Clean Water Services
Clean Water Advisory Commission
Meeting Notes
June 11, 2014

Attendance

The meeting was attended by Commission Chair Tony Weller (Builder/Developer), Vice Chair Mike McKillip (District 3-Rogers), and Commission members Molly Brown (District 2-Malinowski), Lori Hennings (Environmental), Erin Holmes (Environmental), John Jackson (Agriculture), Art Larrance (At-Large-Duyck), Stephanie Shanley (Business), Richard Vial (District 4-Terry), and David Waffle (Cities). Clean Water Services District Deputy General Manager Diane Taniguchi-Dennis attended for General Manager Bill Gaffi.

Commission members Alan DeHarpport (Builder/Developer), John Kuiper (Business), Cathy Stanton (District 1-Schouten), and Judy Olsen (Agriculture) did not attend.

The meeting was also attended by Amy Fischer and Dean Moberg of the Natural Resource Conservation Service, Gail Stinnett of the USDA's Farm Service Agency, and Tualatin Soil and Water Conservation District representatives Nicole Ahr (Restoration Program Manager), Jill Bonanno (Restoration Program Technician), Judy Marsh (Outreach Coordinator), John McDonald (Chair, District Board of Directors), Jen Nelson (Outreach, Volunteer, & Education Program Manager), and Lacey Townsend (District Manager).

Clean Water Services staff attending included Bob Baumgartner (Regulatory Affairs Department Assistant Director), Mark Jockers (Government and Public Affairs Manager), and Dr. Ken Williamson (Regulatory Affairs Department Director).

1. Call to Order
Mr. Weller called the meeting to order at 6:38 PM in the conference room at the Clean Water Services Administration Building.

2. Review of April 9, 2014 Meeting Notes
There were no comments on the Meeting Notes from April 9, 2014.

3. Productive Partnerships: The History and Future of Cooperative Restoration
Mr. Jockers noted that Clean Water Services has worked with the TSWCD (Tualatin Soil and Water Conservation District) for more than 25 years, but the formal relationship established in 2004 with guidance from the Commission has been particularly important to Clean Water Services streamside restoration goals. He added that current Commission member Judy Olsen helped make the partnership a reality at that time with her involvement in TSWCD and other agriculture-related groups.

Mr. McDonald explained that like Clean Water Services, TSWCD is a special service district managed by a local-elected board of directors ***(attached)***. TSWCD is one of 3,000 soil and water conservation districts in the US and one of 45 in Oregon. It is a diversely-funded, non-regulatory unit of government with emphasis on enriching and protecting the soil now and for the future. Mr. McDonald said taking a watershed approach has helped TSWCD make its soil stewardship efforts successful. He added that TSWCD's programs work because they are local people working for and with other local people—they are trusted by farmers and the farming community.

Ms. Townsend noted that the TSWCD mission and vision are similar to those of Clean Water Services, including conservation, protection, and enhancement of natural resources in the Tualatin River Watershed and working toward a clean and healthy watershed that supports multiple beneficial uses, a vibrant economy, and livable community. TSWCD programs revolve around nine different resource concerns: water quality, water quantity, soil health/erosion, invasive/noxious species, threatened species and upland habitat enhancement, energy conservation/greenhouse gas reduction, air quality, conservation education, and maintaining viable agriculture. TSWCD staff provide outreach, education, and technical assistance for both rural and urban landowners. TSWCD shares a building and works closely with two USDA (US Department of Agriculture) agencies, the NRCS (Natural Resource Conservation Service) and FSA (Farm Service Agency).

Mr. McDonald and Ms. Ahr described the TSWCD programs, which include ECREP (Enhanced Conservation Resource Enhancement Program), VEGBACC (Vegetated Buffer Areas for Conservation), WRP (Wetland Reserve Program), and AWEP (Agricultural Water Enhancement Program). All are unique in bringing together federal, state, local, public and private funding and expertise. TSWCD receives and disburses funds and coordinates implementation for all the programs; this centralized administration and single contact point streamlines the process for participating landowners. Partners besides Clean Water Services include the NRCS and FSA, as well as the Oregon Watershed Enhancement Board, Oregon Department of Forestry, and the Freshwater Trust. Mr. McDonald pointed out that funding from Clean Water Services helps staff TSWCD programs and leverages other contributions. He added that TSWCD is always looking to further diversify funding and expand program offerings to serve more residents over a larger area, including more urban areas. TSWCD is currently talking with several potential partners.

