

Article 6: Air, Water, and Land Resources Quality

Goal 6 instructs local governments to consider protection of air, water and land resources from pollution and pollutants when developing comprehensive plans. The pollutants addressed in Goal 6 Include solid waste, water waste, noise and thermal pollution, air pollution, and industry-related contaminants. The goal asks cities and counties to designate areas suitable for use in controlling pollution. It calls on them to use a variety of market, zoning and management tools in creating these outcomes.

FEDERAL REGULATIONS

The Water Pollution Control Act Amendments, enacted in 1972, is the most significant Federal legislation with respect to local comprehensive plans. Its purpose is to regulate municipal and industrial polluters. The act affects water quality management on three levels. The first level is on a river basin scale (Section 303); the second level is on a smaller regional scale (Section 208); the third level is on the municipal scale and provides funding to improve or build sewer systems (Section 201).

The Environmental Protection Agency (EPA) has standards for particulate matter and ozone. Information about the standards or other EPA regulations can be accessed at the EPA web site at www.epa.gov.

STATE PROGRAMS AND REGULATIONS

The Department of Environmental Quality (DEQ) has primary responsibility for water quality management and pollution control regulation in Oregon. Because proper management of water quality is related to land use, several DEQ programs can affect or are affected by local comprehensive plans.

The Oregon Environmental Quality Commission (EQC) has legal authority to adopt administrative rules concerning environmental air quality. The DEQ, administrative body of the EQC, solicits comments on proposed regulations of the EQC. Notice of all applicable proposed rule-making actions is sent to the City of Toledo for comment.

In 1972, Oregon adopted a Clean Air Implementation Plan which set standards for each pollutant that are either equal to or more stringent than required Federal standards. This plan is revised from time to time to respond to changing conditions or new information. DEQ is responsible for implementation of this Plan (DEQ, 1978). Current air pollution information is accessible at the DEQ website at www.deq.state.or.us.

The Department of Environmental Quality's pollution prevention programs have resulted in 99% of Oregonians living in areas that meet the National Air Quality Standards. This is a dramatic change from 1980 when only 30% of Oregonians lived in areas that met the National Standards. The air pollutants of greatest concern in Oregon fall into three categories:

1. Ground level ozone, commonly known as smog;
2. Carbon monoxide (mostly from motor vehicles); and
3. Fine particulate matter (mostly from wood smoke and dust).

Local Context

AIR QUALITY

Air pollutants come from several sources in the Toledo area. These include nearby industry, automobiles, and fireplace smoke. Generally, movement of the air will carry these pollutants away; however, the Toledo area is often subject to periods of poor ventilation or stagnation, causing these pollutants to dissipate more slowly.

The City of Toledo has a Clarity monitor installed at the Toledo police station that tracks air quality in order to detect levels of pollutants that could have a detrimental impact on local residents and wildlife. Current air quality data can be found on the DEQ Air Quality Monitoring page. [Interactive Maps \(state.or.us\)](https://state.or.us)

WATER QUALITY

Under the Clean Water Act, states are required to report a list of waters that do not meet water quality standards. The list is called the “303(d) list” based on the Clean Water Act section number that requires the listing. Section 303(d) requires identifying waters that do not meet water quality standards and where a Total Maximum Daily Load pollutant load limit needs to be developed. On the 303(d) the Yaquina River area shown on **Exhibit XX** is considered impaired.

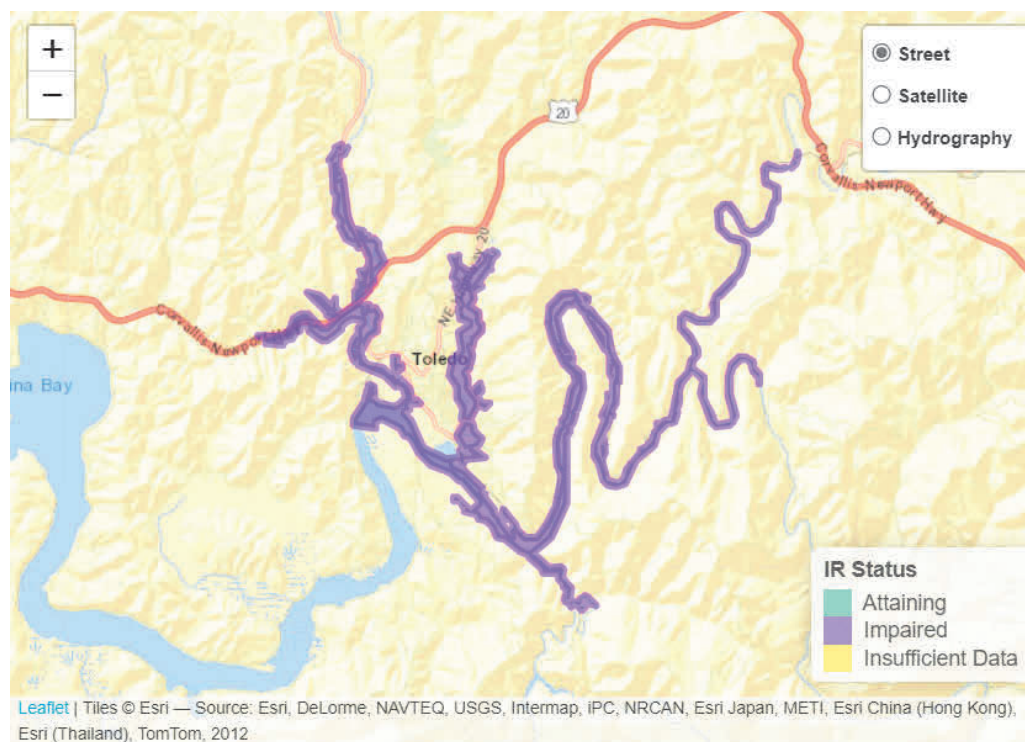
Estuary / Bay Unit type assessment unit. Data from all monitoring locations within this assessment unit are pooled together and assessed as a whole.

