

MARION WATER QUALITY ADVISORY COMMITTEE MEETING

May 28, 2014

Marion County Public Works in the North Santiam Room
5155 Silverton Rd. NE, Salem, Oregon

MINUTES OF THE MEETING

Present: Jim Heltzel, Bryan Porter, Andrew Schmidt, Brent Stevenson, Richard Walker

Absent: Zach Diehl, Gene Doll, Dan Goffin, Mark Grenz, Doug Krahmer, Rick Massey

Staff: Matt Knudsen, Keare Blaylock, Jolene Bray

Public: Phil Wright and Bill Riffle, Chemeketa Community College

CALL TO ORDER: 5:08 p.m.

INTRODUCTIONS AND APPROVAL OF MINUTES (April 1, 2014):

Andrew called the meeting to order and attendees introduced themselves for the record.

Since there was no quorum present, the approval of the April 1, 2014 meeting minutes will be voted on at a future meeting.

PUBLIC COMMENT:

Phil Wright said Chemeketa Community College (CCC) gave a formal response to the county regarding the stormwater fee program in a recently sent letter to the director of public works. He said they are here tonight to check the status and will try to stay engaged in process where they can. He said they hoped to provide comment and guidance.

UPDATES:

Keare said previous letters that were sent out regarding the stormwater fee told recipients that more information would be available about this time of year. She said she and Matt are now responding to follow-up calls from people who are requesting that information. She said she is working on a mail insert and postcard to give the public an idea of potential of fee. She said they are on hold right now because they are waiting for more information from the board of commissioners (BOC). She said they are currently planning to mail out in July when she hopes to have more information.

Keare said she went to Fisherman's Bend last week and played the Salmon Game with about 50 children from Faye Wright Elementary. She said the cities of Keizer and Salem along with approximately 150 school children will be at a park near Silverton tomorrow to test water in the creek for safety. Matt said he, Keare, and a number of county staff will be at Willamette Mission State Park tomorrow teaching a class of third and fifth graders. Keare said the older kids do work and the younger get different layers of education.

Keare said Environmental Services has a Facebook page and Water Quality is included in their postings. She encouraged the committee to view their page. She said the Mid-Willamette Outreach Group is planning the 5th Annual Soil Control Summit and already have speakers scheduled. Keare said the Howapalooza event is coming in October and may be held at the Keizer Rapids Park.

STORMWATER FEE PROJECT:

Matt distributed copies of handouts that were provided to the BOC in April that outlined changes from previous fee proposals. He said staff will be returning to a BOC management update meeting in June to provide basic feedback regarding ways to lower the total budget while still being able to provide a valuable service. He said one proposal is to look at exactly what services the regulatory requirements made increase. Matt said the basic reduction in the budget will come from things done previously, such as street sweeping from the operation's budget. He said staff had already removed this in the proposal and will remove more.

Matt then reviewed the handouts with attendees. He said the MWQAC meeting in April was the last outreach effort aside from phone calls, of which they received a pretty heavy amount. Matt said he has a meeting on Monday with the Realtor's Association of Salem and will discuss the fee and how it might affect sales and promotions in specific areas. He said there would be a billing insert sent to every potential customer that will go out in the June to July billing period. He said he and Keare may potentially receive 500 phone calls and may ask administrative services for help.

Phil W. asked if the mailing would discuss the implementation schedule or public forums. Matt said the county is trying to provide information that is known in the flyer and the fee and when it goes into effect is still unknown. He said the flyer will say the county is looking at a fee, that it's for stormwater, and that there will be opportunities to speak at a public forum. He said it's pretty basic information because the BOC hasn't decided on a rate or budget yet. He said the project goal is to have a proposal before the BOC by the end of July 2014 and implement on January 1, 2015. He said implementation will take about 6 months because we don't have the billing infrastructure yet.

Matt said the credit methodology is borrowed from the City of Salem with some minor changes. He said the BOC has not made a decision regarding this yet but it does make sense. Richard said that there was verbiage regarding credits for mitigation or flood control and asked about the thought process. Matt said the thought is with flow control and how to reduce total maintenance costs and pollutants.

Matt said Kevin Cameron was the new county commissioner. He said Commissioner Cameron was at the Salem Chamber of Commerce meeting that discussed the new stormwater fee so has some knowledge of this process.

Matt said the Marion County stormwater system is pretty comparable to the City of Keizer when making note that the city's fee will increase. Jim asked what the fee will be for Marion County. Matt said the department's recommendation to the BOC in April was based off the old budget and that would mean the EDU rate for commercial customers would be \$3.00. Matt said the base rate is where the City of Salem differs from the City of Keizer. He said in the old budget essentially all residential properties would be charged as if they have 1 EDU (3000 sq. ft.). He said they would now be charged \$4.50 base rate + EDU rate. Jim asked what would be included. Matt said the thought process behind the base rate is the total public infrastructure and maintenance, and how that works with the whole system (e.g., streets, drainage system, and education outreach). Matt said CCC has 2.9 million square feet of impervious surface. Phil asked if the current proposed EDU rate is \$3.00. Matt said that was the current proposal but that doesn't include credits.

