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AGENDA COVER MEMO

Memorandum Date: June 16, 2011
Order Date: July 6, 2011

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Daniel Hurley and Bill Morgan

AGENDA ITEM TITLE: NPDES Phase II Stormwater Discharge Permit Renewal

AGENDA ITEM TITLE: ORDER IN THE MATTER OF APPROVING A RENEWAL APPLICATION FOR LANE COUNTY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORMWATER DISCHARGE PERMIT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO CERTIFY THE APPLICATION.

I. MOTION

MOVE APPROVAL OF APPROVING A RENEWAL APPLICATION FOR LANE COUNTY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORMWATER DISCHARGE PERMIT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO CERTIFY THE APPLICATION.

II. AGENDA ITEM SUMMARY

A renewal application is being presented to continue Lane County's permit coverage under the Phase II Municipal Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) as mandated by Department of Environmental Quality (DEQ).

III. BACKGROUND/IMPLICATIONS OF ACTION

Stormwater discharges are regulated in federally defined Urbanized Areas (UA's) through the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) established by the Clean Water Act (CWA). In 2007, Lane County received its first NPDES Phase II Stormwater Discharge Permit from the DEQ for the Urbanized Area corresponding to the County area between the city limits of Eugene and Springfield and the Urban Growth Boundary (UGB). The current permit will expire on December 31, 2011. The attached draft renewal application has been submitted to the DEQ to meet the required submittal date of July 4, 2011 (180 days prior to the permit expiration date) in accordance with guidance received from the DEQ on May 13, 2011. The application includes an evaluation of the implementation

of the County's current Stormwater Management Plan (SWMP), a proposed SWMP for the upcoming 5-year permit cycle, and a Total Maximum Daily Load (TMDL) evaluation.

The goal of Lane County's original SWMP was to use a basin-wide approach to meet the requirements of the Phase II permit by partnering with the adjoining Cities of Eugene and Springfield utilizing the "Rely on Another Entity" option available under the Phase II permit. The intent of this approach was to help standardize some of the various agency regulations for meeting the requirements of the NPDES permits in both the Phase I and Phase II communities and to reduce the need for duplicate programs between the County and the Cities. The proposed SWMP prepared for the permit renewal application continues this approach.

A. Board Action and Other History

Through Board Order Number 03-3-12-4, the Board of Commissioners directed staff to enter into negotiations with the cities of Eugene and Springfield to create the necessary Intergovernmental Agreements (IGA's) for the "Rely on Another Entity" option chosen by the Board for meeting permit requirements contained in the County's NPDES Phase II Permit.

Lane County and the City of Eugene entered into an Intergovernmental Agreement for NPDES services on May 21, 2004. That IGA was amended four times between 2004 and 2011 and is now due to expire on November 30, 2011. Lane County and the City of Eugene are currently working on a new IGA to establish new service agreements and align BMPs with the City's new SWMP.

Through Board Order Number 10-5-18-2, Lane County and the City of Springfield entered into an Intergovernmental Agreement for NPDES services on July 30, 2010. That agreement will expire on July 30, 2013, but may need to be amended to reflect changes in the new NPDES Phase II permits forthcoming for Lane County and the City of Springfield.

B. Policy Issues

The proposed Stormwater Management Plan (SWMP) outlines various Best Management Practices (BMPs) that Lane County will implement to reduce the discharge of pollutants to the municipal stormwater system within the regulated Urbanized Area (the County area within the Eugene-Springfield Urban Growth Boundary). The propose SWMP also indicates that Lane County will continue to rely on the Cities of Eugene and Springfield for meeting specific permit requirements. Intergovernmental Agreements are currently in place with the cities of Eugene and Springfield to continue implementation of specified NPDES Phase II services. However, the Agreement with the City of Eugene will expire in November 2011 and will require renegotiation to implement services in alignment with the proposed SWMP.

C. Board Goals

Adoption of the proposed IGA supports the following Lane County Strategic Goal:

- Maintain a healthy environment with regard to air quality, water quality, waste management, land use and parks.

D. Financial and/or Resource Considerations

Lane County's stormwater management programs are supported through the Road Fund. This fund is expecting critical budget shortfalls over the upcoming 5-year permit cycle. Stormwater related activities cost approximately $600,000 annually in activities such as public storm system maintenance, street sweeping, monitoring, reporting, and reimbursement to the City of Eugene and City of Springfield for other mandated NPDES Phase II services provided in the County's regulated area.

E. Analysis

As an NPDES Phase II permit holder, Lane County is required to develop and implement a stormwater management plan for the regulated UA incorporating Best Management Practices (BMPs) to address the following minimum control measures:

NPDES Six Minimum Control Measures:

- Public Education & Outreach
- Public Involvement & Participation
- Illicit Discharge & Elimination
- Construction Site Stormwater Control
- Post-Construction Stormwater Management
- Pollution Prevention in Municipal Operations

The renewal application package includes the following documents in accordance with guidance from the DEQ:

1) A *Stormwater Management Plan (SWMP) Implementation Evaluation* including an assessment on the implementation of each BMP associated with the six minimum control measures and a determination of the attainment of measurable goals.
2) An *Updated SWMP* document describing: proposed BMPs and measurable goals designed to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP); a rationale for proposed modifications from the current SWMP; and Adaptive Management techniques for periodic evaluation and adjustment to the stormwater program based on measures of effectiveness, local applicability, and availability of program resources.
3) A *Total Maximum Daily Load (TMDL) Evaluation* containing an assessment of progress made towards achievement of assigned TMDL Waste Load Allocations (WLAs) and estimates of future TMDL pollutant reductions based on the current and proposed BMPs.

F. Alternatives/Options

1. The Board may approve the renewal application as presented and authorize the County Administrator to certify the application.

2. The Board may direct staff to modify the application documents prior to final submittal to the DEQ.

IV. TIMING/IMPLEMENTATION

A copy of the proposed draft renewal application has been sent to DEQ to meet the required submittal date. The DEQ permit writer has been informed that certification of the application and any proposed modifications will be submitted following direction from the Board. The existing NPDES Phase II Permit will expire on December 31, 2011.

V. RECOMMENDATION

Staff recommends approval of the renewal application as presented and authorization for the County Administrator to certify the application.

VI. FOLLOW-UP

If the board approves the renewal application, staff will forward the application to the County Administrator for certification and will submit the complete renewal application to the DEQ.

VII. ATTATCHMENTS

1) Proposed Board Order
2) Certification Cover Page
3) Stormwater Management Plan Evaluation
4) Stormwater Management Plan Proposed Revisions
5) Total Maximum Daily Load (TMDL) Evaluation & Benchmark Development
6) Current Stormwater Management Plan (SWMP) Without Appendices
7) Current NPDES Phase II Stormwater Discharge Permit

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF APPROVING A RENEWAL APPLICATION FOR LANE COUNTY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORMWATER DISCHARGE PERMIT AND AUTHORIZING THE COUNTY ADMINISTRATOR TO CERTIFY THE APPLICATION.

WHEREAS, Lane County is a regulated Small Municipal Storm Sewer System (MS4) community as defined in the federal National Pollutant Discharge Elimination System (NPDES) Phase II program; and

WHEREAS, all regulated small MS4 communities are required to maintain permit coverage and a Stormwater Management Plan that addresses the six minimum control measures covered under the Phase II permit program; and

WHEREAS, the County's current NPDES Phase II Permit will expire on December 31, 2011; and

WHEREAS, the Department of Environmental Quality requires a permit renewal application including an update to the Stormwater Management Plan;

NOW THEREFORE, IT IS HEREBY ORDERED, that the National Pollutant Discharge Elimination System (NPDES) Phase II permit renewal application and associated Stormwater Management Plan are approved as presented to the Board; and it is further

ORDERED, that the County Administrator is authorized to certify the permit renewal application.

Adopted this _____ day of July, 2011.

APPROVED AS TO FORM

Date 6-28-11 Lane County

OFFICE OF LEGAL COUNSEL

Chair, Lane County Board of Commissioners

Lane County

Stormwater Management Plan

Evaluation

Permit Number: 102895

File No. 113606

Prepared as Part of the Renewal Application for Lane County's NPDES Phase II Permit

June 2011

Table of Contents

Introduction

This document updates Lane County's Stormwater Management Plan (SWMP) to conditions existing at the end of the County's first NPDES Phase II permit cycle and assesses the implementation of the SWMP in meeting the conditions of the permit. The Best Management Practices (BMPs) and programs outlined in this Stormwater Management Plan are designed to implement the requirements of the federal Clean Water Act, Oregon Administrative Rules regarding the protection of water quality, and the County's National Pollutant Discharge Elimination Program (NPDES) Phase II Permit (Permit Number:102895).

Background

Lane County applied for a NPDES Phase II Permit on March 20, 2003 (Application No. 982299), and received its first permit on January 25, 2007 (Permit Number: 102895). That permit will expire on December 31, 2011. This SWMP Evaluation has been prepared for inclusion in Lane County's renewal application package.

Lane County is required to develop and implement a Stormwater Management Plan in accordance with its NPDES Phase II Permit to address stormwater discharges to the Municipal Separate Stormwater Sewer System (MS4) within the Urbanized Area (UA) geographically defined between the city limits of Eugene and Springfield and the Eugene-Springfield Urban Growth Boundary (UGB).

This is the first update to the SWMP that was developed by Lane County for its original NPDES Phase II Permit application in 2003. The goal of Lane County's original SWMP was to use a basin-wide approach to meet the requirements of the Phase II permit by partnering with the adjoining Cities of Eugene and Springfield utilizing the "Rely on Another Entity" option available under the Phase II permit. The intent of this approach was to help standardize some of the various agency regulations for meeting the requirements of the NPDES permits in both the Phase I and Phase II communities and to reduce the need for duplicate programs between the County and the Cities. Lane County plans to continue this approach through its second permit cycle as outlined in this revised SWMP and in proposed revisions to the SWMP to be considered during the permitting renewal process.

Lane County and the City of Eugene entered into an Intergovernmental Agreement for NPDES services on May 21, 2004. That IGA was amended four times between 2004 and 2011 and is now due to expire on November 30, 2011. Lane County and the City of Eugene are currently working on a new IGA to establish new service agreements and align BMPs with the City's new SWMP. The current IGA is included in Appendix A.

Lane County and the City of Springfield entered into an Intergovernmental Agreement for NPDES services on July 30, 2010. That agreement will expire on July 30, 2013, but may need to be amended to reflect changes in the new NPDES Phase II permits forthcoming for Lane County and the City of Springfield. The current IGA is included in Appendix B.

Framework:

This document follows the framework of Lane County's original SWMP, containing three Chapters with each chapter split into parts corresponding to the area West of Interstate 5 (the Eugene portion of the UGB - noted by "**(W)**") and the area East of Interstate 5 (the Springfield portion of the UGB – noted by "**(E)**". A third category has been added to address programs and BMPs applied to both areas (noted by "**(W&E)**"). The Chapters are divided as follows:

- Chapter I: *Municipal Operations / Public Education and Involvement*
- Chapter II: *Illicit Discharge Detection and Elimination*
- Chapter III: *Construction Stormwater / Post Construction Stormwater Runoff*

Following the description of each BMP, an "Implementation" section has been added to assess the findings of implementation for each of the BMPs over the past permit cycle. Also, an "Assessment" section has been added to the end of each chapter to assess implementation of each Minimum Control Measure.

Chapter I: Municipal Operations / Public Education and Involvement

Background:
This Chapter describes the BMPs and programs that cover three of the six minimum control measures contained in the County's permit. These measures are 1) Public Education, 2) Public Participation and Involvement, and 3) Pollution Prevention and Good Housekeeping – municipal operations.

The breakdown of each program and BMPs are separated West (**W**) and East (**E**) as they relate to coordination between the cities of Eugene (**W**) and Springfield (**E**), and by County BMPs and programs applied in both coverage areas (**W&E**).

Rationale:
Lane County chose two BMPs to partner on with each of the cities of Eugene and Springfield. The BMPs were chosen based on the ability of Lane County and the respective Cities to cooperate in a productive manner in which to deal with Stormwater Education on a basin-wide approach. Lane County outlined two additional BMPs (Stormwater Drain Marking and Household Hazardous Waste programs) which are programs already in place and are effective educational tools to support the Public Education control measure.

Responsible Party:
The Public Works Maintenance Planning Section was originally assigned as the responsible party. That responsibility has been reassigned to the Public Works Engineering and Construction Services Division.

Public Education (W):

BMP ED1 - Introduction to Stormwater: Lane County will partner with the City of Eugene to promote education programs for the public, school children, City personnel, and others about natural resources and stormwater pollution problems from both point and nonpoint sources and show the impacts of their actions on water quality. This will be achieved by developing ongoing articles and public education programs through advertising campaigns targeted at various groups.

Implementation:

- Lane County executed an IGA with the City of Eugene in 2004 establishing partnership on the City's **Stormwater Education BMP** (then numbered BMP-A2). Activities implemented during the past permit cycle under this BMP included the following:
  - Collaboration on the City's educational brochures and mailings. The City's primary stormwater education newsletter, "Stormwater Connections," and other stormwater related brochures that are mailed to City residents are also mailed to County residents within the permit coverage area.
  - Participation in the Lane County Pollution Prevention Coalition (P2C). P2C is a cooperative effort between the City of Eugene, City of Springfield, Lane County, MWMC, EWEB, SUB, LRAPA and DEQ. Lane County staff attend regular meetings of the coalition and participate in educational projects (e.g.: staffing booths at the Lane County Fair, the Lane County Home and Garden Show, and Earth Day events).

Lane County will continue to partner with the City of Eugene on this BMP in the next permit cycle. It is now renamed and renumbered to correspond with City of Eugene BMP "**Stormwater Education – BMP A1**".

Public Education (E):

BMP PE2 – Outreach Efforts with Regional Partners: Lane County will partner with the City of Springfield with a regional partnership educational outreach program. The goal of this program will be to enhance open exchange of proven ideas and enhance efficiency and cost effectiveness of public outreach efforts.

Implementation:

- During the past permit cycle, Lane County executed an IGA with the City of Springfield establishing partnership on the City's **Outreach Efforts with Regional Partners BMP**. Activities implemented during the past permit cycle under this BMP included the following:
  - Participation in the Lane County Pollution Prevention Coalition (P2C). P2C is a cooperative effort between the City of Eugene, City of Springfield, Lane County, MWMC, EWEB, SUB, LRAPA and DEQ. Lane County staff attend regular meetings of the coalition and participate in educational projects (e.g.: staffing booths at the Lane County Fair, the Lane County Home and Garden Show, and Earth Day events).
  - Participation in the multi-jurisdictional Stormwater Special Ops group. Stormwater staff from the City of Eugene, City of Springfield, and Lane County meets on a monthly basis to promote targeted stormwater education to specific audiences (e.g.: landscapers, users of pressure washers, charitable car wash groups, etc.).
  - Staff involvement and Board commitment to the Cedar Creek Partnership for implementation of the Salmon Trout Enhancement Program (STEP) in the Cedar Creek Watershed.
  - Staff involvement in the U.S. Army Corps "Metro Waterways" study.
  - Staff involvement on the McKenzie Septic Tank Inventory and Outreach Program.

Lane County will continue to partner with the City of Springfield on this BMP in the next permit cycle.

BMP PE4 – Stormwater Educational Brochures Portfolio: Lane County will partner with the City of Springfield to help in creating and updating of a portfolio of brochures to be used in educating the public and providing options or alternative behaviors that do not adversely affect the environment.

Implementation:

- Lane County executed an IGA with the City of Springfield establishing partnership on the City's **Stormwater Educational Brochures Portfolio BMP**. Activities implemented during the past permit cycle under this BMP included the following:
  - The City of Springfield developed a portfolio of stormwater educational brochures, some translated into Spanish, which are available at a public information kiosk in Springfield City Hall.
  - Stormwater brochures that have been mailed to City residents are also mailed to County residents within the permit coverage area.

Lane County will continue to partner with the City of Springfield on this BMP in the next permit cycle.

Public Education (W&E):

BMP Storm Drain Marking Program - For both **(W)** and **(E)** portions, Lane County will utilize its ongoing **Storm Drain Marking Program**, to help educate the general public on the awareness of were runoff water actually goes. For

inlets that drain waterways, a "Drains to River" marker is affixed to discourage discharges of contaminants to the stormwater collection system.

Implementation:

- Approximately 138 storm drainage markers have been placed within the permit boundary during the past permit cycle. All known inlets have been marked.

Lane County will continue to implement this BMP in the next permit cycle for new inlets and replacement markers.

BMP Household Hazardous Waste Program (HHW) – For both (**W**) and (**E**) portions, Lane County, in cooperation with various agencies and watershed councils, will host collection events aimed at encouraging residents to safely dispose of household hazardous waste free of charge. Ongoing collection takes place at the Glenwood Central Receiving Station. Rural collection events take place at different times of the year and at various locations around the County. This program is run through Lane County's Waste Management Division and includes training of hazardous waste handlers throughout Lane County.

Implementation:

- Advertisement and ongoing collection of HHW at the Glenwood transfer station: free disposal of household hazardous waste for the public. Collection and disposal of over 2.5 million pounds of HHW collected county-wide, including more than eight-thousand pounds of mercury containing materials, over the past five years.
- Worked in coalition with local water utilities, watershed councils, and OSU Extension Service to collect over 80,000 lbs of legacy pesticides in Middle Fork of the Willamette, McKenzie, and Willamette main stem watersheds.
- Training of hazardous waste handlers throughout Lane County: Master Recycler's Program, P2C events.
- Publishing and distribution of the Lane County Recycling Guide in both English and Spanish.
- Operation of 24-hour hotline and website to answer questions on recycling and waste disposal.
- HHW booth staffing and presentations at public events including the Good Earth Home Show, the Cascade Health and Safety Conference, The Association of Recyclers Conference, and the North American Hazardous Materials Managers Association Conference.

Lane County will continue to implement this BMP in the next permit cycle.

Public Education Assessment:

The Public Education Control Measure was supported by the following BMPs:

- BMP ED1 - Introduction to Stormwater
- BMP PE2 – Outreach Efforts with Regional Partners
- BMP PE4 – Stormwater Educational Brochures Portfolio
- BMP Storm Drain Marking Program
- BMP Household Hazardous Waste Program (HHW)

As discussed in the implementation sections following each of the BMPs, significant progress has been made on all of the BMPs in this Minimum Control Measure. Further implementation is expected on all of these BMPs in the next permit cycle.

Measurable Goals for the Public Education Control Measure contained in the previous SWMP included the following:

- Tracking the number of materials distributed and the audiences targeted.
- Distribute educational materials at least twice per calendar year.
- Tracking participants and tons of waste collected through the HHW program.

Additional Measurable Goals established in the annual reports included the following:

- Lane County will 'Rely on another Entity' and collaborate with the City of Eugene to implement the two following BMPs characterized within the City of Eugene Stormwater Management Plan: 1) Stormwater Education (Eugene BMP A2-formerly ED-1) and 2) Educational Volunteer Activities (Eugene BMP P1-formerly ED-4) (City of Eugene, 1993, revised 2005).
- Lane County will 'Rely on another Entity' and collaborate with the City of Springfield to implement the following BMPs outlined within the City of Springfield Stormwater Management Plan: 1) Outreach Efforts with Regional Partners (Springfield BMP PE2), Stormwater Education School Workshops (Springfield BMP PE3), and 2) Stormwater Educational Brochures Portfolio (Springfield BMP PE4) (City of Springfield, 2004 updated 2008).
- Utilize Lane County's ongoing Storm Drain Marking Program to help educate the general public on the awareness of stormwater runoff. Identify and label storm drain inlets within residential areas with "Drains to River", "Drains to Groundwater" or equivalent.
- Continue household toxic collection publicity and events.
- Provide training for County hazardous waste handlers operating within the permitted area.
- Research opportunities to expand the Household Hazardous Waste Collection Program.
- Publish and distribute Lane County Recycling Guide.
- Operate Waste Management 24-hour hotline.
- Maintain Lane County Waste Management Division Website.
- Provide booth at the Lane County Fair and other public events regarding Household Hazardous Waste Management and Stormwater Management.
- Continue to provide pet waste education and disposal stations at County parks, recreation areas, and other County facilities within the permit boundary.

As discussed in the annual monitoring reports, each of these measurable goals has been implemented and are ongoing.

Public Involvement (W):

BMP ED3 – Volunteer Activities and Natural Resource Protection: Lane County will partner with the City of Eugene to promote public involvement in "keep watershed clean" campaigns and "adopt-a-creek" programs for specific waterways.

Implementation:

- Lane County executed an IGA with the City of Eugene in 2004 establishing partnership on the City's **Educational Volunteer Activities and Natural Resource Protection BMP** (then numbered BMP-M1). Activities implemented during the past permit cycle under this BMP included the following:
  - City mailings to County residents within the permit coverage have invited participation in the City's "Stream Team" stream restoration activities.

Lane County will continue to partner with the City of Eugene on this BMP in the next permit cycle. It is now renamed and renumbered to correspond with City of Eugene BMP "**Educational Volunteer Program – BMP P1**".

BMP Public Outreach in the Eugene Area: For the **(W)** portion, Lane County will use the Roads Advisory Committee for input on Lane County's stormwater plan as it relates to County roads. An ongoing, informal outreach will take place through educational efforts that may allow for future changes in the plan.

Implementation:

- Stormwater Management Plan posted to the County website.
- Public outreach during development of the River Road / Santa Clara Stormwater Basin Master plan included: Posting the document on the County website, advertising the document and the public comment period in the local newspaper, receiving and responding to public comment, meeting with neighborhood groups, and receiving public testimony.
- Stormwater outreach at public open house meetings associated with roadway improvement projects.
- Stormwater demonstration project incorporated into the extension of Jasper Road (Bob Straub Parkway).

Lane County will continue to implement components of this BMP as two new BMPs (BMP LC-PE4 – Website Development and BMP LC-PI2 – Advisory Committees).

Public Involvement (E):

BMP Public Outreach in the Springfield Area: For the **(E)** portion, Lane County will be involved with the City of Springfield's Open House meetings. Community members will be able to voice their concerns and provide input into the partnering aspects of the plan.

Implementation:

- Prior to permit issuance, Lane County attended and participated in two separate Open House meetings on January 16, 2004 and January 29, 2004.
- County staff attended the public Springfield City Council Work Session on November 23, 2009 during adoption of the IGA.

Lane County will discontinue this BMP in the next permit cycle as Springfield Open House meetings are not continuing. Public Outreach in the Springfield area will continue under BMPs PE2 & PE4.

Public Involvement (W&E):

BMP Public Notice: In both portions, Lane County will notify residence of upcoming changes in County codes and the County's efforts to partner with the surrounding cities to help unify NPDES permit requirements.

Implementation:

- Public notice given and public comment taken during the past permit cycle on the following:
  - Springfield Public Facilities and Services Plan
  - Adoption of the City of Springfield's Illicit Discharge Code within the UGB
  - Adoption of the City of Springfield's Erosion and Sediment Control Code within the UGB
  - Adoption of the Intergovernmental Agreement with the City of Springfield for NPDES Services
  - The River Road / Santa Clara Stormwater Basin Master Plan
  - Extension of the Intergovernmental Agreement with the City of Eugene for NPDES Services
  - Proposed modifications to Lane County's riparian rules and floodplain protections

Lane County will continue to implement this BMP in the next permit cycle.

BMP Roads Advisory Committee: Future Public Involvement can be obtained through our educational efforts and any future amendments will filter through our Roads Advisory Committee and addressed through a public hearing format.

Implementation:

- County staff met with the Roads Advisory Committee on a monthly basis and reviewed County stormwater programs and policies when relevant.

Lane County will continue to implement this BMP in the next permit cycle.

Public Involvement Assessment:

The Public Involvement Control Measure was supported by the following BMPs:

- BMP ED3 – Volunteer Activities and Natural Resource Protection
- BMP Public Outreach in the Eugene Area
- BMP Public Outreach in the Springfield Area
- BMP Public Notice
- BMP Roads Advisory Committee

As discussed in the implementation sections following each of the BMPs, significant progress has been made on all of the BMPs in this Minimum Control Measure.

Measurable goals for the Public Involvement Control Measure were not established in the previous SWMP.

Measurable Goals established in the annual reports included the following:

- Present the public with input and participation opportunities associated with major changes to the Stormwater Management Plan.
- Post the Stormwater Management Plan on the County website.
- Coordinate with the Watershed Councils to assist with citizen participation in stormwater activities.
- Determine possible additional public participation projects.

- Lane County will 'Rely on another Entity' and collaborate with the City of Springfield to implement the following BMP outlined within the City of Springfield Stormwater Management Plan: Public Involvement / Participation (Springfield BMP PI1) (City of Springfield, 2004 updated 2008).

As discussed in the annual monitoring reports, each of these measurable goals has been implemented and are ongoing.

Municipal Operations (W&E):

BMP ODOT Manual: For both the **(W)** and **(E)** portions, Lane County will implement an operation and maintenance program with a goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system. Lane County will adopt the Oregon Department of Transportation's Best Management Practices manual for routine road maintenance. Lane County has unofficially been using the ODOT manual for the last few years as a guide in reducing pollutants. The BMP manual will be amended to fit Lane County's internal structure but will for the most part mirror the ODOT manual. Lane County will also adopt two BMPs, associated with maintaining gravel roads and dust abatement of gravel roads that will become part of the Lane County BMP manual.

Implementation:

- Lane County adopted the ODOT BMPs into its "Routine Road Maintenance Manual" (Appendix C) including BMPs associated with maintaining gravel roads and dust abatement of gravel roads. The manual outlines guidance for implementing road maintenance with considerations for stormwater impacts.

Lane County will continue to implement this BMP in the next permit cycle.

BMP Employee Training: Ongoing training of new employees or changes to our operations will take place annually.

Implementation:

- County employees were trained on stormwater protection BMPs during the Road Maintenance Short School Training Event and at other training events conducted during the past permit cycle including, but not limited to:

  National Association of Counties (NACo) "Stormwater Runoff for Counties" Webinar, (November 2009)
  Underground Injection Control (UIC) Training, Kennedy-Jenks sponsored luncheon, (April 2010)
  APWA Spring Conference, 'Biofiltration Soil Media' Presentation (May 2010)
  Oregon Association of Clean Water Agencies "Stormwater Summit" (May 2010 & May 2011)
  Wetlands 2010 (May 2010)
  Trends in Ground-Water Sampling: A Comparison of Ground-Water Sampling Methods Webinar (May 2010)
  Watershed Treatment Model - A TMDL Tracking Tool (June 2010)

Lane County will continue to implement this BMP in the next permit cycle.

Municipal Operations Assessment:

The Municipal Operations Control Measure was supported by the following BMPs:

- BMP ODOT Manual
- BMP Employee Training

These BMPs have both been implemented as discussed in the implementation sections following each BMP.

Measurable goals for the Municipal Operations Control Measure included the following:

- Adopt the BMP manual
- Training of existing employees
- Ongoing training of new employees or changes to our operations will take place annually

Additional Measurable Goals established in the annual reports included the following:

- Review and update construction standard documents to reference appropriate BMPs for public projects
- Inspect public construction projects for BMP installation
- Provide Integrated Pest Management (IPM) workshop for County employees
- Create a handout of erosion and sediment control and stormwater BMPs to distribute to Public Works employees at training events

As discussed in the annual monitoring reports, each of these measurable goals has been implemented and are ongoing.

Chapter II: Illicit Discharge Detection and Elimination

Background:

This Chapter describes the Illicit Discharge Detection and Elimination program and the code requirements implemented to decrease discharges that are not composed entirely of stormwater.

Unlike the minimum measures in Chapter I, this measure will be treated uniformly for both of the **(W)** and **(E)** portions of Lane County.

Rationale:

Lane County elected to emulate the City of Eugene's existing Illicit Discharge Code, again as a way to help unify and standardize our efforts to a basin wide approach.

Responsible Party:

The Public Works Maintenance Planning Section was originally assigned as the responsible party. That responsibility has been reassigned to the Engineering and Construction Services Division of Public Works.

BMP Illicit Discharge Regulations:

The County will adopt regulations regarding Illicit Discharge similar to the City of Eugene's BMP, **MON 1 - Strengthening Enforcement for Illicit Connections and Illegal Dumping.**

Implementation:

- County adopted code similar to City of Eugene's Illicit Discharge regulations for application within the UGB.

- County adopted City of Springfield Illicit Discharge regulations by reference for application by the City of Springfield between the Springfield City Limits and the UGB.

Lane County will continue to implement this BMP in the next permit cycle by adopting City of Eugene Illicit Discharge regulations by reference for application by the City of Eugene between the Eugene City Limits and the UGB.

BMP IDDE Enforcement and Administration: The detection of Illicit Discharge will, for the most part, be handled by the maintenance operations and their field crews. Field crews will be trained in the requirements of the Illicit Discharge minimum measure and will typically be the first response for detection through routine maintenance activities or public complaint. Lane County's bi-weekly foreman's meetings will be used to train, discuss and develop strategies for specific instances.

Implementation:

- Lane County road maintenance crews responded to numerous public reports of illicit discharges and implemented containment and cleanup operations when needed.
- County executed an IGA with the City of Eugene in 2004 establishing partnership on the City's **Enforcement for Improper Discharges BMP** (then numbered BMP-M2
- County executed an IGA with the City of Springfield in 2009 establishing partnership on **Illicit Discharge Response and Enforcement** (BMP ID2)

Lane County will continue to implement this BMP through IGA's with the cities of Eugene and Springfield and through BMP Illicit Discharge Response.

BMP IDDE Response: If an illicit discharge occurs within the MS4 location, County maintenance employees will remove the debris or contract out to hazardous waste handlers if the debris is not easily recognizable to be non hazardous. If the responsible party can be identified, they will be billed for the cleanup and/or removal cost.

If an illicit connection is detected or founded based on public complaint, County crews will remain on site until correction of the problem is initiated. The responsible party will be required to correct the problem or be billed for expenses incurred by the County to correct the problem.

Implementation:

- Lane County responded to illicit discharge incidents throughout the permit cycle. In 2010, Lane County developed an incident report form and began maintaining a log of responses to illicit discharges.
- In 2006, Lane County organized and staffed the "Nuisance Abatement Program" to respond to reports of illegal dumping and nuisance property complaints. During the permit cycle, the program has cleaned up 1,116 illegal dump sites and has cleaned up six nuisance properties.

Lane County will continue to implement this BMP in the next permit cycle through IGA's with the Cities of Eugene and Springfield.

BMP Mapping - Lane County will partner with the City of Eugene, in regards to their River Road/Santa Clara Stormwater Basin Master Plan study, and partner with the City of Springfield in, regards to their Stormwater Facility Master Plan. These plans, along with Lane County's ongoing mapping efforts, will provide a storm sewer system map to be used in facilitating any illicit discharge detection.

Implementation:

- The River Road/Santa Clara Stormwater Basin Plan has been completed.
- The Springfield Stormwater Facility Master Plan has been completed.

Lane County will pursue additional mapping goals in the next permit cycle.

BMP Training of Staff – Staff training relating to Illicit Discharge Detection & Elimination and upgrading of various information management systems will be ongoing and develop over the permit life.

Implementation:

- County employees were trained on Illicit Discharge Detection & Elimination during the Road Maintenance Short School Training Event and at other training events conducted during the past permit cycle including, but not limited to:
  - Oregon Association of Clean Water Agencies "Stormwater Summit" (May 2010, May 2011).
  - APWA Stormwater Summit (August 2010)

Lane County will continue to implement this BMP in the next permit cycle.

Illicit Discharge Assessment:

The Illicit Discharge Control Measure was supported by the following BMPs:

- BMP IDDE Regulations
- BMP IDDE Enforcement and Administration:
- BMP IDDE Response
- BMP Mapping
- BMP Training to Staff

These BMPs have been implemented as discussed in the implementation sections following each BMP.

Measurable goals for the Illicit Discharge Control Measure included the following:

- Lane County will attempt to adopt an Illicit Discharge code
- Mapping of the basin
- Ongoing training of staff
- Upgrading of various information management systems.

Additional Measurable Goals established in the annual reports included the following:

- Lane County will 'Rely on another Entity' and collaborate with the City of Eugene to implement the two following BMPs characterized within the City of Eugene Stormwater Management Plan: 1) Enforcement for

Illicit Discharges (Eugene BMP M1) and 2) Systematic Field Investigation for Improper Discharges (Eugene BMP M7) (City of Eugene, 1993, revised 2005).

- Lane County will 'Rely on another Entity' and collaborate with the City of Springfield to implement the following BMPs outlined within the City of Springfield Stormwater Management Plan: 1) Illicit Discharges Reporting Hotline and Tracking System (Springfield BMP ID1), 2) Illicit Discharge Response and Enforcement (Springfield BMP ID2), 3) Outfall Inventory and Mapping (Springfield BMP ID3), and 4) Water Quality Monitoring for Illicit Discharge (Springfield BMP ID4) (City of Springfield, 2004, updated 2008) .
- Lane County Construction and Engineering Services and Waste Management Divisions will continue to distribute educational materials during the course of normal inspection duties, in addition to investigating complaints and referring hazardous material release incidents to DEQ.
- Continue storm drain system mapping and inventory efforts within the permit boundary and upgrade various illicit discharge information management systems. Mapping efforts will identify all outfalls and names of water bodies that receive discharges from those outfalls.

As discussed in the annual monitoring reports, each of these measurable goals has been implemented and are ongoing.

Chapter III: Construction Stormwater / Post-Construction Stormwater Runoff

Background:

This chapter covers the two remaining minimum measures, Construction Site Stormwater Runoff, and Post-Construction Stormwater Runoff. These two measures require programs to be developed when construction activities disturb one acre or more of land or when land disturbance is less than one acre but part of a larger common plan of development.

In regards to compliance of these two measures, Lane County has existing agreements with both the City's of Eugene and Springfield, that delegate authority for regulating construction activities within the Eugene-Springfield urban growth Boundary. Therefore, any construction activity of this magnitude requires permits from the respective City and would fall under that City's building land use codes.

BMP Erosion & Sediment Control - Lane County will partner with the Cities of Eugene & Springfield to implement city Erosion & Sediment Control programs within the Urban Growth Boundary

Implementation:

- County adopted the City of Eugene's Erosion & Sediment Control Regulations to be applied within the City of Eugene UGB by the City of Eugene.
- County executed an IGA with the City of Eugene establishing partnership on the City's **Erosion Prevention & Construction Site Management Program** (BMP E2).
- City of Eugene began processing permits for developments within the County regulated area in accordance with applicable City regulations.
- County adopted the City of Springfield's Erosion & Sediment Control Regulations to be applied within the City of Springfield UGB by the City of Springfield.
- County executed an IGA with the City of Springfield establishing partnership on the City's **Erosion and Sediment Control Regulations BMP** (BMP CSW1).

- City of Springfield began processing permits for developments within the County regulated area in accordance with applicable City regulations.

Lane County will continue to implement this BMP in the next permit cycle.

BMP Develop Comprehensive Basin Plans - Lane County will partner with the City of Eugene, in regards to their River Road/Santa Clara Stormwater Basin Master Plan study, and partner with the City of Springfield in, regards to their Stormwater Facility Master Plan. These plans, along with Lane County's ongoing mapping efforts, will provide strategies for long-term management of post-construction stormwater.

Implementation:

- The River Road/Santa Clara Stormwater Basin Plan has been completed.
- The Springfield Stormwater Facility Master Plan has been completed.

This BMP has been implemented. Lane County will pursue additional post-construction BMPs in the next permit cycle.

Construction Stormwater Assessment:

The Construction Stormwater Control Measure was supported by the following BMP:

- BMP Erosion & Sediment Control

This BMP has been implemented as discussed in the implementation sections following each BMP.

Measurable goals for the Construction Stormwater Control Measure were not established in the previous SWMP.

Measurable Goals established in the annual reports included the following:

- Lane County will 'Rely on another Entity' and collaborate with the City of Eugene to implement the following BMP characterized within the City of Eugene Stormwater Management Plan: 1) Erosion Prevention & Construction Site Management Program (Eugene BMP E2) characterized within the City of Eugene Stormwater Management Plan (City of Eugene, 1993, revised 2005).
- Lane County will 'Rely on another Entity' and collaborate with the City of Springfield to implement the following BMP outlined within the City of Springfield Stormwater Management Plan: 1) Erosion and Sediment Control Regulations (Springfield BMP CSW1) outlined within the City of Springfield Stormwater Management Plan (City of Springfield, 2004, updated 2008).
- Create a handout of Erosion and Sediment Control BMPs to distribute at Lane County Division office lobbies.

As discussed in the annual monitoring reports, each of these measurable goals has been implemented and are ongoing.

Post-Construction Stormwater Assessment:

The Construction Stormwater Control Measure was supported by the following BMPs:

- BMP Erosion & Sediment Control
- BMP Develop Comprehensive Basin Plans

These BMPs have been implemented as discussed in the implementation sections following each BMP.

Measurable goals for the Construction Stormwater Control Measure were not established in the previous SWMP.

Measurable Goals established in the annual reports included the following:

- Lane County will 'Rely on another Entity' and collaborate with the City of Eugene to implement the following BMP characterized within the City of Eugene Stormwater Management Plan: 1) Stormwater Basin Master Plans (Eugene BMP E1) characterized within the City of Eugene Stormwater Management Plan (City of Eugene, 1993, revised 2005).
- Lane County will 'Rely on another Entity' and collaborate with the City of Springfield to implement the following BMP outlined within the City of Springfield Stormwater Management Plan: 1) Stormwater Facilities Master Plan (Springfield BMP DS3) (City of Springfield, 2004, updated 2008).
- Display stormwater management educational materials in Lane County Division office lobbies.

As discussed in the annual monitoring reports, each of these measurable goals has been implemented and are ongoing.

Lane County

Stormwater Management Plan (SWMP)

Proposed Revisions

Permit Number: 102895
File No. 113606

Prepared as Part of the Renewal Application for Lane County's NPDES Phase II Permit

June, 2011

Table of Contents

Appendices

I. Introduction

This document contains proposed revisions to Lane County's Stormwater Management Plan (SWMP) to be considered as part of the renewal application of Lane County's NPDES Phase II permit. The Best Management Practices (BMPs) and programs outlined in this Stormwater Management Plan are designed to implement the requirements of the federal Clean Water Act, Oregon Administrative Rules regarding the protection of water quality, and the County's National Pollutant Discharge Elimination Program (NPDES) Phase II Permit (Permit Number:102895).

i. Framework

Lane County proposes to reorganize the SWMP into chapters aligned with the six minimum control measures outlined in the permit:

1. Public Education and Outreach on Stormwater Impacts
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management in New Development and Redevelopment
6. Pollution Prevention in Municipal Operations

Following the format of Lane County's previous SWMP, the breakdown of each chapter is separated into sections West (**W**) and East (**E**), as they relate to coordination between the Cities of Eugene (**W**) and Springfield (**E**), and by County BMPs and programs applied in both coverage areas (**W&E**).

For each minimum control measure, the following information is provided:

- The structural and non-structural best management practices (BMPs) that Lane County or another entity will implement to address the control measure in moving forward with the current SWMP.
- The person or persons responsible for implementing or coordinating the BMPs.
- The rationale for how and why Lane County selected each of the BMPs and measurable goals.
- The measurable goals for each of the BMPs including, as appropriate, the implementation schedule in which Lane County or another entity will undertake required actions, including interim milestones and the frequency of the action.
- Tracking measures to be used for measuring progress of BMP implementation.

An additional chapter is included to summarize Adaptive Management proposed for evaluating BMPs and associated measurable goals throughout the permit cycle to ensure implementation to the Maximum Extent Practicable (MEP).

ii. Background

Lane County applied for a NPDES Phase II Permit on March 20, 2003 (Application No. 982299), and received its first permit on January 25, 2007 (Permit Number: 102895). That permit will expire on December 31, 2011. The SWMP revisions proposed in this document have been prepared for inclusion in Lane County's renewal application package.

Lane County is required to develop and implement a Stormwater Management Plan in accordance with its NPDES Phase II Permit to address stormwater discharges to the Municipal Separate Stormwater Sewer System (MS4) within

the census defined Urbanized Area (UA) that is geographically defined as the area between the city limits of Eugene and Springfield and the Eugene-Springfield Urban Growth Boundary (UGB).

Lane County's original SWMP was developed for its NPDES Phase II Permit application in 2003. The goal of the original SWMP was to use a basin-wide approach to meet the requirements of the Phase II permit by partnering with the adjoining Cities of Eugene and Springfield utilizing the "Rely on Another Entity" option available under the Phase II permit. The intent of this approach was to help standardize some of the various agency regulations for meeting the requirements of the NPDES permits in both the Phase I and Phase II communities and to reduce the need for duplicate programs between the County and the Cities. Lane County plans to continue this approach through its second permit cycle as outlined in these proposed revisions to be considered during the permitting renewal process.

Lane County and the City of Eugene entered into an Intergovernmental Agreement (IGA) for NPDES Services on May 21, 2004. That IGA was amended four times between 2004 and 2011 and is now due to expire on November 30, 2011. Lane County and the City of Eugene are currently working on a new IGA to establish new service agreements and align BMPs with the City's new SWMP. The current City of Eugene IGA is included in Appendix A.

Lane County and the City of Springfield entered into an Intergovernmental Agreement for NPDES Services on July 30, 2010. That agreement will expire on July 30, 2013, but may need to be amended prior to this date to reflect changes in the new NPDES Phase II permits forthcoming for Lane County and the City of Springfield. The current City of Springfield IGA is included in Appendix B.

iii. Conditions

The Best Management Practices (BMPs) and programs outlined in this Stormwater Management Plan are designed to reduce the discharge of pollutants from the municipal stormwater system to the federal standard of "*Maximum Extent Practicable*" (MEP). One component for assessing compliance in meeting this standard is the *availability of program resources*. Lane County's stormwater management programs are currently funded primarily through the County Road Fund which is facing considerable shortfalls in the upcoming permit cycle. County road funds must be used for roads related purposes in accordance with Oregon Revised Statutes Section 368.705. Lane County will be able to implement this Stormwater Management Plan to the extent that program resources are available. If Lane County's Stormwater Management programs are impacted by reductions in program resources, Lane County will need to prioritize the implementation of BMPs and programs through adaptive management.

Lane County is currently negotiating a new Intergovernmental Agreement for NPDES Services with the City of Eugene. The Best Management Practices (BMPs) and programs outlined in this Stormwater Management Plan for partnership with the City of Eugene are contingent on the terms of negotiation of this IGA. If the final terms of this IGA are substantially different than the draft IGA included in Appendix A, the BMPs and programs listed in this document may require revisions to reflect the final terms of the agreement.

1. Control Measure 1: Public Education and Outreach on Stormwater Impacts

Background

Lane County's Stormwater Education & Outreach Program is intended to increase public awareness about the impacts of stormwater discharges on water bodies and the steps that citizens can take to reduce pollutants in stormwater runoff. The program utilizes a variety of methods to promote its messages including: the dissemination of educational materials, school workshops, and other outreach activities such as staffing educational booths at major events. The program relies on partner City programs at the City of Eugene and the City of Springfield to carry out many of the education and outreach goals and objectives.

Lane County will partner with the City of Eugene on the following BMP for public education and outreach in the West (W) portion of the regulated area:

BMP A1 – Stormwater Education

Lane County will partner with the City of Springfield on the following BMPs for public education and outreach in the East (E) portion of the regulated area:

BMP PE2 – Outreach Efforts with Regional Partners
BMP PE3 – Stormwater Education School Workshops
BMP PE4 – Stormwater Educational Portfolios

Lane County will implement the following BMPs in both portions of the regulated area (W&E) utilizing internal Lane County programs:

BMP LC-PE1 – Storm Drain Marking Program
BMP LC-PE2 – Household Hazardous Waste Program
BMP LC-PE3 – Pet Waste Education Program
BMP LC-PE4 – Website Development

1.1. Public Education and Outreach (W)

BMP A1 – Stormwater Education

Lane County will partner with the City of Eugene to plan, develop, implement, and revise as necessary, programs to provide stormwater information and education to homeowners, school children, agency staff, and the general public, about the impacts to stormwater quality and natural resource values from both point and non-point sources of pollution, and to educate professional, commercial, and industrial businesses about Best Management Practices that can help prevent and reduce stormwater quality impacts to the public stormwater system and local receiving waters.

Rationale:

Lane County partners with the City of Eugene for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Eugene's Stormwater Education BMP A1. The purpose of this BMP is to inform the public, the commercial/industrial sector, and in-house personnel about the sources and causes of stormwater pollution and its effect on the local receiving waters, in order to encourage active involvement (e.g. behavioral changes, volunteerism, etc.) in the effort to reduce pollution.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Eugene.

Implementation:
See draft City of Eugene IGA in Appendix A and associated BMP Factsheet.

BMP PE2 – Outreach Efforts with Regional Partners
Lane County will partner with the City of Springfield to support selected local and regional partnerships with organizations and jurisdictions that present well-organized and effective stormwater-related educational outreach programs. Support may include financial contributions, participation on committees, staff time for projects, and freely sharing informational materials for use by partners.

Rationale:
Lane County relies on the City of Springfield for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Springfield's Outreach Efforts with Regional Partners BMP PE2. The purpose of this BMP is to enhance open exchange of proven ideas and strategies, and to enhance efficiency and cost-effectiveness of public outreach efforts. One of the current and ongoing partnership is the is the "Stormwater Special Ops" group which focuses on public education and outreach activities targeted at reducing discharges from activities such as charitable car washes, pressure washing, landscaping, etc. Lane County will continue partnering with the City of Springfield on activities through this group and other regional groups such as the Pollution Prevention Coalition (P2C).

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

BMP PE3 – Stormwater Education School Workshops
Lane County will partner with the City of Springfield to provide education classroom presentations on the sources and impacts of stormwater quality pollution.

Rationale:
Lane County relies on the City of Springfield for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Springfield's Stormwater Education School Workshops BMP PE3. The purpose of this BMP is to provide engaging stormwater education in the schools that will include participatory games, educational videos, and exercises that include an overview of the stormwater drainage system in relation to other systems (wastewater, drinking water) and that stress the importance of citizens' household activities in fighting stormwater pollution.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

BMP PE4 – Stormwater Educational Portfolios
Lane County will partner with the City of Springfield to maintain and disseminate a broad range of portfolios to be used in educating the public and providing options or alternative behaviors that do not adversely affect the environment. The portfolios include handouts and brochures on a wide variety of household and construction BMPs,

including concrete cleanout, car washing, restaurant and business stormwater BMPs, pet waste disposal, and more, addressing situations which are relatively frequently observed. Several of the brochures have been translated into Spanish.

Rationale:
The purpose of this BMP is to assist with educating and informing the public to influence behavioral changes regarding common activities that adversely impact stormwater quality.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

1.2. Public Education and Outreach (W&E)

BMP LC-PE1 – Storm Drain Marking Program

For both (W) and (E) portions, Lane County will continue to implement its Storm Drain Marking Program to help educate the general public on the awareness of were runoff water actually goes. Lane County uses markers with a river symbol and the words "Drain to River" for inlets that drain eventually into waterways.

Rationale:
This labeling program is designed to raise public awareness on the connection between storm drain inlets and streams/groundwater and to influence behavior to reduce illicit discharges.

Responsible Party:
Lane County Public Works / Road Maintenance Division

Measureable Goals:
- Continue to increase number of marked inlets throughout Lane County.
- Replace markers as necessary where needed.

Tracking Measures:
- Number of markers installed or replaced.
- Incorporate questions on awareness of markers on public education surveys to determine effectiveness.

Implementation:
Lane County will inventory existing markers by Year 2, will replace markers where necessary by Year 3, and add new markers as inlets are built in successive years. A baseline public education survey will be conducted in Year 1. A follow-up effectiveness survey will be conducted in Year 4.

BMP LC-PE2 – Household Hazardous Waste Program

For both (W) and (E) portions, Lane County's Waste Management Division will offer programs to encourage residents to safely dispose of household hazardous waste. Ongoing collection takes place at the Glenwood Central Receiving Station, offering safe disposal of household hazardous waste (HHW) year-round free of charge to the public. Rural collection events take place at different times of the year, in cooperation with various agencies and watershed councils, in various locations around the County. The program offers training to hazardous waste handlers and promotes public awareness of household hazardous waste reduction and disposal through various media and staffing at public events.

Rationale:
Household wastes such as paints, cleaners, used motor oil, and hobby chemicals, are commonly hazardous and toxic in nature. When disposed in the storm drain, these chemicals can end up in local water bodies or groundwater. Lane County's Household Hazardous Waste Programs reduces this threat to the environment by offering free, convenient, and safe disposal of common hazardous household wastes.

Responsible Party:
Lane County Public Works / Waste Management Division

Measureable Goals:
- Continue household toxic collection publicity and events.
- Provide training for County hazardous waste handlers within the permitted area.
- Promote education and outreach regarding on safe disposal of wastes.
- Maintain the Lane County Waste Management Division Website. (WWW.lanecounty.org/Departments/PW/WMD)

Tracking Measures:
- Annual amount of household hazardous waste collected at Lane County transfer stations, Business Collections, and Household Toxics Roundups.
- Number of training events conducted for hazardous waste handlers.
- Number of events with educational booths staffed by Lane County employees.
- Number of recycling and HHW brochures published and disseminated annually (including numbers on bilingual materials).
- Number of advertisements issued through various media.
- Usage tracking of the Waste Management Division website.

Implementation:
Lane County Waste Management Division will conduct three Household Hazardous Waste Roundups per year and three Master Recycler Classes per year. Hazardous waste handlers will be provided with initial training and annual refresher training. Newspaper and radio advertisements will be produced in each permit year.

BMP LC-PE3 – Pet Waste Education Program
For both (W) and (E) portions, Lane County's Parks Division will provide pet waste education and disposal stations at County parks and recreation facilities within the permit boundary.

Rationale:
Pet waste, if not properly disposed, can be a significant nonpoint source of bacterial stormwater pollution. Pet waste contains harmful bacteria such as E. Coli and fecal coliform, which can cause disease in humans. According to the EPA, a single gram of pet waste contains an average of 23 million fecal coliform bacteria. Many of the waterways in Lane County's regulated stormwater area are federally listed as impaired for bacteria. Lane County's Pet Waste Education Program is designed to reduce this threat to stormwater by encouraging proper disposal of pet waste through education, pet waste stations, and regulation.

Responsible Party:
Lane County Public Works / Parks Division

Measureable Goals:
- Continue and seek ways to expand use of pet waste stations in Lane County's parks and recreation areas.
- Promote education to the public about the threat of pet waste to the area's water bodies through various educational programs and media.

Tracking Measures:

- Number of pet waste stations regularly serviced by Lane County.
- Number of signs posted at County parks and recreation areas.
- Distribution of educational materials emphasizing the importance of proper disposal of pet waste.
- Number of events staffed with educational booths.
- Survey to track public awareness and education effectiveness.

Implementation:

Number of pet waste stations and signage will be inventoried by Year 1. Opportunities to expand pet waste collection and signage at County parks will be investigated in subsequent years. A baseline public education survey will be conducted in Year 1. A follow-up effectiveness survey will be conducted in Year 4. Pet waste educational materials will be updated in Year 2 and distributed in subsequent years. Employees will staff at an educational booth at public events, minimum 1 event per year.

BMP LC-PE4 – Stormwater Website Development

Lane County will develop and maintain a Stormwater Website to assist in stormwater education and public outreach. The website will contain information about the County's stormwater programs and targeted information on actions that citizens can take to reduce water quality problems specific to Lane County.

Rationale:

With the awareness that people are getting more of their information and news from the internet, Lane County will make use of this cost-effective media for disseminating messages on stormwater protection. Through the website, Lane County will publish the most current information on the County's stormwater programs, post links to brochures previously available only in print, and create surveys to gauge interest and knowledge of stormwater protection.

