

RESOLUTION NO. 2024-56

A Resolution adopting the City’s Mercury Total Maximum Daily Load (TMDL) Implementation Plan.

RECITALS:

Whereas, in 2021 the City was informed by the Oregon Department of Environmental Quality that it had become a Designated Management Agency under the Final Revised Willamette Basin Mercury TMDL; and

Whereas, the City hired a consultant that worked with staff to develop a feasible TMDL Implementation Plan; and

Whereas, in 2022 the Department of Environmental Quality approved of the TMDL Implementation Plan developed by the City; and

Whereas, the City has a legal responsibility to implement the TMDL Implementation Plan approved by the Department of Environmental Quality or face penalty by the State per Oregon Administrative Rule (OAR) 340-042-0080.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. That the attached Exhibit A: City of McMinnville TMDL Implementation Plan is approved and adopted.
2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 12th day of November 2024 by the following votes:

Ayes: Payne, Peralta, Menke, Garvin, Geary, Chenoweth

Nays: _____

Approved this 12th day of November 2024.



MAYOR

Approved as to form:



City Attorney

Attest:

Claudia Csneros

City Recorder

EXHIBITS:

- A. City of McMinnville TMDL Implementation Plan
- B. Department of Environmental Quality Approval Letter

CITY OF MCMINNVILLE TMDL IMPLEMENTATION PLAN

August 19, 2022



South Yamhill River

Prepared By:

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Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Anne Pagano

Anne Pagano, Public Works Director

City of McMinnville, OR

ACRONYMS

BMPs	Best Management Practices
City	City of McMinnville
CESCL	Certified Erosion and Sediment Control Lead
CS	Construction Site Runoff
CWA	Clean Water Act
DEQ	(Oregon) Department of Environmental Quality
DMA	Designated Management Agency
ESCP	Erosion and Sediment Control Plan
EPA	United States Environmental Protection Agency
GH	Good Housekeeping in Municipal Operations
GIS	Geographic Information Systems
IDDE	Illicit Discharge Detection and Elimination
IPM	Integrated Pest Management
LID	Low Impact Development
LUCS	Land Use Compatibility Statement
MCM	Minimum Control Measure (aka Stormwater Controls)
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
NPS	Nonpoint Sources (not under an NPDES permit)
NWI	National Wetland Inventory
OAR	Oregon Administrative Rules
ODA	Oregon Department of Agriculture
ODFW	Oregon Department of Fish and Wildlife
PC	Post-Construction Runoff Control in New and Re-development

PE	Public Education
PI	Public Involvement
SPRP	Spill Prevention and Response Plan
SWPCP	Stormwater Prevention and Control Plan
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
UIC	Underground Injection Control (device)
USGS	United States Geological Survey
WQMP	Water Quality Management Plan

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The City of McMinnville Total Maximum Daily Load (TMDL) Implementation applies to:

The 2019 Final Revised Willamette Basin Mercury TMDL and WQMP

Load allocation: This TMDL Implementation Plan was developed with the purpose of reducing load allocations from the City of McMinnville, a non-permitted DMA. The City's goal is to reach a 75% reduction together with other DMAs with full implementation of the management practices listed in this plan.

Section 1.0 Introduction

Section 1.1 Background

A Willamette Basin Mercury TMDL was first issued in 2006 [Department of Environmental Quality : Willamette Basin 2006 : Total Maximum Daily Loads : State of Oregon](#). On November 22, 2019 DEQ issued the *Final Revised Willamette Basin Mercury Total Maximum Daily Load and WQMP* that was submitted to the EPA [Department of Environmental Quality : Willamette Basin Mercury 2019 : Total Maximum Daily Loads : State of Oregon](#). According to DEQ, this revised TMDL identifies sources of mercury and how much mercury needs to be reduced to meet water quality standards. The EPA disapproved DEQ's TMDL on December 30, 2019. On February 4, 2021 the EPA notified DEQ that *EPA has established this TMDL and is hereby providing it to the State for implementation*. The Water Quality Management Plan (WQMP) was issued as part of the EPA TMDL.

The final TMDL and WQMP specifies mercury reductions which can be achieved through planned implementation of activities, best management practices, conservation practices, and other management strategies to help reduce mercury entering waterways. The ultimate goal of this process is to provide full restoration of the beneficial use of fish consumption, including protection of aquatic species and wildlife throughout the Willamette Basin.

According to DEQ the goals, objectives and approaches of this TMDL are consistent with the requirements of the federal Clean Water Act (CWA) and Oregon water quality laws and implementing regulations.

On March 3, 2021 the City of McMinnville was notified that DEQ had included McMinnville as a designated management agency (DMA) in the Willamette Basin Mercury TMDL and WQMP. According to Oregon Administrative Rules (OAR 340-042-0030(2)) *DMA means a federal, state or local governmental agency that has legal authority over a sector or source contributing pollutants, and is identified as such by the Department of Environmental Quality in a TMDL*. DMAs are responsible for implementing strategies and DMA specific TMDL Implementation Plans.

Section 1.2 The City of McMinnville

McMinnville is an attractive, vibrant community with an vigorous and walkable downtown area. The City is home to Linfield University and a branch of Chemeketa Community College. There are approximately 350 acres of City parks including 70 acres of undeveloped natural areas. There are multiple nature trails at various sites throughout the system, and two of those sites are directly adjacent to the South Yamhill River. The City has been proactive in maintaining a community that people want to visit and live in.

According to the 2020 census the population of McMinnville is ~ 34,615. The City incorporated in 1882. There is a City Manager, Mayor, and 6 City Councilors. The City is divided into 3 wards.

