



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Interim Public Works and Community Development Director *JB*

FROM: Mark A. Yeager, P.E., Utility Services Manager *@*

DATE: May 28, 2015, for the June 8, 2015, City Council Work Session

SUBJECT: Stormwater Discussion Part 3 – Regulatory Framework

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods
● A Safe City
● An Effective Government

Action Requested:

No action is requested at this time. This memorandum provides information as part of a series of stormwater discussions.

Discussion:

At the January 12, 2015, work session, staff introduced a program to provide Council with a series of stormwater discussions that would take place over the course of the year. On March 9, 2015, Council received the second presentation in that series. That presentation focused on why stormwater management is important and what planning/design efforts were underway.

In response to Council's request, this memorandum and presentation focus on the regulatory framework for stormwater management. The goal of the presentation is to identify and briefly review the regulations that require communities to develop and implement programs to control stormwater discharges.

There are currently two pathways to regulated stormwater discharges:

- Communities that discharge stormwater into water bodies that have been designated as "water quality limited" for certain pollutants are required to implement stormwater controls.
- For larger communities and urbanized areas (generally populations greater than 50,000) that discharge stormwater, permits are required that stipulate certain activities and programs to manage stormwater discharges.

Albany is now subject to stormwater regulations under both pathways.

On the water quality path, Albany first began implementing stormwater program elements in 2008 following the development and adoption of the 2006 Willamette River Total Maximum Daily Load (TMDL) by Oregon Department of Environmental Quality (DEQ). As part of the Willamette TMDL, Albany was required to develop and submit a water quality management plan, including stormwater controls, to DEQ for approval. Council has previously received reports regarding the Willamette TMDL and Albany's water quality management plan. Albany developed public outreach programs, the Erosion Prevention and Sediment Control (EPSC) program, and the Post-Construction Stormwater Quality program, in part, to meet the Willamette TMDL requirements.

On the population path, Albany crossed the 50,000 person population threshold in the 2010 US Census, and as a result, Albany will be receiving a stormwater discharge permit from DEQ that will require development and implementation of additional stormwater control measures in the community.

The presentation at the June 8, 2015, work session will go into more detail about the specific laws that govern stormwater discharges in the United States and in Oregon. The presentation attempts to walk the fine line between providing too much detailed information and being specific enough to answer Council questions about regulatory requirements.

While there are plenty of regulations that already require Albany to develop and implement stormwater management programs, there are new pressures both nationally and regionally to implement additional or more stringent stormwater controls on communities. Staff is working both nationally and regionally to ensure that stormwater program requirements are reasonable, implementable, and within the scope of the regulators' legal authority.

As Albany continues to grow, Albany will need to continue to identify ways to proactively manage stormwater quantity and quality. By making informed decisions now, Albany can both promote economic development and protect our local natural resources for future generations.

Budget Impact:

There is no budget impact at this time.

JJB:kw

c: Chris Bailey, Interim Public Works Operations Director
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