



Devils Lake Water Improvement District
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Quick Look:

- Informational Presentation

DEQ Rulemaking:
Septic System
Inspections

AGENDA 2012 October 11

Regular Meeting: 6 pm, Lincoln City, Council Chambers
801 SW Hwy 101, 3rd Floor

- I. Special Order of Business** 6pm
- a. Informational Presentation:
DEQ's Rulemaking Process for Septic Systems Inspections at Time of Transfer
Randy Trox, Onsite Program Coordinator, DEQ's Eugene Office
- II. Consent Agenda**
- a. Minutes of the Previous Meetings
b. Financial Report
- III. Public Comment** *(Please limit comments to 5 minutes per person or as outlined by Chair)*
- IV. Unfinished Business** (Agenda Support Item A)
- a. The Devils Lake Plan
- i. Septic Tank Revitalization Program (Seth Lenaerts)
 - ii. Save our Shoreline Campaign (Seth Lenaerts)
 - iii. Vegetation Management
 - iv. Sewer (Brian Green)
- b. Communications Report
c. Safety Report
d. MidCoast TMDL
e. Internship (Alyssa Clayton)
f. East Devils Lake Road
g. Lake Level Monitoring
- V. New Business** (Agenda Support Item B)
- VI. Non-agenda Items**
- VII. Public Comment**
- VIII. Board Comments & Announcement**
- a. Next Regular Meeting: TBA
 - b. Goal Setting Meeting: October 13, 2012 --- 10 am
 - c. Erosion Prevention & Sediment Control Summit: October 25, 2012 --- 8am – 1pm
- IX. Adjournment**

Meetings of DLWID are handicapped accessible under the ADA.
If special accommodations are needed, please contact the District Office at (541) 994-5330 prior to the meeting.

Special Order of Business:

Informational Presentation:

DEQ's Rulemaking Process for Septic Systems Inspections at Time of Transfer
Randy Trox, Onsite Program Coordinator, DEQ's Eugene Office

Note: See Septic Tank Revitalization Program below for information and context

Unfinished Business

a. **The Devils Lake Plan**

i. **Septic Tank Revitalization Program** (Seth Lenaerts)

As you are aware, since 2009, DEQ's onsite program has been working to update their rules and assure compliance with the Coastal Zone Act Reauthorization Amendments (CZARA). As part of this process DEQ setup an Onsite Advisory Committee to suggest recommendations to the rules. DEQ with input from the Technical Advisory Committee took those recommendations and created a policy package that they presented during the 2011 legislative session, which you may remember, was Policy Option Package #120. At the same time DEQ has been working with EPA and NOAA, to assure that the proposed changes would comply with CZARA.

The proposed rules have been released and the public comment period is now open until Friday, October 19. After DEQ staff has a chance to respond to the comments, and potentially edit the proposed rules, they will ultimately be presented to the Environmental Quality Commission to be passed. At this point DEQ is aiming to present these rules to the Commission at their December 6 and 7 meeting.

For DEQ's summary of the rules see document: Notice of Proposed Rulemaking.
<http://www.deq.state.or.us/wq/onsite/docs/About%20the%20Proposal.pdf>

AND

Rulemaking announcement: <http://www.deq.state.or.us/wq/onsite/docs/Announcement.pdf>

If you are interested in viewing the rules in their entirety, they are available at the following link:
<http://www.deq.state.or.us/wq/onsite/docs/Proposed%20Rules.pdf>

Randy Trox who is the Onsite Program Coordinator from DEQ is planning on attending our meeting. For the most part, I will allow him to summarize and discuss the proposed changes. Randy will also be available for questions.

In order to provide you with more information on the program a brief summary is included in this report. The links to the proposed changes and DEQ summaries are also included above.