McMinnville does not have a stormwater or environmental division. There is no stormwater fee that stands as dedicated funding. For the most part, stormwater activities such as street sweeping, catch basin cleaning, storm line repair, detention basin maintenance and the like is performed by the Wastewater Conveyance group and Street staff and funded by the Streets Fund (gas tax).

Despite the lack of an established stormwater program, the City is involved in strong environmental activities. Staff actively engages with the Greater Yamhill Watershed Council, attending monthly meetings and providing monetary support as well as free storage space for the group. The staff has indicated support for the Friends of Cozine Creek group, and Parks staff utilizes an Integrated Pest Management Plan (IPM) in parks and open spaces. Engineering and Wastewater staff have been innovative with the use of green elements at the Water Reclamation Facility in McMinnville. These activities and much more will serve McMinnville well as the community takes on the responsibility of a TMDL Implementation Plan.



Section 1.3 Summary of TMDL Plan Development

The City of McMinnville has developed an implementation plan that meets the requirements listed in the WQMP, specifically Table 13-11, and is consistent with the timelines listed in Table 13-14. The TMDL Implementation Plan includes a narrative which is captured in Sections 1 through 4 of this document, an 'at-a-glance' matrix in Appendix A, and land use findings in Appendix B.

Shortly after the DMA notice arrived from DEQ, McMinnville began the process of hiring a consultant to assist with development of the implementation plan. In November 2021 the consultant spent 2 days with key staff becoming familiar with how the City operates, but also providing background and instruction on TMDL implementation and how it applies within the region.

Initial steps for plan development focused on formation of the BMPs to be used by the City as a new TMDL agency. More importantly, the City has been focused on the 6 control measures and their role in pollutant reduction. Emphasis has been placed on foundation building activities and training to allow staff to review existing water quality based actions that could be expanded upon. The timeline listed in Table 13-14 of the TMDL WQMP called for a shorter timeline in regard to implementation of 3 control measures - Public Education, Public Involvement and Good Housekeeping.

As was noted, a consultant has been used in assisting with design and development of the implementation plan. The City intends to retain consulting services through the first report year to assist with helping the City to move forward smoothly with accurate messages. The ultimate goal is to have a program fully developed and implemented by the end of the first permit term in 2027. Current progress on control measures, as well as projections for the future, are described under Subsection 2.4 of this document.

Section 2 Hydrological Conditions / Existing Conditions

Section 2.1 Yamhill Subbasin / Local Waterways

The Yamhill Subbasin (Hydrologic Unit Code 17090008) is located in the Western portion of the Willamette Basin and drains portions of the Coast Range. Hydrologic Unit Code 170900080701 applies to the South Yamhill Subbasin and much of the City. The Yamhill River flows into the Willamette River to the east of McMinnville. The Subbasin's 772 square miles (493,762 acres) include the following eight watersheds: • Willamina Creek Watershed • Agency Creek-South Yamhill River Watershed • Mill Creek Watershed • Deep Creek-South Yamhill River Watershed • Salt Creek Watershed • North Yamhill River Watershed • Yamhill River Watershed. The subbasin is within portions of Yamhill and Polk counties, and includes the Cities of Amity, Carlton, Dayton, Lafayette, McMinnville, Sheridan, Willamina, and Yamhill. The subbasin is

primarily owned by private landowners, however federal and state ownership accounts for 14% of the total land use in the subbasin. There are scattered landholdings by the U.S. Forest Service and Bureau of Land Management. The subbasin consists of forestry, agriculture and urban land uses.

The City of McMinnville is located primarily to the west of the confluence of the North Yamhill and South Yamhill Rivers. It is transected by Cozine Creek, Baker Creek, North Cozine, and Ash Creeks.

Cozine Creek originates west of the City and winds through the southern part of the community before discharging to the South Yamhill River. Much of the land use in that area of town is residential and schools. The stream habitat is degraded but a community group and Linfield University have taken interest in the creek. A 'Friends of Cozine Creek' group has been active in restoration projects as has Linfield University. There appears to be good energy for ongoing maintenance of this area.

The North Fork of Cozine Creek flows from northwest to southeast and joins the Cozine Creek near the middle of town. Portions of the waterway may have been channelized or filled.

The South Yamhill River flows from southeast north around the airport and north to the wastewater treatment facilities. A limited riparian corridor exists through much of the span in and near the City, but it does receive runoff from agricultural lands.

Baker Creek originates to the west of the City. The main channel flows along the northern border of the City.

Native fish in the South Yamhill River include Coastal Cutthroat Trout, Coho Salmon (stocked by ODFW), Willamette Winter Steelhead, and Pacific Lamprey. Warm water species such as Bass, Crappie, Sunfish, and Catfish also utilize the waterway.

Section 2.2 City Services

Stormwater – The City operates and maintains the stormwater conveyance system in McMinnville. The older portions of the City have an undersized system which poses flooding issues during heavy rainfall events. Staff has developed an operational procedure to respond to high water, but that often requires pulling staff from other unrelated activities. Since there is no dedicated funding for the stormwater system, repairs and maintenance are largely conducted on a reactive basis.

Stormwater infrastructure has been added to the City's GIS, but routine inventory updates or priorities are not established. The City utilizes a Hansen Information Management system to schedule and track work orders. The Hansen system and GIS can be linked to allow for activities like capturing asset misinformation in the field during routine activities. GIS personnel are currently making stormwater updates to the system.

Streets – Streets personnel maintain the McMinnville’s street system. Street sweeping is funded by the Street Fund, and performed via contracted services.

Conveyance – Conveyance is funded by wastewater (90%) and streets (10%). Public Works employees funded primarily by wastewater clean catch basins, conduct outfall inspections, and other water quality minded activities. Large projects are contracted to outside entities.

