



# Oregon

Kate Brown, Governor

## Department of Environmental Quality

Western Region Eugene Office

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TTY 711

August 11, 2020

Kevin Fear  
1515 Willow St.  
Philomath, OR 97370

Re: Review and Approval of the 2019-2020 TMDL Implementation Plan Annual Report for the City of Philomath

Dear Kevin Fear,

Thank you for submitting the City of Philomath 2019-2020 TMDL Implementation Plan Annual Report. I have reviewed your report and find that it complies with the annual reporting requirement.

I would like to reaffirm that I am available as a resource to assist you as you move forward with TMDL implementation. Please feel free to contact me at [woolverton.priscilla@deq.state.or.us](mailto:woolverton.priscilla@deq.state.or.us) or (541) 687-7347 for assistance.

Best regards,

Priscilla Woolverton  
Willamette Basin TMDL Coordinator

ec: Zach Loboy, Watershed Manager, DEQ

Source Cause of Pollutant	Strategy What is being done to reduce pollutant from this source?	How Specifically, how will this be done?	Measure How will successful implementation be demonstrated?	Benchmark What intermediate goals will be achieved, and by when, to know progress is being made?	Timeline When will strategy begin or be completed?	Strategy Status	Pollutant					Reporting Comments
							Nutrients	Bacteria	Dissolved oxygen	Mercury	Temperature	
Development, Redevelopment, and Watershed Management	Use enforcement and other measures to maintain stream vegetation.	Create city ordinances that can benefit stream health	Track ordinances	Enables enforcement actions for non-complying	Review As-needed		X	X	X	X	X	Continued to enforce No enforcement actions this reporting period
		Wetland Protection Ordinance	Track and document violations and enforcement of PMC 18.55.020(A)	Enables enforcement actions for non-complying	In place PMC 18.55.020(A)		X	X	X	X	X	Continued to enforce No enforcement actions this reporting period
		Tree Protection Ordinance (Riparian setback)	Track and document violations and enforcement of PMC 18.55.020(B)	Enables enforcement actions for non-complying	In place PMC 18.55.020(B)		X	X	X	X	X	Continued to enforce No enforcement actions this reporting period
		Wetland, riparian, native vegetation area protection	Track and document violations and enforcement of PMC 18.55.050	Enables enforcement actions for non-complying	In place PMC 18.55.050		X	X	X	X	X	Continued to enforce No enforcement actions this reporting period
		Inspect city controlled riparian areas regularly	Document violations and issues	Occurrence of ordinance violations continues to decrease	Monthly		X	X	X	X	X	Inspected No violations this reporting period
		Inspect city controlled riparian areas after each windstorm.	Document issues		In place		X	X	X	X	X	Inspected areas Lost one significant tree in City Park
Development, Redevelopment, and Watershed Management	Increase shade along city streams	Work independently or with schools and other groups to plant and maintain trees along streams in Philomath	Track number of trees planted and monitor survival rate	Replacing dead and dying trees before the need to remove.	No less than annually, but also ties into inspection of riparian areas and other tree inspection work.		X	X	X	X	X	The City had planned to Use the Arbor Day celebration to give away seedlings to grade school children as we have done the past few years. The Covid19 pandemic along with schools closing down for the remainder of the year caused the city to have to cancel the event this year. The City ended up planting about 100 of the seedlings out on

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												city property and another 50 in pots and plan to use some of them in parks and as street trees when they mature. Planted 7 park trees in a new natural play area park and 4 trees in other parks. Planted 4 street trees and removed 3 dead or dying street trees and 9 in parks this reporting period.
Development, Redevelopment, and Watershed Management	Assess stream health and canopy cover to focus on restoration efforts	Use city arborist and outside groups to assess streams yearly	Restoration projects implemented	Document locations that are identified as restoration candidates and develop timeline for implementation	Ongoing		X	X	X	X	X	One restoration project planned this coming year-2020-21 which is to plant approx. 80 trees along a drainage ditch where we removed approximately 28 trees for a sewer project.  The City Arborist and Operations Supervisor are continuing their planting project to replace dead and dying trees along Newton Creek and East Newton Creek with a goal of planting 6-7 trees in 2020-21 and continuing this multi year project depending on funding. At current funding we estimate the project

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													will take another 2-3 years before finished.

