

# AGENDA COVER MEMO

W9b  
03-3-12-4

**DATE:** March 12, 2003

**TO:** Lane County Board of Commissioners

**DEPARTMENT:** Public Works

**PRESENTED BY:** Sonny Chickering, County Engineer

**TITLE:** IN THE MATTER OF PRIORITIZING STRATEGIES FOR COMPLYING WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II PROGRAM, AND DIRECTING STAFF TO SUBMIT A PERMIT APPLICATION TO THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) FOR THE COUNTY'S SMALL MUNICIPAL STORM SEWER SYSTEMS (MS4).

## I. MOTION

Move adoption of Board Order.

## II. ISSUE

Lane County is a regulated small MS4 community and is required to apply for an NPDES Phase II permit by March of 2003. Staff has investigated application options (3) General Permit and (4) Rely on Another Entity as directed by the Board, and presented the resulting information to the Roads Advisory Committee (RAC). We now request the Board identify these options as primary and secondary strategies, and authorize staff to submit the required application to the Oregon DEQ.

## III. DISCUSSION

### A. Background

Lane County is subject to NPDES Phase II permit regulations for MS4's. This permit is promulgated by the Environmental Protection Agency (EPA) under the federal Clean Water Act, and administered through the Oregon Department of Environmental Quality (DEQ). The City of Eugene (population > 100,000) was required to obtain a permit under Phase I of the program, and has already implemented a comprehensive Storm Water Management Program (SWMP) within its city limits. Like the County, the City of Springfield has also been designated a regulated small MS4 under Phase II of the program. Springfield staff is currently developing a SWMP for implementation within their respective city limits.

On December 17, 2002 the Board reviewed the four available application options for complying with the Phase II requirements:

1. Apply for an Individual Permit.
2. Apply as a Co-Permitee (with the City of Eugene).
3. Apply for a General Permit.
4. Give Notice of Intent to Rely on Another Entity (City of Eugene and/or Springfield).

Following discussion of the four options, the Board accepted the staff recommendation to abandon options 1 and 2 above, and directed us to focus our time on more detailed investigation of Options 3 and 4. Staff completed the required analysis, and presented the resulting information to the RAC at their January 29, 2003 meeting.

**B. Analysis**

Attachment A is an analysis of application options 3 and 4 prepared by Ed Daniels from our Road Maintenance Section. Ed is the Engineering Division employee assigned to facilitate preparation of a permit application, develop a County SWMP for the urbanized area outside the City of Eugene and Springfield city limits, and to participate in implementation and administration of the final program.

Following a staff presentation and discussion of Options 3 & 4, the RAC recommended the Board direct staff to pursue option 4 (Rely on Another Entity) as a primary strategy, and fall back to option 3 (General Permit), if agreements cannot be reached with the City of Eugene and/or Springfield. Attachment B is a copy of the RAC meeting minutes from January 29.

**C. Alternatives / Options**

1. Accept the RAC recommendation to pursue option 4 (Rely on Another Entity) as the primary compliance strategy.
2. Direct staff to pursue option 3 (General Permit) as the primary compliance strategy.
3. Direct staff to pursue previously abandoned options 1 (Individual Permit) or 2 (Co-Permittee).

**D. Recommendation**

Staff supports the RAC recommendation, Alternative 1 above.

**E. Timing**

DEQ regulations require the County to submit our application by March of 2003. A draft application based on Alternative 1 is attached to the Order.

**IV. IMPLEMENTATION/FOLLOW-UP**

Because some portions of the required SWMP will not be Road Fund eligible, staff will be returning to the Board by April of 2003 to discuss potential funding mechanisms. Discussion will include funding options being considered by other Oregon Counties, and revenues currently being generated by the Cities of Eugene and Springfield through systems development charges.

