



**STORMWATER MANAGEMENT PROGRAM
FOR THE
PHASE II MUNICIPAL SEPARATE STORM
SEWER SYSTEM GENERAL PERMIT**

THREE YEAR PROGRAM FROM JUNE 2021 TO JUNE 2024

Dated Version: October 2023

**Developed for the City of Millersburg
by
David Evans and Associates, Inc.**

TABLE OF CONTENTS

1 INTRODUCTION 1

1.1 STORMWATER MANAGEMENT PROGRAM 1

1.2 ANNUAL REPORTING 2

1.3 AUTHORIZED DISCHARGES 2

1.4 CITY OF MILLERSBURG RESPONSIBILITIES 3

2 MINIMUM CONTROL MEASURES 4

2.1 PUBLIC EDUCATION AND OUTREACH..... 4

2.1.1 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION 5

2.2 PUBLIC INVOLVEMENT AND PARTICIPATION 6

2.2.1 CITY COUNCIL..... 6

2.2.2 PUBLICLY ACCESSIBLE WEBSITE 6

2.2.3 PUBLIC STEWARDSHIP OPPORTUNITY 7

2.2.4 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION 7

2.3 ILLICIT DISCHARGE DETECTION AND ELIMINATION 7

2.3.1 MS4 MAP 8

2.3.2 ORDINANCE AND/OR OTHER REGULATORY MECHANISMS..... 9

2.3.3 ENFORCEMENT PROCEDURES 12

2.3.4 PROGRAM TO DETECT AND ELIMINATE ILLICIT DISCHARGES 12

2.3.5 DRY WEATHER SCREENING PROGRAM 14

2.3.6 ILLICIT DISCHARGE DETECTION AND ELIMINATION TRAINING AND EDUCATION..... 14

2.3.7 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION 15

2.4 CONSTRUCTION SITE RUNOFF CONTROL..... 15

2.4.1 ORDINANCE AND/OR OTHER REGULATORY MECHANISM 16

2.4.2 COMPLIANCE WITH OTHER NPDES PERMITS 17

2.4.3 EROSION AND SEDIMENT CONTROL PLANS 17

2.4.4 EROSION AND SEDIMENT CONTROL PLAN REVIEW 17

2.4.5 CONSTRUCTION SITE INSPECTIONS 18

2.4.6 ENFORCEMENT PROCEDURES 18

2.4.7 CONSTRUCTION SITE RUNOFF CONTROL TRAINING AND EDUCATION..... 18

2.4.8 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION 18

2.5 POST-CONSTRUCTION SITE RUNOFF FOR NEW DEVELOPMENT AND REDEVELOPMENT 19

2.5.1 ORDINANCE AND/OR OTHER REGULATORY MECHANISM 20

2.5.2 REMOVING BARRIERS TO LOW IMPACT DEVELOPMENT..... 20

2.5.3 POST-CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS..... 21

2.5.4 POST-CONSTRUCTION SITE RUNOFF PLAN REVIEW 22

2.5.5 LONG-TERM OPERATION AND MAINTENANCE 22

2.5.6 POST-CONSTRUCTION SITE RUNOFF CONTROL TRAINING AND EDUCATION 23

2.5.7 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION 24

2.6 POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS 24

2.6.1 OPERATION AND MAINTENANCE STRATEGY FOR EXISTING STRUCTURAL STORMWATER CONTROLS 25

2.6.2 INSPECTION AND CLEANING OF CATCH BASINS..... 25

2.6.3 POLLUTION PREVENTION IN MUNICIPAL FACILITIES AND OPERATIONS 26

2.6.4 CITY-OWNED NPDES INDUSTRIAL STORMWATER PERMIT FACILITIES 27

2.6.5 REQUIREMENT FOR PESTICIDE AND FERTILIZER APPLICATIONS 27

2.6.6 LITTER CONTROL..... 27

2.6.7 MATERIALS DISPOSAL..... 28

2.6.8 STORMWATER INFRASTRUCTURE TRAINING AND EDUCATION 28

2.6.9 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION 28

3 MONITORING AND REPORTING 28

3.1 ANNUAL REPORTS 28

3.2 TOTAL MAXIMUM DAILY LOADS 29

4 RECORDKEEPING 30

5 DISCHARGES TO IMPAIRED WATERBODIES 30

LIST OF TABLES

TABLE 1 - ANNUAL REPORT DEADLINES 2

TABLE 2 - PUBLIC EDUCATION AND OUTREACH..... 5

TABLE 3 - PUBLIC INVOLVEMENT AND PARTICIPATION 6

TABLE 4 - ILLICIT DISCHARGE DETECTION AND ELIMINATION..... 7

TABLE 5 - CONSTRUCTION SITE RUNOFF CONTROL..... 15

TABLE 6 - POST-CONSTRUCTION SITE RUNOFF FOR NEW DEVELOPMENT AND REDEVELOPMENT 19

TABLE 7 - POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS 24

TABLE 8 - ANNUAL REPORT DEADLINES 29

TABLE 9 - CITY OF MILLERSBURG TMDLS..... 31

LIST OF APPENDICES

- SWMP Appendix A: City of Millersburg's Stormwater Program Resources
- SWMP Appendix B: Illicit Discharge Detection and Elimination Program Plan
- SWMP Appendix C: Erosion Prevention and Sediment Control Manual
- SWMP Appendix D: Post-Construction Site Runoff for New Development and Redevelopment Plan
- SWMP Appendix E: Operation and Maintenance Strategy for Existing Structural Stormwater Controls
- SWMP Appendix F: Runoff Control Plan for the City of Millersburg Parks Maintenance Yard
- SWMP Appendix G: Standard Operating Procedures for Permit Listed Activities
- SWMP Appendix H: TMDL Implementation Tracking Matrix: Millersburg, Oregon
- SWMP Appendix I: Upper Willamette Subbasin Water Quality Overview, Willamette Basin TMDL
- SWMP Appendix J: Phase II MS4 General Permit Definitions

List of Acronyms and Abbreviations

ACWA	Association of Clean Water Agencies
BMPs	Best Management Practices
DEQ	Department of Environmental Quality
EPA	Environmental Protection Agency
EPSC	Erosion Prevention and Sediment Control
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act
GIS	Geographic Information System
IDDE	Illicit Discharge Detection and Elimination
IGA	Intergovernmental Agreement
MMC	Millersburg Municipal Code
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
NSRR	Numeric Stormwater Retention Requirement
O&M	Operations and Maintenance
SOPs	Standard Operating Procedures
SWMP	Stormwater Management Program / Plan
TMDL	Total Maximum Daily Load
UIC	Underground Injection Control

SWMP Revisions:

Date	Revisions
11/17/2023	Removed Appendix B and renumbered appendices, incorporated client comments, and updated Measurable Goals.

1 INTRODUCTION

The City of Millersburg, Oregon (the City), was incorporated in June 1974 with the leadership of an industrial metals extraction company, currently known as ATI Metals. The City is a small community of 3,093 residents, and has a significant business and industrial presence, representing over 50% of the City's total assessed value.

Due to the City's location adjacent to the larger City of Albany, Oregon, Millersburg was designated by the United State Census Bureau as within the urbanized area boundaries and is required to operate under the National Pollutant Discharge Elimination System (NPDES) for their stormwater discharges into surface waters.

Under the NPDES Program, municipalities within urbanized areas are required to obtain a Municipal Separate Storm Sewer System (MS4) Permit from the Oregon Department of Environmental Quality (DEQ). Entities with populations greater than 100,000 people, such as Portland, obtained a Phase I MS4 Permit. Those entities within urbanized areas having a population less than 100,000 were required to obtain a Phase II MS4 General Permit¹. An MS4 is the storm sewer system that is owned and maintained by the City through which runoff from precipitation and snow melt events flow, eventually discharging into waters of the state. The City's MS4 is completely "separate" from its wastewater system that is treated at the Albany-Millersburg Water Reclamation Facility. The City's MS4 discharges into the Willamette Basin through Crooks Creek and Crooks Creek Tributary. Implementation of the programs described in the Permit results in discharges that are essentially void of pollutants to the maximum extent practicable.

On June 1, 2021, the City was issued a Phase II MS4 General Permit and is in the process of satisfying the significant requirements that are outlined in the Permit, which collectively is referred to as the City's Stormwater Program. General permits require all the communities to satisfy the same requirements, whether they have a population base of 90,000 people, or much smaller, as in the case of Millersburg.

The Phase II MS4 General Permit has a five-year term. However, the City was issued the Permit at a later date than many of the Oregon communities. Therefore, the City has a three-year permit term, June 1, 2021, to June 30, 2024, and is required to be fully compliant with Permit requirements on February 28, 2024.