Responsible Party:

Lane County Public Works / Waste Management Division, Environmental Services Section

Measureable Goals:

- Develop an informative an engaging stormwater website.
- Convey information on water quality threats specific to Lane County.
- Post targeted educational brochures/messages to address specific water quality threats.
- Increase public knowledge on the County's stormwater programs and actions that citizens can take to positively impact water quality.

Tracking Measures:

- Publishing date of website and updates.
- Informational links and materials posted.
- Target educational brochures/messages posted.
- Surveys posted and number of responses.
- Website activity figures.

Implementation:

Stormwater website will be published by Year 1 and updated at least annually thereafter with content targeted and adjusted in accordance with results of surveys and adaptive management assessments.

2. Control Measure 2: Public Involvement/Participation

Background
Lane County's Public Involvement & Participation Program is intended to provide opportunities for members of the public to participate in program development and implementation of Lane County's stormwater management programs. As with the Education & Outreach program, one of the underlying goals is to increase public awareness about the impacts of stormwater discharges on water bodies and the steps that citizens can take to reduce pollutants in stormwater runoff. The program utilizes a variety of methods to promote public involvement including public workshops with elected officials, hearings and testimonies, advisory councils, and partnerships with the City of Eugene and the City of Springfield to carry out the public involvement and participation goals and objectives.

Lane County will partner with the City of Eugene on the following BMP for public education and outreach in the West (W) portion of the regulated area:

BMP P1 – Educational Volunteer Program

Lane County will partner with the City of Springfield on the following BMP for public education and outreach in the East (E) portion of the regulated area:

BMP PI1 – Public Involvement / Participation

Lane County will implement the following BMPs in both portions of the regulated area (W&E) utilizing internal Lane County programs:

BMP LC-PI1 – Coordination with Watershed Councils
BMP LC-PI2 – Advisory Committees
BMP LC-PI3 – Public Notice

2.1. Public Involvement & Participation (W)

BMP P1 – Educational Volunteer Program
Lane County will partner with the City of Eugene to help manage and support the City's Stream Team volunteer program and other community volunteer programs that promote stormwater education.

Rationale:
Lane County relies on the City of Eugene for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Eugene's Educational Volunteer Program BMP P1. The purpose of this BMP is to provide opportunities to involve citizens of all ages and socio-economic backgrounds in meaningful, hands-on and educationally oriented stormwater related projects. Such projects are aimed at providing both physical benefits and participant awareness related to protecting stormwater quality, fostering citizen stewardship of water resources, promoting the use of native-vegetation, and enhancing fish and wildlife habitat within the local urban watershed. Several of the creeks and streams in the River Road / Santa Clara Basin cross back and forth between City and County jurisdictions. Partnering on volunteer programs in this stormwater basin can involve both City and County residents and improve awareness of stormwater quality irrespective of jurisdictional boundaries.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Eugene.

Implementation:
See draft City of Eugene IGA in Appendix A and associated BMP Factsheet.

2.2. Public Involvement & Participation (E)

BMP PI1 – Public Involvement / Participation
Lane County will partner with the City of Springfield to provide opportunities for public involvement and input in the development and implementation of the City's Stormwater Plan.

Rationale:
Lane County relies on the City of Springfield for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Springfield's Public Involvement / Participation BMP PI1. The purpose of this BMP is to provide opportunities for public involvement and input in the development and implementation of the City's Stormwater Plan.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

2.3. Public Involvement & Participation (W&E)

BMP LC-PI1 – Coordination with Watershed Councils
Lane County will coordinate with regional Watershed Councils to assist with participation in stormwater activities.

Rationale:
Watershed councils share common goals for improving water quality and promoting public involvement and participation. Involvement with the watershed councils enhances Lane County's ability to leverage limited resources to promote stormwater education, to develop water quality improvement projects, and to network with other agencies working on similar and related projects.

Responsible Party:
Lane County Public Works / Waste Management Division, Environmental Services Section

Measureable Goals:
- Regularly attend and participate in regional watershed council meetings
- Develop water quality improvement projects in concert with regional watershed councils
- Inform watershed councils on development projects within Lane County

Tracking Measures:
- Tracking of staff hours using "watershed council coordination" activity code
- Number of Lane County Planning Department development referrals noticed to watershed councils

Implementation:
Lane County staff will attend at least four watershed council meetings annually, minimum one per each council (McKenzie, Middle Fork Willamette, and Coast Fork Willamette) and will participate in council projects as staff resources are available.

BMP LC-PI2 – Advisory Committees
Lane County will coordinate as appropriate with the Roads Advisory Committee to present changes to the SWMP and to communicate periodically on stormwater related topics. Other County advisory committees are briefed as appropriate where relationships exist to the County's stormwater programs.

Rationale:
The Roads Advisory Committee (RAC) is a non-mandated committee that reviews road improvement needs; develops a Capital Improvement Program; reviews and provides recommendations for long-range planning for future transportation needs, including alternative transportation modes and makes recommendations to the Board of Commissioners. The seven member committee consists of one member from each Commissioner's voting district to serve the same term of office as the Commissioner making the appointment, plus two at-large members. Because most of Lane County's stormwater programs are currently funded through the County Road Fund, this public advisory committee is used as appropriate to review changes to the County's stormwater programs when it impacts County roads.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division

Measureable Goals:
- Discuss major modifications to the County's stormwater programs with the RAC when impacting County roads.
- Discuss stormwater funding through the County's Phase 1 Stormwater Utility Feasibility Study

Tracking Measures:
- Dates and minutes of RAC meetings involving stormwater discussions

Implementation:
Utilize the RAC in each permit year as appropriate to review significant changes to the County's stormwater programs.

BMP LC-PI3 – Public Notice
Lane County will notify residences of upcoming changes in County codes and the County's efforts to partner with the surrounding cities to help unify NPDES permit requirements.

Rationale:
Lane County is considering changes in County codes relating to regulation of stormwater and continuing discussion with the Board of Commissioners regarding the funding of stormwater programs. Public notice will play an important role in raising awareness and generating public involvement on these issues.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division

Measureable Goals:
- Provide public notice through the County website and/or newspaper advertisements on upcoming changes in County codes and other stormwater related programs.
- Provide opportunities to the public to give public testimony on stormwater issues.

Tracking Measures:

- Dates of notices
- Dates of public stormwater discussions

Implementation:

Public notice will be given through the County website for all upcoming changes in County codes related to stormwater. Prior to adopting new code, a minimum of two readings and a public hearing will be held. Additional public notices will be advertised relating to specific programs/projects (e.g. stormwater development standards, UIC decommissioning, and stormwater funding) as projects develop.

3. Control Measure 3: Illicit Discharge Detection and Elimination

Background

Lane County's Illicit Discharge Detection and Elimination (IDDE) Program is intended to cultivate programs and policies to detect and eliminate illicit discharges, including illegal dumping; to develop storm system maps to improve response actions to detect illicit discharges and spills; and to effectively prohibit, through ordinance, or other regulatory mechanisms, non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions. The program is also designed to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste, and to develop processes to respond to and document complaints relating to illicit discharges. The program utilizes Lane County internal programs and partnerships with the City of Eugene and the City of Springfield to carry out the County's IDDE goals and objectives. Within the East (E) portion of the regulated area, Lane County has adopted the City of Springfield's illicit discharge regulations into County Code for enforcement by the City on County areas located within the Springfield UGB. The West (W) portion of the regulated area is currently covered by a Lane County illicit discharge ordinance. However, Lane County plans to transfer authority for enforcement of illicit discharges to the City of Eugene, by adopting the City of Eugene's illicit discharge regulations into County Code for enforcement by the City on County areas located within the Eugene UGB.

Lane County will partner with the City of Eugene on the following BMP for public education and outreach in the West (W) portion of the regulated area:

BMP M1 – Management of Illicit Discharges to the Municipal SW System
BMP M2 – Spill Response

Lane County will partner with the City of Springfield on the following BMP for public education and outreach in the East (E) portion of the regulated area:

BMP ID1 – Illicit Discharge Reporting Hotline and Tracking System
BMP ID2 – Illicit Discharge Response and Enforcement
BMP ID3 – Outfall Inventory and Mapping

Lane County will implement the following BMPs in both portions of the regulated area (W&E) utilizing internal Lane County programs:

BMP LC-ID1 – Illicit Discharge Response
BMP LC-ID2 – Nuisance Abatement Program
BMP LC-ID3 – Storm Drain Mapping & GIS Database
BMP LC-ID4 – Staff Training

3.1. Illicit Discharge Detection and Elimination (W)

BMP M1 – Management of Illicit Discharges to the Municipal SW System

Lane County will partner with the City of Eugene to discourage and reduce improper discharges into the stormwater system through operation of a stormwater discharge compliance enforcement program. The primary goals of this program are to protect the quality of the receiving waters of the municipal stormwater system and to ensure that discharges to the stormwater system are in compliance with local, state, and federal regulations to the maximum extent practicable.

Rationale:

Lane County relies on the City of Eugene for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Eugene's Management of Illicit Discharges to the Municipal SW System BMP M1. The purpose of this BMP is to inspect stormwater outfalls to identify illicit discharges, as well as track outfalls added or removed from the stormwater system; to use field investigation techniques to identify illegal connections, cross connections with the wastewater system and failures in the pipe system; and to implement enforcement where necessary to prohibit improper connections and illegal discharges. Lane County has adopted the City of Eugene's Illicit Discharge code for to be applied and administered within the City of Eugene portion of the UGB area by the City. The applicable section of Lane Code is contained in Appendix G.

Responsible Party:

Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Eugene.

Implementation:

See draft City of Eugene IGA in Appendix A and associated BMP Factsheet.

BMP M2 – Spill Response

Lane County will partner with the City of Eugene to maintain an on-call team trained in spill response procedures involving environmentally hazardous materials and a vehicle equipped for such spill mitigation, and to coordinate efforts with other local response teams such as the City of Eugene Fire and Police Departments and state agencies.

Rationale:

Lane County relies on the City of Eugene for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Eugene's Spill Response BMP M2. The purpose of this BMP is to maintain qualified staff on-call to respond to spills in the regulated area, to maintain an inventory of equipment and supplies necessary to mitigate improper discharges to the municipal stormwater system, and to foster coordination between other spill response agencies.

Responsible Party:

Lane County Public Works / Road Maintenance Division and Waste Management Division, Environmental Services Section in partnership with the City of Eugene.

Implementation:

See draft City of Eugene IGA in Appendix A and associated BMP Factsheet.

3.2. Illicit Discharge Detection and Elimination (E)

BMP ID1 – Illicit Discharge Reporting Hotline and Tracking System

Lane County will partner with the City of Springfield to implement a Reporting Hotline and Tracking system to receive complaints/reports of illicit discharges or spills, and maintain a tracking system documenting complaints/incidents and follow-up actions taken.

Rationale:

Lane County relies on the City of Springfield for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Springfield's Illicit Discharge Reporting Hotline and Tracking System BMP ID1. The purpose of this BMP is to create a communication framework for receiving and responding to illicit discharge reports.

Responsible Party:

Lane County Public Works / Road Maintenance Division and Waste Management Division, Environmental Services Section in partnership with the City of Springfield.

Implementation:

See City of Springfield IGA in Appendix B and associated BMP Factsheet.

BMP ID2 – Illicit Discharge Response and Enforcement

Lane County will partner with the City of Springfield to respond to stormwater polluting incidents with trained staff, necessary equipment, and improved enforcement authority.

Rationale:

Lane County relies on the City of Springfield for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Springfield's Illicit Discharge Response and Enforcement BMP ID2. The purpose of this BMP is to development and implement Standard Operating Procedures (SOP's) that the City will use in order to respond to complaints/reports of illicit discharges or spills in a most efficient and effective manner, and to coordinate and augment the City's complaint response among the Public Works, Police, and Fire and Life Safety Departments. Goals of the SOP's are:

1) Respond quickly and efficiently to citizens' pollution incident complaints and reports of dumping or spills;
2) Ensure that all incidents are handled by appropriately trained staff or contractors;
3) Respond to both the citizens who report incidents, and those who are responsible for the incidents;
4) Ensure that the significant aspects of all incidents are well documented; and
5) Avoid "double staffing" of incidents through efficient coordination of appropriate staff.

Responsible Party:

Lane County Public Works / Road Maintenance Division and Waste Management Division, Environmental Services Section in partnership with the City of Springfield.

Implementation:

See City of Springfield IGA in Appendix B and associated BMP Factsheet.

BMP ID3 – Outfall Inventory and Mapping

Lane County will partner with the City of Springfield to continue inventories of mapped outfalls to the stormwater drainage system and maintain an accurate outfall database.

Rationale:
Lane County relies on the City of Springfield for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Springfield's Outfall Inventory Mapping BMP ID3. The purpose of this BMP is to maintain an up to date GIS mapping layer of the public stormwater drainage system, to include new development and redevelopment, in order to assist with tracking illicit discharges back to sources and to aid in spill containment planning.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

3.3. Illicit Discharge Detection and Elimination (W&E)

BMP LC-ID1 – Illicit Discharge Response
Outside of the Urban Growth Boundary, or where assistance is requested by the Cities of Eugene and Springfield, Lane County will respond to reports of illicit discharges utilizing appropriate Public Works staff and will take enforcement actions and/or carry out cleanup operations as necessary or appropriate to prevent pollution from entering the public storm drainage system.

Rationale:
Lane County maintains thousands of acres of street right-of-way and other county property where spills and other illicit discharges frequently occur. Citizens can call the Public Works department 24 hours/day to report incidents. Public Works must be appropriately staffed and equipped to respond to incidents in order to prevent pollutants from entering the public storm drainage system.

Responsible Party:
Lane County Public Works / Road Maintenance Division and Waste Management Division, Environmental Services Section.

Measureable Goals:
- Maintain a 24-hour phone line for public reporting of illicit discharges.
- Maintain spill response materials in the Public Works Spill Trailer and in other spill response kit.
- Respond to reports of illicit discharges and follow up with appropriate enforcement, reporting, and/or containment/clean-up operations.

Tracking Measures:
- Regular inspections of materials in spill trailer and other spill response kits.
- Tracking of reports of illicit discharges and actions taken.

Implementation:
Inventory spill response materials in Year 1. Semi-annual inspections of materials on-hand and reorder as needed. Ongoing spill response and documentation of incidents.

BMP LC-ID2 – Nuisance Abatement Program

Lane County will maintain a Nuisance Abatement Program to respond to reports of illegal dumping and nuisance properties.

Rationale:

Lane County maintains a hotline and staffing at the Waste Management Division to respond to reports of illegal dumping and nuisance properties. These dump sites commonly contain hazardous materials which need to be cleaned up appropriately to prevent pollution from entering the public storm drainage system.

Responsible Party:

Lane County Public Works / Waste Management Division

Measureable Goals:

- Maintain a nuisance abatement hotline for reporting of illegal dump sites.
- Maintain spill response materials at the Waste Management Division.
- Respond to reports of illicit discharges and follow up with appropriate enforcement, reporting, and/or containment/clean-up operations.

Tracking Measures:

- Regular inspections of spill response kits.
- Tracking of reports of illicit discharges and actions taken.

Implementation:

Inventory spill response materials in Year 1. Semi-annual inspections of materials on-hand and reorder as needed. Ongoing spill response and documentation of incidents.

BMP LC-ID3 – Storm Drain Mapping & GIS Database

Lane County will continue to coordinate on regional GIS committees and collaborate with local municipalities on GIS data development.

Rationale:

Regional GIS databases can aid in targeting outfalls with dry weather flows and other suspicious discharges for more in-depth inspection and monitoring and will help coordinate management activities to remove illicit connections and track storm drain system maintenance.

Responsible Party:

Lane County Public Works / Transportation Planning Division

Measureable Goals:

- Continue involvement in regional GIS committees that manage regional GIS geodatabases.

Tracking Measures:

- Number of committee meetings attended annually.
- Review and maintenance of Lane County's GIS database will be documented.

Implementation:

Maintain coordination and data sharing with regional municipalities through involvement in regional GIS committees.

4. Control Measure 4: Construction Site Stormwater Runoff Control

Background

Lane County's Construction Site Stormwater Runoff Control Program is designed to develop, implement, and enforce a program to reduce pollutants in stormwater runoff within the regulated permit area from construction activities that result in a land disturbance of greater than or equal to one acre; or construction activity less than one acre that is part of a larger common plan that would disturb one acre or more. Because Lane County has delegated building and land use authority within the Urban Growth Boundary to the Cities of Eugene and Springfield, Lane County's relies on partnerships with the City of Eugene and the City of Springfield to carry out the Construction Site Stormwater Runoff Control Programs. Lane County has adopted the respective Erosion Control Prevention Regulations of both Cities to be applied by the Cities within their respective Urban Growth Boundary areas as set forth in Lane Code excerpted below:

EROSION PREVENTION

9.945 Applicable Erosion Control Prevention Regulations.
Lane County has adopted the following erosion control regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary, as set forth in LC 10.600-20.

(1) The Eugene Erosion Prevention regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 2-04.

(2) Copies of the applicable erosion prevention regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance 2-04, Effective 4.9.04)*

9.946 Applicable Erosion Control Prevention Regulations, City of Springfield UTZ
Lane County has adopted the following erosion control regulations to be applied by the City of Springfield on urbanizable land within the Springfield Urban Growth Boundary as set forth in LC 10.600-10.

(1) The Springfield erosion prevention regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 2-10

(2) The Lane County Land Management Division will maintain and make available to the public copies of the applicable erosion prevention regulations. *(Revised by Ordinance 2-10, Effective 6 9 10)*

The applicable Eugene and Springfield Erosion Control Prevention Regulations referenced in Lane Code are included in Appendix E for Eugene and Appendix F for Springfield.

Both Cities' Construction Site Stormwater Runoff Control Programs have been approved by the DEQ to apply automatic coverage under the DEQ's 1200-CN permit for construction activities that will disturb more than one acre but less than 5 acres over the life of the project; or construction activities that will disturb less than 1 acre and are part of a common plan of development or sale that will ultimately disturb one acre or more. Consequently, similar construction projects in Lane County within the MS4 Phase II permit area (the area inside the Eugene-Springfield UGB) also qualify for automatic coverage through the respective city's programs.

Through Intergovernmental Agreements with the Cities of Eugene and Springfield, Lane County reimburses both Cities for administering Construction Site Stormwater Runoff Control Programs within the Lane County regulated areas.

Lane County will partner with the City of Eugene on the following BMP for Construction Site Stormwater Runoff Control in the West (W) portion of the regulated area:

BMP E2 – Erosion Prevention & Construction Site Management Program

Lane County will partner with the City of Springfield on the following BMPs for public Construction Site Stormwater Runoff Control in the East (E) portion of the regulated area:

BMP CSW1 – Erosion and Sediment Control Regulations
BMP CSW2 – City Staff Erosion Control Training
BMP CSW4 – Inspections & Enforcement

4.1. Construction Site Stormwater Runoff Control (W)

BMP E2 – Erosion Prevention & Construction Site Management Program
Lane County will partner with the City of Eugene to implement the City's Erosion Prevention & Construction Site Management Program for application to County areas located within the UGB.

Rationale:
Lane County relies on the City of Eugene for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Eugene's Erosion Prevention & Construction Site Management BMP E2. The purpose of this BMP is to administer and monitor an Erosion Prevention and Construction Site Management Program in compliance with applicable City and County regulations to prevent and mitigate pollutant and sediment discharges into the stormwater system due to construction activities and land disturbance.

The program, administered on behalf of the County on County areas located within the UGB, includes the following tasks:

1. Screen all development permits for sensitive area status, conduct plan reviews, issue erosion permits, conduct erosion inspections, and provide compliance enforcement as appropriate.
2. Issue Erosion Permits for activities which disturb an area one acre or greater in size or disturb an area 500 square feet or greater within a sensitive area (i.e. adjacent to a water feature or its buffer, ground slopes greater than 10%, having highly erodible soils).
3. Conduct education and outreach related to new erosion techniques/practices.
4. Act as 1200-C Agent for DEQ.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Eugene.

Implementation:
See draft City of Eugene IGA in Appendix A and associated BMP Factsheet.

4.2. Construction Site Stormwater Runoff Control (E)

BMP CSW1 – Erosion and Sediment Control Regulations
Lane County will partner with the City of Springfield to implement the City's Erosion and Sediment Control Regulations for application to County areas located within the UGB.

Rationale:
Lane County relies on the City of Springfield for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Springfield's Erosion and

Sediment Control Regulations BMP CSW1. The purpose of this BMP is to administer and monitor an Erosion Prevention and Construction Site Management Program in compliance with applicable City and County regulations to prevent and mitigate pollutant and sediment discharges into the stormwater system due to construction activities and land disturbance.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

BMP CSW2 – City Staff Erosion Control Training
Lane County will partner with the City of Springfield to conduct erosion control training to staff.

Rationale:
Lane County relies on the City of Springfield for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Springfield's City Staff Erosion Control BMP CSW2. The purpose of this BMP is to provide adequate and ongoing erosion control training opportunities so staff can educate and inform contractors and developers; fairly and knowledgeably enforce the City's Codes and regulations; and conduct their work in a responsible manner in order to avoid creating unnecessary soil erosion.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

BMP CSW4 – Inspections & Enforcement
Lane County will partner with the City of Springfield to develop and implement Code authority to prohibit and enforce the dumping of nuisance waste associated with construction sites.

Rationale:
Lane County relies on the City of Springfield for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Springfield's Inspections & Enforcement BMP CSW4. The purpose of this BMP is to inspect and enforce Springfield Municipal Code (Section 5.002) within the UGB to prohibit the disposal of nuisance waste on public or private property, including stormwater drainage ways. The Municipal Code includes provisions for nuisance management at all public and private properties including construction sites. The Code strictly prohibits depositing of wastes including, but not limited to: sewage, industrial material, hazardous waste, trash, debris, and used building materials. Enforcement of the Code is provided by designees of the City Manager. Additional inspections and educational compliance efforts are provided by Environmental Services and Maintenance Division staff. Violations are enforced through civil penalties or stop work orders, as appropriate.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

5. Control Measure 5: Post-Construction Stormwater Management in New Development and Redevelopment

Background

Lane County's Post-Construction Stormwater Management Program is designed to develop, implement, and enforce a program to address pollutants in stormwater runoff within the regulated permit area from new development and redevelopment projects that disturb one acre or more; or less than one acre if they are part of a larger common plan of development. The program contains controls to prevent or minimize water quality impacts utilizing strategies that include a combination of structural or non-structural BMPs, and:

(1) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;
(2) Ensure adequate long-term operation and maintenance of BMPs; and
(3) Ensure adequate enforcement of ordinance or alternative regulatory program.

Through Intergovernmental Agreements and Lane Code (applicable excerpts in Appendix G), Lane County has delegated building and land use authority within the Urban Growth Boundary to the Cities of Eugene and Springfield. Lane County, therefore, relies on partnerships with the City of Eugene and the City of Springfield to carry out its Post-Construction Stormwater Management Programs. By reference in Lane Code, Lane County has adopted the development codes, containing stormwater development standards / engineering design standards, of both Cities to be applied by the Cities within their respective Urban Growth Boundary areas as set forth in Lane Code. Through Intergovernmental Agreements for NPDES Phase II Services with the Cities of Eugene and Springfield, Lane County reimburses both Cities for administering Post-Construction Stormwater Management Programs within the Lane County regulated areas.

Lane County will partner with the City of Eugene on the following BMP for Construction Site Stormwater Runoff Control in the West (W) portion of the regulated area:

BMP E4 - Stormwater Development Standards

Lane County will partner with the City of Springfield on the following BMPs for public Construction Site Stormwater Runoff Control in the East (E) portion of the regulated area:

BMP DS1 - Springfield Development Code Standards and Engineering Design Standards and Procedures Manual
BMP DS2 - Post Construction Stormwater System Maintenance Inspections and Compliance

5.1. Post-Construction Stormwater Management in New Development and Redevelopment (W)

BMP E4 - Stormwater Development Standards

Lane County will partner with the City of Eugene to implement the City's Stormwater Development Standards for application to County areas developed within the UGB.

Rationale:

Lane County relies on the City of Eugene for implementation of this BMP through an Intergovernmental Agreement for NPDES Phase II Services. This BMP aligns with the City of Eugene's Stormwater Development Standards BMP E4. The purpose of this BMP is to administer and monitor a program that implements the city's Stormwater Development Standards (Eugene Code 9.6790-9.6796, Eugene Code 7.143(3)), and associated Stormwater Management Manual. The Stormwater Development Standards regulate the location, design, construction and maintenance of private and public stormwater facilities for flood control, water quality, and natural resource protection.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Eugene.

Implementation:
See draft City of Eugene IGA in Appendix A and associated BMP Factsheet.

5.2. Post-Construction Stormwater Management in New Development and Redevelopment (W)

BMP DS1 – Springfield Stormwater Code Standards and Engineering Design Standards and Procedures Manual
Lane County will partner with the City of Springfield to implement City stormwater code standards and engineering design standards and procedures to County areas developed within the UGB.

Rationale:
By reference in Lane Code, Lane County has adopted the development codes and engineering design standards (containing stormwater development standards) of the City of Springfield to be applied by the City within the Urban Growth Boundary.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

BMP DS2 – Post Construction Stormwater System Maintenance Inspections and Compliance
Lane County will partner with the City of Springfield to implement an inspection and compliance program to ensure that private stormwater management systems (both non-structural and structural), constructed consistent with City development review approvals, are operated and maintained over the long term.

Rationale:
The City has required, through the development review and approval process, stormwater management systems (both structural and non-structural) in private developments for many years. The systems approved under the current standards are intended to meet the Federal MEP requirement at the time they become operational. While developments are required to maintain sites in the approved conditions for the duration of their operation, these systems are frequently inadequately maintained and become clogged with sediment, debris, or vegetation. This program will dedicate staff resources necessary to inventory the private stormwater management systems that have been constructed, inspect them, and provide education and technical assistance to property owners, as well as enforcement activities if and when needed to remediate substandard conditions.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division in partnership with the City of Springfield.

Implementation:
See City of Springfield IGA in Appendix B and associated BMP Factsheet.

6. Control Measure 6: Pollution Prevention in Municipal Operations

Background

Lane County's Pollution Prevention in Municipal Operations Program is designed to develop and implement operations and maintenance (O&M) BMPS's to prevent and reduce pollutant runoff from municipal operations. The program includes policies, plans, procedures, and employee training to prevent and reduce stormwater pollution from activities including, but not limited to, roads maintenance, park and open space maintenance, fleet and building maintenance, new municipal facility construction and related land disturbances, design and construction of street and storm drain systems, and stormwater system maintenance. The Best Management Practices (BMPs) and programs outlined in this section are designed to reduce the discharge of pollutants from the municipal stormwater system to the federal standard of "*Maximum Extent Practicable*" (MEP). If Lane County's Stormwater Management programs are impacted by reductions in program resources, Lane County will need to prioritize the implementation of BMPs and programs through adaptive management.

Lane County will administer the following BMPs in both portions of the regulated area (W&E) utilizing internal Lane County programs:

BMP LC-MO1 – Annual adoption of ODOT's BMP Manual
BMP LC-MO2 – Construction Standard Documents
BMP LC-MO3 – Inspections on Public Construction Projects
BMP LC-MO4 – Employee Training
BMP LC-MO5 – Stormwater System Maintenance
BMP LC-MO6 – Municipal Facility Stormwater Protection Plans
BMP LC-MO7 – Prevent Leaks and Spills from Municipal Vehicles and Equipment
BMP LC-MO8 – Integrated Vegetation Management Program
BMP LC-MO9 – Street Sweeping and Leaf Pick-up Programs

BMP LC-MO1 – Annual adoption of ODOT's BMP Manual

Lane County will continue to utilize the Oregon Department of Transportation (ODOT) Best Management Practices Manual for Routine Road Maintenance and will review the document annually to maintain consistency with current standards, and revise and update as necessary to reflect the latest standards of practice.

Rationale:

The Lane County Public Works Road Maintenance Section formally adopted the Oregon Department of Transportation Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices as revised in 2004. The guide governs the manner in which Lane County maintenance crews proceed on a wide variety of routine maintenance activities, including surface and shoulder work, ditch, bridge, culvert maintenance, snow and ice removal, emergency maintenance, mowing, brush control and other vegetation management for all of Lane County. The BMPs in this guide are designed to minimize the adverse impacts of road maintenance activities on water quality while preserving the ability to maintain the functional integrity of the existing transportation facilities.

Responsible Party:

Lane County Public Works / Road Maintenance Division

Measureable Goals:

- Continue to incorporate ODOT BMP's into Lane County's Routine Road Maintenance operations.

Tracking Measures:

- Documentation of annual review and adoption of the ODOT manual.

Implementation:
Lane County's Routine Road Maintenance Manual (Appendix H) and ODOT's Best Management Practices Manual for Routine Road Maintenance will be reviewed annually to maintain consistency with updates to the adopted ODOT BMPs.

BMP LC-MO2 – Construction Standard Documents
Lane County will continue to review and update construction standard documents referencing stormwater protection BMPs for public projects.

Rationale:
Lane County conducts an annual review of construction standard documents and BMPs applied to capital improvement and maintenance projects. Lane County Engineering and Construction Services utilizes "Oregon Standard Specifications for Construction" when designing public projects. Supplements to specifications are developed on a project-specific basis to ensure appropriate BMPs are selected to reduce impacts to stormwater to the maximum extent practicable during and after construction. County projects that require regulatory permitting are designed in compliance with existing stormwater regulations administered by DEQ. Lane County's general construction supplemental standard specifications are consistent with the latest release of the Oregon Standard Specifications for Construction. This County review occurs whenever an update to the Oregon Standard Specifications for Construction occurs and includes an adequacy review of BMPs required for erosion control and environmental protection (Sections 280 & 290) and research and design selection of alternative post-construction stormwater treatment for projects resulting in a net increase in impervious surface runoff.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division

Measureable Goals:
- Maintain Lane County's construction standards in accordance with current Oregon Standard Specifications for erosion control and environmental protection.

Tracking Measures:
- Documentation of annual review of construction documents and any changes to stormwater protection BMPs.

Implementation:
Oregon Standard Specifications will be reviewed annually for consistency with Lane County standard construction documents.

BMP LC-MO3 – Inspections on Public Construction Projects
Lane County will continue to inspect its public construction projects to maintain compliance with stormwater protection BMPs contained in construction standard documents, permit conditions of the County's 1200-CA NPDES Stormwater Discharge Permit, and other applicable environmental protection regulations.

Rationale:
Lane County carries out a variety of public construction projects utilizing County personnel and equipment and contracted services. To ensure that this work is conducted in compliance with stormwater protection BMPs contained in construction standard documents, permit conditions of the County's 1200-CA NPDES Stormwater Discharge Permit, and other applicable environmental protection regulations, Lane County employs inspection personnel to monitor the construction progress. For Capital Improvement Program roadway projects, Lane County has on-site construction field staff dedicated to inspecting and documenting

activities during construction. In addition to field inspection staff, County environmental staff and Construction Supervisors review project specification documents for specific BMPs, including:

- Installation (and removal) of temporary and permanent erosion controls and in-water work isolation activities
- Work containment plans
- Site restoration activities
- Construction of stormwater treatment facilities

Additional inspections of public projects are carried out through post construction monitoring requirements mandated by project permit conditions. Post-construction monitoring requirements ensure compliance with current stormwater regulations and permit conditions for stormwater facilities and riparian and wetland restoration activities.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division

Measureable Goals:
- Maintain compliance with stormwater protection BMPs, stormwater permit conditions, and other applicable environmental protection regulations through inspection and contract administration on Lane County public construction projects.
- Maintain aptitude of inspectors through ODOT's certification program.

Tracking Measures:
- Documentation of inspections and corrective actions taken on County public construction projects.
- Documentation of inspector certifications.

Implementation:
Ongoing documentation of inspections of environmental controls on County public projects in each year.

BMP LC-MO4 – Employee Training
Lane County will conduct annual training with applicable Public Works staff on BMPs relating to stormwater protection including, but not limited to, erosion prevention, routine road maintenance standards, water quality design and construction standards, and environmental permit compliance. Additionally, Lane County will send staff to relevant stormwater trainings related to stormwater management.

Rationale:
In addition to training on Illicit Discharge Detection and spill response, County employees require ongoing training to increase knowledge and awareness of BMPs, County policies, and state and federal regulations relating to stormwater protection.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division

Measureable Goals:
- Train applicable road maintenance employees annually on applicable stormwater protection BMPs.
- Keep Environmental Services Section staff up to date with current stormwater protection issues through off-site training as training resources permit.
- Partner with Eugene and Springfield stormwater training programs as available.

Tracking Measures:
- Documentation of dates and topics of in-house stormwater training sessions conducted for County employees.

- Number of employees trained annually
- Documentation of off-site stormwater training attended by County staff.

Implementation:
Road maintenance staff will be trained annually on stormwater protection BMPs, regulations, and permit requirements. Environmental Services Section will attend off-site stormwater training events as resources are available.

BMP LC-MO5 – Stormwater System Maintenance
Lane County will conduct programmatic maintenance of the municipal stormwater system to remove sediment and debris that would otherwise clog the drainage system or be washed into receiving waterways.

Rationale:
Sediment and debris settle out within the drainage system in catch basins designed to trap this material or in other areas of low velocity flows. Maintenance to remove this material serves two purposes: 1) to keep sediment and debris from washing through the system into receiving rivers and streams, and 2) to prevent clogging that can result in uncontrolled flooding adjacent to the drainage system.

Responsible Party:
Lane County Public Works / Road Maintenance Division

Measureable Goals:
- Regular maintenance of catch basins, drain pipes, culverts, inlets, ditches, and water quality devices.
- Establish regular cleaning schedule for pipes, catch basins and stormwater quality devices.
- Follow cleaning procedures as outlined in the Stormwater O&M Manual.
- Conduct visual inspection of loading information for individual structures and facilities.
- Clean 50% of the all of the public catch basins and inlet structures annually unless increased efficiencies are shown through adaptive management.
- Clean all of the public underground stormwater quality structures as outlined in the Stormwater O&M Manual.
- Research and monitor developments in maintenance technology and operations and maintenance methods which will further increase the effectiveness of cleaning practices and water quality improvement practices.

Tracking Measures:
- Length of stormwater pipes and ditches maintained.
- Number of structures cleaned.

Implementation:
Road maintenance staff will continue or initiate implementation of the measurable goals throughout the permit period.

BMP LC-MO6 – Municipal Facility Stormwater Protection Plans
Lane County will prepare a Stormwater Protection Plan for the Public Works complex, located on North Delta Highway in Eugene, to educate employees, improve stormwater protections from pubic use and municipal operations, and develop spill prevention and control procedures.

Rationale:
The Lane County Public Works complex currently houses employees from the departments of Administrative Services, Engineering & Construction Services, Road Maintenance, Parks, Fleet Services, Transportation Planning and Traffic. Additional employees from the Land Management Division will transfer to the site after a new Customer Service Building is constructed (expected in 2012). The numerous activities conducted on the site, such as fueling, fleet maintenance and materials testing, coupled with the number of public and

privately owned vehicles parked at the site, creates the potential for spills and other pollution to the public storm drainage system. A Stormwater Protection Plan for the site will help to mitigate the potential threats to stormwater through a combination of policies, control measures, education, and site planning.

Responsible Party:
Lane County Public Works / Engineering and Construction Services Division

Measureable Goals:
- Prepare a Stormwater Protection Plan for the Public Works complex on North Delta Highway in Eugene.
- Conduct training and disseminate policy memos to educate staff about the Stormwater Protection Plan.
- Develop signage around the facilities to educate the staff and the public about stormwater protection.
- Make stormwater education handouts available for the public visiting the complex.

Tracking Measures:
- Completion and annual review dates for the Stormwater Protection Plan.
- Number of employees trained on the Stormwater Protection Plan.
- Number of signs posted around the facilities.
- Number of handouts disseminated to the public.

Implementation:
A Stormwater Protection Plan will be completed in Year 2 with accompanying policy memos. Staff training and posting of new signage will be conducted in Year 2 and Year 5. The Stormwater Protection Plan will be updated in Year 3following the completion of the new Customer Service Building. Stormwater education handouts will be made available at the entrance to the facility beginning in Year 1 and in successive years.

BMP LC-MO7 – Prevent Leaks and Spills from Municipal Vehicles and Equipment
Lane County will undertake preventive maintenance programs for vehicles and equipment services at the Fleet Services Division in order to prevent or correct sources of vehicle fluid leaks. The preventive maintenance program will incorporate employee education practices and field operations procedures to detect and report leaks and to prevent incidences of fluid and material spills from associated vehicles and equipment.

Rationale:
Lane County owns and maintains more than 900 vehicles and equipment, each of which has the potential of contributing leaks and spills of oils and other fluids to the stormwater collection system. Lane County's Fleet Services Division maintains these vehicles and equipment in accordance with policies for preventative maintenance to minimize the potential for leaks and spills.

Responsible Party:
Lane County Public Works / Fleet Services Division and individual vehicle/equipment operators

Measureable Goals:
- Maintain training competencies for Fleet Services employees.
- Maintain a preventative maintenance schedule for all vehicles and equipment.
- Develop a spill procedure card to be carried in all vehicles and equipment.
- Perform preventative maintenance service on all County vehicles and equipment in accordance with established schedules.
- Lane County Departments & Divisions will conduct operator training relating to vehicle inspection and spill minimization.
- Place "360° walk around" reminder stickers on all County vehicles.
- Equip County trucks and large mechanized equipment with spill response kits.

Tracking Measures:

- Number of training events held for Fleet Services employees.
- Number of preventative maintenance services on County vehicles and equipment.
- Number of spill kits maintained on designated vehicles and equipment.
- Number of Lane County Department / Division training events to operators relating to vehicle inspection and spill minimization.
- Percentage of vehicles which receive preventative maintenance service annually.

Implementation:

- Maintain staff trainings.
- Review of preventative maintenance service schedules annually and make modifications where necessary.
- A list of County trucks and large mechanized equipment with spill response kits will be maintained.
- Placement of "360° walk around" reminder stickers on all County vehicles will occur when vehicles are in for service.
- Spill procedure cards are issued to all vehicles and replaced when needed.

BMP LC-MO8 – Integrated Vegetation Management Program

Lane County will utilize Integrated Vegetation Management (IVM) policies to insure a high level of environmental stewardship within the County's vegetation management programs; incorporating policies to protect water quality, control noxious weeds, and preserve native vegetation.

Rationale:

Integrated Vegetation Management (IVM) reduces the reliance on chemical herbicides/pesticides that pose potential risks to aquatic life. IVM also protects water quality by preserving the filtering capabilities of healthy vegetation and minimizing the potential risk of soil erosion.

Responsible Party:

Lane County Public Works / Road Maintenance Division, Vegetation Management Section / Waste Management, Environmental Services Section.

Measureable Goals:

- Continue "Alternative Tests" to research the effectiveness IVM techniques.
- Update and refine the IVM policy document and operations manuals as new techniques are researched and the results of implementation of these techniques are better known.
- Maintain Lane County "Last Resort" spray policy for right-of-way vegetation management.
- Continue programs for noxious weed control.
- Continue programs for rare and endangered plant management.

Tracking Measures:

- Document reviews and updates of IPM policy documents.
- Document IVM techniques utilized on Lane County properties.
- Document the inspection and maintenance of publicly maintained vegetated stormwater facilities.
- Document miles of right-of-way maintained in accordance with IVM policies.

Implementation:

- Plan, implement, and document "Alternative Tests" for IVM vegetation control research.
- Review IVM policies at least once during the permit term, and update and refine the IVM policy document and operations manual in accordance with adaptive management.

BMP LC- MO9 – Street Sweeping and Leaf Pick-up Programs

Lane County will undertake both mechanical brush and vacuum sweeping of publicly maintained roads and on-road bike paths in accordance with the Stormwater Operations and Maintenance Manual. Monitor and evaluate new technology and methods related to street sweeping, and make appropriate adjustments to the current sweeping program when feasible to maximize water quality benefits. Street sweeping and leaf pick programs are dependent on agency funding.

Rationale:

Sediment and debris picked up with our vacuum sweepers keeps the sediment and debris out of the storm sewer system and washing into receiving rivers and streams.

Responsible Party:

Lane County Public Works / Road Maintenance Division

Measureable Goals:

- Follow street sweeping frequencies as outlined in established schedules.
- Coordinate and manage two seasonal opportunities for the citizen's leaves to be picked up and managed by the road maintenance operations crew.

Tracking Measures:

- Number of curb miles swept

Implementation:

- Dump truck loads of leaves picked up.

7. Adaptive Management

7.1. Introduction

Adaptive management is the process for assessing and implementing new opportunities for improving program effectiveness in controlling stormwater pollution to the maximum extent practicable. It is a structured, iterative process designed to refine and improve the stormwater programs over time through the evaluation of implementation results and adjustment of actions in accordance to what has been learned. Adaptive management contains the following five operational phases:

1. Program implementation
2. Data and information collection
3. Evaluation
4. Needs identification
5. Program modification

The stormwater programs identified in this SWMP will be adaptively managed on an annual basis through:

a) Assessments of the need to further reduce stormwater impacts and protect beneficial uses (i.e. Effectiveness)
b) Review of available technologies and practices to accomplish improvement (i.e., Local Applicability)
c) Evaluation of the available resources (i.e., Program Resources)

7.2. Proposed Adaptive Management

The following Minimum Control Measures and BMPs will be evaluated during the permit term:

Minimum Control Measure #1: Public Education and Outreach on Stormwater Impacts

BMPs to be evaluated	Data to be used to track implementation
BMP A1 – Stormwater Education BMP PE2 – Outreach Efforts with Regional Partners BMP PE3 – Stormwater Education School Workshops BMP PE4 – Stormwater Educational Portfolios BMP LC-PE1 – Storm Drain Marking Program BMP LC-PE2 – Household Hazardous Waste Program BMP LC-PE3 – Pet Waste Education Program BMP LC-PE4 – Website Development	**Effectiveness:** • Surveys • Estimate pollutant load reductions achieved through BMP implementation using existing BMP effectiveness databases. **Local Applicability:** • Review relationships to other water quality related program efforts. • Review BMP Implementation status of similarly sized MS4's in the Pacific Northwest. **Program Resources:** • Assess current program resources. • Assess additional resource needs to meet water quality goals. • Assess resource availability and budget authorization. • Assess funding mechanism alternatives.

Minimum Control Measure #2: Public Involvement/Participation

BMP to be evaluated	Data to be used to track implementation
BMP P1 – Educational Volunteer Program BMP PI1 – Public Involvement / Participation BMP LC-PI1 – Coordination with Watershed Councils BMP LC-PI2 – Advisory Committees	**Effectiveness:** • Surveys **Local Applicability:** • Review relationships to other water quality related program efforts. • Review BMP Implementation status of similarly sized MS4's in the Pacific Northwest. **Program Resources:** • Assess current program resources. • Assess additional resource needs to meet water quality goals. • Assess resource availability and budget authorization. • Assess funding mechanism alternatives.

Minimum Control Measure #3: Illicit Discharge Detection and Elimination

BMP to be evaluated	Data to be used to track implementation
BMP M1 – Management of Illicit Discharges to the Municipal SW System BMP M2 – Spill Response BMP ID1 – Illicit Discharge Reporting Hotline and Tracking System BMP ID2 – Illicit Discharge Response and Enforcement BMP ID3 – Outfall Inventory and Mapping BMP ID4 – Water Quality Monitoring for Illicit Discharge BMP LC-ID1 – Illicit Discharge Response BMP LC-ID2 – Nuisance Abatement Program BMP LC-ID3 – Storm Drain Mapping & GIS Database BMP LC-ID4 – Staff Training	**Effectiveness:** • Surveys • Estimate pollutant load reductions achieved through BMP implementation using existing BMP effectiveness databases. **Local Applicability:** • Review relationships to other water quality related program efforts. • Location, number, and density of current stormwater BMPs. **Program Resources:** • Assess current program resources. • Assess additional resource needs to meet water quality goals. • Assess resource availability and budget authorization. • Assess funding mechanism alternatives.

Minimum Control Measure #4: Construction Site Stormwater Runoff Control

BMP to be evaluated	Data to be used to track implementation
BMP E2 – Erosion Prevention & Construction Site Management Program BMP CSW1 – Erosion and Sediment Control Regulations BMP CSW2 – City Staff Erosion Control Training BMP CSW4 – Inspections & Enforcement	**Effectiveness:** • Surveys • Estimate pollutant load reductions achieved through BMP implementation using existing BMP effectiveness databases. • Review water quality status for receiving water bodies. **Local Applicability:** • Review relationships to other water quality related program efforts. • Review BMP Implementation status of similarly sized MS4's in the Pacific Northwest. **Program Resources:** • Assess current program resources. • Assess additional resource needs to meet water quality goals. • Assess resource availability and budget authorization. • Assess funding mechanism alternatives.

Minimum Control Measure #5: Post-Construction Stormwater Management in New Development and Redevelopment

BMP to be evaluated	Data to be used to track implementation
BMP E4 – Stormwater Development Standards BMP DS1 – Springfield Development Code Standards and Engineering Design Standards and Procedures Manual BMP DS2 – Post Construction Stormwater System Maintenance Inspections and Compliance	**Effectiveness:** • Surveys • Estimate pollutant load reductions achieved through BMP implementation using existing BMP effectiveness databases. • Review water quality status for receiving water bodies. **Local Applicability:** • Review relationships to other water quality related program efforts. • Review BMP Implementation status of similarly sized MS4's in the Pacific Northwest. **Program Resources:** • Assess current program resources. • Assess additional resource needs to meet water quality goals. • Assess resource availability and budget authorization. • Assess funding mechanism alternatives.

Minimum Control Measure #6: Pollution Prevention in Municipal Operations

BMP to be evaluated	Data to be used to track implementation
BMP LC-MO1 – Annual adoption of ODOT's BMP Manual BMP LC-MO2 – Construction Standard Documents BMP LC-MO3 – Inspections on Public Construction Projects BMP LC-MO4 – Employee Training BMP LC-MO5 – Stormwater System Maintenance BMP LC-MO6 – Municipal Facility Stormwater Protection Plans BMP LC-MO7 – Prevent Leaks and Spills from Municipal Vehicles and Equipment BMP LC-MO8 – Integrated Pest Management Program BMP LC- MO9 – Street Sweeping and Leaf Pick-up Programs	**Effectiveness:** • Surveys • Estimate pollutant load reductions achieved through BMP implementation using existing BMP effectiveness databases. **Local Applicability:** • Review relationships to other water quality related program efforts. • Review BMP Implementation status of similarly sized MS4's in the Pacific Northwest. **Program Resources:** • Assess current program resources. • Assess additional resource needs to meet water quality goals. • Assess resource availability and budget authorization. • Assess funding mechanism alternatives

Appendices

Appendix A: Lane County –City of Eugene Existing and Draft IGAs & BMP Factsheets

Appendix B: Lane County – City of Springfield IGA & BMP Factsheets

Appendix C: Eugene Illicit Discharge Regulations

Appendix D: Springfield Illicit Discharge Regulations

Appendix E: Eugene Erosion Prevention Regulations

Appendix F: Springfield Erosion Prevention Regulations

Appendix G: Applicable Sections of Lane Code

Appendix H: Lane County Routine Road Maintenance Manual

Appendix A: Lane County – City of Eugene Existing and Draft IGAs & BMP Factsheets

Intergovernmental Agreement for NPDES Phase II Services City of Eugene

THIS AGREEMENT is entered into by and between **LANE COUNTY**, a political subdivision of the State of Oregon, hereinafter referred to as **COUNTY**, and the **CITY OF EUGENE**, a municipal corporation of the State of Oregon, hereinafter referred to as **CITY**.

RECITALS

WHEREAS, in accordance with Lane Manual 21.124 and by the authority granted in ORS 190.010, the Eugene City Charter and the Lane County Home Rule Charter, units of local government may enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, COUNTY is subject to the National Pollutant Discharge Elimination System (NPDES) Phase II permit regulations for Municipal Separate Storm Sewer Systems (MS4); and

WHEREAS, all regulated small MS4 communities are required to establish a stormwater program that addresses the six minimum measures covered under the Phase II permit. **COUNTY** is in the process of creating and implementing a stormwater management program; and

WHEREAS, CITY has implemented a comprehensive Stormwater Management Program (SWMP) under Phase I of the NPDES program. **CITY's** Phase I permit has existing Best Management Practices (BMP's) that cover some aspects of the six Phase II measures required of **COUNTY;** and

WHEREAS, per Board Order No. 03-3-12-4, the Board of Commissioners authorized an intergovernmental agreement with **CITY** where **COUNTY** could adopt portions of the **CITY** SWMP as it pertains to the six minimum Phase II measure requirements and implement them into the **COUNTY** SWMP, including delegation of authority to CITY to administer certain regulations for COUNTY as necessary; and

WHEREAS, upon terms mutually agreeable to both parties, the responsibilities of each are outlined as follows:

AGREEMENTS

COUNTY SHALL:

Consider adopting CITY regulations, or similar regulations, regarding **Enforcement for Improper Discharges (Eugene BMP M2-Exhibit "A")** for application within the area between the Eugene city limits and the City of Eugene Urban Growth Boundary. COUNTY will notify residents of the adopted regulations and implement and enforce the regulations as they apply to areas outside City limits.

Partner with CITY for consultant work regarding the requirment to **Develop Comprehensive Basin Plans (Eugene BMP E1-Exhibit "A")** for the North Eugene/Santa Clara area. COUNTY will provide staff support in completing the Basin Plan.

Consider adopting CITY regulations, and future amendments thereto, regarding **Erosion Prevention and Construction Site Management Program (Eugene BMP E2-Exhibit "A")** and related City of Eugene Administrative Rules and Fee schedule, for application within the area between the Eugene city limits and the City of Eugene Urban Growth Boundary. COUNTY will notify residents of adopted regulations. COUNTY hereby transfers authority to administer the Erosion Prevention Regulations within the urbanizable portion of the Eugene Urban Growth Boundary Area and to set appropriate fees.

Partner with CITY to provide educational brochures to COUNTY residents within the area between the Eugene city limits and the City of Eugene Urban Growth Boundary, in regards to **Stormwater Education (Eugene BMP A2-Exhibit "A")**. COUNTY will provide limited input in brochure creations.

Partner with CITY on **Educational Volunteer Activities and Natural Resource Protection (Eugene BMP M1-Exhibit "A")**. The COUNTY will seek opportunities to partner with CITY on voluntary projects within the area between the Eugene city limits and the Eugene Urban Growth Boundary.

Provide necessary documentation to CITY required for annual report writing of CITY's Phase I permit.

CITY SHALL:

At the request of COUNTY, assist in administration support of regulations for **Enforcement for Improper Discharges (Eugene BMP M2-Exhibit "A")**.

At the request of COUNTY, assist COUNTY in sampling and testing in regards to **Systematic Field Investigation For Improper Discharges (Eugene BMP M9-Exhibit "A")**, if necessary.

Partner with COUNTY on finalization and implementation of the requirement to **Develop Comprehensive Basin Plans (Eugene BMP E1-Exhibit "A")** for the North Eugene/Santa Clara area.

Administer and enforce COUNTY adopted regulations as they pertain to the **Erosion Prevention and Construction Site Management Program (Eugene BMP E2-Exhibit "A")**, outside CITY limits but inside the City of Eugene Urban Growth Boundary. CITY shall establish and collect all fees for erosion control regulations, permits, processing, appeals, enforcement, fines and penalties. If County does not adopt amendments to City's regulations referenced in this paragraph within 60 days of City's adoption of such amendments, City may cease performing the functions described in this paragraph.

Partner with COUNTY in regards to **Stormwater Education (Eugene BMP A2-Exhibit "A")**. CITY will solicit input from County on educational materials.

Provide necessary documentation to COUNTY required for annual report writing of COUNTY Phase II permit.

