



**Oak Lodge Water District Office
14496 SE River Road
Oak Grove, OR 97267
November 21, 2017 at 6:00 p.m.**

1. Call to Order and Flag Salute
2. Call for Public Testimony

Members of the public are welcome to testify for a maximum of three minutes on each agenda item.

3. Consent Agenda
 - October 2017 Financial Reports
 - Approval of October 2017 Check Run
 - October 17, 2017 Board Meeting Minutes
4. Budget Schedule FY 2018/2019
5. Janitorial and Landscaping Services Contract
6. First Reading of the OLWSD Rules and Regulations – Ordinance 01
7. River Road/Walta Vista Bridge Project Update
8. Department Reports
 - Finance
 - Field Operations
 - Plant Operations
 - Technical Services
9. Call for Public Comment
10. Business from the Board
11. Adjourn



AGENDA ITEM

Agenda Item: Call for Public Testimony
Item No.: 2
Presenters: N/A

Background:

Members of the public are invited to identify agenda items on which they would like to comment or provide testimony. The Board may elect to limit the total time available for public comment or for any single speaker depending on meeting length.

OAK LODGE
WATER SERVICES
CONSENT AGENDA

To: Board of Directors
From: Sarah Jo Chaplen, General Manager
Agenda Item: Consent Agenda
Item No.: 3
Date: November 16, 2017

Background:

The Board of Directors has a standing item on the regular monthly meeting agenda called "Consent Agenda." This subset of the regular agenda provides for the Board to relegate routine business functions not requiring discussion to a consent agenda where all included items can be acted upon by a single act.

The Consent Agenda includes:

- October 2017 Financial Reports
 - Approval of October 2017 Check Run
- October 17, 2017 Board Meeting Minutes

Board members may request to remove an item from the Consent Agenda to discuss separately.

Options for Consideration:

1. Approve the consent agenda as listed on the meeting agenda.
2. Request one or more items listed on the consent agenda be pulled from the consent agenda for discussion.

Recommendation:

Approve the items listed under the Consent Agenda.

Sample motion: *"I move to approve the consent agenda."*

Approved _____

Date _____



MONTHLY FINANCIAL REPORT

To: Board Directors
From: Kelly Stacey, Finance Director
Agenda Item: October 2017 Financial Reports
Item No.: 3a
Date: November 21, 2017

Reports:

- Monthly Overview
- Monthly Checks and Electronic Withdrawal
- Cash and Investments Account Balances

**Oak Lodge Water Services
Monthly Overview
October 2017**

This report summarized the revenues and expenditures for October 2017. Also incorporated in this report are account balance reconciliations, including all cash and investment activity as well as checks and withdrawals.

The District's liquid cash and investment assets equal \$11,738,297.44 as of October 31, 2017; consisting of \$2,105,389.15 in checking, and \$9,632,908.29 in the State Local Government Investment Pool (LGIP).

The District's checks, electronic withdrawals and bank drafts for October 2017, total \$610,069.72.

Water sales revenue for the month of October 2017 is \$321,215.54. **Wastewater** sales revenue for the month of October 2017 is \$658,838.53. **Watershed protection** sales revenue for the month of October 2017 is \$129,194.05. Total revenue for services provided for the month of October 2017 totals \$1,109,248.12

Except for the liquid cash and investment numbers, the amounts listed on this summary are estimates. There may be items from the old system that are not yet posted and reconciled. These give a good feel of how we are doing during this transition to the Accela software. We were not able to load the 2017/2018 budget into the Incode or Eden software. It will be at least December before I will have the new reports from Accela with accurate budget-to-actual comparisons. Thank you for your patience.



STAFF REPORT

To: Board of Directors
From: Kelly Stacey, Finance Director
Agenda Item: Checks for Oct 2017
Item No.: 3a
Date: November 21, 2017

Background

Auditors have requested formal approval of checks by the Board of Directors

Issue

The District needs formal authorization of the October 2017 checks numbered 40120 through 40223, which include accounts payable well as electronic withdrawals (excluding payroll), totaling \$467,633.22. Payroll checks and drafts (continuing to be processed through Incode) include checks 39365 through 39368 and ETFs totaling \$142,436.50. Attached you will find a report showing all checks and electronic withdrawals for October 2017 and a separate report showing payroll withdrawals.

Recommendations

It is recommended to the Board that checks numbered 40120 through 40223, checks 39365 through 39368 and electronic withdrawals be formally approved by the Board.

Background

The District pays expenditures throughout the month.

Facts and Findings

The District auditors require the Board to formally approve monthly payments to conform to Generally Accepted Accounting Principles (GAAP).



Oak Lodge Water District

Bank Transaction Report

Transaction Detail

Issued Date Range: 10/01/2017 - 10/31/2017

Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
Bank Account: 2908192046 - OAK LODGE WATER DISTRICT							
10/13/2017		39365	Yohn, Clay B	Payroll	Outstanding	Check	-503.59
10/13/2017		39366	KROGSTAD, JOHN	Payroll	Outstanding	Check	-2,217.29
10/31/2017		39367	Yohn, Clay B	Payroll	Outstanding	Check	-608.79
10/31/2017		39368	KROGSTAD, JOHN	Payroll	Outstanding	Check	-2,059.31
10/13/2017		<u>DFT0000310</u>	Payroll EFT	Payroll	Outstanding	EFT	-23,939.42
10/13/2017		<u>DFT0000311</u>	Payroll EFT	Payroll	Outstanding	EFT	-43,877.41
10/13/2017		<u>DFT0000312</u>	Payroll EFT	Payroll	Outstanding	EFT	-395.78
10/31/2017		<u>DFT0000313</u>	Payroll EFT	Payroll	Outstanding	EFT	-43,671.56
10/31/2017		<u>DFT0000314</u>	Payroll EFT	Payroll	Outstanding	EFT	-25,163.35
Bank Account 2908192046 Total: (9)							-142,436.50
Report Total: (9)							-142,436.50

Summary

Bank Account
[2908192046 OAK LODGE WATER DISTRICT](#)

Count	Amount
9	-142,436.50
Report Total:	-142,436.50

Cash Account
[99 99.1000 Wells Fargo](#)

Count	Amount
9	-142,436.50
Report Total:	-142,436.50

Transaction Type	Count	Amount
Check	4	-5,388.98
EFT	5	-137,047.52
Report Total:	9	-142,436.50

Oak Lodge Water Services

Account Balances As of:

October 31, 2017

Interest Rate

Account

Wells Fargo Bank Checking	0.00%	\$1,737,797.31
Wells Fargo Bank Checking	0.00%	\$367,591.84
LGIP 5289 Water General	1.45%	\$1,856,933.35
LGIP 5790 Sanitary	1.45%	\$2,037,109.61
LGIP 3968 Sanitary GO Bond Debt Svc	1.45%	\$1,194,404.38
LGIP 3869 Sanitary Debt Svc	1.45%	\$1,057,419.98
LGIP 3810 Sanitary SDC	1.45%	\$0.00
LGIP 5002 Sanitary General	1.45%	\$3,487,040.97
Total		<u>\$11,738,297.44</u>



OAK LODGE WATER SERVICES
Minutes
Board of Directors – Regular Meeting
October 17, 2017

Board of Directors - Members Present:

Jim Martin, Chair
Susan Keil, Vice Chair
Lynn Fisher, Director
Nancy Gibson, Director
Kevin Williams, Director,

Board of Directors - Members Absent:

None,

Oak Lodge Water Services Staff Present:

Sarah Jo Chaplen, General Manager
Jason Rice, District Engineer
Kelly Stacey, Finance Director
David Mendenhall, Plant Superintendent
Todd Knapp, Field Operations Superintendent
Clark Balfour, District Attorney,

Visitors Present:

Jan Carothers, Local Resident
Thelma Haggenmiller, Local Resident
Eric Hofeld, Sunrise Water Authority
Suzanne Townsen, Local Resident.

REGULAR MEETING

1. Call to Order and Flag Salute

Board Chair Jim Martin called the regular meeting to order at 6:00pm and Director Kevin Williams led the pledge of allegiance.

2. Call for Public Testimony

After the pledge, Chair Martin asked if there was any public testimony. There was none.

3. Consent Agenda:

- **August 2017 Financial Reports**
 - **Approval of August 2017 Check Run**
- **September 2017 Financial Reports**
 - **Approval of September 2017 Check Run**
- **September 19, 2017 Board Meeting Minutes**

Director Gibson mentioned several corrections to the September 2017 Board Meeting Minutes, including: the fact that she is listed as both present and absent – she was present. Finance Director Kelly Stacey mentioned that David Mendenhall needed to be added to the OLWS Staff present list.

Director Williams asked about the financials, page 1 from 10-09-2017 concerning the Pape Equipment cost of more than \$13,000 – Kelly Stacey will follow up and respond to the Board with details about this charge.

Director Williams moved to approve the consent agenda with the corrections as noted. Vice Chair Keil seconded the motion.

Ayes: 5

Nays: None

Motion carried: 5-0

4. Department Reports

Finance Report: Financial Director Kelly Stacey shared that they are in the thick of Accela Implementation, working out the bugs in the General Ledger and making sure they have the new payroll system ready for the first two parallel payrolls in November and the first live payroll in December. Accela did the first “data pull” for the UB Account records, after which they will work with the data to get it cleaned up for several weeks. This involves ensuring that we just have one customer record combined from the two different billing systems. There will be one or two parallel billing cycles before a “go-live” for the March 1 bill. She added that Convergence has been wonderful to work with concerning the data transfer to Accela.

The new Human Resources Manager will be starting on November 6th and is very excited about coming to OLWS. She lives in Gladstone and enjoys this community.

Rebecca and Jeff are settling into the former Water District building and staff has set up another desk space for Matt (the temporary employee) because they know they will need him for a longer time during this transition.

Board asked about how staff are doing with the transition and all of the work created by consolidating systems. Kelly replied that staff have been working hard to get things worked out, forming a team and figuring out where they can support one another, particularly with billing. She mentioned that there was some overtime because of running (essentially) parallel or double systems with regard to the General Ledger right now.

Field Operations Report: Field Operations Superintendent Todd Knapp updated the board on the main break on Cornell Road, which caused quite a bit of damages that they had been working on. For Valley View the north tank has been completed and the crew has been working on the south tank, slated for completion in November. He outlined a new chart showing different perspectives on the percentage numbers/workloads: year-to-date, monthly, yearly, and a five-year plan. The five-year plan starts the 60-months now. The board was complementary on the new graphics.

Water department has had several items that are not reflected on the report, including two hydrants that got hit that needed repairs. They were not simple repairs and so took longer to repair. We bill the insurance company for the costs associated with these incidents. He commented on the water use being higher than usual, possibly due to the seasonal drought.

Plant Operations Report: Operations Superintendent David Mendenhall reported on his first big project for OLWS – getting the belt press into place and functioning. He said that managing the pieces, the truckers and contractors from different states has gone well. Brown & Caldwell will look at the various lines to ensure that OLWS has set them up correctly and connected them to the appropriate sized control panel. There has been a lot of cooperation between teams and problem-solving in order to get the equipment into place, in particular the crane operators did well.

He mentioned that the report on the effluent water quality includes the Total Suspended Solids and the Biochemical Oxygen Demand and illustrates the current and future permit limits. OLWS is currently producing stable and outstanding quality effluent and at this point looks to meet future permit limits.

The Board asked about the cost to unplug pump stations six times for flushable wipes and David responded that he will generate those costs and share out. Board mentioned last year's approval for non-ragging pump installation and asked how many pumps have been upgraded to that technology. David responded that they are in process of taking out the old RAS (Returned Activated Sludge) pumps and putting in Xylem Flygt non-ragging pumps. There is more money in the capital program to switch out more of the pumps. The Board mentioned that it might be good to do more targeted outreach concerning flushable wipes, so that ratepayers would understand that consumer wipes were NOT FLUSHABLE. District Engineer Jason Rice shared that the national organizations that OLWS belongs to, like the American Clean Water Agency (ACWA), conducts advocacy related to issues like wipes, and that is one reason that OLWS maintains membership. In addition, he has requested OLWS staff to conduct focused outreach to target populations that might produce higher levels of inappropriate waste, like elder care homes. OLWS staff will follow up.

The Board congratulated David Hawkins on passing his Oregon DEQ Grade 3 Wastewater Operations Certification, and David Mendenhall mentioned that he would pass that along.

In addition, OLWS has had a 40% reduction in Biosolids and hauling since September, which means that they have hit a "sweet spot" with regards to hauling biosolids.

Technical Services Report: District Engineer Jason Rice updated the Board on the scheduling of a meeting focused on the Boardman-Walta Vista final design kickoff meeting with Clackamas County, which he will report on next month. Sarah Jo received a call from Mike Bezner – Assistant Director, Clackamas County Department of Transportation – to introduce himself to her and meet with her along with Jason and OLWS Staff Markus Mead. The meeting may get into permitting and review of stormwater review as it relates to roadways.

Jason requested a bid from a local contractor for the redesign of the water building and he is looking forward to more data concerning the redevelopment costs of the project. The Board asked about the purchase of the property of the north end and Jason responded that we have had trouble making contact with the owner. The Board suggested using data from the Clackamas County Tax & Assessment to locate and contact the owner or the property or the manager of the trust.

The Board commented positively on the thoroughness, detail and clarity of the staff reports; and Sarah Jo highlighted that the reports reflected the amount of high quality projects being completed by staff and thanked staff. The Board reflected on how well staff is doing with regards to implementing the new financial system (thanks to Financial Director Kelly Stacey) and with the consolidation efforts in general.

General Manager's Report: General Manager Sarah Jo Chaplen shared that OLWS is in communication with Lisa Batey, President of the Milwaukie City Council, and that she is interested in a potential partnership with OLWS around public outreach and education on pesticides, garden chemicals, and water quality. The Board asked if another current OLWS partnership already covers this information outreach and Sarah Jo responded yes, the Clean Rivers Coalition is set up to deal with messaging around non-point source pollution and that working with other entities would be an efficient way to move forward with messaging. At this point no action steps, but Sarah Jo will investigate a potential partnership and bring back more information.

5. Call for Public Comment

There was no public comment.

6. Business of the Board

Director Williams updated the group on the Jennings Lodge Community Planning Organization meeting and reported out on the Manewal Lane group, who attended to discuss the existing inadequate stormwater facilities with regards to upstream development. Commissioner Savas responded that OLWS should be involved because they are responsible for all the stormwater issues in the unincorporated part of Clackamas County. Directors Williams, Fisher and Gibson objected and the Commissioner Savas said that Clackamas County (CC) did not own the stormwater conveyance systems like catch basins in the OLWS district, although CC is responsible for some of the culverts and storm pipes in the area. In addition, he alluded to the fact that OLWS could deny building permits based on stormwater considerations. After the meeting, Directors Fisher and Williams (Director Gibson excused herself so as not to create a quorum of OLWS Board members) continued the conversation with Commissioner Savas. Savas stated that former General Manager Kent Squires and District Attorney Clark Balfour both supported the idea that the Sanitary Board had the authority and the responsibility for surface water conveyance issues. Director Williams maintained that OLWS does not own any of the surface water system and disagreed with Savas after the public meeting, but wanted to bring confirmed

information to the conversation. Director Williams requested that General Manager Sarah Jo and CC Staff to work together on clarifying this issue. She outlined the goal of creating a definitive whitepaper to create a base understanding of the legalities of the situation. This situation has been at the heart of several district issues needing to be settled, and Sarah Jo will work to get this clarified. The Board affirmed that based on several experiences of Board members with Clackamas County that this is an important issue. Director Gibson brought up the idea which has been formerly discussed of Watershed Protection Fee for increased impervious surface and Jason Rice shared a challenge about the levels of responsibility concerning catch basins and roadside swales.

Comment from audience member about the City of Portland's charge for impervious surfaces and that it increases with larger amounts of impervious surfaces. Discussion continued around the assorted topics, issues, and angles of responsibility that need to be clarified between CC and OLWS, with the conclusion that this research will need to be applied to the coming meetings with CC and, in addition, the issues might call for a public meeting that gathers more information from the district's public.

Director Gibson attended the Regional Water Providers Consortium and was able to meet up with Matt Tracy, the new City Councilor for Gladstone. Strategic Planning was a focus for the group, the budget reflected minor dues increase for this year, the Bylaws were approved with one exception which will be revisited. At the North Clackamas County Water Commission meeting Director Gibson was elected chair for the next year. In the next week she will be meeting with President Martin and Sarah Jo about the NCCWC Intergovernmental Agreement (IGA). She will be out of town for the Jennings Lodge CPO meeting.

President Martin attended the Clackamas River Water Board meeting and reported that they had gone through the SDAO board evaluation process and had (possibly) benefitted from it. He suggested that OLWS think about it. He also attended the Oak Grove Community Council and participated in the table-top "overlay" conversations around the development near the light rail station and zoning along McLoughlin to envision better development for the corridor.

Vice Chair Keil attended the Clackamas County Chamber of Commerce Public Policy Committee meeting and saw a presentation on food waste collection for residential customers region wide. With her background she knew about the high expense for additional trucks running collection in the system, and that could be an issue, along with the challenge of where to transport the waste for disposal (possibly to Coffin Bute outside of Corvallis, North Plains, or Arlington). The presentation didn't have costs associated with it, which was challenging for the committee, along with other issues that went along with the group pitching the Request for Proposals process, including how to affect a good waste stream. The presenters needed more organization and preparation for the audience.

Director Fisher provided information on the Sunrise Water Authority Board meeting, including the update on the cross-connection program and how they compartmentalize high-medium-low risk customers in order to process them. They introduced their new

Financial Director, Denise Bergstrom. He also attended the North Clackamas County Water Commission's Upper Watershed Tour and reported that about 35 people attended. The tour bus portion of the tour was a sizable percentage of the day. They were able to stop at the Estacada Ranger Station, an ATV/Quad/Biking parking and trail area and see some of the area's users, and Timothy Lake. Among other information, the group learned about how little the fire season affects water quality, that the area target shooting starts a fair number of forest fires, and heard from several of the land managers who are responsible for the various areas.

7. Recess to Executive Session

At 7:14 p.m., President Martin convened the Board for an Executive Session under ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body about current litigation or litigation likely to be filed.

8. Adjourn Executive Session

Chair Martin adjourned the executive session at 7:52 p.m.

9. Reconvene Regular Session

There was no business by the board.

10. Adjourn Regular Session

Chair Martin adjourned the regular meeting at 7:53 p.m.

Respectfully submitted,

Sarah Jo Chaplen
General Manager

Date: _____

Jim Martin
Chair, Board of Directors

Date: _____



STAFF REPORT

To: Board of Directors
From: Kelly Stacey, Finance Director
Agenda Item: Budget Schedule FY 2018/2019
Item No.: 4
Date: November 21, 2017

Background

Approval of the budget schedule for the preparation of the FY 2018/2019 budget.

Recommendation

It is recommended that the Board approve the proposed schedule for the FY 2018/2019 budget.

Background

Oregon Budget Law suggests the approval of a budget schedule to allow for public notice and participation.

Facts and Findings

The proposed budget schedule allows opportunity for public participation. It also provides adequate time for budget committee meetings.

Suggested Motion

I move to approve the proposed budget schedule for the fiscal year 2018/2019 budget



2018-2019 BUDGET SCHEDULE

- November 21, 2017 - Approve Budget Schedule
(Regular Board Meeting)
- December 19, 2017 - Pre-Budget meeting/Orientation
(Regular Board Meeting)
 - Budget Committee Member Appointments
- January 15, 2018 - Appoint Budget Officer
(Regular Board Meeting)
- March 14, 2018 - Publish notice of Budget Committee Meeting (5-30 days prior)
 - Publish in the Clackamas Review
 - Post on website
- March 20, 2018 - Budget Committee Meeting - Introduction and overview
5:30 (Prior to regular Board meeting)
 - Proposed Budget given to Budget Committee
- March 27, 2018 - Budget Committee Meeting
- April 3, 2018 - Budget Committee Meeting (if necessary)
- April 10, 2018 - Budget Committee Meeting (if necessary)
- June 6, 2018 - Publish Notice and Summary of Budget Adoption Hearing
- June 19, 2018 - Budget Adoption

**All meetings held in the Oak Lodge Water Services Boardroom



STAFF REPORT

To: Board of Directors
From: Jason Rice, District Engineer
Agenda Item: Janitorial and Landscaping Services Contract
Item No.: 5
Date: November 9, 2017

Action Requested

That the Board approve the General Manager to sign a contract with Relay Resources for Janitorial and Landscaping services in the amount of \$50,836.32 for the calendar year beginning January 1, 2018.

Background

As a part of the consolidation, one of the primary tasks was to consolidate duplicative service agreements. One such set of agreements which exists today is the Janitorial Services Contract. Currently, the Administrative Services Building (old Water District building) uses one service provider and the Technical Services Building (old Sanitary Administrative building) and the Water Reclamation Facility use another service provider.

As a public agency in the State of Oregon this District is required, if contracting out, to seek both Janitorial and Landscaping services through a Qualified Rehabilitation Facility (QRF) to meet State Purchasing Rules found in OAR 125-055.

A QRF is a non-profit rehabilitation corporation that employs individuals with qualifying disabilities to provide products and services to public agencies. The Oregon Department of Administrative Services is responsible for qualifying each community rehabilitation program as a QRF. A QRF must employ individuals with qualifying disabilities for at least 75% of the hours of direct labor across the entire company. Each QRF's mission must include providing vocational services which enable employment opportunities for individuals with disabilities.

To select a QRF, the public Agency must either approach any one of the pre-qualified QRF's or put out a Request for Bids from the pre-qualified list. Since the former Sanitary District had experience in working with Relay Resources since 2014 (as Portland Rehabilitation Center – or PHC), staff first considered the performance of the company over the past 4 years. Not one issue with Relay Resources was found in that investigation. And since all QRF hourly rates are approved through the State, it seemed wise to stick with the company that had previously provided the District with such good service.

The attached agreement outlines specific details and the frequency of the three District Buildings will be cleaned, as well as how the Water Reclamation Facility and Technical Services Building will be landscaped. It is understood that the District will likely reduce the number of

buildings it owns within the next few years, in which case this agreement will need to be amended.

Suggested Board Motion

“I move to approve the General Manager to sign a contract with Relay Resources for Janitorial and Landscaping services in the amount of \$50,836.32 for the calendar year beginning January 1, 2018.”

Attachments

1. Professional Services Agreement
2. Relay Resources 2018 Price Proposal
3. Department of Administrative Services request for Price Approval

AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN
OAK LODGE WATER SERVICES DISTRICT
AND
PORTLAND HABILITATION CENTER
FOR
JANITORIAL AND LANDSCAPING SERVICES

THIS AGREEMENT, made and entered into this 21st day of November 2017, by and between Oak Lodge Water Service District, 14496 SE River Road, Oak Grove, Oregon 97267, hereinafter referred to as "Owner", and Relay Resources, QRF providing professional services, hereinafter referred to as "Contractor."

WITNESSETH:

WHEREAS, Owner wishes to obtain certain professional services for Oak Lodge Water Services District's Janitorial Services, as more fully described herein; and in Exhibit A.

WHEREAS, Contractor has available and offers to provide professional personnel and facilities necessary to accomplish the work within the required time;

NOW, THEREFORE, Owner and Contractor agree as follows:

I. DESCRIPTION OF PROJECT

The Owner and Contractor agree that the Project Description is as described under General Requirements in Exhibit A: Scope of Work. If, during the course of the project, Owner and Contractor agree to additional services, a revised scope of work shall be incorporated in this Agreement by written amendment, executed by both parties as provided herein.

II. SCOPE OF CONTRACTOR SERVICES

Contractor agrees to perform those services described in and attached as Exhibit A. Unless modified in writing by both parties, duties of Contractor shall not be construed to substantially exceed those services specifically set forth in Exhibit A. Contractor shall be obligated to provide the services enumerated herein and in the attached Exhibit A irrespective of any level of effort required to accomplish the intended purpose of this Agreement for the price agreed upon.

III. SCOPE OF OWNER SERVICES

Owner agrees to provide facilities and materials to perform Owner Services, as described below.

Owner shall appoint an Owner's Representative with respect to work to be performed under this Agreement. Owner's Representative shall have complete authority to transmit instruction, receive information, and interpret and define Owner's policies. Contractor shall be entitled to rely on representations made by Owner's representative unless otherwise directed in writing by Owner.

The Owner shall provide to the Contractor or the Contractor's representatives legal access to the properties which are necessary in performance of the work. Owner shall provide access for the Contractor to these properties as needed for work to be performed by the Contractor.

Owner will provide all paper products, trash container liners and hand soaps.

IV. AUTHORIZATIONS, PROGRESS, AND COMPLETION

In signing this Agreement, Owner grants Contractor specific authorization to proceed with work described in Exhibit A.

V. COMPENSATION

For the services described in Section II above, the Contractor agrees to accept, and the Owner agrees to pay the Contractor on the basis of work performed and at the annual rate of \$50,836.32. This limit shall be modified only if the Owner and Contractor agree in writing that the scope of contracting services is substantially changed in a manner which significantly increases the level of effort required.

Compensation shall be billed by monthly invoice. Payments to the Contractor are due within thirty (30) days of presentation of invoice to Owner.

VI. RESPONSIBILITY OF CONTRACTOR

Contractor is employed to render a professional service, and any payments made to Contractor are compensation solely for such services.

Contractor warrants that it will perform in accordance with the standards of care and diligence normally practiced by recognized by companies performing services of a similar nature in existence at the time of performance.

VII. INDEMNIFICATION

Contractor agrees to indemnify, defend, and hold Owner harmless from and against any liability arising out of the negligent errors or negligent omissions of Contractor, its agents, employees, or representatives, in the performance of Contractor's duties under this Agreement.

Subject to the Oregon Constitution and the limitations of ORS 30.260 to 30.300, Owner agrees to indemnify, defend, and hold Contractor harmless from and against any liability arising out of the negligent errors or negligent omissions of Owner, its agents, employees, or representatives, in the performance of Owner's duties under this Agreement.

VIII. INSURANCE

The Owner and the Contractor have discussed the risks, rewards and benefits of the project and the estimated fees for services. Therefore, during the life of this Agreement, Contractor agrees to maintain liability insurance.

IX. SUSPENSION OF WORK

Owner may suspend in writing all or a portion of the work under this Agreement if unforeseen circumstances beyond Owner's control make normal progress of the work impossible. Contractor may request that the work be suspended by notifying Owner, in writing, of circumstances that are interfering with the normal progress of work. Contractor may suspend work on Project in the event Owner does not pay invoices when due. The time for completion of the work shall be extended by the number of days work is suspended. If the period of suspension exceeds ninety (90) days, the terms of this Agreement are subject to re-negotiation, and both parties are granted the option to terminate work on the suspended portion of Project in accordance with Article X.

X. TERMINATION OF WORK

Owner may terminate all or a portion of the work covered by this Agreement for its convenience. Owner or Contractor may terminate work if the other party fails to perform in accordance with the provisions of this Agreement by providing thirty (30) days prior written notice to the other, by certified mail with receipt for delivery returned to the sender.

XI. OWNERSHIP AND REUSE OF PRODUCTS AND DOCUMENTS

All work performed by Contractor under this Agreement shall be considered work for hire, and shall be the property of the Owner.

XII. THIRD PARTY RIGHTS

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Owner and Contractor.

The undersigned warrants that he/she/they have the authority to bind their respective parties to this agreement and its obligations and liabilities.

OAK LODGE WATER SERVICES DISTRICT

Representative:

Signature

Title: General Manager

Date

RELAY RESOURCES

Representative:

Signature

Title:

Date

**Oak Lodge Sanitary District
Administration Office
(14611 SE River Road) &
Old Water Building (14496
SE River Road)**

**Janitorial Services
Scope of Work**

Janitorial Services are started after the close of business and completed before the next business day.

1 times per week

General Office

- Empty all wastebaskets and change liners
- Empty recycling and put in designated area
- Dust all office furniture, including tables, office equipment and pictures
- Dust all exposed filing cabinets, bookcases, shelves and window sills
- Dust all telephones and spot clean desk tops
- Spot clean front entrance glass and interior window partitions
- Dust mop and damp mop hard floors
- Thoroughly vacuum all carpeted areas
- Spot clean spills and stains on carpeting

Restrooms

- Clean and sanitize all sinks, counters, toilets and urinals; polish all fixtures
- Clean all glass and mirrors
- Refill all dispensers to normal limits
- Polish all stainless steel fixtures
- Empty all trash containers and disposals; insert liners
- Spot clean all walls, doors and partitions
- Sweep and damp mop all hard floors

Lunchroom

- Clean and sanitize sink and counters; polish all fixtures
- Remove fingerprints from refrigerator and microwave
- Spot clean all walls and doors
- Empty, wash and sanitize all containers and disposals; insert liners
- Sweep and damp mop flooring

Administrative Services

- Notify building contact of irregularities
- Turn-off all lights except those designated
- Close/lock windows and doors, notify security
- Check communication log for customer comments

Monthly

General Areas

- High dust all horizontal surfaces
- Dust HVAC vents
- Sanitize telephones
- Dust baseboards
- Damp clean chair mats
- Vacuum edges of carpeted areas
- Vacuum Furniture

Restrooms

- High dust all horizontal surfaces
- Remove cobwebs from ceiling areas
- Low dust all horizontal surfaces
- Dust baseboards

Lunchroom

- Remove cobwebs from ceiling areas
- Damp clean and sanitize tables, seats, chair backs
- Spot clean doors, frames, light switches, etc.
- Low dust all horizontal surfaces

Administrative Services

- Customer Service Visit

Quarterly Services

- Clean Refrigerator
- Clean Carpet (end of June/Sept/Dec/Mar)

Bi-Annual Services

- Wax Linoleum Floors (Sept/Mar)

Annual Services

Administrative

- Formal customer review

**Oak Lodge Sanitary District
Water Reclamation Facility
(13750 SE Renton)**

**Janitorial Services
Scope of Work**

Janitorial Services are started after the close of business and completed before the next business day.

2 times per week (Tuesdays & Thursdays)

General Office

- Empty all wastebaskets and change liners
- Empty recycling and put in designated area
- Dust all office furniture, including tables, office equipment and pictures
- Dust all exposed filing cabinets, bookcases, shelves and window sills
- Dust all telephones and spot clean desk tops
- Spot clean front entrance glass and interior window partitions
- Dust mop and damp mop hard floors
- Thoroughly vacuum all carpeted areas

Lab

- Spot clean all walls, doors, sides and fronts of cabinets
- Sweep and damp mop all hard floors
- Vacuum all walk-off mats

Restrooms (2)

- Clean and sanitize all sinks, counters, toilets and urinals; polish all fixtures
- Clean and sanitize showers
- Clean all glass and mirrors
- Refill all dispensers to normal limits
- Polish all stainless steel fixtures
- Empty all trash containers and disposals; insert liners
- Spot clean all walls, doors and partitions
- Sweep and damp mop all hard floors

Lunchroom

- Clean and sanitize sink and counters; polish all fixtures
- Remove fingerprints from refrigerator and microwave
- Damp clean and sanitize tables, seats and chair backs
- Spot clean all walls and doors
- Empty, wash and sanitize all containers and disposals; insert liners
- Sweep and damp mop flooring

Administrative Services

- Notify building contact of irregularities
- Turn-off all lights except those designated
- Close/lock windows and doors, notify security
- Check communication log for customer comments

Monthly

General Areas

- High dust all horizontal surfaces
- Dust HVAC vents
- Remove cobwebs from ceiling areas
- Dust venetian blinds
- Wipe sides of desks and spot clean walls
- Sanitize telephones
- Low dust all horizontal surfaces
- Dust baseboards
- Damp clean chair mats
- Vacuum edges of carpeted areas

Restrooms (2)

- High dust all horizontal surfaces
- Remove cobwebs from ceiling areas
- Low dust all horizontal surfaces
- Dust baseboards

Lunchroom

- High dust all horizontal surfaces
- Remove cobwebs from ceiling areas
- Spot clean doors, frames, light switches, etc.
- Low dust all horizontal surfaces
- Dust baseboards

Administrative Services

- Customer Service Visit

Quarterly Services

Men's Restroom

- Shower scrub ceramic tile

Other

- Clean Carpets
- Clean Refrigerator

Bi-Annual Services

- Wax Linoleum Floors

Annual Services

Administrative

- Formal customer review

Women's Restroom

- Shower scrub ceramic tile

RELAY™

RESOURCES

November 13, 2017

Jason Rice, PE
District Engineer
Oak Lodge Water Services District
14611 SE River Road
Oak Grove, OR 97267

**RE: Oak Lodge Water Services District Janitorial & Landscape Services;
Period of Performance: January 1, 2018 through December 31, 2018**

Dear Jason,

Below is our proposal, combining our janitorial & landscape services into one contract.

Our proposal is based on the attached scopes of work (janitorial) and landscape annual calendars. Our pricing is in accordance to our Janitorial & Landscape Collective Bargaining Agreement. Our pricing is:

Site/Services	Monthly	Yearly 12-months
Admin Bldg 14611 SE River Road, Janitorial	\$485.37	\$5,824.44
Admin Bldg Old Water Bldg 14496 SE River Road, Janitorial	\$505.63	\$6,067.56
Treatment Center 13750 SE Renton, Janitorial	\$652.58	\$7,830.96
Admin Bldg 14611 SE River Road, Landscape	\$317.41	\$3,808.92
Treatment Center 13750 SE Renton, Landscape	\$2,769.80	\$33,237.60

Paper products will be purchased by the customer, if we purchase will be at cost plus 10% Admin Fee.

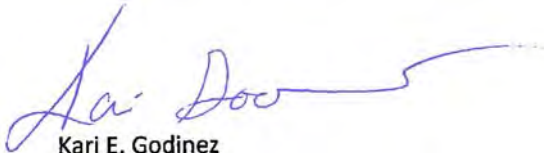
Our additional hourly rates are:

Janitorial \$28.00/hour (on as as-ordered basis)
Janitorial \$33.50/hour (O-T/holiday/weekend)
Landscape \$40.69/hour (on as as-ordered basis)
Landscape \$52.45/hour (O-T/holiday/weekend/irrigation)

If acceptable, please sign and return the Department of Administrative Services (DAS) Request for Price Approval Form electronically. We will then send it to DAS, along with the required DAS Costing Workbooks, for their final approval.

Please let me know if you have any questions or need additional information.

Sincerely,



Kari E. Godinez
Contracts Administrator



MAILING ADDRESS: 5312 NE 148th Ave., Portland, OR 97230
OFFICE: 503-261-1266
WEBSITE: relayresources.org





DEPARTMENT OF ADMINISTRATIVE SERVICES
Request for Price Approval

For Janitorial & Landscape Services, Contract # _____
(Product or Service)

Total Price: \$50,836.32, per year 1/1/2018-12/31/2018 (month,
year, each, doz.)