Wastewater – The City’s wastewater plant is well maintained and operated. The City operates under NPDES Permit #101062. The City has implemented environmentally sound practices because they discharge year round under their permit. During the summer months, discharge from McMinnville makes up 1/3rd of the flow in the South Yamhill River.

Water – Drinking water in McMinnville is provided by McMinnville Water and Light. Source water comes from McGuire and Haskins reservoirs located in the coast range. The City does not manage drinking water within the community.

Airport - The City owned airport is used by a number of entities including private owners, training companies, service agencies, and more. The facility has a stormwater pollution control plan (SWPCP) that includes maintenance activities. The plan was updated in 2021. Routine activities include catch basin cleaning, outfall inspections, sweeping, and other water quality minded actions. Recordkeeping occurs according to schedule.

Section 2.3 Existing Conditions and Pollutant Sources

Pollutant sources coming from McMinnville are similar to those in other northwestern Oregon municipalities. The City has a downtown core, residential areas, regional and neighborhood parks, and a local university. With minimal erosion control or vegetation management requirements in place, mercury and TSS are contributors to impacted water quality. The City has a municipal airport which was previously discussed.

The City is surrounded by large parcels of land that are linked specifically to agricultural uses. This land use provides the potential for a pollutant source that isn’t common with all municipalities including elevated levels of the chemicals associated with agriculture. DEQ works directly with Oregon Department of Agriculture (ODA) and other state agencies for implementation of these rules. McMinnville recognizes that pollutants coming from outside the City may need the involvement of DEQ to resolve illegal discharges to waterways.

Section 2.4 Control Measure Discussion

The WQMP requires that cities with populations >10,000 have 18 months from the date of notification to develop and implement 3 of the 6 control measures including Public Education, Public Involvement, and Good Housekeeping. The activities required for these control measures are fully underway and are discussed below. These measures will be elevated during report year 2022/2023.

The other control measures are discussed throughout this document but most specifically in Appendix A.

Public Education – According to the MS4 Phase II General Permit, *the goal of the education and outreach program is to reduce the behaviors and practices that cause or contribute to adverse stormwater impacts on receiving waters. McMinnville’s program seeks to promote specific actions to increase audience understanding of how to reduce pollutant discharges in stormwater runoff.* The management group from the City for this effort has decided that following the general design of the regulations of the Phase II permit is a prudent way to proceed. A public education review group will be assigned in 2022/2023 to review material and steer the program. The City Engineer or consultant acting as City Engineer will direct this endeavor.

Staff has developed the following list of target audiences. These target audiences will have messages and activities designed that pertain specifically to that group through key messages. While certain audiences like the general public can receive a wide variety of messages through various means (brochures, articles, social media, etc.), if the target audience is school children for example, messages should be designed in a way that is useful for that group. Field trips or field presentations covering the impacts of mercury might be much more interesting for students.

Target Audiences for the City of McMinnville

General Public

Students / School Children

Businesses

Industries

Landscapers

Developers/Builders/Engineers

Elected Officials / City Staff

The City will complete messages in 2022/2023 that can be used for each of the target audiences over the 5 year term and beyond. Records will be maintained in order to make certain all audiences are being reached and what factors indicate success or poor performance to fine-tune efforts over the permit term. It is expected that McMinnville will continue to focus on Public Education as a core control measure. The City recognizes that activities presented to an educated public will provide for long term success.

General public education messages and introduction to the TMDL Implementation Plan were added to the City’s website in July 2022. Messages were also added to Facebook and the City Newsletter.

Public Involvement

The opportunity for the public to participate in the TMDL Implementation Plan development is an important part of gaining interest in the program. Staff intends to make certain that the City Council is kept informed on a regular basis.

A Work Session was held with the City Council on August 9, 2022. City Council members were engaged and asked thoughtful questions.

When possible, the Mayor or a City Councilor will provide some type of interaction with residents during public outreach events.

The TMDL Implementation Plan, revisions, annual reports, and 5th year evaluations are, or will be posted on the City's website.

Good Housekeeping

The City of McMinnville has a good housekeeping program in place. It needs to be updated and formalized with a Good Housekeeping Manual which will occur in Year 1 and 2.

The City has 1200-Z coverage for the wastewater treatment facility as well as the airport. The SWPCP has been developed and was revised in 2021. Other known industries in town have 1200-Z coverage although the City needs to develop a process to record that information. Procedures are being developed to review the SWPCPs for new industries to identify inconsistencies with stormwater programs. SWPCPs will also be reviewed when permits are renewed.

McMinnville has an Integrated Pest Management Plan (IPM). The document will be reviewed to ensure water quality minded activities are in place.

The City currently provides street sweeping and a leaf haul program. They have actively been tracking leaf removal totals since 2007 and do so annually.



Catch basin cleaning in the downtown area occurs annually and then high priority areas are cleaned as time allows. TV inspection work occurs annually.

Section 3.0 Mercury Reductions / Plan Discussion

Section 3.1 General Approach for Mercury Reduction

In general, the City will focus on setting the foundation for the program in Years 1 and 2. The City will utilize a consultant to develop some of the program basics as is covered in Section 3.2.

Overall, educating the residents and employees of the City of McMinnville is crucial to any stormwater program. Stormwater is a relatively new utility in the minds of many people and therefore requires consistent and accurate messaging in order to gain support. The ultimate goal for public education is to encourage behavioral change which is less likely to happen without educational efforts. In addition to providing information to the community, Public Works personnel should also take advantage of a variety of training opportunities such as networking with other municipalities, attending regional training opportunities and making use of guest speakers.

Construction site runoff

Construction site runoff and erosion control measures are to be elevated in this TMDL Implementation Program. McMinnville's program includes the provisions listed in Table 13-11 of the WQMP as follows:

DMA's must refer project sites to DEQ, or the appropriate DEQ agent, to obtain NPDES 1200-C Construction Stormwater Permit coverage for construction projects that disturb one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres).