BOTH PARTIES AGREE THAT:

1. The term of this Agreement shall commence upon execution and terminate on February 28, 2008. The amount of compensation under this agreement shall be as follows:

1A. COUNTY agrees to pay 42.9% (this value is based on 42.9% of land area in the Basin Plan) of all costs associated with completion of the River Road/Santa Clara Basin Plan, pursuant to **BMP E1**, upon receipt of monthly billings from the City. Total COUNTY paid compensation for the basin plan shall not exceed $75,000.

1B. CITY will bill COUNTY, and COUNTY will pay CITY 13.2% of the actual costs for production, administration and distribution of educational brochures, pursuant to **BMP A2** (this percentage is based on the population within the UGB).

1C. Except to the extent the City's costs for administration and enforcement pursuant to **BMP E2** are compensated by fees, fines and penalties CITY collects, CITY will bill COUNTY, and COUNTY will pay CITY, for actual costs related to any other administrative efforts as the parties may agree to, which could include but not be limited to: Erosion control enforcement, Illicit discharge assistance, Field screening sampling and testing.

All actual cost billings will include indirect costs based on the federal Cost Allocation Plan. Both agencies will work to coordinate an invoice format to accommodate these transactions, which will include a billing schedule. Billing format and cost estimates can be subject to change or amended, as the parties may agree.

2. To the extent allowable by the Oregon Constitution and the Oregon Tort Claims Act, each of the parties hereto agrees to indemnify and save the other harmless from any claims, liability or damages fees arising out of or resulting from any error, omission or act of negligence on the part of the indemnifying party, its officers, or employees in the performance of this Agreement.

3. Dispute Resolution. The parties shall exert every effort to cooperatively resolve any disagreements they may have under this Agreement. In the event that the parties alone are unable to resolve any conflict under this Agreement, they agree to present their disagreements to a mutually selected mediator. Each party shall bear its own costs for mediation and the parties shall share equally the cost of the mediator. This procedure shall be followed to its conclusion prior to either party seeking relief from a court, except in the case of an emergency.

If the dispute remains unresolved through mediation, the parties may agree in writing to submit the dispute to arbitration, using such arbitration process as they may choose at the time and which includes the following conditions:

a.) The location of the arbitration shall be in Eugene, Oregon;

b) Each party shall bear its own costs (except arbitration filing costs), witness fees, and attorney fees;

c) Arbitration filing costs and any arbitrator's fees will be divided equally between the parties; and

d) Judgment upon award rendered by the Arbitrator may be entered in a court in Lane County, Oregon.

4. Amendment. This Agreement may be modified in writing by mutual consent of both parties. The parties recognize an obligation on the part of COUNTY to extend the application of this Agreement to lands included in the future within the Eugene Urban Growth Boundary Area and to consider adopting any future changes in regulations made by CITY for application to the Eugene Urban Growth Boundary Area.

5. Waiver. Failure of COUNTY or CITY to enforce any provision of this Agreement shall not constitute a waiver or relinquishment by the COUNTY or CITY of the right to such performance in the future nor of the right to enforce that or any other provision of this Agreement.

6. Severability. If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected; and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular provision held to be invalid.

7. For purposes of day-to-day coordination under this Agreement and mailing of notice in regard to any matter hereunder, COUNTY hereby designates the Road Maintenance Manager of the Department of Public Works, 3040 Delta Highway North, Eugene, OR 97408, as its coordinator. CITY hereby designates the City of Eugene Public Works Water Resources Manager, 410 River Avenue, Eugene, Or 97404, as its coordinator.

8. This Agreement may be terminated by either party upon180 days' written notice to the other for any or no reason. Either prior to, or as part of the written notice, the entity terminating the agreement shall indicate how it desires to deal with responsibilities under the agreement. The parties shall strive to reach a mutual agreement with respect to the transition of those responsibilities.

****

Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous representations, understandings, or agreements, whether oral or written, relating to the subject matter hereof. All prior or contemporaneous representations, understandings or agreements, whether oral or written, that are not expressly set forth within the four corners of this Agreement are hereby deemed waived, superseded and abandoned.

CITY OF EUGENE

By _____
Dennis M. Taylor

Title: City Manager

Date 4-16-04

Address for Notice:

City of Eugene
777 Pearl St. Room 105
Eugene, OR 97401

LANE COUNTY

By _____
William A. Van Vactor

Title: County Administrator

Date 5-21-04

Address for Notice:

Lane County Public Works
3040 Delta Highway North
Eugene, OR 97408

APPROVED AS TO FORM
Date 5/20/04 Lane County
OFFICE OF LEGAL COUNSEL

Exhibit "A"

Relevant City of Eugene BMP's referenced in Agreement

A2 BMP Fact Sheet
Stormwater Education

Responsible Department/Division:
Public Works Administration Division

BMP Contact:
Administration Division Director

BMP Description:
Continue to plan, develop, implement and revise as necessary a program to provide stormwater information and education to homeowners, school children, City and other agency staff as well as the general public about the impacts to stormwater quality and natural resource values from both point and non-point sources of pollution.

Background:
Stormwater pollution from direct and indirect sources continues to have an impact on water quality in local waterways. In particular, the connection to non-point source pollution and associated activities is not readily apparent to many. To raise awareness, offer alternative solutions and generate support for protecting our local waterways, an ongoing education program designed to reach all ages is essential. Stormwater education activities support many of the stormwater program activities by developing education and outreach materials, and providing the means to inform and involve the public in developing or changing areas of the program. (Note: educational BMPs outlined in this BMP will be coordinated with other BMPs when possible.)

BMP Activities:
- Continue to improve, update and expand on educational materials such as videos, web sites, brochures, fact sheets, posters, book marks and booklets to increase awareness of pollution impacts to Eugene's water quality.
- Continue bi-annual newsletter for Citywide distribution with information on methods for improving stormwater quality.
- Develop public education programs to support activities outlined in the Comprehensive Stormwater Management Program.
- Develop on-going campaigns as appropriate to support projects, programs, special opportunities, and targeted pollutants including lead, mercury, and bacteria.
- Include information in educational brochures and newsletters about the causes of low dissolved oxygen in receiving waters, and the actions private landowners and businesses can take to minimize depletion of stream water dissolved oxygen.
- Continue to develop educational materials to support volunteer activities and natural resource protection.
- Continue promotion of SPLASH curriculum for area schools. Explore options to improve upon and expand educational outreach to teachers and students. In addition to classroom presentations and outdoor field trips, pursue other means to get students and teachers involved in hands-on learning opportunities.
- Work collaboratively with other City departments and local agencies to pool resources and continue educational outreach to local community.
- Prepare and staff booths at special events that reach community members such as the Lane County Home Show and Earth Day Celebration.

- Assist in the development of information and outreach materials related to Stormwater Development Standards (BMP E4) Basin Master Plans (BMP E1), and new Bacteria Pilot Study (BMP W3).

Assessment Methods:

- Track quantity of materials distributed, audiences targeted, number of people participating in events etc. Utilize records to plan future development and distribution of educational materials.
- Conduct evaluations at workshops, presentations and seminars offered. Utilize results to plan for future activities and events and to improve upon existing presentation formats.
- Conduct community surveys at 2-year intervals. Compare results to previous surveys to measure increases in level of awareness of stormwater pollution and solutions that public may participate in.
- Research stormwater programs at other agencies for education strategies that might be applied to Eugene's program.
- Monitor phone calls, correspondence and e-mail.

E1 BMP Fact Sheet
Stormwater Basin Master Plans

Responsible Department/Divisions:
Public Works / Engineering (implementation)

Public Works / Wastewater (updates)

BMP Contacts:
Engineering Division Director

Wastewater Division Director

BMP Description:
Implement and periodically update the City's 2002 *Stormwater Basin Master Plans* for the Amazon, Willow Creek, Bethel-Danebo, Willakenzie, Laurel Hill and Willamette River basins. Complete and implement the basin master plan for River Road – Santa Clara, in collaboration with Lane County. The basin plans convey a multiple-objective strategy for managing stormwater, and include: basin characteristics under existing and projected future conditions; a prioritized list of capital projects including waterway restoration, piped system upgrades, neighborhood water quality facilities, system rehabilitation, and retrofits of existing stormwater facilities; and other recommended implementation measures such as water quality standards for new development.

Background:
Eugene's updated *Stormwater Basin Master Plans* were completed in 2002 for six of seven identified study areas or basins: *Amazon Creek, Bethel Danebo, Laurel Hill, Willakenzie, Willamette River, and Willow Creek.* The new plans were adopted by Administrative Order in April 2003. A draft basin master plan was developed for *River Road – Santa Clara,* an area with a mix of City and Lane County jurisdiction.

The new plans replace the City's 1990 Area-wide Drainage Master Plans which were focused exclusively on drainage and flood control needs. The new draft plans are multiple-objective in nature (flood control, water quality, stormwater-related natural resources) and are consistent with the adopted policies of the Comprehensive Stormwater Management Plan (CSWMP), the West Eugene Wetlands Plan (WEWP), and the Natural Resources Functional Plan (NRFP). The plans document the basin planning process and outcome, and incorporate recommendations from the Stormwater Department Advisory Committee. They include a 35-year Capital Improvement Plan for each basin, and proposed development standards related to water quality.

In 2004 the City entered into a cooperative agreement with Lane County related to stormwater services. The agreement includes a commitment to collaborate on completing the River Road – Santa Clara Stormwater Basin Master Plan. In 2005, City and County staff developed a workplan, schedule and public involvement plan for completing the River Road – Santa Clara plan.

Capital projects identified in the basin plans are implemented through the Capital Improvement Program, or CIP, process. Proposed development standards are being implemented through ordinance adoption process to modify Eugene City Code (see also BMP E4: Stormwater Development Standards).

BMP Activities:

- Complete the River Road – Santa Clara Basin Master Plan.
- Update the Project Managers Manual to ensure that processes are in place to evaluate the impact of new flood control projects on water quality.
- In implementing the stormwater Capital Improvement Program (i.e., Basin Plans water quality projects), ensure documentation of location, type and other attributes of stormwater capital projects for purposes of evaluating their effectiveness and reporting progress under our permit. Ensure structures and/or mechanisms are in place to enable sampling, testing and evaluating effectiveness of representative facilities.
- Implement Stormwater Basin Master Plan strategies, including capital projects and recommended development standards (BMP E4).
- Evaluate the effectiveness of selected water quality capital projects at removing specific pollutants.
- Update Stormwater Basin Master Plan set at least once every five years.

Assessment Methods:

- Provide a copy of the 2002 *Stormwater Basin Master Plans* to DEQ.
- Ensure that the 2002 *Stormwater Basin Master Plans* are made available for viewing and printing in a variety of ways for ease of use.
- Incorporate projects identified in the Stormwater Basin Master Plans in the City's Capital Improvement Program and budget.
- Maintain a GIS coverage of water quality facilities and projects including such attributes as location, facility type, drainage area, and cost for all new water quality capital projects implemented.
- Selectively monitor certain public water quality facilities to determine effectiveness at removing pollutants.
- Participate in and contribute to regional efforts to evaluate and document the effectiveness of water quality best management practices.

E2 BMP Fact Sheet
Erosion Prevention and Construction Site Management Program

Responsible Department/Division:
Public Works / Engineering

BMP Contact:
Engineering Division Director

BMP Description:

Administer and monitor the Erosion Prevention and Construction Site Management Program. Implement program elements which prevent and/or control erosion, sedimentation, and other construction related impacts to stormwater quality within the City limits. Continue education and outreach related to new techniques/practices. Screen projects for sensitive area status, conduct plan reviews, issue permits, conduct inspections, and provide compliance enforcement as appropriate.

Background:
Construction site erosion has the potential to be the most significant source of sediment in stormwater runoff. Sites are susceptible to erosion when vegetation is removed and soils exposed. Once eroded sediments enter waterways, they can block sunlight, limit plant growth, and harm aquatic life by removing oxygen from the water. Other pollutants, including nutrients, bacteria, metals, and some toxic substance, attach to sediments and can thereby also be carried into waterways. Properly managing construction site activities effectively prevents and/or minimizes erosion and sedimentation materials from leaving development sites.

The City adopted an Erosion Prevention Ordinance and an Administrative Order in 1996. All persons engaged in construction activities must implement construction site management practices designed to protect the city's stormwater system. Construction sites larger than one acre or within an identified sensitive area require an erosion permit before any ground disturbance activity. A development site is considered a sensitive area if it meets any one of the following criteria: a) the slope of the parcel is greater than 10%; b) the site contains highly erodible soils; or c) the site has the potential to directly drain into a water feature or the water feature's designated buffer area.

Construction site management practices are the steps taken to prevent erosion, sedimentation, or discharge of contaminants from the construction site. Although there are a wide variety of options to choose from, mandatory practices are required during the wet weather season (October 15 through May 15). Fact sheets and standard drawings are provided for construction activity that does not require an erosion permit. Individual construction site management plans are required for construction activities that require an erosion permit.

BMP Activities:

Continue to monitor and enforce erosion prevention and construction site management practices within Eugene. Key program components include:

- Protect water features adjacent to sites under development with slopes of 10% or greater, or with erodible soils, by requiring permits and construction site management plans.

- Conduct outreach and educational activities for principal players (e.g., construction equipment operators, developers, and inspectors)
- Coordinate with BMP M1 (Enforcement for Improper Discharges) and A1 (Best Management Practices for Businesses).
- Finalize erosion design manual which includes information about proper techniques for erosion prevention as well as implementation guidelines, and make it available to the development community.
- Prepare an annual education program.
- Contract with local construction company for summary abatement of erosion violations.
- Maintain data base for tracking permits, inspections, complaint violations and educational outreach.
- Enforce minimum wet weather erosion prevention BMPs.

Assessment Methods:

- Track the number of complaints received and violations cited.
- Track methods of educational outreach conducted, frequency of outreach, attendance at outreach events, and feedback from participants.
- Track annual number of erosion permits and inspections.
- Track annual permit renewals monthly.
- Provide final erosion design manual to local contractors and DEQ.

M1 BMP Fact Sheet
Enforcement for Illicit Discharges

Responsible Department/Division:
Public Works Maintenance Division

BMP Contact:
Maintenance Division Director

BMP Description:
The City will attempt to effectively discourage and reduce improper discharges into the stormwater system through continued operation of the existing stormwater discharge compliance enforcement program. The primary goals of this program are to protect the quality of the receiving waters of the City's stormwater system and to ensure that discharges to the City's stormwater system comply with local, state, and federal regulations to the maximum extent practicable. The City will continue to conduct periodic review of enforcement program practices and procedures and make revisions as deemed necessary.

Background:
Schedule A of the City's NPDES stormwater permit requires the City to: "Reduce the discharge of pollutants from the municipal separate storm sewer system to the maximum extent practicable" and to "effectively prohibit non-stormwater discharges into the Municipal Separate Storm Sewer system unless such discharges are otherwise permitted by an existing...NPDES permit..." The term illicit discharge is defined in the City's NPDES permit as "...any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to an existing NPDES permit and discharges resulting from emergency firefighting activities."

To comply with NPDES requirements, the City of Eugene currently has extensive municipal code language prohibiting the discharge of any material other than stormwater into the public stormwater system unless permitted by the state. In addition to the code language, the City has an Administrative Order which establishes mechanisms for issuing a civil penalty when a responsible party is in violation of the City code. To support the City code a Stormwater Investigation and Enforcement Program has been established.

The primary goals of the stormwater pollution enforcement program are to:

1) Protect the City's receiving waters quality;
2) Ensure that discharges to the City stormwater system are in compliance with local, state, and federal regulations; and
3) Comply with requirements of the City's NPDES permit.

The primary objectives of the enforcement program are to:

a) Discourage violations of stormwater regulations through enforcement action;
b) Provide an effective and safe stormwater system for the public and City staff;
c) Protect the City's stormwater infrastructure; and
d) Reduce flooding or infrastructure failure resulting from illicit discharges to the system.

BMP Activities:

- Follow the guidelines established in the Stormwater Investigation and Enforcement Manual (Updated August, 2002).
- Receive improper discharge complaint from property owner, concerned citizen, City staff, other agencies, etc.
- Respond to the complaint site and make initial assessment.
- Determine if the discharge material is hazardous, non-hazardous, or unknown. If the material is hazardous or unknown call for the Eugene Fire Department Hazmat Team or a hazardous material mitigation contractor.
- Complete information will be gathered by PWM response personnel, including photographs, and entered into the "Cassworks" database.
- The source of the prohibited discharge will be determined and eliminated if possible.
- A responsible party will be determined if possible.
- If a source and responsible party are identified, efforts will be made to obtain voluntary cooperation from the party by eliminating this, and any future, discharge occurrences, and to clean up the discharge material from private and public property.
- The responsible party will be given educational materials concerning the storm sewer system and discharge requirements.
- PWM staff will determine if a discharge violation has occurred.
- If a violation has occurred, the responsible party will be sent a courtesy letter or Notice of Violation providing more information on possible impacts of repeated violations, as well as suggestions for compliance with established stormwater discharge codes.
- If a point source is not identified or if a responsible party can not be established, PWM will commence clean-up actions on public property and isolate the discharging material from the public stormwater system.
- All actions, impacts, and results will be entered into the "Cassworks" MMI system.
- Any abatement cost recovery and/or penalty will be determined after a review of site-specific conditions, actions and past history.

Assessment Methods:

- For noted violations, the City will take appropriate enforcement actions to correct the problems and discourage repeat violations.
- To assess program effectiveness, total violations and repeat violations will be tracked over time. Program practices will be adjusted as necessary to achieve the desired results.
- Number of spills or discharge complaints reported or received
- Site visits conducted
- Investigation hours
- Discharged material identifications
- Responsible party tracking
- Tracking of information requests
- Notice of Violations issued
- Letters sent out (warnings, educational, code information)
- Abatement costs billings
- Civil penalties assessed

M7 BMP Fact Sheet
Systematic Field Investigation for Improper Discharges

Responsible Department/Division:
Public Works Maintenance Division

BMP Contact:
Maintenance Division Director

BMP Description:
Using a watershed basin approach, the City will systematically inspect all private commercial/industrial stormwater systems that connect to the public drainage system. The purpose of this is to map private systems where no records currently exist and to assess the impacts of the private system on the public system. Where evidence is found that significant levels of pollutants are being introduced to the public system, City staff will work with property owners to correct the problems causing the discharge of pollutants.

Background:
The Systematic Field Investigation (SFI) program was developed to confirm the configuration of the municipal stormwater system and map private connections which have not previously been recorded. In addition, the SFI program identifies and removes sources of pollutants found to be entering the public stormwater system. Once identified significant sites are tracked which may adversely impact the municipal system. Furthermore, additional investigation and follow-up is conducted on systems where evidence exists that pollutants are entering the stormwater system. When a pollutant source is found, steps are taken to prevent further discharge to the system.

BMP Activities:
- City staff will continue a regular pipe system inspection program (systematic field investigation) for potentially high source land uses (i.e. commercial and industrial areas) to detect and identify sites that have obvious potential for illicit discharges.
- Re-evaluate the focus and emphasis of the Systematic Field Investigation program and follow up procedures based on lessons learned over the past 10 years, and new equipment available at Wastewater Treatment Plant lab. Refine program objectives.
- City staff will document the configuration of private systems where no records currently exist. These records will be entered into the City's Geographic Information System.
- During the inspection, City staff may contact a representative of the property and provide the current tenant of the property educational information on stormwater regulations and best management practices.
- If a significant source of pollutants is found, inspection staff will refer the site to the appropriate City staff for follow-up.
- Where problems can not be corrected through voluntary cooperation, code enforcement procedures will be employed which may include notices of violation, penalties, fines, abatement action, and/or referral to state agencies.

Assessment Methods
- Record number of sites inspected
- Record number of map corrections developed

- Assessment will be based on the number of sites inspected, the number of problems noted by staff, and the level of compliance achieved through voluntary means. Refinements and/or adjustments to the program will be made as needed.

P1 BMP Fact Sheet
Educational Volunteer Activities

Responsible Department/Division:
Public Works / Parks and Open Space Division

BMP Contact:
Parks and Open Space Division Director

BMP Description:
Continue to refine the City's existing Stream Team volunteer program to involve citizens of all ages and socio-economic backgrounds in meaningful, hands-on and educationally oriented projects and activities related to protecting stormwater quality, promoting the use of native vegetation, and enhancing fish and wildlife habitat within the local urban related watershed.

Background:
In conjunction with other, more formal, stormwater education programs, an aggressive, hands-on stormwater and natural resource enhancement volunteer program is an effective way to educate a wide segment of the populace about the impacts of non-point stormwater pollution. By providing both educational presentations to help promote the program and in-the-field activities such as work parties, interpretive tours and water quality and wildlife monitoring to name just a few, the City's Stream Team program can both teach the value of urban natural resource area as well as foster citizen stewardship of local streams, ponds and wetlands.

BMP Activities:
- Recruit, coordinate, support, and provide the educational focus for Stream Team volunteers involved in the following ways: group adoption of natural areas associated with the stormwater system (such as Amazon Creek, local ponds, streams and wetlands); ad hoc volunteer projects; and site monitoring.
- Provide volunteers with the necessary tools and guidance in the following areas: remove debris and invasive vegetation, plant and maintain native vegetation, collect native plant seeds, salvage native plants, operate and maintain a native plant nursery; monitor portions of the stormwater system; conduct fish and wildlife monitoring and perform other education water related activities.
- Provide support for on-going educational campaigns (BMPs A1 and A2) for certain problem pollutants in Eugene's stormwater runoff including lead, mercury and bacteria.
- Provide support for educational campaigns (BMPs A1 and A2) about the causes of low dissolved oxygen in receiving waters, and the actions private landowners and businesses can take to minimize depletion of stream water dissolved oxygen.
- Contribute articles and Stream Team information to the City's Stormwater Connections and Eugene Outdoors newsletters which are distributed bi-annually in local newspaper.
- Develop news releases and City Council newsletter articles to promote significant Stream Team Volunteer activities.
- Provide educational materials (such as videos focused on local stormwater and wetland issues) and make presentations to interested groups and school classes upon request.
- Produce a regularly scheduled Stream Team newsletter and distribute to program volunteers and others upon request.
- Hold semi-annual celebrations for volunteers to meet each other and become familiar with diverse components of the Stream Team program.

Assessment Methods:

- Solicit feedback on the program and effectiveness of outreach efforts.
- Track the number of schools and youth groups who participate in projects related to water quality and natural resource enhancements.
- Document the total number of volunteers who participate each year with Stream Team and the number of hours of volunteer time contributed.
- Track the number of new native plants that have been planted as part of Stream Team activities.
- Track the number of people who attend Stream Team related presentations and field tours.

remedies provided for failure to comply with LC 5.700 through 5.750 shall not be exclusive and shall be in addition to other remedies provided by law. The County expressly reserves the right to seek abatement through separate civil proceedings in addition to and not in lieu of administrative enforcement under this chapter. Nothing contained herein shall preclude civil actions alleging failure to comply with the provisions of this chapter constitute negligence per se. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-00, 4.12.00; 7-02, 6.14.02)*

5.705 Exemptions.

Unless specifically provided otherwise, LC 5.700 through 5.750 does not apply to:

(1) Disposal sites operated in compliance with regulations promulgated by the Environmental Quality Commission, Department of Environmental Quality, or other ordinances or regulations of the County.

(2) Outdoor storage of inoperable or unregistered vehicles when the land has a zoning district which permits or conditionally permits outdoor storage of inoperable or used vehicles and the vehicles are stored in accordance with applicable provisions.

(3) Property located within the corporate limits of incorporated cities. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-00, 4.12.00; 7-02, 6.14.02)*

5.710 Definitions.

For the purposes of LC 5.700 through 5.750, the following words and phrases shall mean:

Director. The Director of Public Works, the Director's designee, or the Manager of the Land Management Division, or the Manager's designee.

Certificate of Fitness. A certificate issued for a particular property by the Oregon Health Division following a satisfactory site characterization by a licensed drug laboratory decontamination contractor, sampling and testing by an independent, third party approved by the Oregon Health Division, and any necessary contamination reduction of the property by such licensed contractor. The certificate authorizes removal of the property from the State Building Codes Division's "Unfit for Use" listing and allows reuse of the property.

Illicit Discharge. Any discharge to the storm water system that is not composed entirely of storm water, or as determined by EPA Storm Water Phase II Final Rule, with the following exceptions:

(a) Discharges from NPDES permitted industrial sources;
(b) Fire fighting activities;
(c) Water line flushing;
(d) Landscape irrigation;
(e) Diverted stream flows;
(f) Rising ground water;
(g) Uncontaminated ground water infiltration;
(h) Uncontaminated pumped ground water;
(i) Discharges from potable water sources;
(j) Foundation drains;
(k) Air conditioning condensation;
(l) Irrigation water;
(m) Springs;
(n) Water from crawl space pumps;
(o) Footing drains;
(p) Lawn watering;
(q) Individual residential car washing;
(r) Flows from riparian habitats and wetlands;

(s) De-chlorinated swimming pool discharges;

(t) Street wash water.

Inoperable Vehicle. A vehicle which:

(a) Has been left on private property for more than 30 days; and

(b) Has broken or missing window(s); or broken or missing windshield; or a missing wheel(s), or a missing tire(s); or lacks an engine or will not run; or lacks a transmission or the transmission is inoperable; and

(c) The vehicle is over three years old.

(d) For purposes of this section, a showing that the vehicle(s) in question is unlicensed and, if operated on a public highway of this state, would be in violation of one or more of the following provisions: ORS 815.020, 815.100, 815.125, 815.155, 815.160, 815.170, 815.180, 815.195, 815.235, 815.245 through 815.260, 815.270, and 815.295 constitutes a rebuttable presumption that it is inoperable.

Motor Vehicle. A vehicle that is self-propelled or designed for self-propulsion.

Noxious Vegetation: Includes:

(a) Weeds more than 10 inches high.

(b) Grass more than 10 inches high unless that vegetation is an agricultural crop and does not create a fire hazard or traffic hazard.

(c) Poison Oak or Poison Ivy.

(d) Tansy Ragwort.

(e) Blackberry bushes that extend into a public thoroughfare or across a property line.

(f) Thistle.

Nuisance. Includes, but is not limited to any annoying, unpleasant, or obnoxious condition or practice causing an unreasonable threat to the public health, safety and welfare and defined as a nuisance in LC 5.720 through 5.750.

Person. Includes individuals, corporations, associations, firms, partnerships and joint stock companies.

Person in Charge of Property. An owner, agent, occupant, lessee, tenant, contract purchaser, or other responsible person having possession or control of the property or the supervision of a construction project on the property.

Responsible Person. As defined in LC 5.005(7), and includes:

(a) The person in charge of property on which the nuisance exists or which abuts a public way where a nuisance exists.

(b) The person who causes the nuisance to come into or continue in existence.

Putrescible Material. Organic material that decomposes and gives rise to foul or offensive odors, or foul or offensive by-products.

Solid Waste. Solid Waste includes all putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clipping, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

(a) Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential nonagricultural purposes.

(b) Septic tank and cesspool pumping or chemical toilet waste;

(c) Reusable beverage containers as defined in ORS 459A.725.

5.740 Accumulation, Collection or Storage of Solid Waste or Waste.

(1) Any accumulation, collection or storage of solid waste or waste, shall constitute a nuisance and no person responsible shall cause or permit such condition to exist unless the person responsible is licensed by lawful authority to operate a business specifically for those purposes.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.745 An Abandoned, Discarded, or Unattended Icebox, Refrigerator, or Other Container with a Compartment.

(1) Any abandoned, discarded or unattended icebox, refrigerator or other container with a compartment of more than one and one-half cubic feet capacity and an airtight door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside shall constitute a nuisance and no person responsible shall cause or permit such condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.747 Illicit Discharge.

For the purposes of this section, the following requirements apply within the Eugene Urban Growth Boundary as defined at LC 10.600-20, and outside the incorporated city limits (1) No responsible person shall allow an illicit discharge from his or her premises to flow out on or under a public way.

(2) No responsible person shall place or cause to be placed a substance which is harmful to or has a tendency to clog the County storm water system or permit such substance in the control of such person to enter the County storm water system.

(3) No person shall discharge, or cause to be discharged, any substance other than storm water, except discharges authorized by written approval of the Oregon Department of Environmental Quality (DEQ) or the Director. The Director may deny approval to discharge into the County storm water system if the discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. The Director may withdraw approval to discharge if the Director determines that a discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. Any person lawfully discharging pursuant to a National Pollutant Discharge Elimination System permit as of March 10, 2004 shall be deemed to have received written approval from the Director. Such approval may be withdrawn if the Director determined that the discharge poses a threat to health, safety, public welfare, of the environment, or is otherwise prohibited by law.

(4) Every establishment or place where the substances prohibited in subsection (2) above is or may be produced is hereby required to install such necessary catch basin traps or other devices for the purpose of preventing such substance from entering the County storm water system. Where the Director reasonably believes that any such substance may be produced, the Director may require any responsible person to furnish to the County plans prepared by a registered engineer showing the proposed method of elimination. Such device shall be approved only if tests and subsequent engineering data establish that a desirable standard of removal is produced.

(5) No responsible person shall allow storm water to flow out on or under a public way in a manner that creates a traffic or other hazard for those lawfully using the public way or that creates a hazard to improvements within the public way.

(6) A failure to comply with this section shall be cause for a responsible person to be subject to enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

(7) Lane County has adopted the following Illicit Discharge regulations to be applied by the City of Springfield on urbanizable land within the Springfield Urban Growth Boundary as set forth in LC 10.600-10.

(1) The Springfield Illicit Discharge regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 3-10

(2) The Lane County Land Management Division will maintain and make available to the public copies of the applicable Illicit Discharge regulations. *(Revised by Ordinance No. 1-04, Effective 9.4.04; 3-10, 6.9.10)*

5.750 Properties Declared "Unfit for Use" Due to Illegal Drug Manufacturing Contamination.

(1) Property placed on the Oregon Health Division "unfit for use list" pursuant to ORS 453.879 because it has been used for the manufacture of illegal drugs shall be considered a nuisance 90 days after it has been listed and shall remain a nuisance until such time as it is issued a "Certificate of Fitness" by the Oregon Health Division, and no responsible person shall cause or permit such a condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 7-02, Effective 6.14.02)*

5.990 Failure to Comply.

(1) A person who fails to comply with any provision of Lane Code shall be subject to administrative enforcement pursuant to LC Chapter 5, except for those provisions which are specified to be violations, or which specify incarceration as a penalty. A notice of failure to comply may be signed, issued and served by any designated agent of the County.

(2) A person who fails to comply with LC 5.600 et seq. is subject to a monetary penalty of not less than $500 for a first failure to comply and $1,000 for each subsequent failure to comply committed within one year of the first occurrence. However, the hearings officer may suspend up to $400 of the monetary penalty to be paid for a first offense upon receiving from the person who has failed to comply a signed, verified statement that said person agrees not to cause any further failure to comply with LC 5.600 et. seq. within the following year, and further stating that if it is determined that said person should so fail to comply, the suspended portion of the monetary penalty amount be then due and payable, in addition to any amounts to be due for the subsequent failures to comply. Persons who fail to comply with LC 5.600 et seq. are also subject to the administrative civil penalty procedures set forth in this chapter. Any enforcement proceedings allowed herein may be commenced by the Manager. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. For purposes of this subsection a separate failure to comply will be deemed to have occurred for every occurrence that is more than 15 minutes from the previous failure to comply.

(4) Dog owners shall renew the dog license before it becomes delinquent. A late fee of $10 will be charged if the license is renewed after it has become delinquent.

TABLE II

Crown Spacing - Trees Per Acre

43,560 Sq. Ft./Acre / 100 trees = 435.6 Sq. Ft./Tree (22"-Diameter Crown)

Diameter Crown (in Feet)	Sq. Ft./ Tree	Trees/ Acre	(Closed Canopy)
10 78.75	553		
15 176.63	247		
20 314.00	139		
25 490.63	89		
30 706.50	62		
35 961.63	45		
40	1,256.00	35	

EXHIBIT "B" TO LC CHAPTER 9
(LC 9.935)
Page 3

(Revised by Ordinance No. 14-90D, Effective 11.21.90 [Sunset 11.30.91]; 16A-91, 11.20.91 [Sunset 6.1.93]; 4-93, 5.19.93 [Sunset 12.1.94]; 11-94, 11.22.94 [Sunset 12.1.95]; 3-96, 11.1.96)

EROSION PREVENTION

9.945 Applicable Erosion Control Prevention Regulations.
Lane County has adopted the following erosion control regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary, as set forth in LC 10.600-20.

(1) The Eugene Erosion Prevention regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 2-04.

(2) Copies of the applicable erosion prevention regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance 2-04, Effective 4.9.04)*

9.946 Applicable Erosion Control Prevention Regulations, City of Springfield UTZ
Lane County has adopted the following erosion control regulations to be applied by the City of Springfield on urbanizable land within the Springfield Urban Growth Boundary as set forth in LC 10.600-10.

(1) The Springfield erosion prevention regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 2-10

(2) The Lane County Land Management Division will maintain and make available to the public copies of the applicable erosion prevention regulations. *(Revised by Ordinance 2-10, Effective 6.9.10)*

CLEAR LAKE WATERSHED BOATING REGULATIONS

9.950 Clear Lake Watershed Boating Regulations.

(1) Purpose. The Clear Lake Watershed has been recognized as an area deserving protection in order to maintain high water quality in Clear Lake as a domestic water supply source. The Clear Lake Watershed is made up of properties, a substantial majority of which, are in private ownership. The Clear Lake Watershed Boating

Intergovernmental Agreement
for
NPDES Phase II Services
City of Eugene

THIS AGREEMENT is entered into by and between **LANE COUNTY**, a political subdivision of the State of Oregon, hereinafter referred to as **COUNTY**, and the **CITY OF EUGENE**, a municipal corporation of the State of Oregon, hereinafter referred to as **CITY**.

RECITALS

WHEREAS, in accordance with Lane Manual 21.124 and by the authority granted in ORS 190.010, the Eugene City Charter and the Lane County Home Rule Charter, units of local government may enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, COUNTY is subject to the National Pollutant Discharge Elimination System (NPDES) Phase II permit regulations for Municipal Separate Storm Sewer Systems (MS4); and

WHEREAS, all regulated small MS4 communities are required to establish a stormwater program that addresses the six minimum measures covered under the Phase II permit~~. COUNTY is in the process of creating and implementing a stormwater management program~~; and

WHEREAS, CITY has implemented a comprehensive Stormwater Management Program (SWMP) under Phase I of the NPDES program. CITY's Phase I permit has existing Best Management Practices (BMP's) that cover some aspects of the six Phase II measures required of COUNTY; and

WHEREAS, per Board Order No. 03-3-12-4, the Board of Commissioners authorized an intergovernmental agreement with CITY where COUNTY could adopt portions of the CITY SWMP as it pertains to the six minimum Phase II measure requirements and implement them into the COUNTY SWMP, including delegation of authority to CITY to administer certain regulations for COUNTY as necessary; and

WHEREAS, the surface water drainage systems of both jurisdictions are interdependent, and a cooperative and effective management agreement affecting both jurisdictions is beneficial to the citizens of both jurisdictions; and

WHEREAS, the area affected by this Agreement includes the area between the City limits of Eugene and Eugene's Urban Growth Boundary (UGB), except as specifically outlined herein; and

WHEREAS, pursuant to intergovernmental agreements with the COUNTY, CITY is responsible for land use planning within the area between the Eugene city limits and the City of Eugene UGB, and applies CITY Development Code requirements as previously adopted by COUNTY; and

WHEREAS, CITY Development Code requires that the provisions of the CITY's Stormwater Management Plan be implemented, as appropriate, for all development applications; and

WHEREAS, COUNTY agrees that this Agreement with CITY is in the public interest and is needed to ensure regulatory compliance with its NPDES Phase II Municipal Stormwater Permit; and

WHEREAS, upon terms mutually agreeable to both parties, the responsibilities of each are outlined as follows:

AGREEMENTS

COUNTY SHALL:

1. Partner with CITY to provide educational brochures to COUNTY residents within the area between the Eugene city limits and the City of Eugene UGB, in regards to **Stormwater Education (Eugene BMP A1 - Exhibit "A").** COUNTY will provide input in brochure creations. COUNTY will seek opportunities to partner with CITY for support with selected local and regional organizations for stormwater-related educational outreach programs and activities out to the Eugene UGB.

2. Partner with CITY on **Educational Volunteer Program ~~Activities and Natural Resource Protection~~ (Eugene BMP P1 - Exhibit "A").** The COUNTY will seek opportunities to partner with CITY on ~~voluntary~~ projects involving volunteers within the area between the Eugene city limits and the Eugene UGB.

~~Consider adopting CITY regulations, or similar regulations, regarding **Enforcement for Improper Discharges (Eugene BMP M2-Exhibit "A")** for application within the area between the Eugene city limits and the City of Eugene UGB. COUNTY will notify residents of the adopted regulations and implement and enforce the regulations as they apply to areas outside City limits.~~

3. Partner with CITY on **Management of Illicit Discharges to the Municipal Stormwater System (Eugene BMP M1 - Exhibit "A").** County will adopt regulations substantially identical to CITY ordinances regarding Illicit Discharge Response and Enforcement for application within the area between the Eugene city limits and the City of Eugene UGB, and delegate authority to CITY to administer the Illicit Discharge Response and Enforcement regulations. Within 60 days after adoption of any modifications by CITY of its Illicit Discharge Response and Enforcement regulations,

consider adopting regulations substantially identical to CITY amended ordinances for adoption as County regulations and delegate authority to the CITY to administer the Illicit Discharge Response and Enforcement regulations as amended.

4. Partner with CITY on **Spill Response (Eugene BMP M2 – Exhibit "A")**. County will provide information to CITY and assistance as requested for responding to spills within the area between the Eugene city limits and the City of Eugene UGB.

~~Consider adopting CITY regulations, and future amendments thereto, regarding **Erosion Prevention and Construction Site Management Program (Eugene BMP E2-Exhibit "A")** and related City of Eugene Administrative Rules and Fee schedule, for application within the area between the Eugene city limits and the City of Eugene UGB. COUNTY will notify residents of adopted regulations. COUNTY hereby transfers authority to administer the Erosion Prevention Regulations within the urbanizable portion of the Eugene UGB Area and to set appropriate fees.~~

5. Partner with CITY on **Erosion Prevention and Construction Site Management (Eugene BMP E2 - Exhibit "A")**. Within 60 days after adoption of any modifications by CITY of its Erosion and Sediment Control regulations, consider adopting regulations substantially identical to CITY amended ordinances for application within the area between the Eugene city limits and the City of Eugene UGB as adopted County regulations and delegate authority to the CITY to administer the Erosion and Sediment Control Regulations as amended.

6. COUNTY will consider adopting regulations substantially identical to CITY ordinances regarding **Stormwater Development Standards (Eugene BMP E4 – Appendix "A")** and related City of Eugene Administrative Rules and Fee schedule, for application by CITY within the area between the Eugene city limits and the City of Eugene UGB. Within 60 days after adoption of any modifications by CITY of its Stormwater Development Standards, consider adopting regulations substantially identical to CITY amended ordinances for adoption as County regulations and delegate authority to the CITY to administer the regulations as amended.

7. COUNTY will consider adopting regulations substantially identical to CITY ordinances regarding **Regulation of Inspection, Maintenance and Reporting of Private Underground Stormwater Structures (Eugene BMP P6 – Appendix "A")** and related City of Eugene Administrative Rules and Fee schedule, for application by CITY within the area between the Eugene city limits and the City of Eugene UGB. Within 60 days after adoption of any modifications by CITY of said ordinances, consider adopting regulations substantially identical to CITY amended ordinances for adoption as County regulations and delegate authority to the CITY to administer the regulations as amended.

8. COUNTY will consider adopting regulations substantially identical to CITY ordinances regarding **Compliance Program for Maintenance of Privately Owned Vegetated Stormwater Facilities (Eugene BMP M6 – Appendix "A")** and related City of Eugene

Administrative Rules and Fee schedule, for application by CITY within the area between the Eugene city limits and the City of Eugene UGB. Within 60 days after adoption of any modifications by CITY of said ordinances, consider adopting regulations substantially identical to CITY amended ordinances for adoption as County regulations and delegate authority to the CITY to administer the regulations as amended.

9. Provide necessary documentation to CITY required for annual report writing of CITY's Phase I permit.

~~Partner with CITY for consultant work regarding the requirment to **Develop Comprehensive Basin Plans (Eugene BMP E1-Exhibit "A")** for the North Eugene/Santa Clara area. COUNTY will provide staff support in completing the Basin Plan.~~

CITY SHALL:

1. Partner with COUNTY to provide educational brochures to COUNTY residents within the area between the Eugene city limits and the City of Eugene UGB, in regards to **Stormwater Education (Eugene BMP A1 - Exhibit "A").** CITY will solicit input from COUNTY on educational materials. CITY will seek opportunities to partner with COUNTY for support with selected local and regional organizations for stormwater-related educational outreach programs and activities out to the Eugene UGB.

2. Partner with COUNTY on **Educational Volunteer Program ~~Activities and Natural Resource Protection~~ (Eugene BMP P1 - Exhibit "A").** The CITY will seek opportunities to partner with COUNTY on ~~voluntary~~ projects involving volunteers within the area between the Eugene city limits and the Eugene UGB.

3. Administer and enforce COUNTY adopted regulations as they pertain to the **Management of Illicit Discharges to the Municipal Stormwater System (Eugene BMP M1 - Exhibit "A"),** within the area between the Eugene city limits and the City of Eugene UGB. If COUNTY does not adopt amendments to City's regulations referenced in this paragraph within 60 days of CITY's adoption of such amendments, CITY may cease performing the functions described in this paragraph.

~~At the request of COUNTY, assist in administration support of regulations for **Enforcement for Improper Discharges (Eugene BMP M2-Exhibit "A").**~~

~~At the request of COUNTY, assist COUNTY in sampling and testing in regards to **Systematic Field Investigation For Improper Discharges (Eugene BMP M9-Exhibit "A")**, if necessary.~~

4. Partner with COUNTY on **Spill Response (Eugene BMP M2 – Exhibit "A").** CITY will respond to spills outside CITY limits but inside the City of Eugene UGB, and will coordinate efforts with other local response teams such as COUNTY, private contractors, fire and police departments, and state agencies as necessary.

5. Administer and enforce COUNTY adopted regulations as they pertain to the **Erosion Prevention and Construction Site Management Program (Eugene BMP E2 - Exhibit "A")**, outside CITY limits but inside the City of Eugene UGB. CITY shall establish and collect all fees for erosion control regulations, permits, processing, appeals, enforcement, fines and penalties. If COUNTY does not adopt amendments to CITY's regulations referenced in this paragraph within 60 days of CITY's adoption of such amendments, CITY may cease performing the functions described in this paragraph.

6. Administer and enforce COUNTY adopted regulations as they pertain to the **Stormwater Development Standards (Eugene BMP E4 - Exhibit "A")**, outside CITY limits but inside the City of Eugene UGB. CITY shall establish and collect all fees for implementation of Stormwater Development Standards including permits, processing, appeals, enforcement, fines and penalties. If COUNTY does not adopt amendments to City's regulations referenced in this paragraph within 60 days of CITY's adoption of such amendments, CITY may cease performing the functions described in this paragraph.

7. Administer and enforce COUNTY adopted regulations as they pertain to the **Regulation of Inspection, Maintenance and Reporting of Private Underground Stormwater Structures (Eugene BMP P6 – Appendix "A")**, outside CITY limits but inside the City of Eugene UGB. If COUNTY does not adopt amendments to City's regulations referenced in this paragraph within 60 days of CITY's adoption of such amendments, CITY may cease performing the functions described in this paragraph.

8. Administer and enforce COUNTY adopted regulations as they pertain to the **Compliance Program for Maintenance of Privately Owned Vegetated Stormwater Facilities (Eugene BMP M6 – Appendix "A")** outside CITY limits but inside the City of Eugene UGB. If COUNTY does not adopt amendments to City's regulations referenced in this paragraph within 60 days of CITY's adoption of such amendments, CITY may cease performing the functions described in this paragraph.

9. Provide necessary documentation to COUNTY required for annual report writing of COUNTY Phase II permit.

~~Partner with COUNTY on finalization and implementation of the requirement to **Develop Comprehensive Basin Plans (Eugene BMP E1-Exhibit "A")** for the North Eugene/Santa Clara area.~~

BOTH PARTIES AGREE THAT:

1. This Agreement becomes effective when signed by COUNTY and CITY, and COUNTY has adopted regulations referencing CITY ordinances pertaining to Illicit Discharge Response and Enforcement, Stormwater Development Standards, and Compliance Programs for Maintenance of Privately Post-Construction Stormwater Facilities, according to this Agreement (the "Effective Date"). This Agreement terminates three years following the Effective Date, unless terminated earlier under paragraph 8 (Termination) below. ~~The term of this Agreement shall commence upon execution and terminate on February 28, 2008~~. The amount of compensation under this agreement shall be as follows:

~~1A. COUNTY agrees to pay 42.9% (this value is based on 42.9% of land area in the Basin Plan) of all costs associated with completion of the River Road/Santa Clara Basin Plan, pursuant to **BMP E1**, upon receipt of monthly billings from the City. Total COUNTY paid compensation for the basin plan shall not exceed $75,000.~~

~~1B. CITY will bill COUNTY, and COUNTY will pay CITY 13.2% of the actual costs for production, administration and distribution of educational brochures, pursuant to **BMP A2** (this percentage is based on the population within the UGB).~~

~~1C. Except to the extent the City's costs for administration and enforcement pursuant to **BMP E2** are compensated by fees, fines and penalties CITY collects, CITY will bill COUNTY, and COUNTY will pay CITY, for actual costs related to any other administrative efforts as the parties may agree to, which could include but not be limited to: Erosion control enforcement, Illicit discharge assistance, Field screening sampling and testing.~~

COUNTY will pay CITY, in an amount not to exceed [redacted] per year, for direct and indirect costs associated with implementation of the aforementioned stormwater BMPs **(Exhibit "A")**. CITY shall invoice COUNTY on a quarterly basis. COUNTY compensation to CITY may be modified after Year 1 subject to both parties reaching mutual agreement.

~~All actual cost billings will include indirect costs based on the federal Cost Allocation Plan. Both agencies will work to coordinate an invoice format to accommodate these transactions, which will include a billing schedule. Billing format and cost estimates can be subject to change or amended, as the parties may agree.~~

2. **Indemnification:** To the extent allowable by the Oregon Constitution and the Oregon Tort Claims Act, each of the parties hereto agrees to indemnify and save the other harmless from any claims, liability or damages fees arising out of or resulting from any error, omission or act of negligence on the part of the indemnifying party, its officers, or employees in the performance of this Agreement.

3. **Dispute Resolution:** The parties shall exert every effort to cooperatively resolve any disagreements they may have under this Agreement. In the event that the parties alone are unable to resolve any conflict under this Agreement, they agree to present their

disagreements to a mutually selected mediator. Each party shall bear its own costs for mediation and the parties shall share equally the cost of the mediator. This procedure shall be followed to its conclusion prior to either party seeking relief from a court, except in the case of an emergency.

If the dispute remains unresolved through mediation, the parties may agree in writing to submit the dispute to arbitration, using such arbitration process as they may choose at the time and which includes the following conditions:

a.) The location of the arbitration shall be in Eugene, Oregon;

b) Each party shall bear its own costs (except arbitration filing costs), witness fees, and attorney fees;

c) Arbitration filing costs and any arbitrator's fees will be divided equally between the parties; and

d) Judgment upon award rendered by the Arbitrator may be entered in a court in Lane County, Oregon.

4. **Amendment:** This Agreement may be modified in writing by mutual consent of both parties. The parties recognize an obligation on the part of COUNTY to extend the application of this Agreement to lands included in the future within the Eugene UGB Area and to consider adopting any future changes in regulations made by CITY for application to the Eugene UGB Area.

5. **Waiver:** Failure of COUNTY or CITY to enforce any provision of this Agreement shall not constitute a waiver or relinquishment by the COUNTY or CITY of the right to such performance in the future nor of the right to enforce that or any other provision of this Agreement.

6. **Severability:** If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected; and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular provision held to be invalid.

7. **Coordination:** For purposes of day-to-day coordination under this Agreement and mailing of notice in regard to any matter hereunder, **COUNTY** hereby designates the Environmental Services Section Supervisor of the Department of Public Works, 3100 E. 17th Aveneue, Eugene, OR 97403, ~~Road Maintenance Manager of the Department of Public Works, 3040 Delta Highway North, Eugene, OR 97408,~~ as its coordinator. **CITY** hereby designates the City of Eugene Public Works Water Resources Manager, ~~410 River Avenue, Eugene, Or 97404~~ 99 East Broadway, Suite 400 Eugene, OR 97401 as its coordinator.

8. **Termination:**

A. This Agreement may be terminated by either party upon180 days' written notice to the other for any or no reason. Either prior to, or as part of the written notice, the entity terminating the agreement shall indicate how it desires to deal with responsibilities under

the agreement. The parties shall strive to reach a mutual agreement with respect to the transition of those responsibilities.

B. This Agreement may be terminated by CITY upon 30 days' written notice to COUNTY if COUNTY fails to adopt regulations substantially identical to those adopted by CITY as contemplated in paragraphs 6,7, and 8 of the County obligations section, or if COUNTY does not adopt amendments to CITY's regulations referenced in paragraphs 5,6,7, & 8 of the County obligations section within 60 days of CITY's adoption of such amendments.

****

Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous representations, understandings, or agreements, whether oral or written, relating to the subject matter hereof. All prior or contemporaneous representations, understandings or agreements, whether oral or written, that are not expressly set forth within the four corners of this Agreement are hereby deemed waived, superseded and abandoned.

CITY OF EUGENE

By _____

Title: City Manager

Date _____

Address for Notice:

City of Eugene
777 Pearl St. Room 105
Eugene, OR 97401

LANE COUNTY

By _____

Title: County Administrator

Date _____

Address for Notice:

Lane County Public Works
3040 Delta Highway North
Eugene, OR 97408

Exhibit "A"

Relevant City of Eugene BMP's referenced in Agreement

A1	Stormwater Education
Responsible Department/Division	Public Works / Administration Division
Description	Plan, develop, implement and revise as necessary a program to provide stormwater information and education to homeowners, school children, City and other agency staff and the general public about the impacts to stormwater quality and natural resource values from both point and non-point sources of pollution. In addition, educate professional, commercial, and industrial businesses about best management practices that can help prevent and reduce stormwater quality impacts to the public stormwater system and local receiving waters.
Tasks	1. Update and improve upon educational materials through assorted print material, videos, web, audio and visual media. 2. Prepare and staff booths at special events to reach community members. 3. Develop on-going campaigns as appropriate to support projects, programs, special opportunities and targeted pollutants.
Measurable Goals	• Conduct surveys every two years with Eugene residents to determine attitudes and opinions of residents about the stormwater management program. • Provide SPLASH educational curriculum to teachers and administrators in local school districts. • Develop and implement internal stormwater education to city staff through new employee orientation, "green team" presentations, work group presentations and audio/visual presentation. • Increase catch basin markers with "dump no waste" messages and storm drain covers installed on public improvement projects. • Work collaboratively on education campaigns with other local agencies.
Tracking Measures	• Number of information materials (all media) prepared and distributed to the public. • Number of students and teachers who use SPLASH curriculum annually. • Number of attendees at public outreach events. • Number of employees attending stormwater education sessions. • Track quantity of installed catch basin markers and storm drain covers. • Identify collaborative campaigns, target audience and summary of campaign. • Documentation of stormwater survey responses.