Overall, the Yaquina River waterbody is **impaired**. [Department of Environmental Quality : EPA Approved Integrated Report : Water Quality : State of Oregon](#)

- **Impaired parameters:** Fecal Coliform, Dissolved Oxygen- spawn, Temperature- year round, Sedimentation
- **Attaining parameters:** E. coli, Chlorophyll-a, Dissolved Oxygen- year-round, Dissolved Oxygen- year-round, pH, Alkalinity- Aquatic Life Toxics, Ammonia- Aquatic Life Toxics
- **Insufficient parameters:** N/A

Historically, on the 1998 303(d) list, the tidal portion of the Depot Slough and the Olalla Slough were listed as violating the water quality parameter of bacteria. The Yaquina River from River Mile 5 to Mill Creek was also listed in 1998 as violating the water quality parameter of bacteria all year. Mill Creek was also listed in 1998 as violating the water quality parameter of temperature during the summer season. The Bureau of Reclamation in 1992 noted that probable causes of bacteria pollution in the Yaquina River area included agriculture and septic systems.

Exhibit XX: Oregon 2022 Integrated Report - ODEQ



The City of Toledo is investing substantial amounts of money to improve water quality by upgrading the sewer system in accordance with the 2014 Wastewater Facilities Plan to prevent overflow discharges into the Yaquina River during major storm events and to eliminate the inflow and infiltration of rainwater into the sewer system.

The City coordinates with other governmental entities in water planning. The city previously sold water to the Seal Rock Water District.

NOISE

There are noise sources within the city. The major sources are from vehicular traffic travelling within the city, trains utilizing rail and industrial activity.

DEQ is not able to investigate noise complaints as of July 1, 1991 when legislative action was taken to terminate the DEQ Noise Control Program. DEQ rules governing noise remain in place for city, county or municipal government entities to utilize.

The primary method of implementing noise control policies that are included in a comprehensive plan is through a zoning ordinance and a noise ordinance. Through zoning, noise sources can be separated from noise sensitive areas. This can be done by placement of the zones themselves and through setback requirements. Overlay zones can also be used to establish special provisions for sensitive areas affected by high level noise. The city has some standards around unnecessary noise that the code enforcement officer could investigate.

LAND

When discussing land resources, several aspects of land resource quality must be dealt with. One aspect concerns the problem associated with development of the land. The topography of the land in Toledo is a limiting factor in the siting of new houses and development.

AIR QUALITY

Goal 1 –Federal, State and Local Compliance. ~~Ensure that existing and future land use activities~~ The City of Toledo will meet or exceed federal, state, and local air quality standards.

Policy 1 Clean Air Act. The City of Toledo will comply with all federal Clean Air Act requirements, EPA regulations, State Department of Environmental Quality, Air Quality Maintenance Plans, and all other applicable air quality regulations.

Policy 2 Coordination with the State Department. The city will coordinate actions with the State Department of Environmental Quality.

- ~~a. Cooperate with state and federal agencies to ensure that local land use activities and/or regulations comply with the Federal Clean Air Act, Environmental Protection Agency regulations and the Oregon Department of Environmental Quality (DEQ) regulations or other applicable future regulations.~~
- b. Require that any industrial, commercial and residential development with a significant air contaminant discharge be reviewed by the DEQ in accordance with state and federal law for determination of the impact on the Toledo area air shed.
- c. Help provide information to existing, new, and expanding development on air quality maintenance programs.
- d. Encourage those developments which emit odors and/or noise to work with the DEQ in reducing odors and noise.

Policy 3 Land Use Patterns. Promote land use patterns, programs and standards that assure Toledo will maintain its Oregon Department of Environmental Quality air quality attainment status.

Policy 4 Measures to Reduce Air Pollution. Require all development with significant air contaminant discharge to undertake measures to reduce air pollution and its local impacts ~~in accordance with state and federal law~~ through measures that:

- a. Utilize appropriate buffer areas and vegetation.
- b. Locate the discharge source where the impact is minimized.
- c. Utilize pollution abatement equipment and production and processing technology to reduce and meet emission standards as required by state and/or federal regulatory authorities.