Summary of Proposed Rules:

The proposed rules would amend the following Onsite program rules:

- Require the submittal of septic system inspection reports at the time of property transfer. Upon receipt of a complete report, DEQ will issue a Certificate of Acceptance. Expected to take effect March 2013
- Implement 2011 legislatively-approved fees, such as land use sign-off fees.
- Implement changes to alternative treatment technologies (ATT) product approval, based on recommendations by the 2009 onsite advisory committee. This includes establishing that the products meet performance standards in the field and better track system installations.
- Newly permitted sand filters (sand filters which are approved after the adoption of these rules) and pressurized distribution must have a service maintenance contract and ongoing maintenance similar to ATT systems.
- Streamline rules to make it easier for the public to comply
- Correct errors in the rules and update some sections to contemporary rule standards
- Add expiration dates to site evaluation reports to ease the burden of local agents to honor old site evaluations that are difficult to locate due to mature landscaping, addition or subtraction of structures such as fences. Also remove site evaluation confirmation fees from the rules as the anticipated efficiencies were not realized and very few were submitted.
- Remove ETA systems from the rules as they were targeted for use in Jackson County and were not as successful as sand filters, so they haven't been permitted in decades.

These rules are intended to produce the following results.

Proposed Rule	Expected Result
Time of Transfer Evaluation Application	This will allow DEQ to comply with the CZARA requirements and will also allow DEQ to ensure that any deficiencies identified in the evaluation are corrected.
Compliance Recovery Fees	Would require a documented violator to pay up to twice the amount for an application, if one is required for the violator to obtain compliance. This will allow DEQ to recover some of the costs for working with the violator to obtain compliance.
Sand Filter and Pressurized Distribution Maintenance Requirement	Would require owners of newly-permitted sand filter and pressurized distribution systems to maintain a service contract with a certified maintenance provider and to submit an annual report and fee. These systems are complex and require ongoing maintenance to function properly. The annual report and fee will allow DEQ to ensure these systems are being operated and maintained as required.
Alternative Treatment Technology Annual Compliance Determination Fee	Would require manufacturers of approved alternative treatment technology systems to submit an annual compliance determination fee for each approved model they sell in Oregon. The fee will be used by DEQ to sample and analyze wastewater from installed systems that are operating in Oregon to determine if the systems are meeting the performance standards that they are required to achieve.
Land Use Review Fee	Would require applicants to local planning and building departments for activities that do not require a DEQ application, but where the local planning and/or building department is requiring the applicant to obtain DEQ review and

Proposed Rule	Expected Result
	authorization to pay a fee for the review and authorization. The fee will be used by DEQ to cover the costs of staff time to pull files, review records and provide authorization for the activity.
Alternative Treatment Technology >1500 gpd Product Approval Application	Would require the manufacturer of an alternative treatment technology system designed for sewage flows over 1,500 gallons per day to submit a higher fee than for those systems 1,500 gallons per day or less. Systems designed to serve these higher sewage flows are more complex and require more time to review. The higher fee will cover the costs of the additional review time.
Land Use Compatibility Statement Requirement	DEQ is proposing to minimize the number of applications that require a land use compatibility statement by better defining "land use action" as it relates to onsite septic systems. This would reduce the cost to some onsite septic system applicants who would no longer be required to obtain a land use compatibility statement from the local planning department.
Definition changes for 'maintenance' & 'pressure transport pipe', temporary holding tank & pretreatment clarifications	Very minor repairs, like a crushed section of pipe, require a permit that often exceeds the cost of repairs, redefining maintenance will allow such minor fixes without a permit. Pressure transport pipe is a class of pipe and the definition has been changed to include gravity movement of effluent, which will allow the use of pressure transport pipe with gravity systems. Temporary holding tank change adds agent discretion with the tank having to meet construction standards for permanent holding tanks. Temporary holding tanks are used when soil conditions prevent installation of soil absorption system, so 1,500 gallon minimum tank size isn't always warranted. Systems that require pretreatment need a WPCF permit, except if a grease interceptor tank is the only pretreatment needed.
Site evaluation expiration & site evaluation confirmations deleted from the rules	Site evaluations older than 10 years old (issued after February 28, 2013) where an approved system has not been installed will no longer be valid and a new evaluation will be needed. Site evaluation confirmations were allowed for WPCF permit applications where DEQ staff evaluated soil notes and maps provided by a qualified consultant. Less than 1/year has been submitted and often they were incomplete, inaccurate, and added time it took to process a permit application. The result of removing the site evaluation confirmation is WPCF site evaluations will be conducted by DEQ or a local agent, consistent with construction-installation permits.
WPCF – installers install the system, not just soil absorption system	A DEQ-licensed sewage disposal service will be the primary option but a permittee may also install a system. This is consistent with construction-installation permits.
Service Provider needs to be certified	Homeowners certified by the manufacturer will also need DEQ maintenance provider certification to maintain their own systems.

