

Stormwater Advisory Committee Notes for January 11, 2018

Attending Members

Mark Caillier (Chair)
Councilor Laura Reid
Keith Bondaug-Winn
Keare Blaylock

City Staff

Bill Lawyer
Elizabeth Sagmiller
Mike Griffin
Kat LaFever
Mark Akimoff

Absent

Councilor Bruce Anderson
Councilor Kim Freeman

Chair Mark Caillier called the meeting to order at 4:00

Elizabeth started out by explaining the timing of the permit comments has changed since the last meeting. Suzie Smith from ACWA talked with Richard Whitman (head of DEQ) who said they would give an additional two weeks for comments so we could more clearly state what parts of the permit were unworkable.

Staff and ACWA members are working on comments, including Phase I permittees who may be affected by these changes. Councilor Laura Reid asked who or how many we need at the Public Hearing. Elizabeth said we need not have actual folks come to the Public Hearing, because we will be submitting detailed written comments.

That being said, it would not be a bad idea to come or call in to hear what other commenters have to say. There will likely be smaller communities there giving verbal feedback. DEQ must respond to all comments (once the final draft of the permit is released).

Keare Blaylock speaking for Marion County said regular staff won't attend, but the HBA from the area will be attending and giving comments.

Elizabeth said ACWA has started a "pay-to-play" to hire Cable Huston to give legal comments to give to the permittees who pay. At this point, Keizer has not signed on with this, as we feel the issues that will be fleshed out by the legal staff will all be to the good.

It used to be that Phase II was lower bar to reach than Phase I, but now DEQ is looking to make every new permit (of either phase) be more restrictive than the last, in this case, the Phase II permit looks to be more restrictive than Phase I.

Several ACWA members are taking on specific parts of the permit to give detailed comments for ACWA. As we go through the draft permit for comment, Elizabeth will take special note of any additional fiscal responsibilities.

Billy Johnson mentioned that staff has used the down time to prepare for this. We have been working on Post Construction, so Keizer will be ready for it.

Councilor Laura Reid asked how we could enforce car washes. Elizabeth said we really can't, but can put in the ordinance and point to it if needed.

Keare Blaylock said the septic is of concern because the county doesn't necessarily have the option to go on property unless there is a health hazard.

Mark Caillier said the website requirements for getting public comment on drafts of plans, reports, etc. will be hard to implement. One of the biggest issues is that the tracking, reporting, and gathering input takes away from actual on the ground work. This could negatively affect water quality in the end.

Bill Lawyer said that with MEP, we could really do more, but this new permit takes away that ability, and forces everyone to reach the same level. Elizabeth said that by removing MEP, we no longer have the permit as a shield.

In previous permits, if you were meeting the requirements of the SWMP, you were in compliance. In the new permit, if you follow everything in the permit, you can still be out of compliance at any time if you 'cause or contribute' to an exceedance of water quality standards. With most of the permittees under a TMDL or 303(d), they dare not do any extra sampling or monitoring because it could trigger consequences.

Councilor Laura asked, based on past experience, how likely are comments to sway DEQ? Elizabeth said she tries to keep a friendly relationship with the permit writer. ACWA is currently more adversarial with DEQ, and that has been frustrating for DEQ by their comments. Certainly some items will be changed, but it's hard to say which ones. It's hard to tell ahead of time, but we have to make all comments now before the final permit is released.

Bill Lawyer said he has seen a difference from comments in the past. We tried to fight to get individual permits, and we lost. DEQ has been pretty good about listening to comments and interacting with ACWA.

Keare Blaylock said that the one-size-fits-all argument can't really be made anymore, and DEQ is not going to issue individual permits. But DEQ has been listening and making some changes.

Mark Caillier said that reading through the permit he found at least half a dozen contradictions. He said when he worked in enforcement they could fund several legal positions through the civil penalties raised.

Meeting Adjourned: 5:05 PM