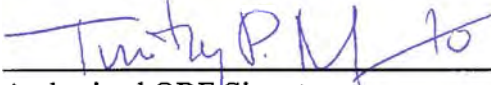
Requesting Agency: Oak Lodge Water Services District

Requesting QRF: Relay Resources

**Agency and QRF agree the proposed price and supporting
documentation meets the requirements of OAR 125-055-0030.**

_____, date: _____
Authorized Agency Signature

_____, phone # _____
Email Address

, date: November 13, 2017
Authorized QRF Signature

c/o Kari E. Godinez; kgodinez@relayresources.org, phone #503-408-3048
Email Address

**DAS has reviewed the submitted documentation supporting the price
offered by the QRF and approves the price for procurement of the
above stated product or service in accordance with OAR 125-055-0030.**

_____, date: _____
DAS QRF Coordinator

OAK LODGE
WATER SERVICES
STAFF REPORT

To: Board of Directors
From: Jason Rice, District Engineer
Agenda Item: First Reading of OLWSD Rules and Regulations
Item No.: 6
Date: November 9, 2017

Background

As the Oak Lodge Sanitary District and the Oak Lodge Water District began consolidating, it was identified that a new combined set of Rules and Regulations would be needed. At his time, the District employed a temporary Project Manager, Greg Jones, a former employee of the City of Portland to head this project up. Greg coordinated staff meetings between various departments to get a draft ready for Legal Review by Cable Huston.

The goals of the Rules and Regulations were to enable the District to:

- apply standardized practices across all three utilities
- enforce State and Federal permits
- process day-to-day activities (such as billing) in a consistent manner
- document large scale policy

The Board may notice that most of what exists within the proposed Rules and Regulations (attachment 1) is a blend of the two former Districts Rules and Regulations. The few changes that did occur are where the two former Districts varied from one another.

Ideally, this document will ultimately be planned to be revisited with the Board every 4-5 years to ensure current practices match the document text. However, initially, since this District is still developing many of its policies and procedures, it is expected the first full review could happen as early as one year from the original adoption.

Specific Items to Consider

1. Ownership of sanitary sewer laterals in the Right-of-Way

Historically, Oak Lodge Sanitary District had taken on ownership of sanitary laterals in the Right-of-Way (ROW). However, other agencies have chosen to operate differently, shifting ownership of laterals solely to that of the property being served. Below is a list of agencies and how they manage ownership of sanitary laterals in the ROW:

City of Hillsboro
City of Lake Oswego

Owned by property being served
City will take ownership if private property owner brings the lateral up to current standards

City of Milwaukie	Owned by property being served
City of Portland	City owns from mainline to curb
City of Tigard	Owned by property being served
City of Tualatin	City owns lateral in ROW
City of West Linn	Owned by property being served
City of Wilsonville	Owned by property being served (unless in Carbonneau neighborhood due to a one-off agreement)
Clean Water Services	Entire lateral is owned by property being served
Water Environment Services	District owns from mainline to curb

Many of these cities or service districts may have their own reasons as to why they chose what they did. But as Oak Lodge Water Services District has observed, there are two areas where owning the lateral creates an issue that has yet to be resolved.

When a private property owner chooses to plant trees either on their property or in the ROW very near their sanitary sewer lateral, these trees may cause roots to intrude into the lateral in the ROW. The District can not usually prevent these plantings from happening, yet in its past has replaced these laterals at no additional cost to the property owner.

Another area where the District owning the lateral in the ROW becomes an issue is in the case of businesses that use excessive amounts of CO₂ (usually carbonated beverages) or fats, oils and grease. When these get into the lateral they greatly reduce the life expectancy of the pipe (unless the pipe is already plastic). The District does have an education and outreach program to inform business owners of these impacts, but there is only so far that effort can go.

Staff recommends that ownership of the lateral in the ROW shifts to the property owner because there are extenuating circumstances beyond the Districts control that affect lateral life expectancy.

2. System Development Charges (SDC's) Equivalent Dwelling Units (EDU's) for Sanitary

The version of Rules and Regulations presented to you today states that if a property owner requests to add a connection for a Recreational Vehicle (RV) or a connection for an Accessory Dwelling Unit (ADU) that they are, first charged 1 unit for Sanitary Sewer SDC's (SDCs are always rounded up to the nearest whole EDU) and then assessed .5 additional EDU's on their bill for each of those uses.

The reason an agency might charge 1 EDU a unit is because once an additional physical connection is created, it is highly likely the property will house two families. Otherwise, why would the additional connection be needed?

One reason an agency might charge less than 1 EDU is to incentivize density. In the cases of cities or counties where taxes are collected, greater density usually nets the agency more property taxes, ultimately resulting in a monetary benefit; however, with Special Districts this is not the case.

Another reason an agency might charge less than 1 EDU is the agency believes an RV or ADU generates less sewage than an average home. Oak Lodge Water Services District does not currently have any data that supports this belief.

Staff recommends charging 1 EDU for both additional RV connections and ADU's.

3. Utility Billing Low Income Program

Both Oak Lodge Sanitary District and Oak Lodge Water District have always strived to make sure that lower income individuals and families are assisted when it comes to paying the District's utility bill; the proposed document is no exception to the District's past. However, there is one distinction staff would like to point out. Now it is explicitly stated homeowners are ultimately responsible for debts to the District and occupants will be sent a copy of the bill as a courtesy. Staff added language to make sure it is understood home ownership was not a requirement to be qualified for the Low-Income Assistance Program. Meaning, renters can continue to apply for, and be qualified to, participate in the assistance program. A program which is capped at the time of the Budget Adoption each year.

For clarification,

Staff recommends allowing renters as well as home owners to continue being eligible for the Low-Income Assistance Program as they have in the past.

Concurrence

- Changes from both Administrative and Operations Departmental Staff were incorporated into this document.
- Staff has received and incorporated comments from Legal Counsel.
- Adopting the ordinance requires two public readings with the associated public hearings.

Suggested Board Motion

"I move that the Board conduct the first reading of Ordinance 01 by title only and conduct a public hearing."

Attachments

1. Proposed District Rules and Regulations
2. Ordinance 01 – Adopting the OLWSD Rules and Regulations after the Second Reading

Oak Lodge Water Services District
Rules and Regulations
November 16, 2017

CONTENTS

PREFACE

DEFINITIONS

PURPOSE

DISTRICT OWNERSHIP

- Authority to Regulate and Manage for Watershed Protection
- Force of Law
- Use of Water

COMPLIANCE WITH RULES AND REGULATIONS/CONTRACTS FOR SERVICE

- Contracts/Special Services
- Jurisdiction
- Connections and Use
- Unauthorized Connections/Permit Required
- Connection to the Water and Sanitary Sewer System
- Responsibility and Liability of the District
- Responsibilities for Damages and Injuries

RATES, FEES, AND OTHER CHARGES

- Water Rates, Fees, Charges
- Sewer Rates, Fees, Charges
- Watershed Protection Fees
- Commencement of Monthly Service Charges
- Changing Class of Service
- Unoccupied Structures or Units
- Equivalent Dwelling Unit (EDU) Count Methodology
- System Development Charge (SDC) for Connection
- Installment Payment

BILLING AND PAYMENT

- Water and Sewer Service Billing
- Payment for Charges
- Account Setup
- Customer/User Responsible
- Billing Address

BILLING AND PAYMENT cont.

- Courtesy Billing
- Notices
- Collection of Charges
- Discontinuance and or Restoration of Services
- Discontinuance of Sewer Service Connection
- Temporary Discontinuance of Service or Restrictions of Service
- Low Income Rate Relief Policy
- Leak Adjustment Policy
- Leakage within Premises/Damages Thereto
- Meter Reading and Billing
- Meter Accuracy and Testing

APPLICATIONS AND PERMITS

- Permits Required
- Outside User Service
- Pressure Regulation
- Connections to another Water Supply
- Backflow and Cross Connection
- Utility Main Extension-Cost Refund
- Installation and Use of Fire Hydrants
- Automatic Standby Fire Service
- Temporary Service

GENERAL DISCHARGE PROHIBITIONS

PROHIBITIONS ON DISCHARGE OF OTHER WATERS

INDUSTRIAL WASTE

FATS, OILS, GREASE (FOG) PROGRAM

CODE ENFORCEMENT

VARIANCES AND APPEALS

ADOPTION OF NEW OR AMENDED RULES, REGULATIONS

- Adoption of Revised Appendices

MISCELLANEOUS

- Severability
- Titles Not a Part of Text

PREFACE

The Oak Lodge Water Services District (OLWSD) is a municipal corporation organized and operating under Chapters 198, 264 and Chapter 450 of the Oregon Revised Statutes. The purpose of OLWSD is to supply its Users with sanitary sewage conveyance and treatment, watershed protection/surface water quality management, and domestic water supply. Water is also supplied, furnished and may be sold over and above the needs of its Users to any persons, corporations, or associations, either within or outside the District, or to other communities, water districts, or municipal corporations. The District also provides sanitary sewer services and treatment to its Users and to any persons, corporations, or associations, either within or outside the District, or to other communities, special districts, or municipal corporations.

OLWSD is governed by the authority vested in a Board of five Directors residing within OLWSD boundaries and elected by voters. Regular monthly meetings are held by the Board of Directors. The Board meetings are open to the public.

DEFINITIONS

Accessory Dwelling Unit (ADU) means a secondary, subordinate dwelling unit as defined by Clackamas County, or the Oregon State Building Code whichever is prevailing. OLWSD defers to Clackamas County the determination of a structure or space to be an ADU.

Attorney means the OLWSD's Attorney.

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices.

Board means Board of Directors for the District, acting as the governing body for the Oak Lodge Water Services District.

Clean Water Act (CWA or the Act) means the Federal Water Pollution Control Act, also known as the Clean Water Act,

Compliance means Meeting the requirements, standards and other obligations provided for in the District's Rules and Regulations, permits, contracts, orders or other authorities.

Confidential Information means information and data on a discharger including products used, industrial processes or methods of production which the discharger can demonstrate, to the satisfaction of the General Manager, constitute trade secrets. Effluent constituents and characteristics shall not be considered confidential information.

Connection means the sections of any service line located on private property extending continuously to the Main and capable of conveying water, sewage or stormwater.

Connection Charges means the current service installation charge and meter installation charge as adopted by the Board.

Development means any human induced change to improved or unimproved real estate, including but not limited to construction, installation, expansion of a building site or other structure; land division; drilling, site alteration such that as that due to land surface mining, dredging clearing, grading, excavation, filling, construction of earthen berms, paving or improvements for use as parking or storage.

District means the Oak Lodge Water Services District, or OLWSD. The District is a municipal corporation whose purpose is to regulate, control and supervise sanitary conditions as well as providing domestic water supply within the District. The District also furnishes, maintains and operates sanitary facilities and water supply facilities.

District Engineer means the lead Engineer for the District, acting either directly or through authorized representatives. The District Engineer is a registered professional engineer licensed to practice in the State of Oregon.

District Standards means the latest revision of the District's Design and Construction Standards.

Documented Violation means any violation which the District or other government agency verified through observation, investigation or data collection.

Easement means the right to use a defined area of property for specific purpose or purposes as set forth in the specifications.

Enforcement means any documented action taken to address a violation of these Rules and Regulations, or any other applicable law.

Fats, Oils and Grease (FOG) means any substance that turns or may turn viscous or solidify with a change in temperature or other conditions.

Federal Categorical Pretreatment Standards means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with General Pretreatment Regulations for Existing and New Sources of Pollution of the Clean Water Act which applies to a specific category of industrial discharger.

Fire Service Line includes, but is not limited to, valves, backflow prevention assemblies, special water meters, pipes, and other devices installed solely for service to the standby connection dedicated for fire service only. The Fire Service Line shall be owned and maintained by the owner.

Flagrant means any documented violation where the respondent had actual knowledge of the law, standard, or other legal requirement and consciously took or omitted to take an action that resulted in the violation without regard to the consequences of such act or failure to act.

Food Service Establishment (FSE) means facilities maintained, used, or operated for storing, preparing, serving, manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members, residents, students or employees, and which has any process or device that uses or produces FOG, or grease, vapors, steam, fumes, smoke or odors

Formal Enforcement means an administrative action signed by the General Manager or designee which is issued to a respondent on the basis that a violation has been documented, requires the respondent to take specific action within a specified time frame and states consequences for continued non-compliance.

Garbage means solid waste from the preparation, cooking, and dispensing of food; the handling, storage and sale of produce; and from the packaging and canning of food. This definition also includes the disposal of pharmaceutical products.

Grease Interceptor means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oil, and greases (FOG) from a wastewater discharge.

Improvement means all phases of work to be performed under a Contract for a Local Improvement District and synonymous with the terms "project" or "work."

Indirect Discharge or Discharge means the introduction of pollutants into the Publicly Owned Treatment Works from any non-domestic source regulated under the Act. The discharge into the Publicly Owned Treatment Works is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances.

Industrial Wastes means any liquid, gaseous, or water born wastes or combination thereof resulting from any process of business, industry, manufacturing, trade, or recovery of any natural resources, except garbage.

Inspector means the authorized representative of the District Engineer whose authority, instructions, and decisions shall be limited to the duties and responsibilities entrusted to them in making detailed inspections of any or all portions of the permitted or contracted work or materials

Interference means any discharge which alone or in conjunction with discharges from other sources inhibits or disrupts the wastewater treatment system, its treatment processes or operations, or its sludge processes, use or disposal and/or causes a violation of the District's NPDES discharge permit requirements or prevents or constrains normal practices for use and disposal of sludge.

Intentional means any documented violation where the respondent voluntarily took or omitted to take an action, and knew or should have known that taking or omitting to take action would be a "violation."

Main means the pipe in the street, alley, right of way, or easement, owned and maintained by the District.

Magnitude of Violation means the extent of a violator's deviation from the District's statutes, rules, permits or orders considering such factors as, but not limited to, pollutant or concentration, turbidity, volume, duration, toxicity, or proximity to human or environmental receptors. Deviations shall be classified as major, moderate or minor.

Mean High Water Line the jurisdictional limit of the Corps of Engineers under the Rivers and Harbors Act.

Non-contact Cooling Water means Water discharged from any system of heat transfer, condensation, air conditioning, refrigeration, or other sources to which no pollutant is added other than heat.

Non-irrigation Season means the period beginning October 15 and ending March 15th or the water meter reading cycle dates of the User's potable water service provider most nearly corresponding to the October 15th through March 15th time period.

Notice means a written communication delivered, by hand or by mail, to the authorized individual, member of the firm, or officer of the corporation for which it is intended. If delivered or sent by mail it shall be addressed to the last known business address of the individual, firm, or corporation. In the case of a contract with two or more persons, firms, or corporations, notice to one shall be deemed notice to all.

Ordinary High Water Mark as defined in the Shoreline Management Act (SMA) is a biological vegetation mark that can be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years,

Owner means the fee title owner of the property that receives services from the District.

Pass Through means a discharge which exits the Publicly Owned Treatment Works without benefit of treatment or with inadequate treatment.

Permit means any authorization required pursuant to this or any other regulation of the District for connection and/or discharge to the sanitary sewer system.

Permittee means any individual, partnership, firm, association, corporation or public agency applying for or receiving a permit.

Plans means construction plans, including system plans, water plans, sewer plans and profiles, cross section, detailed drawings, originals, or reproductions approved or to be approved by the District, which show the location, character, dimensions and details for the work to be done.

Premises means any building, structure, improvement or parcel of land that may now, or at some time, receive water or sewer service from the District.

Pretreatment means the application of physical, chemical, and/or biological processes to reduce the amount of pollutants, and/or alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the public sanitary sewer system.

Pretreatment Standard means prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Prior Significant Action means any violation proven pursuant to a contested case hearing or established with or without admission of a violation by payment of a civil penalty.

Prohibited Discharges means that no person shall discharge or cause to be discharged, in any manner into the public sanitary sewer system any material, substances, or wastes listed under the General Discharge Prohibitions section of these Rules and Regulations.

Public Sewer means a sewer owned and operated by the District, or other local public agency, which is tributary to the District's sewer facilities.

Right-of-Way means a public easement for utilities and access.

Rates, Fees, and Other Charges means the current rates, fees and charges including permit fees, and system development charges as adopted by the Board.

Receiving Waters or Receiving Stream means the natural water course or body of water to which the District's wastewater treatment plant discharges.

Reimbursement Fee means the cost associated with capital improvements constructed or under construction on the effective date of these Rules and Regulations.

Respondent means the person to whom a formal enforcement action is issued.

Rules and Regulations means these rules and regulations as adopted by Ordinance by the Board.

Sanitary Sewer Overflow (SSO) means the discharge of partially treated or untreated sewage to waters of the state.

Service Charge means the periodic charges levied on all Users of the District's water and sewerage systems for operation and maintenance of the system, and debt service as established by the District.

Service Class means groups of Users based on the type of sanitary sewer usage.

Service Connection (Sewer) means (for purposes of determining fees), a service connection is established when the side sewer lateral crosses from public property (Right of Way, or public easement) into Private Property.

Service Connection Point (Sewer) means the point of connection between the Building Sewer and Sewer Lateral.

Service Line (Water) means the pipe and any associated fittings from the water main to, and including the meter, and meter box.

Sewage means the liquid and water born wastes derived from the ordinary living processes free from industrial wastes and of such character as to permit satisfactory disposal without special treatment into the District sewerage system.

Sewer Lateral means the portions of the public sewer line which has the primary purpose of serving adjacent property. The sewer laterals are located within public right of way or easements,

and connect sewer between the private property line or the boundary of an easement and the receiving line.

Significant Industrial User means:

1. A User subject to categorical pretreatment standards; or
2. A User that:
 - a. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - b. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
3. Upon a finding that a User meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement the District may at any time, on its own initiative or in response to a petition received from a User [and in accordance with procedures in 40 CFR 403.8(f)(6)] determine that such User should not be considered a significant industrial User.

Sludge means any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

Slug Load or Slug Discharge means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards as defined in these Rules and Regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Suspended Solids means solids that either float on the surface or are in suspension in liquids and which are removable by laboratory filtering in accordance with procedures set forth in "Standard Methods for the Examination of Water and Wastewater".

System means all or any part of the water and sewer system owned by the District, including without limitation all service lines, meters, structures, facilities and appurtenances.

Systematic means any documented violation which occurs on a regular basis.

Systems Development Charge (SDC) means a reimbursement fee assessed or collected at the time of connection to the water or sanitary sewer system. It shall also include that portion of a water or sanitary sewer connection charge that is greater than the amount necessary to reimburse the District for its average cost of inspecting and installing connections with the water and sanitary sewer system. Systems Development Charge does not include:

1. any fees assessed or collected as part of a local improvement district;
2. any charges in lieu of a local improvement district or assessment; or
3. the cost of complying with requirements or conditions imposed upon a land use decision.

Trunk Sewer means any public sewer sized and located to serve general topographical areas and lateral sewers (normally twelve (12) inches in diameter or larger). Trunk sewers are located within public rights-of-way or easements.

User means any User or occupant of the premises receiving District services.

User's System means those parts of the facilities beyond the termination of the District's system that are utilized in conveying water to the point of use, including the customer service line and fire service line, and or the building sewer lateral from the point of use to the service connection point at the property line.

Utility means tracks, overhead or underground wires, pipelines, conduits, ducts, or structures, owned, operated or maintained in or across a public right-of-way or easement.

Vault means an enclosure used to protect meters, valves, or similar devices.

Violation means a transgression of any federal, state or District rule, regulation, permit, order or other authority or any part thereof and includes both acts and omissions. Violations shall be classified as Class I, Class II, or Class III.

Waste means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

Wastewater means the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

Water Billing Unit means 100 cubic feet (CCF) of water which is equal to 748 gallons.

Water Meter means a device for recording the quantity of water to a water service.

ABBREVIATIONS

The following abbreviations shall have the designated meanings:

<u>ASPP</u>	Accidental Spill Prevention Plan
<u>ADU</u>	Accessory Dwelling Unit
<u>BOD</u>	Biochemical Oxygen Demand
<u>CCSD#1</u>	Clackamas County Service District #1
<u>CFR</u>	Code of Federal Regulations
<u>EDU</u>	Equivalent Dwelling Unit
<u>EPA</u>	U.S. Environmental Protection Agency
<u>GRD</u>	Grease Removal Device
<u>l</u>	liter
<u>LEL</u>	Lower Explosive Limit
<u>mg</u>	milligrams
<u>mg/l</u>	milligrams per liter
<u>NPDES</u>	National Pollutant Discharge Elimination System
<u>OLWSD</u>	Oak Lodge Water Services District
<u>OPSC</u>	Oregon Plumbing Specialty Code
<u>O&M</u>	Operation and Maintenance
<u>PFU</u>	Plumbing Fixture Unit
<u>POTW</u>	Publicly Owned Treatment Works
<u>SIC</u>	Standard Industrial Classifications
<u>SIU</u>	Significant Industrial User
<u>TSS</u>	Total Suspended Solids
<u>USC</u>	United States Code

§ 1 OVERVIEW

- § 1.1. Purpose. These rules and regulations establish the conditions by which the District will conduct its business and operations, and how customers may receive service.
- § 1.2. District Ownership.
- § 1.2.1. The District owns the District's System unless otherwise agreed to in writing.
 - § 1.2.2. No person other than those authorized by the District shall construct, maintain, operate, repair, or alter the District's System. No person other than those authorized by the District shall make a service connection or disconnect an existing service connection.
 - § 1.2.3. At all times Owners, Customers, and Users shall provide the District with safe, reasonable and efficient access to the District's System.
 - § 1.2.4. None of the properties of the District may be disposed of without approval of the Board.
- § 1.3. Statutory Authority. The District has the authority under ORS Chapters 264 and 450 to make and enforce necessary regulations within District's boundaries. The District exercises this authority through its governing body, the Board of Directors of the District. The Board will act at its discretion and in a manner consistent with the intent and purposes of ORS Chapters 264 and 450, and any other such other applicable law.
- § 1.4. Administration. The General Manager, or other authorized designee or representative, shall be the administrator of these Rules and Regulations.
- § 1.5. Jurisdiction. The District maintains jurisdiction of all activities associated with the System, surface water quality, and watershed protection. The System is operated only by authorized employees and agents of the District.
- § 1.6. Facilities Owned by Others. Clackamas County Department of Transportation and Development (CCDTD), Oregon Department of Transportation (ODOT), and other public and private entities own surface water conveyance facilities within the District's jurisdictional boundary. Unless otherwise agreed by the District, the District does not control or maintain these facilities associated with private roads, county roads, and state highways.
- § 1.7. Use of Water. The District will, as far as reasonable and practicable, and within its financial means, provide adequate sources of water supply, including necessary and primary feeder mains, storage facilities, and other improvements, to make water service generally available to all areas within the District. The Board may prescribe limitation on the use of water, as to hours, purpose, or manner from time to time. The resale of water purchased from the District by a customer will be permitted only by special written contract with the District specifying the appropriate conditions therefore. The District will not be obligated to furnish or install system facilities for all properties and premises within the District.

§ 2 CONTRACT FOR SERVICE

- § 2.1. Contract for Service. By applying for or receiving any service from the District, an Owner or User is entering a contract for such services and agrees to comply with these Rules and Regulations.
- § 2.2. Connection To The Water And Sanitary Sewer System. Any connection to the water, sanitary sewer, or storm sewer system must be requested by the Owner, at Owner's expense, to connect directly with the proper public utility in accordance with the provisions of these Rules and Regulations. Such request shall be made through a complete application to connect to water, sanitary or storm sewer system. A completed application results in a permit upon payment of all fees, and submittal of all required documents. No person may materially increase the flow, the strength or the character of the sewage or stormwater, or add any fixtures not covered by the original application, without first obtaining a permit from OLWSD and paying all required fees and charges as may be fixed by the Board.
- § 2.3. Individual Contracts. Whenever the applicant or User's requirements for service are unusual, large, or subject to great fluctuation or variation, the District may require a special contract, and may require reasonable security satisfactory to the District, sufficient to protect the District against loss and to guarantee performance under the terms thereof. Water for swimming pools, tanks reservoirs, and like facilities will be considered under this section, and will be dependent upon sufficient water supply, and service for normal residential use. All special contracts will be in writing, signed by the Owner or User and the District.
- § 2.4. Changes to Rules and Regulations. All District rules, regulations, rates and charges are subject to change or modification by the Board and will be adopted by ordinance.
- § 2.5. Responsibility of the District.
- § 2.5.1. The District will maintain and repair, to the extent practical and reasonable, all parts of the System.
- § 2.5.2. The District will not be liable for any damages or injuries caused by termination or interruption of service, reduction of water supply, variations in water pressure, or quality of water. District Owners and Users are encouraged to equip their personal water systems with backflow devices and pressure regulators to prevent damage in the event of service interruptions or pressure changes within the System.
- § 2.5.3. Leakage within premises and related damages.
- (a) The District will not be liable for any damage or injury caused by leaking or the running of water or sewage on the premises from pipelines, plumbing fixtures, open faucets, valves, fixtures or hoses located beyond the District's lateral or service meters.

- (b) One exception to this rule would be in the case that it can be proven that the District caused sewage to be pushed into the private sewer lateral as a result of regular maintenance.
- (c) The District will not be liable for any damage or injury caused by the malfunction, improper maintenance, or improper installation of a User's system.
- (d) Water service to any premises known or found to have such defects and hazards will be disconnected and not restored until such defects and hazards have been eliminated.
- (e) No person other than an employee of the District may operate any District-owned equipment or infrastructure.

§ 2.6. Responsibility of Customer or User.

§ 2.6.1. The Owner or User is responsible for compliance with all local, state and federal laws and requirements related to maintenance of their property and plumbing system.

§ 2.6.2. The Owner or User is responsible for all damage or injury resulting from the failure to properly construct, maintain, repair, or correct conditions in the Owner's or User's system.

§ 2.6.3. The Owner shall be liable for any damage to the System which is caused by an act of the User, their tenants, agents, employees, contractors, licensees, or permittees. The Owner may be fined and/or have service terminated in response to such damage.

§ 2.7. District Operation of System. Only the District may operate, modify, or alter the System. Violators shall be responsible for any damage or adverse effects.

§ 2.8. Water Supply. The Board has the right in cases of inadequate water supply to determine how water from the system may be used, and may establish regulations limiting water use. The Board may give preference to those uses determined to be in the best interests of the public health, well-being or necessity, or provided by law, and will give highest priority to household use, not including irrigation of lawns or fields.

§ 3 RATES, FEES AND OTHER CHARGES

§ 3.1. Establishment of Rates and Fees. The District shall establish Rates, Fees, and other Charges (Fee Schedule) for use of water, sanitary sewer services, watershed protection, permitting, and property of the District by Resolution. A copy of the established Rate Schedule shall be on file in the District office for examination by the public during business hours. The Fee Schedule of the District presently in effect, as of the date of the adoption of these revised Rules and Regulations, will remain in full force and effect until revised by the District.

§ 3.2. Water Rates, Fees and Other Charges.

§ 3.2.1. Fee Schedule.

§ 3.2.1.1. The District's Fee Schedule for water furnished and services rendered will apply within and without the District. The Fee Schedule will be reviewed and amended from time to time as required. Rates charged may be fixed and classified according to the type of use and according to the amount of water used.

§ 3.2.1.2. The Fee Schedule will include charges for the installation of service pipe and meters from the water Main to the property line and various other materials furnished by the District for such projects.

§ 3.2.1.3. In the event a particular service is not specified in the Fee Schedule, a rate may be established upon request by the District Board.

§ 3.2.2. System Development Charge (SDC) For Water Connection.

§ 3.2.2.1. The District will impose a SDC for water system connections associated with new or increased development. The SDC shall apply to each application for a new meter and shall be due and payable at the time of application. The SDC imposed is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development, including other SDCs charged by the District.

§ 3.2.2.2. The SDC is a charge for service to be rendered or a service hookup charge and shall be established by the Board through a duly adopted resolution. The General Manager or his/her designee shall not allow connection for increased usage of the system until the SDC has been paid in full. Installment payments of SDC fees may be arranged pursuant to Section 3.9 of these Rules and Regulations.

§ 3.2.2.3. The existing system development charge reimbursement fees in effect upon adoption of these revised Rules and Regulations will remain in effect but may be modified by District resolution following public hearing.

§ 3.3. Sanitary Sewer Rates, Fees, And Other Charges.

§ 3.3.1. Charges for the discharge or availability for discharge of sewage into the sanitary sewer system shall be established annually and shall include: (i) a base rate fixed charge for each calendar month, for each unit; (ii) a

consumption-based variable charge for each one hundred (100) cubic feet of water consumption as measured during the previous non-irrigation season. The measured water consumption for the previous non-irrigation period shall form the basis for calculating the monthly sanitary sewer bill for each account for the succeeding twelve (12) month period beginning on July 1. Said calculation shall be performed annually to determine sanitary sewer service charge rates for each account.

§ 3.3.2. System Development Charge (SDC) For Sewer Connection.

§ 3.3.2.1. The District will impose a SDC for sanitary sewer system connections associated with new or increased development. There will be one SDC for each EDU as defined in Section 3.6 and Table 3.6. These charges shall be due and payable at the time of permit issuance for the increased improvements or new development. The SDC imposed is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development.

§ 3.3.2.2. The SDC is a charge for service to be rendered or a service hookup charge and shall be established by the Board of Directors through a duly adopted resolution. The General Manager or his/her designee shall not issue a permit or allow connection for increased usage of the system until the SDC has been paid in full. Installment payments of SDC fees may be arranged pursuant to Section 3.9 of these Rules and Regulations.

§ 3.4. Sanitary Sewer Change of Class of Service. When a parcel of property that is connected to the District's sanitary sewer system undergoes development or redevelopment that changes the number of equivalent dwelling units (EDUs), the following shall occur:

§ 3.4.1. If the change results in a greater number of EDUs, an additional system development charge shall be levied at the time of such change. The additional charge shall be equal to the net increase of EDUs times the current system development charge by EDU.

~~§ 3.4.2.~~ If the change results in fewer EDUs pursuant to Table 3.6, there shall be no additional charge, and no rebate. Any previously issued EDUs not being used or billed by the new Class of Service shall be automatically released to the public sanitary sewer system capacity. The property or account will be billed at the reduced number of EDUs to determine the base rate service charges. The Customer has the option to retain any number of the unused EDUs. All unused EDUs are billed pursuant to these Rules and

Regulations. Only EDUs purchased through respective System Development Charges may be retained.

§ 3.5. Unoccupied Structures or Units. The District may charge for services for unoccupied structures or units according to these Rules and Regulations. Connection to the sanitary sewer system is a continuing request for service by the Customer or Use, therefore charges will cease only when water service is discontinued, or the property's sanitary sewer is physically disconnected from the System in accordance with these Rules and Regulations. Watershed protection management fees may continue to be billed regardless of the status of water service or condition of the sanitary sewer connection.

§ 3.6. Equivalent Dwelling Unit (EDU) Count Methodology. The District determines EDU counts using one of the three methods described below:

§ 3.6.1. Dwelling Unit Method: This method determines the EDU count based on the number of dwelling units proposed in the development.

§ 3.6.2. Plumbing Fixture Unit Method: This method determines the EDU count by dividing the number of plumbing fixture units (PFU) by the occupancy equivalency factor proposed in the development. EDUs will always be rounded up to the nearest whole number.

§ 3.6.2.1. Fixture Types. PFUs for given plumbing fixture types will be as shown in the Oregon Plumbing Specialty Code at the time of the permit application. PFU's are categorized generally in the Oregon Plumbing Specialty Code and are consolidated into the Table below:

Fixture Type	Equivalency Factor
Bathroom or combination bath/shower	2.0
Clothes Washer	3.0
Dental unit or cuspidor	1.0
Dishwasher	2.0
Drinking Fountain or water cooler (per head)	0.5
Floor Drain (Emergency)	0.0
Shower, single head trap	2.0
Multi-head, each additional head	1.0
Lavatory, single	1.0
Lavatory, in sets of 2 or 3	2.0
Sink, bar	1.0
Sink, clinical	6.0
Sink, commercial, with food waste	3.0
Sink, general, specific purpose	2.0
Kitchen Sink, domestic	2.0
Laundry Sink	2.0
Service or Mop Basin	2.0
Wash each set of faucets	2.0
Urinal	2.0
Water closet low flow (<1.6 GPF), private	3.0
Water closet standard (>1.6 GPF), private	4.0
Other (use PFU values from Oregon Plumbing Specialty Code)	1.0-4.0

§ 3.6.2.2. Fixture Equivalencies for Use Classes. Conversion ratios are set by the District and reflect a City of Portland assessment of sanitary water usage per PFU, by business type.

Occupancy	Number of PFU's per EDU
Fire Station	16.0
Automotive Retailers	16.0
Repair Services	16.0
Education/Cultural	16.0
Churches/Clubs/Organizations	16.0
Rental/Storage Services	16.0
Construction Trade Services	16.0
Retail Sales & Businesses without food service	12.0
Public Use Facilities	12.0
Food Service	12.0
Beauty and Barber Salons	12.0
Clothing and Dry Good Stores	12.0
Warehouses Used for Storage	12.0
Commercial Kitchen, Catering, Cafeteria	7.0
Food Service, Fast Food	7.0

§ 3.6.2.3. Mixed Use. For mixed residential/nonresidential uses, the EDUs will be determined by applying 1 EDU per dwelling unit for the residential portion and according to fixture counts for the nonresidential portion.

§ 3.6.3. The District may, at its discretion, make the determination as to which method shall be used to determine the EDU Count for non-residential uses.

§ 3.6.4. Table 3.6 further describes the methodology for EDU Counts for the purposes of determining SDC's and monthly service charges.