P1	Educational Volunteer Program
Responsible Department/Division	Public Works / Parks & Open Space Division
Description	Manage and support the City's Stream Team volunteer program and other community volunteer programs that promote stormwater education. Provide opportunities to involve citizens of all ages and socio-economic backgrounds in meaningful, hands-on and educationally oriented stormwater related projects. Such projects are aimed at providing both physical benefits and participant awareness related to protecting stormwater quality, fostering citizen stewardship of the City's water resources, promoting the use of native-vegetation, and enhancing fish and wildlife habitat within the local urban watershed.
Tasks	1. Recruit, support, and coordinate activities for groups or organizations to adopt portions of the City's stormwater system, such as creeks, ponds, and drainage channels. 2. Investigate inclusion of publicly owned vegetated stormwater facilities within developed parks and right of way into the volunteer program. 3. Advertise, coordinate and conduct periodic work parties for regular and drop-in volunteers aimed at waterway clean-up, invasive species removal, native vegetation salvage and native vegetation planting in riparian areas. 4. Partner with local agencies, organizations, businesses and/or corporate sponsors to plan, promote, coordinate and implement annual large scale waterway clean-up volunteer events. 5. Inform the public about the purpose of the volunteer program through public presentations, distribution of program information materials, event related press releases and news media articles and news stories. Include in the communication the challenges and benefits of managing stormwater properly.
Measurable Goals	• As attrition occurs continue to recruit replacement adoption groups to maintain current levels of participation. • Conduct one volunteer work party annually that will address maintenance needs at publicly owned vegetated stormwater facilities with developed parks or the right of way. • On average, conduct 12 volunteer work parties per year. • Conduct at least one partnership based large-scale water resource clean-up or enhancement volunteer project per year. • Correspond with the city's stormwater education program coordinator on a regular basis to determine if there are opportunities to better inform the public regarding the challenges and benefits of stormwater management.

Tracking Measures	• Number of adoption groups that are retained and continue to participate in the volunteer program. Track number of new adoption groups brought into the program. • Number of volunteer work parties conducted that involve maintenance of publicly owned vegetated stormwater facilities and number of volunteer participants. • Number of work parties conducted and number of volunteer participants. • Document annual large-scale project(s), participating partners and number of volunteer participants. • Document annually efforts to educate the public about the city's volunteer programs and the protection of water quality as it relates to stormwater.

M1	Management of Illicit Discharges to the Municipal Stormwater System
Responsible Department/Division	Public Works / Maintenance Division
Description	Discourage and reduce improper discharges into the stormwater system through operation of a stormwater discharge compliance enforcement program. The primary goals of this program are to protect the quality of the receiving waters of the City's stormwater system and to ensure that discharges to the City's stormwater system are in compliance with local, state, and federal regulations to the maximum extent practicable. The City will conduct periodic review of enforcement program practices and procedures and make revisions as deemed necessary.
Tasks	1. Use CCTV inspection, dye testing, smoke testing and field investigation to identify illegal connections, cross connections with the wastewater system and failures in the pipe system. 2. Inspect stormwater outfalls to identify illicit discharges, as well as track outfalls added or removed from the stormwater system. 3. Implement the City's Stormwater System Administrative Rule, 58-02-01-F, with the intent to prohibit improper connections and illegal discharges to the City's stormwater system utilizing an effective enforcement program .
Measurable Goals	• Work to reduce the number of improper discharges into the municipal stormwater system through public outreach and a reasonable enforcement of regulations.
Tracking Measures	• Track the number of stormwater pollution complaints received by the City. • Track the number of outfalls inspected annually. • Track the number of requests-for-service (RFS) related to illicit discharges to the municipal stormwater system which required enforcement.

M2	Spill Response
Responsible Department/Division	Public Works / Maintenance Division
Description	Maintain an on-call team trained in spill response procedures involving environmentally hazardous materials and a vehicle equipped for such spill mitigation. Coordinate efforts with other local response teams such as the City of Eugene Fire and Police Departments, Lane County, and state agencies.
Tasks	1. Maintain an on-call list of personnel trained in spill response procedures. 2. Maintain an inventory of equipment and supplies necessary to mitigate improper discharges to the municipal stormwater system. 4. 3.Coordinate in conjunction with Fire Department / Hazmat Team on mitigation efforts including hazardous material clean-up and disposal. Update the City of Eugene's Public Works Maintenance Spill Response and Illicit Discharge Operations Plan.
Measurable Goals	• Maintain a list of HAZWOPER trained personnel that are available for 24-hour emergency response. • Maintain and update, as necessary, the City's On-Call Emergency Roster for Environmental Spills.
Tracking Measures	• Up-to-date list of employees trained for spill response. • Track number of spills and follow-up details.

E2	Erosion Prevention and Construction Site Management Program
Responsible Department/Division	Public Works / Engineering Division
Description	Administer and monitor an Erosion Prevention and Construction Site Management Program in compliance with Eugene Code 6.625-6.645, preventing and mitigating pollutant and sediment discharges into the city's stormwater system due to construction activities and land disturbance.
Tasks	1. Screen all development permits for sensitive area status, conduct plan reviews, issue erosion permits, conduct erosion inspections, and provide compliance enforcement as appropriate. 2. Issue Erosion Permits for activities which disturb an area one acre or greater in size or disturb an area 500 square feet or greater within a sensitive area (i.e. adjacent to a water feature or its buffer, ground slopes greater than 10%, having highly erodible soils). 3. Conduct education and outreach related to new erosion techniques/practices. 4. Act as 1200-C Agent for DEQ.
Measurable Goals	• Conduct one inspection prior to the commencement of work for all erosion permitted sites. • Inspect non-erosion-permitted sites at least twice during the life of the building/construction permit or as necessary to assure compliance with the program. • Inspect permitted sites monthly or as necessary to assure compliance with the program. • Conduct one annual erosion prevention training event.
Tracking Measures	• Number of compliance orders issued. • Number of permits issued. • Number of inspections. • Number of training/outreach events.

E4	Stormwater Development Standards
Responsible Department/Division	Public Works / Engineering Division
Description	Administer and monitor a program that implements the city's Stormwater Development Standards, Eugene Code 9.6790-9.6796, Eugene Code 7.143 (3), and associated Stormwater Management Manual. The Stormwater Development Standards regulate the location, design, construction and maintenance of private and public stormwater facilities for flood control, water quality, and natural resource protection.
Tasks	1. Screen development permits for post-construction stormwater management, conduct plan reviews, approve stormwater facilities, conduct inspections, and provide compliance enforcement as appropriate. 2. Maintain an up-to-date Stormwater Management Manual for new development. 3. Track, evaluate, and develop new technologies and practices for post-construction stormwater management. 4. Provide training and technical assistance on water quality facilities to city staff and the public. 5. Conduct a review of policies, practices and regulations to identify potential barriers to implementing low impact development techniques.
Measurable Goals	• Review stormwater management proposals at the land use and/or development permit stage (i.e. earliest level of review). • Review and approve construction plans for stormwater management facilities for all development sites which create 1000 square feet or more impervious surface. • Update Eugene's Stormwater Management Manual every two years or as needed to provide new information or practices for post-construction stormwater management.
Tracking Measures	• Number of private water quality facilities permitted with building permits. • Number of land use applications reviewed. • Number and type of public water quality facilities constructed. • Number of training/outreach events held.

P6	Compliance Program for Maintenance of Privately Owned Vegetated Stormwater Facilities
Responsible Department/Division	Public Works / Parks & Open Space Division
Description	Develop, implement and manage a program to ensure that privately owned and operated vegetated stormwater treatment facilities are maintained so that they function as designed and constructed. The program will employ a combination of rules, protocols and procedures to require: that each private vegetated facility is routinely inspected; that routine and corrective maintenance actions are performed in a timely manner; and that completion of both such activities are regularly reported to City staff. Based on Eugene Municipal Code requirements, penalties and/or other legal remedies will be employed to enforce compliance with these requirements when necessary.
Tasks	1. Continue to document pertinent information for new privately owned and operated vegetated stormwater facilities. This includes photo documentation of newly constructed facilities and populating the stormwater facility tracking system database with all new facility information. 2. Develop an administrative rule that details the policy guidelines, practices, procedures, specific authorities, permitted actions, and penalties to be used by City staff in managing the program. 3. Establish criteria for when maintenance audits, corrective actions, and/or enforcement actions are warranted. 4. Maintain mechanisms, processes and procedures to track BMP ownership, maintenance inspections, required reports, corrective maintenance activity and enforcement actions. 5. Develop templates for written correspondence to BMP owners, such as inspection notification, reporting reminder, notice of non-compliance, notice of violation, and enforcement documents. 6. Review required inspection and maintenance logs submitted by BMP owners
Measurable Goals	• Inspect all new vegetated private stormwater facilities at the time of construction and log pertinent information into the stormwater facility tracking database system. Adopt and implement an administrative rule to enforce the maintenance of private stormwater facilities by February 2011. • Ensure the inspection of each vegetated private stormwater facility is conducted at least once per year by the owner/operator and an inspection and maintenance log documenting the necessary corrective actions is submitted to City staff annually. • Review annual reports for privately-owned vegetated stormwater facilities.

Tracking Measures	• Number of private vegetated stormwater facility inspections completed at time of construction. • Number of owner/operator inspection and maintenance logs received and reviewed annually. • Number of notices of non-compliance and subsequent enforcement.

M6	Regulation of Inspection, Maintenance and Reporting of Private Underground Stormwater Structures
Responsible Department/Division	Public Works / Maintenance Division
Description	Develop, implement and manage a program to ensure that privately owned and operated underground stormwater treatment structures are properly maintained. The program will employ the guidance provided by the required individual Operations and Maintenance (O&M) plan for each structure.
Tasks	1. Develop templates for written correspondence to the private operator, such as inspection notifications, reporting reminders, notices of non-compliance, notices of violation, and enforcement documents. 2. Establish criteria for when maintenance audits, corrective actions, and/or enforcement actions are warranted. 3. Develop and maintain mechanisms, processes and procedures to track structure type, ownership, maintenance inspections, required reports, corrective maintenance activity and enforcement actions. 4. Collect and file the required annual reports as provided by the private operator.
Measurable Goals	• Inspect all new private underground stormwater structures at the time of construction and log pertinent information into a database. • Establish a correspondence file for each structure/operator. • Ensure that each private underground stormwater structure is inspected, maintained and reported on as required by the O&M plan for the specific device. • Review annual reports for privately-owned underground stormwater facilities.
Tracking Measures	• Track the number of O&M plans obtained. • Track the number of private inspection, maintenance and reporting activities conducted. • Track any enforcement activities related to the individual structures.

Appendix B: Lane County – City of Springfield IGA & BMP Factsheets

Appendix B

Intergovernmental Agreement for NPDES Phase II Services City of Springfield

THIS AGREEMENT is entered into by and between **LANE COUNTY**, a political subdivision of the State of Oregon (**"COUNTY"**) and the **CITY OF SPRINGFIELD**, a municipal corporation of the State of Oregon (**"CITY"**).

RECITALS

WHEREAS, in accordance with Lane Manual 21.124 and by the authority granted in ORS 190.010, the 2001 Springfield Municipal Charter and the Lane County Home Rule Charter, units of local government may enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, COUNTY is subject to the National Pollutant Discharge Elimination System (NPDES) Phase II permit regulations for Municipal Separate Storm Sewer Systems (MS4); and

WHEREAS, all regulated small MS4 communities are required to establish a stormwater program that addresses the six minimum measures covered under the Phase II permit program, and COUNTY is in the process of creating and implementing a stormwater management program; and

WHEREAS, CITY has implemented a comprehensive Stormwater Management Program as represented in the adopted Stormwater Management Plan (SWMP) under Phase II of the NPDES program; and, CITY's Phase II permit has existing Best Management Practices (BMP's) described in the CITY's Stormwater Management Plan (dated January 2004, updated November 2008), that cover aspects of the six Phase II measures required of COUNTY; and

WHEREAS, the surface water drainage systems of both jurisdictions are interdependent, and a cooperative and effective management agreement affecting both jurisdictions is beneficial to the citizens of both jurisdictions; and

WHEREAS, the area affected by this Agreement includes the area between the City limits of Springfield and Springfield's Urban Growth Boundary (the Urban Transition Zone, or UTZ), except as specifically outlined herein; and

WHEREAS, pursuant to intergovernmental agreements with the COUNTY, CITY is responsible for land use planning within the UTZ, and applies CITY Development Code requirements as previously adopted by COUNTY; and

WHEREAS, CITY Development Code requires that the provisions of the Stormwater Management Plan be implemented, as appropriate, for all development applications; and

WHEREAS, COUNTY agrees that meeting its NPDES Phase II permit requirements within the UTZ through this Agreement with CITY is in the public interest; and

WHEREAS, per Board Order No. 03-3-12-4, a true copy of which is attached and by this reference incorporated herein, the Board of Commissioners authorized an intergovernmental agreement with CITY where COUNTY would adopt, for application within the UTZ, portions of the CITY code that implement CITY's SWMP as it pertains to the six minimum Phase II measure requirements.

NOW THEREFORE, based upon terms mutually agreeable to both parties, the responsibilities of each are outlined as follows:

AGREEMENTS

COUNTY SHALL:

1. Partner with CITY on **Outreach Efforts with Regional Partners (Springfield BMP PE2 – Exhibit "A").** The COUNTY will seek opportunities to partner with CITY for support with selected local and regional organizations for stormwater-related educational outreach programs and activities out to the Springfield Urban Growth Boundary.

2. Partner with CITY to provide **Stormwater Education School Workshops (Springfield BMP PE3 – Exhibit "A")** to provide education classroom presentations on the sources and impacts of stormwater quality pollution.

3. Partner with CITY to provide educational brochures to COUNTY residents out to the City of Springfield Urban Growth Boundary, regarding **Stormwater Educational Brochures Portfolio (Springfield BMP PE4 – Exhibit "A").**

4. Partner with CITY to provide opportunities for **Public involvement/Participation (Springfield BMP PI1 – Exhibit "A")** to foster public involvement and input in the development and implementation of stormwater planning.

5. Partner with CITY to develop and implement an **Illicit Discharges Reporting Hotline and Tracking System (Springfield BMP ID1 – Exhibit "A")** for the receipt of complaints/reports of illicit discharges or spills out to the Springfield Urban Growth Boundary, and maintain a tracking system documenting complaints/incidents and follow-up actions.

6. Adopt regulations substantially identical to CITY ordinances regarding **Illicit Discharge Response and Enforcement (Springfield BMP ID2 – Exhibit "A")** for application within the UTZ, and delegate authority to CITY to administer the Illicit Discharge Response and Enforcement regulations. County will notify residents of the adopted regulations.

7. Within 60 days after adoption of any modifications by CITY of its Illicit Discharge Response and Enforcement regulations, consider adopting regulations substantially identical to CITY amended ordinances for adoption as County regulations and

delegate authority to the City Administrator to administer the Illicit Discharge Response and Enforcement regulations as amended.

8. Partner with CITY for **Outfall Inventory and Mapping (Springfield BMP ID3 – Exhibit "A")** to inventory and map outfalls to the stormwater drainage system and develop an outfall database to be used for detection and elimination of illicit discharges.

9. Adopt regulations substantially identical to CITY **Erosion and Sediment Control Regulations (Springfield BMP CSW1 – Exhibit "A")** for application within the UTZ, and delegate authority to CITY to administer the Erosion and Sediment Control Regulations within the UTZ, and to set appropriate fees. County will notify residents of the adopted regulations. The Erosion and Sediment Control Regulations, as referenced here, refer to CITY ordinances that regulate the CITY's Land Drainage Alteration Program (LDAP). These include requirements regulating disturbing greater than 50 cubic yards of soil, as well as requirements for soil grading at construction sites.

10. Within 60 days after adoption of any modifications by CITY of its Erosion and Sediment Control regulations, consider adopting regulations substantially identical to CITY amended ordinances for adoption as County regulations and delegate authority to the City Administrator to administer the Erosion and Sediment Control Regulations as amended.

11. Partner with CITY for **Staff Erosion Control Training (Springfield BMP CSW2 – Exhibit "A")** to provide adequate and ongoing erosion control training so staff can educate and inform contractors and developers, and fairly and knowledgeably enforce codes and regulations.

12. Partner with CITY for **Inspections and Enforcement (Springfield BMP CSW4 – Exhibit "A")** to develop and implement code authority to prohibit and enforce the dumping of nuisance waste associated with construction sites.

13. Partner with CITY to provide **Post-Construction Stormwater System Maintenance Inspections and Compliance (Springfield BMP DS2 – Exhibit "A")** out to the Springfield Urban Growth Boundary to ensure that private stormwater management systems (both non-structural and structural) are operated and maintained consistent with Erosion and Sediment Control Regulations adopted by COUNTY under this Agreement.

14. Compensate the CITY in the amount of $50,000 for a portion of the previously completed consultant work regarding the development of a **Stormwater Facilities Master Plan (Springfield BMP DS3 – Exhibit "A")**.

15. Provide necessary documentation to CITY required for annual report writing of CITY's Phase II MS4 permit, and coordinate with CITY to share water quality information, studies, monitoring results, and enforcement information.

CITY SHALL:

1. Partner with COUNTY on **Outreach Efforts with Regional Partners (Springfield BMP PE2 – Exhibit "A").** The CITY will seek opportunities to partner with COUNTY for support with selected local and regional organizations for stormwater-related educational outreach programs and activities out to the Springfield Urban Growth Boundary.

2. Partner with COUNTY to provide **Stormwater Education School Workshops (Springfield BMP PE3 – Exhibit "A")** to provide education classroom presentations on the sources and impacts of stormwater quality pollution.

3. Partner with COUNTY regarding **Stormwater Educational Brochures Portfolio (Springfield BMP PE4 – Exhibit "A").** CITY will solicit input from County on educational materials.

4. Partner with COUNTY to provide opportunities for **Public involvement/Participation (Springfield BMP PI1 – Exhibit "A")** to foster public involvement and input in the development and implementation of stormwater planning.

5. Partner with COUNTY to develop and implement an **Illicit Discharges Reporting Hotline and Tracking System (Springfield BMP ID1 – Exhibit "A")** for the receipt of complaints/reports of illicit discharges or spills out to the Springfield Urban Growth Boundary, and maintain a tracking system documenting complaints/incidents and follow-up actions.

6. At the request of COUNTY, assist in administrative support of regulations for **Illicit Discharge Response and Enforcement (Springfield BMP ID2 – Exhibit "A")**

7. Partner with COUNTY for **Outfall Inventory and Mapping (Springfield BMP ID3 – Exhibit "A")** to inventory and map outfalls to the stormwater drainage system and develop an outfall database to be used for detection and elimination of illicit discharges.

8. At the request of COUNTY, assist COUNTY in sampling and testing in regards to **Water Quality Testing for Illicit Discharge (Springfield BMP ID4 – Exhibit "A")** as necessary.

9. Administer and enforce COUNTY adopted regulations as they pertain to **Illicit Discharge Response and Enforcement (Springfield BMP ID2 – Exhibit "A")** and **Erosion and Sediment Control Regulations (Springfield BMP CSW1 – Exhibit "A"),** in the UTZ. CITY shall establish, collect, and retain all fees for erosion control regulations, permits, processing, appeals, enforcement, fines and penalties.

10. Partner with COUNTY for **Staff Erosion Control Training (Springfield BMP CSW2 – Exhibit "A")** to provide adequate and ongoing erosion control training so staff can educate and inform contractors and developers, and fairly and knowledgeably enforce codes and regulations.

11. Partner with COUNTY for **Inspections and Enforcement (Springfield BMP CSW4 – Exhibit "A")** to develop and implement code authority to prohibit and enforce the dumping of nuisance waste associated with construction sites.

12. Partner with COUNTY to provide **Post-Construction Stormwater System Maintenance Inspections and Compliance (Springfield BMP DS2 – Exhibit "A")** out to the Springfield Urban Growth Boundary to ensure that private stormwater management systems (both non-structural and structural) are operated and maintained consistent with Erosion and Sediment Control Regulations adopted by COUNTY under this Agreement.

13. Provide necessary documentation to COUNTY required for annual report writing of COUNTY's Phase II permit.

14. Give COUNTY written notice of any modification of the CITY's regulations pertaining to erosion and sediment control or illicit discharge response and enforcement, within 30 days of Council adoption of such change.

BOTH PARTIES AGREE THAT:

1. **Term/Compensation:** This Agreement becomes effective when signed by COUNTY and CITY, and COUNTY has adopted both Illicit Discharge Response and Enforcement regulations and Erosion and Sediment Control regulations according to this Agreement (the "Effective Date"). This Agreement terminates three years following the Effective Date, unless terminated earlier under paragraph 8 (Termination) below. The amount of compensation is as follows:

    a) COUNTY agrees to compensate CITY $50,000 for consultant work associated with development of CITY's Stormwater Facility Master Plan.
    b) COUNTY will pay CITY, in an amount not to exceed $25,000 per year, for and direct and indirect costs associated with implementation of the aforementioned stormwater BMPs **(Exhibit "A")**. CITY shall invoice COUNTY on a quarterly basis. COUNTY compensation to CITY may be modified after Year 1 subject to both parties reaching mutual agreement.

2. **Indemnification:** To the extent allowable by Oregon law including, but not limited to the Oregon Constitution and the Oregon Tort Claims Act, each of the parties hereto agrees to indemnify and save the other harmless from any claims, liability, damages, or defense fees arising out of or resulting from any error, omission or act of negligence on the part of the indemnifying party, its officers, agents, or employees in the performance of this Agreement.

3. **Dispute Resolution:** The parties shall exert every effort to cooperatively resolve any disagreements they may have under this Agreement. In the event that the parties alone are unable to resolve any conflict under this Agreement, they agree to present their disagreements to a mutually selected mediator. Each party is responsible for its own costs for mediation and one-half of the cost of the mediator. The parties shall follow this procedure to its conclusion prior to either party seeking relief from a court, except in the case of an emergency.

If the parties are unable to resolve the dispute through mediation, either party may submit the dispute to non-binding arbitration with the consent of the other party, using such arbitration process as they may choose at the time subject to the following conditions:

a) The location of the arbitration must be in Springfield or Eugene, Oregon;
b) Each party is responsible for its own costs (except arbitration filing costs), witness fees, and attorney fees;
c) Arbitration filing costs and any arbitrator's fees will be divided equally between the parties; and,
d) Judgment upon award rendered by Arbitrator may be entered in a court in Lane County, Oregon.

4. **Amendment:** This Agreement may be modified in writing by mutual consent of both parties. The parties recognize an obligation on the part of COUNTY to extend the application of this Agreement to lands included in the future within the UTZ and to consider adopting any future changes in regulations made by CITY for application to the Springfield Urban Growth Boundary Area. CITY has not been designated by the DEQ as agents for the State's Industrial Stormwater Discharge (NPDES 1200Z) or Washwater Discharge (NPDES 1700A) programs. If this delegation occurs, the parties agree to amend this Agreement as necessary to reflect additional responsibilities and requirements of both parties.

5. **Waiver:** Failure of COUNTY or CITY to enforce any provision of this Agreement does not constitute a waiver or relinquishment by the COUNTY or CITY of the right to such performance in the future nor of the right to enforce that or any other provision of this Agreement.

6. **Severability:** If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions are not affected; and the rights and obligations of the parties are be construed and enforced as if this Agreement did not contain the particular provision held to be invalid.

7. **Coordination:** For purposes of day-to-day coordination under this Agreement and mailing of notice regarding any matter hereunder, COUNTY hereby designates the Environmental Services Section Coordinator of the Department of Public Works, 3100 E. 17th Avenue, Eugene, OR 97403, as its coordinator. CITY hereby designates Water Resource Program Coordinator, Environmental Services, 225 5th St., Springfield, Oregon, 97477, as its coordinator.

8. **Termination:**

A. This Agreement may be terminated by either party upon 180 days' written notice to the other for any or no reason. Either prior to, or as part of the written notice, the entity terminating this Agreement shall indicate how it intends to deal with responsibilities under this Agreement. The parties shall strive to reach a mutual agreement with respect to those responsibilities.

B. This Agreement may be terminated by CITY upon 30 days' written notice to COUNTY if COUNTY fails to adopt regulations substantially identical to those adopted by CITY as contemplated in paragraphs 6 and 9 of the County obligations

section within 60 days of any modification by CITY of its Illicit Discharge Response and Enforcement regulations or Erosion and Sediment control regulations.

9. **Entire Agreement:** This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous representations, understandings, or agreements, whether oral or written, relating to the subject matter hereof. All prior or contemporaneous representations, understandings or agreements, whether oral or written, that are not expressly set forth within the four corners of this Agreement are hereby deemed waived, superseded and abandoned.

CITY OF Springfield

By _____
Gino Grimaldi

Title: City Manager

Date 5/20/10

Address for Notice:

Water Resources Program Coordinator
Environmental Services Div.
225 5th St.
Springfield, OR 97477

LANE COUNTY

By _____
Jeff Spartz

Title: County Administrator

Date 7/30/2010

Address for Notice:

Lane County Public Works
Waste Management Division
Environmental Services Section
3100 E. 17th Avenue
Eugene, OR 97403

REVIEWED & APPROVED
AS TO FORM
Joseph J Leahy
DATE: 5/12/10
OFFICE OF CITY ATTORNEY

APPROVED AS TO FORM
Date 7-23-10 Lane County
OFFICE OF LEGAL COUNSEL

BMP PE2: Outreach Efforts with Regional Partners

Responsible Parties

The City's Environmental Services and Maintenance Divisions staff coordinate with local and regional agencies on public education efforts. Their local/regional coordinating groups include: Pollution Prevention Coalition of Lane County (P_2C), a workgroup of staff from Springfield, Eugene, Lane County, Springfield Utility Board (SUB), Eugene Water and Electric Board (EWEB), Lane Regional Air Pollution Authority (LRAPA), and the DEQ. The Metropolitan Endangered Species Act [ESA] Coordinating Team (MECT) is comprised of members from the cities of Eugene and Springfield, Lane County, EWEB, SUB, Willamalane Park and Recreation District, and the Lane Council of Governments (LCOG). The Public Works Public Information and Education Specialist also coordinates public outreach/education efforts with peers from local public agencies.

BMP Description

Support selected local and regional partnerships with organizations and jurisdictions that present a well-organized and effective stormwater-related educational outreach program. Support may include financial contributions, participation on committees, staff time for projects, and freely sharing informational materials for use by partners. The purpose of this BMP is to enhance open exchange of proven ideas and strategies, and to enhance efficiency and cost effectiveness of public outreach efforts.

Existing Conditions

Various agencies and jurisdictions, both local and statewide, are involved with stormwater-related education efforts. Some of these entities have developed significant programs by virtue of involvement with NPDES regulations from the initial Phase I NPDES stormwater program in the early 1990s. Consequently, much information and program refinement has occurred, and several programs are quite advanced.

Information sharing is an efficient and effective way to gain expertise as well as multiply the efforts of any one group. The synergistic effect is increased further when dealing with local partners, as the "message" put forth by a combined effort is consistent across adjacent jurisdictions. Combining resources within the local area is a proven strategy to reduce confusion from inconsistent messages, gain support, enhance access to funding, and gain benefits from multiple viewpoints. Further, using an area-wide approach to identifying priorities for education insures that jurisdictions are not working at cross-purposes.

Springfield was a participant on the MECT, which was organized to coordinate a response to issues presented by the Endangered Species Act as it relates to governmental and quasi-governmental agencies in the Eugene/Springfield area. The MECT met to address issues of mutual concern and to combine resources to gain the research and analyses

need to support local ESA planning and response activities. MECT's goal is to provide a coordinated approach to identifying and responding to habitat and water quality problems in the metro area, including prioritizing, locating funding, and coordinating a response to preserve, renovate, or restore riparian areas and waterways. In 2002, MECT produced a Comprehensive Riparian Assessment of local waterways in the metro (Eugene and Springfield) area, which identified target areas for protection and restoration activities. Shortly after the group stopped meeting as the project was concluded.

Springfield also participates in the P_2C. The P_2C provides useful, coordinated educational messages and technical assistance to the community regarding stormwater and pollution prevention issues. Examples of its efforts include a mercury thermometer exchange program at a recent home show event, and the development of a traveling educational display called the House of Pollution Solutions, and the DEQ grant-funded public information kiosks that are stationed throughout the metro area.

The City is an active member of the Oregon Association of Clean Water Agencies (OR-ACWA) in the state. In terms of education, ACWA has compiled or published several stormwater-related guidance documents. They include a CD of stormwater-related materials referred to as "the best of the best." They also developed a guide to managing underground injection facilities (UIC Manual), guidance documents on managing fats, oils, and greases in a sanitary system (FOG BMP Manual), an ESA guidance manual for cities, a model erosion control program, and numerous educational handouts. As a member and participant in ACWA, Springfield has participated in the development of and has access to these statewide materials.

Springfield also works with the City of Eugene, Lane County and other agencies in coordinating educational messages and technical assistance to the public involving car washing and pressure washing activities. Public messages have been advertised via radio and fact sheets and "fish friendly car wash kits" have been developed and are available to charity car wash groups.

Springfield along with the Willamalane Parks and Recreation District are currently working together on the installation and maintenance of doggie pot stations thought out Springfield's parks and public greenways.

Proposed MS4 Plan Activities

The City will continue to participate in local/regional/State partnerships that are deemed valuable in terms of public outreach effectiveness. If the opportunity presents itself, new partnership programs will be evaluated to determine if they are appropriate for the City to join. The City will continue to maintain the public information kiosk in Springfield City Hall.

Measurable Goals

The City will evaluate the current partnership programs annually to determine their effectiveness. Those programs determined to be less effective will be revised or removed.

Opportunities and available staffing and funding will also determine the number and level of participation in partnerships.

Development/Implementation Schedule

BMP PE2:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Continue partnership in local and statewide programs.				
Review effectiveness of partnership programs each year and modify as warranted.				

BMP PE3: Stormwater Education School Workshops

Responsible Parties

Environmental Services Division

BMP Description

Provide education classroom presentations on the sources and impacts of stormwater quality pollution.

Existing Conditions

The City is presently developing curriculum for presentations in elementary, middle, and high schools. The curriculum is based on approximately one-hour presentations, and will include participatory games, educational video, and exercises that include an overview of the stormwater drainage system in relation to other systems (wastewater, drinking water) and that stress the importance of citizens' household activities in fighting stormwater pollution.

Proposed MS4 Plan Activities

The Environmental Services Division will provide the presentations to classrooms upon request, with the number of presentations based on demand within the School District (which is undetermined at this point). The presentations will be advertised to teachers through the existing School District communications structure. The content of the presentations will be reviewed and updated every two years to reflect any changes in regulatory measures or City ordinances.

Measurable Goals

The effectiveness of this program will be gauged through the use of a teacher survey given at the completion of the workshop, or, alternately, a series of workshops within a school. Those areas identified as ineffective or poorly received will be enhanced or removed from the program. Those program elements viewed as effective will be maintained. Effectiveness of presentation advertisement will be gauged by teacher demand. Promotion efforts will increase if little interest is shown for scheduling presentations.

Development/Implementation Schedule

BMP PE3:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Develop a stormwater education workshop/ promote through the School District	Provide workshops as requested to classrooms	Update and review workshop program - presentation effectiveness and interest	Provide workshops as requested	Update and review workshop program

BMP PE4: Stormwater Educational Brochures Portfolio

Responsible Parties

Public Works Environmental Services and Maintenance Divisions.

BMP Description

A portfolio of educational brochures was developed for all Public Works field staff to assist with educating and informing the public when activities are observed that may adversely impact stormwater quality.

Existing Conditions

City staff frequently observe activities throughout the city that violate City Codes and may result in impacts to the stormwater drainage system, such as improper erosion control, illicit discharges of pollutants, material dumping, or improper handling and/or storage of potentially polluting materials like petroleum products.

Formal enforcement activities are frequently not appropriate in these situations and education and technical assistance is often the best approach to achieve long-term behavioral changes and Code compliance. As well, the unlawful actions often are either too minor or conclusive evidence is not available to take enforcement action, or the incidents occur based on ignorance of how the stormwater drainage system works. These situations present an excellent opportunity for educating the responsible party by presenting information regarding options or alternative behaviors that do not adversely impact the environment.

An easily-managed portfolio containing a broad range of informational and educational handouts was developed for all City staff working in the field or responding to complaints of spills, dumping, or other problematic practices. Staff was trained on the use of the handouts, as well as information concerning the City's Municipal Code with regard to illegal activities covered by the handouts. The purpose of this portfolio is to insure that this material is readily available when violations are observed in the field. The handouts inform residents that their activities may cause significant pollution levels downstream, harming fish, plants, and aquatic life, as well as potentially harming people swimming or recreating in the waterway.

The portfolios include handouts and brochures on a wide variety of household and construction BMPs, including concrete cleanout, car washing, restaurant and business stormwater BMPs, pet waste disposal, and more, addressing situations which are relatively frequently observed. Staff receiving these portfolios were briefed on the content and purpose of the handouts, and provisions were developed for updating and refilling the portfolios as the material was used. The portfolios were developed in 2001, and

distribution and training on their contents occurred in 2002. They will continue to be refined and updated as appropriate.

Proposed MS4 Plan Activities

The Environmental Services Division will continue to provide the portfolios to all new field staff and provide training on their contents. The portfolios will be reviewed and updated on an annual basis. The topics covered by the handouts will increase over time, as needed to address various observed situations and conditions.

Measurable Goals

Public Works staff will log the impacting stormwater activities that are observed in the field. The program will be evaluated annually with field staff and revised as appropriate to enhance effectiveness. Those activities that continue to be a problem will be further evaluated to determine the best way to eliminate the behavior.

Development/Implementation Schedule

BMP PE4:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Continue to provide portfolios to new staff each year.				
Review field logs and update portfolios as necessary each year.				

BMP PI1: Public Involvement/Participation

Responsible Parties

Environmental Services Division

BMP Description

Provide opportunities for public involvement and input in the development and implementation of the Stormwater Plan.

Existing Conditions

Public involvement and review is a component of all significant regulatory actions at the City, and is, therefore, an ongoing effort. The Planning Commission (PC), in its role as the Committee for Citizen Involvement (CCI), reviewed and approved the Public Involvement work plan and schedule for the Stormwater Plan. The Public Involvement Program was included in the City's NDPES MS4 permit application.

The Public Involvement component of the Stormwater Plan, as outlined in the City's MS4 application, included a series of three public informational meetings, using an open house format. These events were scheduled to correspond roughly with the information gathering, plan drafting, and final plan development phases of the Stormwater Plan. Outreach to citizen, civic and neighborhood groups regarding the public events was conducted through a broad effort, including direct mailings, newspaper advertising, the City's website, direct telephone contact with stakeholder groups, and electronic mailing lists. Public comments and questions were solicited at these workshops. Formal public hearings also were convened by the Planning Commission in recommending, and the CCI in adopting, the Stormwater Plan.

Proposed MS4 Plan Activities

The City will continue to follow the approved public involvement plan schedule as approved by the CCI and submitted in the MS4 permit application. The City will also involve the City Council in implementation on an ongoing basis.

Public involvement is an integral component of the City's public policy-making processes, and is established by Ordinance. Where requirements of the Stormwater Plan trigger this process, such as passing or amending ordinances, adopting plans or regulations, the City will follow its adopted public involvement processes.

Measurable Goals

The City will provide three public workshops, plus public hearing opportunities, during the Stormwater Plan development and adoption process. The comments received from these events will be reviewed and incorporated into the MS4 plan as appropriate. Staff will apprise the City Council of Stormwater Plan implementation efforts annually.

Development/Implementation Schedule

BMP PI1:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Implement CCI-approved public involvement plan.	Identify and implement public involvement activities in implementing Stormwater Policies, implementation actions and BMPs, in accordance with Springfield's Citizen Involvement Program.			

BMP ID1: Illicit Discharges Reporting Hotline and Tracking System

Responsible Parties

Environmental Services Division

BMP Description

Develop and implement a designated hotline for the receipt of complaints/reports of illicit discharges or spills, and maintain a tracking system documenting complaints/incidents and follow-up actions taken.

Existing Conditions

City staff routinely receive calls from citizens concerning illicit discharges, spills, or other stormwater drainage system-related problems. These calls have traditionally been received by either Maintenance or Environmental Services staff and are processed as appropriate. Without a designated phone line for the receipt of these complaints, citizens sometimes encountered difficulties identifying the appropriate individual, department or division to contact. Calls sometimes were transferred to inappropriate individuals, resulting in delays, frustration, and lack of appropriate follow-up actions.

As a result, in 2000, a telephone number was designated by the City as a "stormwater hotline," and published in the phone book. By establishing this phone number, citizens are now able to quickly and easily access the appropriate person within the City ensuring a more timely and adequate response. The phone number may be used by citizens for asking questions, reporting spills, reporting illicit discharges and/or accessing general stormwater information. This number is included on informational brochures, such as those available at public events and handed out by staff for "educational" opportunities, and is displayed on catch basin labels. The hotline is answered by the Water Resources Program staff who are qualified to answer most stormwater-related questions and provide appropriate staff responses to resolve most issues. The Water Resources Program staff also route calls to other City staff for handling when it's warranted. Each call is documented in a database along with all follow-up actions taken to resolve the incident.

Proposed MS4 Plan Activities

The Stormwater Hotline is currently in place and will continue to be operated indefinitely. The number for the hotline will continue to be provided on informational brochures. This service, currently operational during normal City business hours, will be evaluated in FY 05-06 to determine whether 24-hour reporting and response capability is warranted.

Measurable Goals

Each year the number of calls received and the follow-up actions will be tracked. Information regarding the complaint will also be documented in databases maintained by the Environmental Services and Maintenance Divisions. (These databases also are referred to in BMP ID2.)

Development/Implementation Schedule

BMP ID1:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Operate the hotline, publish and promote the phone number and document calls received each year.				
No scheduled action.	No scheduled action.	Evaluate program effectiveness	Implement program improvements as warranted.	

BMP ID2: Illicit Discharges Response and Enforcement

Responsible Parties

Environmental Services, Engineering, and Maintenance Divisions, and Office of the City Attorney

BMP Description

This BMP also includes the development and implementation of protocols that the City will use in order to respond to complaints/reports of illicit discharges or spills in a most efficient and effective manner.

Existing Conditions

Procedures:

Services provided by the City have traditionally included response to nuisance complaints of various sorts by members of the public. In the past, however, the City's ability to respond to and resolve complaints involving spills or dumping into the streets, public rights-of-way, or stormwater drains connected to the City's storm sewer system has been limited. Over the last three years, however, the City has developed increased ability to respond to stormwater polluting incidents with trained staff, necessary equipment, and improved enforcement authority.

An important aspect of the City's overall program has been to coordinate and augment the City's complaint response among the Public Works, Police, and Fire and Life Safety Departments. In developing the current program, Environmental Services staff assessed the response process that was being used by the City's various departments for spills, dumping, and other environmental incidents. The evaluation revealed that past practices were not well coordinated, were inconsistent, and led to delays or failures in some cases, and double-staffing in others. As a result, Standard Operating Procedures have been developed to clarify response protocols and establish consistent communication and enforcement procedures.

The goals of the Standard Operating Procedures for response and enforcement are to:

(1) respond quickly and efficiently to citizens' pollution incident complaints and reports of dumping or spills;
(2) ensure that all incidents are handled by appropriately trained staff or contractors;
(3) respond to both the citizens who report incidents, and those who are responsible for the incidents;
(4) ensure that the significant aspects of all incidents are well documented; and
(5) avoid "double staffing" of incidents through efficient coordination of appropriate staff.

The Standard Operating Procedures have been agreed to by all affected Public Works Divisions.

The Environmental Services and Maintenance Divisions maintain and share databases that track incidents and follow-up actions taken to resolve them.

Enforcement:

The City has had limited coordinated enforcement efforts and, in the past, City staff have had varying degrees of awareness and understanding about enforcement authority available to them to resolve illegal activities that threaten the stormwater drainage system and receiving streams. In 2002-2003, staff and legal counsel reviewed Federal, State, and local laws and Codes directly enforceable by City staff and legal counsel regarding illegal erosion, land alteration activities, dumping, and other polluting events. As a result, amendments to the Municipal Code provide broad ability for the City to assess and determine when actions negatively impacting any elements of the stormwater drainage system are unlawful and require abatement. The Code also provides authority for the City to take measures appropriate and necessary to abate the situation.

Section 8 of the Municipal Code, and various sections of the Springfield Development Code, which are enforceable within the City's urbanizable area, supplement the nuisance prohibitions of the Code in enabling the City to protect the stormwater drainage system and enforce against those who cause damage to it.

The City has not completed all steps necessary to have a fully operational and effective enforcement program. The most significant gaps in Springfield's program include:

(1) lack of coordinated agreements with Lane County to achieve efficient resolution of Code violations;
(2) an enforcement guide has not yet been developed to establish clear and objective procedures for applying penalties; and
(3) training of all staff in appropriate enforcement protocols has yet to be completed.

Proposed MS4 Plan Activities

Regarding incident response, the Standard Operating Procedures are presently in effect, and responses are currently coordinated among appropriate City divisions. The incident response protocols will continue to be followed throughout each year of the permit period, and performance improvement evaluations will occur if and when evaluations show the protocols are not fully effective or efficient.

Regarding the City's enforcement program, the City intends to complete the following activities within the permit period:

(1) develop an enforcement guide and penalty matrix;
(2) initiate amendments to the Urban Transition Agreement with Lane County to improve enforcement in the urbanizable area; and

(3) provide staff training and tool kits.

Measurable Goals

Periodic check-ins on an every-other-year basis with Environmental Services and Maintenance Division staff will be conducted to monitor and improve the effectiveness of the incident response program.

Development/Implementation Schedule

BMP ID2:

<table>
<tr><th>FY 07-08</th><th>FY 08-09</th><th>FY 09-10</th><th>FY 10-11</th><th>FY 11-12</th></tr>
<tr><td colspan="5">Implement protocols for responding to complaints annually, and maintaining complaint database.</td></tr>
<tr><td>Program evaluation year.</td><td>Program review.</td><td>Program evaluation year.</td><td>Program review</td><td>Program evaluation year.</td></tr>
<tr><td></td><td>Review/ revise Standard Operating Procedures.</td><td></td><td>Review/ revise Standard Operating Procedures.</td><td></td></tr>
<tr><td>Implement amended Codes and track success.</td><td>Develop/ adopt enforcement guide and penalty matrix.</td><td>Implement enforcement guide and penalty matrix.</td><td>Review enforcement guide and penalty matrix.</td><td>Update enforcement guide and penalty matrix.</td></tr>
<tr><td></td><td>Develop modifications to Urban Transition Agreement as needed.</td><td>Track effectiveness of enforcement program in urban transition area.</td><td>Review effectiveness of Urban Transition Agreement.</td><td></td></tr>
<tr><td></td><td colspan="4">Conduct staff training and maintain updated enforcement tool kit.</td></tr>
</table>

BMP ID3: Outfall Inventory and Mapping

Responsible Parties

Environmental Services Division

BMP Description

Inventory and map outfalls to the stormwater drainage system and develop an outfall database. The outfall map and database will be used for detection and elimination of illicit discharges as described in BMPs ID4 and ID5.

Existing Conditions

An initial task to locating and eliminating illicit discharges is surveying, inventorying, and mapping all outfalls to the stormwater drainage system. An outfall map, in conjunction with systematic monitoring and sampling, forms the basis for further investigations. Springfield initiated a stormwater drainage system outfall inventory in 2000, which involved a physical inspection of the entire open channel drainage system. At the same time, staff inventoried and mapped all of the DEQ-permitted industrial source outfalls within the City. The updated outfall map (included in the City's Geographic Information System) and outfall database have been completed. The inventory database includes information regarding the precise location of each outfall, its source, and additional relevant information such as flow rate, observed/potential pollution problems, outfall condition, and the owner's awareness of the outfall. The physical inspection also resulted in locating over 200 additional unmapped and previously unknown outfalls to the stormwater drainage system.

Proposed MS4 Plan Activities

The outfall mapping effort will be ongoing as new development and redevelopment result in the construction of new outfalls to the stormwater drainage system. Ongoing efforts will include, at a minimum, yearly map updates from "as-built" plans, as well as physical inspections every four years of new or redeveloped areas of the system. Periodic additional updates to capture outfalls from new developments or newly permitted industrial dischargers will be conducted as needed.

Measurable Goals

Conduct GIS map updates at least annually and conduct physical re-inspections of new or redeveloped areas every four years.

Development/Implementation Schedule

BMP ID3:

<table>
<tr><th>FY 07-08</th><th>FY 08-09</th><th>FY 09-10</th><th>FY 10-11</th><th>FY 11-12</th></tr>
<tr><td colspan="5">Conduct yearly outfall map updates.</td></tr>
<tr><td rowspan="2">Complete outfall mapping for City and urbanizable area.</td><td colspan="4">Maintain outfall mapping</td></tr>
<tr><td>No scheduled actions.</td><td>No scheduled actions.</td><td>Conduct a follow-up inspection of outfalls.</td><td>No scheduled actions.</td></tr>
</table>

BMP ID4: Water Quality Monitoring for Illicit Discharges

Responsible Parties

Environmental Services Division

BMP Description

Conduct water quality monitoring of the City's stormwater drainage system in an attempt to establish baseline water quality data, observe trends, document effectiveness of BMPs, and identify illicit discharges.

Existing Conditions

In 2001, Environmental Services Division staff developed and initiated implementation of an ongoing, albeit limited, stormwater monitoring program to document and assess stormwater quality in drainageways throughout the city. As mentioned above, the purpose of the monitoring program is to establish baseline data, track trends and identify illicit discharges. Over time, the monitoring will support adaptive management strategies to improve the City's stormwater quality improvement efforts. The monitoring is conducted on a subbasin by subbasin basis. The program employs two submersible data logging monitors that measure pH, temperature, dissolved oxygen, and conductivity on a continuous basis (i.e., every 15 minutes) for later download to a computer. These units are placed one upstream, and the other downstream of significant outfalls to a drainageway. Data are recorded for a period of at least one week, at which time the units are serviced, data downloaded, and the units re-deployed downstream to the next significant outfall on the monitored system. As the equipment is not capable of measuring all parameters desired for analysis, grab samples are also collected for analysis in the laboratory when and where the units are deployed. Grab samples are analyzed for dissolved metals, oil and grease, and bacteria. A quality assurance/quality control (QA/QC) program has been developed and implemented to ensure the accuracy of all the data collected. Because the City has limited equipment and resources, the monitors are rotated throughout the city and data is only collected periodically in any one location. Therefore, this program in and of itself does not capture water quality or illicit discharges continuously throughout the system. To date, one full rotation of the equipment throughout the City's major outfall locations has been completed and a second comprehensive monitoring round is anticipated.

Proposed MS4 Plan Activities

The monitoring program described above will be ongoing throughout the permit period. Where evidence of water quality problems is identified, the City will conduct further investigations and analyses as needed to identify and abate the sources of pollution. Where evidence of illicit discharges is observed through sampling results, compliance efforts will be made, including locating the source of the discharge and responsible party, and eliminating the source (see BMP ID2 for Enforcement Program). When monitoring of

all subbasins has been completed, the equipment will be installed where substandard water quality is chronic and not caused by identifiable violations. Efforts can then be made to locate and eliminate the source(s) of that contamination through educational and cooperative efforts.

Measurable Goals

The monitoring program will be conducted at each of the significant outfalls to the drainageways over the course of the five-year permit period. Results from the monitoring will be evaluated on an ongoing basis.

Development/Implementation Schedule

BMP ID4:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Conduct water quality monitoring of all significant outfalls to drainageways.				
Evaluate monitoring results to identify pollutants of concern and to support identification of illicit discharges.				
Where deemed necessary, conduct follow-up investigations to identify and eliminate the source of illicit discharges. Where chronic substandard water quality is found, use data to prioritize public outreach and modify BMPs as appropriate.				

BMP CSW1: Erosion and Sediment Control Regulations

Responsible Parties

Environmental Services, Community Services, Planning, Engineering, and Maintenance Divisions

BMP Description

This BMP is intended to provide for maintenance, review and augmentation of City Ordinances and Codes adopted to enable administration and enforcement of programs aimed at reducing and/or eliminating erosion and sedimentation associated with both public and private construction or other land alteration, as well as construction site waste. This BMP is intended to fulfill requirements i-iii of this Minimum Control Measure described on page 68.

Existing Conditions

Regulatory authority for implementation and enforcement of Springfield's erosion and sediment control program is provided in both the Development and Municipal Codes. These Codes provide a framework for oversight of construction that requires erosion and sediment control measures during construction or redevelopment of sites disturbing greater than 50 cubic yards of soil. Specific requirements for construction site operators are addressed during the Site Plan Review and subdivision review processes.

Provisions enabling inspections and enforcement of required erosion and sediment control BMP measures and environmental compliance of construction activities are included in the Municipal Code. Violations are enforced through stop work orders and/or citations and civil penalties. As well, the City can obtain injunctive relief or has the ability to take remedial actions deemed necessary through the Municipal Court.

Proposed MS4 Plan Activities

The City will continue to implement existing regulations on an ongoing basis. The City will also review the effectiveness of the existing Codes and Ordinances, and will amend the Municipal Code as appropriate.

Measurable Goals

The City will track construction and other land alteration site inspections and permit or Code violations. The information will be reviewed on an annual basis to evaluate the effectiveness of the City's regulations and to develop amendments necessary to fully comply with the permit requirements for this Minimum Control Measure noted previously.

Development/Implementation Schedule

BMP CSW1:

<table>
<tr><th>FY 07-08</th><th>FY 08-09</th><th>FY 09-10</th><th>FY 10-11</th><th>FY 11-12</th></tr>
<tr><td colspan="5">Implement existing Municipal Code and Springfield Development Code provisions on an ongoing basis.</td></tr>
<tr><td>Continue Code Review for erosion and construction site runoff control effectiveness.</td><td>Prepare and adopt ordinances as needed to improve effectiveness of Codes and permitting programs.</td><td colspan="2">Track permit compliance and impacts to stormwater.</td><td>Program review and assessment.</td></tr>
<tr><td colspan="5">Review City Codes and Ordinances on an ongoing basis; revise as appropriate.</td></tr>
</table>

BMP CSW2: City Staff Erosion Control Training

Responsible Parties

Public Works Department

BMP Description

This BMP entails provision of adequate and ongoing erosion control training opportunities so staff can educate and inform contractors and developers; fairly and knowledgeably enforce the City's Codes and regulations; and conduct their work in a responsible manner. This BMP is intended to partially fulfill requirement vi of this Minimum Control Measure.

Existing Conditions

Erosion and sedimentation are significant water pollution issues. Erosion carries contamination, such as oil and grease, and toxic heavy metals that are present in the soil, and discharges these pollutants into the stormwater drainage system. Sediment that is discharged into waterways impacts wildlife habitat and critical stormwater infrastructure, such as pipes, detention ponds, and open waterways, and removes valuable topsoil along stream banks. Finally, erosion problems in Springfield have caused land instability drainage problems, and have endangered the safety of property.

Erosion control training for City staff is important to help staff recognize potential erosion problems, as well as avoid creating those problems during the course of their work. Training is provided internally on specific programs or issues, and is part of the ongoing employee development program on a routine basis for new and experienced staff. The goal is to ensure that staff are adequately informed of the regulations, and have the tools, supplies, and knowledge to avoid creating unnecessary soil erosion. It also supports staff in constructively educating citizens and the development community with regard to appropriate and required erosion control measures. Educational and outreach documents are readily available and training is provided to enable staff to quickly and easily obtain information on proper erosion control measures.

Proposed MS4 Plan Activities

The Public Works Department is in the process of increasing staff resources available to implement the Land and Drainage Alteration Program (LDAP), which is largely where ongoing approval and monitoring of erosion and sediment control measures will occur. However, various staff throughout the Public Works and Development Services Departments need to be trained to recognize conditions encountered in the field that warrant appropriate follow-up actions by the City, ranging from educating and gaining cooperative remediation from contractors in the field, to pursuing enforcement actions.