Impacts to DLWID

These rules will mostly impact, septic system owners or those proposing a new septic system, manufacturers, certified service providers, realtors, onsite agents, system designers, and licensed sewage disposal services.

In the Devils Lake watershed we have 685, septic systems, and the watershed, understandably is located in the Coastal Management Zone, which as of now, will be the only part of the state required to have time of sale inspections. Therefore, all the proposed rules will be applied to our area, with some of the rules not impacting existing systems, for example current owners of sand filters will not be required to have a maintenance agreement, but a new sand filter will.

The proposed rules that are most likely to impact homeowners in the district are the following:

- Time of transfer evaluation application
- Sand filter and pressurized distribution maintenance requirement (for new systems)
- Land Use Review Fee (for new systems)

DLWID Comments

Since these new rules were proposed beginning with Policy Option Package #120, the District has been in favor of the new rules, and the District should continue to support the new rules. It's proposed that the DLWID board sign a letter in support of these rules, specifically regarding the following issues:

Time of transfer evaluation – Currently, the District is pursuing our own inspection ordinance. The DEQ proposed inspection would only occur when a property is sold, where as the inspection ordinance that DLWID and Lincoln City are pursuing would be time based, therefore properties that are in trusts, or will likely not be sold, will still have an inspection. I believe that the DEQ proposal can help our program in several ways, therefore we should support it, but make sure to make the following comments:

1. Support the proposal.
2. Support a uniform inspection form.
3. Request that if an evaluation has been done, before the property is intended to be sold, the evaluation would still be valid if the property then is going to be sold, within a certain amount of years. I believe 5 would be reasonable. This would allow property owners in the District to use an evaluation that they had done in order comply with our inspection ordinance to also meet DEQ's rules. This should go both ways, so that if a property in the watershed is sold, they can submit that inspection form, and then not be required to have another inspection through the City ordinance for ten years. This would require the two inspections though, to have the same criteria.
4. Support the maintenance agreements for sand filters.
5. Continue to support a subsurface sewer disposal system improvement fund, which did not pass the legislature.
6. Include information about our watershed, the septic inventory that we have produced, and the efforts we are making locally to assure that all systems in the watershed are functioning.

Board Action: If the Board agrees, we will draft a letter with these six points as the outline and submit them as public comment.

ii. **Save our Shoreline (SOS)** (Seth Lenaerts)

Work on the SOS vide continues. Almost all of the shooting and voice over segments are complete. Cody, will be shooting some B roll footage in the next few weeks.

Maintenance:

After doing a site visit at the rain gardens, Spiro estimated that cost of doing maintenance at the two sites would be about \$800 each site. This is a preliminary estimate, but based on time, probably in the ball park. Spiro proposes doing one large clean up at each site, and then waiting for some rains, and then a second shorter day to capture any re-sprout. Cost include:

labor, equipment, pruning, disposal, and should include planting. We should be able to use some of the plants from NORP, but as I understand it right now, plant costs are not included in this quote.

Board Action: Therefore, I am updating my request to \$2,200, for maintenance and filling in areas where plants died to fill back in the rain gardens.

iii. **Vegetation Management:**

Grass Carp: I submitted our combined feedback to the consultant, MaxDepth Aquatics which they are using to create a final draft of our initial submission. We will be including any letters of support we can garnish as well as results from our survey to demonstrate what kind of support we have for this project. Letters from the Chair addressed to major stakeholders and political representatives are being assembled and will be mailed out next week.

The process moving forward looks like this:

Submittal to ODFW is forwarded to Wildlife Integrity Review Board to see if our application meets their criteria for a project that doesn't violate any principles of wildlife integrity (this as relayed by the contractor is ill defined, or vague). If the WIRB doesn't reject the application, it would then go back to ODFW in Salem for staff and management review. They would then offer comments or questions that we would have to address prior to us being allowed to having the request go before the ODFW Commission. The Contractor would make the presentation and respond to answers; ODFW staff and members of the public would be allowed an opportunity to make comments. The Commission could then decide to vote or table the item for a later date. Approval would also have to be received by NOAA-Fisheries and US Fish and Wildlife Service, which if ODFW gives us approval our contractor would repackage the same materials for submittal to those entities.