1.1 STORMWATER MANAGEMENT PROGRAM

A document describing the City's Stormwater Management Program (SWMP) is required by the Phase II MS4 General Permit to describe programs being conducted to satisfy Permit requirements. The SWMP must be updated annually, or as conditions, programs, and/or requirements change. The SWMP must be made available to the public on the City's website.

¹ Code of Federal Regulations Section 122.34, "Permit requirements for regulated small MS4 permits".

This SWMP document is arranged to directly reflect the terms and conditions of the Phase II MS4 General Permit. At the beginning of each section is a summary of the Permit requirements.

A table is provided that includes each requirement associated with the measure described in that section. Finally, measurable goals and a compliance schedule are provided for each measure.

Definitions contained in the Phase II MS4 General Permit are provided in [SWMP Appendix J](#) for reference.

1.2 ANNUAL REPORTING

The DEQ requires that those permitted under the Phase II MS4 General Permit track and report accomplishments under the SWMP on an Annual Report. Annual Reports are submitted to the DEQ by November 1st of each year and describe accomplishments for the period of July 1st of the previous year through June 30th of the reporting year.

TABLE 1 below provides the reporting period and due date for each Annual Report as referenced throughout this document. Annual Reports are discussed in more detail in Section 3.

TABLE 1 - ANNUAL REPORT DEADLINES		
Annual Report	Reporting Period	Due Date
1 st Year Annual Report	Jun. 1, 2021– Jun. 30, 2021 ²	Nov. 1, 2021
2 nd Year Annual Report	Jul. 1, 2021 – Jun. 30, 2022	Nov. 1, 2022
3 rd Year Annual Report	Jul. 1, 2022 – Jun. 30, 2023	Nov. 1, 2023
4 th Year Annual Report	Jul. 1, 2023 – Jun. 30, 2024	Nov. 1, 2024

The first year Annual Report, which reflected programs implemented in the first 30 days of the permit being in effect, was submitted to DEQ in October 2021. Annual Reports are available on the City's website.

1.3 AUTHORIZED DISCHARGES

Subject to the terms and conditions of the Phase II MS4 General Permit, the City is authorized to discharge municipal stormwater to waters of the state from its MS4 within the defined permit coverage area, which is the City limits. Wet weather occurs October 1st through April 30th, which can present additional challenges with increased stormwater runoff. Programs described in this SWMP are designed to reduce pollutants to the

² The Phase II MS4 General Permit for Millersburg was issued on June 1, 2021. Therefore, the first year Annual Report submitted to DEQ was for a one-month period of June 1, 2021, to June 30, 2021.

maximum extent practicable both in wet and dry weather. Additional protections may be required in wet weather.

The Phase II MS4 General Permit does not authorize the discharge of non-stormwater from the MS4, except where such discharges satisfy one of the following conditions:

- Non-stormwater discharges that are regulated under a separate DEQ permit such as stormwater discharges associated with industrial activities or stormwater discharges associated with construction activities.
- Non-stormwater discharges that originate from emergency firefighting activities.
- Allowable non-stormwater discharges as described in Section 2.3.

The Phase II MS4 General Permit does not authorize discharges to the subsurface or to waterways except as defined in the SWMP. Underground injection control (UIC) systems are not covered under this Permit. Any other discharges into waterways, such as from a wastewater treatment plant, must be covered under individual discharge permits from DEQ.

Should exceedances of water quality standards occur, which may or may not be a result of compliance issues with the Phase II MS4 General Permit, specific reporting requirements must be followed. These requirements are outlined in the “Illicit Discharge Detection and Elimination Plan”, which is described in Section 2.3 and included in [SWMP Appendix B](#).

1.4 CITY OF MILLERSBURG RESPONSIBILITIES

The City is responsible for permit compliance within their permit coverage area. Often the City must rely on its regulatory authority to enforce program elements. Therefore, the City of Millersburg has adopted ordinances to control the discharge of pollutants to its MS4 under Title 12, Surface Water, Chapter 12.01.010 through 12.80.060 of the City of Millersburg Municipal Code (MMC). Additionally, stormwater provisions can be found in Division E of its Engineering Standards.

The City of Millersburg is also responsible for providing adequate financing, staff resources, and equipment to implement the programs detailed in the Phase II MS4 General Permit and as outlined in this SWMP. A summary of the Stormwater Fund taken from the City’s Budget Plan may be found in [SWMP Appendix A](#).

Because the City is very small, multiple contracts / agreements have been made with other entities to conduct activities described in the SWMP. When this occurs, contracts and/or agreements are cited in the SWMP, which details the specific tasks that are being conducted by others.

In all cases, the City must track activities conducted in satisfaction of the Phase II MS4 General Permit through metrics and databases, using that information to assess its compliance and set its priorities. This is referred to as the “iterative permitting process”, whereas programs improve with every reporting period until compliance is attained.

2 MINIMUM CONTROL MEASURES

The Phase II MS4 General Permit details requirements under six Minimum Control Measures that are designed to reduce the potential for pollutants to discharge into the City's MS4. Compliance with the terms of these Minimum Control Measures results in compliance with water quality standards as detailed in the Permit.³

Programs implemented by the City for each of the following Minimum Control Measures are described in this SWMP:

- **Public Education and Outreach** – Conduct measures to inform the public of what constitutes pollution and how pollution of waterways can be avoided.
- **Public Involvement and Participation** – Allow the public to participate in the programs developed for stormwater compliance and ensure that the public can comment on decisions.
- **Illicit Discharge Detection and Elimination** – Reduce to the maximum extent practicable any discharges of pollutants through plumbing cross-connections, accidental spills, or illegal activities.
- **Construction Site Runoff Control** – Implement the mechanisms to require construction sites to control all pollutant sources and enforce those requirements.
- **Post-Construction Site Runoff for New Development and Redevelopment** – Ensure structural stormwater controls are correctly installed and maintained to infiltrate or treat stormwater runoff from a development.
- **Pollution Prevention and Good Housekeeping for Municipal Operations** – Develop and implement Standard Operating Procedures (SOPs) to reduce the discharge of pollutants from municipal facilities and activities.

The following Sections 2.1 through 2.6 describe the Phase II MS4 General Permit requirements for each Minimum Control Measure and the corresponding City programs designed to meet those requirements.

2.1 PUBLIC EDUCATION AND OUTREACH

The Public Education and Outreach Program is designed to inform the public about the impacts of stormwater discharges on waterbodies and the steps that they can take to reduce pollutants in stormwater runoff, especially stormwater issues of significance within the City's permit coverage area.

TABLE 2 includes a list of requirements for the Public Education and Outreach Minimum Control Measure.

³ Schedule A 1.b. of the Phase II MS4 General Permit.

TABLE 2 - PUBLIC EDUCATION AND OUTREACH	
Activity/Requirement	NPDES MS4 Phase II Permit Section
Education and Outreach Program	Sch A.3.a.ii
Stormwater Education Activities	Sch A.3.a.iii
Education on Construction Site Control Measures	Sch A.3.a.v

The City's Public Education and Outreach Program's goal is to reduce the behaviors and practices that cause or contribute to adverse stormwater impacts on waters of the state. The program promotes an understanding of how to reduce pollutant discharges in stormwater runoff and prevent illicit discharges from entering the MS4 in the first place. Illicit discharges are further described in Section 2.3 of this SWMP.

The City distributes or offers at least two (2) educational messages or activities per year. Educational messages or activities may include printed materials, electronic materials, mass media, targeted workshops, other educational events, or formats.

The following three targeted audiences were identified in the Phase II MS4 General Permit:

1. General public, homeowners, homeowner association, schoolchildren, and businesses (including home-based and mobile businesses).
2. Local elected officials, land use planners, and engineers.
3. Construction site operators.

Each targeted audience must be contacted with a Public Education and Outreach Program activity at least once during the permit term, except construction site operators who must be targeted at least twice during the permit term.

The City is considering delivering its selected messages and/or activities in language(s) other than English. The City's membership with the Oregon Association of Clean Water Agencies (ACWA) allows them to access public education materials ACWA has developed in English and in Spanish.

2.1.1 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION

Measurable Goals

Each Annual Report submitted to DEQ will contain a description of the Public Education and Outreach Program efforts conducted in the previous year, including related construction outreach. Further, the City will review the Outreach and Education Program annually to assess progress toward implementing the program.

Schedule for Completion

The City's Public Education and Outreach Program is described in the "Public Education and Outreach / Public Participation and Involvement Plan", which is developed annually

and accompanies this SWMP. Full compliance with the Public Education and Outreach Program Minimum Control Measure described in the Phase II MS4 General Permit is due by February 28, 2024.

