



Annual Report
MS4 Phase II Individual Permit
National Pollutant Discharge Elimination System
MS4 Stormwater Discharge Permit

State of Oregon
Department of
Environmental
Quality

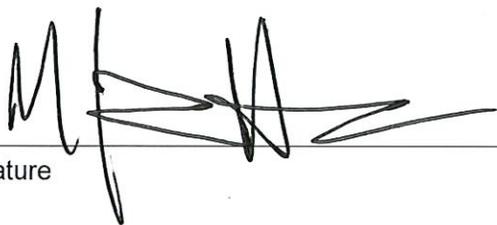
Monitoring Year:
Permittee:
Date Prepared/Submitted:

DEQ File No.:

Certification and Signature

1. Permittee: City of Bend
2. Legally Authorized Representative: Michael Buettner
3. Title: Utility Department Director
4. Email: mbuettner@bendoregon.gov
5. Phone: 541-388-5569

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 (40 CFR 122.22(d)).



Signature

10.24.2022
Date

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Instructions

At least once per year, the permittee must evaluate compliance with the requirements of the MS4 Phase II individual permit using this Annual Report template. This self-evaluation includes assessment of progress made towards implementing the SWMP control measures in Schedule A, and implementation of actions to comply with any additional requirements identified pursuant to Schedule D.1 (Requirements for Discharges to Impaired Waterbodies).

For each SWMP control measure or activity listed below, please answer all the questions and in the comments field cite any relevant information and/or statistics that helps to illustrate implementation or compliance. If your answer is "No," in the comments field explain the reasons and outline the anticipated implementation timeline. If the requirement does not apply, explain why it is not applicable in the comments field.

No later than November 1 each year the permittee must submit an Annual Report to DEQ. One signed copy and one electronic copy must be submitted to DEQ using the address provided in permit. DEQ can provide an FTP site for submittal of the electronic copy, upon request.

General Information

Permittee Information

6. Permittee Name: City of Bend		
7. Type(s): <input checked="" type="checkbox"/> City / <input type="checkbox"/> County / <input type="checkbox"/> Special District / <input type="checkbox"/> Other:		
8. DEQ Permit No: 102901		
9. EPA File No: 113602		
10. Physical Address: 62975 Boyd Acres		
City: Bend	State: Oregon	97701
11. Point of Contact: Lori Faha		
Title: Environmental Resources Manager	Email: lfaha@bendoregon.gov	Phone: 541-317-3025
12. Mailing Address (if different):		
City:	State:	Zip:

Municipal Separate Storm Sewer System (MS4) Information

13. Estimate the area in square mileage served by the MS4: 1.52 (37 City limits) square miles
14. Estimate the population served by the MS4: 5,259 (102,059 Total)

MS4 Stormwater Discharge Information

Identify the names of all known waters that receive a discharge from your MS4.

Receiving Waterbody	# of Outfalls	Impaired waterbody				Impairment(s)
		303d listed		TMDL issued		
a. Deschutes River	38	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Flow Modification, Habitat Modification, Turbidity, pH, Temperature-year_round, Sedimentation
b.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
c.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
d.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
e.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
f.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
g.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
h.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
i.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
j.		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Coordination Among Permittee and Joint Agreements

Required for permit permittees relying on another entity to satisfy one or more of the requirements of the permit.

15. Is there a joint agreement in place for the implementation of one or more stormwater management program control measures? *Schedule A.2* Yes No
16. If yes, has there been any change to the joint agreement(s) submitted previously? Yes No
If yes, include, as an attachment, a summary of the changes.
The summary must identify the co-implementers or other entities

Stormwater Management Program Information

17. Discuss the status and overall progress of establishing legal authority to control pollutant discharges into and discharges from the MS4 and to implement and enforce the conditions of this permit. *Schedule A.2.c*

The City's legal authority for stormwater quality rests in [Bend Code Title 16](#), and the [Standards and Specifications](#), both of which refer to the [Central Oregon Stormwater Manual](#).

Stormwater Management Program Information

18. Is an updated SWMP Document attached? *Schedule A.2.c*

Yes No (*must be submitted by November 1, 2023*)

If necessary, provide an explanation:

The City operates under a prior [Integrated Stormwater Management Plan](#) for both its MS4 and WPCF permits. This joint plan is intended to satisfy both permits and is commonly referred to as ISWMP 2022. The existing ISWMP 2022 will be updated by the November 1, 2023 deadline.

19. Identify the publicly accessible website where the SWMP Document is posted. *Schedule A.2.c & A.3.b.i*

If necessary, provide an explanation:

See City of Bend Stormwater website at:

<https://www.bendoregon.gov/government/departments/utilities/stormwater/regulations>

20. Does the SWMP Document include an implementation schedule for control measures that have yet to be or are partially implemented? *Schedule A.2.c*

Yes No

If necessary, provide an explanation:

21. Describe the method used to gather, track, and use SWMP information to set priorities or assess compliance: *Schedule A.2.d*

The City uses several methods to track and document activities, as required in the ISWMP 2022. The CityView application is used to track IDDE complaints, plan review, permitting and erosion control inspections. The INFOR asset management system tracks stormwater maintenance, street sweeping & winter road care activities. Relevant public outreach information, performance standards and metrics, are summarized in each Annual Report, and are used to set priorities and assess compliance.

22. Have finances, staff, equipment and other support capabilities been provided to implement the permit? *Schedule A.2.e*

Yes No

If necessary, provide an explanation:

The [2021-2023 Adopted Biennial Budget](#) is posted on the City's webpage. The City has established a [Monthly Stormwater Service Charge](#) based on impervious surface coverage. Stormwater staff operate within the Utility Department and are responsible for the overall coordination of the Integrated Stormwater Management Plan 2022. The stormwater program is currently staffed with a 1 program manager, 1 analyst, 1 compliance specialist, 3 sweeper operators and 5 dedicated stormwater field staff working on the stormwater collections team.