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Public Works Maintenance Practices	Update Policies	Review existing operation and maintenance practices regularly	Document current procedures	Ensure BMP's and actions are current	As needed		X	X	X	X	X	Worked on Reviewing and implementing new NPDES permit items with Benton County. We will be working with Benton County and other municipalities on updates during future monthly stormwater meetings. New dump site at Public Works has been approved and contractor on board. Construction is due to start in July or August of 2020. It will provide a place to dump catchbasin cleaning spoils and street sweepings. It will also hold the contaminated waste dumpster. It will allow any liquids collected to drain to the sewer from either medium.
		Update O & M Manual as needed	Document modifications to manual.	Keeps manual up-to-date	As needed		X	X	X	X	X	No reviews or updates this year.
	Catch basin Inspection/cleaning Policy	Creating and updating catch basin inspection and cleaning policy	Document procedures and modifications to maximize efficiency and water quality	Monitor amount of debris found in catch basins during cleaning.	1/3 of the City Catch basins are inspected yearly. Catch basins that have debris filling more than 50% of their sumps or have 6" or more over all sediment will be cleaned.			X	X	X	X	X

													reflect the new catch basins.
Development and Redevelopment	Catch basin Cleaning	Clean and inspect catch basins	Track sediment depths in catch basins	Clean catch basins on a regular basis; gather data on where most sediment is being collected to better determine and track cause.	Catch basins that have debris filling more than 50% of their sumps or have 6" or more all sediment will be cleaned.		X	X	X	X	X		Hired Temp employee who cleaned city owned catch basins located in backyards and other locations that were un-accessible for the vac truck to reach. She also hung door hangers and replaced catch basin medallions that were missing.
	Stormline	Clean and inspect stormlines	TV inspect stormlines and track debris build up in lines	Identify damaged pipe and flow problems	Stormline cleaning was postponed in 2018-19 Video inspection is scheduled with cleaning.		X	X	X	X	X		Scheduled to begin first or second week in July 2020.
Street Debris	Remove debris from streets	Sweep all paved city streets per city policy	Following Street Sweeping Policy	Track time spent sweeping	As Needed		X	X	X	X	X		Swept streets per schedule. Street sweeping policy will be reviewed/updated as needed next year.
Public Operations and Maintenance Practices	Train staff in infrastructure and housekeeping procedures	During monthly staff meetings time for stormwater training issues will be allocated. Use of various training methods will be used.	Track attendance on sign in sheet	Field inspections of employees' performance of using BMP's when required.	Started in 2010; Monthly at staff and safety meeting, first Thursday of the month.		X	X	X	X	X		Continued monthly training. Also trained City Hall Staff on identifying IDDE situations for extra knowledge base of employees familiar with possible problems.

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Spills and Illicit Discharges	Establish enforcement authority for illicit discharges	Enforce IDDE ordinance PMC 13.40.150 to 13.40.330	Track and document illicit violations and enforcement actions	Continue to enable enforcement actions related to IDDE	Passed in 2009; ongoing		X	X	X	X	X	No changes.
	Develop Plan to detect illicit discharges	Develop procedures to address non-stormwater discharges	Document procedures	Provide a consistent means of investigating IDDE's	Completed April 2011 Revised Oct 2014		X	X	X	X	X	No changes.
		Develop investigative sampling and monitoring plan	Document plan	Provide a consistent means of investigating IDDE's	Contained in the overall IDDE plan		X	X	X	X	X	Reviewed with no changes.
		Develop worksheets for inspections	Document worksheets	Provide a consistent means of inspections of storm system outfalls.	Completed April 2011		X	X	X	X	X	No changes
Spills and Illicit Discharges	Train employees in illicit discharge investigation and spill response.	Provide training to staff that will respond to spills and investigations. Training will occur monthly at the regular staff meetings as a part of the NPDES training whenever possible.	Conducting training on NPDES and TMDL a minimum of 9 times a year.	To ensure employees are following bmp's on stormwater issue and are comfortable with responses and investigations.	Nine times a year		X	X	X	X	X	Continued monthly training. 9 training sessions were conducted this period. City Hall staff were also had a training class.