TABLE 3.6 (Service Type Charge Equivalency)

Use I.D.	Type of Service	System Development Charge Equivalency	Monthly Sewer Service Charge Equivalency
1	Single Family Dwelling	1	1
2	Recreation Vehicle Hookup	1	1
3	Accessory Dwelling Unit	1	1
4	Multi Family Dwelling	1 per dwelling unit	1 per dwelling unit
5	Mobile Home Parks	1 per mobile home space	1 per mobile home space
6	Group Homes, Adult Care & Residential Care Facilities	1 per every 3 person capacity*	1 per every 3 person capacity*
7	Day Care Facilities	1 per 10 person capacity*	1 per every 10 person capacity*
8	Motels	1 per motel unit	1 per motel unit
9	Elementary Schools	1 per 32.5 students*	1 per 32.5 students*
10	High Schools/ Junior High Schools	1 per 12.5 students*	1 per 12.5 students*
11	Hospitals	1 per 2.5 beds*	1 per 2.5 beds*
12	Churches	1 unit	1 unit
13	Offices	1 per 1500 square feet*	1 per 1500 square feet*
14	Gas Station	2	2
15	Auto or Equipment Repair	1	1
16	Restaurants, Taverns and Bars	1 per 10 seating spaces*	1 per 10 seating spaces*
17	Temporary Dwellings**	1	1
18	Laundry Facilities	1 per washing machine	1 per washing machine
19	Beauty Shops, Hair Salons 1 unit per 4 shampoo bowls	1 per 4 shampoo bowls*	1 per 4 shampoo bowls*
20	Commercial, Industrial, and all other buildings and establishments	See Section 3.6	

* Fractions will be rounded up to the nearest whole number of SDC's and monthly billing units. Example: 5 shampoo bowls equals 2 SDC payments and 2 units of billing each month.

** Temporary dwellings shall pay the regular connection charge at the time of connection to the system. If the temporary structure is disconnected prior to the expiration of the permit's three (3)-year term, a prorated refund based on the number of months remaining in the three-year term, less inspection fees, will be granted upon request. Such request must be made within ninety (90) days of disconnection.

§ 3.7. Watershed Protection Rates, Fees and Other Charges. A monthly watershed protection and management charge shall be paid by the Customer or User, calculated as follows:

§ 3.7.1. Monthly charges are based on the size and location of a Customer or User's site, as follows:

§ 3.7.1.1. An Equivalent Service Unit (ESU) is used as the base unit of measure in the District's rate structure. An ESU is currently 2,500 square feet, which represents the average amount of impervious surface on a single-family residence site within the District Boundary. The number of ESUs for a site are calculated by dividing the total impervious area on the site by 2,500 square feet. Single-family residential Customers or Users are presumed to have one ESU.

§ 3.7.1.2. Each site's ESUs are multiplied by the watershed protection management service area charge listed in the Fee Schedule to determine the monthly fee for watershed protection.

§ 3.7.1.3. The service area charges are set annually in the Fee Schedule based on revenue requirements needed to meet planned workloads.

§ 3.7.2. Watershed Protection Facility Maintenance Surcharge. The District may add a surcharge to the monthly watershed protection charge for Customers or Users who operate and maintain private detention of water quality facilities. The cost of such surcharge will be determined by the District's actual cost to provide services related to these facilities, and by an equitable distribution of the cost to affected property owners. The surcharge will be established by an agreement between the District and the affected property owners, which will be a recorded deed restriction on the property.

§ 3.7.3. Watershed Protection System Development Charge. The District may, at a future date and pursuant to ORS 223.297 et seq., adopt system development charges for watershed protection to fund capital improvements such as additional system capacity and/or the installation, construction, and extension of the stormwater system. These charges shall be due and payable at the time a Customer or User is permitted to increase usage of the stormwater system. The SDC's are separate from and in

addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development, including other SDCs charged by the District.

§ 3.8. Commencement of Monthly Service Charges.

§ 3.8.1. For new connections, monthly service charges shall commence on the date that water, sewer or stormwater service is first provided.

§ 3.8.2. For existing connections changing water service class as described in Table 3.6, monthly service charges shall commence upon the date the District authorizes the change in service class. Charges occur regardless of occupancy, completion, or other status of the property, unless disconnected. Charges may be pro-rated as follows:

§ 3.8.2.1. For single unit accounts the service charges may be pro-rated to the nearest one-half month in which the connection is approved.

§ 3.8.2.2. For multiple unit accounts the service charges may be pro-rated to the nearest week in which the connection is approved.

§ 3.9. Installment Payment for SDCs

§ 3.9.1. The District may approve payment of SDCs in twenty (20) semi-annual installments secured by a lien on the property upon which the new or increased development is to occur, or to which connection is to occur, including interest on the unpaid balance.

§ 3.9.2. The District shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

§ 3.9.3. The District reserves the right to reject any application for installment payments.

§ 3.9.4. Requirements and procedures for installment payments of the SDC shall be in accordance with the following:

(a) A person requesting installment payments shall demonstrate the person's authority to allow imposition of a lien on the property and that the person's interest in the property is adequate to secure payment of the lien.

(b) Any eligible person requesting the installment plan shall at the time of the application for connection submit to the District an installment application on a form provided by the District.

- (c) The applicant, at the time of application and at applicant's expense, shall order a preliminary title report for the property that would be subject to the lien from a title insurance company doing business in Clackamas County, Oregon, and provide it to the District.
- (d) The applicant, at applicant's expense, shall furnish the District with a current statement of amount due to each lien holder disclosed by the preliminary title report, the tax assessor's statement of true cash value, and, for property proposed for improvement, an *MAI* appraisal (Member Appraisal Institute), certified by the appraiser, as to the estimated fair market value upon completion of the proposed improvement. The applicant shall answer such questions as the District deems proper regarding the applicant's ability to make the installment payments, as well as any other lien holder. The applicant also authorizes the District to contact other lien holders regarding applicant's payment history.
- (e) The District will examine the title report for the property and other information, to determine whether:
 - (1) The total unpaid amount of all liens disclosed, together with the amount of the system development charge sought to be paid by installments, does not exceed (1) the appraised value of the property as determined by the current appraisal of the County Assessor or (2) if the District elects, based upon the appraisal or other evidence of value acceptable to the District, the amount does not exceed the estimated fair market value of the property; and
 - (2) The District, in its discretion, upon review of the applicant's ability to make payments as required under the proposed mortgage or trust deed and other debt obligations and the status of applicant's title to the property, consents to execution of the mortgage or trust deed; then
- (f) After District is satisfied with the title report for the property, the applicant shall execute an installment promissory note, payable to the District in the form prescribed by the District for payment in installments not to exceed twenty (20) equal semi-annual installments due January 1 and July 1 of each year, together with interest on the deferred principal balance at the rate of interest established in the District's Fee Schedule. The promissory note shall be secured by a mortgage or trust deed to the property. The cost of recording, preparation of security documents, title company report, and filing fees shall be borne by the applicant in addition to the connection charge. The applicant, by electing to pay in installments, agrees that as an additional remedy to recovery upon the promissory note and foreclosure of the mortgage or trust deed or remedy in lieu thereof, the District may after ten (10) days' notice of

delinquent installments cause termination of service to the defaulting property.

§ 3.9.5. If the District determines that the amount of SDC, together with all unpaid liens, exceeds the appraised value of the property or that the applicant cannot execute a mortgage or trust deed which will be a valid lien or if the District believes that it will not have adequate security, or that the applicant cannot make the required payments, it shall so advise the applicant and installment payments shall not be accepted.

§ 3.9.6. The District shall docket the lien in the lien docket. From that time, the District shall have a lien upon the described parcel for the amount of the SDC, together with interest on the unpaid balance at the rate established by the District. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be superior to all other liens pursuant to ORS 223.230.

§ 4 BILLING, PAYMENT & TERMINATION

§ 4.1. Due Date; Delinquent Accounts. All charges for water and sewer services and watershed protection will be due and payable on the date of billing or as specified herein, and become delinquent if unpaid as of the 15th of the billing month. Water and sewer services may be discontinued when a billing delinquency exists according to Oregon law and these Rules and Regulations. All delinquent payments will be charged a monthly fee established in the Rate Schedule, from the date of delinquency until paid.

§ 4.2. Payments. All payments shall be made to the Oak Lodge Water Services District by automatic electronic payment, check, or credit/debit card, delivered by mail or in person at the office of the District, or other places the Board may designate.

§ 4.3. Account Setup. All accounts and/or requests for services are established and maintained in the name of the property owner.

§ 4.4. Property Owner Responsible. Connection to the water system and/or sanitary sewer system is a continuing request for service by the User, but the property's Owner is responsible for payment of all charges. The District will not recognize any attempt to transfer responsibility.

§ 4.5. Billing Address. Billing statements are mailed to the property owner, with a courtesy copy mailed to the service location, if the Owner does not reside at the service address. If the property owner does not provide the District with an address for mailing of bills, the District may use the mailing address for tax statements shown on the records of the County Assessor and/or County Tax Collector.

§ 4.6. Notices for Non-Owner Occupied Properties. The District will make all reasonable efforts to provide the property owner and User (landlord and tenant) with copies of all invoices, notices, and other information relating to fees and charges. This policy

is intended to comply with ORS 91.255 and to provide notices to enable the landlord and tenant a reasonable opportunity within the time set by the District to avoid delinquent charges and discontinuance of service.

§ 4.7. Collection of Charges.

§ 4.7.1. All invoices or bills for fees and charges shall be sent to the Owner at the address in the District's records.

§ 4.7.2. The District may enter into a payment plan in its sole discretion to avoid hardship to the User if there is a dispute between landlord and tenant regarding the District's fees and charges.

§ 4.7.3. The District may deny or terminate service to a delinquent Owner or User at a new service location within the District based upon the outstanding fees and charges at a previous service location.

§ 4.7.4. The General Manager or their designee may enter into agreements regarding payment of delinquent fees and charges as are reasonable and necessary to obtain payment to the District and avoid hardship and inequities.

§ 4.7.5. Failure to make payment when due shall give the District the right to undertake such collection action as it deems appropriate under the circumstances including, but not limited to, letters, telephone calls (reasonable as to time and place), and legal proceedings.

§ 4.8. Termination of Water Service by the District.

§ 4.8.1. Water service shall be subject to termination upon the occurrence of:

- (a) Non-payment of charges established within the District's Fee Schedule.
- (b) Non-compliance with these Rules and Regulations relating to matters other than non-payment of charges.
- (c) Lack of use of water service for a period indicating intent to terminate water service.
- (d) Threat to health, safety or welfare determined at the sole discretion of the District. Under these circumstances, termination may be immediate and without notice.

§ 4.8.2. Notice of the District's intent to terminate service shall be sufficient if given by any of the following:

- (a) U.S. mail sent to the property owner's address as shown in District records and to the User at the service address, or
- (b) By hand delivery of a notice to the property owner and to the User

When the notice is sent by mail, the notice shall be deemed complete upon deposit in the mail. The period for compliance shall be as set forth in the notice. When

notice is hand delivered, the notice shall be deemed complete when delivered to the property owner's address and the period of compliance shall be as set forth in the notice.

§ 4.8.3. In all instances where a water service has been turned off because of a delinquent account or charges, the District will make a service charge for the restoration and discontinuance of water service, according to the current District Fee Schedule.

§ 4.8.4. Water service terminated or disconnected for lack of payment for bills due the District will not be restored until all past due bills and other charges are paid in full.

§ 4.8.5. The failure of the District to discontinue water service for any reason, including nonpayment of service charges due, will not relieve the property owner or the User from the obligation and duty to pay for all said service furnished, whether the property owner or User, does, or does not, have knowledge of the delinquencies for water use or charges.

§ 4.9. Termination of Sewer Service Connection

§ 4.9.1. Sewer service shall be subject to termination upon the occurrence of:

- (a) Non-payment of charges established within the District's Fee Schedule.
- (b) Non-compliance with these Rules and Regulations relating to matters other than non-payment of charges.
- (c) Failure to cease discharging into the District sewerage system prohibited substances after notice from the District.
- (d) Failure to install flow sampling or measuring devices after being notified by the District to do so.
- (e) Threat to health, safety or welfare determined at the sole discretion of the District. Under these circumstances, termination may be immediate and without notice.

§ 4.9.2. The District will include the expense of such discontinuance as well as the expense of restoring service as part of the delinquent charges.

§ 4.9.3. Sanitary sewer service billing shall discontinue when a building sewer is capped in accordance these Rules and Regulations and inspected by an Inspector. Should the cap not be inspected and approved by an Inspector, billing at the property's base rate shall continue until an approved inspection is performed.

§ 4.9.4. Upon ten (10) days written notice, the District may undertake whatever steps are necessary to mitigate or terminate User's impact upon the District's or other public systems. The charges therefore shall be owed by Owner to the District. The notice period for this may be shortened if there is an imminent

threat to human health, the environment, or the System. Any costs incurred by the District to cease or mitigate the User's impact its systems shall be charged according to the District's Fee Schedule.

§ 4.9.5. Attorney Fees & Costs. In any action or suit to collect any delinquent User charges, the District shall be entitled to its reasonable attorney's fees, costs and disbursements as may be awarded by the trial court, including any appeal.

§ 4.10. Temporary Discontinuance or Restrictions Of Service.

§ 4.10.1. Temporary Discontinuance.

§ 4.10.1.1. A property owner or User may have the water and/or sewer service to the premises temporarily or indefinitely terminated by giving the District written notice as far in advance of the effective termination date as possible. Such property owner or User will, upon giving notice, pay all charges for services rendered to the date of such termination. Where water and/or sewer service has been discontinued at the request of a property owner or User, such service may be restored upon the request of that property owner or User.

§ 4.10.1.2. If, at the property owner or User's request, a service is shut off and turned on more than once in a thirty-day period, the District may charge for such services, as established in the Fee Schedule.

§ 4.10.1.3. The District, in complying with a property owner's or User's request to discontinue service, will under no circumstances, be responsible to the property owner or User, or any other party, for any damages resulting from such action, including civil damages.

§ 4.10.2. Restrictions on Service.

§ 4.10.2.1. If the District determines that conditions require the restriction or prohibition of use of water to protect the health, safety, or welfare of customers/Users, the Board shall establish a schedule of use restrictions and prohibitions. The schedule shall indicate the uses prohibited or restricted and the period or periods of prohibited and/or restricted use.

§ 4.10.2.2. Whenever the household supply of water within the District is being jeopardized by non-household use of water, the District may order the non-household use of water to be immediately discontinued. Non-household water includes irrigation of lawns, gardens, or fields.

§ 4.11. Low Income Rate Relief.

- § 4.11.1. Charges for water and sanitary sewer service and the watershed protection fee may be reduced for customers who qualify under the District's low-income rate relief policy contained in the Board Rules. The service charge fee reduction shall be equivalent to one-half of the established base rate.
- § 4.11.2. Rate reductions for qualified applicants shall begin on the first full month following approval of the application and will remain in effect for 12 months, or until the applicant no longer qualifies, whichever comes first. No rate relief will be provided for partial months irrespective of eligibility. The District will not retroactively adjust charges.
- § 4.11.3. Applicants for low income rate relief must meet eligibility requirements established by the District and make application on forms approved by the District. The District has established a maximum subsidy for this program.
- § 4.11.4. Applicants must be current on all accounts within the District to be eligible for rate relief. The applicant's property must be occupied and used by the applicant as their principal residence during the period for which rate relief is applied. The applicant's family, of which the applicant is a member shall not exceed the gross annual household income levels as defined by the United States Housing and Urban Development (HUD) Department as "very low income" for the Portland-Vancouver area, most recent version. The applicant must provide proof of income status (federal or state tax filing from the previous year or other official acceptable documentation acceptable to the District. The applicant may not own property other than that associated with their principal residence for which the application is submitted. The applicant must enter into a contract with the District and comply with all District Rules and Regulations, and meet the administrative rules for this program.
- § 4.11.5. Financing Low Income Rate Relief. Water, and sanitary service charges shall be established at a level sufficient to cover revenue losses resulting from District customers qualifying for a reduced rate as authorized by the District. The District shall budget resources sufficient to fund the revenue losses due to the program at a rate of 0.5 percent of budgeted District rate revenue. This budgeted amount shall serve as a cap to the program's cost which will require Board of Director approval to exceed.

§ 4.12. Leak Adjustment Policy

- § 4.12.1. Policy. The District may issue partial credits to Owners or Users for leaks that are repaired in a timely manner. To be eligible for a leak adjustment the Owner or User must repair the leak within thirty (30) days of notification. To obtain the adjustment the Owner or User must submit a completed "Leak Adjustment Request Form" along with receipts and/or invoices associated with the repair. Underground leaks from the back of the meter up to the

foundation are eligible for adjustments. Leak adjustments are not granted for leaking faucets, leaking toilets, sprinkler systems or accidental over-watering.

§ 4.12.2. Application for a Leak Adjustment. When a customer has a leak that qualifies for a leak adjustment, a credit is applied to the customer's account for a portion of the excess water that was used. Oak Lodge Water Services District cannot refund the full amount of the excess water used as the District must cover the costs for the water and the costs to deliver the water to the customer.

§ 4.12.3. Calculating a Leak Adjustment. To determine the adjustment amount, an average of water usage must be calculated. The average is calculated using the last three (3) years water consumption for the same time period as the leak. This amount is considered the User's actual water use and the User is billed for this amount at the current retail rate. The remaining usage shall be calculated as follows:

- (a) The billing shall reflect the North Clackamas County Water Commission wholesale water rate plus associated costs of delivering water to customers.
- (b) The Sanitary Sewer variable charges will be adjusted from the winter average calculation.

§ 4.13. Meter Reading and Billing. The District will read meters at regularly established intervals as determined by the District, and bills will be rendered based upon consumption to the nearest 100 cubic feet of water furnished. The District will bill all meters serving an Owner's premises separately, and will not combine readings, unless such meters are installed in a battery at one location according to the requirements of the District. The District will provide separate meters for each service unit or structure unless otherwise specifically approved in writing by the District.

§ 4.14. Meter Accuracy and Testing. The District's meters shall operate within the standards established by the American Water Works Association (AWWA) Section C700.

§ 4.14.1. A User may request the meter be tested by making a request for such testing to the District:

- (a) If the test shows the water meter registers outside the AWWA standard, the meter shall be repaired or replaced at no cost to the User for a new meter, parts, or labor.
- (b) An adjustment of the volume (water unit) charge may be made if the meter registers in excess of the AWWA standard. Charge adjustments shall be made retroactive for a period not to exceed one year.

- (c) If the test shows that the water meter registers within the AWWA standard, the User shall pay for the test in accordance with District's Rates, Fees, and Charges. The cost for the test shall be billed by the District and the District may charge a User for water delivered, not to exceed four months (two billing cycles) prior to the testing.
- (d) The District may audit, test or replace the meter at any time at the District's discretion.

§ 4.14.2. If a meter cannot be read, or has failed the District may prepare an estimated bill based upon previous historical use.

§ 4.14.3. District Users, owners, or applicants will be liable for any damages to a meter or other equipment, or to any property owned by the District. Liability of the User or applicant, their tenant, licensee, agent, employee, contractor, or permittee for damages includes, but is not limited to, breaking of seals and locks, tampering with meters, damage to meters, caused by hot water or steam, and to damaged meter boxes, curb stops, meter stops, or other appliances, or attachments. Any damage or charges incurred by the District will be collected by the District in any appropriate manner provided by law.

§ 5 PERMITS AND CONNECTIONS

- § 5.1. Permit Required. A permit or other District approval, and associated fees, are required prior to any work proposed for construction or modification of a service connection, line extension or any other improvement. Failure to acquire permit(s) is a violation of these Rules and Regulations.
- § 5.2. Design and Construction Standards. All permitted work approved by the District shall be governed by the District's Design and Construction Standards. Watershed Protection permits shall use the City of Portland's Stormwater Manual for requirements, drawings and specifications.
- § 5.3. Outside User Service. Service to persons and property outside the boundaries of the District will be at the discretion of the Board. The District may only provide water to outside Users if it has sufficient surplus water beyond its requirements within the District boundaries and such service, if provided, may be discontinued any time if the interests and needs of the District so require. Any such service installation shall be required to meet and abide by all Rules and Regulations of the District.
- § 5.4. Utility Main Extension & Pro Rata Cost Refund. When the District requires a person to pay for extension of a Main to provide service to the person's property, and the Main extension makes service available for other property, the person paying for the Main extension is entitled to a pro rata refund the cost of such Main extension for a period of ten years. The pro rata refund will apply after the date of the installation of, payment for, and connection to the Main extension. The amount to be refunded will be determined by the District, which determination will be final. The pro rata refund

will be based upon total front footage of all property abutting on the street, road, or right of way within which the Main extension was made and that are benefited by the Main extension.

§ 6 WATER SERVICE CONNECTIONS

- § 6.1. Individual Service Required. Each dwelling, building, or premises must have its own water service connection and meter. No person will furnish water to any other building, property, or premises without first obtaining written approval of the District. These connections will be governed by the specific terms and conditions of the District's authorization.
- § 6.2. Spider Connections Prohibited. The District does permit "spider connections" which would provide service from one road or street to premises abutting, or dwellings fronting, another road or street. The District requires each property to have a separate service connection, and no occupant of such dwelling will furnish water to any other dwelling or premise.
- § 6.3. Meters.
 - § 6.3.1. Meters will be set at property lines, and the service pipe from the Main to the meter, as well the meter and the meter box, will be the property of the District and not the Owner of the premises, regardless of whether the Owner pays for the installation.
 - § 6.3.2. When meters are required to be installed under circumstances that, in the District's opinion, may cause unusual installation or maintenance problems, the District will have the right to require concrete meter vaults or other devices to be installed. The cost of such vaults or other protective devices will be borne by the Owner requesting the service installation
- § 6.4. Pressure Regulation
 - § 6.4.1. As far as is reasonably possible, feasible and economical, the District will furnish water at desirable pressures. In locations in which service pressures are higher than needed or desired by Users, a pressure regulator may be installed behind the meter box location at the owner's expense. Such installation will be made according to any applicable legal requirements and will be consistent with District regulations and policy.
 - § 6.4.2. Under no circumstances will the District be responsible or liable for any equipment malfunction or other damage caused by the installation of, failure to install, or maintenance of such a device. All such installation and maintenance shall be by the Owner at the Owner's sole expense.
 - § 6.4.3. The District will not be responsible for damages, or difficulties experienced because of variations in pressure within the system or service interruptions.

§ 6.5. Connection to Another Water Supply. No private water supply shall be connected to the customer's service line without written consent and approval of the General Manager or their designee.

§ 6.6. Large Service Connections. The Board may require persons requesting large service connections for fire protection or other reasons to pay for an equitable portion of the cost of Main(s) needed to supply the required flow. Each such case will be considered separately on its own merits and the circumstances. The Board may also enter into special service contracts, in which higher minimum charges are established sufficient to cover the cost of the service rendered.

§ 6.7. Service Interruption

§ 6.7.1. From time to time, the District must interrupt water service for maintenance, replacement, or repairs of the District's system. The District will not be responsible for damages caused by such interruptions of water service or fluctuation of pressure.

§ 6.7.2. The District will, whenever feasible to do so, give customers advance notice, whenever it is known that service is to be interrupted. However, failure to give such notice will in no manner cause the District to become liable for loss, or damage included but not limited to bursting of boilers, the breakage of any pipes or fixtures, stoppage or interruptions of water supply, or other damage resulting from the shutting off of water.

§ 6.8. Backflow and Cross Connection.

§ 6.8.1. Water service connections shall be protected against backflow into the District's System as required by the District in its Design and Construction Standards. Service of water may be terminated if a backflow prevention assembly required by the District is not installed, tested and maintained; or if it is found that a backflow prevention assembly has been removed, bypassed; or if an unprotected cross-connection exists. Service will not be restored until such conditions or defects are corrected.

§ 6.8.2. The User shall provide the District access for inspection at all reasonable times to the User's system to determine if an unprotected cross-connection or violation of the District's requirements exists and that compliance requirements are met.

§ 6.9. Backflow Testing

§ 6.9.1. The User or owner of the premises where one or more backflow prevention devices are installed shall cause a test of the device(s) to be performed by an Oregon State Health Division certified tester:

- (a) At the time of installation or prior to water service being turned on,
and

- (b) If the device is moved or repaired, immediately thereafter, and
- (c) Annually.

§ 6.9.2. Unless otherwise provided, the owner of a mobile apparatus on which a backflow prevention device assembly or air gap separation is required shall cause a test of the assembly or an inspection of the air gap separation to be performed within the year before use in the District and annually thereafter.

§ 6.9.3. The District may require more frequent testing of backflow prevention assembly devices if the assembly is installed at a facility that poses an extreme health risk or if the device fails.

§ 6.9.4. All completed backflow test reports must be forwarded to the District within thirty (30) days from the date of the test. The following actions may occur, depending on the results of the testing:

- (a) If the test results indicate that the device is working properly, the results shall be entered in the District's records as such.
- (b) If the test results indicate that the device is not working properly, the device must be repaired immediately and retested and the test results forwarded to the District within ten (10) working days from the date of notice.
- (c) If a device fails a test and repair is not immediately possible, the District must be notified immediately of the failure, location of the failed device, and estimated time of repairs.
- (d) If the District has not received the results of a test required to be performed, it may order a test and invoice the cost of the test to the User or owner, or turn the water off to the premises.
- (e) If the User or owner of a backflow device fails to make repairs on a failed backflow device within ten (10) days of a test or notice showing the device is not operating properly, the District may order the repair and retest and invoice the cost of the repair and retest to the User or owner, or the District may turn the water off to the premises.

§ 6.9.5. The District may discontinue the water service of any person who refuses or fails to pay for charges invoiced related to backflow testing or for failure to perform or report test results.

§ 6.9.6. All water meters which are for irrigation purposes will be locked off upon installation and the locks not be removed until the approved backflow device has been installed properly and inspected and approved by the District's Inspector.

§ 6.9.7. If the District does the first annual test of the backflow device on an irrigation connection, the cost shall be borne by the User and shall include the cost of connection and record keeping.

§ 6.10. Installation and Use of Fire Hydrants.

§ 6.10.1. Fire hydrants must be installed by a licensed contractor. The District will establish the size, location, type and method of installation. After installation, the hydrant will become the property of the District. Any application for change in the type, size or location of an existing fire hydrant will likewise be made to the District, and if such change is approved, the applicant will pay for all costs associated with such change.

§ 6.10.2. Use of fire hydrants is by permit only. Applications for permits are available at the District office. Proof of insurance and cross-connection protection is required for the permits. If granted, the permit must be available for inspection at all times while a hydrant is being utilized. Non-compliance of this rule is a violation subject to fines.

§ 6.11. Automatic Standby Fire Service. The District may provide water for automatic standby fire service connections, upon written application thereof, and upon payment in advance, of the estimated cost of such installation. Before the District will approve such application, the applicant must make adequate provisions to prevent the use of water from such service for any purpose, other than extinguishing fire upon the premises, wherein such standby fire service connection is located. Under no circumstances will such a connection allow a cross-connection with any other District service facility. Charges for standby fire protection service connection will be as stated in the District's Fee Schedule.

§ 7 SANITARY SEWER: GENERAL DISCHARGE PROHIBITIONS

§ 7.1. No person shall discharge or cause or permit to be discharged, directly or indirectly, into any public sewer or tributary sewer thereto, any pollutant or wastewater which will interfere with the operation or performance of the wastewater treatment plant, worker safety, pass through into the receiving waters, or which will cause the effluent of that plant to violate any Federal, State or local standards, laws, or permits, or will interfere with the use or disposal of municipal biosolids; including, but not limited to, these Prohibited Discharges:

- (a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flash point of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR '261.21;
- (b) Wastewater having a pH lower than 5.5 Standard Unit ("S.U.") or higher than 11.5 S.U., or having any corrosive property capable of causing damage or hazard to structures, equipment or persons. Facilities with continuous monitoring of pH shall not exceed the pH range of 5.5 S.U. to 11.5 S.U. more than a total of 15 minutes on any single day

(cumulative duration of all excursions) provided that, at no time shall any discharge of a pH be lower than 5.0 S.U. or at/or above 12.5 S.U.

- (c) Any solid or viscous substances in quantities or size capable of causing obstruction to the flow of sewers or other interference with the proper operation of the sewage treatment plant.
- (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (e) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the collection system to exceed 104°F (40°C) unless the District approves alternate temperature limits;
- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by District.
- (i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the sewers for maintenance or repair;
- (j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating District's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;
- (k) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the General Manager in compliance with applicable State or Federal regulations;
- (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically approved by the District.

- (m) Any sludge, screening, or other residue from the pretreatment of industrial wastes or from industrial processes;
- (n) Medical wastes, except as specifically authorized by the District.
- (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (p) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (q) Any liquid, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five (5%) percent nor any single reading over ten (10%) per cent of the lower explosive limit (LEL) of the meter.
- (r) Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (s) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
- (t) Any wastewater, which in the opinion of the District can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the District (except that no special waiver shall be given from categorical pretreatment standards).
- (u) Any wastewater, which in the opinion of the District can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the District (except that no special waiver shall be given from categorical pretreatment standards).
- (v) Any hazardous wastes as defined in rules published by the State of Oregon or in federal regulations.
- (w) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Rodenticide Act (FIFRA)

- (x) Sewage sludge, except in accordance with the District's NPDES permit, providing that it specifically allows the discharge to surface waters of sewage sludge pollutants.
- (y) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
- (z) Any septic tank wastes unless otherwise approved by DEQ.

§ 7.2. Prohibition on Discharge of Other Waters. No person shall discharge or provide a connection for discharging or draining into any public sanitary sewer or tributary sewer thereto any stormwater, surface water, groundwater, roof runoff, surface drainage, non-contact cooling water or other unpolluted water, nor the drainage of any swimming pool, catch basin, lake, swamp or pond.

§ 8 INDUSTRIAL WASTE

§ 8.1. Purpose and Policy. These Rules and Regulations set forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the Oak Lodge Water Services District and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations. The objectives of these Rules and Regulations are:

- (a) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- (b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- (c) To prevent the introduction of pollutants or contaminants that may cause a violation of any permit issued to the District, including its NPDES permit;
- (d) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (e) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and
- (f) Improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

§ 8.2. These Rules and Regulations shall apply to all Users of the POTW. These Rules and Regulations authorize the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative

review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

- § 8.3. Prohibited Discharge Standards. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference, as defined in Section 7. This applies to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local Pretreatment Standards or Requirements.
- § 8.4. Federal Categorical Pretreatment Standards. National categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471, as promulgated by the Environmental Protection Agency (EPA) pursuant to the Federal Water Pollution Control Act, if more stringent than limitations imposed under these Rules and Regulations, shall be met by all Dischargers into the sewerage system who are subject to such standards.
- § 8.5. State Requirements. State requirements and limitations on discharges to the POTW shall be met by all Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in these Rules and Regulations or in other applicable ordinances, rules or laws.
- § 8.6. Local Limits. Pollutant limits have been established to protect against pass through and interference. No person shall discharge wastewater containing pollutant levels in excess of the limits described in the Local Limit Schedule. Additional pollutants or more restrictive maximum quantities may be required if the material discharged might cause interference with the operation of the wastewater treatment plant or violation of Federal, State, or local limits, standards or laws.

Local Limit Schedule (Concentration, mg/l):

	Monthly Average/Pollutant	Daily Maximum Shall Not Exceed
Cadmium	0.50	0.25
Chromium, Total	2.77	1.71
Copper	3.14	1.92
Cyanide	0.42	0.23
Lead	0.69	0.43
Nickel	3.98	2.38
Silver	0.43	0.24
Zinc	2.61	1.48
Total Toxic Organics	2.13	n/a

The local limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The General Manager or their designee may impose mass limitations in addition to (or in place of) the concentration-based limitations above. Where a User is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

§ 8.7. Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The General Manager or their designee may impose mass limitations on Users which he/she believes may be using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

§ 8.8. Pretreatment Facilities. Users shall provide necessary wastewater treatment as required to comply with these Rules and Regulations, and shall achieve compliance with all applicable pretreatment standards and requirements set out in these Rules and Regulations within the time limitations specified by the EPA, the State, or the District whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the District under the provisions of these Rules and Regulations.

§ 8.9. New Sources.

§ 8.9.1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are

substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

§ 8.9.2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 8.9.1 (b) or (c), above, but otherwise alters, replaces, or adds to existing process or production equipment.

§ 8.9.3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- i. Begun, or caused to begin as part of a continuous on-site construction program
- ii. any placement, assembly, or installation of facilities or equipment; or
- iii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- iv. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

§ 8.10. Deadline for Compliance With Applicable Pretreatment Requirements. Compliance by existing sources covered by Categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective, unless a shorter compliance time is specified in the appropriate Standard.

The District shall establish a final compliance deadline date for any existing User not covered by Categorical Pretreatment Standards or for any categorical User when the local limits for said User are more restrictive than the federal Categorical Pretreatment Standards.

New source and new Users are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed 90 days from the beginning of discharge. New Sources and new Users shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any wastewater discharge permit issued to a categorical User shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing User or a categorical User that must comply with a more stringent local limit which is in non-compliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to insure compliance within the shortest time feasible.

§ 8.11. Additional Pretreatment Measures. Whenever deemed necessary, the General Manager or their designee may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of these Rules and Regulations.

§ 8.12. Accidental Spill Prevention Plans (ASPP). The General Manager or their designee may require any User to develop and implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by the District facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the User's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the District for review and approval before implementation. The District shall determine which User is required to develop a plan and require said plan to be submitted within 14 days after notification by the District. Each User shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the District .and Approval of such plans and operating procedures by the District shall not relieve the User from the responsibility to modify its facility as necessary to meet the requirements of these Rules and Regulations.

§ 8.12.1. ASPP Requirements. Any user required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:

Description of discharge practices, including non-routine batch discharges;

Description of stored chemicals;

Procedures for immediately notifying the POTW of any accidental or slug discharges. Such notification must also be given for any discharge which would violate any of the standards of these Rules and Regulations; and

Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing

toxic organic chemicals (including solvents), and/or measures and equipment for emergency response.

§ 8.13. Notification of Slug or Accidental Discharge. Users shall notify the District Wastewater Treatment Plant immediately after the occurrence of a slug or accidental discharge of substances regulated by these Rules and Regulations. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected User shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the District on account thereof under state or federal law.

Within five (5) days following an accidental discharge, the User shall submit to the General Manager or their designee a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by these Rules and Regulations or other applicable law.

Signs shall be permanently posted in conspicuous places on the User's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

§ 8.14. Industrial Wastewater Discharge Permit Requirements. No significant industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from District; the permit must be enforceable and contain all the elements as required by 40 CFR 403.8(f)(1)(iii)(B). Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set forth in these Rules and Regulations. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

§ 8.15. Wastewater Discharge Permitting: Existing Significant Industrial User (SIU). Any SIU that was discharging wastewater into the POTW before the effective date of these Rules and Regulations, and wishes to continue discharging in the future shall, within 60 days after notification by the General Manager or their designee, submit a permit application to the District. The SIU shall not cause or allow discharges to the POTW to continue more than 365 days after the effective date of these Rules and Regulations unless a wastewater discharge permit is issued by the District.

§ 8.16. Wastewater Discharge Permitting: New Source and New User. At least 90 days before startup of a new source any new User considered by the District to be an SIU must apply for and obtain a Wastewater Discharge permit. A new source or new User cannot discharge without first receiving a wastewater discharge permit from the

District. New sources and new Users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New Sources and new Users shall give estimates of the information requested Section 8.18.