23. During this monitoring year was compliance with the requirements of this permit evaluated? *Schedule B.1*

Yes No

If necessary, provide an explanation:

24. During this monitoring year was it determined or reported that discharge from the MS4 caused or contributed to an excursion of an applicable water quality standard? *Schedule A.1.b*

Yes No

If "Yes", complete Water Quality Standards section (p. 21) of this template.

Stormwater Management Program Control Measures

Public Education and Outreach

25. Provide a brief summary of the ongoing public education and outreach program. *Schedule A.3.a*

The City's public education and outreach program activities are implemented by utility stormwater staff. The program is designed to educate the public about the impacts of Stormwater discharges on waterbodies and the steps they can take to reduce pollutants in Stormwater runoff consistent with the City's ISWMP 22022. This year the staff continued to implement the [Clean Water Works Video Contest](#), partnering with BendFilm and Central Oregon Daily. This year's topic was "How to Love Your River". The PSA's from the previous year's contest were aired on local TV and radio stations. The City sponsored an Earth-Day Event by partnering with the Environmental Center and hosted a booth at the Earth Day celebration in downtown Bend. The City continues to sponsor and participate in the annual Deschutes River Cleanup Event. The Stormwater Program Manager attended the Teacher's Night Out. This online event allows the City to provide an overview of available resources, including the UIC and EnviroScape model lending program, along with other outreach materials that are available. Th City also maintains a variety of educational resources on it's website found [here](#).

26. Were the required components in place by the implementation date? *Schedule A.3.a.i*

Yes No (Implementation date: November 1, 2023)

27. Provide the number of education and outreach activities conducted: *Schedule A.3.a.iii*

During this reporting year: 17

28. During the permit term: 17

If necessary, provide an explanation:

29. Indicate target audiences addressed during this reporting year: *Schedule A.3.a.iv*

- General public, homeowners, homeowner association, schoolchildren, and businesses
- Local elected officials, land use planners and engineers
- Construction site operators
- Businesses
- Other Groups or Entities/Explain below if necessary:

30. Has each target audience been addressed during the permit term? *Schedule A.3.a.iv*

Yes No

31. Indicate target topics addressed during this reporting year: *Schedule A.3.a.iii.B*

- Impacts of illicit discharges on receiving waters and how to report them
 - Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts
 - BMPs for proper use, application and storage of pesticides, herbicides and fertilizer
 - BMPs for litter and trash control
 - BMPs for recycling programs
 - BMPs for power washing, carpet cleaning and auto repair and maintenance
 - Low impact development/green infrastructure
 - O&M practices for privately owned stormwater quality management facilities.
 - Watershed awareness and how storm drains lead to local creeks and rivers, and potential impacts to fish and other wildlife
 - Construction site control measures and BMPs, including information on where in depth training on erosion prevention and sediment control can be obtained.
- Outreach to construction site operators must be conducted at least twice during the

permit term.

Other:

32. Describe the types of educational messages or activities distributed and/or offered during this reporting year. *Schedule A.3.a.iii*

The City actively promoted the Clean Water Works Video Contest. Previously developed video contest winner's PSA were aired on local TV and radio stations. Stormwater staff sent out an Illicit Discharge letter to all restaurants in Bend and included a copy of our Restaurant BMP Poster. Staff also provided a Certified Erosion Sediment Control Lead (CESCL) training announcement to local contractors and provided stormwater updates in the City Newsletter. Staff presented construction site operators with education during a joint educational event hosted by the City and DEQ and then again during the CESCL training.

33. Was outreach to construction site operators working within your community offered during this reporting year? *Schedule A.3.a.iii*

Yes No

34. Total number during the permit term: 292

35. Identify and describe the assessment/evaluation of, at least, one education and outreach activity that occurred during this reporting year. Include the assessment process or metric for evaluation, and why this activity was considered successful. *Schedule A.3.a.iv.*

Attendees of the CESCL training received an assessment following instruction as well as a post-training evaluation. All 43 attendees passed the assessment, participated in both days, and received their certification. On average, attendees that completed the post-training evaluation gave five marks out of five and had positive feedback for the city. This training was considered successful as all attendees received their certification and highly rated the course overall. The training continues to receive a high degree of interest with a significant increase in registration this year as compared to the previous training completed in 2020.

36. Will the assessment be used to inform future stormwater education and outreach efforts? *Schedule A.3.a.vi*

Yes No

Provide an explanation:

Public Involvement and Participation

37. Provide a brief summary of the overall progress towards implementation of this control measure. *Schedule A.3.b*

The City continued to meet with its Stormwater Public Advisory Group (PAG), reviewing the FY2020-21 Annual Report and providing feedback on outreach and training events. This year the PAG also performed a site visit to the Newport Avenue stormwater project. The City hosted the Clean Water Works Youth Video Contest to create 30-second commercials on a stormwater topic. See www.bendoregon.gov/CleanWaterWorksKids to view the winning entries. The City continues to provide stormwater drain markers, and trash bags/cleanup supplies to volunteers. The City was the title sponsor for the Upper Deschutes Watershed Council's yearly Deschutes River Cleanup event. The City purchased compostable doggie bags and recycled dog bag holders to provide as giveaways at the cleanup event and participated in riparian planting effort to provide shade for fish and help reduce water temperatures along the Deschutes.