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Spills and Illicit Discharges	Conduct illicit discharge investigations	update stormwater outfall map as needed	outfall maps are kept current	Inventory all outfalls and their characteristics	As needed		X	X	X	X	X	New outfalls have been generated. Outfall maps are updated and current
	Conduct illicit discharge investigations	Respond and investigate reports of illicit discharges	Document location, substance and all pertinent information on investigation form	Track and document reports of illicit discharges	As-needed		X	X	X	X	X	No Illicit discharges during this reporting period
	Clean-up illegal dumps	Identify illegal dumps; respond to reports of illegal dumps.	Track number of calls or contacts along with number of citations issued and resolution	Reduce number of instances of illegal dumping	As-needed		X	X	X	X	X	1 illegal dump. Referred to environmental cleanup company-see attached response form
	Respond to Spills	Spill responses by Public Works or Fire Department. (Fire calls PW for assistance)	Track location of spills with field response worksheet	To contain spills safely and rapidly.	As needed		X	X	X	X	X	Responded to 1 spill and followed up on 1 spill taken care of by the violators in-house clean up staff See attached response forms
	Maintain up to date Stormwater conveyance systems maps	Update maps as needed	Maps are up to date	Staff have access	As needed		X	X	X	X	X	Updating in GIS is ongoing.
	Establish authority to require Sewer Hookup	Enforce Sewer Ordinance PMC 13.20.060	Track and document violations and enforcement actions	Continue to enable enforcement actions for compliance	Ongoing		X	X				No violations this reporting period
Illegal Dumping	Provide opportunity for citizens to dispose of junk at no cost.	Offer free dumpsters for citizens to clean up properties and dispose of garbage and junk.	Document disposal events	Team with local waste removal company and provide local location for dumping.	Yearly		X	X	X	X	X	This years Free recycle, dump days was cancelled due to the Covid19 pandemic.

Pet and Animal waste	Establish Animal Sanitation program	Enforce Animal Sanitation ordinance 6.10.080, 6.10.050 (B), and 13.40.170 and any other pertinent ordinance, and facilitate animal sanitation practices	Track and document violations and enforcement actions	Continue to enable enforcement actions for compliance	Ongoing		X	X				No violations this reporting period
			Track number of bags or cost of maintaining pet waste stations	Pet stations supplied	Ongoing		X	X				Used approx. 12,500 doggy waste bags this reporting period. Not sure of the sudden increase in usage, Possible increase in population.
	Establish "No Feeding Wildlife" ordinance	Enforce Wildlife ordinance PMC 6.11.030 to 6.11.060	Track violations and enforcement actions	Enables enforcement actions for complying	As needed		X	X		X		No violations this reporting period

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Construction Runoff	Implement Construction Site Sediment Control and Post Construction Runoff Policy	Develop an IGA with Benton County to implement the policy	Track violations and enforcement actions	IGA between Benton County and Philomath completed	Ongoing	X	X	X	X	X	Continue to partner with Benton County on inspections through IGA
All	Use Stormwater Fee to support stormwater program	Budget for stormwater system maintenance and repair	Track and document stormwater program costs and budget	Continue to fund stormwater program	Implemented in 1998. Increased fee in 2016.	X	X	X	X	X	Ongoing
All	Provide mechanism to report stormwater, illicit discharge and erosion issues	Provide email link on City Website for reporting stormwater issues and inform community members that reporting can be done by email from city website	Track and document reports	Staff address reports [in a timely manner] What is the protocol for responding to complaints/ reports received via email? To respond as soon as complaint is received.	Ongoing	X	X	X	X	X	Ongoing

All	Provide mechanism to maintain Bioswales and Detention ponds	The Public Works Design Standards require a Home Owners Association to fund repair and maintenance issues for swales and ponds. The City inspects yearly for compliance. The Storm Utility Fee funds maintenance on City controlled Swales and Ponds.	Tracking Inspection Sheets	Ensures BioSwales and Detention Ponds are kept in good working order	Annually with Outfall inspections		X	X	X	X		Inspected all outfalls and detention ponds at the beginning of this reporting period. (July/August)-On going annual inspection. Added several new outfalls and detention facilities.
All	Develop Low Impact Development Manual	Work with Benton County to Develop a Low Impact Development Manual. Benton County provides services that would cover LID.	Develop Manual	Benton County would adopt ordinance enacting this LID manual and it would be included in the IGA with Philomath	Manual has been completed by Intern from Benton County..		X	X	X	X	X	Plan is to work with Benton County and the City Engineer to implement LID into Stormwater Plan.