In addition, DMA's must require construction site operators to complete and implement an Erosion and Sediment Control Plan for construction project sites in its jurisdictional area that result in a minimum land disturbance of 21,780 square feet (one half of an acre) or more, and are not already covered by a 1200-C permit.

Through ordinance or other regulatory mechanism, to the extent allowable under state law, the DMA must require erosion controls, sediment controls, and waste materials management controls to be used and maintained at all qualifying construction projects (as described above) from initial clearing through final stabilization to reduce pollutants in stormwater discharges to the stormwater conveyance system from construction sites.

The DMA must develop, implement and maintain a written escalating enforcement and response procedure for all qualifying construction sites. The procedure must address repeat violations through progressively stricter response, as needed, to achieve compliance.

The DMA must track implementation of its construction site runoff program required activities. In each TMDL annual report, the DMA must assess their progress toward implementing its construction site runoff program's control measures.



Rock is used to diffuse flow at outfalls which helps prevent erosion.

Given the City's limited involvement in 1200-C projects at this point, a substantial amount of training needs to be completed while the ordinance is being developed. As the matrix points out, a guide for staff will be developed in 2022/2023 covering the basics of erosion control including BMPs, site management, resources, and material for the development community.

Operational manuals

As was discussed in Subsection 2.4, the City currently has a well-developed operations program, but there is no formal documentation for resources and standard operation procedures. A Good Housekeeping Manual will be developed in 2022/2023 using existing staff in order to finalize good practices and will discuss options for BMPs that might be incorporated to existing activities. The manual will include a schedule for inspections. It will also include a provision to require document review on a to be established period. This will allow a time to add new practices and remove those that are obsolete.

Section 3.2 BMP Discussion

In order to provide for future efforts to address water quality, McMinnville has chosen to base many of the activities and actions listed in the implementation plan on the regulatory requirements contained within the MS4 Phase II General Permit. The BMPs listed in the matrix in Appendix A were developed in part using Table 13-11 of the WQMP in the Final Revised Willamette Basin Mercury TMDL. The City has chosen to list the order of stormwater control

measures as listed in the MS4 Phase II General Permit rather than the order listed in the WQMP.

As is the case with many new TMDL DMAs, the City of McMinnville does not currently have dedicated staff for environmental programs. With a new program in place, the City is seeking to make certain they start on the right foot by providing residents accurate information about the implementation plan and what role they play in the program. In an effort to make certain that the public and target audiences are receiving accurate educational material, staff has decided to use a portion of Year 1 to develop an educational messages portfolio from which they can draw on over the 5 year implementation term. This information will be used on the website and other outreach material with the goal of reaching students, the business community, builders and developers, landscaping companies, decision makers and the general public.

Section 3.3 Public Involvement

The TMDL Implementation Plan has gone through public review. It was posted to the City's website in July 2022 for 30 days and an opportunity was provided for residents to provide comments on the plan. Significant information obtained during public comment will be included in the Year 1 annual report.

In addition, the plan has been reviewed by the McMinnville City Council at a Work Session held on August 9, 2022. The plan and program will be reviewed by City Council annually and the plan itself will be posted on the City's website.

Section 3.4 Land Use Compliance

See Attachment B.

Section 3.5 Fiscal Analysis

As was stated earlier, McMinnville does not currently have a Stormwater Division. Municipal wastewater conveyance and street maintenance staff maintain the stormwater system and respond to emergencies involving the same. The TMDL program is a currently unfunded program that will need to rely on the wastewater utility for stop gap support to fund implementation.

The City recognizes that a solution needs to be agreed upon for sustainable funding for the program and will enter into those discussions as part of program implementation. Currently the City relies primarily on the Street Fund ("gas tax") and uses both Wastewater Services Conveyance staff and Street Maintenance staff to maintain the storm system. Repairs and other storm related costs are also primarily funded with Street Fund revenues. The City recognizes that it is responsible for funding the program and its related activities, and that any funding source that is developed will need to include a plan to reimburse the wastewater utility

for implementation funding. Discussions will occur during the first report year to agree on a path forward.

Section 4 Implementation Plan Management

Section 4.1 Annual Reporting

Yearly progress reports will be submitted to DEQ on or before Dec 1 starting in 2023. Report Year will start on October 1, 2022 and end on Sept 30, 2023. A concise review will be included to add, update, or explain program specifics. This portion of the annual progress report will also include the public education evaluation and assessment required in the WQMP as listed in Table 13-11.

During the 5th year of the implementation period, the City of McMinnville will submit a program evaluation and assessment according to guidance provided by DEQ. The five-year evaluation shall be submitted every 5th year as long as McMinnville is a DMA.

Section 4.2 Plan Review / Performance Monitoring

In an effort to make certain that the program remains on track, applicable management staff will need to carefully review annual progress reports and tasks for upcoming years. Corrections and adjustments should be made at annual report time.

For each monitoring year staff will look at developing trends to determine if BMPs need to be adaptively managed. Staff shall look for avenues to improve function, funding, efficiency, and pollutant reduction. These outcomes should be the markers for considering and applying Adaptive Management. According to the WQMP *Adaptive Management is a process that acknowledges and incorporates improved technologies and practices over time in order to refine implementation.* Adaptive Management is intended to improve the effectiveness of the chosen BMP. Progress of each BMP will be included in the status column of the matrix and submitted with the annual report. Program analysis and adaptive management proposals will be included in the narrative of the annual report.