**V. ATTACHMENTS**

- Attachment A: Staff Report by Ed Daniels, Road Maintenance Planning Unit dated January 21, 2003.
- Attachment B: Minutes of the January 29, 2003 Roads Advisory Committee meeting.
- Board Order
- Exhibit A - Application

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**DATE:** January 21, 2003  
**TO:** Sonny Chickering – County Engineer  
**FROM:** Ed Daniels – Maintenance Planning  
**SUBJECT:** NPDES Phase II Permit – Strategies for compliance.-Step 2

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**Background:**

As stated in the report dated November 25, 2002, Lane County is Subject to the National Pollutant Discharge Elimination System (**NPDES**) Phase II Permit regulations for Municipal Storm Sewer Systems (**MS4**). This report is a further evaluation of the options available for Lane County to apply for permit coverage. As recommended to and concurred by, the Board of Commissioners, options 3 (apply for **General Permit**) and option 4 (**Rely on Another Entity**) are the focus of this report. A comparison between the administrative duties, field responsibilities and cost will be the basis for this report as well.

A permit application is required to be submitted to the DEQ by March 10, 2003. However, a completed Storm Water Management Plan (**SWMP**), or course of action, is not required until March 2004.

**Options:**

Of the 4 basic options to consider for complying with the Phase II requirements, this report evaluates the 2 most viable options:

3. Apply for **General Permit**
4. Give a Notice of Intent to **Rely on Another Entity** (City of Eugene and/or Springfield)

**Option 3. General Permit**

As an applicant for a General Permit, Lane County would be responsible for creating and implementing a **SWMP**. All regulated small MS4's (Lane County included) are required to establish a storm water program that addresses the 6 minimum measures of the Phase II Final Rule. These 6 measures are: 1. Public Education, 2. Public Involvement in developing a SWMP, 3. Illicit Discharge detection and elimination, 4. Construction Site storm water runoff control, 5. Post-Construction storm water management – new and redevelopment, 6. Pollution prevention and good housekeeping for municipal operations.

**Administrative duties:**

1. *The Public Education* minimum measure would require administrative staff time to help create and distribute educational fliers, arrange for public educational seminars and help implement other ideas created by the SWMP. The amount of administrative staff time would vary throughout the life of the permit but would be heavily relied upon in the creation and early implementation of the SWMP.

2. *The Public Involvement* measure might require having public committees, focus groups or other types of public forums that would allow for input and direction for the County to consider when promulgating an adequate SWMP. Various sections including Design, Environmental Permits, Land Management and Road Maintenance would need to collaborate to create a SWMP that not only meets the 6 minimum measures but also is feasible to implement.

3. *An Illicit Discharge* program must be developed and implemented as well. This would require some facet of record keeping and at a minimum, an ordinance or other regulatory mechanism would need to be adopted. This minimum measure also requires education of the public on the hazards of illicit discharge.

4. *A Construction Storm Water Runoff* program must be implemented to develop an ordinance, review construction site plans and have site inspections to insure compliance. Although the reality of new construction happening outside the Urban Growth Boundary, that is over 1 acre in size, is limited, a program still must be developed to insure compliance.

5. *Post Construction Runoff Control* would require design regulations and land use ordinances to be developed and administered in the event new or redeveloped projects are within the UGB to Urbanized Area. Developing these standards might include collaboration with both the City of Eugene and Springfield to insure some uniformity throughout the Urbanized Area.

6. *Pollution Prevention and Good Housekeeping* "requires" creating performance criteria and appropriate measurable goals in which to evaluate and make adjustments to the Plan. Lane County staff, existing and/or new, would need to work together to create these criteria. It is also required of a first time applicant, to submit annual reports to the DEQ regarding the SWMP. This means that an appropriate amount of staff would be responsible for tracking and compiling information on the 6 minimum measures and formulating annual reports.

#### Field responsibilities:

As the occupant of a General Permit, all field activities would be the responsibility of Lane County unless collaborative efforts were made with other agencies to cover various activities. Lane County Road Maintenance crews would continue to perform all field activities related to Right of Way issues. Some of these activities that would pertain to this permit include: leaf pickup, street sweeping, storm inlet cleaning, ditch maintenance, vegetation control.

1. *For Public Education*, any field activities, such as labeling storm inlets to educate the public of the dangers of contaminated storm water, would be handled by Lane County maintenance crews.

2. *The Public Involvement* measure does not appear to address any field duties. This measure is inherent to administrative responsibilities and should not include any additional field duties.