Matt said the commissioners requested information regarding lowering the budget, including diverting funds such as the ESSD leftover reserve into the budget and other alternatives to staff proposals. He said the reduction the committee would see is very minimal. He said the commissioners requested they look at street sweeping and some of the management positions overseeing the program to see how much time they would spend on it. Matt said environmental specialists, crew leaders, and equipment operators will be doing the actual work. He said staff will be bringing these basic philosophy changes to the BOC possibly in July for potential approval. Brent

said in the budget there weren't that many items that were split funding (% in different funds). Matt said the BOC recognized it was a tight budget and changes may happen in how its split up. Andrew said CCC wrote a proposal to Public Works and asked Phil and Bill to provide any input regarding concerns.

Phil said the letter they sent to public works earlier this week was fairly comprehensive. He said the college is primarily concerned about how it will affect its mission. He said the college has invested \$630,000 in a stormwater system and have continuous projects including a detention pond used as an outdoor laboratory and an underground storage facility. He said when they do stormwater projects they often tie in to parking lot issues and if they lose \$90,000 annually their focus would have to shift because they can't fill the gap. He said current issues include the Lancaster stormwater line, which is under capacity, and a parking lot that contains 12" of water. He said there have been instances when a parking lot has flooded during a conference and it has been embarrassing for the college. Phil said they have made a strong commitment to address this in their stormwater planning efforts but that could be undermined by funding shortages. Jim asked about the loss of funding and the stormwater fee. Phil said that funding is general fund money that is intended to be used for college projects but would be diverted to the stormwater fee. He said another factor is the stormwater system itself, and how it is routed and maintained. He said the college pays all the maintenance and improvements so they question the fee structure. He said the college has a high interest in being involved in the process.

Matt said CCC is the largest impervious surface property owner in the stormwater management area. Richard asked about receiving a copy of the CCC's letter. Matt said he will discuss with the director and provide a copy when he approves. He said the problems that CCC is experiencing with the fee are unique because of their size and their efforts are considerable. Brent said it seems that the county can take advantage of their education efforts.

Phil said they know this is a complicated issue and doesn't know what input from CCC is most helpful but he's going to try to be involved in these meetings. Andrew asked about stormwater they said they are treating from Marion County. Phil said it's at multiple locations but especially off 45th Avenue. He said stormwater gets into their underground storage facility which has carbon filters that the college has to replace. He said they have a similar situation with their wetland. Brent asked if they did a site analysis about how much stormwater they generate and how much they treat. Phil said they are building stormwater capacity at two times the rate required and at this rate they will get there quickly, probably in next couple of projects. Brent asked if they are meeting criteria that would gain a credit back. Phil said surely they would and Matt agreed.

Phil asked about measurements and monitoring of streams. Matt said we don't do data collection but the permit the county has is very specific to this area and county wide is based on Total Maximum Daily Loads (TMDL). He said there are advantages and disadvantages to monitoring streams but it may have more disadvantages to the county in terms of financial commitment. Matt said the county had to do a qualitative assessment with a model, which it wasn't too intricate. Keare said testing is done when there is an issue. Phil asked if there is a needed response does the county respond or call in a third party. Matt said it depends on the size. He said if it's a small discharge the county or property owner will deal with it but if it's a big spill DEQ is contacted.

NPDES PERMIT RENEWAL:

Matt said the permit writer who wrote Marion County's permit and then the general permit for other jurisdictions has left DEQ so we are now on standby. He said he is unsure how long it will take and for now we're on the old permit and not moving forward until we have word from DEQ.

WATERS OF THE STATE:

Matt said it is possible that the Environmental Protection Agency (EPA) and the Army Corp of Engineers is coming out with new definitions for waters of the state, which will include MS4, stormwater and ditches into waters of the state. He said the concern is the county will need permits for everything including removing vegetation from a ditch. He doesn't think this will happen but it's a concern. He said the rules will get stricter. Brent said they are currently proposed and the agencies are accepting comments. Jim asked who makes that decision. Matt said these are federal rules and potentially our MS4 permit is connected and could require an extra permit. He said this would be time consuming and expensive. He said the county only has a few ditches that would classify as waters of the state but this would take a small number and make it a majority. Brent said right now its waters that have endangered specifiers but now it may be anything that flows into it.

FEMA/ESA ISSUES:

Matt said while the rules of the waters of the state probably wouldn't take effect for a few years, the FEMA/ESA (Endangered Species Act) is a few years out as well but could potentially make big changes in the county. He said national flood insurance is under FEMA and they oversee building and construction in wetlands and floodplains. He said per the ESA, endangered species must be protected within those areas. He said at this point the county will have to ensure compliance and may be required to ensure that endangered species are protected when there are projects in the flood plain. He said this means every construction project in the county will need to make sure a biological opinion has been made. He said there are county staff who are certified and will probably have to take on this responsibility in the future. Matt said the county would need to do biological opinion and would be liable for damages. Richard asked if this was down the road. Matt said this is on a smaller project level that builders would request a flood plain permit from the county. He said this is already occurring with commercial and large residential development and this new regulation would affect single residency houses. Andrew asked if this would exclude EFU. Matt said all the briefs he has read have not excluded EFU. Matt said this will mainly go to our Planning Commission but environmental quality will also get pulled in.

CLOSING REMARKS:

Andrew said it was very beneficial to have CCC staff attending.

MEETING ADJOURNED: 6:43 p.m.**NEXT MEETING:**

Matt said he would send out a doodle poll to set the next meeting.