<p style="text-align: center;">City of McMinnville TMDL IMPLEMENTATION PLAN – Sept 2022 to Sept 2027 Report Year #1 09/03/22 to 09/30/23</p>								
POLLUTANT: Mercury								
MCM #1 Public Education								
BMP#	Source <i>What source is being addressed? (ex. runoff from construction sites, riparian condition)</i>	Strategy <i>What will be done to control or reduce pollutant from source?</i>	How <i>Specifically, how will this be done?</i>	Fiscal Considerations <i>How is the BMP funded? (ex. In the 2023 budget, grant, etc.)</i>	Measure <i>How will successful implementation or completion be measured?</i>	Timing <i>When will the strategy be completed?</i>	Milestone <i>What intermediate goals will be achieved and by when to know what progress is being made?</i>	Status
PE-1	Runoff from soil disturbance and direct discharge to waterway from riparian area	Organize a PE group to help guide education and outreach efforts	Group to tailor messages to reach target audiences	Staff Time	Organize group and establish meetings with consultant	2021/2022	Staff members selected for this BMP and list of target audiences developed	Management group has approved and committee to be determined by new
PE-2	Runoff from soil disturbance and direct discharge to waterway from riparian area	Develop a resource portfolio of outreach messages for the 5 year evaluation period	Resources to be developed by knowledgeable persons	Consultant	Portfolio developed	2021/2022	Material will be tailored to reach target audiences	Underway
PE-3	Runoff from soil disturbance and direct discharge to waterway from riparian area	Post relevant stormwater public education materials to the City's website	Materials such as FAQ sheets, resource lists, and information for target audiences	Staff time	Post materials annually and review content each year for relevance	To occur each year starting in 2022	Maintain records of when and what was posted and report on annual progress	TMDL educational materials have been posted to the website
PE-4	Discharge from unvegetated riparian areas	Continue to support the GYWC, the SWCD, or others such as 'friends' groups annually	Monetary funding, attend meetings, and explore other opportunities	Add to budget for 2022/2023 and annually thereafter.	Document support actions and activities	To occur each year	Maintain records of support actions and include in the annual report	Staff have attended 22 watershed council meetings since March 21.
PE-5	Runoff from soil disturbance and direct discharge to waterway from riparian area	Provide educational opportunities to students annually	Use staff or other professionals to provide educational presentations in the classroom or field	Staff time and potential minimal cost for materials	Speaker, topic, date, and number of students	To occur each year starting in 2023/24	Assemble a list of potential presenters and contact schools	No progress

BMP#	Source <i>What source is being addressed? (ex. runoff from construction sites, riparian condition)</i>	Strategy <i>What will be done to control or reduce pollutant from source?</i>	How <i>Specifically, how will this be done?</i>	Fiscal Considerations <i>How is the BMP funded? (ex. In the 2023 budget, grant, etc.)</i>	Measure <i>How will successful implementation or completion be measured?</i>	Timing <i>When will the strategy be completed?</i>	Milestone <i>What intermediate goals will be achieved and by when to know what progress is being made?</i>	Status
PE-6	Runoff from soil disturbance and direct discharge to waterway from riparian area	Mail informational material to streamside property owners	1 mailing sent 2x in the 5 year evaluation period	Cost of mailing	Complete list of streamside property owners and conduct the mailing	Complete by 2025/2026	Report date and content of mailing	No progress to report
MCM #2 Public Involvement								
PI-1	Runoff from soil disturbance and direct discharge to waterway from riparian area	Maintain a website and post the most current water quality related information to the site	Post the TMDL Plan on the City website	Staff time	Post new and updated material annual	To occur each year	Post the plan in 2022 and post plan reports submitted to DEQ annually	Plan to be posted from July 25 th to August 29 th 2022 to gather public comment. Final to be posted after DEQ approval
PI-2	Direct runoff to waterway	Utilize a volunteer group to conduct restoration work on a local waterway	2 projects will be implemented in the 5 year plan term	Budget for support items such as refreshments, plants, planting material, etc.	Complete the projects and record description and # of participants	Complete by 2025/2026	Identify suitable project sites and develop a project plan	Coordination underway with GYWC
PI-3	Runoff from soil disturbance and illicit discharges	Mark catchbasin grates using volunteer groups	Utilize community groups to mark a number of basins each year	Budget for placards, and misc. costs for adhesive, kits, etc.	Track number of markers installed, dates, and volunteer	To occur each year starting in 2023/2024	Track number of basins marked and develop door-hanger to use for marking events	No progress to report
PI-4	Runoff from soil disturbance and illicit discharges	Educate Elected Officials	Work Session presentation	Consultant and staff	Complete the activity	To occur each year	Report progress in yearly report	Presentation to City Council on 7/26/22. Work Session. General program overview
MCM #3 Illicit Discharge and Detection								
ID-1	Runoff from soil disturbance and direct discharge to waterway from riparian area	Update the City's existing GIS database to include new stormwater data and assets	Update the map at least annually	Staff time	Develop a preliminary list of desired assets	To occur each year	Provide DEQ information on stormwater and waterway work done annually	The City has existing GIS data and coordination has occurred between personnel. Asset list being developed