During the permit period, the Public Works and Development Services Departments will collaborate to plan and provide training programs tailored to the needs of Springfield. The trainings will be evaluated and revised as needed to meet staff needs.

Measurable Goals

The goal of this BMP will be to provide a comprehensive erosion control training at least once annually to ensure that new staff receive adequate training and that improvements in the City's inspection, enforcement, and technical assistance activities are implemented consistently throughout the organization.

Development/Implementation Schedule

BMP CSW2:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Conduct staff training on an ongoing basis; update as needed.				
Evaluate the effectiveness of the training and update/improve as warranted.				

BMP CSW4: Inspections and Enforcement

Responsible Parties

Environmental Services, Community Services, Engineering, and Maintenance Divisions and Development Services Department

BMP Description

Develop and implement Code authority to prohibit and enforce the dumping of nuisance waste associated with construction sites.

Existing Conditions

The City developed Code authority in the Springfield Municipal Code (Section 5.002) that prohibits the disposal of nuisance waste on public or private property, including stormwater drainageways. The Municipal Code includes provisions for nuisance management at all public and private properties including construction sites. The Code strictly prohibits depositing of wastes including, but not limited to: sewage, industrial material, hazardous waste, trash, debris, and used building materials.

Enforcement of the Code is provided by (designees of) the City Manager. Additional inspections and educational compliance efforts are provided by Environmental Services and Maintenance Division staff. Violations are enforced through civil penalties or stop work orders, as appropriate. Any Springfield citizen or City employee can refer observed or suspected violations for investigation.

Proposed MS4 Plan Activities

Implement existing Code authority on an ongoing basis. Review the effectiveness of the existing Code every two years and amend the Code as appropriate, based on program effectiveness, new or proposed requirements or regulations, budget, and staffing.

Measurable Goals

The City will track construction site inspections and nuisance violations similarly to LDAP inspections. The list of violations will be reviewed on an annual basis to evaluate the effectiveness of the program.

Development/Implementation Schedule

BMP CSW4:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Implement existing Code authority on an ongoing basis.				
Review and amend the Code as appropriate.				
Conduct inspections on an ongoing basis.				

BMP DS2: Post-Construction Stormwater System Maintenance Inspections and Compliance

Responsible Parties

Environmental Services Division

BMP Description

This BMP provides for an inspection and compliance program to ensure that private stormwater management systems (both non-structural and structural), constructed consistent with City development review approvals, are operated and maintained over the long term. This is a direct requirement (ii.2) of Minimum Control Measure #5 - Post-Construction Stormwater Management for New Development and Redevelopment.

Existing Conditions

As described in BMP DS1, the City has required, through the development review and approval process, stormwater management systems (both structural and non-structural) in private developments for many years. The systems approved under the current standards are intended to meet the Federal MEP requirement at the time they become operational. While developments are required to maintain sites in the approved conditions for the duration of their operation, the City currently has no program or staffing to ensure "adequate long-term operation and maintenance" of stormwater management systems. However, inadequately maintained facilities, such as oil/water separators or clogged catch basin, are frequently observed by staff when responding to complaints.

Proposed MS4 Plan Activities

Over the course of the MS4 permit timeframe, the City will develop a stormwater management system maintenance inspections and compliance program. This program will dedicate staff resources necessary to inventory the private stormwater management systems that have been constructed, inspect them, and provide education and technical assistance to property owners, as well as enforcement activities if and when needed to remediate substandard conditions.

Measurable Goals

Measurable goals for this BMP include tracking of inspections and maintenance activities performed, as well as substandard conditions identified in the field and follow-up activities that demonstrate that the facilities have been returned to the conditions under which they were originally approved.

Development/Implementation Schedule

BMP DS2:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
No action	Develop long-term BMP maintenance inspection, technical assistance, and enforcement program.	Dedicate staffing to conduct inspections, technical assistance, and enforcement activities on an ongoing basis.	Maintain inspection and compliance activities and track/analyze program effectiveness and success/failure of BMPs observed over time.	

BMP DS3: Stormwater Facilities Master Plan (SWFMP) and Capital Improvement Program (CIP)

Responsible Parties

Public Works Department

BMP Description

This BMP provides for completion of a comprehensive Stormwater Facilities Master Plan (SWFMP) for the City that includes up-to-date stormwater drainage system information, recommendations for future improvements, and assists both the City and the development community in planning for expansion in a way that addresses stormwater quality and capacity issues.

Existing Conditions

The systems of pipes, ditches, ponds, and other stormwater handling facilities are interconnected, and to work efficiently, must be sized and staged to minimize flooding and provide additional capacity for future development. The City maintains master plan documents that identify the available capacity requirements for expansion, bottlenecks, and recommended stormwater drainage system improvements. The existing Master Plan for the City is actually two plans: The West Springfield Drainage Master Plan and the Storm Drainage Study for East Springfield, written in June, 1983, and June, 1979, respectively. Both studies are outdated and inadequate to address current stormwater management issues, especially those that are associated with water quality.

Proposed MS4 Plan Activities

The City has dedicated staffing and funding for the purpose of developing and implementing a new comprehensive SWFMP. A consultant team has been retained to assist in the development of the SWFMP. Development of the SWFMP was initiated during the summer of 2003, and was completed and presented to the City Council for adoption in 2008. The SWFMP includes recommendations and a prioritized list of multiple objective capital improvement projects, which will be reviewed and implemented through the City's annual Capital Improvement Program (CIP). Staff will update and modify the SWFMP over time as necessary to respond to community development patterns.

Measurable Goals

Measurable goals include completion of the SWFMP in 2008, and implementation of stormwater quality-related capital improvement projects on an ongoing basis as prioritized in the plan.

Development/implementation Schedule

BMP DS3:

FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Complete and adopt updated SWFMP.		Implement SWFMP through annual CIP adoption and construction process.		

Appendix C: Eugene Illicit Discharge Regulations

(Section 6.441, formerly Section 7.050, amended by Ordinance No. 17492, enacted December 22, 1975; Ordinance No. 19653, enacted November 22, 1989, effective May 22, 1990; and renumbered by Ordinance No. 19939, enacted November 17, 1993, effective December 17, 1993.)

6.446 Discharge of Foreign Matter - Preventative Devices.

(1) No person responsible shall allow wastewater or poisonous substance from his or her premises to flow out on or under a public way or on any adjoining lot or grounds.

(2) No person responsible shall place or cause to be placed a substance which is harmful to or has a tendency to clog the city sewer or permit such substance in the control of such person to enter the city sewer.

(3) No person shall discharge, or cause to be discharged, into the city stormwater system any substance other than stormwater, except discharges resulting from fire fighting activities, or discharges authorized by written approval of the city manager or the manager's designee. The city manager may deny approval to discharge into the city stormwater system if the discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. The city manager may withdraw approval to discharge if the manager determines that a discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. Any person lawfully discharging pursuant to a National Pollutant Discharge Elimination System permit as of July 24, 1996 shall be deemed to have received written approval from the city manager. Such approval may be withdrawn if the manager determines that the discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. The city manager may adopt rules pursuant to section 2.019 of this code to define specific circumstances or criteria for a determination that a discharge poses a threat to health, safety, public welfare, or the environment.

(4) Every establishment or place where the substances prohibited in subsection (2) above is or may be produced is hereby required to install such necessary catch basin traps or other devices for the purpose of preventing such substance from entering a city sewer. It shall be the responsibility of the individual violating this provision to furnish the city upon request, plans prepared by a registered engineer showing the proposed method of elimination. Such device shall be approved only if tests and subsequent engineering data establish that a desirable standard of removal is produced.

(5) No person responsible shall allow stormwater to flow out on or under a public way in a manner that creates a hazard for those lawfully using the public way or that creates a hazard to improvements within the public way.

(6) The conditions prohibited by this section are nuisances and subject to abatement as provided in this code.

(Section 6.446, formerly Section 7.070, amended by Ordinance No. 19653, enacted November 22, 1989, effective May 22, 1990; renumbered by Ordinance No. 19939, enacted November 17, 1993, effective December 17, 1993; and Ordinance No. 20052, enacted June 24, 1996, effective July 24, 1996.)

6.451 **Administrative Regulations and Methodology**. The city manager may adopt such rules, regulations and methodologies as are necessary for the administration of the duties required by sections 6.401 through 6.610 as provided in section 2.019.

(Section 6.451 added by Ordinance No. 19939, enacted November 17, 1993, effective December 17, 1993.)

Appendix D: Springfield Illicit Discharge Regulations

ILLICIT DISCHARGE

4.370 Definitions.

Director. The director of public works or duly authorized representative.

Illicit Discharge. Any discharge to the city stormwater management system that is not composed entirely of stormwater, or as determined by the federal Environmental Protection Agency Storm Water Phase II Final Rule, as it may be modified from time to time, with the following exceptions:

- Lawful discharges from National Pollution Discharge Elimination System permitted industrial sources;
- Fire fighting activities;
- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising groundwater;
- Uncontaminated groundwater infiltration;
- Uncontaminated pumped groundwater;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensation;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Individual residential car washing;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Street wash water.

Person in Charge. See Springfield Municipal Code section 1.105 "Definitions."

Stormwater. Water derived from a storm event or conveyed through a stormwater management system.

Stormwater Management System. The structures, facilities, and practices utilized by the city and/or a development to control and manage the quantity and quality of groundwater discharges and surface water run-off, including stormwater run-off, non-storm generated run-off and floodwaters. [Section 4.370 added by Ordinance No. 6256, enacted June 7, 2010.]

4.372 Illicit Discharge.

(1) No person in charge shall discharge, or cause to be discharged, any substance into the city stormwater system if the discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. The director may withdraw approval to discharge if the director determines that a discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law.

(2) No person in charge shall allow an illicit discharge from his or her premises to flow out, on or into a stormwater management system.

(3) No person in charge shall place or cause to be placed a substance which is harmful to or has a tendency to clog any city stormwater management system or permit such substance in the control of such person to enter the city stormwater management system.

(4) Every establishment or place where the substances prohibited in subsection (3) above are or may be produced is hereby required to install such necessary catch basin traps or other devices for the purpose of preventing such substance from entering the city stormwater management system. Where the director reasonably believes that any such substance may be produced, the director may require any person in charge to furnish, to the city of Springfield, plans prepared by an Oregon registered engineer showing the proposed method of elimination. Such device shall be approved by the director only if tests and subsequent engineering data establish that a desirable standard of removal is produced.

(5) No person in charge shall allow stormwater to flow out on or under a public way in a manner that creates a hazard for those lawfully using the public way or that creates a hazard within the city stormwater management system.

(6) Failure to comply with this section shall be cause for a person in charge to be subject to enforcement procedures set forth in Springfield Municipal Code Chapter 5. The imposition of a penalty does not relieve a person in charge of the duty to abate the illicit discharge. [Section 4.372 added by Ordinance No. 6256, enacted June 7, 2010.]

Appendix E: Eugene Erosion Prevention Regulations

(d) For purposes of enforcing an administrative civil penalty imposed under this section and, if applicable, entry of a lien pursuant to section 2.018(11), if the violation for which the penalty was imposed involves a stormwater facility located on a portion of a planned unit development, condominium or other development that is commonly owned or owned by a homeowners' association, each parcel or unit in the development shall be liable for the administrative civil penalty, and the city may enter a lien for the full amount of the unpaid administrative civil penalty against each parcel or unit in the development.

(e) Failure to file a periodic report required by subsection (4) of this section and administrative rules adopted pursuant to that section may result in imposition of an administrative civil penalty pursuant to the provisions of section 2.018 of this code.

(f) Appeal. Any person to whom a stop work order or compliance order is issued may appeal the stop work order or compliance order within the time and in the manner prescribed in section 2.021 of this code. Notwithstanding any other provision of this code, a stop work order or compliance order shall be effective upon issuance, and shall continue in effect during the pendency of any appeal.

(6) Rules and fees. The City manager may adopt rules and fees for implementation of section 6.615, using the procedures in sections 2.019 and 2.020 respectively of this code.

(Section 6.615 added by Ordinance No. 20373, enacted November 22, 2006, effective December 22, 2006.)

Erosion Prevention

6.625 **Erosion Prevention - Purpose**. Sections 6.625 to 6.645, and the rules issued thereunder, are intended to restrict the discharge of sediments or other construction related materials, including hazardous substances as defined in section 6.340, into the city's stormwater system in order to:

(a) Prevent or minimize, to the maximum extent practicable, negative impacts to adjacent properties, water quality, and related natural resources resulting from construction activities; and

(b) Maintain the capacity of the city's stormwater system by minimizing sedimentation.

(Section 6.625 added by Ordinance No. 20067, enacted October 16, 1996, effective November 16, 1996.)

6.630 **Erosion Prevention - Applicability and Compliance**.

(1) Scope. The provisions of sections 6.625 to 6.645, and the rules issued thereunder, apply to all construction related activities that result in any one or all of the following:

(a) Land disturbance, including, but not limited to clearing, grading, grubbing, logging, excavating, filling, and storing of materials;
(b) Structural development, including, but not limited to buildings, bridges, roads, and other infrastructure;
(c) Impervious surfaces, including, but not limited to parking lots, driveways, walkways, and patios; or
(d) Dewatering.

Notwithstanding the foregoing, the following activities shall be exempt from the provisions of sections 6.625 to 6.645: (I) actions by a public utility, the city, or any other governmental agency to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic; or (ii) actions by any other person when the city determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic.

(2) Compliance. No person shall engage in any construction related activity covered by subsection (1) in a manner that can potentially impact water quality, except as allowed by this code. All persons shall implement erosion prevention measures designed to meet the outcomes established in administrative rules promulgated by the city manager. Failure to meet those outcomes shall subject the person to the same enforcement provisions as those applicable to a permit holder under section 6.640.

(Section 6.630 added by Ordinance No. 20067, enacted October 16, 1996, effective November 16, 1996.)

6.635 Erosion Prevention - Permits.

(1) Erosion Prevention Permit.

(a) Permit required. Except as otherwise provided in subsection (3) below, no person shall commence any construction related activity without first obtaining from the city one of the erosion prevention permits listed in subparagraph (b) if the construction related activity:

1. Disturbs one or more acres of land at any one time by one or more phases of development, and the disturbance is located on the same parcel of land or on contiguous parcels of land under the same ownership; or
2. Is located in a sensitive area. The criteria for classifying sites, and the classification of such sites as sensitive areas shall be established in administrative rules issued by the city manager.

(b) Permit classifications. The city manager may issue all of the following types of permits, any of which will meet the requirements of subsection (a) of this section:

1. Individual permit. A property owner or easement holder of record may obtain a separate individual permit for each construction activity on the same parcel of land.
2. Umbrella permit. A property owner or easement holder of record may obtain an umbrella permit for multiple construction activities on the same parcel of land that are proposed in connection with a development, including utility work, private infrastructure, structures, and other site improvements.
3. Annual permit. An annual permit may be issued for minor recurring activities.\

(c) Application. The application for an erosion prevention permit shall be accompanied by:

1. Fee. A fee established by the city manager pursuant to section 2.020 of this code in an amount sufficient to recover the city's administrative costs;
2. Construction site management plan for individual and umbrella permits. A construction site management plan prepared by a certified professional(s) designated by the manager in rules adopted hereunder. The construction site management plan need not be prepared by a certified professional if the development is one (1) single family dwelling or one (1) duplex dwelling. The construction site management plan shall be kept at the construction site and available for on-site inspection purposes. The construction site management plan shall identify: potential water quality impacts associated with the proposed construction activities; techniques and methods to be used to prevent and control erosion, sedimentation, and other pollutants associated with construction activity; and the location, design, and construction schedule for all erosion, sedimentation, and other construction site management control measures to be implemented and maintained; and
3. Work, scope and practices for annual permit. No construction site management plan shall be required for an annual permit. Instead, the applicant shall provide a description of the scope of work to be performed and the practices to be employed for meeting the requirements of sections 6.625 to 6.645 of this code. A copy of the annual permit shall be kept at the site and available for on-site inspection purposes.

(d) Review and Issuance. The application for the erosion prevention permit shall be reviewed by the city and approved, approved with conditions, or denied, based on criteria set forth in rules adopted by the city manager. The criteria to be adopted shall be designed to achieve the objectives listed in section 6.625. Issuance of an

erosion prevention permit may be subject to conditions imposed by the city including, but not limited to, specific erosion and sedimentation prevention measures and schedules.

(e) Permit Duration. An erosion prevention permit shall remain in effect for the full period of the construction activity. The manager may extend the duration of the permit for a period of up to, but not to exceed, two years after completion of the construction activity if the manager determines the extension is necessary to ensure that the construction activity has stabilized in accordance with the outcomes identified in the administrative rules.

(2) Appeal. Within the time and in the manner prescribed in section 2.021 of this code, the applicant for a permit may appeal (a) the denial of a permit, (b) any conditions imposed on a permit, (c) the determination that the property is located in a sensitive area, or (d) an extension of the duration of a permit under section 6.635(1)(e).

(3) Waiver of Erosion Prevention Permit. Notwithstanding any other provisions of this section, the following activities shall not require an erosion prevention permit:

(a) Construction activities involving the disturbance of less than 500 square feet of land surface area, or which consist of the excavation and/or fill of less than 20 cubic yards of material;

(b) Issuance of permits and/or approvals for land divisions, interior improvements to an existing structure, or other approvals for which there is no physical disturbance to the surface of the land; and

(c) Annual landscape maintenance activities on fully developed properties, necessary to maintain the existing developed landscape.

(Section 6.635 added by Ordinance No. 20067, enacted October 16, 1996, effective November 16, 1996; and amended by Ordinance No. 20177, enacted November 8, 1999, effective December 8, 1999.)

6.640 Erosion Prevention - Enforcement.

(1) Enforcement Policy. The primary focus of sections 6.625 to 6.645 is to implement measures for preventing erosion and minimizing stormwater impact that will meet the outcomes established in administrative rules promulgated by the city manager, and the city will use the amount of enforcement necessary to achieve compliance. Where possible the city will rely on education rather than enforcement. The manager may provide educational programs or other informational materials that will assist permittees in meeting the desired erosion and sedimentation controls, and other construction site management practices outcomes.

(2) Inspections. The city may make periodic inspections to ensure compliance with this code, rules issued hereunder, or conditions imposed on an erosion prevention or other permit.

(3) Violations. Failure to comply with the provisions of this code, rules issued hereunder, the erosion prevention permits, or conditions imposed thereon, during the period that the permit(s) remains in effect may result in:

(a) The issuance of a stop work order or compliance order by the city;

(b) The issuance of a citation into municipal court for violation of this code; and/or

(c) The imposition of an administrative civil penalty pursuant to the provisions of section 2.018 of this code as authorized by section 6.995 of this code.

Failure to comply with any stop work or compliance order issued by the city shall constitute a separate violation. Each day a violation continues also shall constitute a separate violation.

(4) Appeal. Any person to whom an order is issued may appeal a stop work order or compliance order within the time and in the manner prescribed in section 2.021 of this code. Notwithstanding any other provision of this code, a stop work order or compliance order shall be effective upon issuance, and shall continue in effect during the pendency of any appeal.

(Section 6.640 added by Ordinance No. 20067, enacted October 16, 1996, effective November 16, 1996 amended by Ordinance No. 20169, enacted September 27, 1999, effective October 27, 1999; and Ordinance 20177, enacted November 8, 1999, effective December 8, 1999.)

6.645 **Erosion Prevention - Rules.** The city manager may adopt rules for implementation of sections 6.625 to 6.640, following the procedures in section 2.019 of this code. The rules may include, but need not be limited to:

(a) The form and content of an erosion prevention permit;

(b) Additional criteria for identifying "sensitive areas" within the city, and preparation of a map identifying sensitive areas;

(c) The definition of a certified professional;

(d) The definition of maximum extent practicable;

(e) The form and minimum criteria to be included in a construction site management plan, including required construction site management practices;

(f) Erosion prevention design standards; and

(g) Criteria for violation of sections 6.625 to 6.640 of the Eugene Code, 1971.

(Section 6.645 added by Ordinance No. 20067, enacted October 16, 1996, effective November 16, 1996.)

Appendix F: Springfield Erosion Prevention Regulations

8.316 Drainage Pollution and Erosion Control.

(1) When required by the director of public works, drainage facilities and pollution and erosion control devices shall be provided to convey storm waters to a natural channel or water course or to a storm drainage facility in an acceptable manner without causing pollution, erosion, or damage and such facilities shall be designed so as to provide the capacity deemed to be necessary by the director of public works.

(2)(a) When work done under a grading permit indicates the presence of subsurface waters which may contribute to sliding or settlement of the earth surface either in an undisturbed state, or that such subsurface waters are expected to result from the grading operations, the director of public works may require the construction of, or installation of such subsurface and surface facilities as may be deemed necessary to collect anticipated slide or settlement conditions, and require its conveyance to an acceptable point of discharge.

(b) Whenever during excavation there are uncovered or become apparent any unforseen springs, aquifers, or sources of underground water, all grading operations in the immediate area may be stopped when deemed necessary by the director of public works. If grading operations are so halted, they shall not be resumed until the drainage facilities recommended by an engineer for the remedy of the condition have been completed and approved.

(3) Graded sites shall be sloped a minimum of two percent to provide adequate drainage.

(4)(a) Whenever slope surfaces or excavations and embankments exist, or result from grading operations on the site, erosion control shall be installed by October 1st; if grading operations occur from October 1 through April 30, erosion control shall be installed within 14 days from denuding.

(b) Erosion control measures shall conform to the recommendation within the soil and geology report and shall be approved by the director of public works. Such measures shall consist of surface roughening, interceptor and diversion practices, vegetative soil stabilization, and non-vegetative soil stabilization.

(c) Temporary or short-term stabilization shall be required in accordance with paragraph (a) above when necessitated by prolonged grading delays or by completion of final grading during seasons of the year when permanent vegetative soil stabilization cannot be performed. Temporary or short-term stabilization shall conform to the recommendation within the soil and geology report and shall be approved by the director of public works.

Appendix G: Applicable Sections of Lane Code

11.025 Springfield Urban Growth Boundary.
Notwithstanding other subsections of this chapter, the City of Springfield shall have the responsibility and the authority to administer its building regulations on urbanizable land within the Springfield Urban Growth Boundary, and the same building regulations are adopted by Lane County for the purpose of this subsection. For the purpose of this subsection, the following words and phrases shall mean:

Building Regulations. The City of Springfield's currently adopted version of the State Building Specialty Codes and applicable Oregon Administrative Rules. These regulations shall include, but shall not be limited to, the following:

(1) Structural Specialty Code and Fire and Life Safety regulations.

(2) Council of American Building Officials 1 and 2 Family Dwelling Code.

(3) Mechanical Specialty Code and Mechanical Fire and Life Safety regulations.

(4) Plumbing Specialty Code.

(5) OAR 814-23-055 to 814-23-080 Mobile Home Installation, Tie-down and Accessory Building Requirements.

(6) Uniform Code for the Abatement of Dangerous Buildings.

(7) Electrical Specialty Code and Oregon State Electrical Code for 1 and 2 Family Dwellings.

(8) OAR Chapter 837, Division 40, Fire and Life Safety Code.

Refer to City of Springfield Ordinance No. 5188 (general), adopted August 15, 1983, Ordinance Nos. 5343 (general), 5344 (general), 5345 (general), and 5346 (general), adopted July 21, 1986 as amended by Lane County Ordinance No. 10-00.

Springfield Urban Growth Boundary. All land within the Urban Growth Boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan, are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary. *(Revised by Ordinance No. 12-86, Effective 11.1.86; 12-89, 11.21.89; 3-99, 8.27.99; 10-00, 12.13.00)*

11.026 Eugene Urban Growth Boundary.

(1) The City of Eugene shall have the responsibility and authority to administer its building regulations on urbanizable land within the Eugene Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

Building Regulations. The City of Eugene's currently adopted version of the State Building Specialty Codes and applicable Oregon Administrative Rules, together with modifications and supplements to the building codes, contained in Eugene Code Chapter 8 in effect on January 1, 1991 as amended by Lane County Ordinance Nos. 13-92 and 10-00. These regulations shall include, but shall not be limited to, the following:

(a) Structural Specialty Code and Fire and Life Safety regulations.

(b) Council of American Building Officials One and Two Family Dwelling Code.

(c) Mechanical Specialty Code and Mechanical Fire and Life Safety Regulations.

(d) Plumbing Specialty Code.

(e) OAR 814-23-055 to 814-23-080, Mobile Home Installations, Tiedown and Accessory Building Requirements.

(f) Uniform Code for the Abatement of Dangerous Buildings, as Amended.

(g) Electrical Specialty Code and Oregon State Electrical Code for 1 and 2 family dwellings and the Electrical Safety Law.

(h) Fire Prevention Code.

(i) Weatherization Code.

(j) Sign Code.

(k) Administrative Code.

(l) Swimming Pool Code.

Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

Urbanizable Land. Urbanizable land, are those unincorporated lands between the Eugene City limits and the Eugene Urban Growth Boundary.

(2) Applicable Building Regulations. Lane County has adopted the above building regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary, and copies of these building regulations shall be on file at the Lane County Land Management division. *(Revised by Ordinance No. 17-86, Effective 4.27.87; 2-91, 3.29.91; 13-92, 10.28.92; 3-99, 8.27.99; 1-00, 4.12.00; 10-00, 12.13.00)*

10.600-10 Springfield Urban Growth Boundary.
The City of Springfield shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Springfield Urban Growth Boundary. For the purpose of this subsection. the following words and phrases shall mean:

(1) Springfield Urban Growth Boundary. All land within the Urban Growth Boundary. as defined by the Eugene-Springfield Metropolitan Area General Plan on November 21, 1989. or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, east of I-5.

(2) Urbanizable Land. Urbanizable lands, as defined by the Eugene-Springfield Metropolitan Area Plan. are those unincorporated lands between the Springfield City Limits and the Springfield Urban Growth Boundary. *(Revised by Ordinance No. 16-86, 11.24.86; 11-89, 11.21.89; 3-99, 8.27.99)*

10.600-15 Applicable Land Use Regulations.
Lane County has adopted the following land use regulations to be applied by Springfield on urbanizable land within the Springfield Urban Growth Boundary.

(1) The Springfield Development Code adopted by the Lane County Board of Commissioners as part of Ordinance No. 16-86, and amended by Ordinance Nos. 5-89. 18-90, 9-91. 13-91. 14-92. 5-93. 13-94, 3-97, 7-99, 10-00, 13-04. 2-05. 2-06. 16-07 and 4-09.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 16-86, Effective 11.24.86; 5-89, 5.31.89; 11-89, 11.21.89; 18-90, 12.19.90; 9-91, 9.20.91; 13-91, 9.25.91; 14-92, 1.8.93; 5-93, 8.26.93; 13-94, 1.11.95; 3-97, 4.18.97; 7-99, 12.8.99; 10-00, 12.13.00; 13-04, 7.1.04; 2-05, 9.9.05; 2-06, 4.14.06; 16-07, 1.4.08; 4-09, 10.15.09)*

10.600-20 Eugene Urban Growth Boundary.

The City of Eugene shall have the responsibility and the authority to administer its land use regulations on urbanizable land within the Eugene Urban Growth Boundary. For the purpose of this subsection, the following words and phrases shall mean:

(1) Eugene Urban Growth Boundary. All urbanizable land within the urban growth boundary, as defined by the Eugene-Springfield Metropolitan Area General Plan, on November 21, 1989, or as amended thereafter on the effective date of any Plan amendment enacted by Lane County, which is west of I-5.

(2) Urbanizable Land. Urbanizable lands are those unincorporated lands between the Eugene City Limits and the Eugene Urban Growth Boundary. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 11-89, 11.21.89; 3-99, 7.28.99)*

10.600-25 Applicable Land Use Regulations.

Lane County has adopted the following land use regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary.

(1) The Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 18-86 as amended in Ordinance Nos. 16-87, 5-88, 6-88, 7-88, 1-89, 2-89, 13-89, 2-90, 2-91, 12-91, 14-91, 7-92, 10-00, 2-02 and 3-02.

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89,1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02)*

remedies provided for failure to comply with LC 5.700 through 5.750 shall not be exclusive and shall be in addition to other remedies provided by law. The County expressly reserves the right to seek abatement through separate civil proceedings in addition to and not in lieu of administrative enforcement under this chapter. Nothing contained herein shall preclude civil actions alleging failure to comply with the provisions of this chapter constitute negligence per se. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-00, 4.12.00; 7-02, 6.14.02)*

5.705 Exemptions.

Unless specifically provided otherwise, LC 5.700 through 5.750 does not apply to:

(1) Disposal sites operated in compliance with regulations promulgated by the Environmental Quality Commission, Department of Environmental Quality, or other ordinances or regulations of the County.

(2) Outdoor storage of inoperable or unregistered vehicles when the land has a zoning district which permits or conditionally permits outdoor storage of inoperable or used vehicles and the vehicles are stored in accordance with applicable provisions.

(3) Property located within the corporate limits of incorporated cities. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-00, 4.12.00; 7-02, 6.14.02)*

5.710 Definitions.

For the purposes of LC 5.700 through 5.750, the following words and phrases shall mean:

Director. The Director of Public Works, the Director's designee, or the Manager of the Land Management Division, or the Manager's designee.

Certificate of Fitness. A certificate issued for a particular property by the Oregon Health Division following a satisfactory site characterization by a licensed drug laboratory decontamination contractor, sampling and testing by an independent, third party approved by the Oregon Health Division, and any necessary contamination reduction of the property by such licensed contractor. The certificate authorizes removal of the property from the State Building Codes Division's "Unfit for Use" listing and allows reuse of the property.

Illicit Discharge. Any discharge to the storm water system that is not composed entirely of storm water, or as determined by EPA Storm Water Phase II Final Rule, with the following exceptions:

(a) Discharges from NPDES permitted industrial sources;
(b) Fire fighting activities;
(c) Water line flushing;
(d) Landscape irrigation;
(e) Diverted stream flows;
(f) Rising ground water;
(g) Uncontaminated ground water infiltration;
(h) Uncontaminated pumped ground water;
(i) Discharges from potable water sources;
(j) Foundation drains;
(k) Air conditioning condensation;
(l) Irrigation water;
(m) Springs;
(n) Water from crawl space pumps;
(o) Footing drains;
(p) Lawn watering;
(q) Individual residential car washing;
(r) Flows from riparian habitats and wetlands;

(s) De-chlorinated swimming pool discharges;

(t) Street wash water.

Inoperable Vehicle. A vehicle which:

(a) Has been left on private property for more than 30 days; and

(b) Has broken or missing window(s); or broken or missing windshield; or a missing wheel(s), or a missing tire(s); or lacks an engine or will not run; or lacks a transmission or the transmission is inoperable; and

(c) The vehicle is over three years old.

(d) For purposes of this section, a showing that the vehicle(s) in question is unlicensed and, if operated on a public highway of this state, would be in violation of one or more of the following provisions: ORS 815.020, 815.100, 815.125, 815.155, 815.160, 815.170, 815.180, 815.195, 815.235, 815.245 through 815.260, 815.270, and 815.295 constitutes a rebuttable presumption that it is inoperable.

Motor Vehicle. A vehicle that is self-propelled or designed for self-propulsion.

Noxious Vegetation: Includes:

(a) Weeds more than 10 inches high.

(b) Grass more than 10 inches high unless that vegetation is an agricultural crop and does not create a fire hazard or traffic hazard.

(c) Poison Oak or Poison Ivy.

(d) Tansy Ragwort.

(e) Blackberry bushes that extend into a public thoroughfare or across a property line.

(f) Thistle.

Nuisance. Includes, but is not limited to any annoying, unpleasant, or obnoxious condition or practice causing an unreasonable threat to the public health, safety and welfare and defined as a nuisance in LC 5.720 through 5.750.

Person. Includes individuals, corporations, associations, firms, partnerships and joint stock companies.

Person in Charge of Property. An owner, agent, occupant, lessee, tenant, contract purchaser, or other responsible person having possession or control of the property or the supervision of a construction project on the property.

Responsible Person. As defined in LC 5.005(7), and includes:

(a) The person in charge of property on which the nuisance exists or which abuts a public way where a nuisance exists.

(b) The person who causes the nuisance to come into or continue in existence.

Putrescible Material. Organic material that decomposes and gives rise to foul or offensive odors, or foul or offensive by-products.

Solid Waste. Solid Waste includes all putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clipping, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

(a) Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential nonagricultural purposes.

(b) Septic tank and cesspool pumping or chemical toilet waste;

(c) Reusable beverage containers as defined in ORS 459A.725.

5.740 Accumulation, Collection or Storage of Solid Waste or Waste.

(1) Any accumulation, collection or storage of solid waste or waste, shall constitute a nuisance and no person responsible shall cause or permit such condition to exist unless the person responsible is licensed by lawful authority to operate a business specifically for those purposes.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.745 An Abandoned, Discarded, or Unattended Icebox, Refrigerator, or Other Container with a Compartment.

(1) Any abandoned, discarded or unattended icebox, refrigerator or other container with a compartment of more than one and one-half cubic feet capacity and an airtight door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside shall constitute a nuisance and no person responsible shall cause or permit such condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 11-87, Effective 9.17.87; 1-93, 4.16.93; 1-00, 4.12.00)*

5.747 Illicit Discharge.

For the purposes of this section, the following requirements apply within the Eugene Urban Growth Boundary as defined at LC 10.600-20, and outside the incorporated city limits (1) No responsible person shall allow an illicit discharge from his or her premises to flow out on or under a public way.

(2) No responsible person shall place or cause to be placed a substance which is harmful to or has a tendency to clog the County storm water system or permit such substance in the control of such person to enter the County storm water system.

(3) No person shall discharge, or cause to be discharged, any substance other than storm water, except discharges authorized by written approval of the Oregon Department of Environmental Quality (DEQ) or the Director. The Director may deny approval to discharge into the County storm water system if the discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. The Director may withdraw approval to discharge if the Director determines that a discharge poses a threat to health, safety, public welfare, or the environment, or is otherwise prohibited by law. Any person lawfully discharging pursuant to a National Pollutant Discharge Elimination System permit as of March 10, 2004 shall be deemed to have received written approval from the Director. Such approval may be withdrawn if the Director determined that the discharge poses a threat to health, safety, public welfare, of the environment, or is otherwise prohibited by law.

(4) Every establishment or place where the substances prohibited in subsection (2) above is or may be produced is hereby required to install such necessary catch basin traps or other devices for the purpose of preventing such substance from entering the County storm water system. Where the Director reasonably believes that any such substance may be produced, the Director may require any responsible person to furnish to the County plans prepared by a registered engineer showing the proposed method of elimination. Such device shall be approved only if tests and subsequent engineering data establish that a desirable standard of removal is produced.

(5) No responsible person shall allow storm water to flow out on or under a public way in a manner that creates a traffic or other hazard for those lawfully using the public way or that creates a hazard to improvements within the public way.

(6) A failure to comply with this section shall be cause for a responsible person to be subject to enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

(7) Lane County has adopted the following Illicit Discharge regulations to be applied by the City of Springfield on urbanizable land within the Springfield Urban Growth Boundary as set forth in LC 10.600-10.

(1) The Springfield Illicit Discharge regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 3-10

(2) The Lane County Land Management Division will maintain and make available to the public copies of the applicable Illicit Discharge regulations. *(Revised by Ordinance No. 1-04, Effective 9.4.04; 3-10, 6.9.10)*

5.750 Properties Declared "Unfit for Use" Due to Illegal Drug Manufacturing Contamination.

(1) Property placed on the Oregon Health Division "unfit for use list" pursuant to ORS 453.879 because it has been used for the manufacture of illegal drugs shall be considered a nuisance 90 days after it has been listed and shall remain a nuisance until such time as it is issued a "Certificate of Fitness" by the Oregon Health Division, and no responsible person shall cause or permit such a condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. *(Revised by Ordinance No. 7-02, Effective 6.14.02)*

5.990 Failure to Comply.

(1) A person who fails to comply with any provision of Lane Code shall be subject to administrative enforcement pursuant to LC Chapter 5, except for those provisions which are specified to be violations, or which specify incarceration as a penalty. A notice of failure to comply may be signed, issued and served by any designated agent of the County.

(2) A person who fails to comply with LC 5.600 et seq. is subject to a monetary penalty of not less than $500 for a first failure to comply and $1,000 for each subsequent failure to comply committed within one year of the first occurrence. However, the hearings officer may suspend up to $400 of the monetary penalty to be paid for a first offense upon receiving from the person who has failed to comply a signed, verified statement that said person agrees not to cause any further failure to comply with LC 5.600 et. seq. within the following year, and further stating that if it is determined that said person should so fail to comply, the suspended portion of the monetary penalty amount be then due and payable, in addition to any amounts to be due for the subsequent failures to comply. Persons who fail to comply with LC 5.600 et seq. are also subject to the administrative civil penalty procedures set forth in this chapter. Any enforcement proceedings allowed herein may be commenced by the Manager. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. For purposes of this subsection a separate failure to comply will be deemed to have occurred for every occurrence that is more than 15 minutes from the previous failure to comply.

(4) Dog owners shall renew the dog license before it becomes delinquent. A late fee of $10 will be charged if the license is renewed after it has become delinquent.

TABLE II

Crown Spacing - Trees Per Acre

43,560 Sq. Ft./Acre / 100 trees = 435.6 Sq. Ft./Tree (22"-Diameter Crown)

Diameter Crown (in Feet)	Sq. Ft./ Tree	Trees/ Acre	(Closed Canopy)
10 78.75	553		
15 176.63	247		
20 314.00	139		
25 490.63	89		
30 706.50	62		
35 961.63	45		
40	1,256.00	35	

EXHIBIT "B" TO LC CHAPTER 9
(LC 9.935)
Page 3

(Revised by Ordinance No. 14-90D, Effective 11.21.90 [Sunset 11.30.91]; 16A-91, 11.20.91 [Sunset 6.1.93]; 4-93, 5.19.93 [Sunset 12.1.94]; 11-94, 11.22.94 [Sunset 12.1.95]; 3-96, 11.1.96)

EROSION PREVENTION

9.945 Applicable Erosion Control Prevention Regulations.
Lane County has adopted the following erosion control regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary, as set forth in LC 10.600-20.

(1) The Eugene Erosion Prevention regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 2-04.

(2) Copies of the applicable erosion prevention regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance 2-04, Effective 4.9.04)*

9.946 Applicable Erosion Control Prevention Regulations, City of Springfield UTZ
Lane County has adopted the following erosion control regulations to be applied by the City of Springfield on urbanizable land within the Springfield Urban Growth Boundary as set forth in LC 10.600-10.

(1) The Springfield erosion prevention regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 2-10

(2) The Lane County Land Management Division will maintain and make available to the public copies of the applicable erosion prevention regulations. *(Revised by Ordinance 2-10, Effective 6.9.10)*

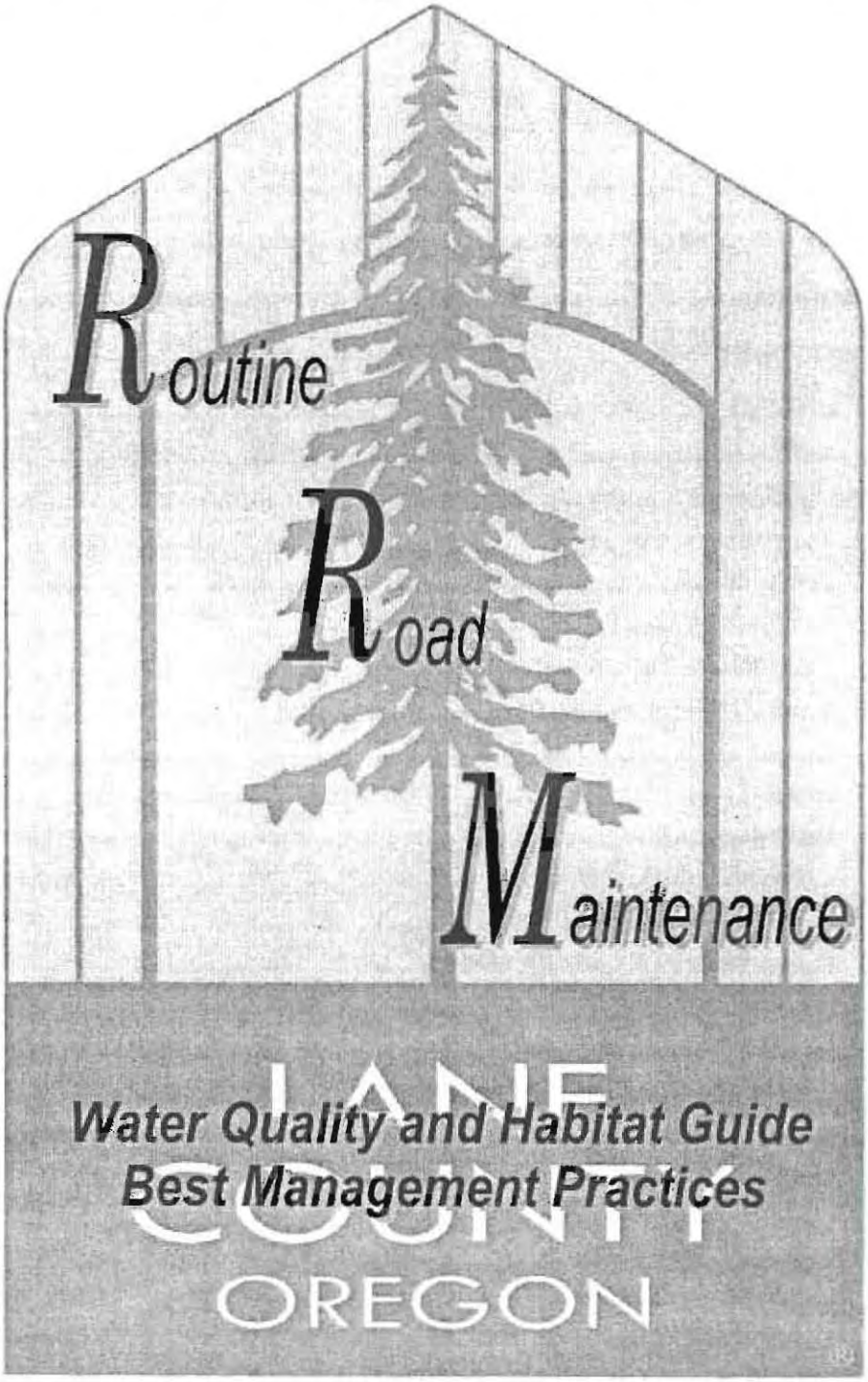
CLEAR LAKE WATERSHED BOATING REGULATIONS

9.950 Clear Lake Watershed Boating Regulations.

(1) Purpose. The Clear Lake Watershed has been recognized as an area deserving protection in order to maintain high water quality in Clear Lake as a domestic water supply source. The Clear Lake Watershed is made up of properties, a substantial majority of which, are in private ownership. The Clear Lake Watershed Boating

Appendix H: Lane County Routine Road Maintenance Manual

Lane County Public Works



March 2006

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ACRONYMS

ACGIH	American Conference of Governmental Industrial Hygienists
ARC	Annual Report on Carcinogens
BMP	Best Management Practices
DSL	Department of State Lands
ESA	Endangered Species Act
ESU	Evolutionary Significant Unit
FHSA	Federal Hazardous Substances Act
LCPW	Lane County Public Works
MMS	Maintenance Management System
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NTP	National Toxicology Program
ODF	Oregon Department of Forestry
ODFW	Oregon Department of Fish and Wildlife
ODOT	Oregon Department of Transportation
OSHA	Occupational Safety and Health Administration
RMA	Riparian Management Area
SARA	Superfund Amendments and Reauthorization Act of 1986
USFWS	U.S. Fish and Wildlife Service

DEFINITION OF TERMS

Ditch: A facility, typically parallel to the road, that carries stormwater runoff draining from the LCPW facility and adjacent properties. It is not a channelized stream, or fish bearing stream.

Channel: A channel is different from a ditch in that a channel is a facility that collects drainage water, can be parallel or perpendicular to the highway facility, and may or may not be a natural stream.

Dust Palliative: A chemical or water solution used to reduce dust that results from activities performed on gravel roads, maintenance yards, and slide areas.

Emergency: As defined under OAR 125-310-030 and ORS 401.025(4).

OAR 125-310030"...the emergency consists of circumstances creating a substantial risk of loss, damage, interruption of services or threat to public health or safety that could not have been reasonably foreseen..."

ORS 401.025 (4) "Emergency" includes any man-made or natural event or circumstances causing or threatening loss of life, injury to person or property, human suffering or financial loss, including, but not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills, or releases of oil or hazardous material as defined in ORS 466.605, contamination, actual or imminent loss or restriction of transportation facilities, civil disturbance, riot, sabotage and war."

The distinction must be made as to when the emergency is over and clean up begins. It is during the clean up and permanent repairs that consideration must be given to: disposal of material in approved manner, in approved location; and providing fish passage.

An emergency ends when threats of loss of life, injury, suffering or financial loss is mitigated and pre-emergency service is restored.

Local Disposal Plan: Area or site-specific management strategy or plan for disposing of material generated during emergency and routine maintenance activities.

Maintenance Management System (MMS): A specialized budget and accounting system for managers. The MMS is used for work planning, scheduling, performance evaluation, and budgeting and expenditure control of maintenance activities.

Riparian Management Area (RMA): A classification of management areas for streams and rivers based on their relative size.

SIZE	RIPARIAN MANAGEMENT WIDTHS	EXAMPLES
Large	100 feet	McKenzie River, Siuslaw River, Willamette River
Medium	70 feet	Mohawk River, Deadwood Creek, Brice Creek
Small	50 feet	Most streams (first-second order tributaries)

Routine Maintenance: Recurring activities (scheduled or predictable) that are needed to maintain the functional integrity of the existing transportation facility.

Significant Resource Area/Significant Aquatic Resource: Areas that are currently protected, or potentially protected for species. This term applies to areas designated as 'core area' (ODFW); "essential indigenous anadromous salmonid habitat" (DSL); "Type F" streams (ODF); as well as areas to be included in any designated critical habitat for listed species (NMFS, USFWS). This designation also incorporates LCPW transportation corridor proximity: an area will only be designated as a Significant Aquatic Resource if LCPW maintenance activities have a potential of impacting it.

Temporary Water Management: A temporary containment or dewatering and re-watering system to effectively isolate the in-stream waters from the work area.

Waters of the State : Natural waterways including all tidal and non-tidal bays, intermittent and perennial streams, lakes, wetlands, and other bodies of water in this state, navigable and non-navigable, including that portion of the Pacific Ocean, which is in the boundaries of this state. "Waters of the State" does not include the ocean shore, as defined in ORS 390.605.

INTRODUCTION AND PURPOSE

Lane County Public Works Road Maintenance Division has formally adopted the Oregon Department of Transportation Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices as revised in 2004. The guide will govern the manner in which Lane County maintenance crews will proceed on a wide variety of routine maintenance activities, including surface and shoulder work, ditch, bridge, culvert maintenance, snow and ice removal, emergency maintenance, mowing, brush control and other vegetation management for all of Lane County.

The Oregon Department of Transportation Routine Road Maintenance Water Quality and Habitat Guide Best Management Practices does not cover two road maintenance activities that LCPW maintenance crews perform. (1) Gravel Road Blading (MMS 416), (2) Other Vegetation Management (MMS 459). We have complemented the ODOT Guide with Best Management Practices (BMPs) that cover these activities.

These BMP's are designed to eliminate the adverse impacts of road maintenance activities on salmonid habitat while preserving our ability to maintain the functional integrity of the existing transportation facility.

This manual covers five key areas:

1. Definitions of terms.
2. Description of the process for review, documentation and monitoring implementation and effectiveness of the actions.
3. Description of the LCPW training program for routine maintenance and environmental considerations.
4. Descriptions of maintenance activities with minimization/avoidance actions.
5. Relevant references or examples.

The purpose of this manual is to:

- To establish a set of BMPs to minimize the impacts of LCPW activities on salmon runs.
- To train LCPW personnel on these BMPs.
- To insure that LCPW complies with the 4(d) rules published by NMFS, prohibiting a "take" of listed species by securing a programmatic limitation under Limit 10: Routine Road Maintenance.

Professional Judgment

In the Guide, words and phrases such as 'where feasible', 'where appropriate' and 'where practicable' are used in conjunction with some minimization, avoidance and BMPs and techniques. These phrases, which allow some exercise of professional judgment, are not to be used for convenience or ease of operation. Rather, they are included to depict the unique nature of maintenance activities. Maintenance activities, in many ways, are reactive to constraints outside the control of LCPW: weather events, the traveling public, physical and geographic restrictions, availability of equipment, state, federal and local laws, and highway design guidelines. Compliance with this Guide means that LCPW Maintenance staff will use the discretion provided by these phrases where one or more of these constraints make implementation of the full measure impossible. For example, the Guide states: "Perform

ditch work in optimum weather (when the ditch is dry but there is still sufficient soil moisture to prevent dust and the movement of small particulates) to minimize environmental impacts where feasible..." LCPW will strive to do so. However, where safety of the road requires ditch maintenance regardless of the weather and time of year, LCPW will proceed with the maintenance activity, implementing other applicable minimization, avoidance, and BMPs, including applicable erosion control, as required by the Guide.

Activities Not Included in the 4(d) Exemption

The USFWS has not developed a program similar to NOAA Fisheries under Section 4(d) of the ESA. Consequently, the LCPW Routine Road Maintenance Program meets the needs of NOAA Fisheries for the threatened species under its jurisdiction, but there is no similar understanding with the USFWS. LCPW coordinates as necessary with the USFWS during routine road maintenance activities.

Activities that require US Army Corps of Engineers (Corps) permits are not included in the 4(d) exemption. These activities are mentioned in this Guide, with guidance to LCPW staff to seek further expertise.

Herbicide spray is not included in the 4(d) exemption. NOAA Fisheries recognizes that the application of herbicides for vegetation management may be necessary. NOAA Fisheries and the Environmental Protection Agency (EPA) are currently working to provide further recommendations and information on the use and impact of herbicides. Until such time as these two federal agencies can provide better direction, LCPW will follow the labels on the products and use licensed applicators to apply herbicides to control noxious weeds and other vegetation along its Right of Way and will only apply herbicides as a last resort in accordance with Lane Code. LCPW will amend its spray program as appropriate, incorporating the information and direction from the Board of County Commissioners, NOAA Fisheries and EPA. The application of fertilizers by the Maintenance Division is also not included in the exemption.

Not all maintenance activities are depicted. For activities that are not depicted, good housekeeping practices should be followed.

There are laws governing historical, cultural and archeological sites that affect maintenance activities, and the practices described in this Guide do not address these laws. Every effort has been made to direct maintenance staff to technical experts where appropriate.

Geographic Area

The area of Lane County, Oregon is approximately 4,620 square miles. It borders the Pacific Ocean to the west and the Cascade Mountains to the east. Lane County maintains 1264 miles of paved roads, 168 miles of gravel road, and 413 bridges.

The Listed Species

The following Evolutionary Significant Units (ESUs) are listed as threatened under the Endangered Species Act (ESA) in Lane County:

- Upper Willamette Spring Chinook Salmon
- Oregon Coast Coho Salmon

Salmon Runs in Lane County, Critical Habitat

Upper Willamette Spring Chinook, Oregon Coast Coho, and other anadromous salmonids migrate between the Pacific Ocean and inland freshwater streams. In Lane County, designated critical habitat for both Chinook salmon and Coastal Coho occur throughout the County.

Recovery

The factors that are within human control that LCPW has addressed in order to provide the greatest likelihood of salmonids recovery:

- Habitat Modification: Maintain and restore the physical integrity of the aquatic system, including shorelines, banks and bottom configurations. Maintain and restore water quality necessary to support healthy riparian, aquatic and wetland ecosystems.