§ 8.17. Wastewater Discharge Permitting: Extra Jurisdictional Users. Existing and new sources that are located beyond the District limits (but flow to the District) and that are required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application.

§ 8.18. Wastewater Discharge Permit Application Contents. All Users required to obtain an industrial wastewater discharge permit must submit, at a minimum, the following information. District shall approve a form to be used as a permit application. Categorical Users submitting the following information shall have complied with 40 CFR § 403.12(b).

§ 8.18.1. Identifying information. The User shall submit the name and address of the facility including the name of the operator and owners;

§ 8.18.2. Permits. The User shall submit a list of all environmental control permits held by or for the facility;

§ 8.18.3. Description of operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes; site plans; floor plans; mechanical and plumbing plans; and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.

§ 8.18.4. Flow Measurement

Categorical Users: The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following: Regulated or manufacturing process streams and other streams as necessary to allow use of the combined waste stream formula.

Non-Categorical Users: The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each

of the following: Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Operations Manager. The District may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

§ 8.18.5. Measurements of Pollutants

Categorical Users:

The User shall identify the applicable pretreatment standards for each regulated or manufacturing process. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the Categorical Pretreatment Standard or as required by the District of regulated pollutants (including local limits, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in this section. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR § 403.6(e) for a categorical User, this adjusted limit along with supporting data shall be submitted as part of the application.

Non-Categorical User

The User shall identify the applicable pretreatment standards for its wastewater discharge. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass where required by the District) of regulated pollutants, as appropriate. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in this section. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. Where the District developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.

§ 8.18.6. Certification. The User shall submit a statement, worded as specified in Section 8.19, which has been reviewed by an authorized representative of the User, and certified by a qualified professional, indicating whether the applicable Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the User to meet the applicable Pretreatment Standards and Requirements.

§ 8.18.7. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the applicable Pretreatment Standards, the User shall

submit the shortest schedule by which the User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established pursuant to Sections 8.15 or 8.16 of these Rules and Regulations.

1. Where the User's categorical Pretreatment Standard has been modified by a removal allowance (40 CFR § 403.7), the combined waste stream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR § 403.13) at the time the User submits the report required by this paragraph, the information required by 4.03.046 and 4.03.047 shall pertain to the modified limits.
2. If the categorical Pretreatment Standard is modified by a removal allowance (40 CFR '403.7), the combined waste stream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR § 403.13) after the User submits the report required by 4.03.046 and 4.03.047, then a report containing modified information shall be submitted by the User within 60 days after the new limit is approved.

§ 8.18.8. Other Information. The User shall submit any other information as may be deemed necessary by the General Manager or their designee to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

§ 8.19. Signatory and Certification Requirement. All wastewater discharge permit applications and User reports must be signed by a responsible officer or manager, or sole proprietor or general partner as applicable or duly authorized representative.

§ 8.19.1. Industrial Pretreatment Responsible Officer/Manager. For the purpose of this section, a responsible officer or manager means:

1. a president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
2. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. This authorization must be made in writing by the principal executive officer or ranking elected official and submitted to the Approval

Authority prior to or together with the report being submitted of the User and contain the following certification statement:

"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."

§ 8.19.2. Industrial Pretreatment Duly Authorized Representative. A duly authorized representative is an individual designated by the responsible officer, manager, sole proprietor or general partner in writing. The written authorization must be submitted to the District and specifies either an individual or a position having the responsibility of the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company. If an authorization in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

§ 8.20. Wastewater Discharge Permit Decisions. The General Manager or their designee will evaluate the data furnished by the User and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, General Manager or their designee will determine whether to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within 30 days of full evaluation and acceptance of the data furnished. General Manager or their designee may deny any application for a wastewater discharge permit.

§ 8.21. Industrial Wastewater Discharge Permit Contents. Industrial Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the General Manager or their designee to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, prevent violation of the District's NPDES permit, and protect against damage to the POTW.

§ 8.21.1. Required Conditions of Approval. Wastewater discharge permits must contain the following conditions:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
2. A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from District and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Applicable pretreatment standards and requirements, including any special State requirements;
4. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
5. Requirement for immediate notification to the District where self-monitoring results indicate non-compliance;
6. Requirement to report a bypass or upset of a pretreatment facility;
7. Requirement to report immediately to the District all discharges, including slug loadings, that could cause problems to the POTW;
8. Requirement for the SIU who reports non-compliance to repeat the sampling and analysis and submit results to the District within 30 days after becoming aware of the violation.
9. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
10. Requirements to control Slug discharges, if determined by the POTW to be necessary.
11. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards

§ 8.21.2. Optional Conditions of Approval. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
8. Any special agreements the General Manager or their designee chooses to continue or develop between the District and User;
9. Other conditions as deemed appropriate by the General Manager or their designee to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

§ 8.22. Wastewater Discharge Permit Appeals. Any person, including the User, may petition District to reconsider the terms of a wastewater discharge permit within 120 days of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal. If the District fails to act within 30 days after receiving an appeal petition, a petition for appeal will be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Clackamas County Circuit Court.

§ 8.23. Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion

of the General Manager or their designee. Each wastewater discharge permit will indicate a specific date upon which it will expire.

§ 8.24. Wastewater Discharge Permit Modification or Voluntary Termination. The General Manager or their designee may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

§ 8.25. Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 60 days advance notice to the General Manager or their designee and the General Manager approves the wastewater discharge permit transfer. The notice to the General Manager or their designee must include a written certification by the new owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Assumes full responsibility for complying with the existing wastewater discharge permit beginning on the date of the transfer.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer. Provided that the notice required above occurred and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing User and will be covered by the existing limits and requirements in the previous owner's permit.

§ 8.26. Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

1. Failure to notify the District of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the District of changed conditions;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the District timely access to the facility premises and records;
7. Failure to meet discharge limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application
12. Failure to provide advance notice of the transfer of a permitted facility; or
13. If the District has to invoke its emergency provision,
14. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or these Rules and Regulations.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

§ 8.27. Wastewater Discharge Permit Reissuance. A User who is required to have a wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, a minimum of 60 days prior to the expiration of the User's existing wastewater discharge permit. A

User whose existing wastewater discharge permit has expired and who has submitted its re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the District issues or denies the new wastewater discharge permit. A User whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a wastewater discharge permit.

§ 8.28. Reporting Requirements: Baseline Monitoring Reports. Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR '403.6(a)(4) (whichever is later) existing categorical Users currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the District a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical Users after the promulgation of an applicable categorical standard, shall be required to submit to the District a report which contains the information listed below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

Users described above shall submit the information set forth below for Baseline Monitoring Reports:

1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
5. Measurement of Pollutants.
6. The categorical pretreatment standards applicable to each regulated process.
7. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the District of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported. The sample shall

be representative of daily operations and shall be sampled and analyzed in accordance with procedures set out in these Rules and Regulations.

8. Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O and M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.
9. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in these Rules and Regulations.
10. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with these Rules and Regulations.

§ 8.29. Operational Compliance Report (Initial Compliance Report). After 90 days of operation following the date for final compliance of an existing Significant Industrial User with applicable pretreatment standards and requirements set forth in these Rules and Regulations, in federal categorical standards, or in a wastewater discharge permit, or, in the case of a new source or a new User considered by the District to fit the definition of SIU, within 90 days following commencement of the introduction of wastewater into the POTW, the affected User shall submit to the District a report containing the information outlined in 5.31.

For User's subject to equivalent mass or concentration limits established by the District in accordance with procedures established in 40 CFR '403.6 (c), this report shall contain a reasonable measure of the User's long-term production rate. For all other User's subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

§ 8.30. Biannual Compliance Report. Any User that is required to have an industrial waste discharge permit and performs self-monitoring shall comply with all applicable requirements under 40 CFR 403.12 and submit to the District biannually, during the months of June and December, unless required on other dates or more frequently by the District, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, Users shall sample their discharge at least twice per year.

The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge

permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations and shall also include any additional information required by these Rules and Regulations or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a User sampled and analyzed more frequently than what was required by the District or by these Rules and Regulations, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

Any User subject to equivalent mass or concentration limits established by the District or by unit production limits specified in the applicable categorical standards shall report production data.

If the District calculated limits to factor out dilution flows or non-regulated flows, the User will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.

Flows shall be reported on the basis of actual measurement, provided, however, that the District may accept reports of average and maximum flows estimated by verifiable techniques if the District determines that an actual measurement is not feasible.

Discharges sampled shall be representative of the User's daily operations and samples shall be taken in accordance with the requirements specified in these Rules and Regulations.

The District may require reporting by Users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

The District may require self-monitoring by the User or, if requested by the User, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the District agrees to perform such periodic compliance monitoring, it may charge the User for such monitoring, based upon the costs incurred by the District for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The District is under no obligation to perform periodic compliance monitoring for a User.

§ 8.31. Compliance Schedules for Meeting Applicable Pretreatment Standards. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing

construction, completing construction, etc.). No increment referred to in this section shall exceed 9 months.

Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports.

§ 8.32. Notification of Significant Production Changes. Any User operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the District within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

§ 8.33. Hazardous Waste Notification. Any User that is discharging more than 15 kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a one-time notification in writing to OLWSD, to the EPA Region 10 Office of Air, Waste, and Toxics Director, and to the State Department of Environmental Quality. Any existing User exempt from this notification shall comply with the requirements contained herein within 30 days of becoming aware of a discharge of 15 kilograms of hazardous wastes in a calendar month or any discharge of acutely hazardous wastes to the District sewer system.

Such notification shall include:

1. The name of the hazardous waste as set forth in 40 CFR Part 261,
2. The EPA Hazardous waste number; and
3. The type of discharge (continuous, batch, or other).
4. If an industrial User discharges more than 100 kilograms of such waste per calendar month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial User:
 - a. an identification of the hazardous constituents contained in the wastes,
 - b. an estimation of the mass and concentration of such constituents in the waste streams discharged during that calendar month, and

- c. an estimation of the mass of constituents in the waste streams expected to be discharged during the following 12 months.

These notification requirements do not apply to pollutants already reported under the self-monitoring requirements. Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a User shall notify the District of the discharge of such a substance within 90 days of the effective date of such regulations. In the case of any notification made under this paragraph, an industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

§ 8.34. Notice of Potential Problems, Including Accidental Spills, Slug Loads. Any User shall notify the District immediately of all discharges that could cause problems to the POTW, including any slug loads. The notification shall include the concentration and volume and corrective action. This initial notification shall be followed by a written summary report within five (5) days of the discharge. Steps being taken to reduce any adverse impact should also be noted during the notification. Any User who discharges a slug load of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the District under state or federal law.

§ 8.35. Non-Compliance Reporting. If sampling performed by a user indicates a violation, the User shall notify the District within 24 hours of becoming aware of the violation. Within five (5) days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations. The User shall also repeat the sampling and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the Industrial User, the Control Authority must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

1. The District performs sampling at the Industrial User at a frequency of at least once per month, or
2. The District performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling.

§ 8.36. Notification of Changed Discharge. All Users shall promptly notify the District in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment

modifications, and the listed or characteristic hazardous wastes for which the User has submitted initial notification under 40 CFR 403.12 (p)

- § 8.37. Reports from Un-Permitted Users. All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the District as the General Manager or their designee may require.
- § 8.38. Record Keeping. Users subject to the reporting requirements of these Rules and Regulations shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses including documentation associated with Best Management Practices. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or POTW, or where the User has been specifically notified of a longer retention period by the General Manager or their designee.
- § 8.39. Sampling Requirements for Users. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow- proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during the 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by 40 CFR 403.12 (e) and (h), the District shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the District and specified in the User's wastewater discharge permit. For categorical Users, if other wastewaters

are mixed with the regulated wastewater prior to pretreatment, the User shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR '403.6(e) in order to evaluate compliance with the Applicable Categorical Pretreatment Standards. For other SIUs, for which the District has adjusted its local limits to factor out dilution flows, the User shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

All sample results shall indicate the time, date and place of sampling and methods of analysis and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant discharges from the User. If a User sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

- § 8.40. Analytical Requirements. All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
- § 8.41. District Monitoring of User's Wastewater. The District will follow the same procedures as outlined in Sections 8.42 and 8.43.
- § 8.42. Compliance Monitoring: OLWSD Inspection and Sampling. The District shall have the right to enter the facilities of any User to ascertain whether the purpose of these Rules and Regulations and any wastewater discharge permit or order issued hereunder is being met and whether the User is complying with all requirements thereof. Users shall allow the General Manager, or their designee, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the General Manager will be permitted to enter without delay for the purposes of performing specific responsibilities.

General Manager or their designee shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the General Manager or their designee and shall not be replaced. The costs of clearing such access shall be borne by the User.

Unreasonable delays in allowing the General Manager or their designee access to the User's premises shall be a violation of these Rules and Regulations.

§ 8.43. Compliance Monitoring Facilities. Each User shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the District. Each monitoring facility shall be situated on the User's premises, except, where such a location would be impractical or cause undue hardship on the User, the District may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The General Manager or their designee, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line or a wastewater treatment system).

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the User.

The General Manager or their designee may require the User to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

§ 8.44. Search Warrants. If the General Manager or their designee has been refused access to a building, structure or property, or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that there is a need to inspect as part of a routine inspection program of the District designed to verify compliance with these Rules and Regulations or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the General Manager or their designee shall seek issuance of a search and/or seizure warrant from the Clackamas County Circuit Court.

Such warrant shall be served at reasonable hours by the General Manager or their designee in the company of a uniformed police officer of Clackamas County.

§ 8.45. Vandalism. No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in these Rules and Regulations.

§ 8.46. Confidential Information. Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from District inspection and sampling activities shall be available to the public without restriction, unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such

information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR '2.302 will not be recognized as confidential information and will be available to the public without restriction.

§ 8.47. Publication Of Users In Significant Non-Compliance. The District shall publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the Users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. For the purposes of this provision, an industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken for the same pollutant parameter during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-(6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the TRC [TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];
3. Any other discharge violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, longer-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report non-compliance; or
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

§ 8.48. Administrative Enforcement Remedies – Pretreatment Rules. The following procedures are intended solely for enforcement of the District's pretreatment rules.

§ 8.48.1. Notification of Violation. When the General Manager or their designee finds that a User has violated (or continues to violate) any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the General Manager or their designee may serve upon that User a written Notice of Violation [via certified letter]. Within 14 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the General Manager or their designee. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

§ 8.48.2. Consent Orders. The General Manager or their designee may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for non-compliance. Such documents will include specific action to be taken by the User to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this subsection and shall be judicially enforceable. Use of a consent Order shall not be a bar against, or prerequisite for, taking any other action against the User.

§ 8.48.3. Show Cause Hearing. The General Manager or their designee may order via a certified letter a User which has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the General Manager or their designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and

a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

§ 8.48.4. Compliance Orders. When the General Manager or their designee finds that a User has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the General Manager or their designee may issue an order to the User responsible for the discharge directing that the User come into compliance within a time specified in the order. If the User does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

§ 8.48.5. Cease and Desist Orders. When the General Manager or their designee finds that a User has violated (or continues to violate) any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the General Manager or their designee may issue an order to the User directing it to cease and desist all such violations and directing the User to immediately comply with all requirements; and take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

§ 8.48.6. Administrative Fines. A. When the General Manager or their designee finds that a User has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the General Manager or their designee may fine such User in an amount not to exceed maximum fine allowed under state law. Such fines shall be assessed on a per violation, per day basis (see Section 11). In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

§ 8.48.7. Emergency Suspensions. The General Manager or their designee may immediately suspend a User's discharge (after informal notice to the User) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The General Manager or their designee may also immediately suspend a User's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the General Manager or their designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager or their designee shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in these Rules and Regulations are initiated against the User.

A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the General Manager or their designee prior to the date of any show cause or termination hearing under these Rules and Regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

§ 8.48.8. Termination of Discharge (Non-Emergency). In addition to the Administrative Enforcement provisions in these Rules and Regulations, any User that violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling; or

5. Violation of the pretreatment standards of these Rules and Regulations.
6. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under these Rules and Regulations why the proposed action should not be taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the User.

§ 8.49. Judicial Enforcement Remedies.

§ 8.49.1. Injunctive Relief. When the General Manager or their designee finds that a User has violated (or continues to violate) any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the General Manager or their designee may petition the Clackamas County Circuit Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by these Rules and Regulations on activities of the User. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

§ 8.49.2. Civil Penalties. A User which has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the District for a maximum civil penalty allowed under State law but not less than \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

The General Manager or their designee may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

§ 8.49.3. Remedies Non-exclusive. The provisions in Section 8.49 of these Rules and Regulations are not exclusive remedies for violations of the District's pretreatment rules. The District reserves the right to take any, all, or any combination of these actions against a non-compliant User. Enforcement in response to pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District reserves the right to take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant User. These actions may be taken concurrently.

§ 8.50. Supplemental Enforcement Action.

§ 8.50.1. Performance Bonds. The General Manager or their designee may decline to issue or reissue a wastewater discharge permit to any User which has failed to comply with any provision of these Rules and Regulations, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such User first files a satisfactory bond, payable to the District, in a sum not to exceed a value determined by the General Manager or their designee to be necessary to achieve consistent compliance.

§ 8.50.2. Liability Insurance. The General Manager or their designee may decline to issue or reissue a wastewater discharge permit to any User which has failed to comply with any provision of these Rules and Regulations, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

§ 8.50.3. Public Nuisances. A violation of any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager or their designee. Any person(s) creating a public nuisance shall be subject to the provisions of these Rules and Regulations governing such nuisances, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

§ 8.50.4. Contractor Listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the District. Existing contracts for the sale of goods or services to the District held by a User found to be in significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of the District.

§ 8.51. Affirmative Defenses to Discharge Violations

§ 8.51.1. Upset. For the purposes of this section,

"upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the User.

An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of of this section are met.

A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the User can identify the cause(s) of the upset;
2. The facility was at the time being operated in a prudent manner and in compliance with applicable operation and maintenance procedures; and
3. The User has submitted the following information to the District and treatment plant superintendent within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
4. A description of the indirect discharge and cause of non-compliance;
5. The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
6. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards.

Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure

of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

§ 8.51.2. Prohibited Discharge Standards. A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in these Rules and Regulations if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

§ 8.52. Bypass. For the purposes of this section,

"Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

A User may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of this section.

§ 8.52.1. Notice of Bypass. If a User knows in advance of the need for a bypass, it shall submit prior notice to the POTW at least ten (10) days before the date of the bypass, if possible. A User shall submit oral notice to the District of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

§ 8.52.2. Bypass Conditions. Bypass is prohibited, and the District may take an enforcement action against a User unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

The User submitted notices as required under this section.

The General Manager or their designee may approve an anticipated bypass, after considering its adverse effects, if the General Manager or their designee determines that it will meet the three conditions listed in this section.

§ 8.53. Wastewater Pretreatment Fees. The District may adopt reasonable fees, as shown in the District's Fee Schedule for reimbursement of costs of setting up and operating the District's Pretreatment Program which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals; and
5. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these Rules and Regulations and are separate from all other fees, fines, and penalties chargeable by the District.

§ 9 FATS, OILS AND GREASE (FOG) PROGRAM

§ 9.1. Statement of Policy. The purpose of this chapter is to enhance beneficial public use of Oak Lodge Water Services District's sewer facilities by preventing blockages of sewer lines resulting from discharges of fats, oils and grease (FOG) and other constituents to the sewer facilities. These Rules and Regulations specify appropriate FOG requirements for Food Service Establishments (FSEs) and/or property owners where FSEs are located and supports such entities in implementing a cost-effective

FOG abatement program. These Rules and Regulations establish quantity and/or quality standards on all wastewater and/or waste discharges containing FOG as these cause or contribute to the occurrence of sanitary sewer services overflows (SSOs), affect treatment plant operations, and increase publicly owned treatment works costs.

Oak Lodge Water Services District has final authority in determining the compliance status of all FSE/property owners with respect to their discharge of FOG (either vegetable or animal origin) either directly or indirectly into the District's wastewater collection system.

The following regulations reflect requirements of the State and Federal government, and the District's National Pollution Discharge Elimination System (NPDES) permit. The purpose of the regulations is to set forth uniform requirements for Users of the District's wastewater collection and treatment system to enable the District to comply with all applicable State and Federal laws required by the Federal Water Pollution Control Act, as amended, and by requiring commercial and industrial Users to comply with the General Pretreatment Regulations in 40 CFR Part 403, as amended.

- § 9.2. Applicability and Pretreatment Standards. Food service establishments shall install grease interceptors when deemed necessary by the District for the proper handling of wastewater containing excessive amounts of fat, oil, or grease. These interceptors shall be maintained by the User at their expense in a manner which prevents fat, oil, and grease from being discharged into the District sanitary system. Materials removed from the interceptor must be disposed of at a facility approved to receive such wastes.

The additions of chemicals, enzymes, emulsifying agents, microorganisms, or similar compounds that are intended to decrease the maintenance performed on grease interceptors are prohibited.

- § 9.3. Surface Water Issues. No surface or storm water is allowed in the sanitary sewer system. In no instance shall spilled grease and oils be washed to the storm water drains or landscaped areas. Existing FSE are prohibited from engaging in any wash down activities in any outside area, including but not limited to uncovered garbage or waste oil storage areas. If instances of spilled grease or oil occur in the garbage or waste oil storage area the site will be required to install a roof over the area.

- § 9.4. Right of Access. Persons or premises where wastewater with the potential to contain FOG is created or discharged shall allow District personnel, or their alternate designees, reasonable and safe access to the entire facility in order to carry out inspections or other actions, including but not limited to sampling waste streams, authorized by these Rules and Regulations. It is the FSEs or property owner's responsibility to open all grease removal device (GRD) access points for District inspection activities. No person shall interfere with, delay or refuse entrance to such personnel attempting to inspect or enforce upon any facility involved directly or indirectly with the discharge of wastewater to the District's sewer system. The District

or its designees are authorized to collect samples of any waste stream, including the discharge from the facility and any GRD. Failure to grant access shall result in an additional inspection fee and may result in suspension of sewer services provided by the District or water turn off.

- § 9.5. Cost Recovery for Collection System Cleaning. In the event that a FSE discharges FOG from the FSE / owner's premises and into the sewage collection system owned and operated by OLWSD, so that the FOG leaves behind visible deposits adhered to the pipes, OLWSD may at their discretion clean the pipe system to the extent that their crew deems necessary and the FSE / property owner will be billed for the cost of the District's labor, equipment, and materials. In lieu of this, either the District or the FSE / property owner may hire a licensed contractor (with the District's approval) to clean the lines (to the extent directed by the District) and vacuum up / remove the grease and dispose of it to a facility approved to receive such wastes. The contractor would then bill the FSE / property owner directly.

§ 10 SURFACE WATER MANAGEMENT

- § 10.1. Authority; MS4 Permit. Under the Clackamas County Co-Applicants' Municipal Separate Storm Sewer System (MS4) Permit, the District is charged with protecting water quality and satisfying requirements of the MS4 permit. Implementation of these regulations is through the MS4 Permit. As required by the MS4 Permit, the District's authority includes having the ability to control the discharge of pollutants by reducing the discharge of pollutant loads, to the maximum extent practicable, and to prohibit non-storm water discharges into the storm sewer system.
- § 10.2. Conveyance System Subject to Jurisdictional Authority. The conveyance system components maintained and/or repaired by the District include storm sewers, culverts, inlets, ditches, and swales. The District's responsibility for these types of utility assets is limited to District owned assets or those that the District operates under an intergovernmental agreement.
- § 10.3. Permits Required. The District issues Erosion Control/Surface Water Management Permits within its jurisdictional area. All construction activities affecting areas 500 square feet or greater within the District shall obtain an Erosion Control/Surface Water Management Permit. Construction activities affecting areas 250 square feet or greater within the undisturbed buffer, sensitive areas, or riparian areas must also obtain an Erosion Control/ Surface Water Management Permit. An Erosion Control/Surface Water Management Permit is also required to discharge to the District's surface water system as described in Section 10.12 of these Rules and Regulations.
- § 10.4. Agency Coordination. The District coordinates with CCDTD on land use development proposals within the County. In the Clackamas County Comprehensive Plan Title 13, Chapter 7, Clackamas County recognizes that the District has responsibility for operating, planning, and regulating surface water management systems. The County has a policy to coordinate the review of development applications with the District, for proposals within the District's jurisdiction, to ensure that approval is not granted

in the absence of adequate sanitary sewer facilities or a mechanism to provide them concurrently with development. Additionally, per Clackamas County Zoning and Development Ordinance Section 1006.08(C), approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority

Additionally, any construction activity disturbing one (1) or more acres of land currently requires an NPDES Construction Stormwater Discharge Permit issued by DEQ. Within Clackamas County, DEQ has authorized Clackamas County Water Environment Services (WES) to administer those permits for them.

§ 10.5. Permit Procedure. Review and Approval Process:

§ 10.5.1. An Erosion Control/Surface Water Management Permit is issued by the District through an administrative approval process. An Erosion Control/Surface Water Management Permit application shall be submitted upon a form provided by the District. A complete application shall consist of all materials required as listed in Sections 10.6 and 10.10 of these Rules and Regulations.

- (a) Determination of Completeness. After receiving a permit application, the General Manager shall inform the applicant of a determination that: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.
- (b) Incomplete Application Procedure. If the applicant receives a determination from the General Manager or their designee that an application is not complete or that additional information is required, the applicant shall submit the necessary information to the District. After an applicant has submitted the requested additional information, the District shall make the determination as described in this section.

§ 10.5.2. The District may approve, approve with conditions, or deny all Erosion Control/Stormwater Management Permit applications. In addition to the requirements listed in Section 10.6 of these Rules and Regulations, the District retains the right to require additional Erosion Control/Surface Water Management Permit conditions of approval. Inspection of erosion control measures is required prior to approval and prior to the start of any excavation work.

§ 10.6. Application Requirements.

§ 10.6.1. Construction activities that impact areas 500 square feet or greater must obtain an Erosion Control/Surface Water Management Permit. Construction activities affecting areas 250 square feet or greater within the undisturbed buffer, sensitive areas, or riparian areas must also obtain an Erosion Control/ Surface Water Management Permit.

§ 10.6.2. A Site Plan, Storm Drainage Plan, and Erosion Control Plan will be required for all residential, commercial, industrial and recreational developments and

redevelopments. Additionally, a Site Plan and Erosion Control Plan are required for construction activities, including, but not limited to, clearing, grading, excavation, or filling which occurs in the District. Requirements for the application materials are as follows:

§ 10.6.2.1. Site Plan. Three (3) copies of a site-specific plan shall include the following:

- (a) Contour lines with elevations to show slope. Plans for simple additions or improvements to existing structures can indicate slope with arrows illustrating the direction of the slope instead of contours and elevation figures.
- (b) Storage site for excavated materials (soil stockpiles).
- (c) Gravel construction entrance (gravel to a depth of 8 inches)
- (d) Placement of approved erosion control devices (i.e. silt fences, straw bales, thick vegetative growth such as a lawn if the construction area is flat).
- (e) Drainage during and after construction or other runoff, including, as applicable:
 - (f) Soakage trenches
 - (g) Catch basins
 - (h) Storm sewers
 - (i) Site restoration plan (permanent landscaping)
 - (j) Water quality facilities as required (for residential/ commercial/ industrial)

§ 10.6.2.2. Erosion Control Plan. Submittal requirements include:

- (a) All erosion control plans shall meet requirements of the current Clackamas County Water Environment Services Erosion Prevention and Sediment Control Manual used by the District.
- (b) One completed copy of Erosion Prevention/Sedimentation Control Information containing:
 - (1) Plans for Erosion Prevention/Sedimentation Control during wet weather period (November – April);
 - (2) The methods and/or facilities to be used to prevent erosion and pollution created from the development both during and after construction. Site specific considerations may be incorporated. The plan shall be consistent with the specific drainage basin or sub basin plan.

- (c) An analysis of source controls as an alternative method to control storm water runoff, such as detention and storage techniques.
- (d) Information regarding adjacent open space.
- (e) Information describing historic localized flooding problems resulting from surface water runoff.
- (f) The District may require that the applicant design and construct a detention and drainage system that ensures offsite impacts caused by that development will be mitigated.
- (g) Facilities developed onsite shall be constructed in a manner consistent with basin wide or sub basin drainage management plans.

§ 10.6.3. Bond. The District may request the applicant submit a Performance Bond, cashier's check, or other acceptable financial security in favor of the District to secure performance of the required obligation. The amount secured by the District shall be 100% of the improvements that will ultimately be owned by the District. Upon default, District may perform the work or remedy violations and draw upon the posted security instrument.

§ 10.6.4. Additional Information. The District may also require the applicant to provide additional information as indicated in these Rules and Regulations.

§ 10.7. Plan Review. Site Plan, Storm Drainage, and Erosion Control Plan review and approval shall be required prior to the start of any excavation work.

§ 10.8. Inspections. The erosion control measures shall be installed and inspected prior to the start of any excavation work. The District retains the right to require that erosion control measures be adjusted, or additional measures documents be implemented in accordance with guidance, as necessary, throughout construction.

§ 10.9. Exceptions. Exceptions to Erosion Control/Surface Water Management Permit application requirements must be documented and approved by the District. A variance to the requirements in Section 10.6 may be requested as allowed under Section 12 of these Rules and Regulations.

§ 10.10. Permit Fees. The District shall collect a fee for the review of plans, administration, enforcement, and field inspection(s) to carry out the rules contained herein. Fees are provided in the District's Fee Schedule.

§ 10.11. Permit Appeals. Any person aggrieved by ruling or interpretation of the provisions of this Code in issuing a permit may submit a written appeal to the District, and pay the permit appeal fee, as allowed under Section 12 of these Rules and Regulations.

§ 10.12. Discharge Regulations.

§ 10.12.1. Discharge to Sanitary Sewer System Prohibited. Discharge or contribution to the discharge of any stormwater or other unpolluted water is not allowed

into the District's sanitary sewer system without specific approval from the District.

§ 10.12.2. Discharge to Public Stormwater System. Prohibited stormwater discharge activities include, but are not limited to, the following:

- (a) Introduction of pollutants or waters to the public stormwater system containing pollutants or concentrations at levels equal to or in excess of those necessary to protect waters of the State.
- (b) Failure to abide by the terms of any Erosion Control/Surface Water Management Permit, MS4 permit, NPDES permit, statute, administrative rule, ordinance, stipulated and final order or decree, or other permit or contract.
- (c) Discharges of non-stormwater or spills or dumping of materials other than stormwater into public storm system unless pursuant to a conditional Erosion Control/Surface Water Management Permit approved by the District and in compliance therewith.
- (d) Illegal or unpermitted connection or methods of conveyance to the public stormwater system.
- (e) Any discharge that will violate federal, state, or local water quality standards.

§ 10.12.3. Discharge to Creeks or Drainageways. New storm drains and roof drains are not allowed to drain directly into creeks or drainageways or encroach into the buffer unless an Erosion Control/Surface Water Management Permit is obtained from the District. Encroachment into buffer areas must be approved by the District and will require mitigation. Existing and replacement storm drains shall be constructed according to current local, county, state and federal regulations. Non-single family development shall provide an approved water quality facility prior to any discharge from the site to a storm drain system, a creek or drainageway, as approved by the District.

§ 10.12.4. State Discharge Limitations. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those provided in this chapter.

§ 10.12.5. Local Discharge Limitations. The District retains the right to establish by ordinance more stringent limitations or requirements on discharges if such limitations or requirements are deemed necessary to comply with this chapter.

§ 10.13. Pretreatment Facilities. The District may require that pretreatment facilities are necessary to comply with water quality standards. Before constructing or operating any pretreatment facilities within the District, an Erosion Control/Surface Water Management Permit authorizing such connection shall first be secured in writing

from the District and fees paid. A variance to these requirements may be requested as allowed under Section 12 of these Rules and Regulations.

§ 10.13.1. Plans, Specifications, and Construction.

- (a) The District may require plans, specifications, and other information relating to the construction or installation of pretreatment facilities.
- (b) Pretreatment facility construction and installation shall not commence until written approval of plans and specifications by the District is obtained.
- (c) Every facility for the pretreatment and handling of surface water discharged from non-single family residential development sites shall be constructed in accordance with approved plans and specifications.
- (d) The applicant shall notify the District when the facility is ready for final construction inspection. The inspector shall then inspect the facility construction. If such construction meets the previous permit requirements, a pretreatment facility approval shall be issued.

§ 10.13.2. Facility Operations and Maintenance Agreement. The District may require an Operations and Maintenance Agreement for pretreatment facilities. This agreement may set forth operations and maintenance, sampling, access, and other requirements. This agreement will provide for District access to inspect the facility. This agreement will be recorded in the County records against the affected property.

Every facility for the pretreatment and handling of surface water discharged shall be installed, maintained, and repaired at the expense of the facility owner discharging the surface water. The owner shall be responsible for maintaining and repairing pretreatment facilities using BMPs, as determined by the District or authorized representative

§ 10.13.3. Sampling and Monitoring Facility. A person constructing a pretreatment facility, as required by the District, shall also install and maintain, at the expense of the facility, owner a suitable sampling access point for checking and investigating the discharge from the pretreatment facility to the public storm system. The sampling point shall be in accordance with specifications approved by the District.

§ 10.13.4. Sampling. Samples discharged into the public surface water system shall be representative of the use and shall be taken after treatment, if any, and before dilution by other water. The sampling method shall be one approved by the District and in accordance with best engineering practices. All sample analysis shall be performed in accordance with the procedures set forth in 40 CFR Part 136, as amended.

§ 10.13.5. Reporting Requirements. The District may require the permit holder to submit a compliance report indicating the quantity and quality of surface

water discharge, the need for pretreatment to comply with applicable standards, and the operation and maintenance schedule of the pretreatment facility.

§ 10.13.6. Inspection and Right-of-Entry. The District or authorized representatives may inspect the monitoring facilities of any permittee to determine the compliance with the requirements of these Rules and Regulations. The discharger shall allow the District or authorized representatives to enter upon the premises at any reasonable hour for the purpose of inspection, sampling, or records examination. The District shall also have the right to install on the User's property such devices as are necessary to conduct sampling, inspection, compliance, monitoring, and/or metering operations. The right of entry includes but is not limited to access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting, or otherwise handling surface water and storing records, reports, or other related documents.

