

Stormwater Advisory Committee Notes for July 29, 2015

Attending Members

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

City Staff

Elizabeth Sagmiller
Billy Johnson
Kat LaFever
Mike Griffin

Absent

Matt Knudsen
Councilor Dennis Koho

Chair Tim Smith called the meeting to order at 11:55 AM

Meeting Minutes Approval from April 2015

Chair Tim Smith proposed approval of the meeting minutes from the April 2015 meeting. He asked if there were any objections or corrections to the minutes; there were none, and the minutes were approved by unanimous consent.

DEQ Looking at a General Permit (GP) for MS4 Phase IIs

Elizabeth advised the SWAC (Stormwater Advisory Committee) that a new General Permit (GP) will very likely be coming down from DEQ in the next year, and all Phase II NPDES permit holders may need to really step up efforts. For example, the level of public and Council involvement in program evaluation, development and comment may increase significantly. The SWAC may need to meet differently, or more often, so it might be necessary to consider another venue or time to allow for this in future. Elizabeth asked the group to get back to her with suggestions.

According to DEQ staff, 47 states have gone to a GP for MS4 permits, so it looks entirely likely that Oregon will as well. That is the DEQ intention at this point, supported apparently by EPA. And the initial draft GP language seems to imply a much greater level of effort required of Phase II permittees, and for Keizer, despite the fact that Keizer is far ahead of many Phase IIs.

The DEQ is talking about having two 'tiers' of Phase IIs, Keizer would be a Tier I, because we've already had a permit and have a program. As long as we meet the requirements of the GP, we are in compliance and meeting MEP. The GP will likely require Keizer to create a new Stormwater Management Plan (SWMP) that aligns with new permit requirements, and it will have to be rewritten each year and submitted along with the Annual Report.

According to the DEQ schedule, the Phase II Advisory Committee will only meet three times to work with DEQ staff on outcomes, and one meeting is already over. The next two meetings may be the only chance to weigh in on language and requirements, aside from the public comment period. Third parties such as the River Keepers and Northwest Environmental Defense Center are involved in the Advisory Committee as well. DEQ has also indicated they've developed an internal stormwater program plan which includes an inspection program by DEQ by 2017 for the Phase IIs (similar to the EPA audits).

Under the new GP, there would no longer be 'permit years', but instead there will be compliance dates within the permit. If one doesn't get the task done by the date, it would be a permit violation. This is crucial.

Mark Caillier asked Sam if Salem had to increase staff when all these MS4 permit deliverables were required of them, and Sam said they did have to increase staffing to meet permit requirements. They've also grown staff to the point of having new divisions (reorganization). Mark asked if Salem had to pay for consultants to do some of the analyses required, and Sam said Salem definitely has had to use consultant work for many of the deliverables.

Mike DeBlasi asked if the DEQ will give credit for higher density development. Elizabeth said it's not clear yet, as the DEQ has not given the new proposed Post Construction standards yet for the new GP.

Elizabeth said the GP new language says there will need to be public comments taken and considered, related to submittal of annual reports, any revisions to the SWMP, development of the Pollution Reduction Benchmarks, and any construction projects (over 5000sqft). People don't know yet quite what that will mean, but the draft language says permittees must provide for public comment and consider/address them. Sam said Salem takes comments on their website for fifteen days. However, Phase II requirements in this new GP language are actually surpassing Phase I requirements in some instances, so this may not be enough for the new permit.

The DEQ tried to propose a GP for Phase I's, and it was avoided only through great efforts by ACWA and the Phase I's. However, Lisa Cox was not at DEQ at that time, and her presence may change things.

Lisa has set a pretty aggressive timeline for GP development, which will probably not move much because EPA is very insistent that DEQ get permits out as fast as possible with no delay. Keizer's permit has been expired since 2012, and the new GP is scheduled to come out in mid-2016.

The ACWA Phase II Steering Committee will meet next week to go over the GP language and provide feedback to Lisa Cox (due Aug 14th) and the final sections of permit language will come out August 24th (including Post Construction and Monitoring).

2014/15 Matrix of BMPs – Stormwater Program Evaluation

The SWAC had been electronically provided a spreadsheet matrix showing all the current Stormwater program elements, including all BMPs. These must be evaluated each year, according to the permit, to decide if any program elements need to change. Elizabeth asked the group for any proposed changes or comments on the content provided.

Tim wondered aloud how we could present this matrix to Council successfully, given the sheer number and detail involved in the Stormwater program elements. Mark agreed, observing that the documentation of the work alone is huge, and when you talk about changes, it really gets overwhelming. Tim proposed that the SWAC review this document separately and reply back via email. Councilor Kim Freeman said the terminology alone would be too much for Council. It would need a work session to get history and background, to have it make any sense.

Elizabeth said she would not propose taking this matrix to Council, but rather the highlights of it. But it's important for SWAC members to champion and represent all the work this program is required to do. Stormwater is a topic which is inherently complex and hard to understand. But the regulations are becoming increasingly strict, and that trend is not slowing down. Keizer cannot fall out of compliance, and with a general permit, requirements may increase substantially.

The group expressed a desire to review the matrix individually. Elizabeth confirmed she will resend the matrix electronically (with some updates, as the most recent version was created in June) and request comments via group emails.

General Updates

Elizabeth said staff is currently working on Private Facilities Inventory. This will be a big project, taking several years to complete. But staff is already discovering situations requiring follow up.

Environmental and Technical Division has completed interviews for the open position created when Dorothy Diehl left the City. The recruitment process is not yet completed.

The city has selected and entered into a contract with DeSantis Landscapes to maintain the Vegetated Stormwater Facilities (VSF) throughout Keizer. They are projected to begin work in August.

There were no further questions or comments, and the Chair adjourned the meeting.

Meeting Adjourned: 12:40PM