38. Were the required components in place by the implementation date? *Schedule A.3.b.*

Yes No (*Implementation date: November 1, 2023*)

39. Is the SWMP Document posted on a publicly accessible website? *Schedule A.3.b.i*

Yes No

40. Was the publicly accessible website updated during this reporting year? *Schedule A.3.b.i*

Yes No

If necessary, provide an explanation:

www.bendoregon.gov/government/departments/utilities/stormwater

41. Does the publicly accessible website include illicit discharge complaint/reporting information or procedures?
Schedule A.3.b.i.A

Yes No

If necessary, provide an explanation:

www.bendoregon.gov/government/departments/utilities/stormwater/get-involved

42. Does the publicly accessible website include draft documents issued for public comment, final reports, plans and other official SWMP policy documents? *Schedule A.3.b.i.B*

Yes No

If necessary, provide an explanation:

The City utilizes a public advisory group to review most documents, the meetings are open to the public.

www.bendoregon.gov/government/departments/utilities/stormwater/get-involved/public-advisory-group

43. Does the publicly accessible website include links to all ordinances, policies and/or guidance documents related to the construction and post-construction stormwater management control programs, including education, training, licensing, and permitting? *Schedule A.3.b.i.C*

Yes No

If necessary, provide an explanation:

<https://www.bendoregon.gov/government/departments/utilities/stormwater/clean-water-works>

44. Does the publicly accessible website include contact information for relevant staff, including phone numbers, mailing addresses and email addresses? *Schedule A.3.b.i.D*

Yes No

If necessary, provide an explanation:

The stormwater website provides several ways for the public to contact staff, including a phone number (with afterhours monitoring), email or by submitting an online [Citizen Service Request \(CSR\)](#). See the [Stormwater Website](#) for more details.

45. During this reporting year, was a stewardship opportunity created or partnered with another entity? *Schedule A.3.b.ii*

Yes No

If "Yes", summarize the stewardship opportunity(s).

The stormwater program sponsored and staff participated in the annual Upper Deschutes Watershed Council River Cleanup event. The announcement flyer was posted on the City website. In addition to trash pickup, City staff coordinated riparian planting project. Due to Covid 19 concerns the event was intentionally kept small and registration was limited to approx.100 participants.

Illicit Discharge Detection and Elimination

46. Provide a brief summary of the overall progress towards implementation of this control measure. *Schedule A.3.c*

On January 4, 2012, the Council adopted a stormwater ordinance Bend Code Title 16. [Chapter 16.20](#) of the ordinance covers Illicit Discharge Controls. In FY2012-13, the City finalized the [Illicit Discharge Best Management Practices Minimization Manual](#). The Stormwater utility takes primary responsibility for illicit discharge inspection, response, and follow-up. The City continues to implement the code, provide education materials, and issued Notices of Violations when voluntary compliance could not be reached. The City has previously completed an inventory and performs ongoing maintenance on the stormwater system map/database. The geodatabase includes directions of pipe flows as well as swales, outfalls, and other features.

47. Were the required components in place by the implementation date? *Schedule A.3.c.*

Yes No (*Implementation date: November 1, 2024*)

48. Is the MS4 map(s) current? *Schedule A.3.c.i*

Yes No

49. Describe the MS4 map(s) format(s):

City of Bend online maps can be found online using the "[Bend Data Viewer](#)".

50. Is the MS4 map(s) included as attachment? Yes No

Or are *the digital* shapefiles available for electronic submittal? Yes No

51. Is the digital inventory of all known outfalls, with the associated receiving waterbody current? *Schedule A.3.c.i.B*

Yes No

If necessary, provide an explanation:

City GIS staff can provide shapefiles upon request.

52. Indicate if the following features are included on your MS4 map:

- Location of all known outfalls, including the requirements in *Schedule A.3.c.i.B*
- Stormwater collection and conveyance system, including the requirements in *Schedule A.3.c.i.C*
- Stormwater structural controls, including the requirements in *Schedule A.3.c.i.C*
- Location of known chronic discharges *Schedule A.3.c.i.D*

If necessary, provide an explanation:

While not currently mapped, City staff has documented one outfall with continuous dry weather flow. This outfall receives potable water from a leaking water reservoir via a foundation drain.

53. Have non-stormwater discharges into the MS4 been prohibited through enforcement of an ordinance or other regulatory mechanism? *Schedule A.3.c.ii*

Yes No

If necessary, provide an explanation:

See City of Bend Code - [Chapter 16.20 Illicit Discharge Controls](#).

54. Indicate which of the following have an ordinance or other regulatory mechanism to prohibit discharge to the MS4: *Schedule A.3.c.ii*

- Septic, sewage, and dumping or disposal of liquids or materials other than stormwater into the MS4
- Discharges of wastewater resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities
- Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.
- Discharges of wastewater from mobile operations, such as mobile automobile or truck washing, steam cleaning, power washing, and carpet cleaning, etc.
- Discharges of wastewater from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, or residential areas (including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.) where detergents are used and spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed)
- Discharges of runoff from material storage areas, which contain chemicals, fuels, grease, oil, or other hazardous materials from material storage areas
- Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water
- Discharges of sediment, unhardened concrete, pet waste, vegetation clippings, or other landscape or construction-related wastes
- Discharges of trash, paints, stains, resins, or other household hazardous wastes
- Discharges of food-related wastes (grease, restaurant kitchen mat and trash bin wastewater, etc.)

If necessary, provide an explanation:

See City of Bend Code - [Chapter 16.20 Illicit Discharge Controls](#).

55. Is the permittee implementing an enforcement and response procedure as required? *Schedule A.3.c.iii*

Yes No

56. Is there a phone number, webpage, and/or other communication channel publicized for the public use to report illicit discharges? *Schedule A.3.c.iv.A*

- Phone number(s)
- Webpage(s)
- Other communication channels

If necessary, provide an explanation:

The City stormwater website includes several ways citizens can report IDDE events see:
<https://www.bendoregon.gov/government/departments/utilities/stormwater/get-involved>

57. Provide the number of complaints received during this reporting year. *Schedule A.3.c.iv.D*

Number: 29 (*None were directly associated with the MS4 system*)

58. On average, how long did it take to respond to complaints? *Schedule A.3.c.v.B*

In working days: 1

59. Provide the number of complaints that included notification of the Oregon Emergency Response System during this reporting year. *Schedule A.3.c.iv.B*

Number of notifications: 1 (*SSO – (Not associated with the MS4 system)*)

60. Provide the number of complaints where staff performed an investigation during this reporting year. *Schedule A.3.c.iv*

Number: 29 (*investigations related to IDDE*)

