

Clean Water Services

Clean Water Advisory Commission

Meeting Notes

January 10, 2018

Attendance

The Commission meeting was attended by Chair Tony Weller (Builder-Developer), Vice Chair Mike McKillip (District 3/Rogers), and members Molly Brown (District 2/Malinowski), John Jackson (Agriculture), Art Larrance (At-Large/Duyck), Stu Peterson (Builder-Developer), Erin Poor (District 1/Schouten), Matt Wellner (Builder-Developer), Kevin Wolfe (Business), and Bill Gaffi (Clean Water Services District General Manager/non-voting).

Commission members Lori Hennings (Environmental), Judy Olsen (Agriculture), Richard Vial (District 4/Terry), and David Waffle (Cities/non-voting) were not in attendance at the meeting.

Attending from Clean Water Services were Eli Bonilla (Public Affairs Specialist), Nora Curtis (Conveyance Department Director), Karen DeBaker (Communications Supervisor), Arbor Fessler (GROW™ Marketing Intern), Shannon Huggins (Public Involvement Coordinator), Mark Jockers (Government and Public Affairs Manager), Anne MacDonald (Senior Water Resources Program Manager), Mark Poling (Business Operations Director), and Damon Reische (Systems Planning and Development Services Division Manager).

1. Call to Order

The meeting was called to order by Mr. Weller at 6:34 PM in the Tualatin Room at the Clean Water Services Administrative Building Complex in Hillsboro, OR.

2. Previous Meeting Notes

There were no comments regarding the Meeting Notes from November 8, 2017.

3. Election of Chair and Vice Chair

Mr. Jockers explained that the Chair and Vice Chair are elected annually. Any Commission member can be nominated at this time. Mr. Weller and Mr. McKillip are willing to serve again as Chair and Vice Chair, respectively.

Mr. Wellner moved that Mr. Weller and Mr. McKillip be re-elected. Mr. Jackson seconded. Mr. Weller was elected as Chair and Mr. McKillip was elected as Vice Chair. Mr. Jackson thanked both for their service and willingness to continue. Mr. Weller said his fellow Commission members make the job an easy one.

4. Confirmation of Budget Committee Members

Mr. Poling explained the process and legal requirements for developing the annual Clean Water Services budget. Five Commission members are appointed to represent the public for multi-year terms on the Budget Committee. Current members are Ms. Brown, Mr. McKillip, Ms. Poor, and Mr. Weller, along with Ms. Hennings, whose term is expiring but could be renewed if she wishes to be re-appointed. The Budget Committee meeting will be the morning of Friday, May 11. Mr. Weller noted a scheduling conflict and suggested including an alternate when Budget Committee members are appointed this and future years.

Mr. Wellner moved to re-appoint Ms. Hennings (contingent on her interest) and to appoint Mr. Peterson as an alternate to the Budget Committee. Mr. Jackson seconded. Motion passed. However, due to differing requirements for Commission membership and Budget Committee membership, Mr. Peterson is ineligible to serve on the Committee as he does not live in Washington County.

Mr. Jockers will contact Ms. Hennings to confirm her willingness to serve another term on the Budget Committee. Mr. Poling will look into rescheduling the Budget Committee meeting and will also find out more about procedures/ramifications for appointing an alternate. Mr. Jockers and/or Mr. Poling will communicate with the Commission by email and/or at the next meeting to finalize Budget Committee appointment details.

5. Design & Construction Standards Update Report

Mr. Reische (*presentation attached*) reported on the updating of the D&Cs (Design & Construction Standards), which is needed to comply with requirements in the NPDES (National Pollution Discharge Elimination System) permit issued to Clean Water Services in April, 2016. Phase 1 of the update was completed as required in March, 2017. Phase 2 is underway and must be in place by April, 2019.