Given the additional time we have made us of for internal review the previous timeline submitted by the contractor will have to be revised. He suggests that if we can provide him with estimates for what if any additional review we will need, he can resubmit a revised timeline. He also stated that he has ample time this fall and winter.

Aquatic Plant Survey: Second phase of the survey was completed between September 17-19. A full report of their findings is to be available in November.

Economic Impact Study: December, 2012 Deliverable

Engineering Study: No Update

iv. **Sewer** (Brian Green)

b. **Communications Report:** (Seth Lenaerts & Paul Robertson)

- KBCH Good Morning Wake Up Show: This program airs weekday from 6-8 am on KBCH am 1400. The District has a standing interview spot on the THIRD Tuesday of the Month from 7:30 – 8:00 am. Podcasts of the program can generally be found at http://www.kbcham.com/home.cfm?dir_cat=99830.

- Oregon Lakes Association: The OLA Annual conference was held at Crater Lake, Friday – Sun September 14-16. I provided a short presentation (5-10 minutes) on the Lake Management Activities currently happening on Devils Lake. This included items in the Devils Lake Plan we are focusing on, Grass Carp, Septic Tank Revitalization and SOS, along with the water quality monitoring program we run with particular attention to the HABs program.
- Online Listserv: We made use of the new survey feature we began paying for this month in order to solicit feedback on the Devils Lake Plan. Thus far we have received back 80 online surveys. An additional 71 survey will be entered by hand which were received during the Senior Fair.
- Survey: The Online survey was converted to print and was published on a full half page of the Oct 3, 2012 issue of the News Guard. At this time we have not received any of these returned by mail, although we may have had a few anonymous online surveys taken or had current listserv members prompted to complete the survey by virtue of also seeing it in newsprint.
- Senior Fair: This event, held at Chinook Winds on Oct 2 from 9-6 was the largest crowd I believe they have had yet. At least 1250 tickets were handed out for their drawings from the main gate, and an estimated 500 more may have come through other entrances. At any rate it was a full house and many visitors stopped by our booth which we staffed all day. In addition to the visitors to the event, many local community members and entities staff booths including for example Mayor Anderson, Tanger Outlets, Chamber, all of whom we conducted outreach to through one-to-one communication and the survey on the Goal Setting Process. In total 71 surveys were filled out which will be added to the data for our goal setting workshop, nearly doubling what we have obtain through just the online component of our survey. It is worth noting that email is not necessarily the best method to provide outreach to all groups as a significant number of respondents while willing to provide their address would not or could not provide an email.

c. **Safety Report**: Safety is no accident! No incidents.

d. **MidCoastTMDL**: Department of Environmental Quality (DEQ) has begun the planning process for developing an Implementation Ready - Total Maximum Daily Load (IR-TMDL) for 303(d) listed waterbodies in the Oregon Mid-Coast Basin. The initiation of this TMDL process has been a long-time in the works and the process itself will be lengthy stretching over the next 18 - 20 months. Devils Lake is listed for Weeds/Algae, Chlorophyll a and pH and Thompson Creek is listed for fecal coliforms, and thus as a local government we have been invited to participate. Notably, temperature listings are also proposed by EPA for the lake and one of its tributaries. Representatives from local, state and federal government, special districts, Tribal Nations, private industry, forestry, agriculture, conservation, NGOs, watershed councils, landowners, and others were also identified.

o We have created a web presence under the Project Page for the TMDL process.

<http://www.dlwid.org/Projects.html#TMDL>

o Links to the DEQ's website are posted below.

<http://www.deq.state.or.us/WQ/TMDLs/midcoast.htm>

<http://www.deq.state.or.us/WQ/TMDLs/midcoastLSAC.htm>

Stakeholder Meeting Highlights: Stakeholders provided updates on the three technical working groups. Requests for DEQ to conduct additional outreach were made. This could include a presentation at DLWID for instance. As mentioned the outcomes of each of the Technical Working Groups will be to find synergistic solutions to the various impacts (Sediment, Temperature and Bacteria). All updates are available from the website.

Bacteria Technical Working Group:

During the fourth meeting of the Mid-Coast TMDL Bacteria TWG attendees: (1) Discussed load duration curve examples (2) reviewed available beach data and (3) discussed Big Elk Creek modeling outputs. The meeting agenda, meeting materials (including PowerPoint presentations) will be available through the DEQ Mid-Coast TMDL project website at: (<http://www.deq.state.or.us/wq/tmdls/midcoast.htm>).