61. On average, how long did it take to conduct an initial investigation? *Schedule A.3.c.iv.B*

In working days: 1

62. Provide the number of illicit discharges discovered and eliminated during this reporting year. *Schedule A.3.c.v*

Number: 29 (*None associated with the MS4 system*)

63. On average, how long did it take to eliminate an illicit discharge? *Schedule A.3.c.iv.B*

In working days: 1

64. Provide the number times the escalating enforcement procedure was used to eliminate illicit discharge during this reporting year. *Schedule A.3.c.iv.D*

Number: 2 (*Notice of Violation*)

Do any of the illicit discharges involve the repair or replacement of the wastewater and/or storm sewer conveyance systems? *Schedule A.3.c.iv.B*

Yes No NA

If necessary, provide an explanation:

65. Provide the number of illicit discharges that were referred to another entity during this reporting year. *Schedule A.3.c.iv.C*

Number: 0

66. On average, how long did it take to notify the entity(s)?

In working days: NA

if necessary, provide an explanation:

67. Indicate which of the following are included in the complaints or reports tracking documentation: *Schedule A.3.c.iv.D*

- Date the complaint was received and, if available, the complainant's name and contact information
- Name of staff responding to the complaint
- Date the investigation was initiated
- The outcome of the staff investigation
- Corrective action(s) taken to eliminate the illicit discharge
- The responsible party for the corrective action(s)
- The status of enforcement procedure(s), when necessary
- The date the corrective action(s) was completed and staff who evaluated final compliance

If necessary, provide an explanation:

Staff track IDDE complaints in two separate locations. The primary location is a spreadsheet/database saved on the City's SharePoint site. The second location is in the City's new Code Enforcement software called CityView. Stormwater staff are still working on transitioning fully to this new software and ensuring the reporting function in CityView will meet permit requirements.

68. Provide percentage of outfalls inspected. *Schedule A.3.c.v*
Known outfalls screened this reporting year: 0%

69. Known outfalls screened during the permit term: 0%

If necessary, provide an explanation:

City of Bend completed an initial inspection on all 38 outfalls in FY2018-19. Only one dry-weather flow was found, and is associated with a leaking drinking water reservoir. Staff will incorporate a routine inspection schedule in the updated ISWMP in accordance with the most recent permit.

(The permittee must conduct dry weather screening of at least 50% of their MS4 outfalls no later than September 30, 2023. The permittee must conduct dry weather screening at an additional 25% of their outfalls each year after.)

70. Provide percentage of outfalls inspected as part of field screening of priority location. *Schedule A.3.c.v.A*
Priority location outfalls screened this reporting year: None

71. Priority location outfalls screened during the permit term: None

If necessary, provide an explanation:

Staff will develop a list of priority outfalls and incorporate outfall screening into the updated ISWMP in accordance with the most recent MS4 permit.

72. Indicate which of the following dry-weather field screening activities have been performed in the last year: *Schedule A.3.c.v*

- General observation
- Field Screening and Analysis
- Pollutant Parameter Action Levels
- Laboratory Analysis

If necessary, provide an explanation:

While no specific outfall inspections occurred this year. Stormwater maintenance staff regularly inspect all stormwater facilities and are trained to report illicit discharges.

73. If flow is observed and the source is unknown, provide a brief description of the field investigation and analysis process. *Schedule A.3.c.v.C*

Stormwater staff would investigate the report per the current SOP by tracing the flow up-stream through the system. Documenting potential sources found. If any odd smells, sheens or debris are presented, staff would request samples be collected by the City's field sampling team. All lab results would be shared with the Stormwater Program Manager to determine if the discharge resulted in a permit exceedance. Staff would also verify clean-up and follow the escalating enforcement procedures outlined in Bend Code Title 16.

74. Have pollutant parameter action levels been established and are they included as an attachment? *Schedule A.3.c.v.D*

Yes No

If necessary, provide an explanation:

75. Are all persons responsible for investigating and eliminating illicit discharges and illicit connections into the MS4 appropriately trained to conduct such activities? *Schedule A.3.c.vii*

Yes No

If necessary, provide an explanation:

City stormwater compliance staff regularly attend continuing education courses and participate in professional organizations such as ACWA and IECA. All utility staff received annual training on Illicit Discharge identification and spill response protocols.

76. Are all new staff working to implement the IDDE program trained within 30 days of their assignment to this program? *Schedule A.3.c.vi*

Yes No

If necessary, provide an explanation:

The City utilize an online program called Vector solutions to track Utility department trainings. Staff are trained annually on several topics including: IDDE reporting, spill response, paint use/disposal and winter road care.

Construction Site Runoff Control

77. Provide a brief summary of the overall progress towards implementation of this control measure. *Schedule A.3.d*

The city continues to implement a Construction Site Erosion and Sediment Control Program including plan review, site inspections, education, and enforcement. In December 2021, staff began utilizing a new software program called City View for tracking permitting, plan review, and grading permits and inspections. Staff conducted 272 Erosion and Sediment Control (ESC) inspections and provided educational support at 32 pre-construction meetings. The city issued 18 verbal warnings and 3 written warnings to achieve project compliance. The city is working with a consultant to identify gaps in our existing regulations that may need to be modified in order to fully implement the requirements of the new permit by the implementation dates identified.

78. Were the required components in place by the implementation date? *Schedule A.3.d.*

Yes No (*Implementation date: November 1, 2024*)

79. Do ordinances or other regulatory mechanisms require erosion controls, sediment controls, and waste materials management controls to be used and maintained at all qualifying construction projects? *Schedule A.3.d.i*

Yes No NA

If necessary, provide an explanation:

<https://bend.municipal.codes/BC/16.10>

80. Indicate the minimum land disturbance where construction site operators are required to complete and implement an Erosion and Sediment Control Plan (ESCP) for construction project sites: *Schedule A.3.d.i*

In square feet or portion of an acre: 5,000 ft² , acres

If necessary, provide an explanation:

Currently [Bend Code 16.10](#) requires developments adding 5,000 sq. ft. of impervious to provide a drainage submittal with erosion control included. All projects must meet the performance standards and minimize erosion. The city is working with a consultant to identify gaps in our existing regulations that may need to be modified in order to fully implement the requirements of the new permit by the implementation dates identified.