§ 10.14. Discharge To Storm Drain Facility. An Erosion Control/Surface Water Management Permit is required to discharge or drain to any storm drain facility, including but not limited to pipes, streets, ditches, streams, pollution reduction manholes, and detention facilities, whether constructed or natural. Before discharging or draining to any storm drain facilities within the District, an Erosion Control/Surface Water Management Permit authorizing such discharge shall first be secured in writing from the District and fees paid.

§ 10.14.1. The District may require plans, specifications, and other information relating to the construction or installation of storm drain facility connections.

§ 10.14.2. Storm drain facility connections construction and installation shall not commence until a written permit and approval of plans and specifications by the District is obtained.

§ 10.14.3. Every storm drain facility connection shall be constructed in accordance with approved plans and specifications and shall be installed, maintained, and repaired at the expense of the facility owner connecting to a storm drainage facility.

§ 10.14.4. The applicant shall notify the District when the connection is ready for inspection.

§ 10.14.5. The inspector shall then inspect the connection construction therein, and if such construction meets the previous requirement as approved in the permit, a connection approval shall be issued.

§ 10.15. EROSION CONTROL AND ENVIRONMENTAL PROTECTION

§ 10.15.1. PURPOSE

This Article provides for the regulation of erosion and pollution control to maintain and protect water quality and natural resources in accordance with federal, state, and local water quality standards.

§ 10.15.2. General Policy

- (a) To comply with water quality standards set forth in OAR 340-041, it is the District's policy to prevent erosion and eliminate or reduce the amount of sediment and other pollutants reaching the public storm and surface water system.
- (b) The provisions of this Section apply during construction and until permanent erosion and pollution control measures are in place following construction as described herein, unless otherwise noted.
- (c) This Section is intended to regulate construction activities and other activities that accelerate erosion. It is the District's policy to require temporary and permanent measures for all construction projects to lessen the adverse effects of site alteration on the environment.

§ 10.15.3. Nothing in this section shall relieve any person from obligation to comply with the regulations or permits of any federal, state, or local authority.

§ 10.15.4. Erosion Control Requirements.

§ 10.15.4.1. Where the District determines that erosion control facilities are necessary to comply with water quality standards, an Erosion Control/Surface Water Management Permit is required for construction and operation of such facilities. Before constructing any erosion control facilities within the District, an Erosion Control/Surface Water Management Permit authorizing such facilities shall first be secured in writing from the District and fees paid. Erosion control facilities and measures shall meet requirements of the current "*Clackamas County Water Environment Services Erosion Prevention Planning and Design Control Manual.*"

§ 10.15.4.2. The permittee or owner is responsible for the cost of installation, maintenance, and repair of all erosion control facilities required by an Erosion Control/Surface Water Management Permit, including both temporary and permanent facilities, as applicable.

§ 10.15.4.3. The permittee or owner shall use BMPs, as determined by the District or Authorized designee.

§ 10.15.4.4. No visible or measurable erosion shall leave the property during any construction or other erosion accelerating activity. The permittee/owner, along with any person who causes such visible or measurable erosion, shall be responsible for cleanup, damages, and fines. Cleanup responsibilities may

involve, but are not limited to public facilities, resources, and areas impacted by a project including, but not limited to, creeks, drainageways, wetlands, catch basins, storm drains, and sensitive areas.

§ 10.15.4.5. Plans, Specifications, and Construction. In addition to the requirements of Section 10.6, the District may require plans, specifications, and other information relating to the construction or installation of erosion control facilities or restoration plans. Erosion control facility construction and installation shall not commence until the permittee receives the District's written approval of erosion control plans and specifications. All erosion control facilities shall be constructed in accordance with approved plans and specifications.

§ 10.15.4.6. Inspection. The erosion control facilities and measures necessary to meet the requirements of this subsection shall be installed by the owner and shall be inspected by the District prior to the start of any construction activity. The owner shall notify the District when the erosion control facility is ready for final construction inspection. The District's inspector shall then inspect the facility construction prior to final approval.

§ 10.15.4.7. Maintenance.

- (a) Maintenance of existing facilities shall be the responsibility of the property owner or applicant.
- (b) The permittee or owner shall maintain the erosion control facilities and BMPs in conformance with the approved erosion control plan.
- (c) If adequate maintenance is not performed, the maintenance standards and schedule shall be reviewed and enforced by the District and the owner or permittee shall be responsible to the District for costs incurred.
- (d) Where an erosion control plan is not effective or sufficient as determined by the District through a site inspection, the District may issue a stop work order and the permittee or owner shall be required to submit a revised plan to the District. Upon approval of the revised plan by the District, the permittee or owner shall immediately implement the additional facilities and techniques of the revised plan.
- (e) In cases where erosion is occurring in violation of these Rules and Regulations, the District may require the owner/permittee to install interim control measures prior to submittal of the revised erosion control plan.

§ 10.15.5. Deposit of Sediment. No person shall drag, drop, track, or otherwise place or deposit, or permit to be deposited, mud, dirt, rock or other such debris on a public street or into any part of the public storm and surface

water system, or any part of a private storm and surface water system, which drains or connects to the public stormwater and surface water system. Any such deposit or material shall be immediately removed using hand labor or mechanical means. No material shall be washed or flushed into any part of the storm and surface water system without erosion control measures installed to the satisfaction of the District, and any such action shall be a violation.

§ 10.16. Construction Stormwater Permitting. NPDES Permit As discussed in subsection 10.4, any construction activity disturbing one (1) or more acres of land shall obtain an NPDES Stormwater Discharge Permit issued by DEQ. Within Clackamas County, DEQ has authorized Clackamas County WES to administer those permits.

§ 10.17. Dust Control. Dust and other particulate matters containing pollutants that settle on property or are carried to surface waters through rainfall or other means shall be minimized to the maximum extent practicable, utilizing all measures necessary, including but not limited to:

- (a) Sprinkling with water, haul and access roads and other exposed dust producing areas,
- (b) Establishing temporary vegetative cover,
- (c) Placing wood chips or other effective mulches on vehicle and pedestrian use areas;
- (d) Maintaining the proper moisture condition on all fill surfaces,
- (e) Pre-wetting cut and borrow area surfaces, and
- (f) Using of covered haul equipment.

§ 10.18. Water Quality Maintenance.

§ 10.18.1. Construction of New Facilities. Construction of new water quality facilities between stream banks shall be pursuant to permits issued by jurisdictional state and federal agencies (i.e., the United States Army Corps of Engineers (USACE) and Oregon Department of State Lands (DSL)) and applicable regulations.

§ 10.18.2. Pollutants. Pollutants in the DEQ current toxics standards identified in OAR 340-041, such as, but not limited to, fuels, lubricants, asphalt, concrete, bitumens, raw sewage, other harmful materials, and trash or debris, shall not be discharged into rivers, streams, impoundments, wetlands, sensitive areas, undisturbed buffers, or any storm drainage system, or at such proximity that the pollutants flow to these watercourses.

§ 10.18.3. Alterations. The withdrawal of water from a stream, impoundment, wetland, or sensitive area, shall not result in altering or further

degradation of the temperature or water quality of the waterbody in violation of OAR-340-041.

§ 10.18.4. Construction Activities. All sediment-laden water from construction activities shall be routed through sedimentation basins, filtered, or otherwise treated to remove the sediment load before the water is discharged into the surface water system.

§ 10.19. Natural Resource Protection.

§ 10.19.1. Fish and Wildlife Habitat. Construction activities shall be done in a manner that minimizes adverse effects on wildlife and fishery resources pursuant to the requirements of local, state, and federal agencies charged with wildlife and fish protection.

§ 10.19.2. Sensitive Areas. An Erosion Control/Surface Water Management Permit is required for activities disturbing sensitive areas that would affect water quality by altering or affecting sensitive areas and associated buffers. These activities include, but are not limited to:

- (a) landscaping;
- (b) construction activities;
- (c) tree cutting;
- (d) vegetation removal; and
- (e) streambank restoration.

§ 10.19.3. Sensitive Areas include:

- (a) Existing or created wetlands, including all mitigated wetlands; limits defined by wetlands reports approved by the USACE, DSL, and the District;
- (b) Rivers, streams, springs, sloughs, swamps, creeks; limits defined by the top of the bank or first break in slope measured upland from the mean high water line; and
- (c) Impoundments (lakes and ponds); limits defined by the top of the bank or first break in slope measured upland from the mean high water line.
- (d) The District maintains a map in its Geographic Information System (GIS) that delineates the sensitive areas applicable to the District.
- (e) Sensitive areas, for the purposes of this chapter, do not include water quality facilities, such as constructed wetlands or the undisturbed buffers adjacent to sensitive areas.

§ 10.19.4. Study Requirements. An approved study may be required by the District identifying areas on the parcel which are, or may be, sensitive areas when, in the opinion of the District:

- (a) An area or areas on a parcel may be classified as a sensitive area;
or
- (b) The parcel has been included in an inventory of sensitive areas adopted by the District, and more site-specific identification of the boundaries is needed.

§ 10.19.5. Undisturbed Buffer Required. New development or a division of land adjacent to sensitive areas shall preserve and maintain an undisturbed buffer wide enough to protect the water quality function of the sensitive area. The undisturbed buffer is a facility required to prevent damage to the sensitive area caused by the development. An undisturbed buffer will be required in areas with any slope adjacent to sensitive areas. Undisturbed buffer widths are specified in the table below

Table 10-19

Sensitive Area	Upstream Drainage Area	Width of Undisturbed Buffer
Intermittent Creeks, Rivers, Streams	Less than or equal to 50 acres	25 feet
Intermittent Creeks, Rivers, Streams	Greater than 50 acres	35 feet
Perennial Creeks, Rivers, Streams	Any upstream area	35 feet
Wetlands, Lakes (natural), and Springs.	Any drainage	35 feet
Willamette River	Any drainage	35 feet (from normal high water*)

** Normal High Water is the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape.*

§ 10.19.6. Undisturbed buffers shall be protected, maintained, enhanced, or restored as follows:

- (a) An Erosion Control/Surface Water Management Permit is required for all construction activities in the buffer greater than 250 square feet. The disturbance area is calculated by multiplying the width of undisturbed buffer area by the length of the parcel adjacent to the sensitive area shown above.
- (b) Uncontained areas of hazardous materials as defined by DEQ are prohibited in the buffer.
- (c) Vegetative cover native to the region shall be maintained, enhanced, or restored, if disturbed in the buffer.
- (d) Only native vegetation shall be used to enhance or restore the buffer.

- (e) Invasive non-native vegetation may be removed from the buffer and replaced with native vegetation.

§ 10.19.7. Starting points for undisturbed buffer measurements from the sensitive area begin at:

- (a) The edge of a DSL-approved wetland delineation area;
- (b) The edge of the top of the bank or first break in slope measured upland from the Ordinary High Water Mark of rivers, streams, sloughs, swamps, creeks; and
- (c) The edge of the top of the bank or first break in slope measured upland from the mean high water line of impoundments (lakes and ponds).
- (d) The District maintains a map in its GIS that delineates the buffer areas applicable to the District based on the buffer area widths specified above.

§ 10.19.8. Where no reasonable and feasible option exists for not encroaching within the minimum undisturbed buffer, such as at a road crossing or where topography limits options, then onsite mitigation on the intrusion of the buffer will be based on a ratio of 1.5 to 1. A variance to this requirement may be requested as allowed under Section 12 of these Rules and Regulations.

§ 10.19.8.1. All encroachments into the buffer, except those listed in Section 10.19.9, require written approval from the District.

§ 10.19.8.2. The District shall mail notice of its decision to grant or deny approval to the applicant and to owners of property within 250 feet of the affected property.

§ 10.19.9. Undisturbed Buffer – Exceptions. No construction activities or other activities shall be allowed which otherwise detract from the water quality protection provided by the buffer, as required by federal, state, and local regulations, except as allowed by the District in the following situations:

- (a) A road crossing the undisturbed buffer to provide access to the sensitive area or across the sensitive area, provided any impacts to the buffer area, including conveyance and fish passage impacts, are addressed with a restoration plan or mitigation plan approved by the District.
- (b) Utility construction or approved plans by a governmental agency or public utility subject to Public Utility Commission regulation, providing the buffer is restored and a restoration plan approved by the District.

- (c) A walkway or bike path not exceeding eight (8) feet in width, only if it is part of a regional system of walkways and trails managed or adopted by a public agency.
- (d) A pervious walkway or bike path, not exceeding eight (8) feet in width that does not provide access to the sensitive areas or across the sensitive areas. If the walkway or bike path is impervious, then the buffer must be widened by the width of the path. The average distance from the path to the sensitive area must be at least 60% of the total buffer width. At no point shall a path be constructed closer than ten feet from the boundary of the sensitive area, unless approved by the District.
- (e) Measures to remove or abate hazards, nuisances, or fire and life safety violations.
- (f) Homeowners are allowed to take measures to protect property from erosion, such as protecting river banks from erosion, within limits allowed by federal, state, and local regulations. Permits may be required for these property protection activities.
- (g) The undisturbed buffer shall be left in a natural state. Gardens, lawns, or other landscaping shall use vegetation identified in the *Oak Lodge Water Services District Plant List*, except with a plan approved by the District. The proposal shall include information to demonstrate that improvement and maintenance of improvements will not be detrimental to water quality. Existing landscaping/vegetation and activities to maintain existing landscaping within the undisturbed buffer is allowed, unless identified on the Required Eradication List contained in the *Oak Lodge Water Services District Plant List*.

§ 10.19.10. Tree Replacement within Undisturbed Buffer. Existing trees within the undisturbed buffer or riparian area are encouraged to remain in place. If a tree is removed from the buffer area the following conditions apply.

- (a) Any trees removed a diameter at breast height (DBH) of at least 3-inches shall be replaced at a ratio of 4:1 (four trees planted for every one removed) within a time frame, location(s), and species identified in the approved site restoration plan.
- (b) An Erosion Control/Surface Water Management Permit shall first be secured from the District if the tree removal activity causes ground disturbance greater than 250 square feet.
- (c) Trees removed by or requiring removal as a result of natural causes (e.g. wind storm, disease (requires report from Certified Arborist to validate and document disease), wildlife activities) do not have to be replaced.

- (d) Types of trees allowed for replacement are those identified in the *Oak Lodge Water Services District Plant List*, except as allowed in a plan approved by the District.
- (e) A variance to the requirements of this subsection may be requested as allowed under Section 12 of these Rules and Regulations.

§ 10.19.11. Location of Undisturbed Buffer. The District may require that the buffer be fenced, signed, delineated, or otherwise physically set apart from parcels that will be developed. In any new development or redevelopment, the undisturbed buffer shall be contained in a tract, and shall not be a part of any parcel to be used for the construction. The District reserves the right to require separate tracts for undisturbed buffers; however, conservation easements will be considered and allowed if the developer can demonstrate that restrictions for activities on the parcel will protect the resource associated with the buffer. Restrictions may include permanent signage, fencing, documentation with the title of the property, or other methods approved by the District.

§ 10.19.12. Plans, Specifications, and Construction

§ 10.19.12.1. In addition to requirements in Section 10.6, the District may require additional plans, specifications, and other information relating to construction within, variances from, and restoration of buffers. Construction and restoration shall not commence until written approval of plans and specifications by the District is obtained and shall occur in accordance with approved plans and specifications.

§ 10.19.12.2. The applicant shall notify the District when the facility is ready for final construction inspection. The inspector shall then inspect the facility construction therein.

§ 10.19.13. Hazardous Chemicals, Pesticides, Fertilizers.

§ 10.19.13.1. The use of hazardous chemicals including, but not limited to, pesticides (including insecticides, herbicides, defoliant, soil sterilants) and fertilizers, must strictly adhere to federal, state, and local regulations.

§ 10.19.13.2. All hazardous chemicals, which are delivered to or stored at the job site during construction, restoration, or maintenance activities shall be stored, covered, and protected from the weather. None of the materials shall be exposed during storage. Hazardous chemicals shall be disposed of in such a manner that pollution of soil, groundwater, surface water, or

air does not occur. In no case shall hazardous materials be disposed of in drainageways.

§ 10.20. Additional Surface Water Management Standards.

§ 10.20.1. Purpose. This Article provides for additional treatment design, water quality, quantity, and natural resource protection standards.

§ 10.20.2. General Standards.

§ 10.20.2.1. All development shall be planned, designed, constructed, and maintained to:

- (1) Protect and preserve existing streams, creeks, natural drainage channels and wetlands, and to meet state and federal requirements.
- (2) Protect property from flood hazards identified by the District.
- (3) Provide records or show on District stormwater studies a system by which storm/surface water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons.

§ 10.20.2.2. All stream crossings must be approved by USACE, DSL, Clackamas County, and other authorized federal, state, and local agencies.

§ 10.20.2.3. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch or other natural drainage channel, adequate easements for purposes of surface water drainage maintenance shall be provided to the District. This does not imply a maintenance obligation by the District.

§ 10.20.2.4. Channel obstructions are not allowed except with District written approval.

§ 10.20.2.5. Facilities developed on site, including flow discharge from site, shall be constructed in a manner consistent with "*OLWSD Surface Water Master Plan*".

§ 10.20.2.6. All storm conveyance pipes, vaults, detention facilities, or other water quality or quantity facilities shall be built to specifications of the District.

§ 10.20.2.7. All surface water facilities shall be constructed per specifications of the District.

§ 10.20.2.8. Inspection of surface water facilities and approval of shop drawings shall be provided by the developer's engineer.

- § 10.20.2.9. Following completion of construction, the engineer shall submit a document, stamped by a professional engineer, indicating all surface water systems have been inspected and installed per approved plans and approved changes.
- § 10.20.2.10. Maintenance is required for all onsite surface water facilities. The maintenance program must be approved by the District. The District may require a recorded Operations and Maintenance Agreement for onsite facilities.
- § 10.20.2.11. As-built plans of facilities, easements for all facilities, and approved maintenance plans shall be provided to the District upon completion of construction. Record drawings may be substituted for as-built plans when determined appropriate by the District or authorized representative.
- § 10.20.2.12. Each surface water system shall have adequate easements and access for construction, operation, and maintenance. A commercial or industrial User having ownership or control of onsite detention facilities shall maintain such facilities in compliance with these Rules and Regulations and provide documentation of annual maintenance.
- § 10.20.2.13. All surface water facilities shall be maintained as needed and as approved by the District. Proof of maintenance shall be annually submitted in accordance with a schedule approved by the District. If the facility is not maintained, the District may perform the inspection, maintenance, and documentation and charge the owner of the facility.
- § 10.20.2.14. Site plans, grading plans, storm drainage plans, and associated calculations must be stamped and signed by a professional engineer licensed by the State of Oregon and meet the standards of the District. The District may waive this requirement upon request of a variance under Section 12.
- § 10.20.2.15. Permittees or owners shall provide a performance bond or other surety acceptable to the District prior to recording of the plat for residential developments or the issuance of building permits for commercial or industrial developments. The amount of the performance bond shall be in the amount of 100% of the permittee's engineer's cost estimate for all approved but uncompleted surface water and buffer improvements.
- § 10.20.2.16. A maintenance bond shall be provided to the District prior to release of the performance bond. The maintenance bond shall be in favor of the District, in the amount of 100 percent of the actual construction cost, for a period of one year from

the date of final District inspection and acceptance of all completed buffer mitigation and public surface water facilities. During construction and the guarantee period, the District may perform work if the owner fails to do so, and charge the Bond. At the end of the one-year guarantee period, if no replacement work is required by the final inspection, the residual bond amount shall be released and remitted to the owner. If replacement work is required, the District may extend the bond term by one year. Nothing herein shall limit the owner's responsibility for repair and maintenance to the amount of the bond.

§ 10.20.2.17. The permittee or owner is responsible for complying with federal, state and local regulations.

§ 10.20.2.18. All developments and redevelopments shall provide water quantity, water quality, and infiltration systems to meet requirements of Section 10.22.

§ 10.20.2.19. Development projects shall not be phased or segmented in such a manner to avoid the requirements of these Rules and Regulations.

§ 10.21. Onsite Detention Design Criteria. All onsite detention facilities shall be constructed in accordance with the District's Design and Construction Standards.

§ 10.22. Water Quality Standards.

§ 10.22.1. All new developments and re-developments shall provide on-site water quality facilities, as required by the District. Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event.

§ 10.22.2. Accepted types of vegetated treatment facilities include vegetated swales, filter strips, constructed wetlands, wet ponds and extended dry detention ponds. Alternative systems may be used with approval by the District and shall be designed to provide equivalent treatment as is provided with a vegetated system, as described in the latest CCSD#1 Stormwater Standards (*Appendix F - Proprietary Stormwater Treatment Technology Policy, Appendix H - Vegetated Stormwater Quality Facility Design Criteria*) and the "Surface Water Quality Facilities Technical Guidance Handbook", developed by Portland and Lake Oswego, Clackamas County, and the Unified Sewerage Agency, now known as Clean Water Services.

§ 11 ENFORCEMENT

§ 11.1. Purpose. This section provides procedures to enforce the District's Rules and Regulations including all applicable, rules, regulations, permits, orders and any other related or future requirements of water, sewer, and watershed protection management. Pretreatment and Discharge violations are governed by the Discharge Enforcement Rules and Regulations.

§ 11.2. Violations and Civil Penalties. The District may impose civil penalties, including but not limited to, stop work orders, fines, modification or revocation of a permit and/or cessation of services, or seek an injunction or other relief provided by law when any User or person violates any condition or provision of these Rules and Regulations, any rule or regulation adopted there under, any permit or order issued or otherwise enforceable by the District, or any other federal or state, regulations, or administrative rules.

§ 11.3. Objectives. The goal of enforcement is to:

- (a) Obtain and maintain compliance with applicable federal and state statutes or administrative rules, and the District's NPDES permits, Rules and Regulations, and orders;
- (b) protect the public health and the environment;
- (c) deter future violators and violations; and
- (d) ensure appropriate and consistent enforcement.

§ 11.4. Classes of Violation. The District shall address all documented violations in order of seriousness at the most appropriate level of enforcement necessary, taking into account the circumstances of each violation. The violators who do not comply with initial enforcement action shall be subject to increasing levels of enforcement until compliance is achieved. There are three levels of violation: Class I, Class II, and Class III.

Class I

Class I

Any violation which poses a major risk of harm to public health or environment, or violation of any compliance schedule contained in a District permit or a District order, including but not limited to:

- Violation of these Rules and Regulations;
- Violation of a District order or approved plan;
- Intentional unauthorized discharges;
- Negligent spills or discharges which pose a major risk of harm to public health or the environment;

- Discharge of waste to surface waters without first obtaining a National Pollutant Discharge Elimination System Permit;
- Failure to immediately notify the District of a spill or upset condition which results in an unpermitted discharge to public waters which pose a major risk of harm to public health or the environment;
- Violation of a permit compliance schedule;
- Failure to provide access to premises or records;
- Any other violation related to water quality which poses a major risk of harm to public health or the environment;
- Two Class II violations, or one Class II and two Class III violations, or three Class III violations.

Class II

Any violation which poses a moderate risk of harm to public health or the environment, including but not limited to:

- Violation of these Rules and Regulations;
- Violation of a District order or approved plan;
- Waste discharge permit limitation violations which pose a moderate risk of harm to public health or the environment;
- Negligent spills which pose a moderate risk of harm to public health or the environment;
- Failure to submit a report or plan as required by permit or license;
- Any other violation related to water quality which poses a moderate risk of harm to public health or the environment.

Class III

Any violation which poses a minor risk of harm to public health or the environment, including but not limited to:

- Violation of these Rules and Regulations;
- Violation of a District order or an approved plan;
- Negligent spills or discharges which pose a minor risk of harm to public health or the environment;
- Violation of a waste discharge permit limitation which poses a minor risk of harm to public health or the environment;
- Any other violation related to water quality which poses a minor risk of harm to public health or the environment.

§ 11.5. Procedure for Enforcement

§ 11.5.1. Inspection, Entry, and Sampling

§ 11.5.1.1. Authorized District representatives may inspect the property and facilities of any owner to determine compliance with the requirements of these Rules and Regulations. The person shall allow the District, or its authorized representatives, to enter upon

the premises at all reasonable hours for the purpose of inspection, sampling or records examination.

§ 11.5.1.2. The District shall also have the right to set up on the owner's property such devices as are necessary to conduct sampling, inspection, compliance, monitoring and/or metering operations. The right of entry includes but is not limited to access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting, or otherwise addressing sewage or storm water and storing records, reports, or other related documents.

§ 11.5.1.3. The District is authorized to conduct inspections and take such actions as required to enforce any provisions of these Rules and Regulations, or any permit issued pursuant to these Rules and Regulations, whenever the General Manager has reasonable cause to believe there exists any violation of these Rules and Regulations. If the premises are occupied, credentials shall be presented to the occupant and entry requested. If the premises are unoccupied and no permit has been issued, the District shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused in either case, the District shall have recourse to the remedies provided by law to secure entry.

§ 11.5.1.4. Where feasible, inspections shall occur at reasonable times of the day. If a permit has been issued and the owner or their representative is at the site when the inspection is occurring, the General Manager or authorized representative shall first present proper credentials to the owner or their representative. The owner or person having charge or control of the premises shall allow the General Manager or the General Manager's authorized representative, agents, and contractors to:

- (a) Enter upon the property where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of a permit;
- (b) Have access to and copy any records that must be kept under the conditions of a permit;
- (c) Inspect at reasonable times the property, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required by the Rules and Regulations or under a permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance with the Rules and Regulations, or as otherwise authorized by local

or state law, any substances or parameters at any location.

This subsection is subject to the abatement provision in Section 11.11.

§ 11.5.2. Notice of Non-Compliance (NON). After identifying a violation, the District may issue a Notice of Noncompliance that:

- (a) Informs a person of the existence of a violation, the actions required to resolve the violations, and the consequences of continued non-compliance. The NON may specify the time by which compliance is to be achieved and that the need for formal enforcement action will be evaluated
- (b) Is issued under the direction of the General Manager or designee;
- (c) May be issued for all classes of documented violations; and
- (d) Is consistent with the objectives in Section 11.3.
- (e) The NON may be in the form of a phone call followed by a Compliance Telephone Memorandum. The NON will require the violator to provide a written report within five (5) business days that details the event, the steps taken to correct the problem, and the steps to prevent future events.

§ 11.5.3. Informal Resolution. The District shall attempt to resolve violations and solicit compliance with education and technical assistance, especially with parties who are unlikely to have knowledge of regulatory requirements. Generally, violators will be given an initial period to correct the violation based on the educational materials and technical assistance provided by District staff. Informal resolution shall include the following efforts:

- Education through a discussion of the violated regulation and the facility's need to come into compliance.
- Technical assistance that include sharing of program materials, referrals to other agencies or contractors, and guidance on best management practices ("BMPs") that should be used. Technical assistance should seek to provide the violator with options, when options are available.
- Oral notice that explains the nature of the violation and a time frame for remedy. Resolution of the violation should always be verified by a submittal from the violator proving the violation is remedied, windshield surveys, site visits, or records checks.

§ 11.5.4. All oral notices shall be given in person to the appropriate facility personnel. All instructions or requested remedies shall be oral, presented by phone or in person, to the appropriate facility manager and/or property owner to enhance conformance with the remediation instructions. Written documentation of these instructions shall be forwarded to the facility manager upon request. All oral notices of violation shall be recorded in the District's Work Order database.

§ 11.5.5. Notice of Violation (NOV); Exceptions.

§ 11.5.5.1. Except as otherwise provided, prior to the assessment of any civil penalty the District shall serve a notice of violation upon the owner (or Respondent) that:

- (a) Is served, either personally, by office or substitute service as those terms are defined in the Oregon Rules of Civil Procedure, or by certified or registered mail, return receipt requested, specifying the violation and stating that the District will assess a civil penalty if a violation continues or occurs after five days following receipt of the notice;
- (b) Shall be issued for the first occurrence of a documented Class I violation, or the repeated or continued occurrence of documented Class II or III violations where NON has failed to achieve compliance or satisfactory progress toward compliance;
- (c) Is issued under the direction of the General Manager or designee;
- (d) May include a time schedule by which compliance is to be achieved;
- (e) May be issued for all classes of documented violations; and
- (f) Is consistent with the objectives in Section 11.3.

§ 11.5.5.2. The above notice shall not be required where the Respondent has otherwise received actual notice of the violation not less than five days prior to the assessment of civil penalty. No advance notice, written or actual, shall be required if:

- (a) the act or omission constituting the violation is intentional;
- (b) the violation would normally not be in existence for five (5) days;
- (c) the water pollution might leave or be removed from the jurisdiction of the District;
- (d) respondent received written notice with respect to any violation of the permit or order within 36 months of the alleged violation; or
- (e) the requirement to provide written notice would disqualify a state program from federal approval or delegation.

§ 11.5.6. Notice of Civil Penalty Assessment. In addition to any liability, duty or other penalty provided by law, the General Manager or their designee may assess a civil penalty for any violation of the District’s statutes, regulations, permits or orders, as follows:

- (a) The District shall issue the written notice of assessment of civil penalty upon the Respondent using the procedure set forth in Section 11.5.5.1.
- (b) The amount of any civil penalty shall be determined through the use of matrices and formula contained in Section 11.6.
- (c) The Notice of Civil Penalty Assessment must comply with Oregon law related to notice and contested case hearings.
- (d) The penalty may be assessed for the occurrence of any class of documented violation, for any class of repeated or continuing documented violations or where a person has failed to comply with a notice of violation and intent to assess a civil penalty or other order or Stipulated Final Order.

§ 11.6. Civil Penalty Procedures. This sub-section describes the procedure for civil penalty determination as adopted by resolution by the District.

§ 11.6.1. No civil penalty issued by the General Manager or their designee pursuant to this matrix shall be less than one hundred dollars (\$100) or more than ten thousand dollars (\$10,000) for each day of each violation.

§ 11.6.2. When determining the amount of civil penalty to be assessed for any violation the General Manager or their designee shall apply the following procedures:

- 1. Determine the class of violation and the magnitude of violation;
- 2. Choose the appropriate base penalty (BP) based upon the above finding;

	Major	Moderate	Minor
Class I	\$5,000	\$2,500	\$1,000
Class II	\$2,000	\$1,000	\$500
Class III	\$500	\$250	\$100

- 3. Starting with the base penalty (BP), determine the amount of penalty through the application of the formula $BP + [(.1 \times BP) (P + H + E + O + R + C)]$ where:

<p>“P” is determined by whether the Respondent has any prior significant actions relating to statutes, rules, orders and permits pertaining to environmental quality or pollution control.</p>	
0	if no prior significant action or there is insufficient information on which to base a finding
1	if the prior significant action is one Class II or two Class III violations
2	if the prior significant action is one Class I or equivalent
3	if the prior significant actions are two Class I or equivalents
4	if the prior significant actions are three Class I or equivalents
5	if the prior significant actions are four Class I or equivalents
6	if the prior significant actions are five Class I or equivalents
7	if the prior significant actions are six Class I or equivalents
8	if the prior significant actions are seven Class I or equivalents
9	if the prior significant actions are eight Class I or equivalents
10	if the prior significant actions are nine Class I or equivalents determining the appropriate value for prior significant actions as listed above

In determining the appropriate value for prior significant actions as listed above, the District shall reduce the appropriate factor by:

2	if all prior significant actions are greater than three years old, but less than five years old
4	if all the prior actions are greater than five years old

In making the above reductions no finding shall be less than zero (0). Any prior significant action which is greater than ten (10) years old shall not be included in the above determination.

“H” is determined by the history of the Respondent taking all feasible steps or procedures necessarily appropriate to correct any prior significant actions.

-2	if the Respondent took all feasible steps to correct any violation
0	if there is no prior history or insufficient information on which to base a finding
1	if the Respondent took some but not all feasible steps to correct a Class II or III violation
2	if the Respondent took some but not all feasible steps to correct a Class I violation
3	if no action to correct prior significant actions

"E" is the economic condition of the Respondent.	
-4 to -1	if economic condition is poor, subject to any significant economic benefit gained by Respondent through non-compliance
0	if there is insufficient information on which to base a finding, the Respondent gained no economic benefit through noncompliance, or the Respondent is economically sound
2	if the Respondent gained a minor to moderate economic benefit through noncompliance
4	if the Respondent gained a significant economic benefit through noncompliance

If the District finds that the economic benefit of noncompliance exceeds the dollar value of 4, it may increase the penalty by the amount of economic gain, if the penalty does not exceed the maximum penalty allowed by rule and statute.

In any contested case proceeding or settlement in which Respondent has raised economic condition as an issue, Respondent has the burden of providing documentary evidence concerning its economic condition. In determining whether to mitigate a penalty based on economic condition, the Hearings Officer or District may consider the causes and circumstances of Respondent's economic condition.

“O” is determined by whether the violation was a single occurrence or if it was repeated or continuous during the period resulting in the civil penalty assessment.	
0	if a single occurrence
2	if repeated or continuous

“R” is determined by whether the violation resulted from an unavoidable accident, or a negligent or intentional act of the Respondent.	
-2	if it was an unavoidable accident
0	if there is insufficient information to make any other finding
2	if negligent
4	if grossly negligent
6	if intentional
10	if flagrant

“C” is determined by the Respondent’s cooperativeness in correcting the violation.	
-2	if Respondent is cooperative
0	if Respondent is neither cooperative nor uncooperative or there is insufficient information on which to base a finding
2	if violator is uncooperative

In addition to the factors listed in this Section of the Rules and Regulations, the General Manager or their designee may consider any other relevant rule or statute and shall state the effect the consideration had on the penalty. On review, Hearings Officer shall consider the factors contained in this section of the Rules and Regulations and any other relevant rule or statute.

§ 11.6.3. Petroleum Spills.

Persons causing oil spills to waters of the state within the jurisdiction of the District through intentional or negligent acts or omissions shall incur a civil penalty of not less than one hundred dollars (\$100) or more than twenty thousand dollars (\$20,000) per violation. The amount of the penalty shall be determined by doubling the values contained in the matrix in conjunction with the formula contained above. In determining whether to seek a civil penalty, the District shall consider the circumstances and enforcement efforts of other governmental agencies having jurisdiction.

§ 11.7. Memorandum of Agreement and Order (MAO). A Memorandum of Agreement and Order (MAO) is a formal enforcement action which is in the form of an agreement or consent order issued by the Board or General Manager or their designee that:

- (a) may be negotiated between the District and the subject party prior to or after any notice set forth above;
- (b) shall be signed by the General Manager or designee on behalf of the District and the authorized representative of the subject party; and
- (c) shall set forth action to be taken and set civil penalties. This may be issued for any class of violations.

§ 11.8. Other Remedies. The formal enforcement action as described in these sections in no way limits the District from seeking other legal or equitable remedies in the proper court as provided by Oregon or federal law.

§ 11.9. Right to Hearing.