This plan focuses on implementing, Habitat Modification, in Lane County. The section, "Best Management Practices," identifies all LCPW activities not covered by ODOT Manual that may adversely impact salmonid habitat. Guidelines are provided for each action to minimize such impacts and insure that they comply with the NMFS 4(d) regulations and do not constitute a "take."

TRAINING

It is the responsibility of maintenance personnel to understand and correctly implement BMPs for a variety of maintenance activities as they conduct their daily tasks. Lane County has an extensive outreach/training program for its maintenance personnel on environmental issues. The corner stone of our ESA training for maintenance personnel will be a training course that is comprised of an ESA and BMP overview. This training course will be provided to all LCPW maintenance personnel. Elements of the maintenance training and outreach program include:

- New employee orientation
- Annual field visits
- Erosion and sediment control training
- Excavation Safety
- NPDES requirements
- Fish passage training
- Bi-Weekly Maintenance Supervisor Meetings
- Maintenance Short School training (In-House)
- American Public Works Association (Short Schools)
- Equipment Operator Skills Demonstration & Technical Training

Bi-Weekly Maintenance Supervisors Meetings - These meetings will be utilized to discuss ESA-related policy and operational issues with maintenance supervisors.

Examples include:

Update on newly listed species
Identify and document thresholds for making changes in maintenance actions
Update and/or new BMPs along with equipment that becomes available
Product use and evaluation
Recognizing when permits are required
Develop planning for BMPs

Maintenance Short School Training (In House Training) - Is held once a year for two days for all maintenance staff. The curriculum will be updated to meet current needs.

Examples include:

Environmental Permit & Commitment Compliance
ESA
Water Quality Issues
Contamination Issues
Best Management Practices
Erosion Control Devices & Methods

American Public Works Association Short Schools - Training classes at the conference are "awareness level" in nature and serve to keep state and local road maintenance personnel updated on related ESA issues.

Examples include:

Road Waste Management
Liquid Chemical Deicers
Clean Water Practices
Inside Dirt on Erosion Control

Equipment Operators Skills Demonstration & Technical Training - Training classes at the conferences are based on the results of solicited concerns. This annual training event covers a wide variety of topics including ESA related training courses.

Examples include:

ODOT's Best Management Practices Handbook
Environmental Concerns of Road Maintenance
Gravel Road Maintenance
Deicer & Anti-icer Applications & Alternatives
Culvert Retrofit & New Products

Training continues to be an integral component of Lane County Public Works Road Maintenance Division. We are in the process of developing a formal Maintenance Short School for our maintenance personnel. The program will be used for training needs where it

is apparent adequate training courses are not available. Courses will be developed for maintenance personnel so they can obtain the information necessary to properly carry out their work tasks.

DOCUMENTATION/REPORTING

The Lane County Public Works Maintenance Division will develop and submit an annual report to NMFS that will depict ESA related complaints. The annual report will contain:

- Investigations of ESA-related complaints (i.e. adverse impacts to water quality of aquatic habitat) received from/by Lane County staff, other agencies or members of the public on impacts to the environment by maintenance activities.
- Investigations of complaints received from/by LCPW staff, other agencies, or members of the public on impacts to the environment by maintenance activities. The document will include basis of complaint, results of the investigation, and resolution of issue, or recommendations.
- Modifications or, improvements to, any minimization/avoidance actions including summaries of challenges or successes in applications.
- Investigations of illicit discharges to LCPW rights-of-way or drainage pipes.
- Overall summary of contacts and coordination with ODFW, NMFS, and USFWS on specific issues.
- Reporting: The documentation will include basis of complaint, list of names and phone numbers of individuals who lodged the complaint, results of investigation, and resolution of issue, or recommendation.

MONITORING

The LCPW compliance-monitoring program is intended to meet environmental protection requirements in regards to highway maintenance activities in all areas of Lane County. Compliance monitoring activities will demonstrate the environmental protection commitments made as part of the 4(d) rule exemption are in fact being met.

Training: The tools for effective compliance monitoring are initially developed when maintenance personnel are trained on ESA and other related environmental protection matters. Information regarding compliance monitoring, checklists, roles and responsibilities will be incorporated in our Maintenance Academy.

Planning: Road maintenance personnel (i.e. managers, supervisors, lead workers) will identify upcoming projects that have the potential for adversely impacting water quality and/or aquatic habitat. Permits, environmental BMPs, in-water work periods, and other environmental issues will be discussed at our quarterly Maintenance Project Meetings.

Deficiencies: In the event that deficiencies are found in how environmental protection BMPs are utilized, corrective actions, appropriate to the applicable circumstances, will be implemented. Corrective actions include additional training, providing improved information to maintenance personnel and mitigation if needed. If deficiencies are related to the absence of adequate equipment and/or materials, procurement of needed items will be sought through normal departmental means.

LCPW will document the complaints received from/by LCPW staff, other agencies or members of the public on impacts to the environment by maintenance activities. The documentation will include basis of complaint, results of the investigation, and resolution of issue, or recommendations.

In addition, LCPW will continue to network with other agencies, and municipalities on effective monitoring of non-point source pollution. With the 2003 requirements of NPDES Phase II, Lane County will be partnering with both the City of Eugene and Springfield in regards to various elements of the six minimum measures. The goal of this partnering is to implement a basin wide approach for minimizing impacts to salmonid habitat.

PROCESS FOR REVIEW

LCPW will utilize the Maintenance Supervisor Meetings and field visits to identify and announce any modifications/changes to the minimization/avoidance actions identified in this document. New technologies and design standards will also be presented at the supervisor meetings.

Every five years LCPW will evaluate the need to rewrite this Guide. The decision will be made on the number of changes needed, new technologies to be incorporated, and updates made to ODOT's Guide as well as any significant changes in environmental regulations.

LCPW MAINTENANCE MANAGEMENT SYSTEM (MMS)
Descriptions and Minimization, Avoidance, and Best Management Practices

Stormwater Management

Description: Stormwater management is not a unique activity, but an aspect of every activity performed by LCPW. Stormwater quantity and quality are issues that must be considered and addressed during every activity performed by Maintenance crews. Stormwater BMPs are included under specific maintenance activities as appropriate. Stormwater management BMPs that apply to all maintenance activities are included in this section:

Goal: To reduce or eliminate pollutants of concern, to the maximum extent practicable, from entering the waters of the state. LCPW manages stormwater associated with the transportation system, maintenance facilities, and rest areas through erosion control, trapping winter sanding materials, developing permanent stormwater treatment facilities, maintaining ditches, etc. The LCPW drainage system is essential in maintaining a safe and effective transportation system.

Minimization, Avoidance, and BMPs:

1. Promote sheet flow for stormwater to leave the road, when and where appropriate. Methods for maintaining sheet flow may include blading or grading to re-establish sheet flow in areas where stormwater is being concentrated.

2. Develop stormwater management plans for each individual LCPW maintenance yard. As LCPW completes the plans, they will be available for review by NOAA Fisheries and DEQ. The criteria for assessment and timeline for completing the plans is in Appendix A.

3. Develop maintenance and operation plans for all new permanent stormwater treatment facilities. The plans will be developed by the engineer designing the facility and will be reviewed with Maintenance forces.

4. Work with regulatory agencies and land management agencies as appropriate to resolve heavy sediment or pollutant impacts to LCPW structures and drainage systems that result from adjacent land management practices. Take opportunities to minimize discharge to receiving streams. Examples may include plugging scuppers and weep holes on bridges; installing curbing to divert water off structures; or constructing sand traps, etc.

Fueling Areas

Description: Diesel and gasoline located at LCPW Maintenance facilities.

Goal: Design, operate and manage fueling areas in a manner to minimize impacts to natural resources.

Minimization, Avoidance, and BMPs:

1. Facilities will design new fueling areas and Maintenance will operate existing fueling areas so that spills, overfills and leaks will not enter nearby water bodies or storm drains.

2. Clean spills using dry methods such as absorbent materials. Fueling areas will be swept rather than sprayed down with a hose.
3. If any amount of petroleum products enters waters of the state, follow LCPW Hazardous Materials Response Guidelines attached in Appendix B.

Above Ground Storage Tanks

Description: Aboveground storage tanks are used at maintenance yards to store fluids used to maintain and fuel equipment and fleet vehicles. Aboveground storage tanks are also used to store bulk fluids needed to perform certain maintenance activities. Fluids typically include fuel, oils, paint, and winter maintenance chemicals.

Goal: Provide, manage, and store materials needed in the operation and maintenance of equipment, fleet vehicles and maintenance activities in a manner that minimizes potential impacts to natural resources.

Minimization, Avoidance, and BMPs:

1. Label tanks and piping.
2. Secure valves in the closed position and/or lock dispensers when not in use.
3. Post warning signs and/or operating instructions.
4. Protect tanks from vehicle impact.
5. Use overfill indicators and/or overfill protection on fuel tanks.
6. Situate tanks on a foundation if site appropriate. It is recommended that tanks be placed on an impervious surface to minimize opportunity for subsurface contamination in the event of a spill.
7. Provide secondary containment in areas where spills, leaks, or ruptures could enter nearby creeks or streams.

Vehicle Washing

Description: Equipment washing to ensure proper operation, function and safety of equipment and fleet vehicles performed at maintenance yards.

Goal: To minimize impacts from vehicle wash water to water bodies

Minimization, Avoidance, and BMPs:

1. Keep wash water on-site where possible. LCPW will minimize the amount of wash water that enters creeks, streams, and drywells.
2. Use cold water only (no detergent, steam or chemicals) if wash water flows into a creek or stream.
3. Use sediment filters, oil/water separators, and/or grassy swales where appropriate.
4. Clean vehicle exteriors only (no engines or undercarriages) unless drains are connected to a municipal waste water system.

Spill Prevention and Cleanup

Description: Spill prevention and clean up can be required during routine maintenance activities, the operation of equipment and fleet vehicles, events that may occur at maintenance yards, and encountered along the roadways.

Goal: To minimize spills and the impacts to natural resources.

Minimization, Avoidance, and BMPs:

1. Have absorbents and/or emergency response equipment on-site to clean spills.
2. Provide spill prevention training to maintenance employees.
3. Clean up spills as quickly as possible. Appropriate training is required for spill containment and clean up.
4. Supervisors will be trained to follow the Instructions for Hazardous Materials Response as outlined in the LCPW Road Maintenance Emergency Call-out Book and attached in Appendix B.

Catch Basin and Sumps in Maintenance Yards

Description: Catch basins and sumps are part of stormwater drainage systems at some maintenance yards.

Goal: To minimize sediment discharges from catch basins and sumps at maintenance yards.

Minimization, Avoidance, and BMPs:

1. Perform routine inspections per manufacturers recommendations, or annually.
2. Clean catch basins and sumps before deposits are deeper than 2/3 the depth from the bottom of the structure to the lowest pipe or opening.
3. Dispose of deposits in an appropriate location, if within the yard perimeter, isolate and berm the material to minimize erosion.

Material Handling and Housekeeping

Description: Various materials that are used in the maintenance of highways, structures, equipment and fleet vehicles are stored at maintenance yards. Materials stored will vary by location, but include: oils, automotive fluids, sand and gravel, winter maintenance chemicals, herbicides.

Goal: To store, handle and dispose of materials in a manner that minimizes impacts to natural resources.

Minimization, Avoidance, and BMPs:

1. Keep equipment properly maintained.
2. Frequently check equipment for leaks and drips.
3. Store vehicles and materials away from storm drains.
4. Locate storage piles of loose materials (such as sand, cider, or gravel) away from water bodies.
5. Use erosion or sediment controls where appropriate.
6. Minimize the use of hazardous materials.
7. Properly dispose of hazardous and excess materials, and empty containers.
8. Store material in appropriate containers.
9. Label containers.
10. Protect containers from rain, either by covering containers or keeping them inside, where practical.
11. Keep containers closed when not in use.
12. Protect containers from vehicle impact and vandalism.
13. Inspect containers for deterioration and leaks.
14. Secure storage areas to discourage unauthorized use and/or vandalism

15. Secondary containment needs for materials stored near creeks or streams will be analyzed and addressed as needed.

Equipment Maintenance and Operation

Description: Operation, repair and maintenance of equipment used to perform maintenance activities. These actions occur at maintenance yards, in shops, along the right-of-way, etc. Equipment may include trucks, graders, blowers, vactors, and assorted power tools, etc.

Goal: To have safe, operational equipment for use by LCPW employees.

Minimization, Avoidance, and BMPs:

1. Use the appropriate equipment for the job.
2. Check equipment for leaks before using.
3. Contain and stop leaks, where possible. If the maintenance employee has not had spill training or if it is a gasoline spill, contact the appropriate Supervisor.
4. Work from above Ordinary High Water Line (OHWL), whenever possible. If unable to avoid working below OHWL, install containment and use BMPs to ensure spills don't enter water bodies.
5. Do not store equipment below OHWL. If equipment breaks down below OHWL, move above OHWL for repair, if possible. If unable to move equipment, repair immediately, and incorporate appropriate containment. Work zone isolation may be required if equipment is below OHWL.

Release Agents

Description: Release agents are used to soften hard asphalt or release asphalt and oils from paving equipment. Release agents are also used to pre-treat equipment to prevent asphalt from adhering to the equipment.

Minimization, Avoidance, and BMPs:

1. Eliminate the use of diesel fuel as a releasing or cleaning agent.
2. Use environmentally sensitive cleaning and releasing agents.
3. Use only products marketed as release agents, including those that may contain diesel. Capture and contain all excess materials when cleaning equipment at a maintenance yard. For areas without wash rack systems with oil/water skimmers, capture the material released using plastic, sand blankets, drip pans, etc. Capture and contain all excess material containing release agents when cleaning equipment in the field, or retain all material on the pavement.
4. Recycle or dispose of all release agents and materials released as directed by the materials safety data sheet or manufacturer's direction.
5. Prevent all release agents and released material from reaching the roadside environment. Use limited amounts of release agents or capture material as necessary.
6. Use heat sources to heat and clean tack nozzles during operations.
7. Carry adequate spill kits with absorbent materials (diapers, kitty litter, shovels, etc.) to keep materials out of water bodies.

Void Filling

Description: Activity includes filling voids in asphalt or concrete roadways that are not on bridges or over culverts.

Minimization, Avoidance, and BMPs:

1. Use a non-toxic dye test whenever a void is within 150 feet of a water body or the appropriate Supervisor cannot positively determine if the void can be filled without impacting a water body.
2. Use foam or other quickset material to plug the void prior to using concrete, if the void is connected to a water body (observed visually or through the use of non-toxic dye). The intent of the plug is to prevent concrete from entering a water body.
3. Contact the appropriate Supervisor if any concrete enters a water body. Follow the reporting guidelines outlined in the Instructions for Hazardous Materials Response contained in the Road Maintenance Emergency Call-out Book and attached in Appendix B. Restoration and mitigation may be required.
4. Use good housekeeping practices including erosion control and spill containment as appropriate when using a dry product to fill voids.

Gravel Road Blading (MMS 416)

Overview: LCPW maintains 168.57 miles of gravel road, of which 19.21 miles are within 100 feet of the Riparian Management Area (RMA).

Purpose: BMPs in this section are designed to eliminate the adverse impacts of road maintenance on salmonids habitat without compromising safety. Proper, timely, and selective surface maintenance, which includes water disposal, prevents and minimizes erosion problems, thereby lengthening the life of the road surface which in turn lessens frequency and cost of maintenance. This will also decrease the amount of sediment carried into surface waters.

Description: Restoring the roadway cross slope, drainage and grade by blading, reshaping and smoothing of existing gravel surface materials. Rehabilitating non-paved surfaces by adding gravel and then blading it to restore/establish a smooth stable surface with proper drainage.

Minimization, Avoidance, and BMPs: Grading will be conducted in a manner, which minimizes disturbance to vegetation beyond widths needed for safety purposes.

1. Lane County Maintenance Supervisor will determine if weather conditions are appropriate (i.e. heavy rainfall) that could result in adverse impacts to water quality or aquatic habitat.

2. Cut and pull surfacing near the shoulder so as not to create a secondary ditch between travel way and ditch, in sensitive areas.

3. Use temporary and industry standard erosion and sediment control devices such as check dams, silt fences, bio-bags and other acceptable techniques, when the potential exists to have sediment or other materials enter waters of the State.

Dust Abatement (MMS 421, 422)

Overview: LCPW applies a dust palliative to 30.36 miles of gravel road annually, of which 3.84 miles are within 100 feet of the RMA.

Dust from unpaved roads is not only a nuisance but creates a safety hazard by reducing the driver's visibility. Dust also affects the health of road users and increases wear-and-tear on vehicles. Dust is always considered an intruder at residences that are located near gravel roads.

Fine particles, including dust, act to help hold the surface of unpaved roads together. With a loss of fine particles from the roadway, there is an increase in roadway surface raveling and maintenance costs.

Based on the characteristics listed below, LCPW will mitigate the environmental impacts by following the BMPs for dust abatement.

Purpose: Dust suppressants work by either agglomerating the fine particles, adhering/binding the surface particles together, or increasing the density of the road surface material. They reduce the ability of the surface particles to be lifted and suspended by either vehicle tires or wind.

Description: Dust abatement involves application of a dust palliative to non-paved road surfaces to temporarily stabilize surface soils, leading to a reduction of dust during the dry season. Palliatives are applied in liquid form and could include calcium magnesium acetate, magnesium chloride, emulsified asphalts, or lignosulfonates.

Product Identification: Lane County's proposal is to use Calcium/Ammonium Lignosulfonate. The liquid palliative is diluted to a 50:50 solution with water prior to application.

Toxicity Data: This material is not toxic when administered orally to rats under the Federal Hazardous Substance Act (FHSA) criteria. This material is not an irritant when applied to the skin of rabbits under the FHSA criteria. Four-hour exposure of 198 mg/m3 of dust has resulted in neither mortality nor observable sign of toxicity. It is not listed as a carcinogen by ARC, NTP, OSHA, or ACGIH.

Spill, Leakage, and Disposal Procedures: Wash area with water. Spills or releases of this material do not currently trigger the emergency release reporting requirements under the federal Superfund Amendments and Reauthorization Act of 1986 (SARA).

Environmental Impacts: The primary environmental concern with dust palliatives is how they impact the groundwater quality, freshwater aquatic environment, and plant community. The impact of dust palliatives on groundwater quality is based on how the suppressant migrates to the local groundwater table.

Mitigation, Avoidance, and BMPs:

1. During preparation for application of dust palliatives, gravel berms will be constructed at the low shoulders of the roadway to inhibit liquid palliatives from entering waters of the State.

2. Dust palliatives will not be applied during rain.

3. Methods and materials shall be applied in a manner that is not detrimental to either water or vegetation and in accordance with the manufacturer's recommendations.

4. Carrying adequate supplies for spill containment. (Diapers, Rice Ash, Shovel, etc.)

5. Using environmentally sensitive cleaning agents.

6. Disposing of excess materials at appropriate sites and according to manufacturer's recommendations.

Surface Work (MMS 409, 411, 412, 415)

Description: Surface and inlay repair includes all repairs of road bases, surface, and shoulder irregularities, including asphalt and concrete surfaces. Asphalt plant production includes production of asphalt for patching materials, staging, moving, stockpiling and setup of asphalt plants.

Goal: To repair the road and preserve a safe driving surface while protecting nearby waterways from potential pollutants associated with surface work that includes asphalt, concrete, and release agents.

Minimization, Avoidance, and BMP's:

Best Management Practices for surface and shoulder activity types will include:

1. Eliminating diesel as a releasing or cleaning agent.

2. Using environmentally sensitive cleaning and releasing agents.

3. Using heat sources to heat and clean tack nozzles during operations.

4. Carrying adequate erosion control supplies (diapers, kitty litter, shovels, etc.) to keep materials out of water bodies.

5. Disposing of excess material at appropriate sites, depending upon material being disposed.

Best Management Practices for Asphalt Plant Production will include:

6. LCPW Maintenance will ensure that Contractors and LCPW staff who fuel and operate asphalt plants have an adequate spill plan and materials for spill containment.

7. LCPW Maintenance will establish mixing plants outside of riparian corridors, site location to be approved by the Environmental Permits Team Supervisor, and/or resource agencies.

8. In general, LCPW Maintenance will use commercial asphalt plants for asphalt supply.

9. LCPW Maintenance will provide areas for truck chute cleanout with proper containment of wet concrete.

10. LCPW Maintenance will protect inlets and catchments from fresh concrete during inclement weather.

11. Where possible, LCPW Maintenance will perform surface work in dry weather, to minimize any runoff of potentially hazardous material.

Shoulder Blading/Rebuilding (MMS 418, 419, 426, 429)

Description: This action includes shoulder blading and rebuilding to correct rutting and buildup of materials, to remove weeds, for safety, and to maintain proper drainage. This activity is similar to ditching, and has similar best management practices. However, it should be considered a different activity than ditching.

Goal: To repair shoulders to provide a safe surface for vehicle recovery; provide an adequate clear zone; and to drain water away from the road while protecting nearby water bodies. If shoulder material is not properly contained it has the potential to change hydrology, increase sediment in streams, and degrade water quality.

Minimization, Avoidance, and BMPs:

1. LCPW Maintenance will install check dams to protect sensitive resources, when appropriate.

2. Determine if there is an existing barrier or natural bench to protect water bodies from fallback material. If a barrier or natural bench is present, it is not necessary to use erosion control measures or take further protective actions. The bench or barrier must be above OHWL and be adequate in width and location to prevent movement of material.

3. Specific sites will be evaluated for alternatives to blading, such as berming, curbing or paving shoulder.

4. Where practicable, LCPW Maintenance will evaluate the width of the blading activity and if appropriate, modify the width to minimize disturbance of vegetation.

5. Where possible, LCPW Maintenance will blade in dry weather, but while moisture is still present in soil and aggregate (to minimize dust).

6. LCPW Maintenance will incorporate this activity into local IVM plans to consider and minimize impacts of this activity on streams.

7. Where appropriate, LCPW Maintenance will permanently stabilize disturbed soils using BMPs (seeding, plants, etc.).

8. Care should be taken not to over steepen ditch slopes or decrease ditch capacity, which could result in slope failure.

9. Contact appropriate Supervisor if maintenance activity includes moving soils or bank that was previously undisturbed.

Note: Activities that are covered by this document:

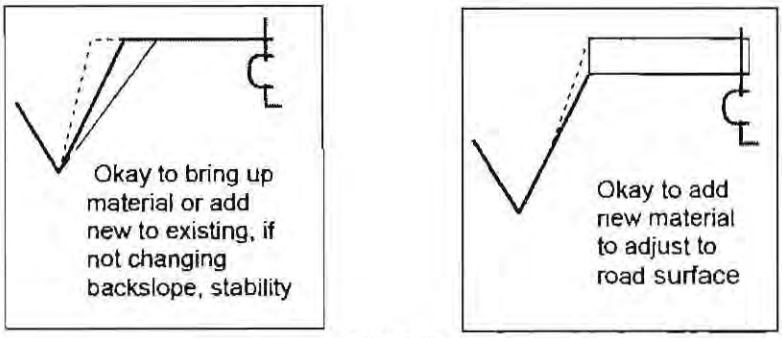


FIGURE 1

Note: Any shoulder work that includes adding material to widen or increase existing road prism, including shoulder widening done as restoration work to improve water quality, control vegetation, etc., is not covered by the practices identified in this book. If it is necessary to increase or widen shoulders, contact the appropriate Supervisor for assistance. Widening or increasing the shoulder has the potential to change site hydrology and stream dynamics.

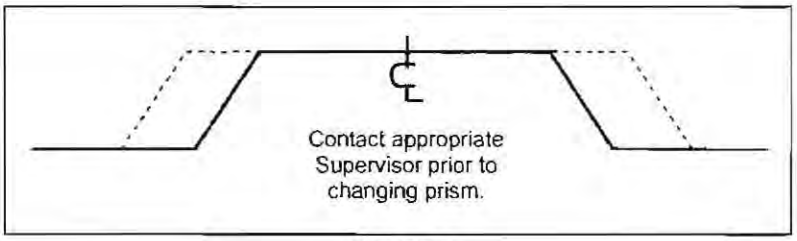


FIGURE 2

Sweeping/Flushing (MMS 420)

Description: This activity includes sweeping and flushing of roadways, curbs and bridge decks to remove dirt and debris, and scupper cleaning (weep holes or direct drains on bridges). Materials are recovered (and disposed of) under Activity Code 420. Scupper cleaning involves sweeping of material away from clogged scuppers. Clogged scuppers are normally freed using a steel rod. Activities are performed year round.

Goal: To remove materials such as sanding material, dirt, debris, etc. from the travel lanes and shoulders, while preventing suspended sediment and pollutants from reaching water bodies so that water quality is not impacted. Cleaning scuppers allows water to drain off bridge decks.

Minimization, Avoidance, and BMPs:

Best Management Practices will include:

1. Use of water (as needed) to reduce dust during sweeping.

2. Storage/disposal of removed materials at an appropriate site in an appropriate manner as part of the local material disposal plan. Removed material may be temporarily stored in stable locations to prevent the material from entering wetlands or waterways.

3. LCPW Maintenance will recycle sweeping materials where appropriate.

4. Where feasible, LCPW Maintenance will schedule sweeping during damp weather, to minimize dust production.

5. Where feasible, coordinate crews to follow sweeping/flushing with bridge drainage cleaning.

6. LCPW Maintenance will remove sweepings produced within 25 feet of identified sensitive spawning areas as identified in coordination with resource agencies, if the design of the facility allows.

7. Slow sweeper and broom speed, and change the angle of the broom to prevent sweepings from leaving the road shoulders and entering the stream, if the road is parallel to a water body that is less than 25 feet from the fog line.

8. Where appropriate and practical, place sediment barriers, including vegetation buffers, in site-specific locations along stream routes or direct drainage routes, to route sweeping material away from watercourse.

9. Reduce use of sanding material and the need for sweeping by using winter maintenance chemicals instead of sand and gravel during winter conditions.

Ditch Shaping and Cleaning (MMS 434, 435)

Definition: Ditch: A facility, typically parallel to the road, that carries stormwater runoff draining from the LCPW facility and adjacent properties. It is not a channelized stream or fish bearing stream.

Description: This action includes use of equipment for cleaning and reshaping of ditches including loading, hauling, and disposing of excess materials. This activity is performed in all weather. Material is removed to an appropriate location for disposal or storage. Vegetation located in the ditch is removed during cleaning.

Goal: To maintain ditches in a manner that allows for efficient stormwater passage, storage, and infiltration while minimizing sediment impacts to water quality.

Minimization , Avoidance, and BMPs:

1. Review Table 1 "When is a Waterway (Corps/DSL) Permit Needed for Ditch Maintenance" on the next page as this activity may require a Section 404 of the

Clean Water Act and/or Division of State Lands (DSL) fill/removal permit.. Coordinate with the appropriate Supervisor as needed.

2. LCPW Maintenance will dispose of removed material above the bank line and not in any waterway or wetland.

3. LCPW Maintenance will use erosion control devices such as check dams, silt fences, and other acceptable techniques, when the potential exists to have sediment or other materials enter a water of the State.

4. LCPW Maintenance will use best management practices identified in the Integrated Vegetation Management plan.

5. LCPW Maintenance will reseed drainage ditches and steep slopes as appropriate. (Ditches functioning as rock fall areas (as determined by the Lane County Road Maintenance Manager), as opposed to drainage facilities will not be reseeded).

6. When possible, LCPW Maintenance will perform ditch work in optimum weather to minimize environmental impacts, and consult with ODFW and/or the Environmental Engineering Specialist if silt devices are inadequate to filter water prior to draining to watercourses.

7. Evaluate and modify, where feasible and appropriate, existing ditch slopes to trap sediments, and support development of vegetation.

8. Recycle excavated material when feasible.

Table 1.0

WHEN IS A WATERWAY (CORPS/DSL) PERMIT NEEDED FOR DITCH MAINTENANCE?

ANSWER ALL QUESTIONS FROM BOTH COLUMNS

WATERWAY ISSUES			WETLAND ISSUES
Is there running or standing water in drainage facility other than during or after rainfall events?	Yes ☐ No ☐	☐ Yes ☐ No	Is there wetland vegetation (willows, rushes, cattails) in ditch?
Does the drainage have an open water connection to a lake, pond, creek, river, or wetland?* * Contact Road Maintenance Manager for assistance	Yes ☐ No ☐	☐ Yes ☐ No	Is there standing water or Wetland vegetation adjacent to **LCPW** ROW? (Call Environmental Permits Team for assistance)
Is the waterway subject to tidal influence?	Yes ☐ No ☐	☐ Yes ☐ No	Would the activity add to or change the existing facility? (Add rip-rap, extend culverts, ditch widening or deepening or new work)

A 'Yes' to any questions in this column:	If ALL responses are 'No':	A 'Yes' to any question in this column:
PERMIT AND BIOLOGICAL ASSESSMENT MAY BE NEEDED (Call Environmental Permits Team for assistance)	**NO WATERWAY PERMITS NEEDED** If LCPW Best Management Practices are followed	**PERMIT MAY BE NEEDED** (Call Environmental Permits Team for assistance)

Culvert and Inlet Cleaning (MMS 430, 436), (Culvert/Inlet Repair (MMS 432), Miscellaneous Hand/Minor Repair (No LCPW MMS) includes cleaning of detention ponds, swales, pump stations, and wash rack sumps

Description: This action includes clearing of dirt and debris from culvert inlet/outlets to restore function, and repair of damaged passing devices (culverts, siphons, and box culverts, catch basins, drop inlets). Culvert cleaning is done by equipment including backhoe, vactor/jet router (a machine with a high-pressure hose and/or a powerful vacuum), and shovels. Vegetation may be removed during cleaning. Culvert cleaning is done in all weather.

Removal of beaver dams and other debris dams to restore flow, prevent flooding, and allow for fish passage within 20 feet upstream and downstream of the culvert barrel end is considered culvert cleaning (see diagram below). If work is outside this area, practices identified in the Channel and Ditch Maintenance section must be used.

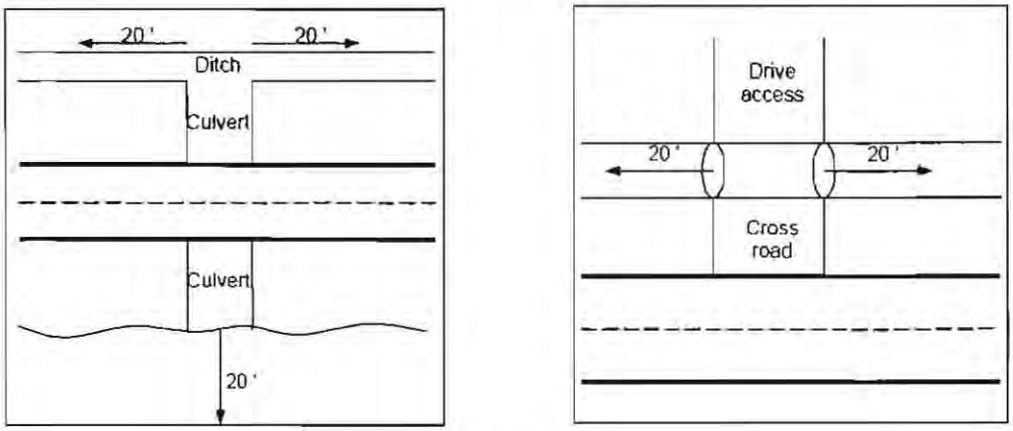


FIGURE 3

The most current in-water work windows are available on ODFW's website at: www.dfw.or.state.us/ODFWhtml/infoCntrHbt/0600_inwtrguide.pdf

Goal: To provide for adequate hydraulic flow through the culvert to prevent flooding and restore fish passage upstream and downstream of the culvert, while protecting water quality from sedimentation. Additional caution is needed to reduce impacts to protected fish species and their habitat.

These activities may require a permit, temporary water management, fish salvage, and providing fish passage. Coordinate with the appropriate Supervisor when planning work. If a permit is required, plan in advance to allow time to get permits. Acquiring the permits and scheduling for fish salvage can require 75 to 150 days or more.

Minimization, Avoidance, and BMPs:

1. LCPW Maintenance will install erosion/sediment control during culvert/trash rack cleaning, where erosion control devices can feasibly be installed. LCPW maintenance will dispose of materials above the bank line and not in any waterway or wetland.

2. When and where possible, LCPW Maintenance will perform work at low flow, and may divert flow to minimize turbidity.

Culvert and Inlet Repair

1. Any work, which must be performed in flowing water, will be completed during ODFW in-water work period for that system, or as negotiated with ODFW.

2. LCPW Maintenance will closely coordinate with ODFW on the removal of material from culvert when work is performed in ODFW identified stream reaches supporting sensitive fish species, or significant, limiting habitat elements.

3. Cleaning schedule/methods and repair of culvert/trash racks will be communicated to ODFW (by letter) at least two weeks prior to cleaning, in ODFW identified sensitive areas, such as spawning grounds. Any in-water work will be coordinated with ODFW to ensure no fish stranding occurs, to minimize sediment impacts (except during emergency situations) and to clarify in-water work periods in transitional stream reaches.

4. Culvert replacement or extension will frequently require permits outside the scope of this guide, potentially including a U.S. Army Corps of Engineer (USACOE) 404 permit, DSL permit and other permits. Any culvert replacement or extension may be required to meet provisions for fish passage as required by ORS 498.268 and ORS 509.605. Culvert replacement for culverts identified as requiring fish passage will only occur in accordance with guidelines outlined in the ODFW Guidelines: Criteria for Stream and Road Crossings (1999), and in coordination with Environmental Permits Supervisor, ODFW or other resource agency.

Tidegate Maintenance

1. LCPW will coordinate with the appropriate resource agencies (USFS, ODFW, USACOE) when LCPW maintained tidegates fail or need replacement or removal.

2. If possible, LCPW Maintenance will inspect and clean structures prior to the rainy season.

Fish ladder maintenance will follow the above minimization measures described for culvert repair and cleaning, including coordination with ODFW, use of erosion/sediment control where feasible, and disposal of material above the bank and not in any waterways or wetlands, or in mutually agreed upon locations. Fish ladder maintenance may occur one to two times per year and entails work generally from the banks of the drainage with a backhoe. Additional handwork and weir repair may also be occasionally required. Vegetation may be removed during cleaning.

Note: Activities in navigable waters are subject to permit by the Corps and may require consultation with NOAA Fisheries. It may take up to six months to obtain these permits and agreements. Plan activities accordingly. These typically include waters that are coastal, tidally influenced, and are used for commerce.

Note: Fish ladder maintenance will follow the above measures for culvert repair and cleaning. Fish ladder maintenance may be done 1 to 3 times per year and entails work generally from the banks of the drainage with a backhoe. Additional handwork and weir repair may also be occasionally required. Vegetation may be removed during cleaning. This activity should be coordinated with the appropriate Supervisor.

Erosion Repair (MMS 429, 480, 489, 494)

Description: This action involves repairing water damage to roadways and fill slopes, including import and shaping of material to restore slope and grade lines. In-water work covered by this action could include, but is not limited to, replacement of riprap or rock, which have been removed due to bank erosion, gabion baskets, etc.

Goal: To maintain and repair the roadway while minimizing impacts to water quality and fish habitat, emphasizing opportunities to incorporate vegetation into the repair activity.

Minimization, Avoidance, and BMPs:

1. Any installation of material that exceeds the material removed by bank erosion (below bankfull stage) will constitute a significant action. Increases in the material profile will require additional coordination with regulating agencies, and are not covered in this document.

2. Replacement of riprap will follow ODFW in-water work periods, in non-emergency situations. Situations which require expedited LCPW maintenance action, but which are not technically defined as 'emergencies' (under the ESA or by the DSL) will be addressed with ODFW, and potentially the NMFS and USFWS individually.

3. Erosion repair work will consider use of bioengineering solutions where practicable. Practicable use areas include areas not shaded by bridge elements, outside of the two-year flood plain where success is probable and safety of the structural elements are assured.

4. In large riverine systems (e.g. the McKenzie River) where in-water replacement of riprap is required, LCPW Maintenance will attempt to create barbs to increase backwater areas, where appropriate, practical, and feasible.

5. Any erosion repair activities (responses and cleanup of erosion problems, not the erosive action itself) which cause significant changes in the topography or vegetation within the riparian management area will be coordinated with ODFW and/or regulating agencies.

Best Management Practices will include:

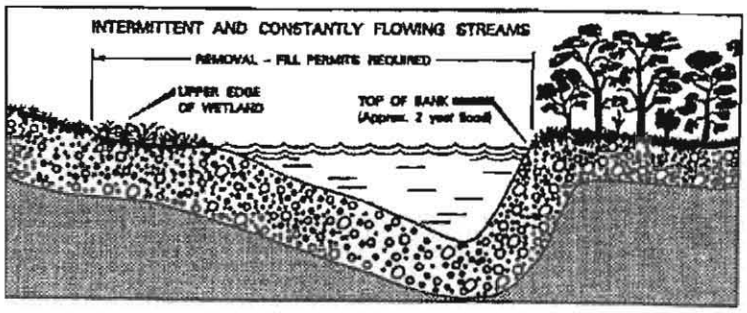
6. Disposal of removed material at appropriate sites (stable locations outside RMA, or if within the RMA, so the material won't be washed into wetlands or waterways).

7. Use of erosion control methods in a timely manner, including seeding and mulching specific areas with non-invasive species, installing silt fences and installing other devices as appropriate.

8. LCPW Maintenance will take precautionary measures on erodible areas (chicken wire, chain link, rock matting) where eroding areas are identified, and where precautionary measures can be successfully and safely applied.

9. LCPW Maintenance will coordinate with ODFW and wetland permitting agencies (USACOE and DSL) when placing riprap that is in addition to existing conditions and within the two-year floodplain of waters of the State. This activity may require a section 404 of the Clean Water Act and/or DSL fill/removal permit. If a DSL permit is needed, the work is outside the scope of the guide (see Figure 4 below).

DSL FILL/REMOVAL CROSS SECTION



1. Intermittent streams, which are habitats to aquatic life, to the line of non-aquatic vegetation or bankfull stage, whichever is higher.
2. Constantly flowing streams to bankfull stage or the line of non-aquatic vegetation, whichever is higher.
3. Lakes to bankfull stage or the line of non-aquatic vegetation, whichever is higher.

FIGURE 4

Channel Maintenance (MMS 462)

Definition: Channel: A channel is different from a ditch in that a channel is a facility that collects drainage water, can be parallel or perpendicular to the highway facility, and may or may not be a natural stream.

Description: This action includes cleaning and repairing existing channels, including placing riprap to restore and grade.

Goal: To maintain the integrity of the channel structure, improve flow, ensure fish passage, and minimize impacts to water quality and habitat.

Minimization, Avoidance, and BMPs:

1. Installation of new sections of riprap in existing draining system (i.e. in systems acting as streams) will be considered a significant action, and will not be considered in this document.

2. During replacement of significant sections of riprap within drainage channels acting as streams, LCPW will attempt to employ bioengineering solutions where appropriate (stable and not cost-prohibitive).

3. Any excess material will be removed from channels after maintenance actions are completed. No materials, which could contribute sediment to downstream habitats, will be deposited below the bank or in waterways or wetlands.

4. Within the two-year floodplain of systems supporting sensitive fishes, LCPW Maintenance will perform work during the ODFW in-water work window, or as negotiated with ODFW.

5. Cleaning schedule/methods and repairs of channels will be communicated to ODFW (by letter) at least two weeks prior to cleaning, in ODFW identified sensitive areas, such as spawning grounds. Any in-water work will be coordinated with ODFW to ensure no fish stranding occurs, to minimize sediment impacts (except during emergency situations) and to clarify in-water work periods in transitional stream reaches.

6. LCPW Maintenance will use clean rock sources for channel maintenance.

7. LCPW Maintenance will coordinate with ODFW and wetland permitting agencies (USACOE and DSL) when placing riprap that is in addition to existing conditions and within the two year floodplain of waters of the State. This activity may require a section 404 of the Clean Water Act and/or DSL fill/removal permit. (See Figure 4 above)

Fish Restoration (No LCPW MMS number, recorded under other activities)

Description: This is any LCPW work that involves planting vegetation along a stream corridor (e.g. slope stabilization, replanting of removed vegetation). This also includes any LCPW work that incorporates bioengineering into existing riprap or any LCPW work that modifies an existing drainage ditch for better water-quality control (no major construction is involved).

Minimization, Avoidance, and BMPs:

See Ditch Shaping and Cleaning (MMS 434, 435, 438)
See Erosion Repair (MMS 429, 489)

Fish Betterment (No LCPW MMS number, recorded under other activities)

Description: This work includes installation of baffles or weirs in culverts for fish passage, construction of berms, or detention facilities, installation of deck curbs, new culverts or jump pools for fish passage.

Minimization, Avoidance, and BMPs:

See Culvert and Inlet Cleaning, Culvert/Inlet Repair, Miscellaneous Hand/Minor Repair (#129)

Bridge Maintenance (MMS 460, 461, 469)

Description: This is a large category of LCPW maintenance actions. There are two major categories: drift removal and maintenance of bridges and large (over six feet diameter) culverts.

Drift removal involves either using boats to maneuver the drift, hydraulic tongs to reach over the side of a structure and dislodge the material, or pulling the drift from the side of a bridge (bank) and cutting it into pieces.

Maintenance and replacement of structures includes washing, painting, scraping and patching of curbs, rails, decks and joints on wood, concrete and steel bridge components. Pesticides are applied to bridges occasionally.

Goal: To maintain and repair the structural integrity of bridges and culverts along Lane County roads in a manner that minimizes impacts on natural resources.

Minimization, Avoidance, and BMP's:

1. All work within the flowing channel of any aquatic system will be performed during the appropriate in-water work window for that system, or as negotiated with ODFW (except when there is imminent danger to life, limb, or structure).

Drift Removal

1. LCPW Maintenance will cut (only when necessary) and turn drift to allow it to flow through and under the structure, where doing so would not endanger any other crossing structures downstream.

2. LCPW Maintenance will repair and restore riparian areas temporarily impacted by machinery during drift removal. Long-term access for drift removal will be coordinated with ODFW.

Bridge Cleaning/Maintenance

1. The Clean Water Act and the NPDES (as regulated by the DEQ) regulate hazardous materials entering waters of the State. DEQ has stated that adequate measures, to the 'maximum extent practicable' will be taken in maintenance activities to ensure that paint and other hazardous material does not enter waters of the State. These avoidance measures, if followed, will be sufficient to avoid impacts to sensitive salmonids. LCPW maintenance will coordinate guano removal and any other specific concerns with DEQ.

2. While performing maintenance on bridge structures (above water), reasonable attempts, to the maximum extent practicable, will be made to keep material from falling from the structure into the water. Any material that does fall into the water will be removed (if possible) in the least destructive way possible, or left in place if this would be less destructive to fisheries habitat.

3. LCPW Maintenance will temporarily block deck drains and scuppers over streams when pressure washing, sandblasting, or scraping structures, to route water off deck and into vegetated areas where practicable.

4. LCPW Maintenance will remove debris from bridge decks in a manner that minimizes material entering waterbodies. Preferred methods may include removal of large debris from bridge decks with a sweeper or a shovel. Other material may be scraped by hand before being collected and removed (prior to pressure washing). Material will be disposed of as identified in the local material disposal plan.

5. LCPW Maintenance will follow the guidance of ODFW on bridge washing as presented in Appendix C.

6. LCPW Maintenance will follow the guidance of NOAA on the use of treated timber as presented in Appendix D.

Bridge Repair (MMS 460, 461)

Description: This includes repair of bridges and large culverts (over six feet diameter). In-water bridge repair can include repair or replacement of riprap, drainage features, and catch basins and replacement of structural members.

Goal: To maintain and repair the structural integrity of bridges and culverts along Lane County roads in a manner that minimizes impacts to natural resources.

Minimization, Avoidance, and BMPs:

1. Bridge repair work that requires installation of riprap will consider use of bioengineering solutions, where practicable. "Practicable" use areas will include areas unshaded by bridge elements, above the full bank stage where success is probable and safety of the bridge structure is assured.

2. Bridge structural repairs that require in-water work will be independently coordinated with ODFW and/or the Environmental Permits Supervisor and the responsible Engineer to minimize impacts. These contacts will determine whether or not the action will require significant modification of the aquatic system and thus require a Biological Assessment and consultation with NMFS and USFWS. In-water work may include permanent impacts, such as placing riprap, or temporary impacts such as installing falsework or stream access.

3. LCPW Maintenance will coordinate with ODFW wetland permitting agencies (USACOE and DSL), and other appropriate environmental regulators when placing riprap that is in addition to existing conditions and within the two year floodplain of waters of the State.

4. LCPW Maintenance will coordinate with ODFW, (where and when necessary) to divert water away from concrete work areas during structural repairs of bridges and culverts.

5. When repairing drainage features, LCPW Maintenance will make every attempt (within the engineering solution) to incorporate fish passage solutions and enhancements, such as adding roughness (by adding cobble) in coordination with

the Environmental Permits Specialist and/or ODFW, and the Lane County Design Engineering Section.

6. LCPW Maintenance will perform any in-water work within ODFW in-water work window, or in time frames negotiated with ODFW.

Best Management Practices for bridge repair will include:

7. Placing refuse material above the bank, away from waterways and wetlands.

8. Ensuring that the active flowing stream will not come into contact with fresh, plastic concrete.

9. Disposing of material in locations and manners identified in the local disposal plan.

10. Providing a stable, appropriate concrete truck chute clean-out area and requiring the contractor to use it, to keep material from being deposited in riparian corridors.

11. Using cofferdams for structural repairs as appropriate.

12. Containing saw chips where feasible.

13. Avoiding use of creosote or "Penta" treated wood for permanent structures.

Striping (MMS 929, 944)

Description: Activities include painting traffic lines, arrows, bike lanes, crosswalks, etc. Materials used to establish road markings include waterborne paint and longer lasting durable products containing glass beads to provide retroreflectivity. The materials are placed on the road using specialty equipment. These activities are done as needed on the road, and are done during dry weather conditions. Pavement preparation may include grinding off old markings. Less than 10% of old markings are ground off.

Goal: To maintain traffic markings for the safety of the traveling public.

Minimization and Avoidance:

1. When performed, recycle grindings at appropriate disposal site.

2. Contain all waste from equipment clean outs and dispose appropriately.

3. Use environmentally safe products.

Sign Installation (MMS 933, 934, 935)

Description: Activity includes washing, locating, installing, repairing, and replacing signs along the rights of way.

Goal: To ensure that signs that provide information to the public are in good repair and legible.

Minimization, Avoidance:

1. Use best professional judgement on installing erosion control and implementing good housekeeping practices for signs that are placed within cut faces, fill slopes, or are replaced in kind.

2. Request One-Call locate information as appropriate.

3. Avoid wetlands at all times.

4. Install erosion control devices where appropriate to prevent work from possibly impacting wetlands, storm drains, etc.

5. Coordinate with appropriate Supervisor in areas with observed sensitive plants.

Accident Clean Up (No LCPW MMS Number)

Description: This action includes removal of accident debris, and may include response to hazardous spills. Upon knowledge of an incident, LCPW Maintenance's prioritized responsibilities consist of: 1) maintenance of public safety 2) ensuring through DEQ, contractors or other responsible parties that the appropriate cleanup is properly performed as identified in local accident response procedures. (see Appendix B)

Guardrail Replacement (MMS 465, 466, 487)

Description: This activity involves repair and replacement of existing guardrail sections.

Goal: To maintain physical barriers that guide and direct traffic in a manner that minimizes impacts to natural resources.

Minimization and Avoidance:

1. In unstable situations, areas down slope from guardrail replacement will be protected with erosion control measures (silt fences and other appropriate devices) where appropriate to minimize additional sediment loadings into aquatic systems.

2. Contain all green concrete to prohibit it from coming into contact with the aquatic system.

3. Match new guardrail with the existing material, which may include the use of treated guardrail posts. (see Appendix D)

4. Limit the use of creosote or other treated woods. (see Appendix D)

Attenuator Maintenance (No LCPW MMS Number)

Description: This activity includes service, repair, replacement, and realignment of damaged attenuators (physical systems that are strategically placed along exit ramps, bridge abutments, etc. to minimize impacts and cushion vehicles). Following impact, attenuators compact, releasing fluid (often ethylene glycol) which can flow directly to drainage systems.

Goal: To repair, replace, and restore impact systems for the safety of the traveling public in a manner that minimizes impacts to natural resources.

Minimization and Avoidance:

1. LCPW Maintenance will use non-chemical systems when installing new attenuators.

2. When replacing attenuators, LCPW Maintenance will install those devices found to be the most environmentally sound.

3. LCPW Maintenance will use absorbent dams or diapers around attenuators during repair or maintenance.

4. LCPW Maintenance will identify and close inlets (if appropriate and can be done safely) during attenuator maintenance.

Snow and Ice Removal (MMS 476), Sanding (MMS 475) and Chemical Anti-Icing (MMS 478)

Description: Snow and ice removal consists of plowing snow and ice from bridges, roadways, and shoulders. Sanding activities put sand on road and bridge surfaces to provide for safer driving surfaces. Calcium magnesium acetate (CMA), potassium acetate and magnesium chloride are applied as anti-icers, to prevent water from bonding to the pavement. Winter weather will determine rates of application for sand and anti-icers and de-icers. LCPW recycles sanding material into shoulders. LCPW crews estimate that anywhere from 10-50% of the sand applied is re-used or trapped. The majority of the sand is removed from the road by plows, up to 60 feet off the road. LCPW captures sand around bridges, and near streams where possible.

Goal: To remove snow and ice from the roadway for safety purposes, while minimizing impact to natural resources.

Minimization, Avoidance, and BMPs:

1. LCPW Maintenance develops winter management and operation plans that identify critical areas, level of service for roads and methods of maintaining levels of service during winter weather.

Best Management Practices include:

2. Reducing the number of applications per location.

3. Using CMA on bridges and roads where permitted and during freezing fog in lieu of sanding, when optimum conditions exist, where adjacent water bodies support a 110:1 dilution factor or there is a vegetative buffer between the road and water body and where there is no standing, shallow water.

4. Placing barriers in site-specific locations where appropriate and practical, along streams or direct drainages to route sanding/anti-icing material away from watercourses.

5. Reducing plowing speed in sensitive areas.

6. Stopping sidecast sweeping within 50 feet of structures over water, where structurally possible.

7. Identifying and creating facilities to capture sanding material where appropriate.

8. Reducing quantity of sand applied where appropriate.

9. Cleaning inlets prior to first rain as feasible.

10. Modifying blade angles or blower hoppers in sensitive areas.

11. Educating LCPW Maintenance staff on water quality and fishery resource issues.

12. ODOT Maintenance will be limiting the use of magnesium chloride over the next year to certain geographic areas, within two years is expected to eliminate the use completely.

Note: Manufacturers and distributors are working on providing impartial documentation on the environmental impact of magnesium chloride. LCPW reserves the right to use magnesium chloride if environmental clearances by regulators and engineers are obtained.

Emergency Maintenance (MMS 494)

Description: This action includes fixing damage to roadways, the roadside and structures (bridges) caused by storms, floods, and other activities. These actions may not be technically defined as an emergency under the ESA (Presidential declaration), however, failure to perform these activities may result in immediate threat to life, limb or structures.

Goal: To restore and manage the transportation system in the event of natural and man-made emergencies, while minimizing impact to natural resources.

Minimization and Avoidance:

1. LCPW Maintenance will provide quick response and first inspection, and notify appropriate resource staff in a timely manner.

2. In coordination with ODFW, LCPW Maintenance will repair any damage of fishery or water resources caused by LCPW Maintenance responses to the emergency.

3. LCPW Maintenance will avoid additional impacts to wetlands or streams where possible.

4. LCPW Maintenance will provide, if possible, adequate erosion control or bank stabilization necessary to keep material from entering watercourses.

