



MARION WATER QUALITY ADVISORY COMMITTEE

MEETING MINUTES

Thursday, February 29th @ 5:30 pm | Attendance in-person and virtually (via Zoom)

MEMBERS PRESENT: Brent Stevenson, Agricultural Industry
Jeff Crowther, Member at Large
Jake Hush, Member at Large
Gary White, Member at Large
Richard Walker

STAFF PRESENT: Stephanie Rosentrater, Marion County Public Works
Cory Swartwout, Marion County Public Works
Roxanne Toepfer, Marion County Public Works
Maxwell Hepburn, Marion County Public Works
Matt Knudsen, Marion County Public Works (Via Teams)

ABSENT: Brenda Sanchez
Rick Massey, Land Development
Mark Grenz

QUORUM: Yes

MEETING OPENED Roxanne called the meeting to order at 5:36 p.m. Attendance was noted. No introductions were made.

MEETING MINUTES Approval of October 19, 2023, Meeting Minutes:

- Motion: Brent moved to approve minutes; Jake seconded.
- Discussion: None.
- Results: Voice vote is unanimous – motion passes.

STAFF UPDATE **NPDES MS4 Phase II Renewal Update**

The Oregon DEQ is in the process of updating the current National Pollutant Discharge Elimination System Municipal Separate Storm Sewer Phase II General Permit. Roxanne briefed the committee about the status of the renewal. The final version will only cover existing permittees. The current permit is in a period of administrative extension. DEQ has been actively working with the Association of Clean Water Agencies and current permittees to issue an “implementable permit”. A group of current Phase II counties met on February 27th to discuss items of concern in the current permit and the following day, on the 28th, the DEQ met with counties in an open forum setting

to discuss the items that were brought forth. The counties and DEQ expressed that it felt like a productive and amicable meeting. DEQ is currently processing the information provided. No permit renewal date has been released.

BMP & CESCL Training

Stephanie briefed the committee about two recently held training courses hosted by Marion County. The BMP training was open to the public. This training was brought up to the committee in the past. The training was considered successful by facilitators and participants. The BMP workshop had 30 attendees this year including staff from Marion, Lane, and Benton Counties. Lane and Yamhill Counties sent technical staff and plan to send operational crews next year. Having the smaller group seemed to make the training a bit more meaningful. Marion County staff are very excited about the CESCL training program. The CESCL training held had 21 attendees. A number of municipalities attended as well as private industry participants. With this training, there was a lot of positive feedback. Marion County staff are looking into coordinating with the same training agency to host industrial training. This type of training would be very beneficial, especially with a potential component being added to the new MS4 permit to report potential unpermitted 1200-Z agencies.

Agricultural Outreach

Stephanie shared some example roadway issues caused by erosion and sedimentation along agricultural properties within the county. In one of the examples, she explained that the runoff overtook ditch and roadway which cost the county to repair the gravel roadway. A picture was shown of the outfall releasing turbid water. Stephanie shared another example event in Jefferson which occurred due to the same rain event. Marion County's stormwater system in this area is maintained by the City of Jefferson. Stephanie showed more example issue sites where sedimentation occurred and explained that Marion County has no authoritative enforcement capability for agricultural runoff. In addition, the Oregon Department of Agriculture struggles to enforce events such as the ones shared. Road Operations crews were tasked with identifying problematic sites in the county and were going to reach out to the property owners once identified; however, the results were much more staggering in terms of numbers (over a hundred), so a new approach is needed to find a way to outreach these agricultural properties. County staff are trying to find ways to educate agricultural property owners about resources and provide guidance to prevent issues of erosion and sedimentation.

Marion county is working to create an outreach plan with other agencies to come up with a strategy. Jeff asked if these instances had led to communications with properties that are being leased. Stephanie said yes and that signage was brought up as a potential option. Stephanie reiterated that she's open to any ideas and that's why she was bringing this to the committee

for feedback. Gary mentioned that the photos are impactful. Using photos like these could be useful to educate the public about the effects of these issues on communities and waterways. Property owners don't always understand the costs associated with these repairs. Stephanie explained that some of these problematic sites are repeat sites and Marion County Road Operations have had to mobilize crews and equipment year after year drawing resources away from other road maintenance projects. Brent suggested reaching out to the Farm Bureau and sharing these examples as it might be an effective way to engage the community. He emphasized the importance of being candid about the challenges without pushing for regulations. The county won't impose regulations, but they do want to address the issue. Stephanie talked about the potential to host additional workshops and other ideas and that she appreciated the valuable feedback from the committee.

Earth Day Event

Stephanie talked about the upcoming Earth Day event held on April 26th, from 3:00 p.m. to 7:00 p.m. at Spong's Landing Park. She explained that this event is hosted to satisfy most of the outreach requirements for the year. The event's admission and activities are all free of cost. The event has historically seen a turnout of about 300-500 people. It's a fun way to learn about the environment. She is asking the committee to spread awareness of the event.

