

SWAC Meeting Notes – June 4, 2019

Committee Members Present:

Councilor Laura Reid
Councilor Marlene Parsons
Mark Caillier

Staff:

Elizabeth Sagmiller
Bill Lawyer
Mike Griffin
Keare Blaylock
Chance Plunk
Yvonne Michaud

Call to Order: Mark called the meeting to order at 4:00 p.m.

Note: The regularly scheduled meeting on July 2nd is canceled.

Elizabeth introduced minimum control measure number four, Construction Erosion Prevention and Sediment Control (EPSC), as the topic for discussion. She reported that the written portion of the Stormwater Management Program Plan Document (SWMP Doc) was not yet complete, but that staff had reviewed the existing program and is in the process of making changes to meet the new requirements [of the General Permit].

Before getting into that, Elizabeth provided updates to the committee:

Since the last meeting, Environmental staff met with Ryan Johnson, who is the Department of Environmental Quality's (DEQ) new permit writer. He is replacing Mark Ridell-Bash, whom the City has worked closely with over the last permit term. It's unclear how Mr. Johnson will interpret the language of the General Permit. DEQ has recently undergone several staffing changes and there has been talk of potential audits for Phase II communities such as Keizer. Staff will keep the committee updated on the situation as more is learned.

Elizabeth said that she and her staff attended the annual Association of Clean Water Agencies (ACWA) Stormwater Summit on May 8th where they were able to meet several new staff members from DEQ as well as many new members of the stormwater industry. Jerry Linder, ACWA's attorney, offered a presentation on the litigation from the "big six" (those agencies who have issued legal challenges against the General Permit). Linder was unable to discuss specifics about the case. No new information was gleaned from the presentation other than the fact that the case will be argued in the Marion County courts.

DEQ is also working to revise the Total Maximum Daily Load (TMDL) Mercury standards, which could result in a requirement to sample. It's still unclear whether or not DEQ intends to require Phase II communities to sample. Outside of sampling, Keizer's programs address the new standards. Staff will be keeping a close eye on this as sampling could be problematic. The committee should expect an update as the new year approaches.

DEQ's 1200-C permit will be renewed in 2020, which could affect the development community. Environmental staff will be watching for new information on this and provide comments as necessary. The committee will updated appropriately.

Finally, the development of the new SWMP Doc is progressing well, especially considering the recent changes in Environmental staffing.

Mark Caillier asked if Keizer (or others) had a permit for de-construction that would address dust control from asbestos. Elizabeth answered that it was DEQs responsibility to address asbestos abatement. In an attempt to control asbestos in the rapidly changing housing market, DEQ has made changes to their program like requiring contractors to have certified inspectors guide demolition, but that only applies in some cases and there is a shortage of inspectors due to the programs infancy.

With no further questions, Elizabeth introduced the Erosion Control Permit program. She explained that construction projects disturbing more than 5 acres were required to get a 1200-C permit from DEQ. For projects disturbing 1 to 5 acres, developers/contractors were covered under Keizer's EPSC Program because we are a DEQ-authorized 1200-CN agency. That is, our program meets or exceeds DEQ's requirements. The 1200-CN is better for customers because they no longer have to obtain two permits (one from DEQ and one from Keizer) and our permit is significantly less expensive. That said, staff is in the process of evaluating the labor involved with the disturbance thresholds, inspection requirements, and program administration of the new General Permit. Staff may ask the committee to revisit the fee schedule that was set in 2014. Staff will bring that to the committee along with modifications to the ordinance and the enforcement response plan, both of which must include consideration of "intent" and "amount of pollutant" discharged by a violator.

Elizabeth then referred members to the handouts (CSPPP and CSPPP-B permit applications). She explained the permitting process from the moment a person applies, through plan review and inspections, to permit closure.

A short discussion took place on the permitting process with In-N-Out Burger; pointing out how they have a standard process for construction that exceeds our standard. They removed all of the existing infrastructure on their site and added additional water quality treatment facilities above what is required.

Chance gave a short presentation on how he is utilizing an ArcGIS application called Survey 123 to improve efficiency in recordkeeping and site inspections. Chance demonstrated that the information collected could then be analyzed to indicate specific areas of concern with regard to best management practices. The resulting information will be used to target education and outreach activities to construction professionals.

Councilor Parsons asked about mechanisms for enforcement and fines to which Bill Lawyer responded that Keizer's current ordinance refers to the Civil Infraction Code, which is not effective. Elizabeth and Bill both expressed their desire to address enforcement and fines directly in the Construction Ordinance rather than the existing process. Councilor Parsons

suggested that PW make this a priority and bring to the City Council as soon as possible, perhaps as early as August. Elizabeth agreed, stating that changes in the ordinance and/process would need to be included in the new SWMP Doc (due in 2020).

Meeting Adjourned: Mark Caillier adjourned the meeting at 5:00 pm.