2.2 PUBLIC INVOLVEMENT AND PARTICIPATION

The Public Involvement and Participation Program is designed to provide opportunities for the public to participate in the development of the stormwater programs outlined in this SWMP, including issuing public notices to allow participation in stormwater-related activities or processes.

TABLE 3 includes a list of requirements for the Public Involvement and Participation Minimum Control Measure.

TABLE 3 - PUBLIC INVOLVEMENT AND PARTICIPATION	
Activity/Requirement	NPDES MS4 Phase II Permit Section
Publicly Accessible Website	Sch A.3.b.ii
Stewardship Opportunity	Sch A.3.b.iii

2.2.1 CITY COUNCIL

The City provides opportunities for public comment on any new or revised MMC considered by City Council. City Council meets the second Tuesday of each month at 6:30 p.m. City Council meeting agendas and agenda packets are provided online. Each regular meeting provides two opportunities to comment. Citizens may join City Council in their chambers for regular meetings or virtually using AspenUC.⁴ Participants who attend virtually can “raise a hand” to speak and are unmuted by the meeting organizer when it is their turn to speak. City Council regular meetings are recorded, with a link to each meeting on the City's website.

2.2.2 PUBLICLY ACCESSIBLE WEBSITE

Information on the City's SWMP implementation, the SWMP document, Annual Reports, contact information, and educational materials is available on the City's website. The website is updated at least annually.

The City also maintains a website to report a problem or concern. Citizens can register a complaint 24 hours a day, 7 days a week. Once received, the concern is routed to the appropriate staff to address. Because the City has very few staff, all telephone calls are routed through their main number at 458-223-6300.

⁴ Go to <https://www.millersburgoregon.gov/meetings> and click on the link “View Details” for the meeting preference. The link will direct the user to a page with meeting access information.

The City has adopted the MMC and Engineering Standards to manage stormwater and improve surface water quality. All codes can be found on their website. The City also has an Erosion Prevention and Sediment Control webpage that provides permitting information for the development community.

2.2.3 PUBLIC STEWARDSHIP OPPORTUNITY

The Public Participation and Involvement Minimum Control Measure requires the City to develop a public stewardship opportunity. Public stewardship allows the public to be involved in getting the word out about stormwater pollution through activities that can enhance program compliance.

To meet the public stewardship opportunity requirement, the City supports an Adopt-A-Road program where a civic group cleans trash from Old Salem Road approximately every other month. The City provides trash pickup devices and reflective vests. The Adopt-A-Road program is also an element of the City's Total Maximum Daily Load (TMDL) for the Willamette Basin. More information on the TMDL can be found in Section 5.

2.2.4 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION

Measurable Goals

Each Annual Report submitted to the DEQ will contain a description of website enhancements and a description of the stewardship opportunities that have occurred during that reporting year.

Schedule for Completion

The City's Public Involvement and Participation Program is described in the "Public Education and Outreach / Public Participation and Involvement Plan", which is developed annually and accompanies this SWMP. Full compliance with the Public Participation and Involvement Program Minimum Control Measure described in the Phase II MS4 General Permit is due by February 28, 2024.

2.3 ILLICIT DISCHARGE DETECTION AND ELIMINATION

The Illicit Discharge Detection and Elimination (IDDE) Program is designed to find and eliminate illicit (illegal) discharges into the MS4, to the extent allowable by ordinance and state law. Procedures for this Minimum Control Measure are found in [SWMP Appendix B](#), the "Illicit Discharge Detection and Elimination Program Plan".

TABLE 4 includes a list of requirements for the IDDE Minimum Control Measure.

TABLE 4 - ILLICIT DISCHARGE DETECTION AND ELIMINATION	
Activity/Requirement	NPDES MS4 Phase II Permit Section
MS4 Map and Digital Inventory	Sch A.3.c.ii(A)

TABLE 4 - ILLICIT DISCHARGE DETECTION AND ELIMINATION	
Activity/Requirement	NPDES MS4 Phase II Permit Section
Outfall Inventory	Sch A.3.c.iii(B)
Conveyance System and Structural Stormwater Control Locations	Sch A.3.c.ii(C)
Chronic Illicit Discharges	Sch A.3.c.ii(D)
Ordinance and/or Other Regulatory Mechanism	Sch A.3.c.iii
Enforcement Procedures	Sch A.3.c.iv
Illicit Discharge Complaints and Reports	Sch A.3.c.v(A)
Response to Complaints or Reports and Notification of Other Authorities	Sch A.3.c.v(B-C)
Complaints Tracking	Sch A.3.c.v(D)
Dry Weather Screening	Sch A.3.c.vi
IDDE Training and Education	Sch A.3.c.vii

2.3.1 MS4 MAP

To identify the source of an illicit connection or illegal spill promptly and accurately, an updated storm system map is necessary. On July 28, 2020, the City entered into a 10-year Intergovernmental Agreement (IGA) with the City of Albany to maintain mapping of the City's stormwater infrastructure and include the data in Albany's Geographic Information System (GIS).

The map and digital inventory can be found at:

<https://cityofalbany.maps.arcgis.com/apps/webappviewer/index.html?id=aa510a25010f4febb4d27d58728b3f80>

The GIS map includes:

- Inventory and location of outfalls
- Conveyance system including pipes and ditches
- Structural stormwater control locations, including infiltration and treatment

Although not included in GIS, the City has developed separately the remaining storm system map requirements found in the Phase II MS4 General Permit:

- Drainage basin delineation
- Location and characteristics of ongoing dry weather flows.

Each asset on the digital map has a numeric identifier that can be found in the respective metadata. Digital mapping standards and procedures used to update the stormwater map can be found in the IDDE Program Plan in [SWMP Appendix B](#).

The Phase II MS4 General Permit requires that any chronic illicit discharges also be part of a digital inventory. When a chronic illicit discharge is identified by the City, it will be added to the digital inventory.

2.3.2 ORDINANCE AND/OR OTHER REGULATORY MECHANISMS

The MMC Title 12, "Surface Water," was adopted to "protect the health, safety, and general welfare of the citizens of the City of Millersburg" and to "protect and enhance the water quality and natural functions of watercourses and water bodies through the regulation of storm water" among other goals.

The MMC Section 12.01.040 defines an illegal discharge and illicit connection as:

"Illegal discharge" means any direct or indirect pollutant-bearing discharge to the municipal storm water system, receiving waters, or waters of the State, except as exempted by MMC 12.12.010.

"Illicit connection" is defined as either of the following:

- (a) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm water system including, but not limited to, any conveyances that allow any nonstorm water discharge including sewage, process wastewater, and wash water to enter the storm water system and any connections to the storm water system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
- (b) Any drain or conveyance connected from a commercial or industrial land use to the storm water system that has not been documented in drawings, maps, or equivalent records and approved by the City.

Illegal Discharges

In the MMC Title 12, Chapter 12.12, the City prohibits non-stormwater discharges into the MS4, except those discharges identified in the Municipal Code as exemptions. The MMC Section 12.12.010(1) defines the range of illicit discharges that are illegal, including, but not limited to the following:

- A. Septic, sewage, and dumping or disposal of liquid or materials other than stormwater into the MS4;
- B. Discharges of washwater resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
- C. Discharges resulting from the cleaning, repair, or maintenance of any types of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;

- D. Discharges of washwater from mobile operation, such as mobile automobile or truck washing, steam cleaning, power washing, and carpet cleaning, etc.;
- E. Discharges of washwater from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, or residential areas (including parking lots, streets, sidewalks, driveways, patios, plazas, work yards, outdoor eating or drinking areas, etc.) where detergents are used and spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- F. Discharges of runoff from material storage areas, which contain chemicals, fuels, grease, oil, or other hazardous materials from material storage areas;
- G. Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
- H. Discharges of sediment, unhardened concrete, pet waste, vegetation clippings, or other landscape or construction-related wastes;
- I. Discharges of trash, paints, stains, resins, or other household hazardous wastes; and
- J. Discharges of food-related wastes (grease, restaurant kitchen mat and trash bin washwater, etc.)
- K. Any liquids, solids, or gases that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the operation of the municipal storm water system.
- L. Any solid or viscous substances that may cause obstruction to the flow in the storm water system, such as but not limited to: grease, garbage, sand, straw, grass clippings, rags, plastics, or mud.
- M. Any discharge having a pH less than six or greater than 10, unless the divergence from these limits can be proven to occur from rainfall pH.
- N. Any discharge containing toxic pollutants.
- O. Pollutants that result in the presence of toxic gases, vapors, or fumes within the storm water system that may cause acute worker health or safety problems.
- P. Any substance that may cause the City to violate its storm system permits, or that may cause the City to violate instream water quality standards set by the State of Oregon.
- Q. Any substance that causes or may cause visible discoloration of the receiving waters such as but not limited to dyes and inks, except as described in subsection (2)(b) of this section.
- R. Any discharge having a temperature that may inhibit biological activity in the receiving waters or cause the City to violate instream water quality standards set by the State of Oregon, or that could harm the storm water system.
- S. Any discharge containing oxygen demanding pollutants that may elevate the oxygen demand within the municipal storm water system or waters of the State.
- T. Any hauled waste, septage, or discharge from cleaning tanks including those from mobile cleaning services.
- U. Any refuse, rubbish, garbage, litter, or other discarded or abandoned objects.