5. LCPW Maintenance will identify and plan for slide debris disposal sites as part of local disposal plans. Appropriate sites for long and short-term material disposal will be identified and cleared for any potential wetland or sensitive species impact and mapped.

6. Remedial actions for emergencies will include bioengineering and fish friendly designs, where practicable for stability and safety.

7. Explore alternatives to blasting in areas with bird presence, if appropriate and emergency allows.

Settlements and Slides (MMS 480, 481 & 489)

Description: This action includes repair of settlements and slides by placing fill and removing material. Settlement/slide repairs are done primarily when a road is in danger of collapse, and to forestall an emergency.

Goal: To proactively repair and restore the roadway to prevent a catastrophic failure.

Minimization and Avoidance:

1. Emergency Maintenance (MMS 494) and Erosion Repair (MMS 429, 489) Minimization/Avoidance actions will be followed. Environmental clearances may be required.

Extraordinary Maintenance (MMS 480, 481, 489)

Description: This activity includes work which is extraordinary, but not specifically identified as a separate activity. Examples include: military operations, forest and other fire response, cleaning benches and moats, ice floes, transient housing control and cleanup, slides and sumps, and broken water line repair and cleanup.

Goal: To maintain the transportation system under circumstances outside the control of LCPW, while making every effort to protect valuable resources.

Minimization and Avoidance:

1. LCPW Maintenance will practice sound housekeeping activities to ensure sediment and other materials do not enter watercourses.

2. LCPW Maintenance will repair any damage to fish habitat caused directly by LCPW actions.

Stockpiling (NO LCPW MMS Number, recorded by stockpile site number)

Description: Stockpiling materials for LCPW Maintenance activities.

Goal: To stockpile material for future use in a manner that minimizes impacts to natural resources.

Minimization and Avoidance:

1. LCPW Maintenance will develop site plans for areas adjacent to or near riparian areas to identify erosion and sediment control needs, and to ensure stability of the material.

2. Sites will be identified as part of the local disposal plan.

VEGETATION MANAGEMENT

LCPW implemented an Integrated Vegetation Management Program in April 1990. An Integrated Pest Management program identifies the most appropriate method for controlling a pest. For LCPW, the "pest" being controlled is unwanted vegetation, consequently, LCPW prefers the term IVM. IVM methods typically involve:

- Mechanical: using equipment such as mowers, chain saws, brushers, etc.
- Biological: using a natural predator to control the pest (flea beetle or Cinnabar Moth to control tansy ragwort, for example)
- Cultural: incorporating native, or more appropriate, plant material to out-compete the pest
- Chemical: applying appropriate chemicals

LCPW has an IVM plan for vegetation management. The IVM plan typically includes:

- Goals and objectives for IVM
- Maps of roads and management zones
- Methods (in some cases by mile point) to be used to control vegetation
- Reports
- Best Management Practices

LCPW incorporates routine maintenance activities into the IVM program.

Goal: To maintain a safe and efficient transportation system that includes controlling noxious, invasive, and inappropriate vegetation, while promoting beneficial and native vegetation for the benefit of adjacent landowners, the public user and the natural environment.

Definition of Danger Tree: Tree or snags, on or near the roadway that are found to be weakened, unsound, undermined, leaning, or exposed so they may fall across the highway. When permission to remove the trees cannot be obtained, it is necessary to trim and do whatever else is reasonable to alleviate the hazard. (LCPW Integrated Vegetation Program Standards and Guidelines, Page 3).

Lane County will address danger trees on a case-by-case basis based on health, location, species, etc.; develop a timeline for removal; a mitigation plan that reflects appropriate conditions for the area; and a disposal plan.

Mowing (MMS 482, 483, 484), Brush Mowing (MMS 441), Brush Cutting (by hand) (442)

Description: These actions are designed to restore sight distance, reduce ice (due to shading) and to control/prevent slope failure. These actions involve mechanical mowing, trimming, removal of brush and cleanup.

Goal: To maintain sight distance and clear zone requirements amid other factors associated with a safe transportation system, while maintaining appropriate vegetation and controlling noxious vegetation.

Minimization, Avoidance, and BMPs:

1. No alterations to the mowing policy will be necessary to avoid impacts to fish. LCPW's Integrated Vegetation Management Plan is designed to minimize impact to receiving waters while still maintaining grassed areas.

2. Cut brush, in riparian areas, will be left in place where doing so does not interfere with sight distance, create safety issues, cause fire hazards, involve noxious weeds or the proper functioning of roadway features (e.g. drainage).

3. LCPW Maintenance actions will limit mowing to no more than eight feet off edge of pavement in significant resource areas, unless needed to maintain proper functioning of highway features (e.g. drainage).

4. LCPW Maintenance will maintain shade trees along streams and rivers, unless those trees are danger trees (as determined by Vegetation Management Coordinator and/or appropriate resource agency), could potentially impact bridge structures, or could impact line of sight. If trees provide shade or bank stabilization within 50 feet of streams and are determined to be danger trees that must be removed, tree removal will be coordinated with ODFW or other regulatory agency.

5. Only brush within 20 feet (on either side) of and under all bridge structures will be removed. All other brush not within LCPW's clear zones will be left in its current condition, unless the brush interferes with sight distance, shades the structure, or the brush is a noxious weed (e.g. scotch broom). Mapping of sensitive resource areas may lead to additional areas not being brushed.

6. On culverts six feet or greater, LCPW Maintenance will remove ten feet of brush on both sides of the culvert, on the upstream end of the culvert and ten feet on both ends on the downstream side, unless the brush around the culvert is a noxious weed. If other brushing needs are identified, LCPW will coordinate with ODFW.

When removing mature trees (over 12-inch (30cm) diameter at breast height (dhb)) in riparian areas, LCPW Maintenance will replant two seedling/cuttings for every tree removed. LCPW Maintenance will coordinate with ODFW on species and location of trees to be replanted within the same watershed. LCPW Maintenance will ensure that the replanted trees will not pose a future threat to LCPW structures.

Spraying (MMS 443, 445, 446)

Description: This action consists of spraying chemical to control the growth and spread of noxious weeds and brush. LCPW Maintenance does not use any restricted-use chemicals to control vegetation. Herbicides used include broad-based foliar-active herbicides and soil residual herbicides.

Goal: To control noxious weeds and other vegetation through the application of herbicide under the guidance of EPA, the Oregon Department of Agriculture and Lane County policy.

Minimization, Avoidance, and BMPs:

1. LCPW Maintenance follows an Integrated Vegetation Management program. The local IVM Plan maps locations of sensitive natural resources and identifies areas where spraying does not occur. The local IVM Plan includes protection of sensitive

fish species. The herbicide spray program may include modification of spray times and modifications of spray widths to protect riparian areas. Specific minimization/avoidance measures will be developed on a site-specific basis.

Best Management Practices will include:

2. LCPW Maintenance will eliminate spray activities on structures located over streams or adjacent to wetlands.

3. LCPW Maintenance will use chemicals approved for use near aquatic resources, or as directed by regulators.

4. LCPW will follow the Last Resort Policy for the use of herbicides for vegetation management.

5. Herbicides will be used in accordance to EPA labels.

6. If needed within riparian areas, LCPW Maintenance will hand spray around structures over water that requires chemical vegetation control.

7. Within 25 feet of riparian areas, LCPW Maintenance will boom spray no further than eight feet from the edge of pavement.

8. Within 25 feet of an active, flowing stream, LCPW Maintenance will stop all boom spraying.

9. Where computer-assisted spray trucks are owned, they will be utilized. Computer assisted spray trucks can manipulate the mixture and rate sprayed, and can stop and start spray activities to avoid impacting individual creeks.

Note: Because herbicide application is not included in ODOT's 4(d) exemption, any "take" occurring as part of maintenance operations resulting from herbicide application would not be permitted.

Other Vegetation Management (MMS 459)

Description: The Vegetation Management Coordinator, and/or resource agency staff (such as State Forestry, US Forest Service) identifies and LCPW Maintenance removes danger trees (see definition of terms). LCPW Maintenance also removes trees from forested areas that are weighting unstable slide areas, and where the trees or slide have the potential to reach the highway. LCPW Maintenance also occasionally removes trees, which threaten to fall, and in the falling or uprooting, remove large portions of bank area.

Minimization and Avoidance:

1. Where possible, LCPW Maintenance will attempt to maintain buffer strips corresponding to the RMA's shown in the following table.

SIZE	RIPARIAN MANAGEMENT WIDTHS	EXAMPLES
Large	100 feet	McKenzie River, Siuslaw River, Willamette River
Medium	70 feet	Mohawk River, Deadwood Creek, Brice Creek
Small	50 feet	Most streams (first-second order tributaries)

2. LCPW Maintenance will maintain shade trees along streams or rivers unless those trees are "danger trees" as described above. If trees provide shade or bank stabilization, are within 50 feet of streams, and are determined to be danger trees that must be removed, the trees will be removed in consultation with ODFW.

3. Prior to removing trees within an RMA to reduce weight on a failing slope, coordination will be performed with the Environmental Engineering Specialist, ODFW, and/or the appropriate regulatory agency. Removal of many trees from streamside areas will require a re-planting and erosion control plan. Significant consideration will be given to retaining trees, which provide stream shading (e.g. within 50 feet of the active channel.)

4. Permanent solutions to chronically unstable areas will be pursued through the project development process. Solutions could include artificial hillside drainage or permanent shoring.

5. When removing mature trees (over 12-inch (30cm) dbh) in riparian areas, LCPW Maintenance will replant two seedling/cuttings for every tree removed. LCPW Maintenance will coordinate with ODFW and/or the Environmental Engineering Specialist on species and location of seedling/cuttings to be replanted within the same watershed. LCPW Maintenance will ensure that the replanted trees will not pose a future threat to LCPW structures.

APPENDICES:

A: Maintenance Yard Stormwater Management Plan Outline

B: LCPW Hazardous Materials Response Guidelines

C: ODFW Bridge Washing Guidance

D: NOAA Guidelines for Treated Timber

APPENDIX A

Maintenance Yard Stormwater Management Plan Outline

LANE COUNTY
PUBLIC WORKS DEPARTMENT / 3040 North Delta Hwy. / Eugene, OR 97408
Phone: (541) 682-6911/ Fax: (541) 682-8500

M E M O R A N D U M

TO: Arno Nelson, Road Maintenance Supervisor

FROM: Mike Russell, Assistant Maintenance Planner

DATE: October 24, 2005

RE: Maintenance Yard Stormwater Evaluation Plan Outline

As part of ODOT's update to their Routine Road Maintenance Best Management Practices document, or Blue Book, they have introduced measures related to stormwater management at maintenance yards. In an effort to be consistent with this, I recommend following a similar plan that ODOT has used to implement these practices. I present the plan as follows:

LCPW Maintenance Yard Stormwater Evaluation Plan

Objective:

- Evaluate the quantity and quality of stormwater pollution at LCPW maintenance yards.
- Inventory LCPW yards for items associated with stormwater impacts.

Task 1:
Identify and compile stormwater information that can be used to assess, manage, or track potential sources of stormwater pollutants at LCPW maintenance yards.

Identify information or items that can be inventoried at LCPW yards that will be useful in evaluating stormwater or stormwater risks. Begin collecting and compiling stormwater information that is readily available, such as:

- Mean annual rainfall
- Nearest surface water
- Size of facility
- Age of yard
- Fuel storage facilities
- Availability of sanitary hookups

Use this information to offer a general understanding of LCPW yards in terms of their individual stormwater pollutant risks.

Task 2:
Continue to collect and compile stormwater inventory information identified in Task 1.

Visit all LCPW maintenance yards and work with Zone Supervisors and staff to inventory and compile all the stormwater information in Task 1.

Stormwater items to be inventoried during yard visits will include:

- Stormwater discharge points

- Receiving waters or wetlands
- Stormwater protection devices (oil/water separators, filters, swales, etc.)
- Sewerage systems or sewerage connections
- Yard materials stored that have the potential to impact stormwater
- Yard activities performed that have the potential to impact stormwater (vehicle washing, painting operations, deicing operations, etc.)

Task 3
Draft stormwater plans for each LCPW maintenance yard.

Inventory visits will ultimately result in a stormwater plan for each LCPW maintenance yard. The plans will include the following elements:

- A site map
- Summary of yard stormwater issues or concerns
- Recommendations
- Inventoried stormwater items and additional useful stormwater information

The stormwater plan will be available at each yard and yard staff will use it to inspect and evaluate stormwater concerns and implement stormwater BMPs.

Task 4
Collect stormwater pollutant data from LCPW maintenance yards.

LCPW will collect data that characterizes stormwater pollutant levels associated with its yards. Stormwater grab samples will be collected from all LCPW yards and analyzed for pollutant concentrations.

Stormwater grab samples will be collected at yard outfalls during typical rain events. Sampling will not be tied to defined storms (such as first flush or set precipitation amounts). For yards with multiple stormwater outfalls, sample locations will be selected that are representative of the entire yard. Composite samples will not be collected. Two stormwater samples will be collected from each yard then data generated will be assessed to determine if sampling should be continued or modified.

Data Analysis:
LCPW will ask City of Eugene to perform stormwater analysis. As defined in DEQ's 1200 Z permit, the following pollutants will be analyzed:

- Oil and Grease
- pH
- Total Suspended Solids
- Total Metals (Cu, Pb, Zn)
- E. coli

Pollutant levels will be analyzed for trends or patterns using simple statistical methods. LCPW will attempt to total and average pollutant loads so that stormwater pollutant levels for LCPW yards, yard items, or yard activities can be estimated.

If data generates a wide range of pollutant levels and characterization is impossible, LCPW will use the pollutant data collected to identify and prioritize maintenance yard stormwater pollutant issues or concerns.

APPPENDIX B

LCPW Hazardous Materials Response Guidelines

SUPERVISOR INSTRUCTIONS FOR HAZARDOUS MATERIALS RESPONSE

- Abandoned Waste found in Right of Way: SEE **SECTION I.**
- Public Works Spills: SEE **SECTION II.**
- Third Party Spills: SEE **SECTION III.**

SECTION I. ABANDONED WASTE IN RIGHT OF WAY

A. If situation warrants, call 911 for emergency response.

B. Secure site as needed (e.g. barricades, caution tape, on-site employee).

C. **Call the following in order:**

1. Road Maintenance Manager:	Arno Nelson	682-6993	(Cell) 285-8165
2. Administrative Services Manager:	Tanya Heaton	682-6925	(Cell) 556-8722
3. Sr. Maintenance Engr. Assoc:	John Petsch	682-6999	(Cell) 954-1527

SECTION II. PUBLIC WORKS SPILLS

If situation warrants, call 911 for emergency response.

Public Works may clean up its own spills if the materials are 1) Known, 2) Paint, Oil, Diesel, or some Herbicides, 3) can be done safely and without undue detriment to the public or environment. *Public Works employees will not clean up spills of unknown materials.*

Without direction from Department Management, Public Works will NOT clean up spills caused by a third party, except if it is a small quantity that can quickly be cleaned up with absorbents.

Secure site as needed (e.g. barricades, caution tape, on-site employee).

If in the judgment of the supervisors, known hazardous material AND paint, oil, or diesel could be cleaned up using County labor and materials, then:

A. Supervisor trained to the Operational Level in HAZMAT Response must oversee cleanup.

B. Spill Response Resources that can be accessed most quickly should be used. All Zones and some vehicles have spill response materials. Public Works has a spill response trailer located at Delta, on the west end of Shed A, just north of Fleet Services. The materials can be delivered to the spill site by contacting the switchboard at 682-6900 or "Station 2", or by contacting the Zone 1 Supervisors at "Radio #101" or cell phone 954-5542.

C. If the spill is 42 gallons or more, call one of the following for reporting to regulatory agencies:

Note: Any amount of hazardous material that enters a water source (stream/lake/river) must be reported.

1. Road Maintenance Manager:	Arno Nelson	682-6993	(Cell) 285-8165
2. Administrative Services Manager:	Tanya Heaton	682-6925	(Cell) 556-8722
3. Sr. Maintenance Engr. Assoc:	John Petsch	682-6999	(Cell) 954-1527

D. Document event (location, cause of spill, what spilled, quantity, clean-up measures taken, etc.).

E. Contact Waste Management Division for disposal of clean-up materials at 682-3828 or 682-3899.

If hazardous material is unknown, or known material but other than paint, oil, or diesel, secure the site and call:

1. Road Maintenance Manager:	Arno Nelson	682-6993	(Cell) 285-8165
2. Administrative Services Manager:	Tanya Heaton	682-6925	(Cell) 556-8722
3. Sr. Maintenance Engr. Assoc:	John Petsch	682-6999	(Cell) 954-1527

SECTION III. THIRD PARTY SPILL

When a third party causes a spill, they are the responsible party.

A. If situation warrants, call 911 for emergency response.

B. If needed, redirect traffic – place barricades, provide traffic control (the incident will dictate what is required).

C. It may be necessary for County forces to place booms to keep spill from entering a waterway or ditch.

D. Inform the third party that they are responsible for contracting cleanup of the spill.

E. Provide the person with phone numbers for hazardous spill cleanup contractors.

Third party may use any qualified and licensed HazMat contractor:

NorthWest Fire Fighters:	1-800-942-4614
NorthWest HazMat, Inc.:	1-800-597-1323

F. If spill is 42 gallons or greater (**or any amount enters a water source**), provide third party with the following phone numbers and direction that law requires them to call Oregon Emergency Response System (OERS):

Oregon Emergency Response System (OERS):	1-800-452-0311

G. Call Risk Management to report incident at 682-4569. The following information will be needed:

- Date & Time of Incident
- Road & Milepost
- Driver Name/State License Number
- Description of Vehicle/State & License Plate #
- Brief Description of Incident

H. Provide backup support as needed (depending on incident, County may need to maintain presence until cleanup contractor is on site).

Information provided by Dale Wendt, Public Works Support Services, 1/07/03; Updated 6/2005; 12/6/05

APPENDIX C

ODFW Bridge Washing Guidance

Oregon
Theodore R. Kulongoski, Governor

Department of Fish and Wildlife
Wildlife Division
3406 Cherry Ave. NE
Salem, OR 97303
(503) 947-6300
FAX (503) 947-6330

GUIDELINES FOR BRDIGE WASHING

September 12,2003

Bridge Washing can occur if the following criteria are met:

1. Occur during the period Nov. 15 to April 1 for East of the Cascades

2. Occur during the period Nov. 15 to March 15 West of the Cascades

3. Must occur during a high water event

4. Use high pressure water, air or sweep, shovel.

5. If paint is observed being displaced cease washing operations

6. Avoid washing tight areas (e.g. cracks crevices) where bats may be present

7. If bats are observed to be displaced cease washing operations

8. If birds are building nests, laying eggs, tending young, no washing will occur in the general area of the nests. (intent is to not disturb).

9. IF ANY OF THE ABOVE CRITERIA CANNOT BE MET, THE LOCAL ODFW OFFICE MUST BE CONTACTED AND THE INDIVIDUAL BRIDGE WILL BE DISCUSSED.

10. **Washing and sweeping of the top of the bridge (deck up)** can be done outside of the timing windows if all materials including water is kept on top of the bridge. (plugging scuppers etc). Any water that is pushed to the ends of the bridge needs to run through a vegetated swale or sediment control device. And guidelines 5,6,7,8 are followed.

11. For bridge washing that occurs over dry waterways, or that does not occur over waterways, only apply guidelines 5-8.

Oregon Department of Fish and Wildlife believes that the above guidelines will minimize the impacts to fish and wildlife during bridge washing . We realize that this activity is very critical in being able to prolong the life of the bridge and the safety of the public. These guidelines were drafted with regard to Fish and Wildlife resources statewide and the need to comply with State and Federal regulations.

APPENDIX D

NOAA Guidelines for Treated Timber

NOAA Guidelines for Use of Treated Timbers From Draft SLOPES III

Guidelines to be used for treated timber in bridge repair.

Piling removal. If a temporary or permanent piling will be removed, the following conditions apply.

1. Dislodge the piling with a vibratory hammer.
2. Once loose, place the piling onto the construction barge or other appropriate dry storage site.
3. If a treated wood piling breaks during removal, either remove the stump by breaking or cutting 3-feet below the sediment surface or push the stump in to that depth, then cover it with a cap of clean substrate appropriate for the site.
4. Fill the holes left by each piling with clean, native sediments, whenever feasible.

Treated wood. Use of lumber, pilings, or other wood products that are treated or preserved with pesticidal compounds (including, but not limited to, alkaline copper quaternary, ammoniacal copper arsenate, ammoniacal copper zinc arsenate, copper boron azole, chromated copper arsenate, copper naphthenate, creosote, and pentachlorophenol) may not be used below ordinary high water, or as part of an in-water or over-water structure, except as described below.

i. On-site storage. Treated wood shipped to the project area must be stored out of contact with standing water and wet soil, and protected from precipitation.

ii. Visual inspection. Each load and piece of treated wood must be visually inspected and rejected for use in or above aquatic environments if visible residues, bleeding of preservative, preservative-saturated sawdust, contaminated soil, or other matter is present.

iii. Pilings. Pilings treated with ammoniacal copper zinc arsenate, chromated copper arsenate, or creosote may installed below ordinary high water according to NOAA Fisheries' guidelines,[1] provided that no more than 50 piles are used. Note, also, that these guidelines do not apply to pilings treated with any other preservative, and do not authorize use of treated wood for any other purpose.

iv. Prefabrication and field preservative treatment. Use prefabrication to the extent feasible to ensure that cutting,

[1] Letter from Steve Morris, National Marine Fisheries Service, to W.B. Paynter, Portland District, U.S. Army Corps of Engineers (December 9, 1998) (transmitting a document titled Position Document for the Use of Treated Wood in Areas within Oregon Occupied by Endangered Species Act Proposed and Listed Anadromous Fish Species, National Marine Fisheries Service, December 1998).

drilling, and field preservative treatment is minimized. When field fabrication is necessary, all cutting and drilling of treated wood, and field preservative treatment of wood exposed by cutting and drilling, will occur above ordinary high water to minimize discharge of sawdust, drill shavings, excess preservative other debris in riparian or aquatic habitats. Use tarps, plastic tubs or similar devices to contain the bulk of any fabrication debris, and wipe off any excess field preservative.

5. Abrasion prevention. All treated wood structures, including pilings, must have design features to avoid or minimize impacts and abrasion by livestock, pedestrians, vehicles, vessels, floats, etc., to prevent the deposition of treated wood debris and dust in riparian or aquatic habitats.

6. Waterproof coating. Treated wood may be used to construct a bridge, over-water structure or and in-water structure, provided that all surfaces exposed to leaching by precipitation or overtopping waves are coated with a water-proof seal or barrier that will be maintained for the life of the project. Coatings and any paint-on field treatment must be carefully applied and contained to reduce contamination. Surfaces that are not exposed to precipitation or wave attack, such as parts of a timber bridge completely covered by the roadway wearing surface of the bridge deck, are exempt from this requirement.

7. Debris Removal. Projects that require removal of treated wood must use the following precautions.
   (1) Ensure that, to the extent feasible, no treated wood debris falls into the water. If treated wood debris does fall into the water, remove it immediately.
   (2) After removal, place treated wood debris in an appropriate dry storage site until it can be removed from the project area. Do not leave treated wood construction debris in the water or stacked on the stream bank.
   (3) Evaluate treated wood construction debris removed during a project, including treated wood pilings, to ensure that debris is properly disposed of.
   (4) After removal, place treated wood debris in an appropriate dry storage site until it can be removed from the project area. Do not leave treated wood construction debris in the water or stacked on the stream bank.
   (5) Evaluate treated wood construction debris removed during a project, including treated wood pilings, to ensure that debris is properly disposed of.

Lane County

Total Maximum Daily Load (TMDL) Evaluation
&
Benchmark Development

Prepared as Part of the Renewal Application
for Lane County's NPDES Phase II Permit

June, 2011

Total Maximum Daily Load (TMDL) Evaluation & Benchmark Development

Introduction

This document evaluates progress made towards meeting TMDL Wasteload Allocations through implementation assessments for current BMPs (and achievement of measurable goals) and estimates of future TMDL pollutant reductions (i.e., benchmarks) based on proposed additional or modified BMPs.

Background

Section 303(d) of the Clean Water Act requires the State to identify those waters for which existing required pollution controls are not stringent enough to achieve that State's water quality standards. These water bodies are considered "water quality limited" or "impaired." Once a water body is identified as being water quality limited, Section 303(d) requires the state to develop Total Maximum Daily Loads (TMDLs) for the impaired water body. TMDLs define how much an identified pollutant in a specified water body can receive and still meet water quality standards.

A TMDL Wasteload Allocation (WLA) is the identified maximum load of pollutants an identified pollution source is allocated to discharge into a particular waterway that will allow the goals identified in the TMDL to be met. Each Designated Management Agency (DMA) identified within a TMDL watershed is required to develop implementation plans, including a timeline for implementing management strategies and a schedule for completing measurable milestones. For municipal sources, National Pollutant Discharge Elimination System (NPDES) permits serve as the primary mechanism to require urban stormwater runoff subject to the Municipal Separate Storm Sewer System (MS4) requirements to address the WLAs. For regulated municipalities (MS4s), Stormwater Water Management Plan (SWMP) may serve as the implementation plan for meeting TMDL pollutant reductions.

On September 29, 2006, EPA approved Oregon DEQ's TMDL for the Willamette Basin, which initially addresses three pollutants: 1) Temperature, 2) Bacteria, and 3) Mercury. The Willamette Basin TMDL identifies Lane County as a Designated Management Agency (DMA). Lane County's responsibility as a DMA for the Willamette Basin TMDL totals approximately 149 square miles, which is less than 4 percent of the Willamette Basin within Lane County. Excluded from Lane County's jurisdiction as a DMA are local municipalities, Federal and State owned lands, and privately owned forest and agricultural lands that are managed by other State and Federal DMAs. Within the Willamette Basin portions of Lane County, there are five Federal agency DMAs, six State of Oregon DMAs, and eleven Local government DMAs including Lane County and ten cities.

Oregon State law requires that upon EPA approval, Designated Management Agencies (DMAs) are required to submit TMDL Implementation Plans that outline pollution reduction strategies. Lane County submitted its TMDL Implementation Plan in April 2008. The Implementation Plan identifies the following implementation strategies for each of the priority pollutants (temperature, bacteria, and mercury). Lane County documents progress made towards these strategies annually in TMDL reports submitted to the DEQ.

Potential TMDL Implementation Strategies

Temperature Gaps	Potential Solutions
Streamside vegetation unprotected	▪ Provide technical assistance to landowners along waterways ▪ Demonstrate riparian area, wetland, and floodplain BMPs on publicly managed land ▪ Adopt a riparian buffer ordinance or overlay zone ▪ Educate landowners about the value of riparian areas ▪ Initiate a tree planting program along waterways

High priority riparian areas unidentified	▪ Determine areas that will yield a large benefit if protected or restored ▪ Establish framework to identify critical riparian areas ▪ Determine the feasibility of acquiring critical lands

Gaps in Existing Water Quality Efforts for Temperature

Gaps in Existing Water Quality Efforts for Bacteria

Bacteria Gaps	Potential Solutions
Proper animal waste management	▪ Provide bags for pet owners to pick-up after pets ▪ Partnerships with watershed councils and others ▪ Erect signs to inform pet owners of the problems related to pet waste ▪ Develop educational materials about proper manure management ▪ Implement programs to better manage waste in areas with high concentrations of wildlife
Erosion prevention and sediment control at new construction sites	▪ Adopt erosion prevention and sediment control regulations for new construction ▪ Provide incentives to developers who meet certain erosion control qualifications ▪ Implement site plan review procedures that includes requirements for erosion control mechanisms ▪ Establish site inspection and monitoring procedures
Lack of a process to inventory, monitor, and correct failing septic systems	▪ Offer assistance for homeowners to replace a failing or outdated system ▪ Use building records to identify systems that may be outdated and more likely to fail ▪ Educate homeowners on proper septic maintenance and inspection
Programs to detect and eliminate illegal discharges into waterways	▪ Promote proper waste management through education ▪ Develop a stormwater system map ▪ Increase fines for illegal dumping ▪ Establish a illegal dumping control program ▪ Educate citizens about waste disposal opportunities and the hazards of improper waste disposal ▪ Develop a process to respond to and document complaints of illegal discharge
Lack of multi-objective stormwater plans	▪ Develop a stormwater system map and plan ▪ Regional stormwater map and/or plan ▪ Develop and implement operations and maintenance procedures using best management practices ▪ Integrate water quality protection and natural resource considerations in existing plans
Lack of stormwater detention facilities and incentives to encourage their construction	▪ Use an ordinance or other regulatory mechanism to address runoff from new construction projects ▪ Establish maintenance program for all stormwater features ▪ Adopt water quality standards for public works projects ▪ Provide incentives to landowners that construct on-site stormwater detention/treatment facilities ▪ Encourage stormwater features on existing open space or landscaped areas through a retrofit incentive program
Lack of process to notify public of high bacteria levels	▪ Distribute educational materials ▪ Establish a program to notify residents when high bacteria levels are present

Gaps in Existing Water Quality Efforts for Mercury

Mercury Gaps	Potential Solutions
Erosion prevention and sediment control regulations for new construction	▪ Adopt erosion prevention and sediment control guidelines for new construction ▪ Provide incentives to developers who meet certain erosion control qualifications ▪ Implement site plan review procedures that includes requirements for erosion control mechanisms ▪ Establish site inspection and monitoring procedures
Programs to work with dentists and	▪ Contact jurisdictions with established mercury reduction programs

recycle fluorescent light bulbs	▪ Implement programs modeled after existing programs
Process to notify citizens of fish consumption advisories	▪ Distribute educational materials on fish consumption advisories ▪ Put up signs when fish consumption advisories are issued
Lack of stormwater detention facilities and incentives to encourage their construction	▪ Use an ordinance or other regulatory mechanism to address runoff from new construction projects ▪ Establish maintenance program for all stormwater features ▪ Adopt water quality standards for public works projects ▪ Provide incentives to landowners that construct on-site stormwater detention facilities ▪ Encourage stormwater features on existing open space or landscaped areas through a retrofit incentive program

Gaps in Existing Water Quality Efforts for All Pollutants

Gaps for All Pollutants	Potential Solutions
Monitoring capacity	▪ Partner with watershed councils to establish a region-wide monitoring program
Enforcement capacity	▪ Encourage a 'Neighborhood Watch'-type program for water quality violations
Taking advantage of non-point source grant opportunities	▪ Establish an inventory of non-point source grant opportunities ▪ Apply collectively for funding for region-wide projects and protection mechanism implementation
Regional water quality coordination	▪ Use Source Water Assessments to target contaminant sources ▪ Partnerships with watershed councils and others ▪ Region-wide stormwater map and/or plan ▪ Regional drinking water protection effort ▪ Regional pollution prevention team ▪ Regional Mercury Reduction Strategy ▪ Provide free hazardous waste disposal and advertise existing programs
Public employee pollution prevention training programs	▪ Regional public works BMP-sharing network ▪ Use training materials from EPA and DEQ in existing training programs ▪ Regional training sessions
Promotion of water quality efforts	▪ Advertise successes in local media ▪ Build interpretive displays near water quality projects
Incentives/regulations for stormwater features in new development	▪ Adopt an ordinance requiring stormwater detention and treatment in new developments ▪ Encourage stormwater features on existing open space or landscaped areas through a retrofit incentive program

Evaluation

Schedule D of Lane County's NPDES Phase II Permit requires an evaluation of progress made towards reducing TMDL pollutant loads (achieving WLAs) through the use of performance measures and pollutant load reduction benchmarks developed and listed in the SWMP. Successful implementation of current SWMP BMPs (and achievement of measurable goals) is one metric to be used for evaluation of progress. Correspondingly, the following table summarizes the implementation status of current SWMP BMPs for the purposes of progress evaluation. Additional details on the implementation of these BMPs may be found in the "SWMP Update" submitted with this document. The table below demonstrates that significant progress has been made towards implementation of all of the BMPs listed in Lane County's SWMP. Additionally, as discussed in the "SWMP Update", the measurable goals developed for each of the Six Minimum Control Measures have also been implemented and will be ongoing in the next permit cycle. Specific Adaptive Management assessments are proposed in the new SWMP to ensure that the BMPs and measureable goals continue to be implemented to the Maximum Extent Practicable.

Implementation of current SWMP BMPs

Best Management Practice	Implementation Status	Rationale
BMP ED1 - Introduction to Stormwater	Implemented, ongoing in next permit cycle as BMP A1 – Stormwater Education	IGA executed with City of Eugene. Continuing collaborations on educational brochures and mailings. Regular staffing of informational booths at major events.
BMP PE2 – Outreach Efforts with Regional Partners	Implemented , ongoing in next permit cycle	IGA executed with City of Springfield. Participation in numerous regional partnerships: P2C, SW Special Ops, Cedar Creek Partnership, Metro Waterways
BMP PE4 – Stormwater Educational Brochures Portfolio	Implemented, ongoing in next permit cycle	Portfolio of stormwater brochures developed. Several translated to Spanish.
BMP Storm Drain Marking Program	Implemented, ongoing in next permit cycle	All known storm drains marked.
BMP Household Hazardous Waste Program (HHW)	Implemented, ongoing in next permit cycle	Robust HHW collection program ongoing. Includes regular radio and newspaper advertising.
BMP ED3 – Volunteer Activities and Natural Resource Protection	Implemented, ongoing in next permit cycle as BMP P1 – Educational Volunteer Program	IGA with City of Eugene executed. Stream team projects advertised in stormwater mailings.
BMP Public Outreach in the Eugene Area	Implemented, ongoing in next permit cycle through BMP A1 – Stormwater Education, BMP LC-PE4 Stormwater Website Development, and BMP LC-PI2 – Advisory Committees.	Ongoing Roads Advisory Committee meetings. SWMP posted to website. Public outreach during RR/SC Stormwater Basin Master plan development.
BMP Public Outreach in the Springfield Area	Implemented, outreach continuing in next permit cycle under BMP PI1 – Public Involvement/Participation	Staff attendance of City Open House meetings and IGA work session.
BMP Public Notice	Implemented, ongoing in next permit cycle	Public notice given on updates to Lane Code regarding new Illicit Discharge and Erosion Control regulations. Advertisement and public comment taken on RR/SC plan.
BMP Roads Advisory Committee	Implemented, ongoing in next permit cycle as BMP LC-PI2 – Advisory Committees	Ongoing Roads Advisory Committee meetings
BMP ODOT Manual	Implemented, ongoing in next permit cycle as BMP LC-MO1 ODOT Manual	ODOT BMP Manual adopted into Lane County's Routine Road Maintenance Manual.
BMP IDDE Regulations	Implemented	IDDE regulations adopted within

		regulated area.
BMP IDDE Enforcement and Administration	Implemented, ongoing in next permit cycle as incorporated into BMP LC-ID1 Illicit Discharge Response	Illicit Discharge response procedures developed. Response arrangements developed between City and County Public Works staff. Enforcement actions taken where necessary.
BMP IDDE Response	Implemented, ongoing in next permit cycle as BMP LC-ID1 Illicit Discharge Response	Illicit Discharge response procedures developed. Response arrangements developed between City and County Public Works staff. Enforcement actions taken where appropriate.
BMP Mapping	Implemented, ongoing in next permit cycle as BMP LC-ID3 Storm Drain Mapping & GIS Database	Mapping of outfalls developed for RR/SC Basin Plan and in Springfield's Stormwater Facility Master Plan.
BMP Training to Staff	Implemented, ongoing in next permit cycle as incorporated into BMP LC-MO4 – Employee Training	Annual training conducted on erosion control BMPs and Illicit Discharge response. Staff attendance at ACWA and APWA stormwater conferences.
BMP Erosion & Sediment Control	Implemented, ongoing in next permit cycle as BMPs E2 – Erosion Prevention & Construction Site Management Program, CSW1 – Erosion and Sediment Control Regulations, and CSW4 Inspections & Enforcement	City of Eugene and City of Springfield Erosion Control Regulations adopted. Delegated authority to Cities to administer and enforce.
BMP Develop Comprehensive Basin Plans	Implemented	RR/SC Basin Plan and Springfield's Stormwater Facility Master Plan completed.

Proposed BMP Additions and Modifications

Progress toward reducing TMDL Wasteload Allocations is also based on estimates of future TMD pollutant reductions (i.e., benchmarks) based on proposed additional or modified BMPs. Lane County is proposing numerous modifications or additions to its SWMP for the next permit cycle. Although these additions and modifications are numerous, they would not be considered significant enough to require an updated Land Use Compatibility Statement because they do not result in an expansion of the permit area or in increased discharges to the MS4. Many of the modifications are administrative in nature, reflecting proposed naming changes to maintain consistency with Eugene and Springfield BMPs. The following table summarizes the proposed additional or modified BMPs contained in the proposed SWMP along with the rational for each.

Best Management Practice	Proposed modification	Rationale
BMP ED1 - Introduction to Stormwater	Modify name to "BMP A1 – Stormwater Education". Match implementation to City of Eugene BMP.	Modified for continuity in implementation with the City of Eugene's BMP.
BMP PE3 – Stormwater Education School Workshops	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of

		Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP Storm Drain Marking Program	Modify name to "BMP LC-PE1 – Storm Drain Marking Program"	Administrative change
BMP Household Hazardous Waste Program (HHW)	Modify name to "BMP LC-PE2 – Household Hazardous Waste Program"	Administrative change
BMP LC-PE3 Pet Waste Education Program	Proposed for addition to the SWMP	Supports Public Education and Outreach minimum control measure.
BMP LC-PE4 Stormwater Website Development	Proposed for addition to the SWMP	Supports Public Education and Outreach minimum control measure.
BMP ED3 – Volunteer Activities and Natural Resource Protection	Modify name to "BMP P1 – Educational Volunteer Program". Match implementation to City of Eugene BMP.	Modified for continuity in implementation with the City of Eugene's BMP.
BMP Public Outreach in the Eugene Area	Proposed for deletion from SWMP	The City of Eugene no longer implements a BMP by this name in their current SWMP. Activities relating to education and outreach in the Eugene area would continue in new SWMP through BMP A1 – Stormwater Education, BMP LC-PE4 Stormwater Website Development, and BMP LC-PI2 – Advisory Committees.
BMP Public Outreach in the Springfield Area	Proposed for deletion from SWMP	The City of Springfield no longer implements a BMP by this name in their current SWMP. Public outreach in the Springfield Area would continue in the new SWMP through BMP PI1 – Public Involvement/Participation
BMP PI1 – Public Involvement/Participation	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP LC-PI1 – Coordination with Watershed Councils	Proposed for addition to the SWMP	Supports Public Involvement/Participation minimum control measure.
BMP Roads Advisory Committee	Modify name to "BMP LC-PI2 – Advisory Committees"	Administrative change
BMP Public Notice	Modify name to "BMP LC-PI3 – Public Notice"	Administrative change
BMP ODOT Manual	Modify name to "BMP LC-MO1 ODOT Manual"	Administrative change
BMP M1 – Management of Illicit Discharges to the Municipal SW System	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of Eugene. Anticipated to be

		included in new IGA.
BMP M2 – Spill Response	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of Eugene. Anticipated to be included in new IGA.
BMP ID1 – Illicit Discharge Reporting Hotline and Tracking System	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP ID2 – Illicit Discharge Response and Enforcement	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP ID3 – Outfall Inventory and Mapping	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP ID4 – Water Quality Monitoring for Illicit Discharge	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP IDDE Regulations	Proposed for deletion from SWMP	Implemented. IDDE regulations adopted within regulated area.
BMP IDDE Enforcement and Administration	Proposed for deletion from SWMP. incorporated into BMP LC-ID1 Illicit Discharge Response	Incorporated into proposed BMP LC-ID1 Illicit Discharge Response.
BMP IDDE Response	Proposed for deletion from SWMP. incorporated into BMP LC-ID1 Illicit Discharge Response	Incorporated into proposed BMP LC-ID1 Illicit Discharge Response.
LC-ID1 Illicit Discharge Response.	Proposed for addition to the SWMP	Consolidates BMPs IDDE Enforcement and Administration & BMP IDDE Response.
LC – ID2 Nuisance Abatement Program	Proposed for addition to the SWMP	Supports Illicit Discharge Detection and Elimination minimum control measure.
BMP Mapping	Modify name to "BMP LC-ID3 Storm Drain Mapping & GIS Database"	Administrative change
BMP Training to Staff	Proposed for deletion from SWMP.	Consolidate training into BMP LC-MO4 – Employee Training
BMP Erosion & Sediment Control	Proposed for deletion from SWMP.	Replace with city BMPs E2 – Erosion Prevention & Construction Site Management Program, CSW1 – Erosion and Sediment Control Regulations, and CSW4

		Inspections & Enforcement for consistency in implementation.
BMP E2 – Erosion Prevention & Construction Site Management	Proposed for addition to the SWMP	Reflects partnership BMP with the City of Eugene.
BMP CSW1 – Erosion and Sediment Control Regulations	Proposed for addition to the SWMP	Reflects partnership BMP with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP CSW2 – City Staff Erosion Control Training	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP CSW1 – Erosion and Sediment Control Regulations	Proposed for addition to the SWMP	Reflects partnership BMP with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP Develop Comprehensive Basin Plans	Proposed for deletion from SWMP.	RR/SC Basin Plan and Springfield's Stormwater Facility Master Plan completed.
BMP E4 – Stormwater Development Standards	Proposed for addition to the SWMP	Partnership opportunity for implementation with the City of Eugene. Anticipated to be included in new IGA.
BMP DS1 – Springfield Development Code Standards and Engineering Design Standards and Procedures Manual	Proposed for addition to the SWMP	Reflects partnership BMP with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP DS2 – Post Construction Stormwater System Maintenance Inspections and Compliance	Proposed for addition to the SWMP	Reflects partnership BMP with the City of Springfield. The City has agreed to partner on this BMP in the current IGA.
BMP LC-MO2 – Construction Standard Documents	Proposed for addition to the SWMP	Supports the Pollution Prevention in Municipal Operations minimum control measure.
BMP LC-MO3 – Inspections on Public Construction Projects	Proposed for addition to the SWMP	Supports the Pollution Prevention in Municipal Operations minimum control measure.
BMP LC-MO4 – Employee Training	Proposed for addition to the SWMP	Supports the Pollution Prevention in Municipal Operations minimum control measure.
BMP LC-MO5 – Stormwater System Maintenance	Proposed for addition to the SWMP	Supports the Pollution Prevention in Municipal Operations minimum control measure.
BMP LC-MO6 – Municipal Facility Stormwater Protection Plans	Proposed for addition to the SWMP	Supports the Pollution Prevention in Municipal Operations minimum control measure.
BMP LC-MO7 – Prevent Leaks and Spills from Municipal Vehicles and Equipment	Proposed for addition to the SWMP	Supports the Pollution Prevention in Municipal Operations minimum control measure.
BMP LC-MO8 – Integrated Vegetation Management Program	Proposed for addition to the SWMP	Supports the Pollution Prevention in Municipal Operations minimum

		control measure.
BMP LC-MO9 – Street Sweeping and Leaf Pick-up Programs	Proposed for addition to the SWMP	Supports the Pollution Prevention in Municipal Operations minimum control measure.

Estimates of future TMDL pollutant reductions (Benchmarks)

Both the McKenzie and Willamette Rivers fail to meet State water quality standards for temperature. The Willamette also fails to meet water quality standards for bacteria, and through a complex analysis, has been listed as not meeting state standards for mercury. Lane County's public stormwater drainage system discharges to both of these waterways. Temperature is not regulated as a water quality pollutant through NPDES Phase II permits, and is therefore not discussed further in this evaluation. Bacteria and mercury are regulated pollutants and are key considerations in developing stormwater BMPs to meet TMDL benchmarks. In addition to the TMDL Implementation Strategies listed previously, Lane County intends to further reduce bacteria and mercury discharges to the MS4 through several BMPs in the proposed SWMP.

Bacteria

Pathogenic bacteria comes from a variety of sources including failing septic systems, discharges of untreated or poorly treated sewage resulting from sewer malfunctions or overflows, and stormwater runoff that carries feces from pets, domesticated animals or wildlife from urban, residential, and agricultural lands. The major contributors of bacteria to the upper reach of the main stem Willamette River are tributaries located in the Upper Willamette subbasin. According to the results of DEQ's monitoring, the Long Tom River increases bacterial concentrations in the main stem Willamette River by approximately 77 percent (DEQ, 2004). Other water bodies in the Willamette Basin portions of Lane County on the 2002 303(d) list for bacteria include Coyote Creek, Fern Ridge Reservoir, Amazon Diversion Canal, the A3 Drain, Amazon Creek, and the Long Tom River.

According to the Willamette Basin TMDL, point sources in the upper reaches of the Willamette Basin cause less than a one percent increase in the bacteria concentrations over natural conditions (DEQ, 2006), so the focus of the TMDL implementation efforts should be on non-point sources. The Willamette Basin Bacteria TMDL states that urban areas must reduce their bacteria contributions by **80-94%** to meet water quality standards.

Many of the current BMPs that will continue to be implemented in the next permit cycle, as well as many of the newly proposed BMPs, will serve to reduce bacteria pollution to the Willamette River. BMPs A1 – Stormwater Education, PE – Stormwater Education School Workshops, PE2 – Outreach Efforts with Regional Partners, PE4 – Stormwater Educational Portfolios, LC-PE1 – Storm Drain Labeling Program, LC-PE3 – Pet Waste Education Program, LC-PE4 – Stormwater Website Development, and LC-MO4 – Employee Training, will all work to reduce bacteria pollution by developing awareness and stewardship in the public through education and outreach programs. In addition to the education component, BMP LC-PE3 – Pet Waste Education Program will also serve to reduce bacteria pollution by controlling animal waste through code implementation and maintenance of pet waste stations.

BMPs M1 – Management of Illicit Discharges to the Municipal SW System, ID1 – Illicit Discharge Reporting Hotline and Tracking System, ID2 – Illicit Discharge Response and Enforcement, BMP ID3 – Outfall Inventory and Mapping, BMP ID4 – Water Quality Monitoring for Illicit Discharge, BMP LC-ID1 Illicit Discharge Response, LC-ID2 Nuisance Abatement Program, LC-ID3 Storm Drain Mapping & GIS Database, and LC-ID4 – Staff IDDE & Spill Response Training will serve to reduce bacteria pollution through programs designed to improve Lane County's ability to detect and respond to illicit discharges which could include heavily bacteria laden discharges such as improper sewage connections.

BMPs E4 – Stormwater Development Standards, DS1 – Springfield Stormwater Code Standards, and DS2 – Post Construction Stormwater System Maintenance Inspections and Compliance will serve to reduce bacteria through implementing standards in development for detaining and treating stormwater prior to discharge into waterways and encouraging site design to decrease runoff.

BMPs LC-MO5 – Stormwater System Maintenance and LC-MO9 – Street Sweeping and Leaf Pick-up Programs will reduce bacteria by removing organic matter from the stormwater conveyance system and streets that would otherwise wash to downstream waterways.

Mercury

Mercury is a potent toxin that can cause damage to the brain and nervous system. Small children and the developing fetus are most sensitive to mercury's toxic effects. The primary way that humans are exposed to mercury is through the consumption of fish or seafood containing elevated levels of mercury through bioaccumulation. Within Lane County, the state's Department of Human Services (DHS) has issued fish consumption advisories for the Willamette River and the Dorena and Cottage Grove Reservoirs. DEQ's estimates that a **27 percent reduction** in the total mercury load is needed to reduce mercury in fish tissue to a safe level.

Mercury is a naturally occurring element found in soils throughout the Willamette Basin. Mercury is also found in trees and fossil fuels such as coal, natural gas, diesel and heating oil. The mercury present in these fuels is released into the atmosphere upon combustion. This mercury can be transported great distances and can later be deposited on the land where storm water runoff can carry it into rivers and lakes.

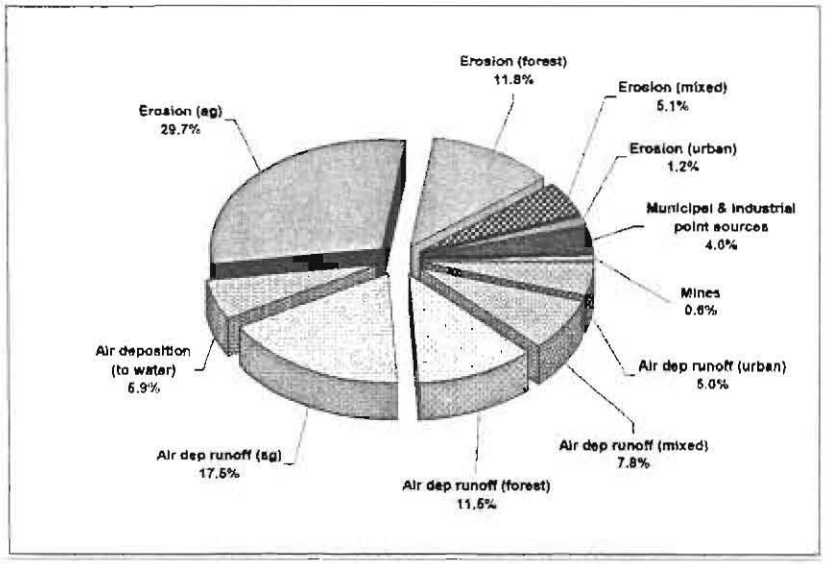
The DEQ's preliminary analysis indicates that the majority of the mercury in the Willamette River comes from non-point sources such as the erosion of native soils containing mercury and the runoff of atmospherically-deposited mercury from urban, agricultural and forested landscapes. In the Cottage Grove watershed, mercury residuals from old mining operations represent a significant source of mercury to the system. (Source: DEQ Mercury Pollution in the Willamette River FactSheet, 2007). The following table lists the Willamette Basin Mercury TMDL sources and reductions needed.

Pollutant	Sources	Reductions
Mercury	**Willamette Basin*** ▪ Erosion of native soil (47.8%) ▪ Atmospheric deposition and runoff, including stormwater (47.7%) ▪ Point sources (3.9%) ▪ Legacy mines (0.6%) ▪ Low levels are naturally occurring	Willamette Basin: 26.4% (128.5 kg/year)
	Dorena Lake ▪ Atmospheric deposition and runoff (31.1%) ▪ Erosion from disturbed forest land (68.9%)	Dorena Lake: 29.8% (2.08 kg/year)
	Cottage Grove Lake ▪ Mines (74.4%) ▪ Atmospheric deposition and runoff (8.0%) ▪ Erosion from disturbed forest land (17.6%)	Cottage Grove: 67.8% (3.13 kg/year)

** Annual mean estimate. Mercury load contributions change significantly during winter high flows. During high winter flows, 69.2% of the load is from sediment re-suspension, 0.2% from mines, 1.2% from point sources, 14.7% from erosion, and 14.7% from air deposition. Source: Department of Environmental Quality, Willamette Basin TMDLs, 2006*

Many of the current BMPs that will continue to be implemented in the next permit cycle, as well as many of the newly proposed BMPs, will serve to reduce mercury pollution to the Willamette River. Most notably, BMP Household Hazardous Waste (HHW) Program contains programs and measurable goals for collecting mercury containing materials and promoting education and outreach regarding on safe disposal of wastes. This program includes free disposal of mercury containing materials for all households in Lane County. It also includes public education and outreach including: radio advertisements, distribution of educational brochures, and staffing informational booths at major public events. The HHW BMP has been a very effective program, resulting in the collection and disposal of more than 8,000 pounds of mercury containing materials in the past five years.

Mercury from erosion in urban areas is a relatively minor contributor to the total loading in the Willamette Main stem, constituting only 1.2% of the total relative load (see graph below).