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), provide a brief description how these projects are referred to DEQ or the appropriate DEQ agent, to obtain a NPDES Construction Stormwater General Permit. *Schedule A.3.d.ii*

The city has established a map layer of all areas that may require a DEQ 1200C permit. This map is posted on the [Bend Data Viewer](#) website for the public to access. Staff use this map layer to review project locations and determine if a 1200C permit is recommended. If recommended, the Utility department adds a comment through the standard plan review process.

81. Provide the written specifications that address the proper installation and maintenance of such controls during all phases of construction activity as an attachment *Schedule A.3.d.iii*

Attached: Yes No

If necessary, provide an explanation: [COSM – Chapter 9](#), [City Design Standard – Section 7](#), [City Standard Erosion Control Drawings](#), and [Special Provisions to the 2021 OSS - Section 00280 - Erosion and Sediment Control](#).

82. Indicate which of the following are required for qualifying construction projects: *Schedule A.3.d.iii*

Site operator required to complete a ESCP template or worksheet prior to beginning construction/land disturbance

Site operator required to keep the ESCP on site

Site operator required to maintain and update the ESCP as site conditions change, or as needed.

Site operator required to provide the ESCP to the permittee, DEQ, or another administrating entity

If necessary, provide an explanation:

The city has a [Sample Erosion and Sediment Control Plan](#) available on its website for the public to access. Site specific ESCPs are required to be completed by a licensed engineer with working knowledge of hydrology and ESC practices. All ESCPs are reviewed by city engineering staff prior to land disturbing activities. The city is working with a consultant to identify gaps in our existing regulations that may need to be modified in order to fully implement the requirements of the new permit by the implementation dates identified.

83. ESCPs [from construction projects that will result in land disturbance of 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)] are reviewed using a checklist or similar document to determine compliance. *Schedule A.3.d.iv*

Yes No

84. Provide the ESCP review template or checklist as an attachment. *Schedule A.3.d.iv*

Attached: Yes No

85. Indicate the minimum land disturbance where you require the ESCP to be reviewed:

5,000 ft² , acres

If necessary, provide an explanation:

Currently [Bend Code 16.10](#) requires developments adding 5,000 sq. ft. of impervious to provide a drainage submittal with erosion control included. The city is working with a consultant to identify gaps in our existing regulations that may need to be modified in order to fully implement the requirements of the new permit by the implementation dates identified.

86. All construction projects that will result in land disturbance of 5,000 square feet or more are expected to be inspected at least once per permit term. *Schedule A.3.d.v*

Indicate the number of inspections completed to comply with this requirement during this reporting year: 272

Indicate the number of inspections completed to comply with this requirement during the permit term: 272

If necessary, provide an explanation:

The number of inspections are identical as this is the first reporting year for the permit term. The city is working with a consultant to identify gaps in our existing regulations that may need to be modified in order to fully implement the requirements of the new permit by the implementation dates identified.

87. Are construction projects with visible sediment in stormwater/dewatering discharge or when a complaint is received inspected? *Schedule A.3.d.v.A.2*

Yes No

88. Indicate number of projects that were inspected based on this inspection trigger: 26

If necessary, provide an explanation:

89. Indicate the total number of construction projects that were inspected this monitoring year: 139

90. Indicate the total number of construction projects that were inspected during the permit term: 139

91. Indicate which of the following are documented during an inspection: *Schedule A.3.d.v.B*

That the ESCP is reviewed to determine if the described

control measures were installed, implemented, and maintained appropriately

Assessment of the site's compliance with the ordinances or requirements

Visual observation of any existing or potential non-stormwater discharges, illicit connections, and/or discharge of pollutants from the site

Recommendations to the construction site operator for follow-up

Education or instruction provided to the site operator related to stormwater pollution prevention practices

<input checked="" type="checkbox"/> A written or electronic inspection report documents all necessary follow-up actions If necessary, provide an explanation:
92. If available, provide a copy of the written or electronic inspection report form. <i>Schedule A.3.d.v.B.5</i> Attached: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
93. Provide the written escalating enforcement and response procedure as an attachment. <i>Schedule A.3.d.iv</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If necessary, provide an explanation: The attached escalating enforcement procedure is from the city's standard operating procedure. The enforcement procedure is being revised in order to conform with the requirements of this permit as well as the new processes established in City View. The city is working to refine the program to incorporate all required components by the implementation date.
94. Was the escalating enforcement procedure used to achieve compliance at any construction projects? <i>Schedule A.3.d.vi</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Indicate number of times during this reporting year: 21
95. Indicate number of times during the permit term: 21 If necessary, provide an explanation:
96. Were all persons responsible for ESCP reviews, site inspections, and enforcement appropriately trained to conduct such activities? <i>Schedule A.3.d.vii</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If necessary, provide an explanation: The city's Compliance Technicians have received and maintained Certified Erosion Sediment Control Lead certifications.
97. Were all new staff working to implement the construction site runoff control program appropriately trained within 30 days of their assignment to this program? <i>Schedule A.3.d.viii</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Post-Construction Site Runoff for New Development and Redevelopment

98. Provide a brief summary of the overall progress towards implementation of this control measure. *Schedule A.3.e*

The City is implementing the regulations in Bend Code Title 16 as it pertains to post-construction controls by providing plan review and drainage inspections for private development. The code requires all new commercial development to submit a signed private maintenance agreement that will be recorded on the title of the property. For FY2021-22, the City had an additional 34 maintenance agreements on record. The Stormwater Program maintains copies of both private stormwater plans and these private maintenance agreements are saved in CityView by tax lot number. The city is also actively managing publicly owned post-construction controls. This includes inclusion of new infrastructure into City mapping and databases as well as inspection and annual maintenance. The City has provided 135 focused inspections of publicly owned vegetated water quality facilities

this year as well as routine annual maintenance at roughly 245 facilities. The City is working to refine the program to incorporate all required components by the implementation date.