Items A. through J. are listed specifically as illegal discharges in the Phase II MS4 General Permit under Schedule A 3.c.iii. The remaining discharges have been added by the City to include those contaminants they consider important pollutants to control due to its diverse industrial and business community or because the pollutant may cause the City to be in violation of its TMDL for the Willamette Basin. Additional information on the TMDL can be found in Section 5 of this SWMP.

Exemptions

The MMC Section 12.12.010(2) defines several exemptions to what is considered an illegal non-stormwater discharge as these sources were found not to be a significant source of contamination:

- (a) Water line flushing with dechlorination.
- (b) Landscape irrigation.
- (c) Diverted stream flows.
- (d) Uncontaminated groundwater infiltration.
- (e) Rising groundwaters.
- (f) Uncontaminated pumped groundwater.
- (g) Potable water sources (including potable groundwater monitoring wells and draining and flushing of municipal potable water storage reservoirs).
- (h) Start up flushing of groundwater wells.
- (i) Foundation, footing, and crawl space drains (where flows are not contaminated).
- (j) Uncontaminated air conditioning or compressor condensate.
- (k) Irrigation water.
- (l) Springs.
- (m) Lawn watering.
- (n) Individual residential car washing.
- (o) Charity car washing; provided, that chemicals, soaps, detergents, steam, or heated water are not used. Washing is restricted to the outside of the vehicle, no engines, transmissions, or undercarriages.
- (p) Flows from riparian habitats or wetlands.
- (q) Dechlorinated swimming pool discharges including hot tubs (heated water must be cooled for at least 12 hours prior to discharge).
- (r) Fire hydrant flushing.
- (s) Street and pavement washwaters (provided, that chemicals, soaps, detergents, steam, or heated water are not used).
- (t) Routine external building wash-down (provided, that chemicals, soaps, detergents, steam, or heated water are not used).
- (u) Water associated with dye testing, provided verbal notification is made to the City prior to the start of the test.
- (v) Discharges of treated water from investigation, removal, and remedial actions selected or approved by DEQ pursuant to ORS Chapter 465.
- (w) Discharges from firefighting or other emergency actions by a public

utility, the City, or any other governmental agency necessary to protect public health and safety.

Exemptions (a) through (v) are consistent with the Phase II MS4 General Permit Schedule A 1.d.iii. Exemption (w) is allowed by Schedule A 1.d.ii. of the Permit.

Should any of these allowable non-stormwater discharges become a significant source of pollutants, the City may prohibit that discharge or require implementation of appropriate control measures to reduce pollutants associated with the source before discharge to the MS4. The MMC subsection 12.01.090 provides the authority to require best management practices (BMPs, also known as control measures) "...for any activity, operation, or facility which may cause or contribute to the introduction of pollutants...".

2.3.3 ENFORCEMENT PROCEDURES

The MMC Section 12, Surface Water, Subsection 12.80, Enforcement, provides the authority to conduct enforcement for all of Section 12. The IDDE Program Plan in [SWMP Appendix B](#) details the procedures used to respond to illicit / illegal discharges, and subsequent enforcement escalation, if necessary, including timelines for compliance. Factors such as the amount of pollutant discharged, the type of pollutant discharged, and whether the discharge was intentional or accidental are also a consideration as to how enforcement is conducted.

2.3.4 PROGRAM TO DETECT AND ELIMINATE ILLICIT DISCHARGES

The City is developing a comprehensive program to detect and eliminate illicit discharges. This program is further detailed in the IDDE Program Plan in [SWMP Appendix B](#). The Plan defines illicit discharges, methods used to detect discharges, investigative processes to identify the source of the discharge, and methods to eliminate them.

Three different types of illicit discharges are described:

1. Illicit connections
2. Accidental spills
3. Illegal dumping

Illicit connections occur when internal drains are connected to the storm sewer system. Plumbers can mistake an underdrain that discharges into the storm sewer as a sanitary sewer pipe in new construction. Illicit connections can also occur during remodeling projects, such as adding a bathroom in a basement. Locating these illicit connections can be difficult. The IDDE Program Plan describes methods to identify possible pollutants in the system and discusses methods to investigate the source of the connection.

Vehicle accidents, equipment failures, or poor management practices at a facility or construction site may result in spills, which can be hazardous. Accidental spills, depending on the type and amount of material released, can be very expensive to contain and clean up. The IDDE Program Plan describes procedures for addressing accidental spills.

Dumping or knowingly discharging materials into the MS4 or waters of the state is illegal. Illegal dumping can be either a liquid or a solid. Unfortunately, these discharges often occur in areas that are not closely monitored and can be difficult to investigate. The IDDE Program Plan provides recommendations for areas where illegal dumping may occur and investigation techniques to identify potential chronic dischargers.

Illicit Discharge Complaints or Reports

The City's website has a system that members of the public can access on any day at any time to report a problem or complaint, including drainage/stormwater, trash/debris, water, sewer and others (<https://www.millersburgoregon.gov/code/webform/report-problem-or-concern>). Complaints are then distributed to those who can respond with appropriate expertise and timeliness. The City's website also contains a main telephone number to reach the City during normal business hours and after hours for emergencies.

The City's webpage at (<https://www.millersburgoregon.gov/publicworks/page/storm-water>), "Storm Water", describes why it is important to protect water quality. This page contains a link to the online complaint/reporting page to assist the public in registering a complaint specific to spills or illegal discharges.

Response to Complaints or Reports

The City will respond to all complaints or reports of illicit discharges, as soon as possible, or within an average of two working days from the initial time of the City's knowledge of the complaint or report.

For discharges that are a threat to human health, welfare, or the environment, the City responds immediately, or within 24 hours of receiving knowledge of the threat. All discharges that may endanger human health or the environment are reported to the Oregon Emergency Response System (800-452-0311). The City's IDDE Program Plan in [SWMP Appendix B](#) provides additional information on the timeliness of investigations and reporting. If an illicit discharge originates outside the City's jurisdictional authority, the City notifies the applicable jurisdiction within five working days of becoming aware of the illicit discharge.

In 2018, the City entered into an IGA with the City of Albany for fire protection services. Recently, the City constructed a fire station to ensure timely response to spills, accidents, and other emergencies. City of Albany firefighters are domiciled at the new fire station.

The City is located within Linn County, Oregon. Linn County developed an "Emergency Operations Plan"⁵ for responses to larger, more complex incidents. The plan details processes to ensure the protection of public health and the environment.

⁵ The Linn County Emergency Operations Plan can be accessed at https://www.linnsheriff.org/wp-content/uploads/LinnCountyEOP_FullPlan_2016Jan.pdf

Complaints Tracking

The City maintains a system to document all complaints or reports of illicit/illegal discharges that includes the following information:

1. Date the complaint was received and, if available, the complainant's name and contact information.
2. Location of the spill or discharge.
3. Name of staff responding to the complaint.
4. Date the investigation was initiated.
5. The outcome of the staff investigation.
6. Corrective action(s) taken to eliminate the illicit discharge.
7. The responsible party for the corrective action(s).
8. The status of enforcement procedure(s), when necessary.
9. The date the corrective action(s) was completed and staff that evaluated final compliance.

Chronic discharges must be part of a digital inventory if they occur. When a chronic illicit discharge is identified, it will be added to the digital inventory.

2.3.5 DRY WEATHER SCREENING PROGRAM

The Dry Weather Screening Program is designed to identify any outfalls from the City's MS4 into waters of the state that have flowing water after a dry period of at least 72 hours. Although all outfalls are inspected, those outfalls with flow during dry weather require additional attention because the source of the dry weather flow must be identified. These outfalls and any additional outfalls that have the potential to discharge pollutants due to identified land uses are considered priority locations.

City inspectors locate outfalls and conduct general observations about the discharge. A field analysis may be conducted on any dry weather flows. This analysis could include sampling for pollutant parameters that are likely to be found based upon the suspected source of discharge. The City developed pollutant parameter action levels to be used as part of the field screening. Pollutant parameter action levels are described in the IDDE Program Plan in [SWMP Appendix B](#) in the Dry Weather Screening Program section.

