

Clean Water Services

Clean Water Advisory Commission

Meeting Notes

August 10, 2016

Attendance

The meeting was attended by Commission Chair Tony Weller (Builder/Developer), Commission Vice Chair Mike McKillip (District 3-Rogers), and Commission members Molly Brown (District 2-Malinowski), Erin Holmes (Environmental), Art Larrance (At-Large-Duyck), Judy Olsen (Agriculture), Erin Poor (District 1-Schouten), David Waffle (Cities), and Kevin Wolfe (Business), and Clean Water Services District General Manager Bill Gaffi.

Commission members Lori Hennings (Environmental), John Jackson (Agriculture), and Richard Vial (District 4-Terry) were not in attendance.

Attendees from Clean Water Services included Elle Allen (Development Services Supervisor), Bob Baumgartner (Regulatory Affairs Department Assistant Director), Mary Cook (Community Involvement Coordinator), Nora Curtis (Conveyance Department Director), Karen DeBaker (Communications Supervisor), Mark Jockers (Government and Public Affairs Manager), Jerry Linder (General Counsel), Damon Reische (Development Services Division Manager), and Diane Taniguchi-Dennis (District Deputy General Manager).

The meeting was also attended by Nacia Bonilla (Metropolitan Land Group), Greg Geist (Clackamas County Water Environment Services), Krista Riening (Brown and Caldwell), and Brian Wegener (Tualatin Riverkeepers).

1. Call to Order

The meeting was called to order by Mr. Weller at 6:52 PM. The meeting was held in the conference room of the Clean Water Services Administration Building.

2. New Member

Kevin Wolfe, with Intel in Hillsboro, has replaced Stephanie Shanley as one of two Business representatives on the Commission.

3. Review of Meeting Notes from May 11, 2016

There were no comments regarding the Meeting Notes from May 11, 2016.

4. NPDES Permit Update

Mr. Baumgartner (*presentation attached*) briefly reviewed the NPDES (National Pollutant Discharge Elimination System) permit renewal process and goals, which have been presented in detail at several previous meetings of the Commission. He noted that

the renewal application was much broader and more complex than most. The application was approved by DEQ (Oregon Department of Environmental Quality) in April and the new permit took effect June 1 with an expiration date of May 31, 2021.

In June, DEQ received a Petition for Reconsideration filed by NEDC (Northwest Environmental Defense Council) and NWEA (Northwest Environmental Advocates). Mr. Baumgartner reviewed the concerns cited in the petition and outlined DEQ's options for responding and how each could affect Clean Water Services. He added that the petition appears to be more a reflection of dissatisfaction with the transparency of the application evaluation process and DEQ's permit evaluation report (explanations about how the information in the renewal application translated into permit conditions), rather than disagreement with what Clean Water Services is doing under the permit. DEQ has 60 days (until August 19) to respond.

Clean Water Services expects to continue operating under the conditions of the new permit until the Petition for Reconsideration and any subsequent actions are resolved.

5. Stormwater Monitoring Plan

Mr. Baumgartner (*presentation attached*) provided an overview of the Clean Water Services Draft NPDES MS4 Stormwater Monitoring Plan. A copy of the draft plan was sent to Commission members prior to the meeting. Mr. Baumgartner acknowledged Ms. Rieninga's expertise and assistance in developing the draft plan.

Past NPDES permits have required Clean Water Services to develop a SWMP (Stormwater Management Plan), including monitoring water quality. The new permit requires some elements to be set out in a separate Stormwater Monitoring Plan, with opportunity for public comment. Mr. Baumgartner reviewed the issues which must be addressed in the Stormwater Monitoring Plan, the plan objectives, and the activities which will meet each objective. Much of the draft plan is a continuation of what Clean Water Services has been doing voluntarily. The number and location of sample sites and the frequency of sampling will increase. There are requirements for analysis of more than a half dozen new parameters, most significantly pesticides. Analysis of non-chemical (biological and physical) parameters, which Clean Water Services has done periodically on a voluntary basis, is now required.

Mr. Baumgartner shared some examples of monitoring sites reflecting a cross-section of treatment area size, development area age, and land use type. He also showed a chart comparing some aspects of the Clean Water Services monitoring program with several other large municipal jurisdictions in the state, noting that Clean Water Services has learned from what others have done.

In addition to any comments from the Commission and other interested groups or individuals, Clean Water Services will accept public comments about the draft Stormwater Monitoring Plan through August 29. The plan is due to DEQ by October 31 and implementation must begin by November 30, though as Mr. Baumgartner noted Clean Water Services has been implementing the plan for the past several years.

See Appendix A for questions and comments regarding the Stormwater Monitoring Plan.

6. Design & Construction Standards Update

Mr. Reische (*presentation attached*) explained that the Design & Construction Standards (D&Cs) are designed not only to protect water quality and the general environment, but also to provide consistent design of systems that serve the public, ensure those systems are functional and maintainable, and allow for a clear and predictable development permitting process.