A draft matrix identifying Potential Sources of bacteria given varying flow conditions was presented. The matrix identifies Low, Medium, and High probability based on the seasonality of flows (e.g. High Flow – winter, Low Flow, late summer). For example Onsite systems are shown to be of less an impact at transitional flows, (typically seen early spring or late fall), while they are more significant of a contributor at Dry flow times (summer) when the rains have stopped and thus Stormwater is insignificant.

Table 1. Load Duration Curve Flow Zone Interpretation Matrix. DRAFT ONLY

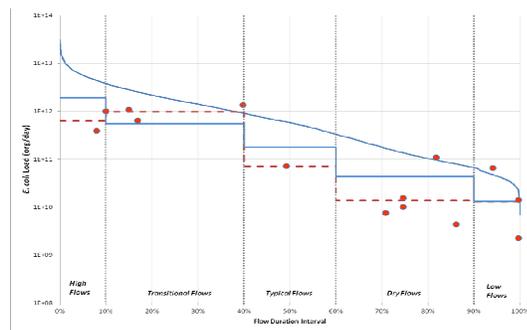
Potential Sources	High Flow	Transitional	Typical Flow	Dry Flow	Low Flow
Point Sources				M	H
Wading Animals				M	H
On-site systems		L	M	H	
Riparian Areas		H	H	H	
Stormwater: Impervious Land		H	H	L	
Stormwater: Pervious Land	H	H	M		
Combined Sewer Overflow	H	H	L		

H-High, M-Medium, and L-Low relative importance of source

This matrix then is used to compare actual data to the flow regime it was collected under as shown in the example below. In this example bacteria exceedances were most prevalent in Transitional Flows, Dry Flows and Low Flows (salmon color on matrix) and thus Potential Sources would be those highlighted. This information is then used to target efforts for reductions.

**Multiple Watershed LDC Example:
Estimated LDC for Station 12301**

Potential Source	High Flow	Transitional Flow	Typical Flow	Dry Flow	Low Flow
Point-Sources				M	H
Wading Animals				M	H
On-Site System		L	M	H	
Riparian Areas		H	H	H	
Stormwater: Impervious Land		H	H	L	
Stormwater: Pervious Land	H	H	M		
Combined Sewer Overflow	H	H	L		



Observed
 • Single sample
 - Log-Mean

Criteria
 — Max 406 org/100 ml
 — Log-Mean 126 org/100 ml



e. **Intern summer 2012:** (Alyssa Clayton)

I have continued weeding and watering weekly at East Devils Lake State Park and Regatta Grounds. We have made a good amount of progress and are planning on replanting the rain gardens later this month.

I have finished creating a digital archive of the Audits and the majority of the Budgets. The next step is putting them online, so that they can be easily accessible by the public.

I read the Fecal Source Tracking Sampling and Analysis Plan and have learned the sampling and laboratory techniques. I made a series of demonstration videos, meant to teach future interns how to carry out the sampling and laboratory techniques for DNA analysis.

I worked at the Chinook Winds Casino Senior Fair, promoting the recent survey put out by the district. We were able to get seventy-two responses from the senior fair alone. I will be putting the results into Constant Contact and excel in order to look at the results as a whole with the data we collected online.

In addition, I've gone KBCH radio is Seth, promoting the District and informing the public what we are doing now that the water quality monitoring program is over. I have been promoting the upcoming Erosion seminar by distributing fliers and encouraging people to attend.

f. **East Devils Lake Road:** Placeholder on agenda for stakeholder process to be led by Salmon Drift Creek Watershed Council. As I understand, Lincoln County is in the process of drafting a report that details the background, issues, and most functional design alternative for East Devils Lake Road. The Salmon Drift Creek Watershed Council will share the report, upon completion, with the Devils Lake Water Improvement District.

g. **Lake Level Monitoring:** We have begun conducting some lake level investigation for potential impacts to recreational users and properties. We have conducted some data collection on boat docks, having visited over $\frac{3}{4}$ of the sites thus far. No actual update will be provided until the survey is completed and additional parameters are collected. This will include a photographic vegetation survey as well as compiling septic tank data and information that may be applicable. Lastly we will be documenting the period of full fish passage verse that which is limited by the dam. Seeking a November timeline for this report.