BMP#	Source <i>What source is being addressed? (ex. runoff from construction sites, riparian condition)</i>	Strategy <i>What will be done to control or reduce pollutant from source?</i>	How <i>Specifically, how will this be done?</i>	Fiscal Considerations <i>How is the BMP funded? (ex. In the 2023 budget, grant, etc.)</i>	Measure <i>How will successful implementation or completion be measured?</i>	Timing <i>When will the strategy be completed?</i>	Milestone <i>What intermediate goals will be achieved and by when to know what progress is being made?</i>	Status
ID-2	Runoff from soil disturbance and impervious area	Develop an ordinance that prohibits non-stormwater discharges into the stormwater system and local waterways	Utilize ordinances and programs from other agencies	Staff time involving legal	Document annual progress	Complete by 2024/2025	Provide DEQ annual progress on this BMP in the annual report	Pulling together ordinances from other agencies
ID-3	Runoff from soil disturbance and impervious area	Develop an enforcement response plan	The plan will include escalating steps of enforcement	Staff time	Document annual progress	Complete by 2024/2025	Report progress and final outcome to DEQ	No progress to report
ID-4	Runoff from soil disturbance and impervious area	Staff training	Annual training by existing staff. Take advantage of inexpensive regional training	Include training in the annual budget	Conduct annual training – develop a schedule. Yr 1 training by consultant	To occur each year starting in 2022/2023	Report/record training date, # of employees in attendance	The City has a spill response plan, but no formal IDDE plan in place
ID-5	Runoff from soil disturbance and impervious area	Recordkeeping	Utilize GIS or another database to document response	Staff time	Develop a response sheet and process	To occur each year starting in 2022/2023	Report # of complaints and outcome annually	No progress to report
ID-6	Runoff from soil disturbance and impervious area	Annual outfall inspections	Field inspect outfalls and maintain inventory	Staff time	Develop process and maintain digital inventory	To occur each year starting in 2023/2024	Report activities in annual report	No progress to report
MCM #4 Construction Site Runoff								
CS-1	Runoff from soil disturbance and impervious area	Staff training - CESCL training for at least 1 employee and annual training for staff	Familiarize key staff with the 1200-C program	Include training in the annual budget	Document CESCL information as well as staff training. Yr 1 training by consultant	CESCL training completed by 2023/2024 Annual training for staff	Report training activities in the annual report	Several staff members attended the Erosion Control and Stormwater Management Summit held online on January 26, 2022 (Mid-Willamette Outreach Group)

BMP#	Source <i>What source is being addressed? (ex. runoff from construction sites, riparian condition)</i>	Strategy <i>What will be done to control or reduce pollutant from source?</i>	How <i>Specifically, how will this be done?</i>	Fiscal Considerations <i>How is the BMP funded? (ex. In the 2023 budget, grant, etc.)</i>	Measure <i>How will successful implementation or completion be measured?</i>	Timing <i>When will the strategy be completed?</i>	Milestone <i>What intermediate goals will be achieved and by when to know what progress is being made?</i>	Status
CS-2	Runoff from soil disturbance and impervious area	Develop a guidance document for staff that outlines program implementation	Document to include resources, program descriptions, BMPs, etc	Consultant - budgeted	Develop the guidance document	To be completed 2022/2023	Report progress in the annual report	
CS-3	Runoff from soil disturbance and impervious area	Develop a local erosion control program which meets the specifications for coverage under the 1200-CN	Research similar 1200-CN permittee ordinances. Work with legal dept	Staff time	Develop the ordinance	Complete by 2025/2026	Report progress in the annual report	Initial discussion with Ryan Johnson, and Blair Edwards from DEQ
CS-4	Runoff from soil disturbance and impervious area	Provide educational materials to the development community including a template	Develop a builder/developer packet with template, BMPs, resources, etc	Consultant – funds in budget	Completion of packet materials	2023/2024	Describe progress in the annual report	
CS-5	Runoff from soil disturbance and impervious area	Develop an erosion control ordinance	Use or edit an existing or new document.	Staff time involving legal	Demonstrate progress annually	Complete by 2025/2026	Report progress in the annual report	
CS-6	Runoff from soil disturbance and impervious area	Develop an enforcement response plan	See ID-3 The plan will include escalating steps of enforcement	Staff time	Demonstrate progress annually	Complete by 2025/2026	Describe progress in the annual report	
CS-7	Runoff from soil disturbance and impervious area	Develop and maintain a construction database	Utilize GIS, excel, or another database of current and closed projects	Staff time	Maintain database so that it can be submitted to DEQ upon request	To occur each year starting in 2023	Describe progress in the annual report	Discussion with GIS personnel as to what elements need to be included on 5/11
CS-8	Runoff from soil disturbance and impervious area	Notify DEQ for projects requiring 1200-C permits	Offer educational material to builders	Staff time	Record notifications	To occur each year 2022/2023	Describe progress in annual report	

BMP#	Source <i>What source is being addressed? (ex. runoff from construction sites, riparian condition)</i>	Strategy <i>What will be done to control or reduce pollutant from source?</i>	How <i>Specifically, how will this be done?</i>	Fiscal Considerations <i>How is the BMP funded? (ex. In the 2023 budget, grant, etc.)</i>	Measure <i>How will successful implementation or completion be measured?</i>	Timing <i>When will the strategy be completed?</i>	Milestone <i>What intermediate goals will be achieved and by when to know what progress is being made?</i>	Status
MCM #5 Post-Construction Runoff Control in New and Re-development								
PC-1	Runoff from soil disturbance and impervious area	Develop or revise an ordinance or other regulatory mechanism (Design Standards) to meet the requirements of Post Construction regulations	Utilize DEQ resources and mirror what other municipalities have done.	Staff time – potential for engineering costs	Document progress annually	Complete by 2025/2026	Describe progress in the annual report	
PC-2	Runoff from soil disturbance and impervious area	Develop a long term maintenance approach for private facilities	The plan should include a checklist for inspections	Staff time	Consider utilizing existing resources from other agencies. Document progress.	Complete by 2024/2025	Describe progress in the annual report	
PC-3	Runoff from soil disturbance and impervious area	Develop an inventory of public & private facilities (type ie. swale, rain garden, etc)	Review as-builts, field verify, or other means to collect location information	Staff time	Inventory shall include owner, installation date, type, etc.	Complete by 2024/2025	Describe progress in the annual report	
MCM #6 Good Housekeeping in Municipal Operations								
GH-1	Runoff from soil disturbance and impervious area	Develop a new or revise an existing Good Housekeeping Manual	The manual is a reference guide for operations personnel	Staff time w/ Consultant	Complete manual	Complete by 2022/2023	Describe progress in the annual report	
GH-2	Runoff from soil disturbance and impervious area	Conduct inspections at Shop facilities	Inspections will occur according to Good Housekeeping Manual in Yr 2	Staff time	Conduct inspections	Conduct inspections starting in 2023/2024	Provide completion date and documentation for inspections	Inspection work is taking place, but protocol and recordkeeping need to be included in the new Good Housekeeping manual