3. *For Illicit Discharge*, it is anticipated that our field crews could be the initial response for elements dealing with this measure. The follow up elimination portion of this measure would require additional trained staff to fulfill the EPA requirements. It is not known at this time which section would be responsible for the regulatory mechanism of this measure, however it would probably be a combined effort.

4. *Construction Storm Water Runoff* would require Lane County to staff appropriately to cover any inspection work related to this measure. It would seem likely that this element would come through our Land Management area as it pertains to construction permits. The measure requires any construction site 1 acre or larger to be permitted with a 1200-c (erosion control) permit and to have site inspection and report follow up.

5. *The Post Construction* measure would require initial inspection of any structural BMP's and some form of post construction inspection to insure proper maintenance and operation of the BMP's. This too would

require some additional staffing and could be tied to the permit process as well. It is likely that the program will include a long-term inspection program for follow up, meaning staffing requirements would need to be met for this process as well.

**6. Pollution Prevention and good Housekeeping** will require Lane County maintenance staff to perform all field duties in the Urbanized Area according to a set of Best Management Practices (BMP's) established by Lane County. This would address for example; the way staff performs ditching operations or storm inlet maintenance operations. Lane County currently follows an adopted ODOT Best Management Practices Guide, however certain practices may need to be addressed differently based on the creation of a SWMP.

Cost:

The DEQ permit application cost for a General Permit is \$670 for the first year and approximately half that for subsequent years.

Estimations for a total cost to implement a General Permit program is difficult to quantify. The City of Eugene's budget for a Phase I Permit and the City of Springfield's budget for a Phase II permit seem to compare relatively close when basing it on a population and minimum requirement. Using the costs and fee schedules from the City of Eugene and Springfield seems to be a viable comparison for Lane County.

These agencies implement user fees to generate the necessary funds to support the NPDES permit requirements. The budgeted items that would be required for Lane County to meet the minimum measures, add up to \$7.8 million and \$3.2 million for the City of Eugene and Springfield, respectively for the year 2002. Using a population basis, this could mean as much as \$1.54 to \$1.83 million for Lane County to implement a program for 2003. Lane County spent over \$450,000 in 2002 for road maintenance activities (listed above in Field Responsibilities) that would be associated with and fall under a budget for a General Permit.

Therefore, it is conservative to say that Lane County may need to budget for an additional \$1.1 to \$1.4 million to cover the costs of developing and implementing a General Permit.

Option 4. Rely on Another Entity

Under Relying on Another Entity option, Lane County would not be required to create and implement a SWMP. Rather, Lane County would follow the SWMP of the City of Eugene and/or Springfield, as they pertain to the 6 minimum measure requirements. The City of Eugene's Phase I permit has existing BMP's that cover these measures, as well as BMP's not specifically required by the Phase II Final Rule. Any BMP's that go beyond the 6 minimum measures can be eliminated from a permit request for the jurisdiction requiring only Phase II permit.

The City of Springfield's current efforts, to create a SWMP, are aimed at complying with the 6 minimum measures in a direction similar to where Lane County would be if Lane County applied for a General Permit. That is to say that, Lane County would not have to duplicate the efforts of the City of Springfield in creating a SWMP.

Administrative duties:

**1. Public Education and outreach** would be administered primarily through the efforts of the city(s). Any elements of this measure handled by Lane County, meeting the requirements of the City(s) SWMP would be recorded for the annual reports.

**2. Public Involvement and Participation** in developing a SWMP would not be required of Lane County since the City(s) have already created their own SWMP.

3. *Illicit Discharge detection and elimination* would be administered with existing Lane County staff, in compliance with the City(s) BMP's relating to this measure. Lane County would need to adopt the ordinance(s) that have been put in place by the City(s).

4. *Construction Storm Water Runoff BMP's* would be the responsibility of the City(s). As well,

5. *The Post Construction* measure would be the responsibility of the City(s). It is typical that most new construction outside the city limits but inside the UGB, require annexation to that entitled city. Therefore, it is only the area outside the UGB to the urbanized area that would come into play with both measures 4 and 5. It would still be required of Lane County to create an ordinance covering these measures, to be in compliance with the permit regulations.

