

MARION WATER QUALITY ADVISORY COMMITTEE MEETING

June 14, 2016

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

MINUTES OF THE MEETING

Present: Doug Krahmer, Bryan Porter, Andrew Schmidt, Brent Stevenson, Richard Walker

Absent: Rick Massey, Mark Grenz, Zach Diehl,

Staff: Matt Knudsen

Public: None

CALL TO ORDER: 5:08 p.m.

ACTION ITEMS:

Matt addressed the main issue which is the draft permit from DEQ telling what the language is going to be in the permit. The permit is going out for public comment sometime in July, so if anyone would like to address concerns, they can send those to DEQ sometime in July. The language could change based on comments from the group and any public comment they receive.

Matt passed out a spreadsheet that highlighted the areas of most concern. In the initial permit language, it appears that there is going to be a considerable amount of additional documentation required, which will result in a substantial rise in costs associated with the processes. The program is quite strict and DEQ is basically going to tell how to run the program. Previously, DEQ left each jurisdiction to make their own guidelines, but now due to their need to have more unity and consistency, they are requiring a stricter program. For example, there were many programs where we went above and beyond the required guidelines, but now DEQ is *requiring* us to maintain those guidelines. It was noted that it appeared that the permit was geared toward DEQ being able to use the documentation process for enforcement issues.

The county had already started getting a few programs off the ground, such as the post construction site runoff control on the rain garden, however, the new permit will now require more documentation which will affect the home builder and developer community. And due to the increase size of the map area we will be responsible for, this will also affect the rural property owners in construction erosion. The agricultural areas will not be affected.

Due to the additional documentation requirements, the process will now have multiple layers of documentation that will have to be done, which will result in additional expense to the customer and to Marion County. Matt will be meeting with the Public works director on Thursday to discuss what will be involved in this process. He will bring the map also since the new areas DEQ added to Marion County's boundaries are unrealistic. Matt also has a meeting schedule with DEQ to discuss the map and their expectations. The group would like to be notified via email of when the public meeting will be held.

The line items of concern include **Effluent Limitations, Conditions, and Stormwater Management Program**. The permit will not authorize Marion County to discharge stormwater that will cause or contribute to the excursion above the State water quality standards. This statement basically states that we are in violation and we will never be able to meet those standards.

The next requirement talks about creating a New Stormwater Management Plan (SWMP) and this will need to be completed within the first 6 months of the effective permit date. This document would not be enforceable but it is required for a staff exercise for the staff. Essentially, it means that Keare and Matt will have to re-write the newly incorporated Stormwater Management Plan. This document will have to be updated any time a new task is completed.

The DEQ language for the **Outreach** portion shows that DEQ will determine who and how we provide outreach and education. They will also require us to have a specific minimum standard for outreach and we will be required to provide outreach to our Board of Commissioners and other elected officials about Low Impact Development. It is projected that this may be accomplished by sending out a mass email.

Public Participation recommendations include annual reports and a required stewardship program. We currently do the Adopt-A-Road but we will need to add more detailed documentation and advertising to be in compliance.

The **Illicit Discharge Detection and Elimination** requirements will include a 24 hour jurisdictional notification time. The details regarding this are unclear but it appears DEQ will require the county to have a trained on-call staff member, who will be available to document any complaints regarding illicit discharge. DEQ also will require the county to develop enforcement procedures and timelines. Currently we have an effective ordinance that covers illicit discharge items; however, this will have to be re-done according to their standards.

DEQ is also requiring that all Marion County outfalls are mapped out with attached data. This will mean that Marion County will need to either purchase cameras and provide a crew to film it or contract this out. Matt checked with Keizer to see what they are paying for contracting those services and an estimated cost will be around \$45,000 a year.

Other items in the illicit discharge section include create procedures to plan and fund projects that will correct chronic illicit connections, create a new complaint response procedures along with supporting documentation, develop investigation procedures, develop enforcement procedures and timelines required and ongoing IDDE Training specific to Stormwater. We will also have to come up where the funding will come from.