Ms. Ahr reported that through the ECREP and VEGBACC programs, 59 projects involving 590 acres have been completed since 2004—protecting and enhancing 35 miles of stream—and enrollment continues to increase. More than a million plants have been put in the ground since 2004 and another 400,000 will be planted in 2015 as part of the "one million trees in one year" challenge that Commission members have heard about at previous meetings. Program spending was about $5 million in the first five years (2004-2008), about $7 million in 2009-2013, and is projected to be about $12 million in 2014-2018. Funding from Clean Water Services has increased over the years, but funding from other sources has increased far more—an example of the leverage mentioned earlier.

Ms. Hennings commended the TSWCD staff for a "great job doing something only you could do with the landowners" and acknowledged TSWCD and other partner agencies as the "epitome of collaboration." Mr. McDonald noted that the key leaders in the collaborating organizations are still guiding the process.

Additional questions and comments are included in Appendix A.

4. Clean Water Services Integrated Municipal Watershed-Based Permit
Part 3: Current Implementation and Into the Future

In the third and final presentation ***(attached)*** in an informational series on point and nonpoint source and stormwater regulations and responses under the Clean Water Services watershed-based NPDES (National Pollutant Discharge Elimination System) permit, Mr. Baumgartner spoke about using an integrated approach to watershed planning and management, including regulatory requirements.

Mr. Baumgartner reviewed how the permitting approach has moved from technology-based to water quality-based to watershed-based and is now evolving into an integrated planning process to address overall environmental health. Billions of dollars are needed to maintain the nation's wastewater infrastructure and there is a realization that pollution, water quality, and environmental problems can't all be solved with NPDES permit requirements. The incremental benefit from additional requirements on point sources is becoming smaller as the cost becomes larger, and the opportunities for greatest environmental impact now lie with non-point sources and related activities.

Mr. Baumgartner said the Clean Water Services watershed-based permit has allowed for reduced duplication, increased coordination, and opportunity for innovations, all of which help deliver environmental benefits cost-effectively. It was the first such permit in the nation, became the model for others, and is now in the renewal process. Much of the success under the current permit has come from collaborative efforts such as those presented by TSWCD staff earlier in the meeting. Continued success under the renewed permit will depend on continued opportunity for further innovation and continued opportunity for partnerships. Clean Water Services is working to move beyond watershed-based permitting to integrated planning for the entire watershed, and would like to see the NPDES permit as one piece of an overall environmental strategy addressing drinking water, point sources, and non-point sources.

Mr. Baumgartner discussed some of the innovative features of the current watershed-based NPDES permit—such as integrated monitoring and water quality trading—and their cost-effectiveness and environmental benefits compared to traditional technology-based and water quality-based regulations. He described how the proposed permit renewal would expand and build upon these features.

Mr. Baumgartner outlined the objectives and timeline for the NPDES permit renewal, noting that the successes under the current permit, along with continued interaction with regulatory agencies, have paved the way for the renewal. Other permit renewals around

the state are being delayed due to litigation regarding the temperature standard, but Clean Water Services hopes its use of NTS to address temperature will keep its permit renewal moving forward.

Mr. Baumgartner explained how Clean Water Services is working with EPA (US Environmental Protection Agency) and DEQ (Oregon Department of Environmental Quality) to use integrated planning to ensure regulatory compliance while getting the best environmental result for the money spent. Integrated planning would address long-term water quality, water quantity, and aquatic species habitat issues, and include all the agencies responsible for them in designing a coordinated regulatory framework. Clean Water Services hopes to lead this effort and incorporate it into the next permit renewal process.

Questions and comments are included in Appendix B.

5. Announcements

Mr. Jockers thanked the evening's speakers.

Mr. Jockers said the Clean Water Services District Board of Directors will hold a hearing on budget and rates June 17. The new budget and rates will be effective July 1. He thanked Ms. Brown, Mr. DeHarpport, Mr. Kuiper, Mr. McKillip, and Mr. Weller for serving on the Budget Committee, which met May 9.

The next CWAC meeting will be Wednesday, July 9.

6. Adjournment

Mr. Weller adjourned the meeting at 8:40 PM.