6. *The Pollution Prevention and Good Housekeeping* measure would only require Lane County to keep updated records on BMP's that pertain to the City(s) SWMP reporting criteria.

Field responsibilities:

Lane County Road Maintenance crews would continue to perform all field activities related to Right of Way issues, similar to that in the General Permit option. Lane County staff would act as an extension of the City(s) staff under the umbrella of their permits.

1. *For Public Education* it is most likely that, only existing field duties currently being performed by Lane County staff would be required.

2. *Public Involvement and Participation* would not be required under this option.

3. *Any Illicit Discharge detection and elimination* field duties would be handled by Lane County staff. Existing Maintenance staff would deal with on site problems as required by the City(s) BMP's.

4. *Construction Storm Water Runoff* field responsibilities would fall to the City(s)

5. *The Post Construction* measure too, would fall under the city(s) responsibility.

6. *The Pollution Prevention and Good Housekeeping* related BMP's, would be handled by Lane County staff. Some of these activities that would pertain to this permit include: leaf pickup, street sweeping, storm inlet cleaning, ditch maintenance and vegetation control.

Cost:

Lane County would continue to spend \$450,000 plus in associated field activities, related to maintenance operations (as listed above). It is not foreseen that much, if any additional field maintenance costs would incur simply by relying on another entity. However, additional time would most likely be spent at least from an administration level, recording such related activities.

There would be direct cost for Public Education based on the City(s) SWMP's. The cost associated with this measure would likely be the same for either option when considering direct mailings or flyers distributed through the paper. However, there would be some cost savings under option 4, in less duplication of administrative services for preparing flyers or mailing lists.

Any costs directly related to Construction Site Runoff or Post Construction Runoff Control, would be the responsibility of Lane County to compensate the Cities for. It is difficult to quantify the possible costs here because of the unlikely-ness of much construction, taking place that meets the criteria for permitting.

However, there would likely be some inherent cost for Lane County, to the Cities, for accepting the role of administering these minimum measures.

It is safe to assume that there would be some compensation due the Cities for extending their coverage of the permit to the urbanized area. These costs have not yet been specifically addressed but would be related to the various elements of the Cities individual SWMP.

**Analysis and Recommendation:**

Applying for a General Permit would require duplicating many efforts already being performed by both the City of Eugene and/or Springfield. The City of Eugene has taken many steps under their Phase I permit, that would be required of Lane County under a Phase II permit. The City of Springfield has just about completed their SWMP, which covers the 6 minimum measures that Lane County would also have to address. There would be considerable cost savings in administrative duties and field responsibilities, and there would be less duplication of services with option 4.

Regardless of which option is chosen, Lane County will be required to take on the responsibility of the permit requirements. Any efforts that are currently not being performed by Lane County now, but would be required under the Phase II measures, will need to be put into place under option 3 or 4. The difference is that option 3 requires a lot more effort, time and cost than option 4.

One of DEQ's goals is to create community and basin wide approach to meeting the NPDES requirements. They would prefer to see as much uniformity as possible when dealing with multiple agencies. Relying on Another Entity would definitely help in this goal.

**Recommendation:**

It is my recommendation that there is too much potential cost difference for Lane County not to consider option 4 as the most viable option in meeting the requirements of the Phase II permit. Both the City of Eugene and Springfield should be considered as partners for Lane County in choosing the Relying on Another Entity option.

The following tables are a comparison of Lane County Administrative Duties, Field Responsibilities and Cost, for the 6 minimum measures, under options 3 and 4.

**Option 3 – General Permit**

	Administrative Duties	Field Responsibilities	Cost
Public Education	Perform all required elements	Perform all required elements	Direct cost per household.
Public Involvement	Perform all required elements	Perform all required elements	Administrative cost
Illicit Discharge	Perform all required elements	Perform all required elements	Cost for some portion FTE
Construction Storm Water Runoff	Perform all required elements	Perform all required elements	Cost for Design and Inspection
Post Construction Runoff Control	Perform all required elements	Perform all required elements	Cost for Design and Inspection
Pollution Prevention And Good Housekeeping	Perform all required elements	Perform all required elements	Existing cost plus additional Administrative cost

