

Stormwater Advisory Committee Notes for April 7, 2015

Attending Members

Tim Smith, Chair
Mark Caillier
Sam Kidd
Alex Wade
Councilor Kim Freeman
Mike DeBlasi (call-in)
Councilor Brandon Smith (call-in)
Councilor Dennis Koho

City Staff

Elizabeth Sagmiller
Billy Johnson
Bill Lawyer
Dorothy Diehl

Absent

Matt Knudsen

Chair Tim Smith called the meeting to order at 12:05PM

Elizabeth welcomed two new members to the SWAC: Councilor Dennis Koho and Citizen Alex Wade. All members and staff present introduced themselves.

1200-C Series Renewal

Elizabeth updated the group on the status of DEQ's 1200 series permits which relate to erosion control:

Keizer is seeking inclusion in the 1200-CN permit, which would give the City primary regulating authority over projects under 5 acres and projects that do not discharge to waterways with TMDLs for sediment or turbidity. Developers would pay one fee and follow one process. This is something Keizer has been working toward for a long time. DEQ would reserve the right to step in and conduct enforcement, but Elizabeth is confident in Keizer's Erosion Control program and associated activities, so this would not happen under normal circumstances.

Regarding DEQ enforcement, Tim stated that DEQ typically does not respond. They make the local jurisdiction investigate on their behalf. They do show up at the end of a project now, though.

The 1200-CN permit will open this summer for a public comment period. Keizer has formally requested inclusion in the permit and will submit all required materials and documentation of its Erosion Control program to DEQ by April 30, 2015. DEQ needs three months for public comment. The projected issue date is November 2015.

Materials for submittal include:

- Intergovernmental Agreement (a draft is with the City's legal department right now)
- An Ordinance with Disturbance Thresholds
- Process for Plan Review

- Process for Site Inspection
- Enforcement SOP

Staff has updated some of our Erosion Control documents to align more closely with DEQ's program, and has packaged the materials in a way that will make it easy for DEQ to review them.

Elizabeth explained that the 1200-CA is a permit that allows a municipality to construct public projects, like installing a water line, under their own permit. Salem has a 1200-CA so their activities are covered under that permit and they don't have to get a 1200-C permit like Keizer does. There are some potential hang-ups there and a lot of concerns from municipalities. Erich Brandstetter from DEQ agrees that the CA renewal could be a time hang-up.

Tim asked if we hadn't already given DEQ all of our Erosion Control materials at one time. Elizabeth explained that they have received many of them in the annual reports, but that they were not reviewing them for this purpose, so now we are packaging them specifically for evaluation for the 1200-CN.

Elizabeth mentioned that the new 1200-CN permit will require waterway buffers, but we already made that change in our Erosion Control Ordinance.

Billy said that DEQ is looking at requiring some sort of permit coverage for construction sites that have to dewater from certain activities. This coverage might not be triggered by a disturbance threshold. We haven't received enough feedback from DEQ on this topic to begin planning for or incorporating it into our erosion control program.

Mike DeBlasi asked if DEQ enforcement would be appealable.

Elizabeth said she doesn't really know. In general, DEQ just issues warnings, and it wouldn't be directed toward the City anyway. There's the potential, but given the City's robust inspection program it's not likely.

Elizabeth said she knows the 1200-CN inclusion has been a long time coming and it's been a frustrating process. She said she'll keep the SWAC informed every step of the way and it will be very nice to go to our development community and say it's one process now.

Mid-Willamette Outreach Group (MWOOG)

Elizabeth said that although it was not on the agenda, since the group was discussing erosion control, she wanted to tell them about a project the City is collaborating on:

The City has been involved with a regional public education group called MWOOG with Marion County, City of Salem, Marion Soil & Water Conservation District, the City of Corvallis, and the City of Albany. The group collaborates on outreach, including the annual Erosion Control Summit. The Association of Clean Water Agencies (ACWA) is holding their annual Stormwater Summit on May 13, 2015, and they are inviting guests to share information with the audience via stand-alone posters. Keizer is designing a poster with Marion County Environmental Services to describe MWOOG and especially to highlight the Erosion Control Summit. The group intends to use the poster for the event and then send it around internally so the applicable agencies can see what the group does.

Municipal Stormwater Program Plan (DEQ)

DEQ has a new "permit writer", Lisa Cox, who came from the Washington Department of Ecology, and the City had the opportunity to meet with her. She's very organized. She has begun emailing the permittees once a month with an accounting of what she's been working on, priorities, and resources, which is really nice because sometimes we don't hear from these people ever. She put together a municipal program plan, and she's looking for a graduate student to do an internship to take up some of the responsibility for some of the work she's saddled with. She has a timeline for 2 years out and #1 on

her list is Phase II permit renewal. Stakeholder meetings are supposed to start again this spring. She was in the original Stakeholder group before, while working for the Department of Ecology, so she knows the process and how dysfunctional it is and the weaknesses.