99. Were the required components in place by the implementation date? *Schedule A.3.e.i*

Yes No (*Implementation date: November 1, 2025*)

100. For projects creating or replacing impervious area, indicate the area (or threshold) where the site is required to implement the post-construction site runoff program requirements: *Schedule A.3.e.i*

In square feet: 5,000 ft²

If necessary, provide an explanation:

The City is working with a consultant to identify gaps in our existing regulations that may need modified to meet the recently updated MS4 permit. The initial review indicates some minor code adjustments are needed to include replacement of impervious, but overall the existing City code aligns well with this updated permit.

101. Indicate which of the following are required at qualifying sites: *Schedule A.3.e.iii*

- The Use of structural stormwater controls at all qualifying sites.
 - A site-specific stormwater management approach that targets natural surface or predevelopment hydrological function through the installation and long-term operation and maintenance of stormwater controls
 - Long-term O&M of stormwater controls at project sites that are under the ownership of a private entity
- If necessary, provide an explanation:

Currently, the 25-year design storm is required to be retained and infiltrated on site. This is normally achieved by the use of UIC systems, surface infiltration facilities, or a combination of both. In addition, structural stormwater controls are used in combination to provide pre-treatment to infiltration facilities or to achieve 80%TSS reduction in MS4 retrofit areas. See 118 below for Long-term O&M.

102. Were ordinance(s), code(s) and development standards reviewed to identify, minimize or eliminate barriers that inhibit design and implementation techniques intended to minimize impervious surfaces and reduce stormwater runoff? *Schedule A.3.e.ii*

Yes No

103. If barriers were identified or if necessary, provide an explanation: The city will be working to identify barriers in our existing regulations that may need to be modified to meet the recently updated MS4 permit by the deadline specified.

104. Indicate which of the following technical standards are used to determine the retention requirement: *Schedule A.3.e.iii.A*

- Volume-based method
- Storm event percentile-based method
- Annual average runoff-based method

If necessary, provide an explanation:

City Standards currently require the 25-year, 24-hour storm event be retained onsite. The city will be conducting an evaluation to determine any necessary updates prior to the specific permit deadline.

105. For projects that are unable to meet the retention requirement, is the remainder of the rainfall/runoff treated prior to discharge with a structural stormwater control? *Schedule A.3.e.iii.B.1*

Yes No

106. Was the stormwater structural control designed to remove, at minimum, 80 percent of the total suspended solids?

Yes No

If necessary, provide an explanation:

107. Are the allowable structural stormwater controls and specifications available for review? *Schedule A.3.e.iii.B.2*

Yes No

108. Indicate if they are attached or the location where they can be viewed:

Attached

Location: [Central Oregon Stormwater Manual \(COSM\)](#), [City of Bend Standards and Specs](#)

If necessary, provide an explanation:

109. Have alternatives for projects complying with the retention requirement been approved? *Schedule A.3.e.iii.C*

Yes No

110. If yes, are the written technical justifications evaluated? *Schedule A.3.e.iii.C*

Yes No

111. Provide a brief description of the factors of technical infeasibility or site constraints that prevented the on-site management of the runoff amount stipulated in the stormwater retention requirement or a portion thereof. *Schedule A.3.e.iii.C*

If necessary, provide an explanation: The city will be completing work to review and update standards to meet this requirement by the permit deadline.

112. Before the allowance of alternative compliance, were mitigation options established? *Schedule A.3.e.iii.D*

Yes No

If necessary, provide an explanation: The city will be completing work to review and update standards to meet this requirement by the permit deadline.

113. If applicable, indicate which of the following mitigation options have been used and provide a narrative description of the implementation of the mitigation option? *Schedule A.3.e.iv.D*

Off-Site Mitigation

Off-Site Groundwater Replenishment Projects

If necessary, provide an explanation: The city will be completing work to review and update standards to meet this requirement by the permit deadline.

114. Was a procedure developed for the review and approval of structural stormwater control plans for new development and redevelopment projects? *Schedule A.3.e.iv*

Yes No

If necessary, provide an explanation:

115. Indicate the minimum land disturbance or creation of new impervious area where plans are required to be reviewed: 5,000 ft² , acres of land disturbance creation of new impervious area

116. Are all sites that use alternative compliance to meet the retention requirement reviewed?

Yes No

If necessary, provide an explanation:

117. Indicate if an inventory and implementation strategy is used to ensure that all stormwater controls are operated and maintained to meet the site performance standard in Schedule A.3.e.iii of the permit? *Schedule A.3.e.v*

Yes No

If necessary, provide an explanation:

118. Indicate which of the following strategies have been developed to ensure that all stormwater controls are operated and maintained to meet the site performance standard in Schedule A.3.e.iv. *Schedule A.3.e.v*

- Legal authority to inspect and require effective operation and maintenance of privately owned and operated stormwater controls
- Inspection procedures and an inspection schedule to ensure compliance with the O&M requirements of each stormwater control operated by the permittee and by other private entities
- A tracking mechanism for documenting inspections and the O&M requirements for each stormwater control
- Reporting requirements for privately owned and operated stormwater controls that document compliance with the O&M requirement in Schedule A.3.f.

If necessary, provide an explanation: A Standard Operating Procedure has been developed. The city will be completing work to review and update procedures to meet this requirement by the permit deadline.

119. Are the location of all public and private stormwater controls installed during this permit term documented on the MS4 Map? *Schedule A.3.e.v*

Yes No

If necessary, provide an explanation:

Currently the city has all publicly owned facilities mapped. City of Bend staff have developed an initial inventory of all known private stormwater controls and is working to field verify and map those facilities.