TOTAL= \$1.1 - \$1.4 million

**Option 4 – Rely on Another Entity**

	Administrative Duties	Field Responsibilities	Cost
Public Education	**	No additional duties	Some Direct costs
Public Involvement	**	Not required	**
Illicit Discharge	Perform most required elements	Existing staff to perform duties	Some additional cost
Construction Storm Water Runoff	**	**	**
Post Construction Runoff Control	**	**	**
Pollution Prevention And Good Housekeeping	Keep track of field Duties	Perform required duties under City(s) SWMP	Existing Cost plus some possible additional

TOTAL= \$550,000 – \$850,000

\*\* = The City(s) would be responsible for these areas if not already covered in their existing SWMP.



ATTACHMENT B

ROADS ADVISORY COMMITTEE

January 29, 2003  
5:45 p.m.

MEMBERS PRESENT: Pete Maury, Don McClure, Jody Ogle, Jack Radabaugh, Leo Stapleton

MEMBERS ABSENT: Tom Poage, Rex Redmon

COUNTY STAFF: Ollie Snowden, Sonny Chickering, Tom Stinchfield, Mike Russell, Doug Putschler, Arno Nelson, Ed Daniels, Jason Lien, Celia Barry, Doug McCart, Vonnie Rainwater

GUESTS: Eric Jones

Stapleton called the meeting to order at 5:45 p.m.

I. INTRODUCTION OF NEW MEMBER

Stapleton introduced Don McClure, new member appointed by the Board representing Commissioner Lininger's district.

II. PUBLIC COMMENT - None

III. APPROVAL OF MINUTES

Motion: Radabaugh moved to approve the minutes of December 11, 2002, as written. Maury seconded. All present voted in favor and motion carried.

IV. ELECTION OF CHAIR AND VICE-CHAIR

Motion: Radabaugh moved to elect Stapleton as Chair. Ogle seconded. All present voted in favor and motion carried.

Motion: Ogle moved to elect Radabaugh Vice-Chair. Maury seconded. All present voted in favor and motion carried.

V. ROAD STANDARDS & ADDITIONAL TSP MATERIALS

Barry indicated that a few corrections to the TSP document have been distributed, but no further corrections will be made until after the public hearing. A copy of the tracked changes is included in the packet. She added that the State has suggested more State projects be included in the document and staff is working with them on their request, which may result in more changes to the document. Many changes have been made in the Road Standards section in coordinating our efforts with the Land Management Division. Barry distributed some additional changes being made to the draft document. She added that Redmon's suggestion regarding bicycle requirements has been better defined.

Lien reported on the upcoming public meetings that have been scheduled throughout the County – February 19 – Florence, February 20 – Dexter, February 24 – Eugene (EWEB Building), and February 27 – Cottage Grove. A postcard will be sent to an extensive mailing list of interested parties advertising the meeting dates and locations as well as an ad in the newspaper.

McClure indicated his particular interest in fire service and asked if 18 feet is wide enough road width to allow a fire truck to get through if parked cars are on both sides of the road. Barry stated that staff would look into that comment and perhaps No Parking signs might need to be put on one side of the road. She added that the standards try to be consisted with the forest zone standard.

VI. EXEMPTION OF LOCAL ACCESS ROADS FROM PERMIT REQUIREMENTS & INTEGRATION OF FACILITY PERMITS AND BUILDING PERMIT PROCESS

Barry explained the definition of a Local Access Road (LAR). Generally, most LARs are older roads that are substandard and will present problems for residents and staff trying to maintain them. If a resident on a LAR wants to put in a driveway, they have to apply for a facility permit but the County doesn't maintain the road.

Barry stated that to resolve this situation, staff has been directed by the Board to exempt LARs from the facility permit process. However, new development on a LAR will require a certificate be submitted to the County that the road is adequate for emergency vehicles.

Ogle asked how many LARs request facility permits. Barry indicated about 26-32 per year based on past statistics.

McCart reiterated a previous discussion with the Committee on the possibility of charging a fee for facility permits.

Barry stated that with the absence of a facility permit for LARS, any new roads would still need to meet the road standards.