If general observation and field screening indicate an illicit discharge or the presence of a suspected illicit discharge, and proof of an illegal discharge cannot be identified through other investigatory methods, the City will collect a water sample for laboratory analyses. Samples will be analyzed for pollutant parameters or identifiers that will aid in the determination of the source of the illicit discharge.

2.3.6 ILLICIT DISCHARGE DETECTION AND ELIMINATION TRAINING AND EDUCATION

All staff directly responsible for conducting dry weather screening activities or responding to discharges and spills under the IDDE Program must receive training at least once a permit term. New staff in the Program will be trained within 30 days. Follow-up training is

provided as needed when procedures or technology changes. Additional information on the IDDE Training Program can be found in the IDDE Program Plan in [SWMP Appendix B](#).

2.3.7 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION

Measurable Goals

The City currently has an ordinance in place, a website and telephone number for lodging complaints, a tracking system, trained staff, and has developed the IDDE Program Plan that will contain the necessary elements of the Dry Weather Screening Program and potential sampling protocols.

Schedule for Completion

The City has completed its IDDE Program Plan that details the Dry Weather Screening Program with pollutant parameter action levels. The City will conduct dry weather screening at identified priority locations each year and at least 25% of the outfalls by February 28th, 2024.

2.4 CONSTRUCTION SITE RUNOFF CONTROL

The Construction Site Runoff Control Program is designed to reduce discharges of pollutants from construction sites within the City limits. Pollutants to be controlled under this Program include but are not limited to sediment, dust, building materials, stockpiled material, concrete, glues, paints, and masonry.

TABLE 5 includes a list of requirements for the Construction Site Runoff Control Minimum Control Measure.

TABLE 5 - CONSTRUCTION SITE RUNOFF CONTROL	
Activity/Requirement	NPDES MS4 Phase II Permit Section
Ordinance and/or Other Regulatory Mechanism	Sch A.3.d.iii
Compliance with Other NPDES Permits	Sch A.3.d.iii
Erosion and Sediment Control Plans	Sch A.3.d.iv
Erosion and Sediment Control Plans Review	Sch A.3.d.v
Construction Site Inspections	Sch A.3.d.vi
Enforcement Procedures	Sch A.3.d.vii
Construction Runoff Control Training and Education	Sch A.3.d.viii

2.4.1 ORDINANCE AND/OR OTHER REGULATORY MECHANISM

The MMC Title 12, "Surface Water," was adopted to "protect the health, safety, and general welfare of the citizens of the City of Millersburg" and to "protect and enhance the water quality and natural functions of watercourses and water bodies through the regulation of storm water" among other goals.

The MMC Chapter 12.40 of Title 12 sets forth the requirements of the City's Erosion Prevention and Sediment Control (EPSC) Program, which covers the following titles:

- EPSC Manual
- Applicability of EPSC Requirements
- Permit required
- Permit exemptions
- Application for a permit
- Permit transfer
- Permit duration
- EPSC Plan required
- Commencement of land-disturbing activities restricted
- EPSC fees required

Enforcement of the entire MMC Section 12, including the EPSC, can be found in the MMC Chapter 12.80.

The MMC references the "Erosion Prevention and Sediment Control (EPSC) Manual" that provides additional details and standards to be followed under the EPSC Program. The EPSC Manual is provided in [SWMP Appendix C](#).

Erosion Prevention and Sediment Control Permit

An EPSC Permit is required for construction projects that result in a land disturbance of 10,000 square feet or more. On the EPSC Permit Application, the City defined Minor Land Disturbance and Major Land Disturbance.

Minor Land Disturbance

Minor Land Disturbances are projects that disturb 10,000 square feet or more but less than one acre. The MMC 12.40.032 requires all projects that disturb 10,000 square feet or more to have an EPSC Application with an EPSC Plan. Section 2.4.2 of the EPSC Manual in [SWMP Appendix C](#) lists the submission requirements for Minor Land Disturbance activities. Submissions are reviewed by the City to ensure compliance with City requirements.

Major Land Disturbance

Major Land Disturbances are projects that meet one or more of the following criteria:

- Disturb one or more acres,
- Contain average slopes that exceed 10%,
- Contain slopes greater than 3:1 that exceed 6 feet in height,

- Have concentrated runoff through the area that comes from over one-acre offsite, or
- Contain sensitive areas.

Section 2.4.3 of the EPSC Manual in [SWMP Appendix C](#) lists the submission requirements for Major Land Disturbance activities. EPSC Applications and Plans for Major Land Disturbance projects are thoroughly reviewed by City staff to ensure compliance with City requirements.

2.4.2 COMPLIANCE WITH OTHER NPDES PERMITS

Major Land Disturbance projects are required to produce an Oregon DEQ 1200-C National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Discharge Permit. The City will not authorize beginning construction without proof of DEQ permit coverage. Minor Land Disturbance projects may also be required to obtain an Oregon DEQ 1200-C NPDES Construction Stormwater General Discharge Permit if they are part of a common plan of development or sale.

2.4.3 EROSION AND SEDIMENT CONTROL PLANS

The City's EPSC Manual, Chapter 3, contains an outline for the development of a site-specific EPSC Plan for Major Land Disturbance activities. EPSC Plans must contain enough information on erosion prevention, sediment control, and waste material management for the City to agree the plan is comprehensive and will be adequate once implemented to prevent pollutants from leaving the site or discharging into the City's MS4.

The City's EPSC Manual provides written specifications for the proper installation and maintenance of erosion prevention, sediment controls, and waste management during all phases of construction activity. The EPSC Plan must show control measure location, sizing criteria, performance criteria, design specifications, and guidance on control measure selection and placement. The EPSC Plan must also contain the control measure long-term operation and maintenance (O&M) specifications, including inspection intervals and self-inspection checklists for use by the construction site operator. These specifications assist construction site operators in implementing erosion prevention, sediment control, and waste material management on the construction site.

2.4.4 EROSION AND SEDIMENT CONTROL PLAN REVIEW

Using a checklist, the City reviews every EPSC Permit Application and EPSC Plan submitted for completeness and accuracy with the MMC and Engineering Standards. The review also includes a determination of the construction activities' potential water quality impacts. The completed Checklist is added to the project file with the EPSC Permit Application documents. The Checklist form can be found in the EPSC Manual in [SWMP Appendix C](#).

2.4.5 CONSTRUCTION SITE INSPECTIONS

Inspections of permitted construction sites must occur to ensure that the site remains in compliance with the approved plan and that the plan has been updated as construction proceeds.

The City inspects all construction sites that have obtained an EPSC Permit at least once in the permit term. The Inspector Checklist / Inspection Form can be found in the EPSC Manual in [SWMP Appendix C](#). A completed inspection form is created for each inspection conducted and is shared with the developer and construction site operator.

If a discharge of sediment or any other pollutant is observed or dewatering activities are occurring, an inspection is conducted. Further, inspections are conducted due to complaints received from the public (as described in Section 2.3.4) or DEQ.

Often, during an inspection, especially if noncompliance was the result, education and outreach is provided to the construction site operator to assist them in implementing additional stormwater pollution prevention practices as necessary.

2.4.6 ENFORCEMENT PROCEDURES

Section 2.8 of the EPSC Manual in [SWMP Appendix C](#) lists the following potential enforcement measures:

1. Verbal Warning
2. Compliance Advisory
3. Notic of Violation with Corrective Order
4. Notic of Violation with Stop Work Order
5. Administrative Order

Title 12 of the MMC, Section 12.80 provides enforcement authority and procedures used to notify operators who have noncompliant sites. Timelines for compliance consider factors such as the amount of pollutant discharged, the type of pollutant discharged, and whether the discharge was intentional or accidental.

2.4.7 CONSTRUCTION SITE RUNOFF CONTROL TRAINING AND EDUCATION

All staff directly responsible for EPSC reviews, site inspections, and enforcement of the City's requirements must receive training at least once a permit term. New staff in the EPSC Program will be trained within 30 days. Follow-up training is provided as needed when procedures or technology changes.

2.4.8 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION

Measurable Goals

The City currently has an ordinance in place and issues EPSC Permits to all construction projects that disturb 10,000 square feet or more. An EPSC Manual has been developed that outlines the requirements, specifications, and expectations development projects

must satisfy. All permitted projects must complete an EPSC Plan that is reviewed prior to issuance of the EPSC Permit.

