

# Stormwater Advisory Committee Notes for June 7, 2016

## Attending Members

Tim Smith, Chair  
Councilor Kim Freeman (call in)  
Heather Dimke  
Matt Knudsen (call in)  
Mike DeBlasi

## City Staff

Bill Lawyer  
Elizabeth Sagmiller  
Kat LaFever

## Absent

Councilor Dennis Koho

*Tim called the meeting to order at 1:02pm*

## Draft MS4 Phase II General Permit Discussion

Elizabeth reviewed the history of Phase II draft general permit development. Elizabeth and Kat have spoken with the permit coordinator, and the DEQ seems to be sticking to their schedule. The final 'draft language' will be released for a 30 day public comment period starting July 1st.

Early draft language was released to the MS4 Advisory Committee (MAC) for comment in May, and Keizer has submitted comments. Our comments focused on areas which had not been brought up before (there have been many meetings and comments in earlier meetings).

The DEQ requested, in addition to detailed comments, to include 'key issues' for the permit draft. Keizer's top items included the following:

- Expand and Fill Out the Definitions Section (to prevent confusion or miscommunication in future regarding permit requirements)
- Address MS4 / UIC Issues (e.g. Hybrid MS4/UIC systems, Competing NPDES/WPCF Permit Requirements)
- Change Schedule A.1.a.ii. Language (all Permittees would be out of compliance as currently written)
- Add 'Permit Shield' Language (e.g. If the Permit is followed, MEP is being met, prevents lawsuits)

- Change Language Requiring Formal Agreements for Collaboration (As written, even collaboration on outreach events would require formal agreements between all participating entities)

The next steps are:

- Public Comment Draft (release on July 1<sup>st</sup>)
- Public Comment Period (through July 30<sup>th</sup>)
- New Permit Released (September 30<sup>th</sup>)
- Coverage Letters to Permit Registrants (estimated October or November for Keizer)

The first three years of the permit will be the most time and workload intensive for staff. The pattern is to require development of a program, then implementation in the year following. For example, in Permit Year 1, we must develop the new Public Education program and the Public Involvement program, then implement in Permit Year 2 and so on for the additional minimum control measures. The new IDDE program and Construction Site Runoff programs must be developed in Permit Year 2, and implementation beginning in Permit Year 3 and following. Permit Year 3 is development of the Operations and Maintenance ('good housekeeping') program and the Post-Construction Development program, and implement in Permit Year 4 and following.

Each of these 'programs' involve many, many facets including program plans, tracking, separate sub-programs, desktop and field analysis, and ordinance or code re-writes. All are extremely time intensive and even with some pieces already in place, it will be a huge workload increase. For a new permittee, it will be next to impossible to implement in time, even with the '1 year' increased timeline for each program.

The first step will be to develop a new Stormwater Plan (not to be confused with a Master Plan or the previous SWMP). We may call it the SWMP Document (the current permit language calls it a SWMP Plan). The SWMP Document will no longer be a regulatory document, but rather a planning document.

It will differ from our current SWMP in that it will no longer house specific BMPs, as those will be dictated in the permit itself. Instead the SWMP Document will be more of an overview of programs with their underlying goals or drivers. The SWMP Document is due (currently) 6 months from Permit Date, though it's not turned into DEQ until the subsequent Annual Report.

For the Public Involvement program, the DEQ is currently requiring 'stewardship opportunities' be provided to the public. They also suggest a stakeholder group like the SWAC, and include odd new requirements like 'litter control' at all public outreach events.

With the IDDE program, the new permit requires an extensive tracking and analysis effort to determine 'potential polluters' and areas where pollution sources might be. These requirements are attainable, though at great cost in staff time with questionable utility.

The DEQ did remove the previous method of placing some of the detailed requirements in an Appendix, and have instead incorporated all requirements into one document. This was an improvement.

Elizabeth asked Matt Knudsen if he had anything to add, given he also participated in the MAC advisory committee meetings. Matt reiterated the point that some of the biggest issues with the permit revolve around increased tracking of all activities, analysis and actions. The tracking requirements alone will vastly increase staff time in order to stay in compliance.

The next steps for staff will be to review the final draft language, which comes out in July, to determine for each major program the Must Have's, the Deadlines for each, and the major steps required to develop those programs. We'll also be determining which ordinances and other legal documents need to be revised or created, and touch base with the Legal department for timelines there.

Also, the DEQ is looking to hire three additional staff for the MS4 program. One will be solely for Phase I permit program, and two regional staff may be added to support Phase II technical support and permit program review. If these proposed positions are adopted into the proposed budget, permit fees will increase significantly. Keizer's fee could increase from around \$900 a year to \$3150 per year. Phase I's would see a much larger increase. For example, Salem's permit fees could rise from \$4800 to over \$24,000 annually.

The SWAC will not meet again until after the final draft language has been released and comments submitted. We will send out a Doodle Poll for a possible August meeting if we can find a date that works. This will be a Citywide permit, but much of the work of it falls on Public Works staff to develop and implement compliance solutions.

Councilor Freeman said to keep the Council posted on how we can move forward with needed steps as the permit becomes closer to issuance. Elizabeth reiterated how crucially important it is to have Council representatives on the SWAC, as these are such technical topics and fines for non-compliance are not an option financially for the city.

No one had any further questions or comments, so Tim adjourned the meeting

***Meeting Adjourned by Tim at 12:35 PM***