants, but those blockages are only partial blockages, so that when they get an excess of water beyond what the plants can handle, it goes over those small dams in those lines and goes directly into the Willamette River. And of course every time there's a quarter inch of rain, there has to be a public announcement that there's raw sewage in the Willamette River. And then you come out here and try to tell a dairyman to keep his act clean?

M.O'R.: Some of the reasons for friction between the city and the agricultural committee?

C.K.: Yes. Yes. And the politics that's going in DEQ and so forth. At one time I tried to convince the governor that he needs a good farmer on that DEQ Commission. And boy, he wouldn't hear nothing of it.

M.O'R.: Which governor?

C.K.: Atiyeh. And no other governor would hear of it. They had their special people they wanted on there. And of course they were trying to regulate agriculture right along, but there was no farmer that was on there that could represent agriculture.

M.O'R.: So this is the backdrop for the lawsuit that was filed. And as you said, you were already aware city and country politics at that point. But what did you think when you first heard about his lawsuit, what was your opinion of it?

C.K.: It was a new understanding of the Clean Water Act, and we were dealing with some new sections of it that I had never even read before. And of course Churchill was one of those who claimed that he was one of the persons who helped write the Clean Water Act, and I don't know what to believe in that, but that was one of his claims to fame, and of course Smith had some claims that he had worked directly with the Clean Water Act also, and so they were supposed to know what the intent of it was.

I've told you the Churchill story, and of course a lot of us have had some real questions about Jack Smith because he came through after the program in the Tualatin Basin was started with a very complicated metric system, computer system, for distributing out responsibility to the various entities and organizations in the Tualatin Basin as far as non-point was concerned. And agriculture, after they issued the standard on the river, then there is a certain amount of pollution allowed in the law. And of course that was all metered out to the various cities and to USA and to agriculture and to forestry and all those by his system. And of course he sold that system to the DEQ at a pretty penny price. And of course we all sit back and wonder what was his motive in this whole process. Was it to make some money, a nice chunk of money? Maybe it wasn't, I don't know. But that's what ended up.

M.O'R.: You mean he wound up consulting on a contract with DEQ?

C.K.: Right. And it was a nice lucrative one.

M.O'R.: Do you know the figures?

C.K.: No, I don't. I don't remember them enough to quote them, let's put it that way.

M.O'R.: I believe he also actually wound then - USA hired him for a short time - at least after the lawsuit was settled.

C.K.: They call that smart politics, don't they?

M.O'R.: You think that was the motivation, then? Or was it partly that they thought he might have something to contribute in terms of solving their phosphorus problem also?

C.K.: I'm not sure that he was the only person that could solve their phosphorus problems. But it's certainly is advantageous to hire the person who's been very critical of you and get him on your payroll.

M.O'R.: I can certainly see that angle of it. You said you met Smith as a result of the lawsuit, is that right?

C.K.: When we got involved in planning and implementing the non-point, him and Churchill both, I believe, were on the original planning committee for the County, and I was also on that committee. That was when I first met Jack Smith was on that committee.

M.O'R.: And had you run into Churchill between the time in the mid-'70s and the time of the lawsuit?

C.K.: No. No.

M.O'R.: Do you remember any of the coverage - There wasn't a lot of coverage of this issue, at the time, but there was some. I was just wondering if you remember any of it, having a sense of how the media treated it.

C.K.: Well, as I remember, after the lawsuit, DEQ then had to take action. Their first action was to hold hearings on what they should do, and the process. And the conservation district - and I was chairman at the conservation district at that time - participated in those hearings. And of course the conservation district stand was not to set standards immediately, but to start implementing your responsibility in cleaning up the river and to establish standards then as we went along and had more knowledge of what we were trying to do.

DEQ did not do that because the people that were involved in the lawsuit wanted standards set first and then implementation of projects to try to clean it up. So the conservation district did not win on that one, and I still think it was a big mistake on the part of DEQ because the only basis they had to establish a standard on the river was what they called the Red Book that EPA had put out. And the standard that could be set on the Tualatin was up to fifteen parts per million for pollution. Well, they ended up establishing seven as the standard which we all thought was way too

low. And the book, the red book said that they could establish .10 if it was a lake, or .15 if it was a running stream. We tried to get them to establish that it was a running stream even though there was a dam on it and there was a lake created by that dam, which was Lake Oswego's dam, all the way for thirty miles, all the way to Farmington.

M.O'R.: You mean, essentially the Tualatin River is a lake?

C.K.: That part of it was. And we wanted it said that it was not a lake, that it was a running stream, that's what it was meant for, and Lake Oswego says, "Well, it's not." And we says, "You can take the dam down and let it run," you know?

And they says, "How do we get our water?" And we says, "Put a pump in the river, just like the rest of us."

And of course they didn't want to hear nothing of that. But that is part of the pollution problem of the Tualatin.

M.O'R.: The dam is.

C.K.: The dam is, because it has slowed down the flow. In fact, it almost stops the flow.

M.O'R.: So you think actually if they did pump into Lake Oswego, that would improve the quality of the water?

