

**CITY OF NEWBERG**  
**STORMWATER AD-HOC COMMITTEE**  
**September 1, 2011**  
**7:00 a.m.**  
**Newberg Public Safety Building - 401 East Third Street**

**I. CALL MEETING TO ORDER**

Chair Clyde Thomas opened the meeting at 7:13 a.m.

**II. ROLL CALL**

Present: Chair Clyde Thomas Al Blodgett Jadene Stensland  
David Craig

Absent: Leonard Rydell Don Clements Joe Kavale

Staff

Present: Alan Lee, Environmental Supervisor  
Sonja Johnson, Environmental Specialist

**III. APPROVAL OF AUGUST 18, 2011 MINUTES**

<p><b>MOTION#1: Stensland/Thomas</b> moved to approve the August 18, 2011 minutes as amended. (4 Yes/ 0 No/ 3 Absent [Rydell, Clements, Kavale]) Motion carried.</p>
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The committee strongly recommends that the City consider requiring sumped catch basins with all new construction.

**IV. STAFF REPORT:**

During the staff report, Sonja Johnson addressed the No-Rise Certificates and explained that the City is an administrator for the National Flood Insurance Program and issues the No-Rise Certificates. Due to the restrictions on floodplain management, they have never issued a certificate. Ms. Stensland stated that No-Rise Certificates also refer to improvements that are done and the property owner needs to look downstream to make sure there is no impact to the floodplain or to the property owner downstream.

Ms. Johnson referred to the committee memo regarding Reportable Quantities and stated that the City will follow the State of Oregon guidelines and requirements for reporting an accidental spill.

Based on the committee's comments, the following changes were made to the Illicit Discharge Code Detection and Elimination Proposed Code: In Section 13.30.04, staff deleted the definition for "*de minimus*" and replaced references to it with the following language: "Discharges from irrigation, lawns, and gardens that do not violate water-quality regulations"; and "Non-foaming discharges from individual residential car washing."

The TMDL requires that the City address street wash water and the code had not addressed it yet. After conversations with staff, it was determined that the street wash water be conditionally exempt (Section 13.30.05) which means that, unless the City considers it to be a source of pollution, it will be allowed to flow down the storm drain.

In Section 13.30.08, Riparian Destabilization, staff replaced “enough streambank vegetation” with “native streambank vegetation”. Based on the committee’s request, the code now specifies that “man-made debris and trash” should be kept from streambanks which exempts any natural debris. Staff asked the committee to consider the safety aspects of allowing “natural” debris and trash to create a temporary dam which could break and cause a safety hazard to citizens downstream.

In Section 13.30.11, Spill Prevention, the code has been changed to reference the reportable quantities listed by OAR Chapter 340 Division 142. Staff provided a memo listing the reportable quantities with the exception of Table 302.4 from 40CFR which was 77 pages long. The table lists hazardous and toxic substances and Ms. Johnson will email a link to 40 CFR 302.4 for any committee member that wants to see the quantities and names of the substances.

In Section 13.30.12, Spill Notification, staff changed the language to reference the State’s requirements for reporting spills.

**V. PUBLIC COMMENT:** None.

**VI. DISCUSSION:**

### **ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE) CODE**

Jadene Stensland asked if yard debris could be added to the Riparian Destabilization section of the code. Clyde Thomas noted that yard debris was covered under Section 13.30.07, Illegal Dumping. David Craig suggested adding it under both sections.

Ms. Johnson stated if the committee is satisfied with the changes made in the IDDE code, staff will send a clean copy (without highlights) by email to the committee members and start the process for providing it to the Planning Commission for their review. Chair Thomas asked the committee members if they were ready to approve the proposed IDDE code. The committee members in attendance agreed that they were satisfied with the code as amended and approved it.

### **EROSION CONTROL CODE**

Chair Thomas asked staff for a summary of the TMDL requirements. Staff referred to a committee memo showing the TMDL requirements and the requirements of the City’s proposed code. The City is required to have code language that requires sediment and erosion controls regardless of a project’s size. The code requires any project larger than an acre to follow the DEQ’s 1200-C permit program and to submit a copy of the 1200-C documents to the City for their records. Developers with permitted projects disturbing more than 500 square feet but less than one acre will submit an Erosion and Sediment Control (ESC) Plan for the City to review and approve. Projects disturbing more than 500 square feet and less than one acre but which do not require a permit will follow basic requirements such as protecting catch basins.

The TMDL requires the City to control or prevent construction-related waste. In the code, projects greater than one acre will follow their 1200-C permit requirements. The code requires projects which require a permit and disturb between 500 square feet and one acre to provide the location of debris piles and methods of construction waste disposal in the Erosion and Sediment Control Plan. Projects not requiring a permit and disturbing between 500 square feet and one acre will follow basic requirements such as methods for disposal.