All projects that disturb one acre or more, or less than one acre but part of a larger common plan of development, are informed of their responsibility to obtain a 1200-C NPDES Permit from the Oregon DEQ. For projects of one acre or more, the City requires applicants to submit proof of issued 1200-C NPDES Permit prior to beginning construction.

All projects that obtain an EPSC Permit are inspected at least once during the permit term.

Schedule for Completion

The EPSC Manual has been revised. Full implementation of the Construction Site Runoff Control Program will be completed by February 28, 2024.

2.5 POST-CONSTRUCTION SITE RUNOFF FOR NEW DEVELOPMENT AND REDEVELOPMENT

The Post-Construction Site Runoff for New Development and Redevelopment Program is designed to reduce discharges of pollutants and address stormwater runoff by implementing runoff reduction controls and/or stormwater treatment controls at applicable new development and redevelopment sites.

TABLE 6 includes a list of required programs for the Post-Construction Site Runoff for New Development and Redevelopment Minimum Control Measure.

TABLE 6 - POST-CONSTRUCTION SITE RUNOFF FOR NEW DEVELOPMENT AND REDEVELOPMENT	
Activity/Requirement	NPDES MS4 Phase II Permit Section
Ordinance and/or Other Regulatory Mechanism	Sch A.3.e.ii
Removing Barriers to Low Impact Development, Code Review	Sch A.3.e.iii
Post-Construction Stormwater Management Requirements	Sch A.3.e.iv
Post-Construction Site Runoff Plan Review	Sch A.3.e.v
Long-Term Operation and Maintenance (O&M)	Sch A.3.e.vi
Training and Education	Sch A.3.e.vii

2.5.1 ORDINANCE AND/OR OTHER REGULATORY MECHANISM

The City's MMC Title 12, "Surface Water," was adopted to "protect the health, safety, and general welfare of the citizens of the City of Millersburg" and to "protect and enhance the water quality and natural functions of watercourses and water bodies through the regulation of storm water" among other goals.

The MMC Chapter 12.45 of Title 12 sets forth the requirements of the City's Post-construction Storm Water Quality Program. The MMC covers the following titles:

- Design and Construction Standards
- Applicability of post-construction storm water quality requirements
- Permit required
- Post-construction storm water quality plan required
- Relationship to Chapter 15.20 MMC, Private Construction of Public Improvements
- Permit fees
- Authorization for private storm water facilities O&M agreements
- Private storm water facilities O&M agreements
- Completion of construction
- Right of entry – Inspection and testing
- Continuing obligation of owners and entities using, occupying, or controlling subject property
- Unlawful conduct

Through the MMC Chapter 12.45, the City requires stormwater management facilities be constructed on applicable sites that target pre-development runoff and requires long-term maintenance of those controls. Applicable sites are those that create or replace 5,000 square feet or more of new impervious surface area. The MMC Chapter 12.80 provides the authority for the City to conduct enforcement to the extent allowable under state law.

2.5.2 REMOVING BARRIERS TO LOW IMPACT DEVELOPMENT

The City promotes the use of Low Impact Development and Green Infrastructure, which is intended to minimize impervious surfaces and reduce stormwater runoff. The Phase II MS4 General Permit requires that all runoff meeting specified storm flows be captured and infiltrated onsite as much as feasible. To this end, the City's Land Development Code Section 3.09.030(2) encourages the "Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas" as well as curb cuts to direct storm flows into these landscaped areas.

Further, the Engineering Standards, Division E, Section 3.01 specifies that "Post-construction stormwater quality facilities are encouraged on all development and redevelopment projects and are required in most situations per Title 12 of the Millersburg Municipal Code." Division E Section 3.02 indicates that only two post-construction stormwater quality facilities are allowed:

- 1) Manufactured Facilities, such as underground vault type treatment systems
- 2) Vegetated Stormwater Quality Facilities that provide filtration of stormwater through soil and plant material. These facilities are encouraged for use on all projects on private property.

Division E of the Engineering Standards allows water quality ponds but indicates that the City Engineer will consider these ponds on a case-by-case basis. The Phase II MS4 Permit is clear that detention ponds are not an adequate treatment measure, so treatment trains (i.e., combining multiple stormwater treatment processes) must work in conjunction with ponds should they be implemented.

2.5.3 POST-CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS

The City's "Post-Construction Site Runoff for New Development and Redevelopment Plan" is included in [SWMP Appendix D](#). The City requires that all projects on parcels one acre or more submit for technical review a Post-Construction Review Application with a Post-Construction Stormwater Quality Plan, which must be stamped by a professional engineer licensed in Oregon. Once approved, the stormwater management facilities must be installed as per approved plan and inspected. An Operations and Maintenance (O&M) Agreement is entered into between the City and the facility owner to ensure the facility is inspected and maintained into the future. The City has the authority by ordinance and O&M Agreement to inspect and conduct enforcement should the stormwater management requirements not be met.

According to the Phase II MS4 General Permit, sites that create or replace 5,000 square feet of impervious area must install post-construction stormwater quality facilities, but the Permit only requires the City to review and approve those proposed on sites that disturb one acre or more, or less than one acre if part of a larger common plan of development.

Numeric Stormwater Retention Requirements

The Phase II MS4 General Permit requires the City to establish a site performance standard with a Numeric Stormwater Retention Requirement (NSRR) that targets predevelopment hydrologic function to retain rainfall onsite, minimizing the offsite discharge of precipitation. The NSRR volume performance standard is met when 100% of the NSRR volume from a project is captured and directed to structural stormwater controls that infiltrate or evapotranspire stormwater.

The Post-Construction Stormwater Quality Plan must show how the proposed post-construction stormwater quality facilities meet the NSRR. Division E of the Engineering Standards, Section 3.03, Stormwater Quality Facility Sizing, establishes a stormwater quality design criteria of capture and treatment of 80% of the average annual runoff volume (one inch in 24 hours rain event), which meets the NSRR and satisfies the Phase II MS4 General Permit requirements. Treating the volume of water that would otherwise be retained under the NSRR also satisfies the retention requirement.

Calculating Runoff

The amount of runoff that must be captured and treated is based upon the amount of impervious area draining to each structural stormwater facility. The City's Engineering Standards specify how impervious area is calculated and must include the total of new impervious area, plus replaced and/or resurfaced impervious area, plus any additional pre-existing impervious area that will drain across the new or replaced/resurfaced impervious area. No more than 20,000 square feet of impervious area can drain to any one structural stormwater facility unless otherwise approved by the City Engineer. Credits for green roofs and pervious pavements that meet the City's Engineering Standards can reduce the amount of impervious area to be treated.

Treatment Standards

The City currently implements a Treatment Standard as a Step-Wise Alternative Compliance procedure as allowed under the Phase II MS4 General Permit. The Post-Construction Stormwater Quality Plan must show how proposed post-construction stormwater quality facilities meet the City's site performance standard.

Both vegetated facilities (filtration) and manufactured facilities are allowed, but vegetated facilities are recommended. Division E of the Engineering Standards, Section 3.03, Stormwater Quality Facility Sizing, establishes a goal for structural stormwater facilities to remove 70% of total suspended solids from the captured volume, which is consistent with the requirements of the TMDL for mercury and bacteria. More information on the City's TMDL can be found in Section 5.

The City may consider Offsite Mitigation Options at a future date. According to the Phase II MS4 General Permit, detention ponds are not a sufficient stand-alone treatment method and must be combined with other structural stormwater controls.

2.5.4 POST-CONSTRUCTION SITE RUNOFF PLAN REVIEW

The MMC Section 12.45.050 requires a Post-Construction Stormwater Quality Plan to be submitted for City review and the Plan must be in conformance with the City's Engineering Standards, Division E - Stormwater Management. The City will not issue a construction permit until the Post-Construction Stormwater Quality Plan and the proposed stormwater quality facilities meet the MMC and Engineering Standards.

2.5.5 LONG-TERM OPERATION AND MAINTENANCE

The City maintains an inventory of all structural stormwater controls that have been installed that fall under the Phase II MS4 General Permit. These facilities are also located on the GIS storm system map that the City of Albany maintains.

Operation and Maintenance Agreements and Plans

The City requires all new or modified private stormwater facilities to have an O&M Agreement, which includes a signed and recorded Declaration of Covenants. The Agreement and Declaration of Covenants requires the owner of the facility to inspect

and maintain the facility and allows the City to conduct inspections and enforce the provisions in the O&M Agreement. A sample O&M Agreement can be found in [SWMP Appendix D](#) and in 10.04 of the City's Engineering Standards, Division E.

An O&M Plan for each type of stormwater management facility on the site must accompany the O&M Agreement. For structural stormwater controls that include vegetation, the O&M Agreement and attached O&M Plan contain requirements to maintain and/or replace vegetation to ensure the functionality of the control. For structural stormwater controls that include soils in the treatment process, the O&M Agreement and attached O&M Plan contain requirements to maintain soil permeability.