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All	Website Education	Provide stormwater information on the city website	Provide links to webpages	Post stormwater info on website and ensure links are kept updated.	Ongoing		X	X	X	X		Created new storm water website. It is currently active.
	City Council Awareness	Include TMDL and NPDES reports to the City Council	TMDL Plan and NPDES reports will be included in Council packets	City Councilors will receive TMDL and NPDES reports at least annually	Annually		X	X	X	X	X	Council will receive a copy of this report once approved by DEQ
	Newspaper articles	Team with Benton County to submit press releases to local newspaper and/or to city newsletter to coincide with NPDES releases	Publish articles in the newspaper and newsletter in partnership with Benton County	Articles published	1 to 2x a year		X	X	X	X	X	Published Fall/Winter article in October and one in February for Flood Waters in City Newsletter. Put quick short blurb stormwater tips on City Facebook page.
	Door Hangers	Hang informational door hangers on each resident in Philomath.	Through NPDES report	Ensures each home receives stormwater information	Approx 2 times in 5 year permit cycle		X	X	X	X	X	Hung winter door hangers on all homes, apts and businesses in Philomath in Sept 2019

							X	X	X	X	X	Partnered with Benton County and Benton Soil and Water District to pass out literature and activity books to parents and children at their Native Plant Sale. – On going.
	Public Outreach	Team with Benton County to reach broader area of people through there many events	Host or support local outreach events	Interacting with citizens	Host or contribute to 1 or 2 a year; combined with fire department open house, Arbor Day and school demonstrations.							
	Tree Planting Program	Through the inspections of the Riparian areas and public owned properties and right-of-ways, planting and replacing trees as needed.	By tree inventories	Provide canopy cover and storm water collection	Inspections are ongoing. After storms, expected projects, when arborist is on customer service every 5 weeks or when complaints are filed.		X	X	X	X	X	City Arborist and Operations Supervisor are working on planting project to replace dead and dying trees along Newton Creek and East Newton Creek with a goal of planting 15 trees in 2019-20.

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Spills and illicit discharges	All storm drains are marked in the city to raise awareness that catch basins drain to streams.	Attaching stormwater medallions on catch basins.	All catch basins inspected and marked	All catch basins inspected	Annual		X	X	X	X	X	Replaced missing medallions on catch basins identified as missing during inspections. Will install medallions on newly installed Catch basins this summer.
Construction Site Runoff	Educate developers and builders of construction site BMP's	Provide BMP brochure with each building permit issued	Each developer or builder will receive a BMP brochure with their building permit prior to any ground disturbance	Roadways around construction sites will be cleaner; less track out	Ongoing		X	X	X	X	X	Continued to pass out brochures to builders, for best BMP's for erosion control at jobsites and a new one regarding concrete washout BMP's. Partner with Benton County through an IGA. -- On going  No violations in 2019-20.
All	Sample stormwater	Sample stormwater monthly at select locations for DO, pH, Temperature, Turbidity and occasionally for other parameters.	Track results	Possibly to monitor success of BMP's	Monthly		X	X	X	X	X	Continue to sample storm water on a monthly basis.-On going.
All	Replace and expand vegetation	Use inspections to note downed and damaged trees and other vegetation	Work orders; acres treated	Enables inspections and follow-up actions	Ongoing				X		X	Continue to remove noxious weeds and replant native vegetation and trees. -- On going. No substantial projects this cycle.

