

SUPPLEMENTAL MATERIAL 8.6



Supplemental Memo Date: March 17, 2008  
Work Session Date: March 19, 2008

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** Bill Morgan, County Engineer  
**AGENDA ITEM TITLE:** WORK SESSION – REVIEW OF THE LANE COUNTY WILLAMETTE BASIN TOTAL MAXIMUM DAILY LOAD (TMDL) IMPLEMENTATION PLAN FOR RATIFICATION AND SUBMITTAL TO THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) IN COMPLIANCE WITH OAR 340-042-0040 AND THE FEDERAL CLEAN WATER ACT.

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**I. BACKGROUND/ANALYSIS:**

Staff met with the DEQ on March 10, 2008. DEQ staff had the following comments for the Board to consider prior to final approval of the Order (in *italics*). DEQ staff appreciates all the effort that Lane County staff have put into this TMDL Implementation Plan.

- *DEQ staff suggested timelines could be better elaborated as incorporated into the document - either as a column in the matrix or as an entry as text.*

County Staff agreed timelines that are written with language such as 'by the end of the first year', and "when resources and funding allow" would be appropriate to include in the narrative and/or matrix of the Implementation Plan.

- *DEQ staff felt that the county might be able to be a bit more aggressive in doing outreach directed at older septic clusters or in other non-incorporated areas apart from the McKenzie River watershed (where you are collaborating with EWEB).*

County staff appreciates DEQ's desire for Lane County to be more proactive in seeking out and addressing potentially failing septic systems, but there are simply no resources available to accomplish that at this time. The County is proposing to develop educational materials to be included in applicable permit packets distributed by the Land Management Division in an effort to heighten public awareness of the detrimental environmental effects failing septic systems pose.

As depicted in Table 6, the County will strengthen the relationship with EWEB in the McKenzie Basin through staff participation in McKenzie River Septic System Assistance Project, as resources allow.

- *DEQ staff suggested it would be good if the TMDL Implementation plan referenced planned or ongoing efforts to protect source water/drinking water resources.*

Lane County Land Management Division will be researching implementation of a Drinking Water Impacts Analysis Ordinance modeled after the Benton County

Ordinance apart from the TMDL process. When implemented, this can be incorporated into future TMDL management efforts.

- *DEQ staff suggested there may very well be significant opportunities to promote low impact development in parks (or facilities) managed by Lane County. We spoke about bioswales, boat ramps etc...Parks, in particular, can also be prime sites for riparian restoration and outreach/educational efforts.*

Staff agreed these ideas would be appropriate to include in the matrix. Lane County Parks currently considers low impact development options when upgrading its facilities. Within the recent past County Parks has been involved in construction of stormwater bioswales and preservation of riparian areas from development activities. Parks staff will continue to find opportunities to promote low impact development activities within County park lands, and efforts can be documented through the Willamette Basin TMDL Implementation Plan monitoring reports.

- *DEQ was concerned with the extent of enforcement activities related to our riparian ordinances. DEQ suggested many in the watershed would like to see Lane County be a bit more aggressive in the enforcement of the riparian ordinance you have in place.*

The County implements the regulations on a compliance driven basis. The County will increase distribution of educational materials describing the importance of riparian protection as well as the consequences of non-compliance with the County's riparian modification ordinance and permit process. Expansion of current resources would be needed to develop any structured riparian enforcement force and is not recommended by County staff at this time.

- *DEQ staff suggested the county would have a role in rural farm and forest areas for issues such as the potential soil erosion associated with home construction, septic issues, and county road maintenance. DEQ would like to see some language in the TMDL Implementation plan that demonstrates Lane County's commitment to addressing these potential sources of pollution in the rural landscape.*

Residential development on farm and forest lands will be held to the same standards and criteria as on rural residential lands. Conversion of land from farm and forest zoning requires approval from Lane County Land Management Division. Any changes in land use and associated zoning will be tracked by the County and reported on within the Implementation Plan monitoring report. Any changes to County's Willamette Basin TMDL Designated Management Agency coverage area due to zoning changes will be reflected within revised mapping and descriptions outlined within annual monitoring reports.

## **II. RECOMMENDATION:**

Staff recommends completing revisions as discussed and approved by the Board, and submitting a final copy of the TMDL Plan to the DEQ.