While developed locally by Clean Water Services, the D&Cs must reflect a variety of federal, state, and regional regulations, including the NPDES permit. The standards apply to the entire District, including cities within the District. The cities are co-implementers and must use the Clean Water Services D&Cs, although they can set more stringent standards. The D&Cs apply to any “development activity,” whether being done by a homeowner, residential or commercial developer, business owner, public agency (including Clean Water Services), or any other entity.

Portions of the D&Cs have been updated periodically, but there has been no comprehensive review since 2007. An extensive revision process began in 2012-13 in anticipation of new requirements in the NPDES permit, but was put on hold as it became apparent that the permit renewal was not proceeding as expected. With the new permit now in hand, the Board of Directors has authorized staff to continue the update process and has charged the Commission to serve as a sounding board during the public input process, including holding public forums if needed.

Mr. Reische said Clean Water Services will approach the update in two phases over the next two and a half years. He reviewed a handout describing the major issues and timeline for each phase. He noted that much of the discussion from 2012-13 is still relevant and can be picked right back up. The Commission could be involved in the September launch of the key topic work sessions, again in November to provide feedback on the results of the work sessions, and next January to review the proposed Phase 1 updates before they are presented for public comment.

The most significant issues in Phase 1 will be the 1,000-square-foot treatment threshold and LIDA (Low Impact Development Approaches) prioritization. Both stem from requirements in the new NPDES permit. Under the new permit conditions, water quality treatment for runoff will be required for any new construction or redevelopment of 1,000 SF (square feet) or more. This is a change for existing residential lots and for partitions creating three or fewer lots. The new permit conditions also require LIDA prioritization—projects which trigger the requirement for water quality treatment of runoff must first evaluate LIDA and can pursue other options, such as filter vaults, only if LIDA is not practical. Clean Water Services wants to classify its traditional vegetated stormwater treatment facilities as LIDA, which would make it easier for smaller projects to meet the treatment requirement. Phase 1 will also address numerous minor “housekeeping” details.

Phase 2 will focus on hydromodification, which is the alteration of the natural flow of water through a landscape. This also is driven by requirements in the new NPDES permit. The regulations apply to existing developed areas as well as new development. Clean Water Services wants to develop guidelines for a wide variety of approaches to address hydromodification more holistically throughout an entire stream corridor, not just at a single development site. Some of these approaches are already in use, and some are in pilot projects in the North Bethany area. Phase 2 could also include any Phase 1 issues which need further work.

Mr. Reische said the upcoming key topic meetings will be widely publicized and all are welcome. Commission members will receive meeting notices and information will be posted on the website.

See Appendix B for questions and comments regarding the Design & Construction Standards Update.

7. Customer Awareness & Satisfaction Survey Results

Ms. DeBaker (*presentation attached*) noted that the Customer Awareness & Satisfaction Survey, conducted every two years since 1988, is another type of monitoring done by Clean Water Services.

Clean Water Services worked with DHM Research earlier this summer to complete the public awareness segment of the survey. Ms. DeBaker reviewed the methodology and some results of the survey. The expectations/satisfaction and attitudes/values portion of the survey will be completed this fall. Ms. DeBaker hopes to do an analysis of survey results from the past 20 years as well. Commission members will receive more complete survey results and analysis later this year.

8. Announcements

Mr. Jockers said Clean Water Services is working with Oregon Brew Crew again this year to demonstrate the potential for water reuse and build awareness that “all water is recycled.” More than 40 brewers will make a variety of beers using water purified at Clean Water Services facilities. The beers will be judged in mid-September. He noted that Oregon DEQ (Department of Environmental Quality) and the state Water Resources Department are currently reviewing rules for water reuse, due in part to the success and media attention of last year’s brewing demonstration.

The next Commission meeting is scheduled for Wednesday, September 14, 2016.

Recruitment is proceeding for the Commission’s open Business position and the open Builder/Developer position.

9. Adjournment

Mr. Weller adjourned the meeting at 8:25 PM.

(Meeting notes prepared by Sue Baumgartner)

Appendix A
Clean Water Services Advisory Commission Meeting Notes
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Questions and comments regarding Stormwater Monitoring Plan:

1. The previous permit included an objective similar to “assess progress toward meeting TMDL pollutant load reduction benchmarks” (“Monitoring Objectives” slide in presentation; Section 2, Page 2-1 in draft plan distributed prior to meeting). Given the lengthy extension period, it would be good to know what progress was actually made under that old permit before starting the new permit cycle.
 - a. That information will be in the annual report that is currently being prepared. Clean Water Services has years of data to show how various parameters have changed and improved. The next complete report would be published after the new permit expires in 2021. In the meantime, Clean Water Services will highlight specific areas in its annual reports.
2. Are monitoring sites confined to the UGB (Urban Growth Boundary)?
 - a. There is no requirement about location of the monitoring sites, but to best fulfill the objectives of the monitoring plan we do need a number of sites inside the UGB. There are/will be some outside the UGB.
3. Are you monitoring for pesticides at the District boundaries?
 - a. No. Pesticide monitoring will be at specific stormwater treatment sites (manhole or discharge point) chosen to represent a variety of land use scenarios. Pesticide(s) can then be correlated to the type of land use that is served by that facility.
 - b. If you aren’t monitoring the streams to find pesticides that might be in the water before it reaches the District’s service area, how do you know where they actually came from if/when they appear in the main river?
 - c. USGS (United States Geological Survey) studies have shown that ag and residential pesticides have different “signatures” when analyzed. However, when they are combined with sediment as they move downstream it can be hard to determine their actual origin and whether or when it crossed a “boundary.” The idea behind measuring by land use at stormwater treatment sites is to better understand what is coming directly off the land within Clean Water Services jurisdiction. Correlating pesticides with different types of land use can then help target public education efforts.
 - d. But if you aren’t monitoring what’s coming into the District, you don’t know what the background levels might be in the streams.
4. The Oregon Pesticide Stewardship program monitors ag and forestry chemicals in five Oregon basins to get a sense of some of those other sources of pesticides in

- streams. Tualatin Riverkeepers expects to submit a proposal next July to monitor the Tualatin basin and will want to talk with Clean Water Services about that.
- a. Clean Water Services would welcome that conversation and would encourage Tualatin Riverkeepers to submit a comment (on the Stormwater Monitoring Plan) noting that intent.
5. How does outreach tie in to monitoring?
- a. Monitoring tells us what is being carried into the stream. Outreach can help us intercept it before it gets there. Educational outreach efforts let people know what's in the water and how it affects the environment, and then tell them what they can do to prevent further problems.
 - b. Past public education programs have focused on alternatives to pesticides, or choosing the least harmful pesticide option, rather than not using pesticides at all.
 - c. It will be helpful to have this land-use-based monitoring data for targeting outreach efforts.
6. If Clean Water Services is not already tied in to the ODOT (Oregon Department of Transportation) testing lab, that would be a good source of information about specific BMPs (best management practices) and how they work in the real world.
- a. Yes. Clean Water Services has been participating with that group.
 - b. That program also deals with maintenance BMPs.

Appendix B
Clean Water Services Advisory Commission Meeting Notes
August 10, 2016

Questions and comments regarding Design & Construction Standards Update:

1. Will the Commission host the public hearing regarding the proposed updates?
 - a. No. The process requires a formal hearing conducted before the Board of Directors.
2. What will be the basis for determining the 1,000 SF threshold (construction footprint, disturbed area, etc.)?
 - a. It would be the area being disturbed.
 - b. For example, if you have a 3,000 SF house and you are building a 500 SF addition, that *would not* trigger the treatment requirement. If you are building a 1,200 SF deck, that *would* trigger the requirement.
3. Sometimes small projects are required under one set of rules—for instance, to comply with ADA (Americans with Disabilities Act) standards—but then turn out to be just large enough to trigger the water quality treatment requirements, too.
 - a. Other types of small commercial/business projects have run into the same thing.
 - b. This was thoroughly discussed in 2012-13 and a proposal was nearly ready for review when the update was put on hold. It will definitely be addressed in the revised D&Cs.
 - c. The 2012-13 discussions included revisions to Redevelopment Table 4-1, so that a small redevelopment project would not trigger a requirement to construct treatment facilities for runoff from the entire existing developed area.
4. The two-year maintenance interval requirement for filter vaults is too strict—that is more often than they need.
 - a. The bulleted list on the slide doesn't make clear that that is actually an inspection following construction to be sure the facility is in place. Maintenance may or may not be needed at that time.
 - b. Also, that is different from the private facility maintenance requirement, which is that someone inspects every 4 years to be sure the facility is in compliance.
5. Is Clean Water Services planning to end the use of filter vaults in favor of vegetated areas?
 - a. No. That is not the intent; however, the new NPDES permit does require prioritization of LIDA/vegetated facilities.
 - b. The landowner should be able to choose what approach to use and should not be forced into whatever a government agency has decided is best,

- regardless of cost.
- c. This will be one of the meeting topics; not sure what the result will be but there will need to be a hierarchy or criteria for evaluating the practicality of different options.
 - d. Most vegetated areas are unsightly.
6. Are there currently maintenance standards for treatment sites/facilities?
- a. Yes. There are requirements for the various types of facilities, both private and public, and commercial sites are inspected every four years.
 - b. Above-ground facilities are challenging because there are different aesthetic perceptions, especially as practices have shifted from mowed grass swales to more natural planting schemes. Underground vaults are hidden from view, but that also makes it harder to tell when maintenance is needed.
 - c. Maintenance is always the key to functionality, and maintenance needs do vary with the specific site. There is not always good communication in the handoff from developer to owner to manager.
7. It would be helpful to release drafts of each section as it is completed, rather than waiting to release the entire document at once.
- a. Some of the rough drafts/concepts might also be included with invitations to the key topic discussion meetings.
 - b. A lot of work by many people went into the discussions in 2012-13 so we do have some starting points already.