Ogle asked what the proposed fees for facility permits might be. McCart estimated that a driveway permit might be \$300.

VII. ICE AND SNOW REMOVAL PLAN

Chickering discussed the draft ice and snow removal plan that has been formulated into a more formal policy and explained the priority level established for all the County roads. He asked the Committee to approve the Plan and recommend approval to the Board.

Radabaugh asked how the four inches for snow accumulation was determined. Putschler replied that it was determined after researching other agencies.

McClure commented that past inclement weather conditions have impacted the ability of emergency vehicles to respond, and asked if there's any consideration for coordinating snowplow activities with emergency vehicle response needs. Putschler replied that would be difficult to do, but the emergency dispatchers are in close contact with road maintenance crews and crews will respond accordingly.

Motion: Radabaugh moved to approve the Ice and Snow Removal Plan submitted by staff and recommends the Plan be sent to the Board for approval. Ogle seconded. All present voted in favor and motion carried.

VIII. NPDES PHASE II PERMIT

Chickering reported on the National Pollutant Discharge Elimination System (NPDES) Phase II Permit regulations for municipal storm sewer systems and reviewed the options the County is considering. This regulation is part of the Clean Water Act and Lane County falls under Phase 2 regulations. A permit application must be submitted to DEQ by March 10, 2003 on how Lane County will respond to the permit requirements. He reviewed two of the four options – Option 3 (apply for General Permit) and Option 4 (rely on another entity). Option 4 would entail entering into an agreement with Eugene and/or Springfield.

Radabaugh asked if Eugene or Springfield are willing to "take us on" if Option 4 is chosen. Chickering stated that staff has been having conversations with both agencies, but have not determined costs yet. He indicated that Eugene and Springfield have or nearly have a SWMP

(Storm Water Management Plan) in place and it may be advantageous to utilize what they have already developed and implemented.

Chickering asked the Committee for a recommendation on which option to pursue.

Chickering stated that one of the NPDES requirements is to monitor storm water outside the right-of-way. Since the use of Road Funds is restricted to within rights-of-way, staff will need to identify revenues for dealing with these specific cases. The revenue component will be dealt with separately.

Radabaugh asked if there is an agency in Lane County that deals with storm water runoff. Chickering replied that there is no unified group in the Metro area.

Radabaugh asked staff to provide a cost comparison between Option 3 and Option 4 in order to make a recommendation.

Ogle asked if we partner with Eugene, who is running on Phase 1 requirements, how would the County's requirements be applied. Chickering stated that Eugene would only deal with Phase II items.

Stapleton stated that he would like to know how much the cities would charge us.

Daniels stated that staff has been working with both cities to determine if they have the capabilities to do it for us.

Stapleton stated that he supports Option 4.

Ogle suggested pursuing Option 4 but not lose sight of Option 3.

Motion: Radabaugh moved to pursue Option 4 and not abandon Option 3 as a backup plan. Ogle seconded. All present voted in favor and motion carried.

#### IX. 2002 ACCOMPLISHMENTS AND 2003 WORK PLAN

Snowden reviewed the Committee's accomplishments for 2002 and proposed work plan for 2003. As part of the work plan, the Committee has scheduled a joint road tour with the Board. Snowden asked the Committee to think about an itinerary for a tour some time this summer.

Snowden reported that MPC has developed a subcommittee from that group as an alternate for ACTs that hopefully will be acceptable to ODOT. Commissioner Green has appointed Tom Poage to that subcommittee.

Motion: Maury moved to approve the 2002 Accomplishments and 2003 Work Plan. Radabaugh seconded. All present voted in favor and motion carried.

#### X. ROAD FUND FINANCIAL FORECAST

Snowden distributed information on the Road Fund Cash Flow and Revenue/Expense Forecast. He indicated that Federal Timber Receipts are only allocated through FY 06/07; after that we don't know if the funding will be renewed.

Snowden stated that he plans to take an agenda item to the Board at the end of February regarding continuation of the County/City Road Partnership Program.