C.K.: That's been proven throughout the West. Wherever there's a diversion dam, there's a slowdown of the water and it reduces the flow so low that it creates a pollution problem.

M.O'R.: And Lake Oswego doesn't want to pump because it's just more hassle, more expensive than the diversion? What's your thought there?

C.K.: They have the first water right on the river. It was a diversion dam that brought the water to them, and it was a legitimate water right for a power plant. It created Lake Oswego lake, not totally, but what it is today, and the size it is today. I believe that's all it's being used for, and the permit is not

valid. But they still generate electricity to make that permit valid. And if they went to pumping it, they would probably it wouldn't be valid no more, and so they would not have that water right and it would really jeopardize Lake Oswego's value.

M.O'R.: Obviously it's a big issue as far as they're concerned.

C.K.: Yes, it's a big issue. But part of the thing they got into in this non-point thing is their fault also, and they are not ready to recognize that.

M.O'R.: You mean because of the diversion dam.

C.K.: Because of the diversion dam. And you know, we don't have to prove on the Tualatin that diversion dam is bad. We can go to Medford, where they have the diversion dam right downtown there on Bear Creek, and Bear Creek has got the same pollution problems that the Tualatin does. As far as that is concerned, we can prove it there, that a diversion dam is a pollutant process. And like I say, there's umpteen more throughout the west, because the diversion dam is the way the Bureau of Reclamation set up a lot of their irrigation flows is with the use of a diversion dam.

And so I have been on the conservation commission that deals out money for contracts and projects, and one of them was to the conservation district in Jackson County to develop a method to divert water that would not cause pollution. They did not come up with a solution. They spent the money, but they didn't come up with a solution for it. And it's too bad they didn't. We know a pump will do it, but to pump that water and then try to regenerate enough electricity back is not a very efficient way of doing it, although at Lake Oswego it wouldn't be all that bad because they do have a lot of fall from that dam that they had put up there alongside the Willamette to their plant. I would guess it's a 50-foot head on that generating plant. I've only seen it once, but it's a

pretty viable plant. About six, eight years ago, I think the income off that plant was about \$120,000.

[End of Tape 4, Side 1]

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Tape 4, Side 2

C.K.: It doesn't pay too much of Lake Oswego's expenses, but it's an income. Enough to make their permit valid. I don't think it would take near that much money to pump a flow into the canal that goes into Lake Oswego and get their money out of it. But that's all that diversion dam is for is to create flow in Lake Oswego so it doesn't get too polluted.

M.O'R.: But you said if they pumped they could jeopardize their water rights?

C.K.: It probably would, unless something was worked out with the Water Resources Department, and I think that could be done, but it would be in support of the total community.

M.O'R.: And of course they would have maintenance problems associated with pumping, too.

C.K.: My thought was always that Lake Oswego Corporation went along with LCDC in the lawsuit because they wanted to have clean water. There definitely was polluted water that was running through Lake Oswego. It was polluted to a certain degree, and they wanted clean water. One of the ways to get that was for those all above them to clean up their act. But they didn't want to recognize the diversion dam as part of that. But if they really got down to it, they would recognize that if those people upstream would pay for the pumping into Lake Oswego.

M.O'R.: They said that?

C.K.: No, they didn't say that, but that's always been my thought that that's what those people -- that was their ultimate goal, really, was to put in a pump for their flows, but they didn't

want to pay the cost of the pumping. They was going to try to get everybody upstream to pay for that.

M.O'R.: And also probably to clear any political or legal roadblocks that might stand in the way of the pump?

C.K.: Right.

M.O'R.: Now, you said LCDC; you mean the Lewis and Clark folks? The onest that filed the lawsuit?

C.K.: Yes.

M.O'R.: You said that they wound up setting the standard of seven parts per million phosphorus? In fact, the way it's worked out is they've come close to meeting that standard. At least, they've come close part of the time. They're below ten, right? Maybe down to eight?

C.K.: I don't know how low they have gotten, but I know that until the upgrade of the sewer plants, there was no way to judge what other contributions there were. The Unified Sewer Agency put so much phosphorus in the river that anything else was not very meaningful. But now that they have cleaned up their act, they've been able to point the finger at some other places.

And of course we know that this phosphorus-laden sediment is in the flora of the valley, and that that sediment layer is also a limiting layer as far as allowing water to go through, so the groundwater sets on that and in the summertime it flows directly into the river. It isn't that deep in the soil. It's only eight to ten feet, and they have measured flows of very high phosphorus out of that layer right directly into the river. And so the law does allow for natural pollutions, or background pollutions, that could be dealt with in their standards.