120. Were all persons responsible for performing post-construction runoff site plan reviews, administering the alternative compliance program, or performing O&M practices or evaluating compliance with long-term O&M requirements appropriately trained to conduct such activities? *Schedule A.3.e.vi*

Yes No

If necessary, provide an explanation: Currently, Utility staff reviewing public infrastructure plans and verifying O&M compliance have received appropriate training. Site plan review is conducted by staff from both the Community Development Department as well as the Utility Department. The city is working through some issues with CityView permitting software to ensure that all plans with stormwater facilities are routed to Utility staff for review. The work to review and update the city's training program and schedule shall be based on the new permit prior to the deadline identified.

121. Were all new staff working to implement the post-construction site runoff for new development and redevelopment program appropriately trained within 30 days of their assignment to this program? *Schedule A.3.e.vi*

Yes No

If necessary, provide an explanation: Utility staff are trained within 30 days.

The city is working to ensure all appropriate staff city-wide are trained and to update its training program and schedule based on the new permit prior to the deadline identified.

Pollution Prevention and Good Housekeeping for Municipal Operations

122. Provide a brief summary of the overall progress towards implementation of this control measure. *Schedule A.3.f*

The City has an established O&M program that is responsible for ongoing inspection, maintenance and repair of the publicly managed storm drain system. This includes catch basins, structural controls, water quality facilities and all other associated infrastructure. The City also manages a street sweeping program to reduce pollutant loading from hard surfaces. In addition, the City has developed performance standards for municipal maintenance activities that are used to guide programs associated with street sweeping, winter road care, fleet repair/washing, storm drain system O&M, litter control, corporation yard management as well as road repair/maintenance. The City also utilizes a Water Conservation Program to guide better landscaping practices and reduce overwatering associated with dry weather discharges to the storm drain system. The City will be reviewing current programs to assess the need for potential changes to ensure compliance with permit requirements by November 1, 2024.

123. Were the required components in place by the implementation date? *Schedule A.3.f*

Yes No (*Implementation date: November 1, 2024*)

124. Were O&M strategies for existing controls developed for both permittee-owned controls and controls owned and operated by another entity discharging to the MS4? *Schedule A.3.f.ii*

Yes No N/A

If necessary, provide an explanation:

Currently, no piped connections are allowed into the City MS4 System, private sites are required to infiltrate the 25-year design storm onsite. Staff have implemented onsite stormwater maintenance agreements that get recorded on the property. This agreement includes a site plan and maintenance inspection check lists from the Central Oregon Stormwater Manual (COSM). Staff have also developed a series of fact sheets and check lists to help provide additional guidance on the required inspection process. Utility staff performs regular maintenance of the city's stormwater system per the existing ISWMP.

125. Indicate the percentage of catch basins inspected/cleaned *Schedule A.3.f.ii*

Percentage inspected this reporting year: 102% Percentage cleaned: 102%

126. If known, estimate of material removed: *1,257 Units: Cubic Yards

127. Percentage inspected during the permit term: 102% ; Percentage cleaned: 102%

128. If known, estimate of material removed: *1,257 units: Cubic Yards

If necessary, provide an explanation:

*Note: City of Bend has not typically separated out MS4 maintenance from the UIC system. The numbers provided above reflect total maintenance for both systems. For fiscal year 2021-22, 11,200 inspection and cleanings occurred in the system of 10,996 catch basins.

129. Indicate if a catch basin inspection prioritization system and/or an alternate inspection frequency has been established. *Schedule A.3.f.ii*

Yes No

If necessary, provide an explanation:

130. Have existing procedures and schedules for inspection and maintenance of the MS4 been reviewed and updated as required? *Schedule A.3.f.iii*

Yes No

131. Do any permittee-owned facilities have coverage under DEQ's 1200-Z Industrial Stormwater Discharge Permit? *Schedule A.3.f.v*

Yes No NA

If "Yes", provide DEQ File Number(s):

If necessary, provide an explanation:

132. Has the permittee completed a winter maintenance strategy and referenced the winter maintenance and operations program in the SWMP?

Yes No

133. Are practices in place to reduce the discharge of pollutants to the MS4 associated with the application and storage of pesticides and fertilizers? *Schedule A.3.f.vi*

Yes No

If necessary, provide an explanation:

134. Are methods/practices in place to reduce the discharge of litter within the jurisdiction? *Schedule A.3.f.vii*

Yes No

If necessary, provide an explanation:

The City assists in the collection and disposal of litter in the Downtown area. City stormwater crews routinely inspect stormwater facilities, removing trash and debris. The City also participates in and sponsors the Upper Deschutes Watershed Council's Deschutes River Cleanup event in July of each year that focuses on trash removal.

135. Are practices in place to ensure that collected material or pollutants removed in the course of maintenance are managed and disposed of in a manner such as to prevent such pollutants from entering the waters of the state in accordance with state and federal rules? *Schedule A.3.f.viii*

Yes No

If necessary, provide an explanation:

Waste collected from the stormwater system is de-watered on a drying pad connected to the sanitary sewer. Once dry, the waste material is transported to the Deschutes County Landfill for final disposal.

136. Were all persons responsible for evaluating O&M practices, evaluating compliance with long-term O&M requirements or ensuring pollution prevention at facilities and during operations appropriately trained to conduct such activities? *Schedule A.3.f.ix*

Yes No

If necessary, provide an explanation:

The Stormwater Compliance Technicians have received multiple types of training over the years, including Vegetated Water Quality Facilities (VWQF) Management training and Certified Erosion Sediment Control Lead (CESCL). Stormwater field operation staff maintain Oregon Waste Water Collections and PACP certifications. All Public Works staff are routinely trained on performance standards.

137. Has a stormwater quality retrofit strategy been completed?

Yes No

If necessary, provide an explanation:

(Stormwater retrofit document due with fourth annual report)

138. Were all new staff working to implement the pollution prevention and good housekeeping for municipal operations program appropriately trained within 30 days of their assignment to this program? *Schedule A.3.f.xi*

Yes No

If necessary, provide an explanation:

All Public Works staff receive annual trainings on the following topics; Illicit Discharge Recognition and Reporting, Spill Prevention, Control, and Cleanup, Utility Road Repair & Maintenance, Concrete Use and Disposal, Pressure Washing & Surface Cleaning, Paint Use and Disposal, Winter Road Care. We will be working to update procedures to ensure that staff receive training within 30 days.