Snowden reviewed the cash balances, which includes CIP projects going to contract and CaPP projects awarded that will be going to contract. He indicated that there is only enough funds to continue maintenance operations and CIP projects through FY 05/06. Even though the graph shows

a negative by FY 07/08, he believes that the Board would direct changes in spending priorities before that occurred. He stated that the County has a reserve but it is already allocated and reserved.

XI. CAPITAL IMPROVEMENT PROGRAM (CIP) - FY 03/04 – FY 07/08

Russell reviewed the draft CIP and schedule. He asked the Committee to authorize release of the draft CIP and set the public hearing.

Russell indicated that the last two years of the CIP is unfunded and takes a conservative approach but the needs are still identified. He highlighted the new projects added to the draft and detailed in his memo dated January 29, 2003. One correction is that the agreement with the City of Springfield for the Jasper Road Extension project has not been signed yet.

Russell indicated a new category was added to the draft - Crack Investigation & Repair due to recent bridge inspections. Chickering reported on the recent bridge inspections and what is being done. Some bridges with cracks are being inspected every two weeks and others once a month.

Russell stated that more detail was added in the Pedestrian & Bicycle Improvements category to address Redmon's concerns.

Motion: Radabaugh moved to authorize release of the draft CIP to the public and set the public hearing for February 26, 2003. Ogle seconded. All present voted in favor and motion carried.

XII. 2003 COMMITTEE ASSIGNMENTS

Snowden reviewed the list of past Committee assignments and indicated the only active committee is the Legislative Committee and asked if anyone was interested in being the representative. The Legislative Committee meets every two weeks at 10 a.m. Ogle stated that she was interested in being the representative.

Snowden indicated that Poage would be the representative for ACT.

If the Highway 126 West Committee meets again, Stapleton will be the representative.

If another round of Community Development nominations occurs, a subcommittee to review applications will be selected then.

Meeting adjourned at 7:35 p.m.

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Vonnie Rainwater  
Recording Secretary

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON

**ORDER NO.** ) IN THE MATTER OF PRIORITIZING STRATEGIES FOR  
) COMPLYING WITH THE NATIONAL POLLUTANT  
) DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II  
) PROGRAM, AND DIRECTING STAFF TO SUBMIT A  
) PERMIT APPLICATION TO THE OREGON DEPARTMENT  
) OF ENVIRONMENTAL QUALITY (DEQ) FOR THE  
) COUNTY'S SMALL MUNICIPAL STORM SEWER  
) SYSTEMS (MS4).

**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**, Phase II communities are required to submit a permit application to the Oregon Department of Environmental Quality (DEQ) by March of 2003; and

**WHEREAS**, the Board of Commissioners discussed the four available application options on December 17, 2002 and directed staff to focus it's time and efforts on further analysis of options 3 (General Permit) and 4 (Rely on Another Entity); and

**WHEREAS**, the Roads Advisory Committee (RAC) considered the resulting analysis at it's January 29, 2003 meeting, and recommended the Board select option 4 (Rely on Another Entity) as the primary compliance strategy. Option 3 (General Permit) to be a secondary strategy if the necessary agreements with the cities of Eugene and Springfield cannot be secured; and

**WHEREAS**, the Board of County Commissioners has discussed the RAC and staff recommendations and concurs with the proposed prioritization of compliance strategies; **NOW THEREFORE, BE IT**

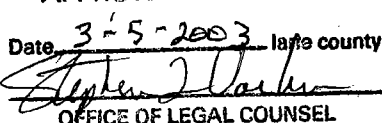
**ORDERED**, that staff submit the attached permit application (Exhibit A) to the Oregon DEQ in accordance with federal requirements; **AND BE IT FURTHER**

**ORDERED**, that staff enter into negotiations with the cities of Eugene and Springfield to create the necessary Intergovernmental Agreements (IGA's) for implementation of application option 4 (Rely on Another Entity), and that the County Administrator is authorized to sign the resulting IGA's; **AND BE IT FURTHER**

**ORDERED**, that staff return to the Board of Commissioners with information regarding potential non-Road Fund revenue sources for permit activities required outside of County rights-of-way.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_ 2003.