But like Derry Creek, the last time I saw it, Dairy Creek was running ten to twelve parts per million on phosphorus, and they were measuring almost those kinds of numbers coming directly out of

the groundwater. Like on our place here, we've tested our wells, and of course we've tested most of them for other chemicals that would flow from the surface into the well, that are easier to measure than phosphorus. But we measured one of them for phosphorus itself. And our wells did not show any of those easier measurements that indicated any source of water coming from the surface. But our groundwater measurements on phosphorus were very high. So we know we have it even here along the main stem of the Tualatin also, those layers are there. And the groundwater is loaded with phosphorus. And of course there's a big controversy on how much phosphorus will move by water. That the colloids of the soil generally tie it up. But here we're measuring movements of phosphorus in the groundwater. And of course the only explanation is that when the colloids are saturated with phosphorus, it doesn't take much to release them. And when there's a certain amount of water, they just release into the water because those colloids are already saturated with it.

M.O'R.: They can only hold so much.

C.K.: Right. And that's the only explanation that you can really put on that.

M.O'R.: What kind of phosphorus levels did you get when you did the measuring here?

C.K.: I can't remember exactly, but it somewhere around 10.

C.K.: Yeah. But DEQ, it has agreed that they will come back and reset those standards sometime. But you know, it's always real nice for an agency to have people out of regulation, because then they have always got a way to keep them under their thumb, you know.

And so I don't believe DEQ is going to change their standard on the Tualatin very easy and very soon, because they really want the people in the Tualatin Basin to be under their thumb. It they

was an exception made on this phosphorus groundwater, well then agriculture would be meeting their standard, they wouldn't have no authority to create any more regulations on agriculture. And so they're not going to lift that standard very easy.

M.O'R.: In the end, with respect to the lawsuit at least, it did result in getting USA to clean up their act, as you mentioned. I think that probably as a result of the USA cleanup, the phosphorus levels dropped more than fifty percent in the river, maybe seventy-five percent. So there was obviously a big source of pollution coming from the USA plants. So how do you feel on balance with respect to the results of the lawsuit?

C.K.: I think there's been some real big mistakes made. And one is that there was an opportunity for agriculture and cities and industrial to get that water from USA to use. And because of greed, it has to be that USA went ahead and upgraded their plants to really a fourth or fifth stage, to clean the phosphorus out of the water. Very expensive. I'd have no idea what the cost is now per acre foot to clean it up, but I know that through the tertiary process it's about \$200 an acre foot, which makes it rather expensive water. But USA was willing to sell that water for uses that would be allowed - and agriculture was one of them. Industrial use was another one that it could be used, like making concretes and all those kind of things.

M.O'R.: You mean the phosphorus-contaminated water?

C.K.: Right. And for irrigation, the lawns and the greenways and all those things. It was authorized and could be used. But because of greed they wanted USA to give that water away, and to build the facilities to give it away. USA went a different direction and they've cleaned up their act, and the water's all going down the river, so nobody gets any use out of it. And I think that was a big mistake.

M.O'R.: Earlier you said that you thought part of the solution to the non-point source pollution of the river would be greater flows, and water projects could help that. That's one thing that USA's cleaning up was that the flows then contributed by the USA plants helped clean up the river.

C.K.: I'm not sure that flow is big enough to make them have much effect. Their flow is - the last time I know was less than ten cubic feet per second.

M.O'R.: But you were saying earlier that you thought they were the biggest single factor in terms of phosphorus?

C.K.: But I didn't say that that extra water we was gonna have was to clean up USA's problem. What I really meant was that it was to clean up the phosphorus flows that was coming from the groundwater, not the USA's.

M.O'R.: Right. But if USA cleaned up their part of it, that would mean there would be less of a burden on the river, right?

C.K.: Yeah. It would be. But not much. It would help some.

M.O'R.: Actually, in terms of these other things that you think may be worthy opportunities that were overlooked, if you used the water for irrigation and it has high phosphorus levels in it, then because of the colloids then, does that wind up not actually winding up in the river?

C.K.: The phosphorus would not end up in the river.

M.O'R.: But you were also saying the colloids are saturated.

C.K.: Okay. Only in the layers that are down in that sediment layer. The colloids that are in our soils on the topsoil is not saturated. Because we're taking that phosphorus out with our plants as much as possible. Now, our plants that we grow are not always able to get the colloids to release that phosphorus. And if the plants can't get it to release it, the water isn't gonna take it either. And when we're, as a farmer, we have to have

phosphorus in our plants. So we're side-dressing our fertilizer alongside the seed, and when we do that we saturate that little band with so much phosphorus that the colloids can't hold it. And so it's really the plants can pick it up. But if we spread that band out, the colloids attach to the phosphorus then, and it's not even available to the plants.

M.O'R.: So you're putting phosphorus on the land.

C.K.: Oh yes.

M.O'R.: In the form of fertilizer.

C.K.: Yes. And there is no detection that any of it is going into the water. The only way it can go is through erosion of the soil.

M.O'R.: So the phosphorus then in the USA effluent actually would have been a benefit?

C.K.: Yes.

M.O'R.: It would have been better quality irrigation water than water without phosphorus. But then of course, you would have problems of distribution from the USA plants in maintaining a separate system for getting the water out to ...

C.K.: There was some lands very close to those plants that could've used that water.

M.O'R.: So that wasn't particularly the problem of polluting?

C.K.: No. And the irrigation district has the water right to any discharge out of any of those plants.

[End of Tape 4, Side 2]