§ 11.9.1. A civil penalty shall be due and payable twenty-one (21) days after Respondent is served with the penalty notice. The decision of the General Manager or the General Manager's designee to assess a civil penalty or other enforcement action or any violation pertaining to the District's statutes, regulations, permits, or orders shall be final unless the Respondent files a written Notice of Appeal and Request for Hearing with the District within 21 days from the date of service of the notice on Respondent. The Notice of Appeal and Request for Hearing shall contain the following:

- (a) The name of the Respondent and the case file number or permit number.
- (b) The name and signature of the Respondent and a statement that if acting on behalf of a partnership or corporation, that the person executing the Notice of Appeal is duly authorized to file such appeal and such person is the contact representative.
- (c) The date that the Civil Penalty Assessment or other formal enforcement was received by the Respondent.
- (d) The nature of the decision and the specific grounds for appeal.

§ 11.9.2. The appeal shall be limited to the issues raised in the Notice of Appeal. In the Notice of Appeal, the Respondent shall admit or deny all factual matters and shall affirmatively allege any affirmative claim and defense and reasons therefore.

§ 11.9.3. The hearing shall be conducted in accordance with ORS Chapter 183. The record of the hearing shall be considered by the District or Hearings Officer, who shall enter appropriate orders including the amount of civil penalty assessed. Appeal of such orders may be taken by the Respondent as provided in Section 12.

§ 11.9.4. Notwithstanding the foregoing, nothing shall be construed to prevent the District from taking any other enforcement action or remedy available.

§ 11.10. Stop Work Order; Right of Entry.

§ 11.10.1. Erosion Control Violations. In addition to civil penalties described in Section 11.6, violations may be enforced by on-site control activities to mitigate existing violations and prevent future violations to the greatest extent possible, as follows:

- (a) Initial violations will result in a written description of requirements for repair of the problem and a time period for compliance as included in the initial notice.
- (b) If the repair is not performed, or violations continue, the inspector will issue a stop work order on the project, which will remain in effect until the violation is repaired to the requirements stated in these Rules and Regulations.
- (c) If the violation is not remedied or the person fails to commence diligently remedying the violation within 24 hours, the District may enter upon the property to abate the violation.
- (d) Notwithstanding anything herein to the contrary, if the District reasonably believes the violation constitutes an emergency or other circumstance requiring immediate action, the District may take reasonable and necessary remedial action with or without notice to the owner as deemed appropriate by the District considering the circumstance.

§ 11.10.2. Notwithstanding anything herein to the contrary, if the District reasonably believes the violation constitutes an emergency or other circumstance requiring immediate action, the District may take reasonable and necessary remedial action with or without notice to the owner as deemed appropriate by the District considering the circumstance.

§ 11.10.3. Any costs incurred by the District to remedy a violation shall be paid by the owner.

§ 11.10.4. If the required repairs are not completed within the specified time frame or if violations continue that require additional site visits, additional daily charges described in Section 11.6 will be assessed to the owner of the property.

§ 11.11. Abatement. Nothing herein shall prevent the District, following five (5) days written notice to the discharger, and discharger's failure to act, from entering upon the property and disconnecting, sealing, or otherwise abating any unauthorized connection to the stormwater or system discharger violating any permit, these Rules and Regulations, or water quality standards. As part of this power, the District may perform tests upon the property to trace sources of water quantity or water quality violation.

§ 11.12. Compromise or Settlement of Civil Penalty. At any time, subsequent to service of a written notice of assessment of civil penalty, the General Manager or their designee may compromise or settle any unpaid civil penalty at any amount that the General Manager or their designee deems appropriate. Any compromise or settlement executed by the General Manager or their designee shall be final. In determining whether a penalty should be compromised or settled, the General Manager or their designee may consider the following:

- (a) new information obtained through further investigation or provided by Respondent which relates to the penalty determination factors;
- (b) the effect of compromise or settlement on deterrence;
- (c) whether Respondent has or is willing to employ adequate means to correct the violation or maintain compliance;
- (d) whether Respondent has had any previous penalties which have been compromised or settled;
- (e) whether the compromise or settlement would be consistent with the District's goal of protecting the public health and environment as set forth in Section 11.3;
- (f) the relative strength or weaknesses of the District's case.

§ 11.13. Stipulated Penalties. Nothing in these Rules and Regulations shall affect the ability of the District to include stipulated penalties in a MAO or any other agreement.

§ 11.14. Appointment of Hearings Officer. For any contested case hearing, the District, through the General Manager or their designee, may appoint a hearings officer to determine all issues.

§ 11.15. Collection of Civil Penalty. Procedures for the enforcement of the civil penalty shall be as follows:

§ 11.16. Time Limit: Any civil penalty is final unless appealed pursuant to Section 12 and may be entered as a judgment in the Circuit Court. The penalty shall be paid in full

within twenty-one (21) days of the date the decision is final. Payment shall be made either in cash or by certified check made payable to the District.

§ 11.17. Relief in Circuit Court: If full payment is not made, the District may take further action for collection and/or cause service to be terminated. Alternatively, counsel for the District may, following the authorization of such action by the District, commence an action for appropriate legal and/or equitable relief in the Circuit Court.

§ 11.18. Notwithstanding the foregoing administrative hearing processes, nothing in this Subsection shall prohibit the District from commencing civil action in the Circuit Court for injunction or other relief or seeking imposition of civil penalties described above by the court.

§ 12 VARIANCES AND APPEALS

§ 12.1. Purpose. This Article provides processes for variances and appeals for meeting requirements under the Rules and Regulations.

§ 12.2. Variance Requests: Under the variance process, any person may request a variance to the requirements in these Rules and Regulations. The Board delegates to the General Manager or their designee decisions on requests for variance.

§ 12.2.1. The variance process includes a letter to the General Manager from the permittee that describes the following:

- (a) A description of the project or action specific to the Rules and Regulations.
- (b) A description or summary of what is required per the Rules and Regulations.
- (c) An alternate proposal that documents and describes the variance request and clearly describes the water quality and quantity equivalency to the Rules and Regulations.

§ 12.2.2. The District shall review and respond in writing to the Permittee within 2 weeks the decision to approve or deny a Variance Request. Should the permittee choose to appeal this decision, the formal Appeal process shall occur.

§ 12.3. Exemption Requests:

§ 12.3.1. Under the Exemption process, any person may request an exemption to the requirements of the Rules and Regulations. The Board delegates to the General Manager or their designee decisions on requests for exemption from the District's requirements.

§ 12.3.2. The Exemption Request process includes a letter to the General Manager or their designee from the permittee that describes the following:

- (a) A description of the project or action specific to the Rules and Regulations.
- (b) A description or summary of what is required per the Rules and Regulations.
- (c) A clear and technical reason why an exemption would be appropriate, and how providing an exemption would address water quality and quantity requirements of the Rules and Regulations.

§ 12.4. Appeals.

§ 12.4.1. Appeals to General Manager or their Designee: Except for violations and enforcement matters, which are addressed in Section 11.9, any person aggrieved by ruling or interpretation (decision) of the provisions of these Rules and Regulations may submit a written appeal to the General Manager or their designee. The appeal letter and associated fee (see District's Fee Schedule) must be submitted within fourteen (14) days after the decision was made. The appeal shall be in writing and shall set forth the events and circumstances leading to the appeal, the nature of the impact of the ruling on the appellant, together with any other reasons for the appeal. The General Manager or their designee shall make a written decision within thirty (30) days of written notification of appeal. If the appeal is broad in nature, the General Manager or their designee may refer the appeal to the Board. If the appellant chooses to appeal the decision of the General Manager or the Board, the General Manager or their designee shall appoint a hearings officer to decide the appeal.

§ 12.4.2. Hearings Officer: The hearings officer appointed pursuant to section 11.14 shall set a *de novo* hearing on the matter at which he or she will take testimony and hear arguments. The General Manager or their designee shall give notice of the time and place for the hearing to the appellant, the applicant, and all property owners within 250 feet of the subject property. The notice called for in this section shall be given by First Class mail, postage prepaid, at least fourteen (14) days in advance of the time scheduled for the hearing. Only persons who have been aggrieved by the General Manager's decision or their designee's shall have standing to participate in the hearing. The hearings officer shall issue written findings and a decision on the appeal within thirty (30) days after the *de novo* hearing, with copies to the Board, all persons who participated in the hearing, and those persons who have requested a copy.

§ 12.5. Circuit Court Review: Decisions of the General Manager or their designee, Hearings Office or their Designee shall be reviewable by the Circuit Court of the State of Oregon for Clackamas County, solely and exclusively under the provisions of ORS 34.010 to 34.100.

§ 13 ADOPTION OF NEW OR AMENDED RULES AND REGULATIONS

§ 13.1. The Board of Directors of Oak Lodge Water Services District may promulgate new or amended rules pertaining to these rules or regulations. Such rules and regulations shall be adopted in a meeting of the governing Board of Directors by ordinance.

§ 13.2. The Fee Schedule for furnishing services, installation of meters, service pipes, main extensions, etc., may be revised in the interest of the District. Any revisions to the Fee Schedule shall adopted by the Board in accordance with Oregon law.

§ 13.3. Adoption of Revised Appendices. The Board of Directors of Oak Lodge Water Services District may adopt revisions to the appendices of these Rules and Regulations by Ordinance in a legally called meeting of the governing Board of Directors by motion duly made, seconded, and passed.

§ 14 MISCELLANEOUS PROVISIONS

§ 14.1. Severability. If any provision of these Rules and Regulations is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

§ 14.2. Titles Not Part of Text. Titles of chapters or sections of these Rules and Regulations are not a part of the text of the sections. The titles are for indexing and locating convenience only.

END OF DOCUMENT

**BEFORE THE BOARD OF DIRECTORS
OF
OAK LODGE WATER SERVICES DISTRICT**

AN ORDINANCE ADOPTING)
THE DISTRICT'S RULES AND)
REGULATIONS)

ORDINANCE NO. 01

WHEREAS, by this Ordinance, the District adopts the Oak Lodge Water Services District Rules and Regulations attached hereto as Exhibit 1 and incorporated by reference, to be effective as of the date specified below; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE OAK LODGE WATER SERVICES DISTRICT THAT:

Section 1. This Ordinance shall be known as the Oak Lodge Water Services District Rules and Regulations attached as Exhibit 1 and incorporated by reference are is hereby adopted.

Section 2. Pursuant to ORS 198.540, this ordinance was read at regular meetings of the Board of Directors on two different days at least six days apart and prior to the adoption thereof.

Section 3. This Ordinance was adopted by at least the affirmative vote of a majority of the members of the Board of Directors of Oak Lodge Water Services District at a public meeting and was attested to by the General Manager. The Secretary of the Oak Lodge Water Services District is instructed to cause this Ordinance to be filed in the Records of the Oak Lodge Water Services District and file certified copy of this Ordinance with the County Clerk.

Section 4. This Ordinance shall take effect at 12:01 a.m. Pacific Daylight time on January 5, 2018 being at least 30 days from the date of its adoption.

Dated this 5th day of December 2017.

OAK LODGE WATER SERVICES DISTRICT

BY: _

Board President

ATTEST:

Secretary

OAK LODGE
WATER SERVICES
STAFF REPORT

To: Board of Directors
From: Jason Rice, District Engineer
Agenda Item: River Road Walta Vista Update
Item No.: 7
Date: November 9, 2017

Action Requested

Staff requests that the Board provide guidance on how to proceed with the project.

Background

In as early as 2009 in a Stormwater Community Advisory Committee (SWM CAC) meeting, a selected group of District Customers was polled as to what their opinion of what the priorities of District Policy should be. In that survey, “Address both water quality and quantity” was ranked the highest priority; second to that was “Form partnerships with other entities – public and private”. (Page 11 of the Surface Water Management Plan). On page 14 of that same document, it goes on to say that 55.2% of total customers surveyed in the District would like to prioritize “Correcting drainage problems on public property and streets.” From these conversations, and the development of the Strategic plan itself lies the foundation of why this District started to pursue drainage issues within the public right-of-way.

In the years following 2010, Capital Improvement Plans began to incorporate reconstruction of Clackamas County infrastructure such as culverts, and drainage issues off roadways. Admittedly, this concept is confusing to current staff. Did the public understand the responsibility for the infrastructure belonged to a different agency? And if so, what was the expectation for partnerships on repairing this infrastructure?

In these successive Capital Improvement Plans one such project that identified as a high priority, was the “Three Bridge Project”. A culvert replacement project to replace culverts along Boardman Creek at Walta Vista Drive, River Road, and Naef Road with bridges. Once the project was prioritized, staff went on to begin design and apply for grants to assist in the design and construction.

While the District funded an effort to bring the project up to 30% Design, a Nature-in-Neighborhoods (NIN) grant was obtained by the District and Clackamas County Department of Transportation and Development (DTD) from Metro. However, it was at that time that DTD decided that they were not able to participate financially and backed away from the project. At the time this happened, the District was willing to fund a majority of the project and was asking DTD to help with approximately \$800,000 of the \$2,500,000 project. Because DTD was unable to help at that time, staff decided to relinquish the NIN grant back to Metro and re-apply for the

Boardman Wetland Complex project land acquisition; a process in which staff was successful and ultimately lead to accepting a new grant July of 2015.

After accepting the NIN grant from Metro, Boardman Wetland Complex has become the priority of the Watershed Protection Program. Staff has worked with the Boardman Wetland Community Council (BWCC) through a series of Public Meetings to Develop the plans to completion. Staff has also worked to gain the necessary permits to work in water during the summer of 2018. This project is currently estimated to cost the Watershed Protection Fund approximately \$1,700,000 after receiving the NIN Grant payments.

In the summer of 2017, DTD Staff informed the District that they were interested in picking the River Road/Walta Vista Project back up by bringing the design up to 100%. At this time, there was no mention of money changing hands, only that DTD was going to front the bill for HDR Engineering to finish the design. This was great for the District since all but \$500,000 of the Capital Program was committed to finishing Boardman Wetland Complex. This decision process is documented through the past two Capital Improvement Plans and Adopted Budgets.

On October 15, 2017 District Staff attended the Boardman Road/Walta Vista Bridge Final Design Kick-Off Meeting at DTD. At that meeting two items arose worth clarifying in this report:

1. DTD Staff didn't have any plans for funding construction.
 - District Staff indicated that in the District's CIP there was currently only \$500,000 set aside for the project.
2. A comment that the District had waived its treatment and detention standards.
 - After researching this statement, the District found in the 30% design documents paid for by the District that there was a recommendation to waive the detention standards because the project impacts were negligible to the stream's flow. Staff agrees with this assessment, but cannot find an official waiver of the District's standard. Furthermore, District staff has not found evidence treatment standards were waived, nor would it recommend doing so.

The following week, Clackamas County approached Oak Lodge Water Services Board members asking how Oak Lodge planned to fund construction of the Bridge Project. To which the reply was, at present, the District was planning to contribute \$500,000 to the construction of the project, knowing that the projected to cost of the completed project was \$3,400,000¹ in 2016 dollars. Clackamas County then ask for further details about project funding.

The following sheet focuses on ways Oak Lodge Water Services District could fund the construction of the River Road/Walta Vista Bridge Project alone and without grants.

¹ This estimate contains 20% contingency for all construction related items and 15% for all Construction Engineering related items.

Funding Options

Fiscal Year	River Road Walta Vista Bridge Project Cost	Current Plan						Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
		Construct Boardman Wetland Complex Project in FY 2019. Spend \$500K on River Road Walta Vista in FY 2019, then focus in the neighborhoods.	Postpone Boardman Wetland Complex	Postpone Boardman Wetland Complex	Postpone Boardman Wetland Complex	Postpone Boardman Wetland Complex	Postpone Boardman Wetland Complex	Set at Current Rate of \$8.75/ESU/month	Raise Watershed Protection Fee \$1/ESU/month (FY 2019)	Raise Watershed Protection Fee \$1/ESU/month (FY 2019 and FY 2020)	Raise Watershed Protection Fee \$3/ESU/month (FY 2019)	Raise Watershed Protection Fee \$3/ESU/month (FY 2019)	Raise Watershed Protection Fee \$5/ESU/month (FY 2019)
2018	3,537,360	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	
2019	3,608,107	450,000	2,650,000	2,811,000	2,811,000	2,811,000	2,811,000	2,811,000	2,811,000	3,133,000	1,433,000	1,755,000	
2020	3,680,269	500,000	2,800,000	3,122,000	3,283,000	3,283,000	3,122,000	3,283,000	3,766,000	2,066,000	2,710,000	2,710,000	
2021	3,753,875	550,000	2,950,000	3,433,000	3,755,000	3,755,000	3,433,000	3,755,000	4,399,000	2,699,000	3,665,000	3,665,000	
2022	3,828,952	600,000	3,100,000	3,744,000	4,227,000	4,227,000	3,744,000	4,227,000	5,032,000	3,332,000	4,620,000	4,620,000	
2023	3,905,531	650,000	3,250,000	4,055,000	4,699,000	4,699,000	4,055,000	4,699,000	5,665,000	3,965,000	5,575,000	5,575,000	
2024	3,983,642	700,000	3,400,000	4,366,000	5,171,000	5,171,000	4,366,000	5,171,000	6,298,000	4,598,000	6,530,000	6,530,000	
2025	4,063,315	750,000	3,550,000	4,677,000	5,643,000	5,643,000	4,677,000	5,643,000	6,931,000	5,231,000	7,485,000	7,485,000	
2026	4,144,581	800,000	3,700,000	4,988,000	6,115,000	6,115,000	4,988,000	6,115,000	7,564,000	5,864,000	8,440,000	8,440,000	
2027	4,227,473	850,000	3,850,000	5,299,000	6,587,000	6,587,000	5,299,000	6,587,000	8,197,000	6,497,000	9,395,000	9,395,000	
2028	4,312,022	900,000	4,000,000	5,610,000	7,059,000	7,059,000	5,610,000	7,059,000	8,830,000	7,130,000	10,350,000	10,350,000	
2029	4,398,263	950,000	4,150,000	5,921,000	7,531,000	7,531,000	5,921,000	7,531,000	9,463,000	7,763,000	11,305,000	11,305,000	
2030	4,486,228	1,000,000	4,300,000	6,232,000	8,003,000	8,003,000	6,232,000	8,003,000	10,096,000	8,396,000	12,260,000	12,260,000	
2031	4,575,952	1,000,000	4,450,000	6,543,000	8,475,000	8,475,000	6,543,000	8,475,000	10,729,000	9,029,000	13,215,000	13,215,000	
2032	4,667,471	1,000,000	4,600,000	6,854,000	8,947,000	8,947,000	6,854,000	8,947,000	11,362,000	9,662,000	14,170,000	14,170,000	
2033	4,760,821	1,000,000	4,750,000	7,165,000	9,419,000	9,419,000	7,165,000	9,419,000	11,995,000	10,295,000	15,125,000	15,125,000	
2034	4,856,037	1,000,000	4,900,000	7,476,000	9,891,000	9,891,000	7,476,000	9,891,000	12,628,000	10,928,000	16,080,000	16,080,000	
2035	4,953,158	1,000,000	5,050,000	7,787,000	10,363,000	10,363,000	7,787,000	10,363,000	13,261,000	11,561,000	17,035,000	17,035,000	
Numbers above depict Watershed Protection Capital Fund Balance													
Depicts when the District could afford to construct the River Road Walta Vista Project													

Table Summary

Current Plan

- Boardman Wetland Complex is Constructed in FY18
- District assists in River Road Walta Vista Project with \$500,000 in FY19
- Program then focuses on neighborhood water quality projects at a rate of \$100,000 per year until a \$1,000,000 reserve is built at which point spending goes up to \$150,000 per year.

Option 1

- Boardman Wetland Complex is postponed
- Rates stay at \$8.75/ESU/month
- The District can construct River Road Walta Vista Bridge Project in 2034

Option 2

- Boardman Wetland Complex is postponed
- Rates go up to \$9.75/ESU/month in FY19
- The District can construct River Road Walta Vista Bridge Project in 2023

Option 3

- Boardman Wetland Complex is postponed
- Rates go up to \$9.75/ESU/month in FY19 and to \$10.75/ESU/month in FY20
- The District can construct River Road Walta Vista Bridge Project in 2021

Option 4

- Boardman Wetland Complex is postponed
- Rates go up to \$11.75/ESU/month in FY19
- The District can construct River Road Walta Vista Bridge Project in 2020

Option 5

- Boardman Wetland Complex is built in FY19
- Rates go up to \$11.75/ESU/month in FY19
- The District can construct River Road Walta Vista Bridge Project in 2023

Option 6

- Boardman Wetland Complex is built in FY19
- Rates go up to \$13.75/ESU/month in FY19
- The District can construct River Road Walta Vista Bridge Project in 2022

Attachments

1. Surface Water Management Strategic Plan



Oak Lodge Sanitary District

Surface Water Management  Strategic Plan
Protecting our Community's Clean Flowing Streams



February 2011

Acknowledgements

Surface Water Management Community Advisory Committee

Matthew Anderson Tom Foeller
Jim Brown Terry Gibson
Tom Civiletti Kevin Kuhel
Edith Coulter Eini Lowell
Gerald Foy Myron Martwick
Lynn Fisher Leonard Waldemar
Jim Ferriss

Board of Directors

William Wild, President
Jim Martin, Vice-President
Paul Savas
Tom Foeller
Ginny Van Loo

Oak Lodge Sanitary District Staff

Michael Read, General Manager
Brett Arvidson, Manager of Planning and Engineering
Kay Deines, Administrative Support Specialist

Local Agencies

Clackamas County Department of Transportation & Development (DTD)
Clackamas County Soil & Water Conservation District
Clackamas County Water Environment Services (WES)
Clackamas County Vector Control District
North Clackamas Parks & Recreation District

Stormwater Expert Panel

Richard Raymond, PhD, E&S Environmental Chemistry (*Water Quality*)
Phillip Pommier, PE, Pacific Water Resources (*Facilities and Hydrology*)
Ronan Igloria, PE, HDR (*Regulations and Ordinances*)

Special Thanks

North Clackamas Urban Watersheds Council (NCUWC)
NCUWC Executive Committee
NCUWC Restoration Committee

“It’s great to live in a community where special districts involve members of the community in decisions that affect their lives”.

— Myron Martwick, OLSD SWM Community Advisory Committee



CONTENTS

	PAGE
1. Executive Summary	1
2. Introduction	
Surface Water Management Strategic Plan	6
Current SWM Services	8
Community Values	11
Regulatory Environment	17
Agencies Sharing SWM Duties	19
Paying for SWM Services	20
Moving Forward – “Meaty Issues”	23
3. SWM Strategies	24
4. Funding Plan	29
Short-Term Funding Plan (Ongoing Operations)	29
Long-Term Funding Plan (Major Projects)	30
5. Action Agenda	31

Appendices

- SWM Action Plan
- 2010 SWM Customer Survey Report
- SWM Program Review Memorandums
- Funding Plan Scenarios



1. Executive Summary

Oak Lodge Sanitary District is organized for the purpose of providing sanitary sewer service and surface water quality and quantity management programs for 32,000 area residents in Oak Grove – Jennings Lodge – Oatfield Ridge. The District formed in 1956 and has provided surface water management services since 1992 through a joint NPDES MS4 (National Pollutant Discharge Elimination System – Municipal Separate Storm Sewer Systems) permit with Clackamas County and other entities.

A lot has changed in the stormwater world since then: new and stricter regulations; higher customer service expectations, growing awareness of the environmental impact of water pollution; and chronic financial shortfalls affecting surface water utilities. Oak Lodge Sanitary District developed the accompanying Strategic Plan to address current issues and organize and direct the agency's surface water management efforts. A strategic approach to surface water management is essential to leverage limited resources and staff time to better meet the District's goals.

SWM PROGRAM ASSESSMENT

A program assessment undertaken at the beginning of the planning process pinpointed issues and opportunities for the District to address in the strategic plan:

- Customers unfamiliar / unhappy with program: flooding an issue
- New regulatory mandates require additional resources / new programs
- Jurisdictional responsibilities unclear
- Obsolete ordinances
- Environmental issues a concern to customers
- SWM rates not keeping pace
- Opportunities for program improvements

SWM POLICIES AND COMMUNITY PRIORITIES

The strategic plan is guided by a 13-member Community Advisory Committee (SWM CAC) formed in 1992 to advise the District on surface water management issues. Many

SWM Policies (1997 Master Plan)

- Address both water quantity and quality.
- Form partnerships with other entities – public and private.
- Enhance operation, maintenance, and function of existing drainage facilities.
- Form community partnerships to enhance opportunities.
- Maximize the use of natural systems.
- Evaluate use of private property and acquire easements.
- Incorporate wildlife habitat preservation and restoration.
- Find solutions which encompass neighborhoods and drainage basins rather than individual properties.
- Evaluate and address opportunities for resolving community concerns related to safety.



of the current members were involved earlier in developing policies for the District's 1997 Surface Water Management Plan. As a first step in the strategic planning process, the SWM CAC revisited and ranked the District's current policies to determine today's significance. All policies ranked high, indicating the SWM program's basic values remained relevant. The top ranking policy was for the SWM program to address both water quality and quantity.

A survey mailed to every customer in January 2010 asked about perceived surface water issues, quality of local streams, information needs and the District's priorities for the future. More than 1,000 customers responded representing a cross-section of the community. District SWM activities that customers rated as most important included: correct drainage problems on public property/streets (55%); and remove pollutants from runoff (47%). This result confirmed the SWM CAC's top SWM program policy to address both water quantity and quality needs.

SWM STRATEGIC PLAN

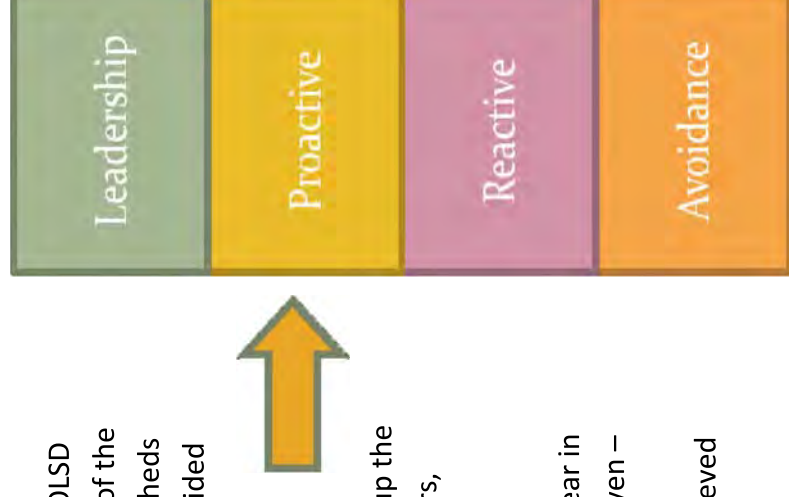
The SWM Strategic Plan was developed in close collaboration with the SWM CAC, ratepayers, OLSD staff and the Board of Directors. A panel of stormwater experts provided technical evaluation of the District's SWM program and a review of the strategic plan. The North Clackamas Urban Watersheds Council (NCUWC) participated at several SWM CAC meetings, reviewed the draft plan and provided feedback on the final strategies and funding options. A number of local agencies with shared surface water management responsibility and interests were also invited to participate.

The strategic plan focuses on moving the District and its SWM program up the "Leadership Ladder" from an avoidance / reactive program to a proactive position (see graphic). This shift up the leadership ladder will result in a program that is better aligned to the expectations of ratepayers, SWM CAC and District Board of Directors' for a cost effective program that fulfills permit requirements and meets other community objectives.

A list of strategies and actions that move the District toward a proactive leadership stance appear in Chapter 3 – *SWM Strategies* and Chapter 5 – *Action Agenda*. Summarized here are the top eleven – and first to be implemented – strategies.

- District management's commitment to SWM program improvements which can be achieved within existing staffing resources and funding
- Emerging regulatory requirements
- New SWM program initiatives

SWM Leadership Ladder



Management’s Commitment Within Existing Resources

≈ Develop a SWM public education program.

Implementing a robust customer education program is the top priority action for SWM CAC members and the District’s Board of Directors.

Customers want more information on lawn care and other tips to make water quality improvements on their property. Developing a public education program enables customers to become part of the community’s “SWM team” – taking action themselves to improve water quality and stream habitat.

As the District seeks increased funding for SWM priorities, customers also need to learn more about how their fees are being spent. More information on the SWM program, “success stories” and remaining issues will contribute to ratepayers’ understanding and support.

The NCUWC has offered to partner with the District on watershed protection education.

≈ Dedicate staff to SWM program.

Many District staff have dual sanitary and surface water program assignments. This improves efficiency as many duties can be shared across programs: e.g., pipe cleaning, water quality monitoring, administrative activities, financial management, GIS systems and others.

In recent years, the District has focused on design and construction for a major upgrade of the wastewater treatment plant. This project and long deferred sanitary maintenance

activities have taken priority over surface water management activities, creating an imbalance for the SWM program. To alleviate this, staff assigned to the SWM program will be re-dedicated to performing their assigned surface water management activities. A program for tracking hours worked on surface water and sanitary activities will be developed to ensure staffing hours are spent on their appropriate programs.

≈ Clarify legal authority.

Surface water maintenance activities can include clearing debris from streams and ditches to keep the stormwater conveyance system from backing up and causing nuisance flooding. Some jurisdictions choose not to clear debris, creating a more natural stream system, while others have aggressive programs that clear debris in an effort to protect private property from flooding. Currently, OLSD does not clear ditches and streams, except for an occasional beaver dam. The legal authority to clear debris is interpreted by surface water agencies differently and the decision to clear – or not to clear – becomes a local policy decision.

Clarifying OLSD legal authority to clear debris will allow the District to make a transparent policy decision about ditch and stream maintenance, and achieve “best practices”.

≈ Develop a preventative SWM program.

To move OLSD from a reactive to preventative maintenance program, improved oversight of work plans and the development of performance measures will be implemented.

≈ **Improve customer responsiveness.**

Customers complain of a lack of responsiveness from Oak Lodge Sanitary District and Clackamas County on surface water related issues – especially nuisance flooding. The District will take the lead in establishing clear guidelines and protocols for customer response.

≈ **Adopt a Maintenance Management Program.**

A Computerized Maintenance Management System (CMMS) will be utilized at the wastewater treatment plant and for the SWM program. CMMS is a software program that maintains a database of information about an organization’s assets, maintenance schedules and a record of maintenance performed.

≈ **Update development codes.**

OLSD’s *Rules and Regulations for Surface Water Management* were adopted in 1993 and last revised in 2000. Updating these rules and regulations will give OLSD the legal muscle to enforce changes required by the District’s stormwater permit and customers’ expectations for improving water quality.

Emerging Regulatory Requirements

≈ **Meet new regulatory requirements.**

Renewal of the District’s NPDES MS4 permit is the key regulatory issue facing the SWM program.

In early 2011, the District’s new NPDES MS4 permit will be issued by the Oregon Department of Environmental Quality. The District is committed to remain compliant with the new permit

requirements, which will demand additional SWM program resources.

New Initiatives

The strategic plan also calls for three important new initiatives: establishing an Intergovernmental Agreement (IGA) with Clackamas County, adopting a SWM systems development charge, and focusing capital resources to address issues in the Boardman Creek basin.

≈ **Develop an IGA with Clackamas County.**

Coordination with Clackamas County emerged from strategic planning as a top priority, a key to providing high quality customer service. Oak Lodge Sanitary District will work with County government to develop solutions that assure District customers receive the best possible service from both agencies.

≈ **Adopt a SWM SDC.**

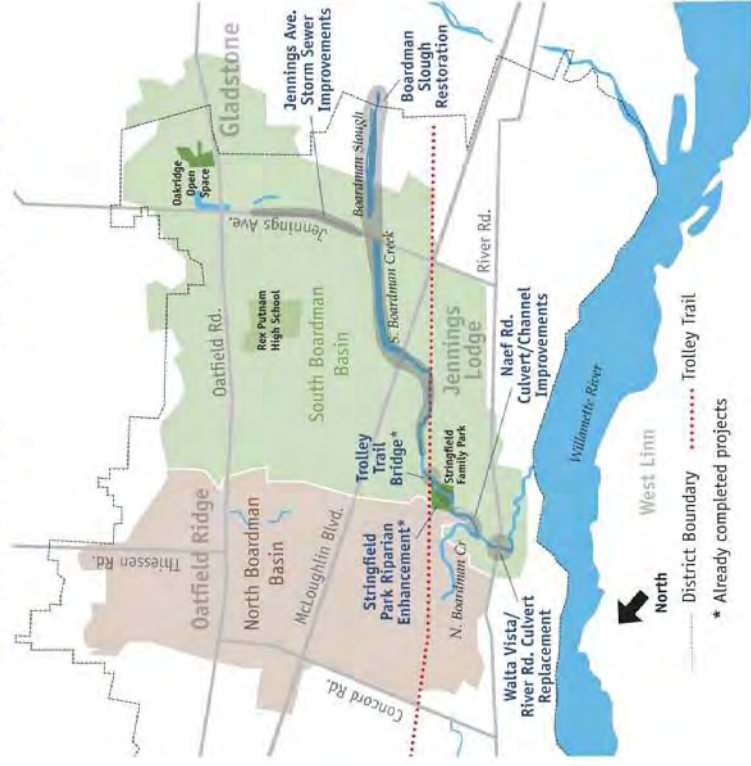
A system development charge (SDC) is a one-time fee paid by new and expanding development. SDCs help provide for the increased surface water capacity and treatment needs caused by growth and development. The District currently assesses a SDC for the sanitary system – but not for surface water management. The District will develop and implement a surface water SDC to ensure costs for future system needs are shared equitably between existing customers and new development.



≈ **Implement the Boardman Creek Basin Initiative.**

Boardman Creek is the largest basin within the District boundaries. Lack of development standards prior to implementation of the SWM program has led to numerous drainage problems. Chronic flooding events at trouble spots along Boardman Creek have gone unchecked year after year. The District will focus on high priority problems and opportunities across the Boardman Creek basin, leveraging OLSD SWM resources through partnerships with agencies, organizations and individuals sharing an interest in local streams.

Boardman Creek Basin Initiative



For purposes of this initiative, the Boardman Creek basin will be divided into segments – or *reaches*. This will focus the District’s SWM efforts within each reach. The reaches will also help property owners understand the issues and opportunities in their own local area, and actions they can take to make a difference. Potential partners specific to the reach – e.g., Clackamas County, ODOT, North Clackamas Parks & Recreation District, Watersheds Council, private property owners – can be identified and enlisted to participate.