Phase 2 is driven by the MS4 (Municipal Separate Storm Sewer System) portion of the NPDES permit, particularly by new requirements to address hydromodification. Hydromodification is any change to the rate and/or volume of runoff from a site due to the increased impervious area associated with development or redevelopment.

Mr. Reische outlined the expected schedule for Phase 2, including stakeholder outreach, which has already begun and will ramp up in February; draft language development and release for review/comment this summer; complete draft released for review/comment this fall; and a formal public review/comment period and incorporation of any resulting revisions next winter for adoption by the Board of Directors before the April, 2019 deadline. The process will involve numerous stakeholder groups, including homebuilders, environmental advocates, municipalities and other public agencies, as well as the general public. Draft code language will be released for review as it is developed, as was done during Phase 1 per Commission suggestion, though some sections drafted during the summer will make more sense in the context of the full draft document in the

fall. While the bulk of the Phase 2 work will address hydromodification, there will also be general updates to language for pump station standards and some minor grammar clean-up and clarification of definitions. Mr. Reische noted that language in some of the stormwater treatment and erosion control standards developed in Phase 1 will need to be adjusted to reflect the new hydromodification-related standards.

Mr. Reische outlined the objectives for the overall Clean Water Services hydromodification strategy, noting that it should go beyond simply meeting the MS4 requirements of the NPDES permit and should be part of a larger integrated strategy that furthers the broad goals of the agency and the community. The D&Cs should allow for meeting other permitting needs (401, NMFS, etc.) wherever regulations intersect. The D&Cs and the Rates and Charges should be achievable (effective on hydrology but doable for developers and homeowners) and should offer a suite of tools/approaches for use on a watershed or basin scale rather than project by project. The strategy should be economically, legally, and regulatorily defensible. Finally, the hydromodification strategy should be crafted in a way that it can be successful on a regional scale and it should be adaptable and expandable so it can be improved and will evolve beyond April, 2019—again, it won't just stop once the NPDES permit requirements are met.

With all that in mind, Mr. Reische said the general approach to hydromodification will be something similar to what has been done in the North Bethany area. Instead of the 18 upland detention ponds originally planned, North Bethany includes a mix of regional detention ponds, streetside rain gardens, natural resource corridor enhancements, and neighborhood-scale water quality facilities. The vision for a regional or basin approach is being realized as there are some connections to enhancements done in the Springville area with THPRD (Tualatin Hills Parks & Recreation District). North Bethany reflects the multi-tool approach to hydromodification that Clean Water Services would like to expand to other areas.

Mr. Reische outlined a few of the factors that will affect implementation of that multi-tool, regional approach. The best areas for implementation will be greenfields (undeveloped areas) as they are usually large tracts that can still be protected from environmental degradation, generally have fewer owners which makes land access easier for creation of infrastructure before development begins, and have more funding available because of the scale of development. However, hydromodification standards will also be required for infill projects, not just expansion areas. Some projects may just be too small to provide an effective benefit for the cost, so a fee-in-lieu to support regional facilities may do more good for the overall basin.

Mr. Reische mentioned that a stormwater management retrofit strategy is also required under the NPDES permit, to provide treatment of runoff from new development or redevelopment in older areas. The stormwater management retrofit strategy requirements will need to dovetail with the hydromodification and other development requirements. A detention standard is likely, but preferably with a tie-in to what is actually happening in the watershed, not just a blanket requirement for a static pond size. For instance, using

real-time controls with weather data/forecast information may be a way to reduce the wintertime pond footprint while creating better benefit for the stream.

Mr. Reishce concluded by stating again that under the requirements of the NPDES permit, the hydromodification strategy is focused on the degradation of stream channels and the resulting water quality impacts; the hydromodification standards are not being written to address flooding issues. He will visit Commission meetings periodically to share stakeholder feedback on the D&Cs update process.

Questions and comments related to the Design & Construction Standards Update agenda item are listed in the Appendix to the meeting notes.

