

**OAK LODGE SANITARY DISTRICT
SURFACE WATER MANAGEMENT PROGRAM
CITIZENS ADVISORY COMMITTEE
Summary of August 5, 2008, Regular Meeting**

The Oak Lodge Sanitary District Surface Water Management Program Citizens Advisory Committee met on Thursday, August 5, 2008, from 6:00 p.m. to 9:00 p.m. in the Conference Room of the Administration Building, 14611 SE River Road.

Committee members present:

Tom Civiletti
Lynn Fisher
Tom Foeller
Terry Gibson
Eini Lowell
Leonard Waldemar

Committee members absent:

Matt Anderson
Jim Brown
Edith Coulter
Bruce Hoyt
Kevin Kuhel
Myron Martwick

Oak Lodge Sanitary District staff members present: Brett Arvidson PE, Manager of Planning and Engineering; and Kay Deines, Administrative Support Specialist.

Members of the Oak Lodge Sanitary District Board of Directors present:

Doug Woods
Jim Martin

Members of the public present: No members of the public attended the meeting.

A. Introduction

Brett Arvidson, Oak Lodge Sanitary District Manager of Planning and Engineering, called the meeting to order at 6:00 pm. Those present introduced themselves to the meeting.

B. Review of SWM CAC stormwater management facilities site tour

Brett gave a recap of the tour of the District surface water management facilities on June 12, 2008. The purpose of the tour was to give those who took the tour a review of the various surface water facilities and some associated problems within the District. Brett explained that the goal of the District is to provide environmentally effective solutions to problems, not to simply pipe water directly to the river. Committee

Member Lynn Fisher stated that the people he invited that attended were impressed with the tour.

Committee Member Leonard Waldemar stated that he would have liked to have gotten a closer look at the culvert that is causing the problem on Mr. Earl Moore's property. That was not possible because the pipe is on private property. Brett reported that he has contacted ODOT and is discussing with them a possible partial solution the problem. The solution will require easements across private property and approximately 150 feet of new pipe to remove one of the blocks to free flowing water in the area. Brett has told ODOT that Oak Lodge Sanitary District is willing to partner with them in this partial solution. One of the things holding the project up is the question of the condition of the pipe. Staff is concerned that working on part of the pipe will cause adjacent portions to collapse, negating any improvements.

C. Review of Oak Lodge Sanitary District Stormwater Management Plan (Public Meeting)

Brett introduced the topic of the District's MS4 Permit from DEQ. This portion of the meeting has been noticed in The Oregonian, and will serve as a Public Meeting for review of the District's Stormwater Management Plan (SWMP) portion of the MS4 Permit renewal process. Brett discussed the various parts of the SWMP and the issues that may come up in the renewal process.

He noted that currently the SWMP is based on Best Management Practices, not on numerical values of effluent. Brett reported that he has been receiving memos from DEQ recently indicating that they want to start setting numerical values that must be met and requiring operational measures rather than depending on management practices, and to require additional testing of effluent to determine if the values are being met. Testing is quite expensive, and would substantially reduce available funds for maintenance of the system.

The testing would measure temperature, bacterial loads, suspended solids, and mercury. The District's surface water temperature, except for that in the privately-owned River Forest Lake, is lower than the Willamette River above the Oregon City Falls, so there is no significant temperature problem. Bacterial loads are quite low compared with other watersheds, likely because there is no agriculture in the District. Agriculture is a major source of bacteria and the nutrients that support bacterial growth. Mercury is detectable in the local runoff, but it is a naturally occurring element locally and the source has not been determined.

Brett discussed the watersheds within Oak Lodge Sanitary District, noting that all but one are completely contained within the District. This provides the District a measure of security because we do not have deal with bacteria-laden surface water funneled into the District from a rural agricultural area.

Brett discussed the existing stormwater conveyance facilities and the requirements placed on developers to provide the proper surface water facilities on their property. Committee Member Lynn Fisher asked if the District reviews development proposals to Clackamas County or if the County already has our information. Brett explained that

District staff must review and approve plans prior to development, and that District approval is required by Clackamas County. He explained that we cannot tell anyone whether or not they can develop their property, we can only explain our ordinance requirements and enforce those requirements. He also explained that once construction is underway District staff will inspect the site to ensure that the facilities as installed meet the requirements of the plan approval.