Multiple benefits of the Boardman Creek Basin Initiative:

- Address chronic water quality/quantity issues along Boardman Creek.
- Improve fish and wildlife habitat throughout the Boardman basin; restore migratory fish passage.
- Demonstrate progress to justify ratepayers’ SWM investments.
- Leverage OLSD SWM resources through partnerships with agencies, organizations and individuals sharing an interest in local streams.



SWM CAC and District Board examine culvert on Boardman Creek targeted for replacement.



2. Introduction

SURFACE WATER MANAGEMENT STRATEGIC PLAN

Why a Strategic Plan?

Oak Lodge Sanitary District has provided wastewater collection and treatment services to area residents since 1955. The District took on surface water management responsibilities in 1992 through a joint surface water permit with Clackamas County and other entities. Over the years, a lot has changed in the surface water management world: new and stricter regulations; raised customer expectations for service and increased awareness of the environmental impact of water pollution; and chronic financial shortfalls across all agencies that manage surface water and watershed health.

Surface water management is a growing issue in the Oak Lodge area. Focus group participants and dozens of customer survey respondents raise questions or offer critical comments. Customers don't see much evidence of the District's service and wonder why they pay a stormwater fee. Flooding problems in the area seem to go unresolved. Customers are looking for more information, and the District wants to improve communications on surface water matters before this becomes a still bigger issue. The District knows, too, there is an opportunity to enlist customers' help in reducing and managing surface water problems.

Confronting these challenges, Oak Lodge Sanitary District developed this strategic plan to address current issues and organize and direct the agency's surface water management efforts. A strategic approach to surface water management is essential to leverage limited resources and staff time to better meet the District's goals.

The strategic plan will be used by staff to build on and transform the existing surface water management program to better meet customer expectations, comply with new stricter stormwater regulations, and continue to protect water quality in the District. The plan includes a description of the current program, goals and outcomes, strategies, Board priorities and a program development timeline.

OLSD SWM Challenges

- Customers unfamiliar with District's surface water program
- Increasing public awareness of riparian areas and environmental concerns
- Stricter regulatory requirements
- SWM rates not keeping pace with program needs
- Lack of public input on projects and priorities
- Obsolete ordinances
- Development increasing pressure on streams and riparian areas
- Seasonal flooding
- Complicated pattern of jurisdiction boundaries and responsibilities

Goals and Outcomes

The goals and desired outcomes for the Strategic Plan were developed by District staff with input from the Surface Water Management Community Advisory Committee (SWM CAC), ratepayers, community leaders and others. These are long-term goals that guided the development of strategies and actions and can also be used to track the program's success. Goals and outcomes for the District's SWM program include:

- Provide a foundation for the District's future surface water management program.
- Reaffirm the District's mission and vision for surface water management.
- Be strategic: clarify the District's top priorities for water quantity and quality.
- Develop an action plan with specific steps and schedule to implement the vision.
- Align District resources to achieve results.
- Enhance Board/staff understanding of community priorities, in preparation for an expanded SWM program requiring increased resources.
- Through the strategic planning process, reactivate the SWM Community Advisory Committee and draw upon their insights and advice into implementation.

Community Input

The plan was developed in close collaboration with the SWM CAC, ratepayers, District staff and the Board of Directors. A panel of stormwater experts provided technical review of the plan. The North Clackamas Urban Watersheds Council participated in several SWM CAC meetings and provided feedback on the strategies. A number of local agencies with shared surface water management responsibly and interests were also invited to participate.



District SWM program manager Brett Arvidson, P.E. tours problem areas with expert panel.



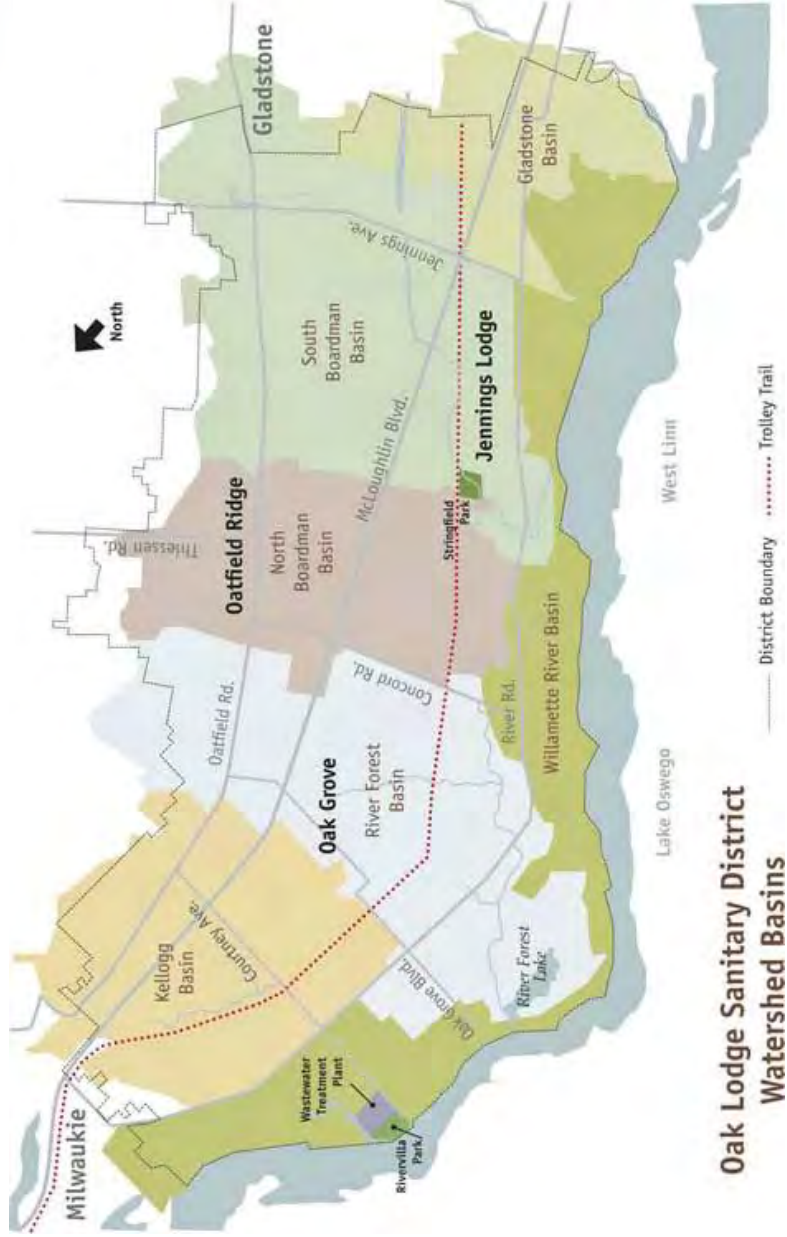
CURRENT SWM SERVICES

Oak Lodge Sanitary District was formed in 1956 and began providing wastewater services in the early 1960s. The District has provided surface water management services since 1992, serving 32,000 area residents in Oak Grove – Jennings Lodge – Oatfield Ridge. Oak Lodge Sanitary District’s mission is to protect public health and the environment.



Oak Lodge Sanitary District’s SWM Service Area

The SWM service area is made up of six watershed basins, mostly contained within the District boundaries.



Oak Lodge Sanitary District Watershed Basins

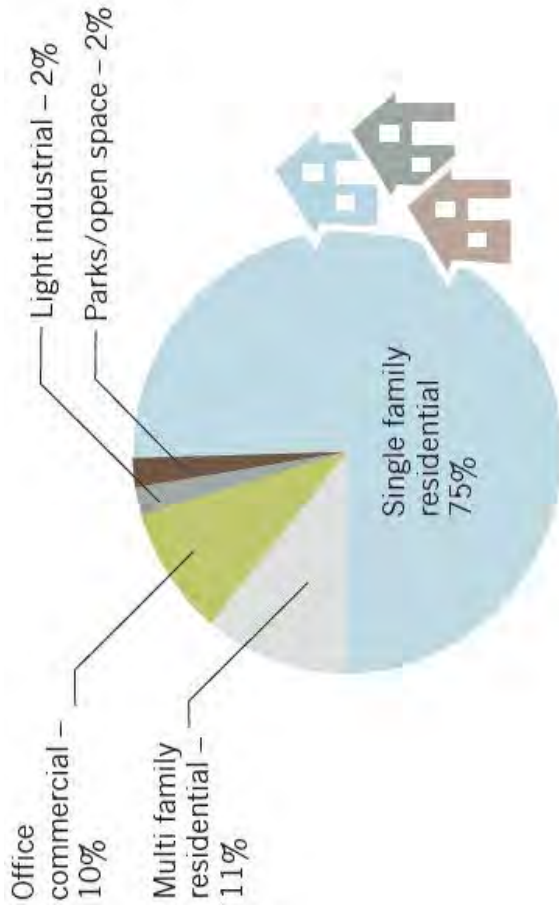
OAK LODGE WATERSHED BASINS

Basin (acres)	Pipe (miles)	Ditch (miles)	Stream (miles)
South Boardman	10	1	1
River Forest	16	1	2
Willamette River	3	1	0
Kellogg Creek	11	1	1
North Boardman	11	1	1
Gladstone	3	0	1
3,566	54	5	6

The District's six watershed basins are located in the Willamette watershed. The largest basin, South Boardman, covers 802 acres. The combined basins contain 54 miles of pipe, 5 miles of open ditches and 6 miles of streams. Compared with peer communities, the District has little stormwater

infrastructure in the ground. Lack of development standards prior to implementation of the SWM program contributes to numerous drainage problems. Across all basins, existing SWM facilities range from nonexistent to adequate.

Land uses in the District are almost entirely residential (75% single family / 11% multi family). A small portion of the area is classified for light industrial (2%) or commercial use (10%). Parks and open space uses (2%) make up the rest of the land use designations.



LAND USE – MOSTLY RESIDENTIAL

SWM Program Components

- ▶ Utility Management
- ▶ Operations & Maintenance
 - System maintenance, repair
 - Inventory and mapping
 - Customer inquiries and service requests
- ▶ Master Planning
- ▶ Capital Improvements Design and Construction
- ▶ Land Use
 - Development plan review
 - Permit issuance
 - Inspection
- ▶ Environmental Permit Compliance
 - Reporting
 - Sampling and testing
- ▶ Emergency Response
- ▶ Public Education and Public Involvement

Surface Water Management Program

Surface water management is more than maintaining storm drainage facilities. It involves the management of surface waters for water quality and water quantity goals; including public education, pollutant removal, groundwater recharge, water quality monitoring, and preservation and restoration of streams and associated riparian corridors.

Eleven District staff are assigned half-time or less to SWM activities. Two maintenance technicians are assigned full-time to SWM operations and maintenance activities. Pending regulatory changes may result in additional staffing needs.



OLSD SWM maintenance operations are based at the wastewater treatment plant.

Current Staffing (2010-2011)

	FTE
Manager of Planning & Engineering	0.50
Technical Services Specialist	0.50
Administration	1.50
Operations Manager	0.25
SWM Maintenance Technicians	2.00
Non-residential Wastewater Technician	0.50
Utility Clerk	<u>0.50</u>
Total	5.75

COMMUNITY VALUES

SWM Community Advisory Committee

The SWM Strategic Plan was guided by a 13-member citizen committee. The SWM Community Advisory Committee (CAC) provided input and guidance to the strategic plan through use of electronic polling, discussions with District staff and the stormwater expert panel, and a series of joint workshops with the District Board.

CAC Confirms District Policies

At the start of strategic planning, SWM CAC members were asked to rank the District's existing surface water management policies on a scale of one (not important) to seven (very important). Results of the ranking process show the District policies adopted in 1997 continued to be relevant. All existing SWM policies are ranked by the SWM CAC from important to very important. In response to these initial results, and feedback from a customer survey that validated SWM CAC feedback, strategic planning moved ahead with the understanding that existing policies continue to enjoy community support.

District Policy*	Ranking
Address both water quantity and quality.	6.8
Form partnerships with other entities – public and private.	6.6
Enhance operation, maintenance, and function of existing drainage facilities.	6.5
Form community partnerships to enhance opportunities.	6.4
Maximize the use of natural systems.	6.4
Evaluate use of private property and acquire easements.	6.3
Incorporate wildlife habitat preservation and restoration.	6.2
Find solutions which encompass neighborhoods and drainage basins rather than individual properties.	6.0
Evaluate and address opportunities for resolving community concerns related to safety.	5.5

**Electronic polling results, December 2009 SWM CAC meeting*



District Advisory Committee considers SWM program priorities.

SWM Strategies Prioritized

A set of SWM strategies was developed with input from the SWM Community Advisory Committee, results of a customer survey, advice from the expert panel, and input from District staff. These strategies were prioritized by the SWM CAC. The importance of each strategy was ranked and committee members provided input on implementation timing. *(Additional information on the strategies is located in Chapter 3 – SWM Strategies.)*

SWM Strategies*	CAC Ranking	Timing		
		Immediate (1 year)	Short-Term (2-3 years)	Long-Term (Beyond)
Pursue County DTD SWM contributions.	6.8	✓		
Update/expand water quality monitoring program.	6.6		✓	
Implement ordinances	6.4		✓	
Integrate SWM objectives in land/use development review procedures.	6.3	✓		
Establish a SWM system development charge.	6.3	✓		
Enlist customers to help meet SWM objectives.	6.1	✓		
Coordinate public education efforts with partner organizations.	5.9	✓		
Expand public/private partnerships.	5.9		✓	
OLSD take SWM lead within District boundaries.	5.9		✓	
Place priority on Boardman Creek.	5.7	✓		
Seek partnerships to expand water quality monitoring activities.	5.6		✓	
Develop an ongoing SWM public education program.	5.4	✓		
Evaluate effectiveness of SWM activities using expanded data.	5.3		✓	
Establish Maintenance Management Program	5.0	✓		
Develop preventative maintenance program.	5.0			✓

**Electronic polling results, June 2010 SWM CAC meeting*



The SWM advisory committee uses electronic polling technology to select priorities.

Customer Survey

An important part of the strategic planning process was to get feedback from customers on the District's current SWM program. A survey mailed to every customer in January 2010 asked for their perceptions about surface water issues, quality of local streams, information needs and the District's priorities for the future. More than 1,000 customers responded from across the District, representing a cross-section of the community. Following is a summary of customer feedback.

Water Quality and Quantity

Two-thirds of survey respondents think water quality in local streams and lakes is good or excellent. Only 4% rate water quality as poor.

Water Quality: Top water quality concerns include polluted runoff from streets and yards (45%), sewage overflow into streams (33%) and pollution from industrial / other sources (23%).

Water Quantity: Ponding of water in streets and yards (37%) is a concern for one-third of customers, followed by trash and debris blocking streams (23%) and nuisance flooding (20%).

No Concerns: One-third of customers say they have "no significant concerns in my neighborhood", which indicates surface water issues aren't perceived as a problem by everyone.

OLSD Customer Concerns (*Customer Survey, March 2010*)

Water Quality Concerns

- ✓ Polluted runoff from streets and yards (45%)
- ✓ Sewage overflow into streams (33%)
- ✓ Pollution from industrial / other sources (23%)

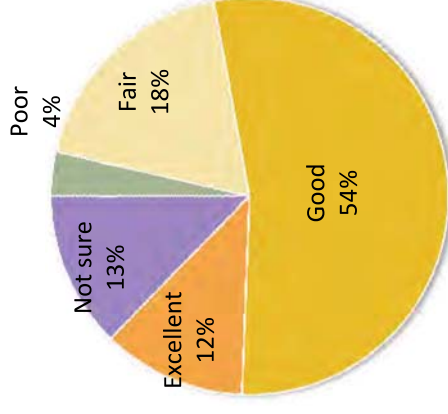
Water Quantity Concerns

- ✓ Ponding of water in streets and yards (37%)
- ✓ Trash and debris blocking streams (23%)
- ✓ Nuisance flooding (20%)

No Significant Concerns

(35%)

To the best of your knowledge, overall water quality of streams and lakes in the Oak Lodge District is:



OLSD Customer Survey, March 2010

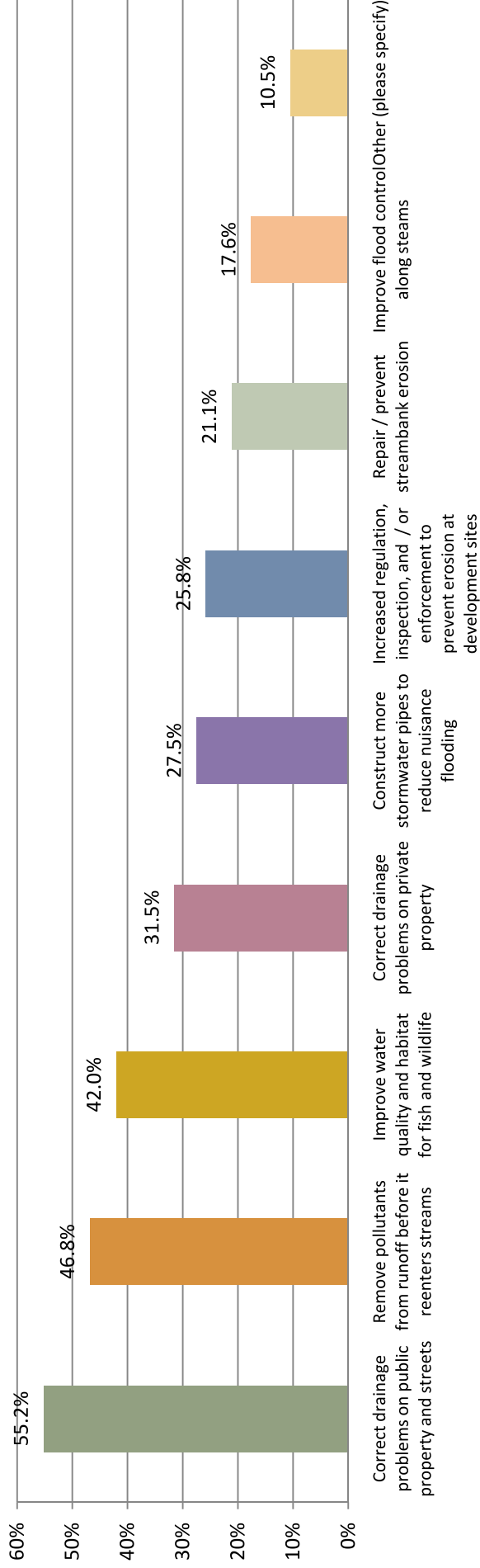


Top Priorities: Fix Localized Flooding and Improve Water Quality

Customers were asked to identify their top priorities for the District's SWM program. Improving water quality and correcting localized flooding events are the top picks. This result correlates closely with the SWM CAC's top priority to address both water quantity and quality (see SWM CAC policy rankings above):

- ✓ Correct drainage problems on public property/streets (55%)
- ✓ Remove pollutants from runoff (47%)
- ✓ Improve water quality and habitat (42%)

Which District activities do you think are most important for surface water management?



OLSD Customer Survey, March 2010

Willing to Pay?

Customers were asked if they are willing to pay more for surface water management. A fair number of customers (40%) say they are willing to pay more, although most customers are not yet convinced there is a need to spend more (42% “not sure” / 18 % “no”). This result shows the need for continued public education and outreach which provides the “not sures” with information on District priorities and needs.

Customers were also asked about their preferred surface water management funding source. Most think development fees (53%) should pay their fair share, while the next highest response supports funding the SWM program through monthly stormwater rates (32%).

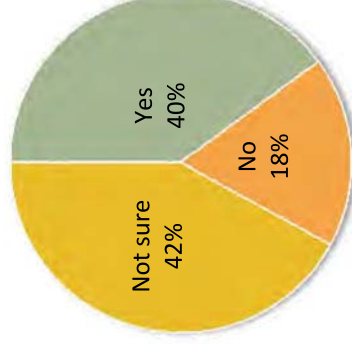
Stakeholder Interviews

As an early step, the consultants conducted interviews with a cross-section of key stakeholders. Participants included some 25 community leaders, agency representatives, customers, and District Board members and staff. Interviews were conducted in November - December 2009. Stakeholders were invited to share their views on stormwater issues and problems, the District’s current SWM services, and to offer their personal priorities for future improvements.

The following presents highlights of the interview results.

A lack of a clear SWM mission undermines the District’s effectiveness. With numerous parties involved – observers say “it’s all a gray area”. In the confusion, many SWM needs fall through the cracks. Finger pointing among agencies and others “doesn’t get the job done”. All agree the District’s roles in surface water management need to be clarified, across jurisdiction boundaries and internally.

Are any of the activities important enough for the District to spend more money?



OLSD Customer Survey, March 2010

Customers and others aren’t sure what services the District provides. The District’s SWM program is said to be understaffed, unfocused, delivering little tangible service. A lack of maintenance is evident to all. Many observers can see little visible sign of surface water management services funded by the District’s monthly SWM fee. District staff are friendly and respond to customers’ complaints – “But nothing happens”.

Community leaders, customers and other agencies expect Oak Lodge Sanitary District to play a leadership role. Area voters have shown their strong support for maintaining the District's independent wastewater system. In the minds of most observers, that streak of independence also suggests the District should take the lead in addressing SWM problems. Observers say the County can't be counted on any longer to solve SWM problems within OLSD boundaries.

Flooding is the main problem. Chronic flooding events at trouble spots along Boardman Creek and other area streams seem to go unchecked year after year. For most stakeholders this is the top priority – in contrast to the District's oft stated focus on water quality. Many participants tell flooding tales that refer to specific locations and/or affected property owners.

Stringfield Park is the model for District SWM system

improvements. This successful partnership with the Parks & Recreation District and others shows what's possible in addressing water quantity (flood storage) and quality (natural treatment), while providing many other benefits: recreation, interpretation, habitat, etc.

Regulations are changing, with tighter water quality standards anticipated. There's some anxiety that environmental regulators may have unrealistic expectations that are impossible to meet. But as time goes on, more pollutants and their water quality effects will be recognized by regulators. Costs to stay in compliance will rise. Some stakeholders are supportive of more stringent regulations: "The stronger the better – we need better enforcement to hold people accountable."

Customers are willing to pay more in SWM fees – if they can see the benefits. Today, observers fear most SWM customers "don't have a clue" what their fees support. If the District can demonstrate concrete progress, customers will – gladly or grudgingly – pay more, as shown by the recent pattern of customer acceptance for wastewater rate increases.

With community education, area residents and businesses can be enlisted to help address SWM problems. By making information available on best practices for streambank property owners, gardeners, home and business owners, the "younger generation" and others, customers can contribute significantly to water quality and quantity solutions. Participants report a growing environmental consciousness, which can boost voluntary actions to protect and enhance area watersheds.

"Let's get started".

Community leaders and others express some impatience about the District's perceived unwillingness to make its surface

water management mission a priority. Overshadowed by wastewater and stalled in recent years, the SWM program "needs a jump start". Key stakeholders want the District to take a proactive – not a reactive – stance. It's no longer acceptable to "plead poverty" as an excuse for inaction, these observers emphasize.

"The District needs a positive approach: identify problems; send a message 'we'll work on these'; show progress."

— Oak Lodge Community Leader

REGULATORY ENVIRONMENT

The NPDES MS4 (National Pollutant Discharge Elimination System – Municipal Separate Storm Sewer Systems) permit renewal process is the key regulatory issue currently facing the District’s SWM program. A high level program review was conducted as part of the strategic planning process to identify regulatory compliance deficiencies and issues that OLSD may face based on their existing program and current and future regulatory environment. The following documents were included in the review:

- ✓ NPDES MS4 Discharge Permit (Exp. February 28, 2009, signed by the Oregon Department of Environmental Quality (DEQ) July 27, 2005)
- ✓ OLSD MS4 Interim Evaluation Report (April 27, 2006)
- ✓ OLSD Rules and Regulations for Surface Water Management (Revised July 2000)
- ✓ OLSD Surface Water Management Program Master Plan – Executive Summary (October 1997)
- ✓ Draft MS4 Permit Renewal Template (DEQ October 15, 2009 version distributed by ACWA Stormwater Committee)

Future Regulations

A number of proposed regulatory changes could require the District to add staff resources and / or funding. Key changes are summarized below.

Added requirements due to TMDLs. TMDLs (Total Maximum Daily Loads) for the Willamette River have been adopted for bacteria and temperature, and interim guidance for mercury – parameters which affect OLSD. The District has already adopted a TMDL Implementation Plan that outlines the strategy and specific actions for both the sanitary and surface water (stormwater) programs. **Retrofit of existing infrastructure/program.** The District will be required to develop a plan or program that addresses how the stormwater conveyance system will be improved with treatment

What is an MS4?

A regulated municipal stormwater system that is:

- ✓ Owned by a public entity that discharges to rivers and streams;
- ✓ Designed or used to collect or convey stormwater (including storm drains, pipes, ditches, etc.);
- ✓ Not a combined sewer; and
- ✓ Not part of a sewage treatment plant.



and reduce or eliminate code and development standard barriers that inhibit design and implementation techniques that minimize impervious surface and reduce stormwater runoff (*hydromodification*). Oak Lodge Sanitary District has authority to implement stormwater development standards, but other low impact development codes are under the jurisdiction of Clackamas County.

Managing and permitting industrial and construction activities.

The new MS4 permit template requires permittees to screen and inventory existing and new industrial facilities. This could require surface water management agencies to develop additional ordinances or other enforceable regulatory mechanisms to manage facilities within their service areas. Any changes to ordinances should include the ability to regulate construction activities (minimum 1,000 square feet disturbance). DEQ is looking for opportunities to integrate the various permitting programs

(municipal, industrial, construction) and the District should work toward this goal.

Additional monitoring requirements. The MS4 permit renewal language has added requirements for water quality monitoring and overall program monitoring in conjunction with an adaptive management approach. Earlier program activities focused on monitoring for baseline information and characterizing water quality. The newer regulatory framework is moving toward monitoring implementation effectiveness against benchmarks. The District’s water quality monitoring program was reviewed as part of the strategic planning process. The final report, *Water Quality Monitoring Review*, includes recommendations for additional monitoring.

The table below summarizes the regulatory issues discussed above in terms of whether each issue is addressed by the District’s current program management; operations and maintenance; infrastructure / capital program; or by existing ordinance/rule.

Summary: OLSD SWM Regulatory Issues and Future Requirements

Regulatory Issue	Program Management	Operations & Maintenance	Infrastructure/ Capital Program	Ordinance/ Rule
Added requirements due to adoption of TMDLs	↑	↑	↑	↔
Retrofit of existing infrastructure/ program	↑	↑	↑	↔
Emphasis on low impact development and reduced hydromodification	↑	↔	↔	↑
Managing and permitting industrial and construction activities	↑	↔	↔	↑
Additional monitoring requirements	↑	↑	↔	↔

↔ Existing program adequately addresses issue ↑ Existing program will need to be enhanced or expanded









AGENCIES SHARING SWM DUTIES

A number of agencies share surface water management responsibilities within the Oak Lodge Sanitary District's boundaries notably include: Oregon Department of Transportation, which has responsibilities for stormwater management along McLoughlin Blvd; and Clackamas County, responsible for land use planning and permitting, building permits, code enforcement, sustainability, road construction and maintenance and other activities that directly impact surface water quality and management.

With new stormwater regulations on the very near horizon, it will be crucial for the District and Clackamas County to coordinate and partner in response to the new regulations. The two jurisdictions not only share responsibility for stormwater regulatory compliance, they also share infrastructure maintenance duties. A patchwork of County and District stormwater infrastructure makes responding to customer inquiries difficult and a major source of dissatisfaction for customers. Results of interviews with key stakeholders, the January 2010 customer survey, and discussions with the SWM CAC underscore that area residents are looking to the two entities to better coordinate SWM services and communications.

Coordination with Clackamas County has emerged from the public process as a top priority, and providing high quality customer service is one of the District Board's key goals. District leadership is looking to work with the County to forge solutions that assure customers receive the best possible service from both agencies.

Oak Lodge Sanitary District Shares Surface Water Management Responsibilities

Agency	Water quality protection	Stormwater facilities maintenance	Land use / building permits
Oak Lodge Sanitary District			
Clackamas County Transportation			
Oregon Department of Transportation			

PAYING FOR SWM SERVICES

SWM Utility Rate

Oak Lodge Sanitary District utilizes a modified flat rate billing structure for surface water management services. This methodology applies a flat rate of \$6.00 per month for single-family dwellings, and a unit equivalency factor based on each 2,500 square feet of impervious surface area for multi-family residential, commercial, and industrial customers. The original single-family dwelling rate of \$4.00 per month established in 1993 was raised to \$6.00 per month in 2001; the District's SWM rate has not increased over the past decade.

The table below shows residential rates for comparable communities. Agencies calculate rates using different methodologies (flat rate, average impervious surface, etc.) and schedules (monthly, bi-monthly), so the rates shown below are calculated as "typical" monthly surface water charges. Oak Lodge Sanitary District's typical monthly charge is comparable to some other Clackamas County communities – but well below other metro area communities. Half of the communities profiled below have already approved modest SWM rate increases for 2011.

Typical Monthly Residential Charge (2010-2001)

Community	2010 Rate	2011 Rate
Portland*	\$20.63	\$21.79
Milwaukie	\$9.90	not set
Eugene	\$9.82	\$ 9.82
Gresham*	\$8.60	\$9.20
Lake Oswego*	\$8.38	\$8.97
Clackamas County Service District #1	\$6.00	not set
Beaverton*	\$6.00	\$6.72
Oak Lodge Sanitary District	\$6.00	not set
Oregon City	\$5.80	not set
Clean Water Services	\$4.75	not set
West Linn*	\$4.57	\$ 4.82
Tualatin	\$4.36	not set

*Approved rate increases for 2011



SWM Budget

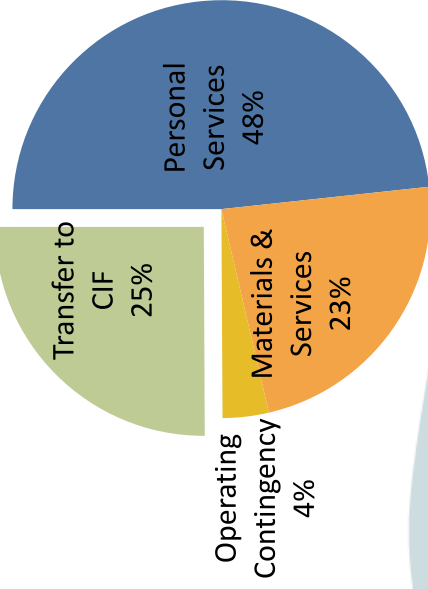
The District's Surface Water Management program funds are divided between the SWM General Fund and a SWM Capital Improvement Fund.

The annual income supporting SWM programs is around \$1.1 million; approximately \$950,000 is from customer SWM rates and \$150,000 from carryover (varies from year-to-year). The District's annual SWM revenues have not increased significantly over the past decade. Non-operating income, such as permit fees, contribute a very small amount of revenue (in fiscal year 2009-2010, non-operating income was only \$2,800). The District's SWM program does not currently receive any funds from the State Revolving Fund (SRF), bonds or systems development charges.

General Fund Expenditures

General Fund expenditures are allocated approximately 48% to personal services and 23% to materials & services. Some 25% of available revenue has been transferred to the Capital Improvement Fund (CIF) to pay for capital projects. The OLSD's Board of Directors has adopted a policy that generally favors cash funding of SWM capital projects. The SWM program has not utilized bond financing or other funding alternatives to support SWM infrastructure improvements and capital projects are funded "pay as you go" from customer rates.

General Fund Expenditure



Oak Lodge Sanitary District SWM Resources

FY11	\$963,864 (budget)*
FY10	\$936,000 (budget)
FY09	\$960,183 (actual)
FY08	\$957,179
FY07	\$949,294
SRF, revenue bond and systems development charge proceeds:	\$0
*based on	13,387 ESU

OLSD SWM Fund Allocation (2009-2010)

Operation & Maintenance	
Personal Services	\$542,876
Materials & Services	259,404
Other	
Operating Contingency	40,114
Transfer to CIF	281,920
Total	\$1,124,314



Capital Improvement Fund Expenditures

The CIF is used to pay for SWM capital projects – including the successful Stringfield Park restoration – and other District-wide stormwater conveyance improvements. With over \$1 million dollars currently available in the CIF, it might appear this fund is “healthy”. But with the District operating on a cash basis and predicted capital investment in drainage facilities estimated at \$6 million and operating costs escalating at an average of six percent per year, a new funding strategy will be needed to meet upcoming regulatory requirements and customer expectations.



Stringfield Park improvements were supported in partnership with North Clackamas Parks & Recreation District.

Capital Improvement Fund (2009-2010)

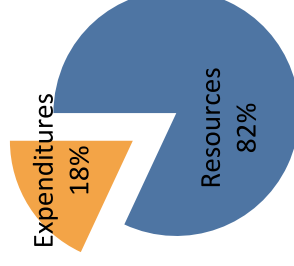
Resources

Beginning fund balance	\$1,641,757
Transfer from General Fund	281,920
Stimulus	0
Revenue bond proceeds	0
Interest income	19,077
Systems development charges	0
Total	\$1,944,753

Expenditures

Equipment	15,000
Facility modification	0
Projects	405,000
Other	8,398
Transfer to debt service	0
Total	\$428,398
Ending fund balance	\$1,514,355

Capital Expenditures



MOVING FORWARD — “MEATY ISSUES”

Like most surface water management agencies in Oregon, Oak Lodge Sanitary District is facing a challenging future. Moving forward, the District must decide how to use limited resources to meet growing responsibilities for regulatory permit compliance and customers’ expectations to fix localized flooding issues and improve water quality and riparian habitat. In Oak Lodge the situation is compounded by the complex intergovernmental relationship between Clackamas County and the District.

A number of “meaty issues” were identified at the start of strategic planning. With input from the SWM CAC, expert panel, District staff and Board a path forward has been established. Detailed strategies in support of moving the District forward are located in Chapter 3 – SWM Strategies.

“Meaty Issues”

Are other agencies fulfilling their SWM responsibilities? (If not, what can be done?)

Expert panel: The current situation does not result in adequate system operations and maintenance.

Customers say: Please fix this problem. We’re getting the runaround!

SWM CAC views: Need to clarify responsibilities.

What is the District’s proper role in protecting riparian areas and the environment?

Expert panel: District’s intentions are good, but program lacks regulatory muscle.

Customers say: Protect streams! #1 community priority.

SWM CAC views: Update ordinances to meet regulations and customer expectations.

What should be the District’s role in flood control?

Expert panel: Flooding is a problem in some areas, disrupting local properties and travel.

Customers say: Flooding is a problem, help us!

SWM CAC views: Managing flooding needs to be balanced with water quality concerns.

Will rate increases be necessary to support the District’s future SWM program?

Expert panel: Additional revenues will be needed to meet new regulations and complete high priority capital projects.