TMDL UPDATE

Mercury TMDL CSRC Update

Roxanne explained that the Mercury TMDL includes a Water Quality Management Plan with required management strategies. A Storymap and a handout were provided outlining the four strategies: Public Education and Outreach, Pollution Prevention and Good Housekeeping Measures for Municipal Operations, Enforcement of Prohibited Pollutants, and Construction Site Runoff Control (CSRC). The first three strategies have been implemented, leaving only the CSRC strategy.

The county is tasked with minimizing mercury and controlling potential sediment runoff from construction sites countywide, excluding the MS4 area. Erosion control requirements must be incorporated into county building and grading permits. The permit language mandates the use and maintenance of erosion, sediment, and waste management controls from initial clearing to final stabilization. The county can prioritize where these requirements are applied. Through an ordinance or regulatory mechanism, the county must enforce these requirements at construction sites where pollutants could discharge to state waters.

Roxanne briefed over three proposals with the intent to receive feedback from the committee. Current proposals include expanding the 1200-CN program (1 acre – 5 acres of ground disturbance) countywide, which would require expanding the existing MS4 program. Proposal two focuses on

permitting specific development areas with greater runoff potential. Proposal three suggests providing informational resources on Best Management Practices (BMPs) to developers, requiring a signature acknowledging the use of BMPs for ground disturbances. The third option would be for all issued permits and not reliant on thresholds. An overview of the process timeline was presented, beginning with the county seeking feedback from the committee to present to county leadership. Final drafts will then be presented to county leadership for approval or disapproval with a goal of implementation by September 2025, as required by the WQMP.

Brent inquired about monitoring these measures. Roxanne emphasized that it's still in the early stages. Richard raised concerns about background costs and political pressure. Max explained that current permit fees are low and raising them to support a new permit program would face political challenges. Richard suggested a marginal fee increase to \$500 wouldn't have a major impact, but Max cautioned that such a quick raise could lead to negative feedback from the development community. Max clarified that if additional funding for programs is suggested by the committee, internal discussions with management would be necessary to ensure support before presenting to county leadership. Gary emphasized that the county's goal isn't to increase fees for profit but to meet required program implementation. He suggested a more comprehensive approach rather than one-off programs requiring separate management. Roxanne reminded the group that the county seeks feedback on which direction to take. Richard recommended bridging the gap to leverage the 1200-C process without significantly impacting the county's program.

Mercury TMDL EPP Update

To comply with the Mercury TMDL Enforcement of Prohibited Pollutant management strategy, a county ordinance has been approved. This ordinance provides enforcement capabilities for erosion, sediment, and mercury-related wastes in areas outside the Stormwater Management Area (SWMA). Within the SWMA, regulations cover all pollutants. You can find the code on the Marion County Code webpage.

Temperature TMDL Update

The public comment period for the draft replacement temperature TMDL has been extended to March 15th. Counties have individually convened and compiled a summary list of issues they find problematic with the draft plan. This list has been submitted to the Association of Clean Water Agencies (ACWA), which includes several municipalities. The ACWA has prepared a letter to submit to the Department of Environmental Quality (DEQ) next week.

If anyone is interested, Roxanne can forward the draft Water Quality Management Plan (WQMP). The management strategies outlined in the draft plan to minimize solar radiation, the listed pollutant, include streamside

shade retention or planting, enforcement capabilities, water withdrawals, and channel modification and hydromodification.

There isn't much information available about the next steps currently, but we hope to receive more details soon.

OPERATIONS UPDATE

Water Quality Litter Cleanup

Marion County staff are planning to host a water quality litter cleanup event in April along 45th Avenue NE in Salem, specifically targeting the planter strips. The staff aims to assess interest in the Adopt-a-Planter program during this event, providing an opportunity to recruit volunteers and gauge community interest in participation. If the program moves forward, the county will look for funding opportunities. The MSWCD has available grant funding that could be utilized. Volunteer activities under the program might include weed maintenance, litter cleanup, and native plantings. While specific details are still being finalized, staff are hopeful of having a clearer plan following this event.

Richard inquired about whether any studies have been conducted regarding the drainage since the installation of the planters, considering they have been in place for some time now. There has not. The planters along this stretch of road had experienced some plant establishment issues while they were in the warranty period but have since been replanted recently by the contractor before being accepted into the county's ownership. It has been a learning opportunity. The new standards should help with this issue by ensuring that plants need to be established before the county will adopt.

Private Water Quality Facility Inspections Update

Roxanne explained that in the new engineering standards, there is a requirement to inspect once a year on qualifying water quality facilities. For private owners, Marion County is utilizing a combination of outreach, surveys, and GIS mapping (table data). Three notices were distributed this last year with the last notice being sent on February 14th. Of the 85 notices sent, there were 67 responses. The process has returned some reasonable results. Owners have been receptive considering they're being told what to do on their private lots. The stormwater group will get together to discuss further outreach options to gain the remaining responses. We will consult legal going forward for any outstanding inspections.

COMMITTEE FEEDBACK

The committee was happy to have the Storymap visuals to support the agenda.

PUBLIC INPUT

None.

MEETING ADJOURNED

Roxanne adjourned the meeting at 6:30 p.m.

NEXT MEETING:

TBD via Scheduling Poll