(Meeting notes prepared by Sue Baumgartner)

Appendix A

Clean Water Services Advisory Commission Meeting Notes
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Questions and comments from Commission members and Clean Water Services staff during the TSWCD portion of the meeting included:

1. Are suppliers keeping up with the demand for plants?
    a. So far, so good but it is getting tighter. Clean Water Services actually manages this aspect of the programs.

2. Is the Healthy Streams Plan used to select and prioritize projects?
    a. Yes, there is scoring criteria plus a stream prioritization plan as the basis for selection. Initially the projects were here and there, but interest grew we were able to look at clumping them to produce the most continuous shade and other benefits. We look for projects based on potential funding fit, potential benefit, and multiple benefits. If a project is not selected, it is referred to other possible programs and also placed on a list for future consideration.

3. What are the TSWCD boundaries?
    a. Washington County. In fact, TSWCD used to be known as WCSWCD but it was often mistakenly assumed to be part of county government.

4. Where does the money for the Clean Water Services contribution come from?
    a. Funding comes from sanitary sewer funds in the Watershed Management Department budget. Clean Water Services also provides similar funding for other groups doing restoration work. There is a line item in the budget for this.

Appendix B

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Questions and comments from Commission members and Clean Water Services staff during the Watershed-Based Permit portion of the meeting included:

1. How does the bubble load work?
    a. A bubble load is an overall limit or total amount for the river system, rather than a specific limit for each individual point source. The bubble load does not increase the limit but it allows flexibility to adjust discharges and use flow augmentation and other management practices for the best environmental benefit within that limit.
    b. For example, if the bubble load for the river was 100 pounds, you might discharge 45 pounds from one treatment plant and 55 pounds from another—or 60 and 40—as long as you don't exceed 100 pounds total.

2. How often do you adjust discharges?
    a. We don't do very much adjusting right now. When we are discharging from the NTS (natural treatment systems) at Forest Grove under the NPDES permit renewal, we will do a lot of adjusting in response to weather, flow conditions, and other factors.

3. Where is the "end of the pipe" for NTS when you are measuring compliance with load limits?
    a. Loads that are water quality-based, such as temperature, will be measured at the end of the wetland. Technology-based requirements, such as disinfection to remove bacteria, will be measured coming out of the treatment plant before being discharged into the wetland.

4. We are counting on NTS to affect temperature, but we also expect there will be some removal of nutrients such as phosphorus and nitrogen.
    a. With nitrogen removal occurring through NTS, we will be able to operate our technology-based treatment plants differently. The flexibility of the bubble load will allow us to rely less on chemical treatment at the plants and to do more with NTS and biological processes.
    b. Also, we feel the NTS effluent is a more natural water than the sanitized effluent that comes out of our treatment plants—more of a living water that will be better for the river.

5. What kind of support are you getting from the cities (in the permit renewal process and with integrated planning)?
    a. Relationship with partner cities is as strong as ever on ratemaking, projects, and day-to-day business. There may be some stress as we work on new requirements.

b. There will be some very difficult issues ahead but we all do a good job working together.

6. How much traction is there in the "living water versus sterile water" conversation?
    a. There are many in regulatory agencies who support NTS and similar approaches but they want to know that there will be some success. Stakeholders need to see that we can actually get the benefits we expect.
    b. There is conversation at the Federal level, but regulations will be done at the state level, by each individual state.

7. Are you getting support from Audobon, conservation groups, resource agencies, and other groups regarding the living water concept?
    a. Yes, and DEQ has approved similar concepts within the existing framework. There is a lot of regulatory support for something like NTS but they have to be sure it will actually meet the standards. We need the flexibility to respond to the things we learn about the river as we go along.

8. The term "integrated planning" is confusing and sounds bureaucratic to the general public.
    a. It's the term we have to use with regulators, but we can describe it differently to the public. It's really coming up with a common vision and making a common investment.
    b. Focus on the goals of integrated planning—you're trying to do the most good overall. That's a great story and it's easy to tell. Use a graphic showing two dots for Rock Creek and Durham treatment plants (the areas that would be improved for a short time with a technology-based approach to regulations, such as chillers) compared with a highlighted area showing the length of the Tualatin and tributaries which would be—and are—improved long-term through approaches such as NTS.