BMP#	Source <i>What source is being addressed? (ex. runoff from construction sites, riparian condition)</i>	Strategy <i>What will be done to control or reduce pollutant from source?</i>	How <i>Specifically, how will this be done?</i>	Fiscal Considerations <i>How is the BMP funded? (ex. In the 2023 budget, grant, etc.)</i>	Measure <i>How will successful implementation or completion be measured?</i>	Timing <i>When will the strategy be completed?</i>	Milestone <i>What intermediate goals will be achieved and by when to know what progress is being made?</i>	Status
GH-3	Runoff from soil disturbance and impervious area	Conduct Street Sweeping	Develop a written document for street sweeping operations and implement Yr 2	Staff time	Evaluate practices to improve effort	To occur each year starting in 2023	Provide annual activities in annual report	Street sweeping is an existing program. Between 3500 and 5000 yards of leaves have been removed annually since 2017
GH-4	Runoff from soil disturbance and impervious area	Catchbasin cleaning	Develop a plan for catchbasin cleaning in the City and implement Yr 2	Staff time	Evaluate practices to improve effort	To occur each year	Provide annual activities in annual report	Catchbasins are cleaned annually. The city will refine the program to capture annual percentage or other trend
GH-5	Runoff from soil disturbance and impervious area	Annual training for Public Works facility	Purpose is to review practices and review staff suggestions	Staff time Consultant	Conduct training	To occur each year	Develop training calendar with staff. Training dates to be recorded along with attendance	Underway. List of annual topics being developed
Regulatory BMPS								
		Develop a stormwater fee	Consider options such as developing ESUs	Staff time	Determine a feasible funding mechanism	Prior to end of 5 year review period	Track annual activity	
		Review internal documents and permits for consistency with TMDL Implementation Plan	Review existing code, planning and master plans to identify inconsistencies	Staff time	Develop a plan for making adjustments in existing management documents and ordinances	Prior to end of 5 year review period	Track progress and report to DEQ 2026/27	
		Annual report	This is an annual requirement	Consultant	Complete report	Due date – Sept 30, 23	Submit annually	
		5 th year evaluations	To be completed in 2026/2027	Staff time	Complete evaluation	Due date – Sept 30, 27	Submit to DEQ in 2026/2027	
		PE evaluation and assessment Year 1	To be included w/ annual report	Consultant	Complete evaluation	Due date – Sept 30, 23	Submit annually	

		Annual evaluation and assessment of the TMDL Program	Monitoring to be included w/ annual report	Consultant	Complete evaluation	Due date – Sept 30, 23	Submit annually	
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**City of McMinnville
Planning Department**

231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

June 1, 2022

Anne Pagano, Public Works Director
231 NE 5th Street
McMinnville, OR 97128
via e-mail: anne.pagano@mcminnvilleoregon.gov

Re: City of McMinnville - Mercury TMDL Implementation Plan
Land Use Compatibility Acknowledgement

Dear Anne:

This letter is to provide acknowledgment of land use compatibility for the City of McMinnville's Mercury TMDL Implementation Plan. The City is undertaking this work as required by the Final Mercury TMDL for the Willamette Basin issued by EPA on February 4, 2021. Additional information is provided at the following link.

<https://www.oregon.gov/deq/wq/tmdls/Pages/willhgtmdlac2018.aspx>

A summary of information excerpted from website is provided below:

On Nov. 22, 2019, DEQ issued the [*Final Revised Willamette Basin Mercury Total Maximum Daily Load*](#) that was submitted to the U.S. Environmental Protection Agency for action. EPA disapproved DEQ's TMDL on Dec. 30, 2019 and issued their final TMDL on Feb. 4, 2021 following a public comment period. EPA notified DEQ that, "EPA has established this TMDL and is hereby providing it to the State for implementation." EPA's TMDL states that reasonable assurance for their TMDL relies on DEQ's Water Quality Management Plan. The plan was issued on Nov. 22, 2019 as part of the DEQ TMDL. The total mercury allocations specified in EPA's TMDL are effective for designated management agencies and responsible persons named in DEQ's management plan.

DEQ will be working with agencies and responsible persons to implement the water quality management plan. The plan describes a multi-faceted approach that requires implementation of management practices through development of TMDL implementation plans by multiple federal, state, and local agencies, and responsible persons across the entire Willamette Basin to reduce human-caused sources of mercury. TMDL implementation plans will contain measurable objectives, milestones and timelines, and must be approved by DEQ staff. Annual and five-year reviews ensure agencies and responsible persons are on track for making sustained progress in implementing management strategies to reduce mercury primarily through control of erosion and sediment runoff. In addition, the plan includes development of mercury minimization

plans for major point source dischargers and reduction of mercury in stormwater runoff through requirements contained in stormwater permits. DEQ expects that with implementation of the water quality management plan, mercury water quality standards will be met.

McMinnville's Comprehensive Plan is acknowledged, and the City has adopted amendments to the Comprehensive Plan and implementing ordinances following the original acknowledgment, consistent with the applicable state law for amendments in accordance with the requirements for Periodic Review and Post-Acknowledgment Plan Amendments (PAPAs).