The TMDL requires enforcement mechanisms and sanctions. The City will enforce the code using notices of violation, stop work orders, and summary abatements. Staff has categorized the sanctions by whether they are nuisance violations or non-nuisance violations. Nuisance violations carry Class 4 to Class 2 fines. Non-nuisance violations such as State or Federal violations have penalties of \$500 to \$1,000 dollars. Al Blodgett asked if the fees listed under the penalty section are set by the State. Ms. Johnson replied that the code refers to infraction classes whose amounts are set by the City in the Civil Infraction Code. Jadene Stensland asked if the violation fees are per day per violation. Ms. Johnson replied that they are set up that way.

The TMDL required the City to consider management of the 1200-C Permit Program. The City has chosen not to administer the program due to the lack of staff, time, and budget.

The TMDL requires the City to review and approve the sediment and erosion controls for a project. The City will review and approve proposed sediment and erosion controls for projects less than 1 acre during the application process.

The TMDL requires inspection of the sediment and erosion controls during construction; the code requires inspections by the City and a designated person from the project. David Craig noted that, while he does not want the City to take over the 1200-C program, erosion and sediment controls are really important on larger projects. One of the disadvantages of having the DEQ administer the 1200-C program is that they do not inspect projects on a regular basis. He has never seen a DEQ erosion control inspector on one of his job sites once the plans are approved and it may be prudent for the City to take a more active role to ensure that erosion controls are following the 1200-C permit. Ms. Johnson replied that staff understands that DEQ may not come out to a project unless there is a complaint but that the City does not have the staff or budget to administer the 1200-C permit program especially since they were not considering implementing a new fee with the code. She will bring it back to staff for further discussion. David Craig asked if the City has a plan on who will be performing the inspections. Ms. Johnson replied that Public Works staff inspects erosion controls for public infrastructure and Building staff inspects erosion controls for private infrastructure.

Jadene Stensland suggested that the City require trained and certified inspectors so they understand the rules and regulations and can recognize problems. David Craig also wanted the inspectors trained. Chair Thomas clarified that the committee would like certification of City inspectors but does not want the City to take over the 1200-C permit program. City inspectors should be trained so that they can report obvious infractions to a contractor and, if need be, to DEQ if they see a violation. Ms. Johnson asked about project personnel and whether they should be certified as well as the City's inspectors. The consensus was no. Al Blodgett noted that the City should have trained staff for credibility; if City inspectors are making decisions out in the field, they should be properly trained or certified. Ms. Johnson noted that the TMDL requires trained inspectors but not certification. David Craig asked if the City could find out the cost and the time commitment required for certification and bring it back to the committee.

David Craig referred to Section 13.25.08, Basic Erosion and Sediment Controls, and asked for clarification of the requirement for covering and securing stockpiles. Ms. Johnson replied that the code requires that stockpiles be covered or secured to keep sediment from entering catch basins or streams. Securing a stockpile can mean

that the contractor covers the stockpile or that they place a sediment fence around it. Mr. Craig feels that “securing or covering” stockpiles is redundant and suggested that the language be changed to state, “on-site and off-site stockpiles shall be covered during rain events.”

David Craig referred to the section on inspections and thought that weekly, rather than daily, inspections for smaller projects would be sufficient. Jadene Stensland asked what the 1200-C permit requires and Ms. Johnson noted that DEQ requires daily inspections. Ms. Johnson stated that the City can change the requirement to weekly during the dry season for projects less than 1 acre. Project inspectors would still have to inspect the controls during rain events to ensure they were still working. Mr. Craig asked if the City could supply an inspection sheet to the contractor, especially for really small projects, so they would not have to create their own. Clyde Thomas noted that it could be used as an educational tool if provided by the City. Ms. Johnson replied that the City could provide an inspection sheet as well as a handbook on how to complete an inspection as part of the Erosion Control Manual.

Jadene Stensland would like to see the code reorganized so that basic requirements are covered first and then progress to the more stringent requirements since everyone has to meet the basic requirements. Staff will incorporate the committee’s comments, re-organize the code, and provide the revised code to the committee.

**VII. OTHER BUSINESS:** None.

**VIII. NEXT MEETING   SEPTEMBER 15, 2011  
7:30 A.M. TO 9:00 A.M.  
PUBLIC SAFETY BUILDING, 401 EAST THIRD ST.**

**IX. ADJOURNMENT:**

Chair Thomas adjourned the meeting at 8:33 a.m.