Policy 5 Coordination. Cooperate with other governmental agencies and other entities to:

- a. Exchange information on existing and potential air pollution problems.
- b. Review options for improving air quality, considering all pollution sources (natural base levels, agriculture, and human-induced point and non-point area sources).

WATER

Goal 2 – Federal, State, and Local Compliance. ~~Ensure that future land use activities enhance or, at minimum, maintain water quality. The City of Toledo will meet or exceed federal, state, and local water quality standards.~~

Policy 1 Minimize Pollutants. Cooperate with local, state and federal agencies that have primary responsibilities to assist them in minimizing the quantity of pollutants from point and non-point sources entering the surface streams, lakes and groundwater.

Policy 2 Development Consistency with Water Quality Standards. Encourage existing and require all new or expanding developments to comply with applicable water quality standards, using assistance available from the Oregon Department of Environmental Quality, Lincoln County and other appropriate agencies.

Policy 3 Publicize Any Findings of a Potential Public Hazard. Encourage state and county health agencies having primary responsibility for monitoring water quality in local streams, rivers, lakes and aquifers to publicize any findings of a potential public hazard and to provide background or base level information.

Policy 4 Clean Up Toxic Spills and Contaminated Soils. Support and coordinate with state and federal agencies' plans to contain and to clean up toxic spills and/or contaminated soils, water surfaces or ground waters.

~~**Policy 5 New Development Connection.** Continue to require that new development be connected to the municipal wastewater and water systems unless an exception is granted by the City Council for a compelling reason. Require and, wherever feasible, facilitate the extension of wastewater and water systems as the City grows into the Urban Growth Boundary. [see public facilities chapter]~~

Policy 5 Wastewater and Water Treatments Systems. Continue to improve and operate the wastewater and water treatment systems in compliance with state and federal regulations. Improve the wastewater treatment system to prevent overflows of partially treated wastewater into the Yaquina River.

Policy 6 Erosion and Drainage Control. Develop standards requiring new and expanding land uses and developments to provide erosion and drainage controls to minimize these non-point sources from polluting the streams, rivers, lakes and aquifers.

Policy 7 Inflow and Infiltration. Continue to reduce the inflow and infiltration of groundwater into the wastewater treatment system.

~~**Policy 8 Safe and Efficient Transportation.** Develop standards that promote safe and efficient transportation and access facilities to minimize impacts on air, water, and land resource quality. [see public facilities chapter]~~

~~**Policy 9 Water Conservation.** Continue to encourage water conservation by metering water usage and charging the full costs for producing potable water and treating wastewater. [see public facilities chapter]~~

NOISE CONTROL

Goal 3 – Federal, State, and Local Compliance. The City of Toledo will meet or exceed federal, state, and local noise standards.

Policy 1 Regulation. The City and all other applicants for development will comply with the DEQ Noise Control Regulations, the Oregon Noise Control Act, and all other applicable federal, state, and local noise control regulations.

Policy 2 Local Standards. Take an active role in proposing, reviewing, and recommending local noise control standards when the city believes additional safeguards are necessary to protect and preserve the quality of life in the community and reduce hazards from noise pollution.

LAND RESOURCES

Goal 4 Efficient Use of Land. Promote the efficient use of lands, protect sensitive areas and provide open spaces within Toledo and the Urban Growth Boundary.

Policy 1 Compact Development. Reduce sprawl and promote compact development within the Urban Growth Boundary.

Policy 2 Encourage Land Use Patterns that Protect Open Space. Encourage planned developments, clustering, and other development patterns that protect open spaces, minimize disturbance of natural contours and vegetation and use the public infrastructure and resources most efficiently.

~~Policy 3. Provide for a mixture of land uses and development patterns in addressing the economic and community development goals of Toledo that:~~

- ~~a. Balance the availability of land use zones within Toledo to meet the needs of Toledo's citizens and businesses.~~
- ~~b. Provide sufficient and appropriately located open spaces.~~
- ~~c. Encourage "mixed use" zones and developments where it is feasible within the City (e.g. Main Street, the Toledo Industrial Park, and some residential areas).~~

~~4. Encourage the redevelopment of older, serviced neighborhoods through in-fill and revitalization policies and programs.~~

~~5. Encourage mixed uses, development patterns and project designs that support walking, biking, ride sharing, and the use of transit services (where transit is available) and that reduce the need to commute long distances between home and work.~~

~~6. Encourage development that supports or sustains Toledo's ability to provide and maintain adequate public facilities and services.~~

~~7. Encourage development that is compatible with community and regional environmental concerns and Toledo's natural resources.~~

~~8. Complete and implement Toledo's Public Infrastructure and Expenditure Plans (PIE Plans), including provisions for storm drainage systems and management.~~

~~9. Identify, acquire as funds permit, and manage lands needed for public services and open spaces. [See the urbanization chapter for similar policies and goals]~~