



3/9/2017

Senator Michael Dembrow, Chair
Senate Committee on Environment and Natural Resources

RE: SB 866 - Relating to Discharge of Stormwater

Dear Chair Dembrow and members of the Committee:

The City of Eugene opposes Senate Bill 866, as the bill is written very broadly, is overly prescriptive, is unnecessary, and would have significant legal and financial consequences.

In Eugene, stormwater flows generally north and discharges either directly or indirectly to the Willamette River. In the northwest area of the city, stormwater discharges into Junction City Water Control District (District) waterways on its way to the Willamette River. Stormwater flowing from one jurisdiction to another is very common throughout the state. Stormwater discharges in Eugene are regulated by federal, state, and local laws and policies including the federal Clean Water Act, Oregon Administrative Rules, Oregon Drainage Law, the Eugene Code, and general legal principals of law for damage and recovery, should that occur.

As Eugene develops and its urban growth boundary expands, including in the area northwest of the city, the amount of stormwater flowing into District ditches will potentially increase. In addition to existing laws and policies, the City and District established an Agreement which includes provisions specifically related to stormwater discharges from Eugene to District waterways. The Agreement is tailored to our unique circumstances and what works for both entities.

Besides being very broad and overly prescriptive, and thus *not* tailored to local circumstances, SB 866 requires stormwater discharges to meet state water quality standards. This requirement goes beyond the provisions of the federal Clean Water Act and Eugene's National Pollutant Discharge Elimination System (NPDES) permit. SB 866 would also require that Eugene obtain permission in writing from the District for stormwater discharges, and would hold the City liable for discharging stormwater runoff to District waterways without written permission. SB 866 would have significant legal and financial consequences and is unnecessary. The current legal and policy framework already regulates discharges and protects downstream water quality.

Thank you for your consideration of our comments.

Therese Walch, P.E.
Water Resources Manager