Other issues Marion County will face are being able to map out all the pipes in the drainage ditches. This would require us to survey the pipes and drainages using GPS for all the ditches in the county. This is a very large task and would not serve any purpose except to have documentation available. Currently the East Salem Service District does have maps showing where the pipes are but according to DEQ, these are not up to standards.

The requirements from DEQ for the **Construction Site Runoff** include the new threshold of 5,000 sq. ft. of disturbance, Marion County needs to be "consistent" with the 1200-C permit for sites above 1 acre, Enforcement Procedures must be developed, Land Development Engineering Permit (LDEP) employees use a DEQ approved checklist during their review, LDEP must require revised plans if the site operator alters a project based on enforcement, increases the project size, move the disturbed areas, or make changes to BMPS, LDEP cannot approve sites until the plans for water control facilities have been approved, LDEP must exercise its enforcement policy for violations including if a site operator commences work without approval, LDEP must

develop a tracking system for inspections. It must include the nature and numbers of inspections, follow up actions, and enforcements. DEQ is prescribing inspections and training for site operators and Marion County is required to provide training to all employees who review plans, inspect sites, and enforce.

Currently Marion County has someone who is qualified to review the plans but they will have to receive a certification and continued education for Marion County to be in compliance. Marion County also has one field person who checks the location. The permit cost may increase if we need to hire more qualified people to fulfil the permit requirements.

The **Post-Construction Site Runoff Control** requirements include having a new threshold of 5,000 sq. ft. of disturbance, LID code-related requirements such as native vegetation loss, reduced impervious surface and runoff, prioritize Green Infrastructure over Control Structures, providing a written justification Alternative Compliance to Green Infrastructure, Provide an alternative compliance regarding mitigation, create a long-term O&M, etc. Basically the requirement states that Marion County would have to be involved in this process when a developer or builder prior to getting their plans approved and those businesses are in compliance with DEQ's requirements.

The requirements for **Pollution Prevention and Good Housekeeping for Municipal Operations** include establishing a new BMP criteria for Facilities/Solid Waste Sites/Fleet, etc. Marion County must establish practices to prevent discharges to MS4 in the Right of Way, parks, landscaped areas, etc., and Marion County must implement effective controls to reduce litter after public events. Then the materials disposal needs to have documented procedures for reuse, storage, transportation, containment, monitoring, record-keeping and disposal of materials.

Even though Marion County has been doing a good job at eliminating pollution problems on the property, we are not in compliance with DEQ's requirements. For example, we have been keeping metal out in the yard, such as guard rails, pieces of equipment, buckets, etc. to prevent potential contaminants. However, DEQ is requiring Marion County to find a place for these items so there is not the risk of having potential contaminants. This would require us to cover all of those items at a very high expense since a cover can run at a minimum of around \$300,000.

The line items also included, **Monitoring and Reporting Requirements, the Compliance Conditions and Dates, Special Conditions, and General Conditions.** These items covered record retention requirements of keeping documents for 5-years unless extended, keeping an annual report with an estimate of total costs of the program for the budget period, complete the TMDL Water Quality Attainment Measures, create a digital inventory of all installed stormwater treatment systems with details and area treated, mapping of non-structural controls such as street trees, green space, riparian buffers, etc., and estimates of volume retained and area covered, located and description of potential future opportunities of non-structural or structural projects and a map of chronic illicit discharges and how they relate to TMDLs.

Discussion regarding the DEQ language revolved around how to accomplish all that DEQ is requiring in the new permit. Such items such as accommodating the new mapping areas and timelines are going to be a challenge since DEQ is requiring immediate action whenever a new mapping area is revealed to Marion County. Other challenges include stormwater issues, documentation processes, updating ordinances, databases, training and education and finding the money to pay for all these changes. If we are not able to be in compliance, there is the possibility of fines being enforced of up to \$25,000 per day per violation.

Matt will inform the Board of Commissioners of the changes and challenges of this new DEQ permit during a public meeting. Matt will notify the committee when the date and time is certain.

APPROVAL OF MINUTES (April 12, 2016): A motion was moved and seconded to approve the minutes.

CLOSING REMARKS:

None.

MEETING ADJOURNED: 6:46 p.m.

NEXT MEETING: Next meeting scheduled September 13, 2016 unless otherwise informed.