6. Clean Water GROW™

Clean Water GROW™ is a stable, slow-release, root-activated plant food produced at Clean Water Services wastewater treatment facilities from recovered phosphorous, which must be removed under NPDES permit requirements. Ms. DeBaker explained (*presentation attached*) that Clean Water GROW™ is a catalyst for the bigger message about the importance of resource recovery and watershed health for the community. People need to realize that their actions have an impact, and using GROW™ is a simple, quick action that has a direct impact on water quality.

Ms. DeBaker said GROW™ was first placed in a few local stores in 2013 and was sold in 42 stores through 2016, expanding to 177 stores in 2017 due to Fred Meyer partnership. Clean Water Services has provided store employee training and in-store customer interactions using an education/public service approach. With feedback from store buyers, the product packaging has been updated, additional package sizes have been added, and specialized product blends for lawns, flowers, and vegetables have been developed. Ms. Fessler was also hired as an intern with Clean Water Services to help with the GROW™ program. The largest buyers are Fred Meyer and Portland Nursery. Contacts have been made with Orchard Supply & Hardware, Bi-Mart, and Ace Hardware. Small, local stores are in the sales mix but the larger chain stores are important because the higher volume and greater exposure helps spread the bigger educational message.

Ms. DeBaker showed clips from several news shows highlighting Clean Water GROW™ and encouraged all to visit cleanwatergrow.com, where product users can post feedback and photos. She added that while the main purpose behind marketing GROW™ is education rather than profit, the product is getting close to being self-supporting.

Mr. Jockers noted that only a very small portion of the phosphorous recovered at Clean Water Services wastewater treatment facilities is used in GROW™. Nearly all of it is purchased by Ostara, the company which developed the initial process and equipment, for its own commercial activities.

In response to a question about the lawn blend, Mr. Jockers said even though the product depends on root contact for release of nutrients, tests have shown it to be effective when

applied to existing lawns as the particles are small enough to work through the soil into the root zone.

7. Announcements

Mr. Jockers said the Clean Water Services Annual Report for the 2016-17 fiscal year was distributed electronically and posted on the website about three weeks ago. He will email a separate copy to be sure all Commission members receive it.

The next meetings are scheduled for Wednesday, February 14 and Wednesday, March 14. Mr. Jockers noted there are no agenda items for February so far.

8. Adjournment

The meeting was declared adjourned by Mr. Weller at 8:03 PM.

(Meeting notes prepared by Sue Baumgartner)

Appendix
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Questions and comments regarding Design & Construction Standards Update:

1. Does this (developing standards to address hydromodification) have to do with the riparian area? Where is the hydromodification occurring?
 - 1.1. Hydromodification standards definitely relate to stream corridors but are not the same as the vegetated corridor rules or the buffer rules. Changes in runoff can cause the stream channel to downcut, incise, and erode, which can create a water quality issue affecting fisheries and other beneficial uses. Our permit requires us to develop standards to address and offset those changes.
2. Would this address issues such as the Cedar Mill Creek flooding (discussed at a recent Commission meeting)?
 - 2.1. Hydromodification does have an impact on flooding, but what we are addressing with these standards under our permit requirements is the environmental impact from hydromodification—the degradation to the stream channel. Flooding is interrelated and there will surely be discussion about that as we move forward, but we can't necessarily address the numerous existing flooding issues with these specific standards for hydromodification.
3. How old are the current rules (D&Cs)?
 - 3.1. The last major updates and changes in formatting and organization were done in 2007, but that didn't affect some portions (such as pump stations) so they are even older. There have been some smaller changes since 2007, particularly related to vegetated corridors and LIDA (low impact development approach).
4. We have run into numerous challenges with partitions and individual lots in Chapter 4 and Chapter 6 (it is difficult to get the minimum swale length of 100 feet on a lot that is 40 feet by 80 feet, some of the rain garden design details show a permanent pool, etc.), but have often been able to come up with an effective approach even though it didn't exactly match the language in the standard. Will there be a way to include that in this D&Cs update?
 - 4.1. Yes, we are very interested in accommodating those “equivalent approaches” that meet the intent of the standard. One project mentioned ended up with sort of a hybrid approach that didn't wholly meet either standard but ultimately provided better treatment. Chapter 1 speaks to alternative approaches and how to go about them.
 - 4.2. We don't want to have to go through a design exception sort of process every time for a single house.
 - 4.2.1. The LIDA Handbook introduces some different scales for projects, recognizing that LIDA is not just a planter on a single-family lot. Phase 1 of the D&Cs update recognizes that even a vegetated corridor is a LIDA. We