**APPROVED AS TO FORM**

Date 3-5-2003 lane county  
  
OFFICE OF LEGAL COUNSEL

\_\_\_\_\_  
Chair  
Lane County Board of Commissioners

EXHIBIT A

NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM GENERAL PERMIT  
APPLICATION FOR SMALL MS4s



Oregon Department of Environmental Quality

**DEQ USE ONLY**

Application #: \_\_\_\_\_  
 File #: \_\_\_\_\_  
 Mail ID #2/#9: \_\_\_\_\_  
 LLID/RM: \_\_\_\_\_  
 ACD Fee Paid: \_\_\_\_\_  
 Notes: \_\_\_\_\_

**DEQ USE ONLY**

Received: \_\_\_\_\_  
 Amount Received: \_\_\_\_\_  
 Check #: \_\_\_\_\_  
 Deposit #: \_\_\_\_\_  
 Notes: \_\_\_\_\_

A. REFERENCE INFORMATION

1. Legal Name: Lane County Public Works

2. Type of Entity:  Federal  State  County  
 City  Special District  
 Other: \_\_\_\_\_

3. Responsible Official: Sonny P.A. Chickering Title: County Engineer  
 Organization: Lane County Public Works Telephone #: 541-682-6990  
 Mailing Address: 3040 N. Delta Hwy. City, State, Zip Code: Eugene Or. 97408

4. Primary Contact: Ed Daniels Title: Asst. Maintenance Planner  
 Organization: Lane County Public Works Telephone #: 541-682-6968  
 Mailing Address: 3040 N. Delta Hwy. City, State, Zip Code: Eugene Or. 97408

5. Invoice to: Lane County Public Works Telephone #: 541-682-6968  
 Billing Address: 3040 N. Delta Hwy. City, State, Zip Code: Eugene Or. 97408

B. REQUIRED INFORMATION

1. LOCATIONAL INFORMATION

a) The Urbanized Area within which the MS4 is located (or municipality if not located within an Urbanized Area): Eugene

b) The latitude and longitude of the approximate center of the applicant's MS4:

Latitude			Longitude		
<u>44</u>	<u>05</u>	<u>52</u>	<u>-123</u>	<u>05</u>	<u>37</u>
Deg.	Min.	Sec.	Deg.	Min.	Sec.

2. Is any portion of the MS4 located on Tribal Lands?  YES  NO

3. Name of receiving water(s): Willamette River, Mckenzie River

4. Does the applicant plan to rely on another governmental entity(s) satisfy any permit obligations?  YES  NO If "YES", which entities will be sharing permit responsibilities : City of Eugene and/or Springfield

5. Attach a summary of the actions you will take to develop a Storm Water Management Program Plan, and an associated timetable for completing these actions.

C. SIGNATURE OF LEGALLY AUTHORIZED REPRESENTATIVE

I hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. In addition, I agree to pay all permit fees required by Oregon Administrative Rules 340-045. This includes a renewal application fee to renew the permit and a compliance determination fee invoiced annually by DEQ to maintain the permit.

Sonny P.A. Chickering County Engineer  
 Name of Legally Authorized Representative (Type or Print) Title

\_\_\_\_\_  
 Signature of Legally Authorized Representative Date

Section B, #5 of NPDES Application for Small MS4's

Lane County intends to **Rely on Another Entity** for compliance with Phase II requirements. This strategy will allow a coordinated effort by the County, and cities of Eugene and Springfield, in addressing storm water quality issues at a drainage basin level.

Specifically, we propose to rely upon the City of Eugene's Individual Permit and/or the City of Springfield's General Permit as our means of meeting the six minimum measure requirements. Numerous discussions have been held with staff from both cities, and it is our hope that cooperative agreements can be reached with both agencies in the near future. Both cities will need to approve this proposal through their respective City Councils and commit to the plan via intergovernmental agreements (IGA's).

In the event this primary strategy does not receive approval from one or both cities, we are currently working on various components of the 6 minimum measures that could be included in a SWMP under our own **General Permit**. Some of these areas include - labeling storm inlets for public education; leaf pickup programs, storm inlet cleanout and collected waste material disposal at a vector site.

No matter which strategy is ultimately implemented, Lane County intends to have a working SWMP, and an NPDES Phase II compliant program in place by March 2004.