However, since mercury is a naturally occurring element found in soils throughout the Willamette Basin, BMPs aimed at reducing erosion do serve to reduce mercury pollution from the MS4 to some degree. BMPs A1- Stormwater Education, PE2 – Outreach Efforts with Regional Partners, PE3 – Stormwater Education School Workshops, PE4 – Stormwater Educational Portfolios, CSW2 – City Staff Erosion Control Training, and LC-MO4 Employee Training all contain measurable goals for increasing public/employee awareness about the importance of erosion prevention and for teaching erosion prevention practices. BMPs E-2 – Erosion Prevention & Construction Site Management Program, CSW1 Erosion and Sediment Control Regulations, and CSW4 Inspections & Enforcement aim to reduce erosion associated with development through formalized regulatory erosion control programs.

Since mercury also travels to the Willamette through air deposition and associated runoff, BMPs aimed at cleaning deposition (e.g. street sweeping) or treating/infiltrating runoff (e.g. post-construction stormwater management) also serve to reduce mercury pollution. BMPs LC-MO5 - Stormwater System Maintenance and LC-MO9 – Street Sweeping and Leaf Pick-up Programs will reduce mercury deposited on the streets or collected in the stormwater system from entering the waterways. BMPs E4 – Stormwater Development Standards, DS1 – Springfield Stormwater Code Standards, and DS2 – Post Construction Stormwater System Maintenance Inspections and Compliance, all serve to implement systems to treat post-construction stormwater runoff.

Lane County currently lacks baseline data on bacteria and mercury loading specific to its management area. Lane County also lacks quantitative data on the estimated pollutant load reductions associated with each of the BMPs mentioned above. The sampling and analysis that would be required to collect this data is currently viewed as cost

prohibitive given the current levels of County resources. Due to the complexity and expense of sampling, Lane County is not proposing to quantitatively assess pollutant reductions for these parameters and will instead focus limited resources toward implementing the selected BMPs to the Maximum Extent Practicable through tracking the implementation of associated measurable goals.

Lane County
Stormwater Management Plan
(SWMP)

Prepared as Part of Application for Lane County NPDES Phase II Permit

February, 2004

Lane County
Stormwater Management Plan

Introduction:

The Stormwater Management Plan **(SWMP)** described in this document is proposed for the permit cycle of the Lane County NPDES Phase II permit. Original Application for this permit was submitted in March of 2003. This Stormwater Management Plan will be in affect as of March , 2004 and for the remainder of the permit cycle through March, 2008.

The goal of Lane County's Stormwater Management Plan is to use a basin wide approach to meet the requirements of the Phase II permit. Therefore, Lane County will be attempting to partner with the adjoining Cities of Eugene and Springfield around the Urbanized Area required by this Phase II regulation. Lane County will utilize the "Rely on Another Entity" option available under the Phase II permit, to help standardize some of the various agency regulations for meeting the requirements of the NPDES permits in both Phase I and Phase II communities. Attached to this SWMP **(Attachments I and II)** are the proposed Intergovernmental Agreements **(IGA's)** that show this relationship between Lane County and the City of Eugene and Springfield, respectively.

As approved by DEQ, in a letter dated March 24, 2003 **(Exhibit A)**, the area subjective to Lane County's SWMP is virtually limited to the Urbanized Area inside the Urban Growth Boundary surrounding the Eugene/Springfield Metropolitan area. This area is shown on the accompanying map **(Exhibit B).** This SWMP will consist of three basic Chapters with each Chapter split into two parts, to meet the six minimum measures required under Phase II. The Chapters are as follows:

- Chapter I: *Municipal Operations/Public Education and Involvement*
- Chapter II: *Illicit Discharge Detection and Elimination*
- Chapter III: *Construction Stormwater / Post-Construction Stormwater Runofft*

In addressing each Chapter, there will be a West of Interstate 5 **(W)** and an East of Interstate 5 **(E)** breakdown of how Lane County will meet the Six minimum measures.

CHAPTER I: MUNICIPAL OPERATIONS/PUBLIC EDUCATION AND INVOLVEMENT

Background: This Chapter describes Best Management Practices (BMP's), and programs that cover three of the six minimum measures. These measures are 1) Public Education, 2) Public Participation and Involvement, and 3) Pollution Prevention and Good Housekeeping – municipal operations.

The breakdown of each program and BMP are separated West (W) and East (E) of Interstate 5 as they relate to coordination between the City of Eugene and Springfield.

Rationale: Lane County has chosen two BMP's each in which to partner with the Cities of Eugene and Springfield. The BMP's were chosen based on the ability of Lane County and the respective City's, to cooperate in a productive manner in which to deal with Stormwater Education on a basin wide approach. Lane County has two additional BMP's, Storm Drain Marking and Household Hazardous Waste programs, which are already in place and are valid educational tools to help accommodate the Public Education minimum measure.

Responsible Party: Public Works Maintenance Planning Section

Public Education: For the **(W)** portion, Lane County will attempt to partner with the City of Eugene in relying on their BMP's, **ED1 – Introduction to Stormwater**, and **ED4 – Volunteer Activities and Natural Resource Protection.**

ED1 - Lane County will partner with the City of Eugene with this information and education program for public, school children, City personnel, and others about natural resources and stormwater pollution problems from both point and nonpoint sources and show the impacts of their actions on water quality. This will be achieved by developing ongoing articles and public education programs through advertising campaigns targeted at various groups. **See ED1 of City of Eugene SWMP.**

ED4 - Lane County will partner with the City of Eugene to promote public involvement in "keep watershed clean" campaigns and "adopt-a-creek" programs for specific waterways. **See ED4 of City of Eugene SWMP.**

For the **(E)** portion, Lane County will attempt to partner with the City of Springfield in relying on their BMP's, **PE2 – Outreach Efforts with Regional Partners**, and **PE4 – Stormwater Educational Brochures Portfolio.**

PE2 – Lane County will partner with the City of Springfield with this regional partnership educational outreach program. The goal of this program will be to

enhance open exchange of proven ideas and enhance efficiency and cost effectiveness of public outreach efforts. **See PE2 of City of Springfield SWMP.**

PE4 - Lane County will partner with the City of Springfield to help in creating and updating of a portfolio of brochures to be used in educating the public and providing options or alternative behaviors that do not adversely affect the environment. **See PE4 of City of Springfield SWMP.**

Storm Drain Marking Program - For both **(W)** and **(E)** portions, Lane County will utilize it's ongoing **Storm Drain Marking Program**, to help educate the general public on the awareness of were runoff water actually goes. Currently Lane County uses two different types of markers. For inlets that drain eventually into waterways, a "Drains To River" marker is used. For inlets that drain to drywells, a "Drains To Groundwater" marker is used. Each Marker has an appropriate symbol of a river or water faucet to symbolize the types of inlets.

Household Hazardous Waste Program (HHW) – For both **(W)** and **(E)** portions, Lane County, in cooperation with various agencies and watershed councils, will host collection events aimed at allowing residents to safely dispose of household hazardous waste free of charge. The events will take place at different times of the year and at various collection locations. This program is run through our Waste Management Division. This program has been in place for some years and includes training of hazardous waste handlers throughout Lane County.

Measurable goals: Measurable goals, in the form of education, will be for the most part a non-quantifiable measure. It will be Lane County's efforts to reach the public that will be tracked. Lane County will keep track along with the Cities of Eugene and Springfield, of the number of materials distributed and the audiences targeted. It will be the goal to distribute educational materials at least twice per calendar year.

A quantifiable number of participants and tons of waste will be kept in the HHW program. Since this program currently exists, annual goals will be to continue the program and expand as practical. As this program continues to grow, the record keeping will evolve with the growth.

Public Participation and Involvement: For the **(W)** portion, Lane County will use the Roads Advisory Committee for review and input of Lane County's plan. An ongoing, informal outreach will take place through educational efforts that may allow for future changes in the plan.

For the **(E)** portion, Lane County will be involved with the City of Springfield's Open House meetings. Community members will be able to voice their concerns and provide input into the partnering aspects of the plan. Lane County attended and participated in two separate Open House meetings on January 16, 2004 and January 29, 2004.

In both portions, Lane County will notify residence of upcoming changes in County codes and the County's efforts to partner with the surrounding cities to help unify NPDES permit requirements.

Future Public Involvement can be obtained through our educational efforts and any future amendments will filter through our Roads Advisory Committee and addressed through a public hearing format.

Rationale: Lane County's Roads Advisory Committee is made up of volunteer, private citizens that have input on various implementation plans throughout Lane County's Public Works Department. The City of Springfield's Open House forum was a well-timed match for informing citizens of our intentions to partner with other agencies in a way to reduce duplication of services.

Responsible Party: Public Works Maintenance Planning Section

Measurable Goals: The area of coverage responsible by Lane County could be reduced annually due to annexation by both City of Eugene and Springfield. Therefore, tracking of input and measurable goals may be tied to the cities of Eugene and Springfield. Prior to year one public input will be evaluated. In year one other public participation will be used to evaluate existing plans and recorded in the annual report.

Municipal operations: For both the **(W)** and **(E)** portions Lane County will implement an operation and maintenance program with a goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system. Lane County will adopt the Oregon Department of Transportations Best Management Practices **(BMP)** manual for routine road maintenance. Lane County has unofficially been using the ODOT manual for the last few years as a guide in reducing pollutants. The BMP manual will be amended to fit Lane County's internal structure but will for the most part mirror the ODOT manual. Lane County will also adopt two BMP's, associated with maintaining gravel roads and dust abatement of gravel roads, that will become part of the Lane County BMP manual. This manual is in ***Appendix A*** of this plan.

Rationale: Oregon Department of Transportations Best Management Practices **(BMP)** manual, is a well researched document that has been unofficially in use at Lane County for some time. The future adoption of this manual will accommodate Lane County with other clean water programs.

Responsible Party: Public Works Maintenance Planning Section

Measurable Goals: Lane County will attempt to adopt the BMP manual in the first year. Training of existing employees should be completed by the second year. On going training of new employees or changes to our operations will take place annually.

CHAPTER II: ILLICIT DISCHARGE DETECTION AND ELIMINATION

Background: This Chapter describes the Illicit Discharge Detection and Elimination program and the code requirements implemented to decrease discharges that are not composed entirely of stormwater.

Unlike the minimum measures in Chapter I, this measure will be treated uniformly for both of the **(W)** and **(E)** portions of Lane County.

Rationale: Lane County elected to emulate the City of Eugene's existing Illicit Discharge Code, again as a way to help unify and standardize our efforts to a basin wide approach.

Responsible Party: Public Works Maintenance Planning Section

Illicit Discharge: The County will adopt regulations regarding Illicit Discharge similar to the City of Eugene's BMP, **MON 1 - Strengthening Enforcement for Illicit Connections and Illegal Dumping.** The County will implement the enforcement and administration of detecting and eliminating illicit discharge under BMP **497 - Illicit Discharge and Elimination**

BMP 497 - The detection of Illicit Discharge will, for the most part, be handled by the maintenance operations and their field crews. Field crews will be trained in the requirements of the Illicit Discharge minimum measure and will typically be the first response for detection through routine maintenance activities or public complaint. Lane County's bi-weekly foreman's meetings will be used to train, discuss and develop strategies for specific instances.

If illegal dumping occurs within the MS4 location, County maintenance employees will remove the debris or contract out to hazardous waste handlers if the debris is not easily recognizable to be non hazardous. If the responsible party can be identified, they will be billed for the clean up and/or removal cost.

If an illicit connection is detected or founded based on public complaint, County crews will remain on site until correction of the problem is initiated. The responsible party will be required to correct the problem or be billed for expenses incurred by the County to correct the problem. ***Appendix B*** is Lane County's proposed code amendment that prohibits Illicit Discharge.

Mapping - Lane County will partner with the City of Eugene, in regards to their River Road/Santa Clara Basin Plan study, and partner with the City of Springfield in, regards to their Stormwater Facility Masterplan. These plans, along with Lane County's ongoing mapping efforts, will provide a storm sewer system map to be used in facilitating any illicit discharge detection.

Measurable Goals: Lane County will attempt to adopt an Illicit Discharge code in the first year of the plan (***Appendix B***). The mapping of the basin, and areas required, should be completed by the end of the first year as well. The training of staff and upgrading of various information management systems will be on going and develop over the permit life.

CHAPTER III: CONSTUCTION STORMWATER / POST-CONSTRUCTION STORMWATER RUNOFF

Background: This chapter covers the two remaining minimum measures, Construction Site Stormwater Runoff, and Post-Construction Stormwater Runoff.

These two measures require programs to be developed when construction activities disturb one acre or more of land or when land disturbance is less than one acre but part of a larger common plan of development.

In regards to compliance of these two measures, Lane County has existing agreements with both the City's of Eugene and Springfield, that delegate authority for regulating construction activities within the Eugene-Springfield urban growth Boundary **(Attachment III and IV)**. Therefore, any construction activity of this magnitude requires permits from the respective City and would fall under that City's building land use codes.

Lane County is attempting to adopt City of Eugene Erosion Control regulations that would apply to the Eugene Urban Growth Boundary and be enforced by the City. This regulation exceeds the minimum 1-acre NPDES requirement and in some cases requires permits for construction projects disturbing 500 square feet of land.

Lane County will also attempt to adopt similar code requirements for the City of Springfield as we arrive at an IGA with them.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORMWATER DISCHARGE PERMIT
Department of Environmental Quality
811 Southwest Sixth Avenue, Portland, OR 97204
Telephone: (503) 229-5630 or 1-800-452-4011 toll free in Oregon
Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO: Lane County

MAJOR RECEIVING STREAMS: Willamette River, Patterson Creek (Slough)

WASTE LOAD ALLOCATIONS (if any): A Total Maximum Daily Load (TMDL) that includes Waste Load Allocations for urban stormwater has been established for the Willamette Subbasin. The TMDL was approved by EPA on September 29, 2006. Waste Load Allocations for urban stormwater are addressed in Schedule D of this permit.

SOURCES COVERED BY THIS PERMIT:

All existing and new discharges of stormwater from the municipal separate storm sewer system to waters of the state within the urban services boundary of Lane County surrounding the cities of Eugene and Springfield as identified in Lane County's Stormwater Management Plan.

Issued in response to Application No. 982299 received March 20, 2003. EPA reference # ORS113606

John J. Ruscigno, Water Quality Permits Manager
Western Region North

Issued: January 25, 2007

PERMITTED ACTIVITIES:

Until this permit expires or is modified or revoked, the permittee is authorized to construct, install, modify, and operate stormwater collection, conveyance, treatment and control facilities, and to discharge stormwater to waters of the state in conformance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharges to an underground injection control system. This permit is issued based on the land use findings in the permit record.

Schedule A
DISCHARGE LIMITATIONS AND STORMWATER MANAGEMENT PROGRAM

1. **Prohibition of Non-stormwater Discharges**
The permittee must effectively prohibit non-stormwater discharges into the MS4 unless such discharges are otherwise permitted by an existing NPDES permit. Unless identified by the permittee, or the Department, the following non-stormwater discharges need not be addressed by the permittee's illicit discharge program, provided appropriate control measures, if needed, to minimize the impacts of such sources are developed under the SWMP: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration; uncontaminated pumped groundwater; discharges from potable water sources; start up flushing of groundwater wells; aquifer storage and recovery wells; potable groundwater monitoring wells; draining and flushing of municipal potable water storage reservoirs; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; discharges or flows from emergency fire fighting activities; discharges of treated water from investigation, removal and remedial actions selected or approved by the Department pursuant to Oregon Revised Statute (ORS) Chapter 465, the state's environmental cleanup law.

2. **Stormwater Management Program Requirements**
   a. The permittee must develop, implement, enforce, and measure the effectiveness of a Stormwater Management Program (SWMP) designed to implement the requirements of the federal Clean Water Act and Oregon administrative rules and protect water quality by requiring controls to reduce the discharge of pollutants to the maximum extent practicable. The SWMP must include management practices, control techniquesand provisions for the control of pollutants.

   b. The SWMP must include the following information for each of the six minimum control measures described in condition A(4) of this permit:
      i. The structural and non-structural best management practices (BMPs) that the permittee or another entity will implement for each of the stormwater minimum control measures;
      ii. The measurable goals for each of the BMPs including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action;
      iii. The person or persons responsible for implementing or coordinating the BMPs for the permittee's SWMP; and
      iv. The rationale for how and why the permittee selected each of the BMPs and measurable goals for the permittee's SWMP.

   c. The permittee must implement all applicable provisions in the SWMP. Applicable provisions are those relating to requirements, programs and operations of the MS4 over which the permittee has jurisdiction or control. For the permit, the SWMP is located in DEQ File Number 113606. The SWMP, and any Department-approved amendments thereto, is hereby incorporated into the permit by reference.

3. Adaptive Management

Adaptive management is the process for assessing and implementing new opportunities for improving program effectiveness in controlling stormwater pollution to the maximum extent practicable. The permittee is required to use adaptive management to assess options for improving controls on stormwater discharges. In assessing these options, the permittee must use the monitoring information and analyses as described in the Department-approved SWMP, as well as applicable information from other sources in the adaptive management process.

Adaptive management requires the permittee to assess and modify, as necessary, any or all existing SWMP components and adopt new SWMP components to optimize reductions in stormwater pollutants to the maximum extent practicable, through an iterative process. The iterative process includes an annual assessment of the need to further reduce stormwater impacts and protect beneficial uses, review of available technologies and practices to accomplish the needed improvement, and evaluation of resources available to implement the technologies and practices.

4. Minimum Control Measures

The permittee must address the following six minimum control measures in its SWMP:

a. *Public Education and Outreach on Stormwater Impacts*

The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

b. *Public Involvement/Participation*

The permittee must adopt a public participation process as a part of their on-going stormwater management program. The public participation process must provide opportunities for members of the public to participate in program development and implementation.

c. *Illicit Discharge Detection and Elimination*

The permittee must:

i. Develop, implement and enforce a program to detect and eliminate illicit discharges, including illegal dumping, into the permittee's small MS4;
ii. Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names of all waterbodies that receive discharges from those outfalls;
iii. To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-stormwater discharges into the permittee's storm sewer system and implement appropriate enforcement procedures and actions.
iv. Develop and implement a plan to detect and address non-stormwater discharges to the permittee's system;
v. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
vi. Develop a process to respond to and document complaints relating to illicit discharges.

d. *Construction Site Stormwater Runoff Control*

The permittee must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the permittee's small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the permittee's program if that construction activity is part of a larger common plan of development or sale that would disturb

one acre or more. The permittee's program must include the development and implementation of, at a minimum:

i. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
ii. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
iii. Requirements for construction site operators to prevent or control waste that may cause adverse impacts to water quality such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site;
iv. Procedures for site plan review that incorporate measures to prevent or control potential water quality impacts;
v. Procedures for receipt and consideration of information submitted by the public; and
vi. Procedures for site inspection and enforcement of control measures.

e. *Post-Construction Stormwater Management in New Development and Redevelopment*

The permittee must:

i. Develop, implement, and enforce a program to address pollutants in stormwater runoff from new development and redevelopment projects that disturb one acre or more, or less than one acre if they are part of a larger common plan of development or sale, and discharge into the permittee's small MS4. The permittee's program must ensure that controls are in place that would prevent or minimize water quality impacts.
ii. Develop and implement strategies that include a combination of structural or non-structural BMPs appropriate for the permittee's community, and
   (1) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;
   (2) Ensure adequate long-term operation and maintenance of BMPs; and
   (3) Ensure adequate enforcement of ordinance or alternative regulatory program.

f. *Pollution Prevention in Municipal Operations*

i. The permittee must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
ii. Using training materials that are available from the Department, EPA, or other organizations, the program must include employee training to prevent and reduce stormwater pollution from activities including, but not limited to, park and open space maintenance, fleet and building maintenance, new municipal facility construction and related land disturbances, design and construction of street and storm drain systems, and stormwater system maintenance.

5. Sharing Responsibility

Implementation of one or more of the minimum measures may be shared with another entity or may be fully taken over by another entity. The permittee may rely on another entity only if:

a. The other entity implements the control measure.
b. The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.
c. The other entity agrees to implement the control measure on the permittee's behalf. Written acceptance of this obligation is required. This obligation must be maintained as part of the description of the permittee's Stormwater Management Program. If the other entity fails to

implement the control measure on the permittee's behalf, then the permittee remains liable for any discharges due to that failure to implement.

6. Reviewing and Updating Stormwater Management Program (SWMP) and Modifying Permit

a. *SWMP Review:* The permittee must conduct an annual review of its SWMP in conjunction with preparation of the annual report required under condition B(2).

b. *SWMP Updates Proposed by Permittee:* The permittee may change its SWMP during the permit term in accordance with the following procedures:

i. Changes adding, but not subtracting or replacing, components, controls, or requirements to the SMWP may be made at any time. The Department must be notified of such changes in the subsequent annual report, as required in condition B(2)(d).

ii. The permittee must submit a written request to the Department to discontinue or replace a BMP specifically identified in the SWMP. A discontinued or replaced BMP must be replaced with a BMP that is at least as effective. Unless denied by the Department, changes proposed in accordance with the criteria below will be deemed approved and may be implemented 60 days from submittal of the request. If a request is denied, the Department will send the permittee a written response giving a reason for the decision. The permittee's request must include the following:

(1) An explanation of why the existing BMP is less effective or infeasible,

(2) Proposed replacement BMP(s) and schedule for implementation, and

(3) An explanation of how the replacement BMP is expected to better achieve the goals of the existing BMP.

iii. Change requests or notifications must be made in writing and signed in accordance with condition F(D)(5).

c. *SWMP Changes Proposed by Department*: Changes requested by the Department will be made in writing, set forth the time schedule for the permittee to develop the changes, and offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Department will be made in accordance with 40 CFR §§124.5, 122.62 or 122.63 as appropriate.

d. *Permit Modifications*: Changes to the SWMP are considered a part of adaptive management and do not require modification of this permit unless the Department determines that the magnitude of proposed SWMP revisions substantially changes the nature or scope of the SWMP. The Department will conduct this permit modification process in accordance with OAR 340-045-0040 and 0055.

e. *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation:* The permittee must implement its SWMP in all new areas added to the permittee's portion of the MS4 (or areas for which the permittee becomes responsible for SWMP implementation) as expeditiously as practicable, but not later than one year from addition of the new areas. Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing its SWMP on all affected areas. The plan must include schedules for implementation.

Schedule B
MONITORING AND REPORTING REQUIREMENTS

1. **Minimum Monitoring Requirements**
The permittee must evaluate program compliance, the appropriateness of identified best management practices (BMPs), and progress toward achieving identified measurable goals. If stormwater outfall or in-stream monitoring is conducted as part of a permittee's program evaluation efforts, the requirements described in condition F(C)(1) and (C)(2) must be followed. The types of monitoring information that must be maintained in such cases are specified in condition F(C)(6).

2. **Annual Reporting Requirements**
The permittee must submit an annual report to the Department by November 1 of each year for the time period July 1 through June 30. The annual reports must contain:
   a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;
   b. Results of information collected and analyzed, if any, during the reporting period, including evaluation criteria used to assess the success of the program at reducing the discharge of pollutants to the MEP;
   c. A summary of the stormwater activities the permittee plans to undertake during the next reporting cycle, including a schedule for implementation;
   d. A description of changes made to the SWMP, including changes to BMPs or measurable goals identified in the SWMP;
   e. Information on all new additions or removals of annexed areas that result in an expansion or contraction of the MS4's boundaries;
   f. Notice that the permittee is relying on another government entity to satisfy some of the permittee's permit obligations (if applicable); and
   g. Number and nature of enforcement actions taken.

3. **Permit Renewal Submittal**
To continue permit coverage for stormwater discharges, the MS4 must submit a permit renewal package 180 days prior to permit expiration. This renewal application package must incorporate the implementation findings from the current permit term to support the proposed SWMP for the renewal permit. Application documents must evaluate the adequacy of the SWMP in reducing pollutants to the maximum extent practicable. This application must contain the following specific components:
   a. A completed permit renewal application form supplied by the Department, signed in accordance with the signatory requirements of condition F(D)(5).
   b. A completed and signed land use compatibility statement (LUCS) form and associated land use goal findings.
   c. An updated SWMP, including proposed changes to the plan and the underlying rationale for the proposal(s).
   d. The information required by condition D(2)(c) of the permit if TMDL wasteload allocations were established at the time of permit issuance or if these allocations were established within three (3) years of permit issuance.

Schedule C
COMPLIANCE CONDITIONS AND SCHEDULES

1. **Initial Implementation of SWMP**
   The permittee must begin implementation of the approved SWMP within 180 days of issuance of this permit. The 180-day time period will allow for the permittee to adopt the SWMP if it has not already done so and to incorporate any revisions required by the department in response to public comments or the Department's own review.

2. **Full Implementation of SWMP**
   The permittee must fully implement its SWMP, as defined by the measurable goals established by the permittee's SWMP, within 5 years of obtaining permit coverage. To adequately fulfill this requirement, the permittee must implement the BMPs it has proposed to address the six minimum measures described in condition A(4).

3. **Additional Requirements for the First Annual Report**
   In addition to the information required by condition B(2), the first annual report must contain the following items and identify them as amendments to the SWMP:
   a. The person or persons responsible for implementing or coordinating each of the BMPs identified in the permittee's SWMP.
   b. A copy or description of any intergovernmental agreements made between Lane County and other jurisdictions that define roles and responsibilities pertaining to the implementation of the SWMP.
   c. A timeline showing when implementation milestones identified in the SWMP are scheduled to be achieved.

Schedule D
SPECIAL CONDITIONS

1. **Legal Authority**
The permittee must maintain, through ordinance, interagency agreement or other means, adequate legal authority to implement and enforce the provisions of this permit.

2. **Total Maximum Daily Load Requirements**
The requirements of this section apply to MS4 discharges to receiving waters with established TMDLs and associated wasteload allocations as noted on the cover page of this permit or if the permittee becomes subject to an approved TMDL, and following notice of such by the Department. If the permittee reduces applicable pollutant discharges for the parameters listed in the TMDL to the maximum extent practicable, this reduction is deemed to be adequate progress toward achieving assigned TMDL wasteload allocations (WLAs).

   a. Progress towards reducing TMDL pollutant loads will be evaluated, in subsequent permit terms, by the permittee through the use of performance measures and pollutant load reduction benchmarks developed and listed in the SWMP.
      1) Performance measures are estimates of the effectiveness of various best management practices (BMPs) implemented by the permittee as per the SWMP; and are not numeric effluent limits. Performance measures must, where appropriate, be pollutant reduction estimates. If appropriate, the performance measures for the BMPs addressing TMDL pollutants may be based on the same metrics developed to determine progress towards measurable goals, as described in the SWMP.
      2) A pollutant load reduction benchmark is an estimate for eacb parameter or surrogate, where applicable, for which a WLA is established. A benchmark is used to measure the overall effectiveness of the stormwater management program in making progress toward tbe WLA (this estimate will be related to the statistical variability of the underlying data and may be stated as a range), and is intended to be a tool for guiding adaptive management activities. A benchmark is not a numeric effluent limit; rather it is a goal. The permittee must provide the rationale for the proposed benchmark, which includes an explanation of the relationship between the benchmarks and the TMDL wasteload allocations. Any limiting factors related to the development of a benchmark, such as data availability and data quality, must also be included in this rationale.

   b. The permittee must use adaptive management, as described in condition A(3), to focus and refine SWMP elements to address TMDL wasteload allocation(s) over the course of this permit cycle.

   c. If, at the time of permit issuance or within three (3) years of permit issuance, a TMDL establishes municipal stormwater wasteload allocations for pollutant parameters associated with the MS4's discharges, the permittee must develop and propose to the Department specific performance measures and pollutant load reduction benchmarks, as described in condition D(2)(a). Performance measures and pollutant load reduction benchmarks must be submitted to the Department as part of the permit renewal package described in condition B(3).

3. Definitions

a. **Best Management Practices (BMPs):** The schedule of activities, prohibition of practices, maintenance procedures and other management practices to prevent or reduce pollution. BMPs also include treatment requirements, operating procedures and practices to control stormwater runoff.

b. **Maximum Extent Practicable (MEP)**: The statutory standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve. This standard is considered met if the conditions of the permit are met and the six minimum measures, outlined in this permit, are implemented *(December 8, 1999 Federal Register, Vol. 64, No. 235, Page 68754).*

c. **Measurable Goals**: BMP design objectives or targets that quantify the progress of Plan implementation and the performance of BMPs.

d. **Operator of Small MS4**: An operator is the governmental entity (e.g., city, county, special district) that owns the storm sewer system or has direct responsibility for the functioning of the system. For the purposes of this permit, the operator cannot be a private contractor.

e. **Small Municipal Separate Storm Sewer System (Small MS4)**: All separate storm sewers that:

1) Meet the definition of an MS4 provided in Schedule F, Section E.
2) Are not defined as a "medium" or "large" municipal separate storm sewer system pursuant to 40 CFR §126.26(b)(4) and (b)(7), or designated under 40 CFR §126.26(a)(1)(v).

This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewer in very discrete areas, such as individual buildings.

f. **Waters of the State:** Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction.

Schedule F
NPDES PERMIT GENERAL CONDITIONS
FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS

SECTION A. STANDARD CONDITIONS

1. Duty to Comply with Permit
The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of the Clean Water Act and Oregon Revised Statutes (ORS) 468B.025, and 40 Code of Federal Regulations (CFR) Section 122.41(a), and grounds for an enforcement action. Failure to comply is also grounds for the Department to modify, revoke, or deny renewal of a permit.

2. Penalties for Water Pollution and Permit Condition Violations
ORS 468.140 allows the Department to impose civil penalties up to $10,000 per day for violation of a term, condition, or requirement of a permit. Additionally 40 CFR 122.41 (A) provides that any person who violates any permit condition, term, or requirement may be subject to a federal civil penalty not to exceed $25,000 per day for each violation.

Under ORS 468.943 and 40 CFR 122.41(a), unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to $25,000 imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, a person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a Class B felony punishable by a fine not to exceed $200,000 and up to 10 years in prison. Additionally, under 40 CFR 122.41(a) any person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a federal civil penalty not to exceed $100,000 and up to 6 years in prison.

3. Duty to Mitigate
The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Duty to Reapply
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

The Department may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

5. Permit Actions
This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
a. Violation of any term, condition, or requirement of this permit, a rule, or a statute
b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts
c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge
d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a Total Maximum Daily Load (TMDL)
e. New information or regulations
f. Modification of compliance schedules
g. Requirements of permit reopener conditions
h. Correction of technical mistakes made in determining permit conditions
i. Determination that the permitted activity endangers human health or the environment
j. Other causes as specified in 40 CFR 122.62, 122.64, and 124.5

The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. Toxic Pollutants
The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

7. Property Rights and Other Legal Requirements
The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

8. Permit References
Except for effluent standards or prohibitions established under OAR 340-041-0033 for toxic pollutants and standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

9. Permit Fees
The permittee must pay the fees required by Oregon Administrative Rules.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance
The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the permittees only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Activity Not a Defense
It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

3. Removed Substances
Solids or other pollutants removed in the course of maintaining the MS4 must be disposed of in such a manner as to prevent any pollutant from such materials from entering waters of the state, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling
Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and shall be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points may not be changed without notification to and the approval of the Department.

2. Monitoring Procedures
Monitoring must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in this permit or subsequent permit actions.

3. Penalties of Tampering
The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than $10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

4. Additional Monitoring by the Permittee
If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in annual reports required by Schedule B. Such increased frequency must also be indicated.

5. Retention of Records
The permittee must retain records of all monitoring information, including: all calibration, maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Department at any time.

6. Records Contents
Records of monitoring information must include:
a. The date, exact place, time, and methods of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

7. Inspection and Entry
The permittee must allow the Department representative upon the presentation of credentials to:
a. Enter upon a permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location within the MS4.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes
The permittee must comply with OAR chapter 340, division 52, "Review of Plans and Specifications" and 40 CFR Section 122.41(l) (1). Except where exempted under OAR chapter 340, division 52, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by the Department. The permittee must give notice to the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance
The permittee must give advance notice to the Department of any planned changes in the permitted facility or activities that may result in noncompliance with permit requirements.

3. Transfers
This permit may be transferred to a new co-permittee(s) provided the transferee(s) acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit may be transferred to a third party without prior written approval from the Department. The Department may require modification, revocation, and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act (see 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory). The permittee must notify the Department when a transfer of property interest takes place that results in a change of co-permittee(s).

4. Compliance Schedule
Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. Any reports of noncompliance must include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

5. Duty to Provide Information
The permittee must furnish to the Department within a reasonable time any information that the Department may request to determine compliance with this permit. The permittee must also furnish to the Department, upon request, copies of records required to be kept by this permit.

Other Information: When a permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to the Department, it must promptly submit such facts or information.

6. Signatory Requirements
All applications, reports or information submitted to the Department must be signed and certified in accordance with 40 CFR Section 122.22.

7. Falsification of Information
Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed $100,000 per violation and up to 5 years in prison. Additionally, according to 40 CFR 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a federal civil penalty not to exceed $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

SECTION E. DEFINITIONS

1. CFR means Code of Federal Regulations.
2. Clean Water Act or CWA means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483 and 97-117; 33 U.S.C. 1251 et seq.
3. Department means Department of Environmental Quality.
4. Director means Director of the Department of Environmental Quality.

5. Flow-Weighted Composite Sample means a sample formed by collection and mixing discrete samples taken periodically and based on flow.
6. Grab Sample means an individual discrete sample collected over a period of time not to exceed 15 minutes.
7. Illicit Discharges means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
8. Major Outfall means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activities (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).
9. mg/L means milligrams per liter.
10. mL/L means milliliters per liter.
11. MS4 means a municipal separate storm sewer system.
12. Municipal Separate Storm Sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
    a. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian Tribal organization, or a designated and approved management agency under §208 of the CWA that discharges to waters of the United States;
    b. Designed or used for collection or conveying stormwater;
    c. Which is not a combined sewer; and
    d. Which is not part of a Publicly Owned Treatment Works (POTW) as defined by 40 CFR §122.2.
13. Outfall means a point source as defined by 40 CFR §122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
14. Permit means the NPDES municipal separate storm sewer system (MS4) permit specified herein, authorizing the permittee listed on Page 1 of this permit to discharge from the MS4.
15. Stormwater means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
16. Year means calendar year except where otherwise defined.

State of Oregon
Department of Environmental Quality

National Pollution Discharge Elimination System (NPDES) Permit for Small Municipal Stormwater Discharges

Permit Evaluation Report and Fact Sheet

for:

Lane County

ODEQ File Number: 113606

Application Number: 982299

Public Comment Period Expiration Date: January 12, 2007

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SUMMARY OF PERMIT ACTION

The Oregon Department of Environmental Quality (ODEQ) proposes to issue a NPDES permit authorizing the discharge of stormwater from all municipal separate storm sewer system (MS4) outfalls owned and operated by the applicant listed above. The requirements are based on Section 402(p) of the Clean Water Act, 33.U.S.C. §1342(p), and the federal Environmental Protection Agency's (EPA) regulations for MS4 discharges.

The permit requires the implementation of a municipal stormwater management program (SWMP) to the maximum extent practicable, and outlines the six (6) minimum control measures that form the basis of the SWMP. Annual reporting is required to provide information on the status of the SWMP implementation.

BACKGROUND

EPA promulgated "Phase II" of the National Pollutant Discharge Elimination System stormwater regulations in 1999. They were published in the Federal Register on December 8, 1999 (64 Fed. Reg. 68722). These regulations include permitting requirements for "small" municipal separate storm sewer systems (MS4s). In the regulations, EPA designated a subset of MS4s subject to permitting requirements and groups of other MS4s that states must evaluate for inclusion in the permitting program. ODEQ did not propose to designate any MS4s in addition to those designated by the federal regulations. In addition, several federally designated MS4s applied for and received a waiver for Phase II permit requirements. Specifically, the regulations state that any MS4 jurisdiction within an Urbanized Area, as defined by the U.S. Census Bureau in the 2000 Census, is automatically designated for inclusion in the NPDES Phase II permit program. Urbanized Areas (UAs) are those that have a total population of at least 50,000 and a population density of at least 1,000 persons per square mile. Two types of waivers are included in the federal rules for jurisdictions within UAs if specified criteria are met. One waiver is for communities with populations under 1,000. The other waiver is for communities with populations between 1,000 and 10,000, and includes more rigorous conditions than the first. The waiver criteria are described in Chapter 40 of the Code of Federal Regulations §122.32.

The Phase II MS4 permit requirements apply to 18 communities in Oregon. Small MS4s are allowed to jointly develop and implement a Stormwater Management Program plan with other nearby MS4s that must also obtain permit coverage. The list of actions and associated time table for developing the plan may also be submitted jointly with the application.

STATE STATUTORY PERMIT REQUIREMENTS

All water quality permits must meet the requirements of state law. Oregon statutes in general give the Environmental Quality Commission and the Department broad authority to impose permit requirements needed to prevent, abate, or control water pollution. See ORS 468B.010, 468B.015, 468B.020, and 468B110. However, direct statutory requirements applicable to discharge permits are more limited. ORS 468B.020(2)(b) directs ODEQ to require the use of all available and reasonable methods necessary to protect water quality and beneficial uses. ODEQ interprets this requirement to be no more restrictive than the federal directive that requires MS4 permits to control pollutants to the maximum extent practicable. The Department further has determined that the permit conditions and the requirement to control discharges to the maximum extent practicable appropriately addresses Oregon's environmental policies and adequately protects the health, safety and welfare of Oregon citizens. ORS 468B.050 also requires that discharge permits specify applicable effluent limits. The Department has determined that

the effluent limits applicable to this permit are the effective prohibition on non-stormwater discharges and the requirement to control stormwater discharges to the maximum extent practicable.

The NPDES permit program has been designated as a program affecting land use for purposes of ORS 197.180; OAR 340-018-0030(5); OAR 660-031-0012(2)(b)(D). Accordingly, the Department will not issue a new NPDES permit unless it has received a land use compatibility statement (LUCSs), or otherwise made a determination that the permit complies with the state-wide land use goals and is consistent with local comprehensive plans and land use regulations. ODEQ requested and received LUCSs from the local governments with land use jurisdiction in the areas covered by the permit. The incorporated LUCSs demonstrate that the jurisdictions have acknowledged comprehensive plan provisions and land use regulations that are applicable to the permit and that the permit is consistent with those provisions and regulations.

ANTIDEGRADATION REVIEW

The antidegradation policy in OAR 340-041-0026 requires that degradation of existing water quality be prevented unless necessary for economic and social benefit. The Department believes that existing water quality will not be degraded by the issuance of this permit. The stormwater discharges authorized by this permit have been on-going since the federal regulations requiring an NPDES permit were adopted. This permit will reduce the current level of pollution discharged from small MS4s. The Department also expects the pollution reduction measures implemented by permitted small MS4s to offset any expansion of stormwater conveyances systems and outfalls because of the permit requirement to implement a broad range of pollution reduction measures, including measures to address impacts from new development and significant redevelopment. The permit does not set numeric discharge limits. The law recognizes that stormwater discharges are highly variable in nature and difficult to control due to topography, land use and weather differences (e.g., intensity and duration of storms). Through an adaptive management process, the co-permittees are required to regularly review and refine their best management practices to reduce pollutants to the maximum extent practicable. The goal of the permit is a net reduction in pollutant loadings over the five-year permit term. Over the five-year permit term, a range of programs will be implemented and enhanced to minimize stormwater pollution discharges from existing residential, commercial, and industrial developments. Therefore, the issuance of this permit will protect and improve existing water quality and is consistent with the Department's antidegradation policy.

COVER PAGE

The cover page of the permit outlines the type of discharges eligible for permit coverage. The permit covers existing and new discharges of stormwater from the municipal separate storm sewer system. The permit does not cover any stormwater discharged to underground injection control (UIC) systems. Some municipalities discharge stormwater to both surface waters and into the ground via UICs. Discharges to UICs are regulated through a separate set of rules derived from the Safe Drinking Water Act. Unless otherwise addressed in an individual permit, UIC discharges must be addressed through a Water Pollution Control Facilities (WPCF) permit or in some alternate manner specified in Oregon's UIC rules.

The cover page of the permit also includes information about the receiving stream(s) to which the permittee's MS4 discharges stormwater. In addition, a reference is made to the Total Maximum Daily Load (TMDL) that establishes wasteload allocations (WLAs) for urban stormwater in receiving streams within the permittee's jurisdiction. This reference does not trigger any permit requirements or represent numeric effluent limits. Rather, it is simply designed to acknowledge the existence of the TMDL and

WLAs. The methods by which the permittee is required to address TMDL are described in Schedule D of the permit.

Upon issuance, the cover page will also include the expiration date that will not exceed five years from the date of issuance.

SCHEDULE A – DISCHARGE LIMITATIONS AND STORMWATER MANAGEMENT PROGRAM

The permit does not set numeric discharge limits. The law recognizes that stormwater discharges are highly variable in nature and difficult to control due to topography, land use and weather differences (e.g., intensity and duration of storms). Through an adaptive management process, the permittees are required to regularly review and refine their best management practices to reduce pollutants to the maximum extent practicable. The principal mechanism for controlling discharges is the development and implementation of a stormwater management plan (SWMP).

CONDITION 1 –DISCHARGE LIMITATIONS

This condition prohibits non-stormwater discharges into the MS4 that are not otherwise authorized, or listed in this condition as discharges that do not need to be addressed by the permittee's illicit discharge program. This permit condition is in accordance with 40 CFR 122.26(d)(2)(iv)(B)(1).

The types of discharges that are listed as allowable are largely derived from the standard list used by the U.S. Environmental Protection Agency (EPA). The one new type of allowable non-stormwater discharge added by the Department relates to discharges from contaminated clean-up sites occurring under the authority of a state or federally-approved clean-up order. Currently, state and federal site clean up statutes provide such sites with permit waivers if they follow all substantive requirements of those permits. Therefore, clean-up orders issued by ODEQ or EPA ensure that any discharges from these sites meet any limitations and controls that would otherwise be included in an NPDES permit prior to discharge into the MS4. The intent of referencing these types of discharges in the permit is to explicitly acknowledge the Department's acceptance of the legitimacy of the clean-up waivers.

CONDITION 2 - STORMWATER MANAGEMENT PROGRAM PLAN REQUIREMENTS

Condition 2 specifies the required elements of a Stormwater Management Plan. The primary elements of the plan include best management practices (BMPs) to be implemented for the six minimum measures, measurable goals for each of the BMPs and associated interim milestones, and the designation of persons responsible for implementing the various BMPs. However, the other important SWMP element the Department is requiring is a description of the rationale the permittee used to determine the BMPs selected for implementation and the measurable goals selected to evaluate program progress. Explaining how and why these BMPs and goals were selected will ensure the MS4 makes an effort to link its planned actions with local conditions. This information will also assist the Department in evaluating the efficacy of the permittee's stormwater management program.

CONDITION 3 – ADAPTIVE MANAGEMENT

The intent of Condition 3 is to provide a detailed description of the adaptive management process to be followed by the permittee. The adaptive management process is the established method for achieving the maximum extent practicable (MEP) standard. The permit requires several specific types of evaluations that are tied directly to on-going improvements to the SWMP to ensure MEP continues to be met. The adaptive management process summary in Condition 3 describes how the link between these evaluations and subsequent improvements is to occur. The permit allows for the revisions to the Stormwater Management Plan (SWMP) through an adaptive management process [see Schedule A(6)(d)]. Such revisions are expected to improve the overall effectiveness of the SWMP and not contribute to increased degradation. The permit also requires the use of adaptive management to focus and refine SWMP elements to address TMDL wasteload allocation(s) over the course of this permit cycle [see Schedule D(2)(b)].

CONDITION 4 – MINIMUM CONTROL MEASURES

The permit requires the development, implementation and enforcement of a SWMP designed to reduce pollutants to the MEP. Federal regulations (40 CFR § 122.34) require the six minimum control measures described in Condition 4. For each measure, the regulations specify certain required activities that must be implemented, and provide guidance on other BMPs to include in an adequate SWMP. The regulations and guidance documents provide more specific information on how to meet the intent of the permit requirements for each of the minimum measures. EPA has also developed separate guidance documents to assist in developing SWMP activities and determining appropriate measurable goals to be included in the SWMP. They can be viewed on EPA's website at:
http://cfpub.epa.gov/npdes/stormwater/phase2.cfm.

CONDITION 5 – SHARING RESPONSIBILITY

Implementation of the SWMP plan can be shared with other entities. For instance, a county government responsible for a portion of the Urbanized Area adjacent to a city may develop an agreement with this city to implement certain minimum measures within the county's jurisdiction. The MS4 ceding implementation responsibility to another entity must ensure that the minimum measures (or portions thereof) are at least as stringent as required by the permit. Additionally, to maintain a record of accountability, the MS4 must maintain a written record of the agreement with the other entity. The permittee is ultimately responsible for the fulfillment of any of the responsibilities it shares with another entity, and is liable for any inadequate program implementation. This liability for delegated activities applies to situations where a permittee is sharing SWMP responsibilities with other permitted small MS4s, or where the permittee develops an inter-local agreement with an entity which is not covered by the permit.

CONDITION 6 – REVIEWING AND UPDATING STORMWATER MANAGEMENT PROGRAMS

The SWMP is a set of structural and nonstructural actions and activities used by the permittee to reduce the discharge of pollutants to the maximum extent practicable. Minor changes and adjustments to the various SWMP elements are expected and may be necessary to more successfully adhere to the goals and requirements of the permit. One of the purposes of this section of the permit is to specify the procedures for making changes to the SWMP. A distinction is made between adding new components and replacing (or removing) components of the SWMP.

SWMP Updates Proposed by Permittee:
If the permittee proposes to add new BMPs to the plan, they can do so at any time. The permittee must notify the Department of any updates in the next Annual Report(s). However, if they plan to replace or remove BMPs, the permittee must submit a request to the Department with a written justification for the change. The Department then has the option of approving or denying the request. The proposed changes will automatically become effective 60 days after submittal of the request if the permittee does not receive denial notification from the Department.

SWMP Changes Proposed by Department:
The Department may also initiate changes to the SWMP based on concerns about water quality impacts of stormwater, a need to maintain compliance with federal or state regulations, or information demonstrating that certain BMPs are no longer appropriate. The Department must submit the requested changes in writing to the permittee, and provide the permittee with an opportunity to propose alternatives.

Permit Modifications:
Most changes to the SWMP are considered a part of adaptive management and do not require modification of this permit unless the Department determines that the magnitude of proposed SWMP revisions substantially change the nature or scope of the SWMP. The Department will conduct this permit modification process in accordance with OAR 340-045-0040 and 0055.

Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation:
The Department does not intend to require a permit modification should the co-applicants annex additional lands or accept the transfer of operational authority over portions of the MS4. Implementation of appropriate SWMP elements for these additions is required. The permittee must provide a plan for implementing the SWMP in all affected areas, including an implementation schedule, to the Department within 90-days of any such additions or transfers.

SCHEDULE B – MONITORING & REPORTING REQUIREMENTS

CONDITION 1 – MINIMUM MONITORING REQUIREMENTS

The federal regulations governing the NPDES permit program for small MS4s do not require monitoring of effluent from stormwater outfalls or ambient water quality monitoring of receiving streams. However, this type of monitoring is one method an MS4 can use to evaluate its SWMP and determine progress in achieving measurable goals. This condition of the permit describes the minimum requirements for conducting water quality or effluent monitoring if an MS4 chooses to pursue this method of program evaluation.

CONDITION 2 – ANNUAL REPORTING REQUIREMENTS

The annual report submitted by small MS4 permittees must include information on a number of items, including progress toward achieving measurable goals. The federal regulations and this permit allow each permitted small MS4 to develop measurable goals and metrics for tracking progress towards those goals. As mentioned above, one of those goals could be improved water quality that is measured through ambient water quality or effluent monitoring. However, other goals could be more activity related, such

as achieving a certain number of construction site inspections each year. The Department can review and comment on the measurable goals as part of its evaluation of the SWMP plan, but neither the Department nor EPA mandates specific types of goals or measurement tools.

CONDITION 3 – PERMIT RENEWAL SUBMITTAL

To continue permit coverage for stormwater discharges, the permittee must submit a permit renewal application 180 days prior to the permit expiration date. Condition 3 describes the information that must be provided in the renewal application. Renewal applications must contain an evaluation of the adequacy of the SWMP in reducing pollutants to the maximum extent practicable, an updated SWMP and, where applicable, the permittee must develop and propose to the Department specific performance measures and pollutant load reduction benchmarks information required when Total Maximum Daily Loads have been established for local receiving waters [see Schedule D.2].

SCHEDULE C – COMPLIANCE CONDITIONS AND SCHEDULES

CONDITION 1 –INITIAL IMPLEMENTATION OF STORMWATER MANAGEMENT PROGRAM

The permit requires that implementation of the SWMP begin no later than 180 days from permit issuance. However, since permittees must fully implement the SWMP plan within the five-year permit cycle, they may begin implementation of certain stormwater best management practices (BMPs) immediately. If the Department requests changes to the plan as a result of the public review process, the implementation of those affected BMPs may be adjusted (if necessary) to reflect the revised SWMP.

CONDITION 2 –FULL IMPLEMENTATION OF STORMWATER MANAGEMENT PROGRAM

The permit requires permittees to fully implement the SWMP plan within the five-year permit cycle.

CONDITION 3 – ADDITIONAL REQUIREMENTS FOR THE FIRST ANNUAL REPORT

In addition to the information required by condition B(2) of the permit, Lane County is required to submit additional information to the Department along with their first annual report. The required information will be identified as amendments to the SWMP and incorporated into the permit.

SCHEDULE D – SPECIAL CONDITIONS

CONDITION 1 –LEGAL AUTHORITY

The federal regulations governing the NPDES permit program for small MS4s require the enforcement of a stormwater management program designed to reduce the discharge of pollutants to the maximum extent practicable. Specifically, the permittee must ensure that appropriate mechanisms are in place to enforce the stormwater programs addressing the "Illicit Discharge Detection and Elimination", "Construction Site Runoff Control" and "Post-Construction Stormwater Management in New Development and Redevelopment" minimum control measures. The objective of this condition is to ensure the permittee

can legally implement all components of the permit, and thus, reduce pollutants to the maximum extent practicable.

CONDITION 2 –TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS

ODEQ believes that issuing the permit to municipalities discharging to water bodies for which TMDLs have not been completed is appropriate because the permit will result in reduction of pollutants (also see the Anti-Degradation Review, above). To the extent that water quality standards are not being met, the Department determines that implementation of the measures set out in the proposed permit will reduce the relevant waste load contributions to the maximum extent practicable as required by federal law. Schedule D, Condition 3 of the permit addresses the requirements once a TMDL has been completed and approved. Specifically, if a waste load allocation (WLA) has been assigned to urban stormwater, the permittee is required to develop and propose to the Department specific performance measures and pollutant load reduction benchmarks, as described in Schedule D(2)(a). Performance measures and pollutant load reduction benchmarks are to be developed over the course of this permit cycle and must be submitted to the Department as part of the permit renewal application described in Schedule B(3). If the permittee reduces applicable pollutant discharges for the parameters listed in the TMDL to the maximum extent practicable, this reduction is deemed to be adequate progress toward achieving assigned TMDL wasteload allocations during this first 5-year permit period.

SCHEDULE F – GENERAL CONDITIONS

Schedule F includes the general conditions that are applicable to all NPDES permits. They address operation and maintenance, monitoring and record keeping, and reporting requirements. The Department recognizes that a majority of these conditions do not apply to stormwater discharges. Many specifically address industrial and domestic wastewater treatment facilities. However, the stormwater permits are NPDES permits and these conditions are required for all such permits. Such conditions as those outlining signatory and record-keeping requirements are relevant to all NPDES permits, including stormwater discharge permits. Where a direct conflict exists, the general conditions included in Schedule F are superseded by the conditions in Schedules A and D.