have a requirement to provide treatment (for runoff) and a requirement to prioritize LIDA and in many cases they are the same thing meeting both requirements.

5. Has the enhancement work (in Bethany Creek) been funded by RSMC (Regional Stormwater Management Charge) funds?
 - 5.1. In some cases, yes. The easternmost piece of the Bethany Creek enhancement was done privately at the developer's expense, so they didn't pay into the RSMC, and some of the upland ponds are being built by the developer(s). But the rest of the enhancement projects are funded through the RSMC.
6. Is there a limit on hydromodification requirements based on the distance from a stream?
 - 6.1. No. Hydromodification requirements will apply whether a development is in the stream corridor or somewhere up the hill. All runoff eventually makes it to the stream.
 - 6.2. Eventually you will get to the point where the development is so far away or the stream will be so big that there won't be much impact.
 - 6.2.1. Yes, the level of impact could be different depending on the size of a basin, size and location of the development in a basin, and the size of the channel running through a basin. A 10-acre development on a headwaters creek will have more impact than a 10-acre development discharging directly into a river. That will need to be hashed out.
7. Greenfields seem like the easy part—we're already assuming hydromodification requirements for large projects such as Cooper Mountain and River Terrace where it doesn't make sense to have individual facilities scattered all over, so it's kind of by default that there will be more regional approaches in those areas. But the real hydromodification problem is infill projects.
 - 7.1. Yes! Greenfields are certainly not as difficult as infill. Hydromodification requirements for infill areas go hand-in-hand with the stormwater management retrofit strategy.
8. Real-time controls, etc. take a lot of dependence on (potentially expensive) energy and technology. Especially for infill projects, the "defensible" goal listed earlier should include looking at whether the positive result or impact is in proportion to the resources expended. You might do different things for an infill project that's way upstream with no open channels for a long way versus an infill project that's right on a small stream with direct impact. Or maybe the detention standard would vary by area. There are some techniques that might make sense for upper creeks with limited access where you aren't going in to replant the whole thing, but could do something simple, low-labor/low-cost to hold the soil until Mother Nature takes over and fills in. The City of Tigard's recently-updated stormwater plan includes a number of non-traditional activities that their staff has found successful.
 - 8.1. Yes, we will be considering some of those. Some of the greenfield alternative tools may lend themselves to infill areas, and other avenues for addressing infill-

related hydromodification will become apparent as we go along. It may not be realistic/practical to do enhancement work on every single project. Besides being financially feasible/economical, the standards must be recognized as “beneficial” by DEQ and NMFS.

9. Consider changing what you call it or put modifiers with the word to make it clear that you are dealing with hydromodification related to water quality and stream health, not hydromodification in terms of water quantity and flooding.
 - 9.1. That is a great idea.

10. Do you have an inventory of degraded streams from past GIS work or other sources, that could help prioritize infill projects?
 - 10.1. No; some of that information is in the Healthy Streams Plan but we don't have every reach classified and our information may or may not show to what extent degradation has occurred.
 - 10.2. There may be a new assessment component for the stormwater report, which could be a way to gather some stream information. There may be issues getting access to land for assessment/inventory activities. We do have a lot of existing information that could be analyzed to help indicate priority areas.