**CITY OF PHILOMATH**  
**Water Quality TMDL Implementation Plan**  
**2019-2020**  
**Cycle 3 Year 4**

**Introduction**

This Water Quality Implementation Plan describes the actions Philomath will undertake to address total maximum daily pollution load allocations in the Marys River, which is the receiving stream of storm water from the City of Philomath. Philomath has an approved Storm Water Management Program (SWMP) (Appendix A). A NPDES Phase II MS4 Stormwater Discharge Permit was issued to the city March 1, 2019. The Previous NPDES permit was issued on May 8, 2007 and expired on April 30, 2012. Philomath continued to follow the BMP's set forth in the previous permit throughout the time between the expiration of the previous permit and the implementation of the current permit. The City has been working on implementing the new aspects of the new NPDES permit.

This plan has duplications of the City's S.W.M.P. and is not completely limited to T.M.D. L. issues. Several items in this plan are not addressed in The City's S.W.M.P. This Plan is compatible with relevant State land use planning goals as identified in the City's 2003 Comprehensive Plan. Specific Comprehensive Plan Policies that further this Plan's objectives are identified under Page 58, Goal 5, policies # 1, 4&5.

**Current Condition of Marys River**

The overall goal of the W.Q.I.P. and the City's S.W.M.P. is to reduce or eliminate sources of pollution entering Marys River via stormwater runoff from the City of Philomath. Marys River exceeds water quality standards for Temperature, and therefore is the only TMDL that is specific to it. It is listed as a Category 4a as a TMDL is currently in place for this "contaminant". The primary cause of elevated temperatures is solar radiation due to loss of mature riparian vegetation and low stream flows to the Marys.

Dissolved Oxygen (DO) and Iron are the only two Cat 5 303(d) listings for the Marys River in the 2012 Integrated Report. DO is mainly attributed to low stream flows and Iron to erosion of soils. The Marys River is not impaired for bacteria or mercury. The Willamette Basin-wide bacteria and mercury TMDLs include the Marys River even though the Marys is not impaired for these pollutants. The Marys is included because it is a tributary to the Willamette River, which is impaired for both of these pollutants. The Marys River is impaired for temperature, and this impairment is addressed in the Upper Willamette Sub-basin Temperature TMDL; the Marys is Cat 4a for temperature. Philomath has implemented actions that help to prevent contributing extra contaminants to the Willamette River, under the basin wide TMDLs.

### **Status of Philomath**

Philomath has very little jurisdiction over Marys River Frontage (approximately one half mile) all of which is city owned or designated as parkland, and is protected from development. This parkland is only one side of the Marys River as the river runs by, not through, the City of Philomath in this area. The City owns and maintains the park, but it is an Oregon State Lands listed Wetland. The city owned and parkland river frontage vegetation is either undisturbed or has been restored. The City's development code requires a fifty-foot riparian set back area from Newton Creek, the only small tributary within the City's jurisdiction.

Philomath is served with sanitary sewer within its jurisdictional boundaries and has no combined sanitary/storm drains. Treated sewage effluent is discharged only during winter months to the Marys River. During the summer months, the City land applies the treated effluent to approximately 119 acres of farm land. The farmland is located on the west side of the lagoons and is owned by the City. The City leases the land to a local farmer with a 20 year lease agreement, renewable in 2032-33, to farm and apply the effluent supplied by the City. The City had been working with the new owner of the approximately 120 acres east of the lagoons and with Cascade Earth Sciences to update our Water Reuse Plan to include that farm field as a land application site to further reduce discharges to the Marys River. The new owner is now converting the 120 acres to a wetland mitigation bank and as such, is not be able to use the treated effluent. Discussions have begun with the farmer due east of the lagoons on the east side of Bellfountain Rd to construct a pipe to this property to supply treated effluent for irrigation purposes sometime in the future. Should this happen it would provide an estimated 450 acres in additional land to disperse treated effluent.

Philomath sewage treatment facility discharges are permitted under N.P.D.E.S. permit #102060.

Sewer overflows occur rarely and only during extreme winter rain and flooding events.

Philomath ordinances require picking up and disposing of pet excrement and pens or shelters to be maintained in a clean and sanitary condition.