Inspections

Checklists have been developed for each type of structural stormwater quality facility that the City approves and can be found in [SWMP Appendix D](#), 10.04 of the City's Engineering Standards, Division E. The checklists provide a minimum and recommended inspection interval for each feature. The responsible party, typically the facility owner, must conduct inspections at least once within the minimum timeframe. The O&M Agreement, O&M Plan, project as-builts, inspections, and maintenance log must be made available to the City upon request.

The City also performs inspections of the stormwater control facilities on a routine basis and tracks those inspections in a spreadsheet. Inspection reports are sent to the facility owners with a compliance date when maintenance is to be completed, generally within 30 days. Depending on the severity of the maintenance required, either the owner can send a report with photographic evidence that repairs were made, or the City conducts a reinspection.

Enforcement

Enforcement for noncompliance with the terms of the O&M Agreements are included in the Agreements. Enforcement escalation may result in the City addressing the deficiencies and charging the owner responsible for all costs reasonably incurred by the City for work performed. Should the owner not reimburse the City for the correction costs, a lien can be placed on the property including contractor, labor, benefits, engineering, administrative, and legal costs. The MMC, Section 12.80, provides the City with the authority to pursue these remedies.

2.5.6 POST-CONSTRUCTION SITE RUNOFF CONTROL TRAINING AND EDUCATION

The City has developed training for post-construction runoff site plan reviews, implementing the post-construction program requirements and performing O&M practices or evaluating compliance with long-term O&M requirements. All staff directly responsible for post-construction plan reviews, site inspections, and enforcement of the City's requirements must receive training at least once a permit term. New staff in the Program will be trained within 30 days. Follow-up training is provided as needed when procedures or technology changes.

2.5.7 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION

Measurable Goals

Listed below are goals for the Post-Construction Site Runoff Control for Development and Redevelopment Program:

- Stormwater management facilities that have been constructed in compliance with the Phase II MS4 General Permit are inventoried.
- Stormwater management facilities that have been constructed in compliance with the Phase II MS4 General Permit have been reviewed for consistency with the City's Engineering Standards and built as per plan or received a supplemental review.
- Stormwater management facilities that have been constructed in compliance with the Phase II MS4 General Permit have O&M Agreements.
- Stormwater management facilities built after June 1, 2021 are inspected.
- Appropriate enforcement is conducted in a timely manner to ensure stormwater management facilities are properly maintained.

Schedule for Completion

The City has completed the development of the Post-Construction Site Runoff for New Development and Redevelopment Plan and all programs will be fully implemented by February 28th, 2024.

2.6 POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

The Pollution Prevention and Good Housekeeping for Municipal Operations Program is designed to reduce discharges of pollutants from municipal facilities and activities.

TABLE 7 includes a list of required programs for the Pollution Prevention and Good Housekeeping for Municipal Operations Minimum Control Measure.

TABLE 7 - POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS	
Activity/Requirement	NPDES MS4 Phase II Permit Section
O&M Strategy for Existing Structural Stormwater Controls	Sch A.3.f.ii
Inspection and Cleaning of Catch Basins	Sch A.3.f.iii
Pollution Prevention in Municipal Facilities and Operations	Sch A.3.f.iv
Registrant-owned NPDES Industrial Stormwater Permit Facilities	Sch A.3.f.v

TABLE 7 - POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS	
Activity/Requirement	NPDES MS4 Phase II Permit Section
Requirements for Pesticide and Fertilizer Applications	Sch A.3.f.vi
Litter Control	Sch A.3.f.vii
Materials Controls	Sch A.3.f.viii
Stormwater Infrastructure Staff Training	Sch A.3.f.ix

2.6.1 OPERATION AND MAINTENANCE STRATEGY FOR EXISTING STRUCTURAL STORMWATER CONTROLS

Structural stormwater controls are “physically designed, installed, and maintained to prevent or reduce the discharge of pollutants in stormwater to minimize the impacts of stormwater on waterbodies.”⁶ Examples of structural stormwater controls are wet ponds, detention basins, swales, and filtration beds. Whereas the Post-Construction Site Runoff for New Development and Redevelopment Minimum Control Measure applies to new construction, this section of the Pollution Prevention and Good Housekeeping for Municipal Operations monitors stormwater controls, both public and private, that were installed prior to the issuance of the Phase II MS4 General Permit. These structural stormwater controls must also be monitored to ensure that they are properly maintained.

The City developed and is implementing an Operations and Maintenance Strategy for Existing Structural Stormwater Controls that can be found in [SWMP Appendix E](#). The strategy includes an inventory of controls located within the City, ownership and/or contact information, and maintenance responsibilities. Also included are O&M procedures for each type of stormwater control in the inventory. The Operation and Maintenance Strategy for Existing Structural Stormwater Controls must meet the long-term requirements in SWMP Section 2.5.5, Long-Term Operation and Maintenance (Schedule A.3.e.vi of the Phase II MS4 General Permit), but not the site performance standards in the Engineering Standards as required in the Post-Construction Site Runoff for New Development and Redevelopment Minimum Control Measure (Schedule A.3.e.iv of the Phase II MS4 General Permit).

2.6.2 INSPECTION AND CLEANING OF CATCH BASINS

The City maintains over 430 public inlets and their associated catch basins. Inspection of these catch basins to prioritize cleaning schedules is a very effective method to reduce the amount of pollution that could discharge into waterbodies. To this end, the City inspects over 50% of the City-owned or operated catch basins and inlets within the MS4 area every five years. Follow-up maintenance or cleaning based on those inspections ensure the catch basins and inlets continue to function as designed. More frequent

⁶ Schedule D.2.vv of the Phase II MS4 General Permit, Modification dated March 12, 2021.

inspection of inlets and catch basins in identified priority areas may take place as well as projects to address source areas that could be contributing factors to the pollutant load.

The City contracts with a private company to conduct catch basin cleaning and pipe cleaning for the stormwater system. The City issues work orders to the contractor and pays for work conducted from an agreed upon contract price sheet. Catch basin inspection and cleaning records are managed in a spreadsheet. The SOP developed for Pipe Cleaning for Stormwater and Wastewater Conveyance Systems in [SWMP Appendix G](#) is also used for catch basin cleaning.

2.6.3 POLLUTION PREVENTION IN MUNICIPAL FACILITIES AND OPERATIONS

Implementing pollution prevention techniques for municipal facilities and activities ensures that City operations do not contribute pollutants to the MS4 or to area waterbodies.

Municipal Facilities

Two facilities owned by the City may have the potential to discharge pollutants if not for control measures the City has implemented to prevent or reduce pollutant discharges to the maximum extent practicable. The new Fire Station does not contain stockpiles or practices that would potentially pollute stormwater runoff. However, a Runoff Control Plan was developed for City's Parks Maintenance / Storage Yard, which can be found in [SWMP Appendix F](#). The Runoff Control Plan is updated as changes occur.

Municipal Activities

Municipal activities are those activities conducted by municipal staff or municipal contractors that may also present a source of pollution if control measures were not in place. The Phase II MS4 General Permit lists activities that must have SOPs developed and implemented. These activities are listed below:

- A. Pipe cleaning for stormwater and wastewater conveyance systems.
- B. Cleaning of culverts conveying stormwater in roadside ditches.
- C. Ditch maintenance.
- D. Road and bridge maintenance.
- E. Road repair and resurfacing including pavement grinding.
- F. Dust control for roads and municipal construction sites.
- G. Winter road maintenance, including salt or de-icing storage area.
- H. Fleet maintenance and vehicle washing.
- I. Building and sidewalk maintenance including washing.
- J. Solid waste transfer and disposal areas.
- K. Municipal landscape maintenance.
- L. Material storage and transfer areas, including fertilizer and pesticide, hazardous material, used oil storage, and fuel.
- M. Firefighting training activities.
- N. Maintenance of municipal facilities including public parks and open space, golf course, airports, parking lots, swimming pools, marinas, etc.

The City does not conduct operations for all activities listed in the Phase II MS4 General Permit. The following operations are excluded:

- A solid waste transfer and disposal area (Activity J) is not located within the City limits.
- The City of Albany hires, trains, and manages firefighting staff that are domiciled at Millersburg's fire station. The City of Albany's SOP for firefighting training is used to address Activity M.
- A golf course, airport, swimming pool or marina (Activity N) are not located within the City limits.
- SOPs for all other parks-related activities, including parking lot maintenance listed in Activity N, are covered by Activity K, Municipal landscape maintenance.