Sensitive Lands requirements are one of the things that District staff reviews in plans and field staff enforces. During this discussion Committee Member Tom Foeller asked what the differences are between streams or creeks and drainage ditches. Brett explained that the boundaries can become blurred as many urban streams have been shaped into ditches by development or agricultural activity. The decision about whether a waterway is or is not a creek or stream is made during the inventory process. Several factors are taken into consideration, including the state of the waterway above and below the area being inventoried.

Brett described the District's Erosion Prevention and Sediment Control program and how it fits into the County's function of overseeing the DEQ mandated 1200C Erosion Control permits for sites of soil disturbance over 1 acre in size. The District does not have street authority; that authority belongs to Clackamas County. If road paving or maintenance activities cause sedimentation we do not have any authority to stop them. The County also controls street sweeping activities. The roadways are a significant source of surface water pollution. Examples are oil and other fluids from vehicles and rubber dust from tires carried into local streams, creeks, and storm sewer facilities.

Lynn Fisher described an incident of a neighbor draining the used oil from his car into a stormwater catch basin. Brett explained that the proper course of action in that situation is to call either the Clackamas County Sheriff's Department or Oak Lodge Sanitary District, or both. He stated that we generally have at least one instance per year where a County Sheriff issues a citation to an individual for pollution of surface waters.

Lynn Fisher asked about the enforcement power of the District. Brett explained that the District has enforcement powers, but prefers to use education over fines or other sorts of punishment. Brett stated that the best resource the District has in its efforts to limit pollution of surface water is an alert population that knows to call Oak Lodge Sanitary District when it notices pollution.

Next the Committee discussed the cash flow chart associated with the MS4 Permit renewal document. This shows the rate of increase for sanitary sewer service charges flattening in the next year. Brett explained that the District may need to increase SWM service charges. If the new MS4 Permit requires operational measures and additional testing to ensure the District is meeting the TMDL limits set for the District, the cost could be considerable. Also, the District will need to fund increased staffing levels as the number of facilities needing maintenance increases – especially if Clackamas County is no longer maintaining facilities in the roadways. Maintenance is imperative for the facilities to function properly, and proper functioning is imperative to maintain the best possible surface water quality.

Lynn Fisher suggested that the public should be notified in the newsletter that these fees are likely to increase in the future. Brett agreed, and stated that he will ensure that storm and surface water issues and system functions stay in the District's consciousness and are not overshadowed by the project to rehabilitate the wastewater treatment plant. Leonard Waldemar commented that staying at the current level of service charges will cause the SWM capital fund to be drawn down to zero in a few years, and then no projects will be possible. He wants to be sure that we do not draw down our capital to the extent that no projects will be possible without incurring debt.

Terry Gibson asked for the estimated increased monthly rate. Brett estimated a rate of \$9.00/month for each SFR and for each Equivalent Surface Unit (ESU) charged to commercial/industrial/multi-family residential accounts. One ESU is equal to 2,500 square feet of impervious surface.

Brett stated that currently all MS4 permit renewals are in litigation brought by Willamette Riverkeepers and Tualatin Riverkeepers. Those groups want numerical values assigned to surface water discharge permits, even though that is not required by Federal rules. Until the litigation is settled no new MS4 permits will be issued. Brett estimates it will be several years after we submit our application for renewal before we know our permit requirements. Until then the District will continue to operate under the existing permit.

The District is currently monitoring our surface water. That data will be important when negotiating the new permit language. The River Forest Lake Study commissioned by the District will be important at that time also. That study showed the surface water entering the Lake is low in bacteria. It is below the suggested permitted amount of 400 count/100 ml. The data from the monitoring activities and the study could relieve the District of added testing requirements.

The Annual Loading Analysis showed that the Annual Total Suspended Solids in the surface water is less than allowed in drinking water, the annual E. coli load is lower than one day of discharge from Johnson Creek, and the temperature of the surface water is generally lower than the temperature of the Willamette River. 67% of the streams and creeks surfaces in the District are currently at least partially shaded, 4.1 % is marginally shaded, and the balance could use improvement. The water in River Forest Lake, however, is generally much warmer than the balance of the surface water.

Many of the areas of open water are privately owned, making it difficult to access them and to address the lack of shade. The ongoing improvement of Naef Creek where it passes through Stringfield Family Park is intended partly as a way to demonstrate to private property owners how stream banks can be improved with land contouring, surface shading, and use of native plants to reduce the use of herbicides and pesticides along streams. Committee Members suggested that staff create a plant list and map so that the public can identify those plants along the stream and in the sensitive areas. Eini Lowell suggested that the basic planting plan be published in the newsletter along with an article about the park and the Trolley Trail adjacent to it.

