

# Stormwater Advisory Committee Notes for May 11, 2018

## Attending Members

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

## City Staff

Bill Lawyer  
Elizabeth Sagmiller  
Mike Griffin  
Kat LaFever

## Absent

Councilor Bruce Anderson

## Chair Mark Caillier called the meeting to order at 4:03

### DEQ Update

Elizabeth shared with the group that the DEQ is putting out the new 1200-CN for public comment. The 1200-C is for projects over 1 acre of disturbed area, but if a city has a 1200-CN they can use their own EC permit (which is more stringent) instead of requiring the developer to have two permits and the costs associated with them.

Keizer has wanted for years to be on the 1200-CN, but had to wait till the DEQ chose to reopen the permit to add new cities. It will be out for Public Comment next week, and following that there will be a DEQ response to comments. Marion County, Klamath, and Wood Village have also submitted to be included on the new 1200-CN.

Mark Caillier said that Keizer has been trying to get DEQ to reopen the CN for many, many years, so this is a great development. Bill Lawyer said Keizer had to get a 1200-C for the Dearborne Bridge, it was around \$1900 and we received no services for that cost (as it's up to the city to implement all part of the permits). Elizabeth said because we have a good relationship with our current DEQ permit writer, he got the permit reopened.

Elizabeth said that during the recent ACWA Stormwater Summit, DEQ lead staff said that the Phase II MS4 General Permit should be released this summer. Even with the historic DEQ lag time, it's very likely to go 'live' by the first of next year. There were several legal presentations at the Stormwater Summit about the more frequent use of 'cause or contribute' language in permits, versus the previous MEP standard. The EPA is starting to use it in new permits, so it may be here to stay, although they are under legal challenge.

### TMDL 5 Year Report

Elizabeth talked about the new format for submitting information on the 5 Year Review for TMDL reporting. When looking back at the last 5 years Keizer's weak points center around Tree Preservation, Riparian Protection, and Wetland Protection. Ultimately, Keizer will need to move forward on these areas in the next 5 year TMDL term. Bill Lawyer said that this about all trees, not just riparian or wetland trees.

Councilor Reid and Councilor Freeman expressed concerns around this, if it would affect decisions on private property not near water (e.g. backyard or front yard tree). Councilor Reid asked if a permit would be required. Elizabeth said it would likely be an ordinance.

Keith Bondaug-Winn said Salem's Tree Ordinance is implemented through their Permit Application Center, and differentiates between riparian trees, street trees, and private trees. It's a \$300 fee for the permit, but that includes up to 300 trees, and there are certain exemptions but the fee is still paid.

Elizabeth reiterated there were many strong points to our TMDL program BMPs, so we'll be focusing on the weaker aspects of the program going forward.

### **Public Outreach Draft Proposal for BMPs (new permit)**

In the draft Phase II permit, for the Public Outreach Minimum Control Measure (MCM), there are Target Audiences to reach, and Target Topics. Each Target Audience should receive 2 Target Topic messages per (5 year) permit term. Elizabeth had a draft matrix showing how Keizer might accomplish this.

Councilor Reid asked if there were a target 'percentage' of each audience to reach. Elizabeth said there is not such a requirement, but that we need to track numbers to report out. Keare Blaylock had an idea that agencies could pool resources to have a regional 800 number that all shared and went to a central dispatch, which could be publicized on billboards, or other advertising. Mark Caillier liked that idea of sharing, or at least to look into it.

Keith Bondaug-Winn mentioned that giving the Illicit Discharge message to contractors might be useful as well, not only to reach another audience, but also because (left to their own devices) they can be a large source of discharges. Elizabeth said that because we have two staff on Erosion Control and only 25-30 permits a year, Keizer has that pretty covered. But we could report on the 1 on 1 staff time that gives the message individually to each permit holder and contractor.

Impervious surface impacts message may be targeted to Elected Officials, and Homeowners. BMPs for application of pesticides, fertilizer would go to the General Public, Businesses and Elected Officials. Litter and Trash messages will go out to all groups. Keith Bondaug-Winn said having No Dumping signs posted with the ordinance can be another affective and reportable way to get that message out.

The final part of the Public Outreach MCM is to evaluate at least one education and outreach activity per permit term.

Mark Caillier asked about the reporting. Elizabeth said that the past way was been through narrative reporting. DEQ is moving to an online survey format, and they have a draft of that now. DEQ wants to see numbers and metrics. The current survey draft is around 30 pages, plus the attachment of supporting documents. The trouble with surveys is that they tend to be black and white, yes/no answers. DEQ will compile the numbers from that matrix and report it to the EPA.

Councilor Reid asked what the other MCMs are in addition to this. Elizabeth listed them (Public Involvement, Illicit Discharge, Construction Site Runoff Control, Post-Construction, and Good Housekeeping).

Elizabeth said Keizer's strengths for Public Outreach have been in the construction community, and school children for audiences. We will need to branch out our outreach to the other target audiences

(general public, specific business types). Mark Caillier asked how many Neighborhood or Homeowners Associations, and Bill Lawyer and Councilor Reid thought somewhere between 6-10 (some are not active).

Mark Caillier said that will be a lot of presentations. Councilor Reid said there would be email lists could use. Keare Blaylock said that any time you present to a home owners association, you walk away with a long list of staff To Do's from the various citizens on this and many other topics (so it's more staff time than just the presentation).

Elizabeth said we're solid on our Erosion Control, and Good Housekeeping. The public notice for the program elements will be hard, but the final language in the permit might be different. Bill Lawyer said Post-Construction was a hard one to understand. Now with all our planning around it, and inventory of private infrastructure, it's making more sense.

**Meeting Adjourned: 5 PM**