Activity-specific SOPs are provided in [SWMP Appendix G](#).

2.6.4 CITY-OWNED NPDES INDUSTRIAL STORMWATER PERMIT FACILITIES

The City does not operate any facility that possesses an NPDES Industrial Stormwater Permit.

2.6.5 REQUIREMENT FOR PESTICIDE AND FERTILIZER APPLICATIONS

Application of fertilizers and pesticides in the City's public rights-of-way, parks, and landscaped areas can be problematic if staff do not follow procedures as outlined in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The FIFRA requires that applicators follow all label requirements as they pertain to application methods, rates, number of applications allowed, and disposal of the pesticide, fertilizer and rinsate. All City staff who apply and manage fertilizer and pesticides should be certified under FIFRA or should be working under the supervision of an employee who is certified under FIFRA and follow federal requirements.

2.6.6 LITTER CONTROL

Litter and trash that originate at industrial sites, open trash cans, commercial / retail businesses, can be washed into the City's MS4 and into area waterbodies, which may result in significant risks to the health of these waterbodies. Through public education and working with businesses, the City works to reduce litter within its jurisdiction. Parks staff regularly monitors right-of-way areas during mowing operations and is responsible for cleaning up after major public events, such as the Millersburg Celebration, which occurs annually the second Saturday in September.

The City supports an Adopt-A-Road Program and provides trash pickup devices and reflective vests. A civic group picks up trash along Old Salem Road approximately every other month, as reported in the TMDL Annual Report. More information about Millersburg's TMDL can be found in Section 5 of this SWMP.

2.6.7 MATERIALS DISPOSAL

All collected material or pollutants removed during maintenance, treatment, control of stormwater, or other wastewaters are properly disposed to prevent such pollutants from entering waterbodies. All federal and state rules that regulate proper disposal of these materials are followed.

2.6.8 STORMWATER INFRASTRUCTURE TRAINING AND EDUCATION

All staff directly responsible for evaluating O&M practices, evaluating compliance with long-term O&M requirements, or conducting pollution prevention at facilities and during operations must receive training at least once a permit term. New staff in the Program will be trained within 30 days. Follow-up training is provided as needed when procedures or technology changes.

Fertilizer and pesticide application and handling training is conducted under FIFRA, with continuing education credits required to recertify applicator licenses.

2.6.9 MEASURABLE GOALS AND SCHEDULE FOR COMPLETION

Measurable Goals

The following items have been developed to support the Pollution Prevention and Good Housekeeping for Municipal Operations minimum control measure.:

- Operation and Maintenance Strategy for Existing Controls
- Facility Runoff Control Plan for the Parks Maintenance Yard
- SOPs for Phase II MS4 General Permit Listed Activities
- Staff Training Rosters

Schedule for Completion

The City has completed the development of the Pollution Prevention and Good Housekeeping for Municipal Operations program and its associated procedures with full implementation by February 28th, 2024.

3 MONITORING AND REPORTING

Compliance with the Phase II MS4 General Permit is an iterative process of program improvement. Each year the success of the Stormwater Program and this SWMP is evaluated to determine compliance with the requirements of the Permit, which in part will improve water quality.

3.1 ANNUAL REPORTS

An Annual Report template was developed by DEQ and is designed to be a self-evaluation tool that includes assessment of progress toward implementing the SWMP

control measures and implementation of actions to comply with any additional requirements identified in Schedule D.1 of the Phase II MS4 General Permit. By November 1 of each year, the City submits an Annual Report to DEQ for the reporting period July 1 of the previous year through June 30 of the reporting year (for example, the November 1, 2022, Annual Report will report progress made from July 1, 2021, through June 30, 2022). Once submitted to DEQ, the City posts its Annual Report, including any attached documents, on the City website.

TABLE 8 includes Phase II MS4 General Permit Annual Report deadlines.

TABLE 8 - ANNUAL REPORT DEADLINES		
Annual Report	Reporting Period	Due Date
1 st Year Annual Report	Jun. 1, 2021 – Jun. 30, 2021 ⁷	Nov. 1, 2021
2 nd Year Annual Report	Jul. 1, 2021 – Jun. 30, 2022	Nov. 1, 2022
3 rd Year Annual Report	Jul. 1, 2022 – Jun. 30, 2023	Nov. 1, 2023
4 th Year Annual Report	Jul. 1, 2023 – Jun. 30, 2024 ⁸	Nov. 1, 2024

3.2 TOTAL MAXIMUM DAILY LOADS

With respect to water quality improvements, the City works with other communities in the Willamette Basin to improve the quality of water in those waterbodies. The State issued an Environmental Protection Agency (EPA) approved Total Maximum Daily Load (TMDL) that regulates the amount of pollution that can be discharged to individual stream segments, thereby limiting stream degradation. The City is required to comply with all monitoring requirements for Discharges to Impaired Water Bodies (permit Schedule D.1), which are presented in Section 5 of this SWMP.

All monitoring conducted must be reported to DEQ, even if it is not specifically required by the Phase II MS4 General Permit. In addition, if the City performs municipal stormwater monitoring at outfall locations to demonstrate compliance with the Phase II MS4 General Permit, this data must also be submitted to DEQ in the Annual Report, including:

- The date, exact place, and time of sampling or measurements.
- The name(s) of the individual(s) who performed the sampling or measurements.
- The date(s) analyses were performed.
- The names of the individuals who performed the analyses.

⁷ The Phase II MS4 General Permit for Millersburg was issued on June 1, 2021. Therefore, the first year Annual Report submitted to DEQ was for a one-month period of June 1, 2021, to June 30, 2021.

⁸ Millersburg must be fully compliant with the Phase II MS4 General Permit by February 28, 2024. The DEQ may administratively extend the Permit term, which may change the dates for which the City must report progress on a potential fifth year Annual Report.

Information concerning sampling requirements contained in the Phase II MS4 General Permit can be found in [SWMP Appendix B](#), the Illicit Discharge Detection and Elimination (IDDE) Program Plan, Dry Weather Screening Section.

4 RECORDKEEPING

All records must be maintained for a period of at least five years from the permit compliance action date or from the term of the permit, whichever is longer. The permit compliance action date is the date that the permittee is required to be fully compliant with all requirements in the Phase II MS4 General Permit. For the City, the permit compliance action date is February 28, 2024. The period for which records must be maintained may be extended by DEQ at any time.

At the request of DEQ, the City may be required to submit additional records to DEQ. The City will make all records that apply to the Phase II MS4 General Permit available to the public, if requested to do so in writing. Although most of the Phase II MS4 General Permit related documents are available online, the public is welcome to view them at City Hall during normal business hours.

This SWMP document and Annual Reports can be found online on the City's website.

5 DISCHARGES TO IMPAIRED WATERBODIES

The City's storm sewer system discharges into Crooks Creek and Crooks Creek Tributary, which are a part of the Willamette Basin. Implementation of the programs outlined in this SWMP are designed to significantly improve the quality of water discharged into these waterways.

In September 2006, prior to the Phase II MS4 General Permit issuance, a TMDL was established for the Willamette Basin. A TMDL defines the amount of pollution that can be present in a waterbody without causing water quality criteria to be exceeded. The Willamette River does not meet water quality standards for temperature, bacteria, and mercury. To improve water quality in a river that does not meet applicable water quality standards, contributors to the waterway are provided waste load allocations. The City is a party to the Willamette Basin TMDL but has not been issued a numeric waste load allocation.

TABLE 6 - CITY OF MILLERSBURG TMDLS September 2006	
Waterbody	TMDL
Willamette Basin	Temperature, Bacteria, and Mercury

The TMDL requires the City to conduct certain specific activities to meet the TMDL waste load allocations provided. A compliance matrix of activities that has been agreed upon by the City, DEQ, and EPA, can be found in [SWMP Appendix H](#).

Many of the programs implemented in compliance with the TMDL are activities that also must be implemented for the Phase II MS4 General Permit. For instance, to reduce mercury that results from sediment discharges, the City agreed to implement a construction permit to reduce sediment washing off construction sites into the City's MS4, and into waterbodies untreated. Construction site controls are also required in the Phase II MS4 General Permit. The City must also comply with monitoring requirements for Discharges to Impaired Water Bodies (Phase II MS4 General Permit Schedule D.1).

The following is specified in the Phase II MS4 General Permit, Schedule D 1.b:

“Compliance with the permit's terms and conditions is presumed to be compliance with TMDL allocations issued before the effective date of this permit.”

More information on the Willamette Basin TMDL is provided in [SWMP Appendix I](#), Upper Willamette Subbasin Water Quality Overview, Willamette Basin TMDL, authored by the Oregon DEQ, September 2006