### **Conclusions**

The City has implemented several policies and regulations to correct the pollutant problem(s). The City believes that it is not a significant contributor of pollutants to the Marys River. The City has only approximately one-half mile of Marys River frontage. The river runs by Philomath, not through it, so Philomath only has frontage on one side, which is heavily shaded. Philomath has two stormwater outfalls to the

Marys River (one piped and one open ditch for the last 500 feet), Newton Creek, which is a small (1.5 mile long) tributary that runs through mostly undeveloped land or park land and East Newton Creek which is also a small tributary (1.5 miles long). Both are shallow slow moving creeks that run dry for a few months each year. They both leave the City and flow through farmland before reaching the Marys River. DEQ and the City of Philomath, in partnership, will make ongoing evaluations to determine the extent of Philomath's contribution of T.M.D.L. pollutants and which actions may be necessary to address any contributions of pollutants that may exist.

### **Actions**

The City remains dedicated to reducing or eliminating pollutant loads in Marys River, Newton Creek and East Newton Creek and will continue to implement the following actions. The importance of riparian vegetation, stream flow volumes, wetland habitat and erosion prevention and their relationship to river temperatures as well as the importance of properly functioning septic systems, and appropriate agricultural practices to reduce or eliminate bacteria will be included as a portion of the education and outreach portion of the City's S.W.M.P. There are 16 known septic systems in use within the city limits. Septic systems within the UGB, but outside the city limits are under Benton County's S.W.M.P. and/or T.M.D.L. plan. Philomath relies on the Benton County Environmental Health Division for assistance with septic systems by implementing actions taken by Benton County. The City's existing ordinances regarding riparian setbacks and sanitary conditions for pets will continue to be rigorously enforced. Pet waste stations have been installed in all city parks and are checked and restocked with bags on a regular basis. The local garbage hauler (Republic Services) is now providing the free clean-up program. It is now a one week-end day program. Republic Services has fully staffed the program with workers to unload vehicles bringing in waste. There was nearly the same turnout as the week long program, but was made more efficient with the staff unloading vehicles. Residents were still able to bring yard debris, scrap wood and metal, electronics and cardboard to be recycled and/or disposed of as well as the addition of taking in Freon based appliances such as refrigerators and AC units. This year's event was originally canceled due to the COVID19 outbreak but has since been re-scheduled for July 18<sup>th</sup> 2020.

### **Monitoring, evaluation, reporting and adaptive management.**

Philomath will conduct monitoring to track its efforts to protect and improve water quality in Marys River. An effectiveness monitoring program will indicate whether activities performed in accordance with this plan are effective in achieving plan goals. Monitoring activities conducted by Marys River Watershed Council and information collected at Philomath's Water Treatment Plant should be adequate to provide effective baseline water quality data. The City of Philomath has been monitoring at least 14 sites monthly for temperature, Dissolved Oxygen,

pH and turbidity for several years. While grab samples have been the method for sampling, in the future Philomath would like to deploy some composite type sampling devices and/or temperature loggers. As most locations that are sampled during the year are either stagnant or dry nearly half the time, the cost for monitoring equipment seems costly for what little data may be retrieved and useful. Monthly grab sampling may provide some useful data, but it also allows a monthly check of the outfall location that is being sampled. Philomath has currently been able to inspect all outfalls within the City on a yearly basis. Currently there are 105 outfalls. Marys River Watershed Council data may be suitable to provide for future monitoring needs. Philomath will also track permits issued, specifically those that require riparian setbacks, and Philomath Ordinance Enforcement in regards to pets and pet enclosure activities. This information will continue to be evaluated to determine the impact on Stormwater pollution. Progress will be noted in the annual report presented to the DEQ. This plan will also be evaluated on a more extensive basis every five years to determine if the plan adequately addresses the City's water quality concerns. Depending on evaluation results, this plan and/or the City's S.W.M. P. may be altered to improve water quality in Marys River.

#### **Funding**

The City will use funding from its storm water fee. Commercial property stormwater rates are based on a graduated schedule using square footage of impervious surface, while residential property rates are a flat fee based on equivalent dwelling units.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin Fear", with a long horizontal flourish extending to the right.

**Kevin Fear**  
**Public Works Director City of Philomath**