Sam: Did she give you a timeline on your new permit?

Elizabeth: No, she just said 2015.

Sam: We filed for extensions on our permit applications; they were due in June, and she gave us until December.

UICs in New Development

Elizabeth: We are seeing new infill subdivisions going in around Keizer and we are requiring some type of treatment and infiltration of stormwater. We've gotten to the point where we've actually asked for one project to install a public UIC which will be covered under our permit. We did find out that if there is going to be a private UIC that goes in, they have to adhere to Oregon statutes, which would force them into getting a regular individual permit just like our great big WPCF permit if they are within 500 feet of a water well.

Elizabeth explained that Matt Kohlbecker was the lead on our groundwater study. He wants to have a general permit done by this summer, so you could put in a private UIC and pay a little bit. They just don't have a route for that yet. But it will be a good thing because we do not want to go back to putting all stormwater in a pipe to the streams.

Bill offered that the City hasn't seen detailed plans yet, but for Keizer Station Area C, their drainage concept is UIC. And there's some other work being done. It may or may not have an outlet. So that's the concept for dealing with public and private stormwater on Area C.

There was some discussion about maintenance. Elizabeth explained that the City will maintain public UICs just like any other part of the public stormwater system. For private facilities, the City will be looking at maintenance agreements. Maintenance of private facilities needs to be tightened up. The City has allowed a lot of private streets in Keizer with no formal process in place for maintaining the storm system.

Private Stormwater Inventory – Coming Soon

Elizabeth: Storm and Environmental staff will start a private stormwater inventory this summer. We are beginning with ~124 commercial/industrial lots. They will receive a letter with a lot of information and a fact sheet about the program. Why are we doing this? DEQ wants us to; but more importantly, if there were a spill at, for instance, a gas station, knowing what their assets are will help us help abate the problem. The other issue is that if they are not maintaining their system that is an illicit discharge to our system. The City will almost certainly be required to do some type of monitoring under our new permit, so an illicit discharge could land the City in hot water. This inspection program is similar to Salem's detention basin inspection program. We will be providing resources. We'll GPS the assets, designate them as private in our GIS, and possibly identify some UICs we are unaware of. This season will be the high risk properties, and then we'll move on to schools, churches, and then smaller groups of houses where there might be an HOA or some other type of agreement.

We don't want to be heavy handed, we want to give resources. People think everything goes to Willow Lake and gets treated. So we intend to educate people as to what they have, especially multi-family that have some kind of detention in parking lot and they get tired of standing water, so a plumber breaks out the orifice so it no longer functions the way it's supposed to.

Mark: I was on Salem water board when they started doing their inventory leading to their stormwater fees and stuff, and wasn't a lot of pushback in beginning, but as they continued, people realized the inventory was going to cause them to pay a stormwater fee. So if that's our intention, let's admit that now. Sam stated that DEQ can fine a municipality if a private property is violating the municipal permit.

Meeting Minutes Approval

The City Recorder's office informed us that we have to start approving our minutes. We don't have to go back to 2008 when we first started; we are starting with 2013. We can approve them electronically, so when we type them up I can send them to you.

Tim: Everyone here is computer savvy. Just send them out after every meeting.

Program Review

Elizabeth explained that every year we should be reviewing the stormwater program as a whole. (All of our BMPs, how they are doing, do they need to be changed). She gave them a handout of BMPs to review and requested that they note anything they think should be changed. She explained that under adaptive management, we have to explain what isn't working and why, and the resultant proposed changes. Changes in effort must represent an equal level of effort, and we can't completely take BMPs away.

There are some weaknesses in our program and a lot of strengths. We need to start doing this every single year. It's a requirement in all our programs and actually there's still a lot of talk about the EPA moving onto Phase IIs for audits, and that's a serious concern.

Sam: Has Lisa Cox given you any indication of what will be in your permit?

Elizabeth: She said if it's in the Phase 1 permit it will be in the Phase II permit. It will be a different scale, though. They will also be looking to the existing Phase II's to help the new permittees and give them guidance. Small communities like Gold Hill and Rogue River, Eagle Point, Tangent, and Jefferson are going to need permits and they are going to need a lot of guidance.

Tim: So they will be coming to us just like we went to people for guidance when we started.

Eliz: Yes, resources are tight but we're all in this together.

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

Meeting Adjourned: 12:50PM