D. Capital Improvement Projects

i. Stringfield Family Park

The Committee Members asked about the planting along Naef Creek in Stringfield Family Park, which was originally intended to be a volunteer project. Brett reported that due to time constraints and the inclusive park development plan the contractor will do the planting along the creek. Brett suggested that the Committee could use the planned stream improvement through Risley Park as a volunteer project instead. That project will be more volunteer-friendly than the Stringfield project.

ii. Naef Culvert

This project will remove the existing culvert under Naef Road and improve the stream banks. The new culvert would be broader and much shorter in length, opening up stream surface and improving fish habitat. Along with the Stringfield Family Park project, this will add a significant stretch of Naef Creek to potential migratory fish habitat.

iii. Risley Park

This project calls for upgrading the banks of River Forest Creek inside Risley Park. This project shows great potential for using community volunteers to clear the invasive plants and replace them with native plants and trees.

iv. Diamond Lane Storm Line

This project may or may not be constructed. It is possible that the line will be at least partially constructed by a developer during a construction project.

E. Oak Lodge Sanitary District Rules and Regulations for Surface Water Management

The District's Rules and Regulations for Surface Water Management determine what staff can require of District residents and developers. The code was last revised in July 2000. Bret is developing a list of items in the regulations that he would like to see revised. Once the list is complete he will present it to the Committee for their review.

Terry Gibson commented that much of the Ordinance seems very vague. Eini Lowell agreed with that comment. Brett stated that much of the time he imposes engineering standards onto plans for development, but would rather have the Ordinance revised to make those standards part of the written code. The Board of Directors is the body that makes revisions to the code, and they would like the SWM CAC to suggest changes and make recommendations to the Board.

The members asked Brett for some examples of the items on his list. He stated that they include flood hazards, downstream analysis, structural BMPs, sensitive land requirements such as setbacks from wetlands, off site water conveyance, design standards, and plan check and permit fees. All of these things must be contained in the ordinance in order to be applied to plans, and consideration must be given to how the District's requirements coordinate with those of neighboring and overlaying entities such as Clackamas County, Metro, the Cities of Milwaukie and Gladstone, and ODOT.

F. SWM Citizens Advisory Committee Priorities

Brett asked the members to tell him what their priorities are for the Committee in the next year or so.

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- i. Tom Foeller stated that he would like to see information distributed to the community on the Stringfield Family Park and the Trolley Trail. He feels that these two facilities should be advertised to the community so they will utilize them fully. Brett agreed, stating that he would like to use them as a way to keep the District's SWM activities in front of the public.
- ii. Tom Foeller would like to see progress made on Mr. Earl Moore's difficulties with flooding caused by improperly installed culverts associated with McLoughlin Blvd. Further information on this site can be found in Section B of the minutes, in the review of the SWM CAC stormwater facilities tour.
- iii. Lynn Fisher asked how often District staff cleans the River Forest Lake outfall, and if that service is truly the responsibility of the District or if staff is performing the work as an act of community goodwill. Brett responded that the culvert is County property in the road right-of-way, and the outfall proper is private property. However, during heavy rains and high water periods the outfall requires cleaning several times a day to avoid flood damage to District residents' property. District staff does the work because the County does not have staff available. The residents do not clean the outfall; they call the District if there is a problem.
- iv. Terry Gibson commented that there are blackberries growing out of a catch basin in the County road right-of-way by his house. He asked who should be cleaning this facility. Brett stated that the catch basin is Clackamas County's responsibility. Brett estimated that it takes a two-man work team approximately 15 minutes to clean a catch basin, there are approximately 4000 catch basins in the District, which means that it would take 1000 man-hours to clean them each once a year. This maintenance activity is expensive, and Clackamas County has informed the District that they do not have any funds budgeted for maintenance this year.
- v. Lynn Fisher requested a discussion of detention ponds, their maintenance, and if they are an effective surface water management tool. He noted that do not appear to be well-maintained; there are weeds and plants growing in them and he feels they are unsightly. Brett explained that they do not need to be kept weeded to be effective. The ponds are designed to function in even an extreme storm so that normal heavy rains will not fill them to capacity. Discussion followed on private vs. public detention pond maintenance, and imposing service charges on private owners for public maintenance of the facilities. Currently there is at least one development in the District (Marian Meadows) in which the residents pay an additional \$3/month in SWM fees and the District maintains the detention system.

G. Next Meeting Date

It was decided that the next meeting would take place in November, and at that time the Committee's main discussion item would be revision of the SWM Rules and Regulations.

H. The meeting adjourned at 8:15 p.m.