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SUBMITTED BY: Jonah Sandford

SUBJECT: Item # 6a + 6b



NORTHWEST ENVIRONMENTAL DEFENSE CENTER

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December 18, 2019

**Re: Proposed Stormwater Master Plan and Stormwater and Grading Design Standards, File No. GLUA 19-00002: LEG 19-00001 & LEG 19-00005.**

Mr. Mayor and Commissioners,

My name is Jonah Sandford; I'm the staff attorney for the Northwest Environmental Defense Center. I'd like to specifically address the City's proposed Stormwater Master Plan and Design Standards as they relate to Statewide Planning Goal 6. I appreciate city staff's time hearing us out on this issue, and have read the revised staff report and Deputy City Attorney Richter's memo as they relate to Goal 6. But I believe it is clear that, as written, the proposed plans do not comply with this Goal.

Goal 6 requires that all future development, when combined with discharges from existing development, not "threaten to violate, or violate applicable state or federal environmental quality statutes, rules, and standards." In my view, there is a misunderstanding here about what exactly are the "applicable state or federal statutes, rules, and standards." As you know, DEQ has issued an NPDES permit covering Oregon City's stormwater discharges. This MS4 permit contains many important conditions and requirements, but it does not require compliance with state water quality standards. Planning Goal 6 explicitly requires compliance with these standards, which are found at OAR 340-41. So, while compliance with the MS4 permit is certainly *necessary* to compliance with Goal 6, it's not *sufficient*. To be sufficient, compliance with Goal 6 requires that Oregon City comply with all state water quality standards—these are the "applicable standards" for water quality that are referenced in the Goal 6 text.

Next, contrary to the staff report, the city's current comprehensive plan does not require compliance with state water quality standards. The passages from the Comprehensive Plan referenced in the report simply don't ensure that all state standards will be met. But I will add here that if there is such certainty that the City's stormwater management is complying with all state water quality standards, then it shouldn't be controversial to include additional language in these documents affirming that all discharges will comply with these standards.

Finally, I'd like to emphasize that compliance with Goal 6 for these documents doesn't require a burdensome amendment process. As we told City staff a couple of weeks ago, all that is necessary is language stating that discharges will comply with state water quality standards, and referencing OAR Chapter 340 Division 41.

Thank you,

Jonah Sandford  
Northwest Environmental Defense Center