Monitoring

If the requirement does not apply, mark "NA" and explain why it does not apply to you in the comments field.

139. Was municipal stormwater monitoring performed at outfall locations, in the receiving waterbody, or to demonstrate compliance with this permit? *Schedule B.3*

Yes No

140. If "Yes" is the data included in the Annual Report?

Yes No

If necessary, provide an explanation:

While not required to conduct outfall monitoring, the city does voluntarily perform Ambient River Water Quality Monitoring. The program continues to collect and compile in stream monitoring data. A consultant has been hired to review this data and provide an annual summary report.

Water Quality Standards

141. During this monitoring year was it determined or reported that the MS4 discharge caused or contributed to an exceedance of an applicable water quality standard? *Schedule A.1.b*

Yes No

If necessary, provide an explanation:

142. How and when did the exceedance of an applicable water quality standard occur? *Schedule A.1.b*

If necessary, provide an explanation:

143. Was the exceedance self-reported or did DEQ send written notification? *Schedule A.1.b*

Self-reported: Yes No

If necessary, provide an explanation:

144. Within 48 hours was an investigation started into the cause of the water quality exceedance? *Schedule A.1.b.i*

Yes No

If necessary, provide an explanation:

145. Within 30 days of becoming aware of the exceedance, was DEQ notified in writing, if self-reporting? *Schedule A.1.b.ii*

Yes No

If necessary, provide an explanation:

146. Within 60 days of becoming aware of or being notified of the exceedance, was a report submitted to DEQ that documents the following? *Schedule A.1.b.iii*

- The results of the investigation, including the date the exceedance was discovered
- A brief description of the conditions that triggered the exceedance or the cause

Corrective actions taken or planned, including the date corrective action was completed or is expected to be completed

If necessary, provide an explanation:

147. Were the corrective actions implemented in accordance with the schedule approved by DEQ? *Schedule A.1.b*

Yes No

If necessary, provide an explanation:

148. Provide any additional comments or narrative description, if necessary:

PART II

City of Bend Design Standards

2.3.9 Grading and Erosion Control

The following items shall be shown on all plans, as applicable.

- Construction entrance(s) / Wheel washes
- Storm Inlet protection
- Tree protection / removal
- 1 foot contours for existing and proposed grades. Where steep terrain exists, existing grade contours can be shown at 2-foot intervals. Contours must be labeled to provide clear understanding of slope direction and grade.
- Slope mitigation (during construction and post construction)
- Concrete washout
- Stock pile areas
- Stream / Waterway protection
- Sediment control
- Indicate whether land is a cut or a fill.
- Show site plan and identify all drainage basins within the area.
- Show erosion control methods.
- Provide cross-sections or profile plans to show existing and final grading where terrain is steep and incurring large cuts and fills.
- References to applicable standard drawings
- Approved design deviations, waivers, or modifications

2.3.10 Calculations

The following calculations shall be shown on all plans or separate report as approved by the City Engineer:

- Drywell capacity/testing volume in gallons
- Storm runoff hydrograph and drainage system sizing
- Calculations for both offsite drainage and existing site drainage
- Pump station and wetwell sizing, including pump station operating parameters (pump curves, etc.)



INSPECTION RESULT REPORT

Project Number: PRGR202104660
Inspection Type: 10 Grading Erosion
Control Barriers
Result: Partial Pass
Date: June 02, 2022

Date: June 02, 2022
Location: 2011 NE BARRETT CT, BEND, OR 97701

Result: Partial Pass

Comments:

Contractor requested initial. Partial installation of sediment fence perimeter control. Entrance is below spec. Staff provided guidance on repairs and temporary stabilization during periods of inactivity. Staff will reinspect.

Deficiency #1:

- Rocked entrance missing
- Staff recommends installing standard entrance with 3-6" rock, 50' min. length, and 8" pad depth

Documentation:



Accommodation Information for People with Disabilities

To obtain this information in an alternate format such as Braille, large print, electronic formats etc. please contact Sam Rossi at srossi@bendoregon.gov or (541) 312-4913; Relay Users Dial 7-1-1.

Deficiency #2:

- Perimeter control missing backfill and trench in areas
- Securing the bottom edge of fabric is essential to keep runoff onsite
- Staff recommends staking/trenching/backfilling sediment fence in all areas downslope from project

Documentation:



Deficiency #3:

- Perimeter control missing in areas downslope from project
- Staff recommends installing perimeter control in these areas

Documentation:



Attachment in response to Question 93

e. ESC Compliance and Enforcement

i. Compliance steps

1. If site is out of compliance per COB Code Title 16, education materials along with an initial verbal warning will be given to the Responsible Person/Party (RP) with a compliance deadline of the Stormwater Compliance Specialist's discretion. Usually this deadline will be a minimum of 24hrs and a maximum of 2-weeks dependent on urgency (e.g., potential to pollute including forecasted storm or shower activity; high winds, etc.).
2. If the RP fails to meet compliance standards by the original deadline but makes an attempt, a new deadline will be issued along with a second verbal warning notifying the RP of the potential enforcement procedures. If no attempt has been made to address deficiencies by original deadline, issue Notice of Violation (NOV).
3. A NOV will be issued if the second compliance deadline is not met or no attempt to correct original deficiencies has been made.
 - a. The NOV will state a final compliance deadline and the type of enforcement to be taken.
 - i. Before an NOV is issued, Building and Engineering Inspectors will be notified of the compliance issue.
 - ii. Building and Engineering Inspectors will be sent a copy of the NOV.
4. If compliance by NOV deadline is not met, Building Inspectors, Engineering Inspectors, and Stormwater Compliance Specialist will be expected to delay further inspections, issue stop work orders, or issue civil penalties until compliance is achieved.
5. All verbal and written education, warning, and violations should be recorded in the inspection tracking form and summarized for monthly and annual reports.