Acknowledgement of the Comprehensive Plan means the Comprehensive Plan and implementing ordinance have been found to comply with the Statewide Planning Goals, including Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), Goal 6 (Air, Water, and Land Resources Quality), and Goal 7 (Areas Subject to Natural Hazards).

Several sections of the Comprehensive Plan specifically address natural resources, and other sections also address natural resources in the context of specific land use and development goals and policies. Specific provisions include the following:

Chapter II: Natural Resources:

Goal II.1. To preserve the quality of the air, water, and land resources within the Planning Area. Policies 8.00-11.00 specifically address water resources.

Chapter VII: Community Facilities and Services

Addresses stormwater management and provision of open spaces, natural areas, and scenic areas, including protection and acquisition of floodplain and riparian areas.

The City's Mercury TMDL Implementation Plan has been undertaken consistent with DEQ's TMDL Implementation Plan Guidance for State and Local Government Designated Management Agencies, May 2007, linked here:

<https://digital.osl.state.or.us/islandora/object/osl:20723/datastream/OBJ/view>

The TMDL Implementation Plan includes a number of action items to be undertaken by the City of McMinnville within its planning area to reduce mercury levels in the Willamette Basin. The Implementation Plan itself is consistent with the Goals and Policies of the Comprehensive Plan and there aren't proposed implementation actions that would conflict with the Comprehensive Plan.

Some implementation actions may require changes to the City's Comprehensive Plan and/or implementation ordinances. At such time as those items are undertaken, the City will address compatibility with the Comprehensive Plan and will comply with the applicable Post-Acknowledgement Plan Amendments to ensure amendments to the City's Comprehensive Plan continue to comply with the Statewide Planning Goals.

Anne Pagano
Re: Mercury TMDL Implementation Plan
Date: June 1, 2022

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If any of the implementation actions should require a DEQ LUCS (Land Use Compatibility Statement), the City will address the applicable LUCS requirements at the time the respective implementation actions are undertaken.

Please contact me at (503) 474-5108 or by email at tom.schauer@mcminnvilleoregon.gov if you have any questions or if I can provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Schauer".

Tom Schauer
Senior Planner

Cc: Elizabeth Sagmiller, sagmillere@gmail.com
Nancy Gramlich, nancy.h.gramlich@deq.oregon.gov



Oregon

Kate Brown, Governor

Department of Environmental Quality

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(541) 686-7838

FAX (541) 686-7551

TTY 711

Nov. 15, 2022

Certified: 7022 0410 0001 9324 0843

Anne Pagano
230 NE 2nd St
McMinnville, OR 97128

Re: Department Order Approving the City of McMinnville Nonpoint Source Mercury TMDL Implementation Plan

Dear Anne Pagano,

The Oregon Department of Environmental Quality approves the City of McMinnville Total Maximum Daily Load Implementation Plan (the "Plan") received on August 22, 2022. The City's Plan meets the implementation plan criteria as outlined in OAR 340-042-0080 and DEQ's 2019 *Revised Mercury TMDL Water Quality Management Plan*.

This approved Plan outlines the actions for minimizing mercury and sediment inputs into surface waters from those areas where the City has jurisdiction to reduce mercury and sediment in the Willamette Basin in order to protect people who regularly eat fish and shellfish from streams and lakes across the basin.

The City must report on Plan implementation in order to document that the Plan is being implemented to restore and protect water quality in the Willamette Basin. To adequately fulfill the reporting and implementation requirements of the revised Mercury TMDL the City of McMinnville must:

1. Begin Plan implementation on Sept. 3, 2022.
2. Implement the best management practice activities it has proposed in the updated Plan.
3. Consult DEQ for approval on any changes to the Plan activities and timelines in advance.
4. Monitor, document, and report on progress in implementing the provisions of the Plan:
 - a. Submit annual reports to the Department by Dec. 1 each year. Reports should cover the previous months of implementation for October 1 through September 30.
 - b. Submit complete reports. Reports must contain sufficient information to enable the Department to assess reporting metrics, measurable goals, compliance with the provisions of the Plan, progress, and delays and challenges, towards implementing the Plan for meeting the TMDL load allocation.
5. TMDL implementation is an iterative process that continues every five years. The fifth report submittal, due on Dec. 1, 2027, must document 1 & 2 above and include information on the following:
 - a. A comprehensive review of overall Plan implementation progress over the previous years (September 3, 2022, through October 31, 2027).
 - b. Evaluation, in consult with DEQ, to determine whether strategies, timelines, or

- other components of the Plan are adequate for the next five-year timeline.
- c. Submittal of an update to the Plan for approval by the Department if evaluation determined Plan and/ or effectiveness of management strategies are inadequate for meeting the TMDL load allocations. At a minimum, update the five-year timeline for the continuation of implementation effective October 31, 2027.

The TMDL, WQMP, Department approved TMDL Implementation Plan, and the deadlines and requirements established by this letter are enforceable orders. Failure to implement or timely implement the approved Plan is therefore an enforceable violation. The City's reporting on implementation is the mechanism to document the City is implementing the terms and conditions of the above- mentioned orders and failure to report is also an enforceable violation. Compliance with the approved Plan is considered compliance with the TMDL.

The Department endeavors to assist you in your implementation efforts. Please do not hesitate to contact your basin coordinator or specialist if you have questions about TMDL implementation:

Grace Goldrich-Middaugh
Grace.goldrich-middaugh@deq.oregon.gov
541-972-5520
DEQ, Western Region
165 E. 7th Ave., Suite 100, Eugene OR. 97401



Heather Tugaw
Water Quality Manager DEQ, Western

ec: Anne Pagano, Public Works Director;

DEQ file/BC – grace.goldrich-middaugh@deq.oregon.gov