Customers say: Will support rate increases if can see results / have more information. Development should pay its share.

SWM CAC views: Will support a phased rate increases to support priority projects.



3. SWM Strategies

The following strategies were developed with input from the SWM CAC, key stakeholders, customers, expert panel and District Board and staff. The strategies have been vetted through workshops with the SWM CAC and District Board and are consistent with customer expectations. Of course, all of these strategies can't be pursued at once. Adequate resources and staffing are not currently available; and clearly some strategies are more crucial to program success. The strategies and suggested timelines can be reviewed in Chapter 5 – *Action Agenda*.

Strategies that offer partnership opportunities with local agencies and groups offer multiple benefits for the District. Partnerships extend the District's program effectiveness and can result in cost savings for customers. These opportunities are highlighted. (*Denotes partnership opportunities)

Mission/Vision

The mission of the District's surface water management program is to operate, maintain, control and regulate the discharge of surface water and stormwater runoff to protect the community's health and safety; minimize, or eliminate pollutants that may impair the properly functioning ecological condition of the areas rivers, lakes, and streams; and to generally protect public and private property from flooding during normal conditions. Reaffirming this mission and further clarifying what efforts will be made regarding flood control is an important first step for the District. Recommended strategies:

- Reaffirm the District's SWM Mission.
- Clarify / establish District policy and responsibilities regarding flood management and water quality.
- Articulate community values in the SWM Strategic Plan.

Maintenance

SWM maintenance activities include cleaning and repairing pipe and catch basin, preventing erosion, responding to customer complaints, and providing emergency response during storm events. Establishing a maintenance program and tracking activities and staff hours is crucial for operating an efficient program and will help establish a baseline for maintenance needs.

Understanding what can be accomplished within current staffing and resource levels will clarify funding needs for the future.

- Establish Maintenance Management Program: goals, level of service, benchmarks, measuring and reporting, monitoring protocols.
- Develop a preventative (rather than only reactive) SWM maintenance program.
- Dedicate OLSD staff to SWM field, office assignments: a "SWM team".



District's SWM maintenance includes catch basin cleaning.

Capital Facilities

SWM facilities in the District range from nonexistent to adequate. The lack of development standards prior to implementation of the SWM program has led to drainage problems causing flooding even during minor storm events. New stormwater regulations will require more focus on protecting and improving water quality in the District. Customers' expectations for relief from periodic flooding, along with the direction of future regulations support the District's adoption of a watershed-specific approach to surface water management: for flood control and water quality protection.

- *** Pursue "green", multi-objective partnership projects for stream corridor restoration and other priorities (repeating the Stringfield Park model).**
- *** Expand public/private partnerships: with streambank property owners** (Clackamas County, North Clackamas Parks & Recreation District, North Clackamas Urban Watersheds Council (NCUWC), Urban Green, others).
- Place priority on Boardman Creek improvements; restore streams and riparian areas, prevent chronic nuisance flooding.
- Annually update the selection criteria and priority list of Capital Improvement Projects.

Regulatory Compliance

The District's NPDES MS4 permit renewal process is the key regulatory issue currently facing the SWM program. A number of proposed regulatory changes could require OLSD to add resources and / or funding if implementation was required.

- Make permit compliance a top priority.
- Look ahead; adapt to changing regulations.
- Integrate District surface water management objectives into ongoing land use/development review procedures.

Water Quality Protection

The District's stream sampling frequency meets current regulatory requirements, but will not meet future regulations and is not adequate to determine what is really going on in local streams. Looking ahead, more water quality sampling will be required in support of program evaluation. The District will also need a comprehensive sampling plan with goals, sampling procedures and data analysis guidelines.

- Update/expand water quality monitoring program to meet pending MS4 permit requirements, enabling District to make science-based decisions.
- Develop a cost plan to account for increased outlays for water quality monitoring.
- Evaluate effectiveness of OLSD SWM activities, using expanded data.
- *** Seek partnerships, including NCUWC, to expand water quality monitoring activities.**



Required water quality monitoring is expected to increase under the new MS4 permit.

Intergovernmental Coordination

Coordination with Clackamas County has emerged from the public process as a top priority action, a key to providing high quality customer service that is one of the District Board's top goals. Oak Lodge Sanitary District is looking to work with the County to develop solutions that assure customers receive the best possible service from both agencies.

- Oak Lodge Sanitary District take SWM lead within District boundaries.
- Negotiate an Intergovernmental Agreement with Clackamas County Department of Transportation & Development (DTD): clarify County's and District's SWM duties.
- ***Clarify and strengthen the District's relationship, shared responsibilities and opportunities with ODOT, Gladstone, Milwaukie.**
- Clearly explain to customers the key SWM functions and duties for the District, County, ODOT, cities, private property owners, others.

Ordinances

The District's Rules and Regulations for Surface Water Management were adopted in 1993 and last revised in 2000. Updating these rules and regulations will provide the legal muscle to enforce changes required by the District's pending MS4 permit and needed to meet customers' expectations for improving water quality.

- Implement ordinances needed to fulfill regulatory requirements and customer priorities.
- Make regulations clear for customers, developers, others.

Development

- Development standards: limit impervious surface
 - Public facility requirements
 - Sensitive lands
- Riparian corridors: establish standards that meet water quality requirements and community values
 - Sumps
 - Erosion control
 - Easements

Permits/Regulatory

- MS4 permit coordination /TMDLs (total maximum daily loads)
- *Intergovernmental*
- Interagency coordination

Financial

- Fees and charges
- Systems Development Charges



The District needs to update its development ordinances for erosion control.

Customer Service

Oak Lodge Sanitary District is well respected for their commitment to customer service and consistently receives high ratings from customers. Surface water management is somewhat of an exception. As 2009 and 2010 surveys show, customers have issues with the SWM program, including the lack of consistent response to flooding and other stormwater generated complaints. District staff are described as friendly and responsive to customers' complaints – "But nothing happens". The consensus strategy for improving customer service:

- Establish clear guidelines for customer response (tracking, reporting, and follow-up).

Public Education

Two-thirds of customers want more information on lawn care and other tips to make water quality improvements in their yards. Nearly half ask for information on safe use and disposal of pesticides, fertilizers, etc. Developing a public education program helps customers become part of the community's "SWM team" – improving water quality and stream habitat. Recommended strategies:

- Develop an ongoing SWM public education program, utilizing the District's newsletter, website and other tools.
- Enlist customers to help meet SWM objectives.
- Educate customers on home/garden and pet waste best practices.
- ***Coordinate public education efforts with partner organizations, including NCUWC.**

SWM Program Structure/Staffing

Oak Lodge Sanitary District operates and maintains a wastewater collection and treatment system as well as a surface water management program. With limited staff and resources, the District must share resources across programs in an efficient and effective manner – delivering outstanding service while holding down costs. This system for allocating staff resources across programs must continue, but could be improved through better delineation of activities and assignments. Once staff and resources have been fairly allocated, it will become more apparent if additional resources are needed for the SWM program.

- Delineate District wastewater/SWM utility program activities and assignments.
- Identify future SWM staffing needs: for administration, water quality, public education.



Interpretive signage helps educate citizens about surface water management.

Legal

Surface water maintenance activities can include clearing debris from streams and ditches to keep the stormwater conveyance system from backing up and causing nuisance flooding. Some jurisdictions choose not to clear debris, creating a more natural stream system, while others have aggressive programs that clear debris in an effort to protect private property from flooding. Currently, OLSD does not clear ditches and streams, except for an occasional beaver dam. The legal authority to clear debris is interpreted by surface water agencies differently and the decision to clear – or not to clear – becomes a local policy decision. Clarifying OLSD legal authority to clear debris will allow the District to make a transparent policy decision about ditch and stream maintenance, and achieve “best practices”.

- Clarify OLSD legal authority to conduct SWM activities: clear debris from streams, etc.

Funding

Today the District operates the SWM capital program on a cash basis. The predicted capital investment in drainage facilities is estimated at \$6 million, with operating costs escalating at an average of five percent per year. A new funding strategy will be needed to meet upcoming regulatory requirements, capital needs, and customer expectations. More information about immediate and long-term funding needs and developing a new financial strategy can be found in Chapter 4 – *Funding Plan*. Recommended funding strategies:

- Fully utilize current SWM funds effectively, efficiently.
- Pursue County DTD SWM contributions.
- Establish a SWM SDC (systems development charge).
- Evaluate other funding methods, such as local improvement districts (LIDs), to solve localized problems.
- Consider bond funding to jump-start long deferred capital projects.
- Ensure sustainable utility funding.

SDC Comparisons Single Family Residential (2010)

Wilsonville (proposed)	\$1,387
Milwaukie	\$1,138
Portland	\$1,100
Beaverton	\$1,050
West Linn	\$956
Gresham	\$802
Oregon City	\$494
Salem	\$492
Oak Lodge Sanitary District	\$0



4. Funding Plan

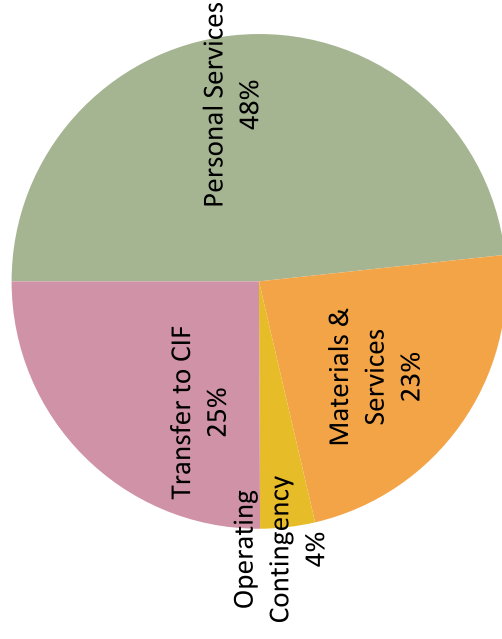
The SWM Strategic Plan provides short-term and long-term funding plans developed under direction by the District Board of Directors. The short-term funding plan channels available resources to support ongoing operations and maintenance costs, plus regulatory compliance. The long-term funding plan meets those needs and also supports major capital projects. As of January 2011, the CIF had approximately \$2.1 million reserved for SWM capital projects. In 2007, capital project needs were estimated at \$6 million.

SHORT-TERM FUNDING PLAN (ONGOING

OPERATIONS)

The short-term funding plan redirects available SWM funds to support ongoing SWM program activities and regulatory compliance, reducing Capital Improvement Fund (CIF) transfers. Currently, 25% of SWM fees are transferred to the CIF. Reallocating the CIF appropriation to immediately address operating needs allows time for the District to further assess and refine the cost of the new stormwater regulations and update the Boardman Creek basin capital improvement program plan. Once that work is complete, a long-term funding plan can be implemented to assure needed capital improvement projects move forward.

Oak Lodge Sanitary District SWM Fee Appropriations



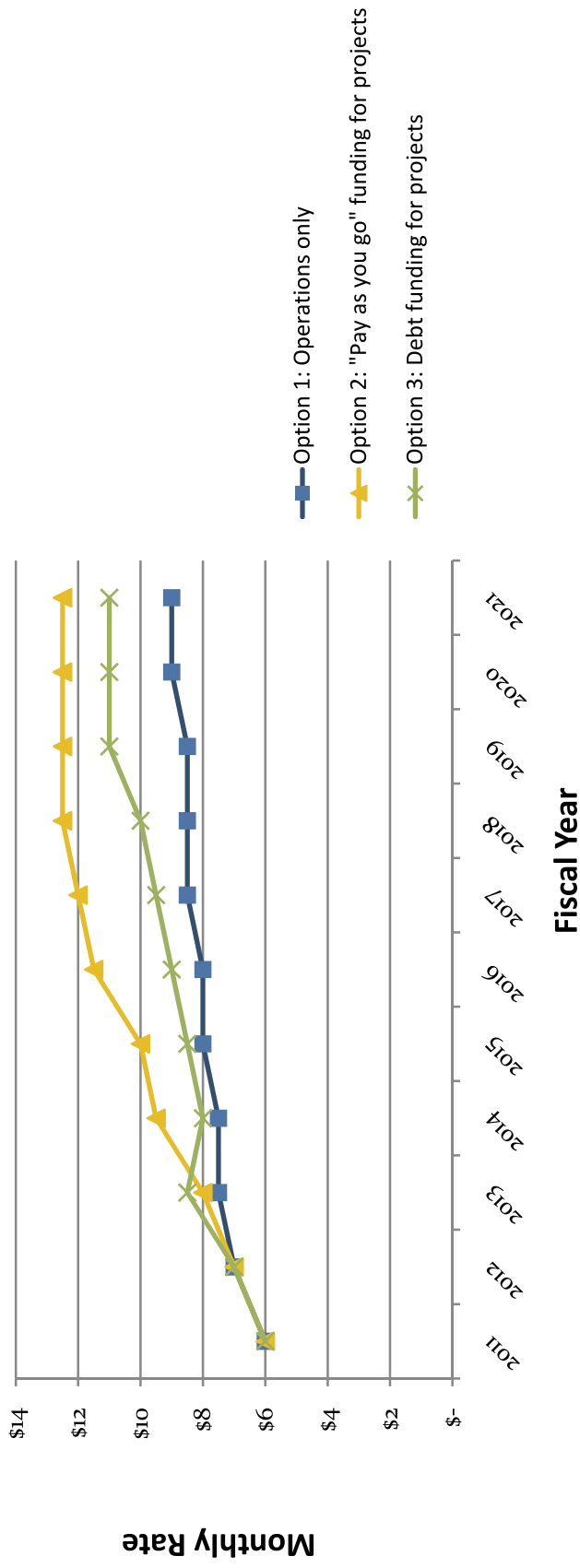
LONG-TERM FUNDING PLAN (MAJOR PROJECTS)

While the short-term plan addresses immediate needs, it does not account for long-term funding needs associated with major capital improvement projects. Eventually, the District will need to raise SWM rates (and establish SDCs) to support a proactive surface water management program. Several options for long-term funding have been considered by the District Board of Directors:

- Option 1:** Increase SWM rate moderately to cover ongoing operations and regulatory compliance – but with no (or very limited) capital improvement projects.
- Option 2:** Increase SWM rate significantly and continue to pay for capital projects on a “pay as you go” basis.
- Option 3:** Increase SWM rate moderately and finance major capital projects through debt (borrowed funds) including the option of inter-fund loans.

The SWM CAC has identified Option 3 as the most viable long-term funding strategy. Board members have asked staff to return with an updated CIF project list and options for debt funding projects.

Monthly SWM Rate Comparison



5. Action Agenda

The strategies detailed in Chapter 3 – *SWM Strategies*, can’t all be pursued at once. Some strategies are more crucial than others and some demand additional resources, currently not available. The following timeline takes into account SWM CAC priorities, urgency of strategy implementation, regulatory deadlines, and availability of SWM program resources.

- ↔ Existing program adequately addresses issue
- ↑ Existing program will need to be enhanced or expanded
- * **Partnership opportunities**

Ongoing Strategies: Now	Resource Needs	
	Staff	Funding
<p>Mission/Vision:</p> <ul style="list-style-type: none"> – Reaffirm OLSD SWM Mission. – Clarify / establish District policy and responsibilities regarding flood management and water quality. – Articulate community values in OLSD SWM Strategic Plan. 	↔	↔
<p>Maintenance: Dedicate OLSD staff to SWM field, office assignments: a “SWM Team”.</p>	↔	↔
<p>Capital Facilities:</p> <ul style="list-style-type: none"> – Pursue “green”, multi-objective partnership projects for stream corridor restoration and other priorities (Stringfield Park model).* – Update annually the selection criteria and priority list of Capital Improvement Projects. 	↔	↔
<p>Water Quality: Develop a cost plan to account for increased outlays for water quality monitoring.</p>	↔	↔
<p>Ordinances:</p> <ul style="list-style-type: none"> – Develop ordinances needed to fulfill regulatory requirements and customer priorities. – Make regulations clear for customers. 	↔	↔
<p>Intergovernmental:</p> <ul style="list-style-type: none"> – Clearly explain to customers the key SWM functions, duties for OLSD, County, ODOT, cities, private property owners, others. – Clarify and strengthen OLSD relationship, shared responsibilities and opportunities with ODOT, Gladstone, Milwaukee.* 	↔	↔
<p>Customer Service: Establish clear guidelines for customer response (tracking, reporting, and follow-up).</p>	↔	↔
<p>Public Education: Educate customers on home/garden and pet waste best practices.</p>	↔	↔

Ongoing Strategies: Now		Resource Needs
		Staff Funding
Regulatory:		
– Make permit compliance a top priority.		↔ ↔
– Look ahead; adapt to changing regulations.		↔ ↔
Structure/Staffing:		
– Delineate OLSD wastewater/SWM utility program activities and assignments.		↔ ↔
– Identify future SWM staffing needs: for administration, water quality, public education.		↔ ↔
Legal: Clarify OLSD legal authority to conduct SWM activities; clear debris from streams, etc.		↔ ↔
Funding:		
– Ensure sustainable utility funding.		↔ ↔
– Fully utilize current SWM funds effectively, efficiently.		↔ ↔
– Evaluate other funding methods, such as local improvement districts (LIDs), to solve localized problems.		↔ ↔
– Consider bond funding to jump-start long deferred capital projects.		↔ ↔

Immediate Strategies: 2010-2011		Resource Needs
		Staff Funding
1. Funding: Investigate County DTD SWM contributions.		↔ ↔ ↑
2. Regulatory: Integrate SWM objectives in land/use development review procedures.		↑ ↑
3. Funding: Establish a SWM system development charge.		↔ ↔ ↑
4. Public Education: Enlist customers to help meet SWM objectives.		↔ ↔ ↑
5. Public Education: Coordinate public education efforts with partner organizations.*		↑ ↔
6. Capital Facilities: Place priority on Boardman Creek improvements; restore streams and riparian areas, prevent chronic nuisance flooding.		↔ ↔ ↑↑
7. Public Education: Develop an ongoing SWM public education program.		↔ ↔ ↑
8. Maintenance: Establish Maintenance Management Program: goals, level of service, benchmarks, measuring and reporting, monitoring protocols.		↔ ↔ ↑

Short-Term: 2011-2012		Resource Needs
		Staff Funding
1. Water Quality: Update/expand water quality monitoring program to meet pending MS4 permit requirements, enabling District to make science-based decisions.		↑ ↑
2. Ordinances: Implement ordinances needed to fulfill regulatory requirements and customer priorities.		↔ ↔
3. Capital Facilities: Expand public/private partnerships: with streambank property owners, North Clackamas Parks & Recreation District, North Clackamas Watersheds Council, Urban Green, others.*		↑ ↑↑↑
4. Intergovernmental: <ul style="list-style-type: none"> – OLSD take SWM lead within District boundaries. – Negotiate an Intergovernmental Agreement with Clackamas County Department of Transportation & Development (DTD): clarify County's and District's SWM duties. 		↑↑ ↑↑↑
5. Water Quality: Seek partnerships to expand water quality monitoring activities.*		↔ ↑
6. Water Quality: Evaluate effectiveness of SWM activities using expanded data.		↑ ↔
Long-Term (2012 – 2013)		Resources Needs
		Staff Funding
1. Maintenance: Develop a preventative (rather than only reactive) SWM maintenance program.		↑↑ ↑↑↑



Oak Lodge Sanitary District
14611 SE River Road
Oak Grove, OR 97267-1198

www.oaklodesanitary.com



STAFF REPORT

To: Board of Directors
From: Kelly Stacey, Finance Director
Agenda Item: Department Reports
Item No: 8a
Subject: October 2017 Financial/Admin Update

Below is an update of various efforts of the Finance/Administration department.

Accela implementation:

The Accela implementation is continuing. This month included the set-up of payroll and a parallel processing session. We had a few bugs to work through, but are confident that our December payroll go-live will go well.

Utility billing is coming up soon. The convergence of the two utilities it has proven to be a monumental task. Accela has completed the initial data conversion for both Eden and Incode. Elaine and Rebecca are combing through the data looking for issues. Late November we will be having a set up session that will start the process of combining the two data sets. This will be followed by several parallel billings. We are still on schedule to go live with our March 1 billing. We appreciate all the patience of our customers as we move forward and work out all the bumps that are sure to arise over the next few months.

Accela staff continues to be great to work with. They are very patient and responsive to our questions and concerns.

HR Manager Replacement:

Aleah Binkowski-Burk started on November 6 with a week of Accela payroll processing. She is doing a great job, and we are very happy to have her onboard.

Bond Refunding:

Pending federal tax legislation would eliminate the ability of municipal borrowers to issue advance refunding bonds for savings after December 31, 2107. With that I am working with Kieu-Oanh and Gulgun Mersereau to expedite our bond refunding. Kieu-Oanh will be presenting an RFP to several banks and financial institutes with two options. One would be a bank placement of under \$10 mil for an estimated savings of \$930,000. The second would be a revenue bond with an undetermined savings. I may have more news when we get to meeting time.

Office Move:

We continue to get everyone settled in. We now have a 4th work station set up in the center of the office to accommodate temporary staff that we are using to help get us through the software conversion and other consolidation tasks. Heather did a great job of cleaning up the office and getting things organized after the disarray of moving everything around.

Oak Lodge Water Services
Estimate of Consolidation Costs/Savings
7/1/16 through 10/31/17

One Time Expenses

Legal	\$	46,095
Architect	\$	21,313
Appraisal	\$	6,450
Website	\$	8,700
Metro Filing Fee	\$	400
Attorney Fees	\$	77,127
IT/Phones	\$	10,274
Temps for Conversion	\$	5,118
Sick Leave Buyout	\$	21,507
Consultants	\$	36,738
Costs	\$	233,723

2017 FY Savings

Liability Insurance	\$	8,000
Telecommunications	\$	9,000
General Manager	\$	144,809
Admin Services Manager	\$	100,000
Plant Admin	\$	116,000
	\$	377,809

2018 FY Savings

Liability Insurance	\$	8,000
Telecommunications	\$	9,000
Salary Increases	\$	(195,000)
2nd General Manager	\$	268,000
Admin Services Manager	\$	170,000
Plant Admin	\$	96,000
	\$	356,000

Per Budget

Cost Avoidance	Paid-to-date
Financial Software	\$ 27,275.00

Potential Savings

Memberships
 Audit



STAFF REPORT

To: Board of Directors
From: Todd Knapp, Field Superintendent
Agenda Item: Field Operations Report, for November 2017
Item No.: 8b
Date: November 21, 2017

Background

The Board has requested updates at the Regular Meetings of the Board on the status of the District's Operations.

Operations Administration

There were three main breaks this past month Briggs St. and Snowberry Ct., Oatfield Rd. and Evergreen Ave. and the last was Wanda Dr.

It was determined that the main on Carmel Ct. will need to be replaced, the extent of pavement restoration will be determined after the installation is complete.

There were also two hydrants that had to be replaced due to traffic accidents, one at Thiessen and Wallace and the other at Roethe Rd and Berghammer St.

Valley View reservoir project update-- The contractor has requested a 30-day extension, after further investigation the contractor has noted the ladder inside the North tank should be replaced and I concurred.

TV Inspections are still up at 102% keeping us on track for the month.

Hydro cleaning up 117%, this is important to note because the hydro cleaning truck was out for repairs for a whole week, also the schedule was impacted due to fact it was hunting season. (see charts)

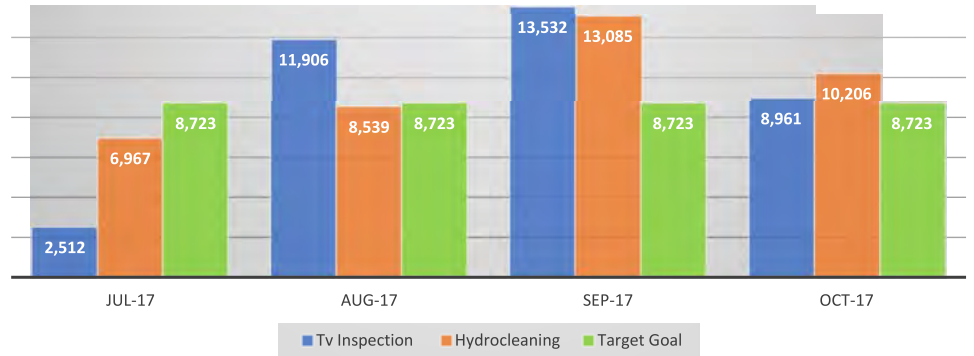
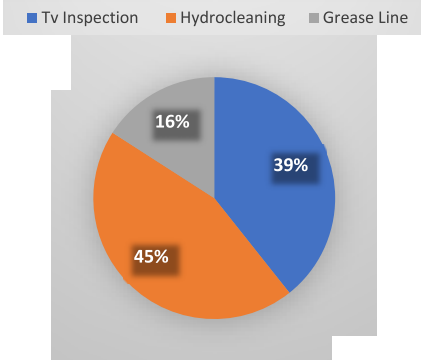
Field Operations Monthly Report for October 2017

Highlights for the month:

- Valley View Reservoir project 30-day extension request
- 2 Hydrants were replaced due to traffic accidents and breaking beyond repair
- The three water main breaks
- Meters replaced, services and leaks (See chart)
- Collections team back on track
- Water consumption for **October 79,860,000 Gallons (2 MG down from the 10-year average)** (See metered monthly consumption chart)

Oak Lodge Water Services Collections Report

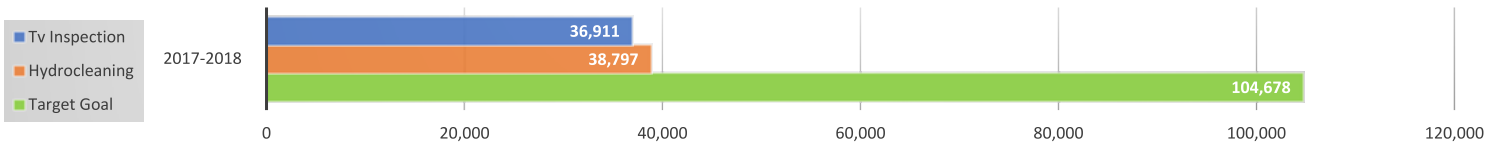
Current Month



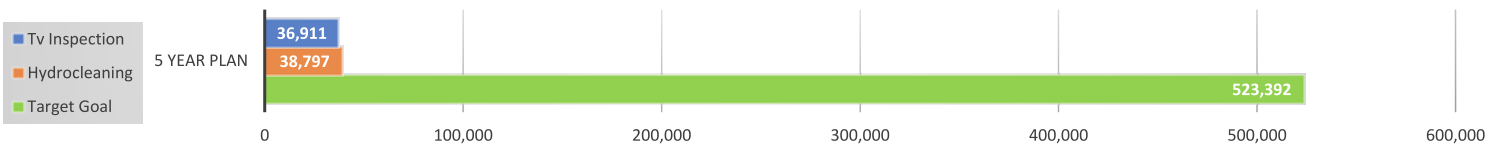
Month	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	To Date	Monthly	Yearly	5 Year
													Totals	%	%	%
Tv Inspection	2,512	11,906	13,532	8,961									36,911	102.73%	35.26%	7.05%
Hydrocleaning	6,967	8,539	13,085	10,206									38,797	117.00%	37.06%	7.41%
Target Goal	8,723	8,723	8,723	8,723									34,893	100.00%	33.33%	6.67%
Grease Line	3,625	5,105	3,276	3,625									15,631			

Total Feet 523,392
Target Per Year 104,678
Target Per Month 8,723

Yearly Progress



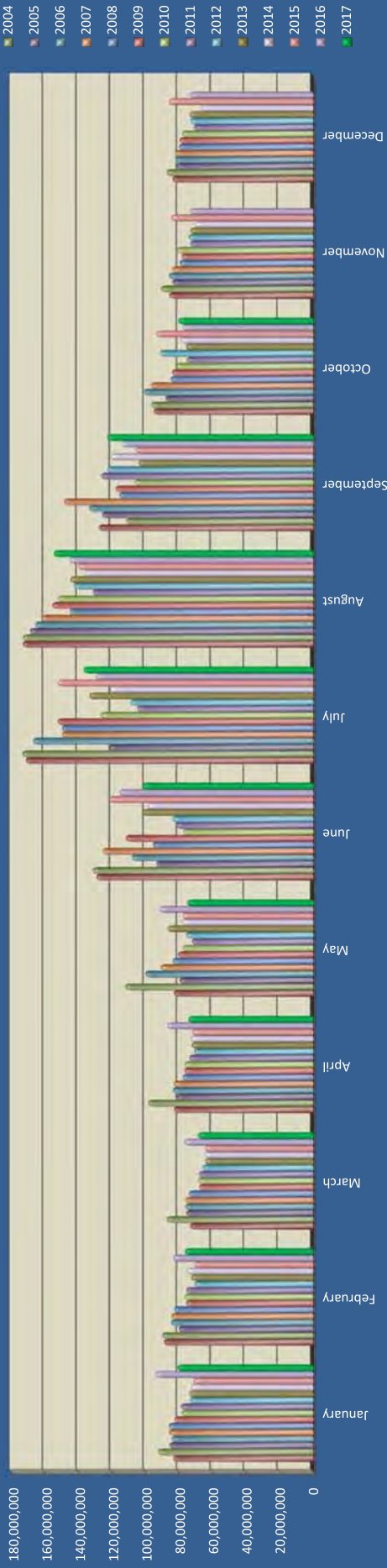
5 Year Plan Progress



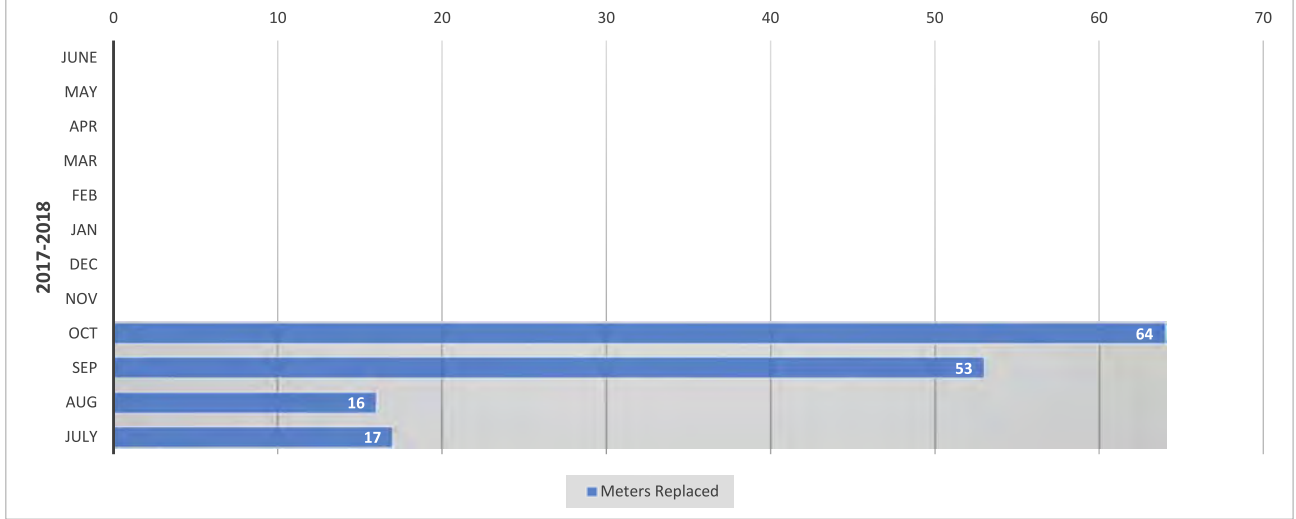
Year	Month												Total Yearly Con	Average Daily Demand
	January	February	March	April	May	June	July	August	September	October	November	December		
2003	82,674,600	88,370,400	72,820,000	82,357,000	82,416,000	128,520,000	170,652,000	172,726,000	127,198,000	94,416,000	85,037,000	83,285,000	1,270,472,000	3.48
2004	91,933,000	89,441,000	86,755,000	97,665,000	111,392,000	130,863,000	172,883,000	172,499,000	110,696,000	95,973,000	90,079,000	86,823,000	1,337,002,000	3.66
2005	84,976,000	79,415,000	74,996,000	80,616,000	79,088,000	92,885,000	120,871,000	168,248,000	125,172,000	87,512,000	83,230,500	80,773,500	1,157,783,000	3.17
2006	83,697,000	84,098,667	75,580,333	83,028,000	99,436,000	107,501,000	166,449,000	164,957,000	132,989,000	100,180,000	85,350,000	81,587,000	1,264,853,000	3.47
2007	85,179,000	83,766,000	75,622,455	82,508,645	90,129,000	124,696,000	149,207,000	161,512,000	147,980,000	96,159,000	83,445,000	81,921,000	1,262,125,000	3.46
2008	85,466,000	82,200,000	73,405,000	77,221,722	83,162,278	94,885,000	149,422,000	144,592,000	114,830,000	84,307,000	79,094,000	79,319,000	1,147,904,000	3.14
2009	82,042,000	75,196,000	67,364,000	76,238,000	79,968,000	111,127,286	151,804,000	155,069,000	117,099,000	83,457,000	77,782,000	79,107,000	1,156,253,286	3.17
2010	77,735,000	75,975,000	67,986,000	75,943,000	76,903,000	76,720,000	125,996,000	151,590,000	105,880,000	81,052,000	80,389,000	77,515,000	1,073,684,000	2.94
2011	78,266,000	74,983,000	67,462,000	73,285,000	71,613,000	81,189,000	104,328,000	130,684,000	125,733,000	74,646,000	70,555,000	70,555,000	1,025,401,000	2.81
2012	73,041,000	70,104,000	65,501,000	70,380,000	75,148,000	83,256,000	108,236,000	142,023,000	121,981,000	90,545,000	73,672,000	72,454,000	1,046,341,000	2.87
2013	73,277,000	72,051,000	63,866,000	71,906,000	86,085,000	101,278,000	132,837,000	144,354,000	103,403,000	75,217,000	72,624,000	73,180,000	1,070,078,000	2.93
2014	72,052,000	74,566,000	63,886,000	72,171,000	77,889,000	97,978,000	120,471,000	135,271,000	120,008,000	78,257,000	69,534,000	66,200,143	1,048,223,143	2.87
2015	70,840,857	70,318,000	63,972,000	71,515,000	77,173,000	121,185,000	151,728,000	139,696,000	105,238,000	92,781,000	83,966,000	85,368,000	1,133,780,857	3.11
2016	93,522,000	82,637,000	76,044,000	86,443,000	90,989,000	114,745,667	128,722,333	144,599,000	113,212,000	77,196,000	72,766,000	72,839,000	1,153,715,000	3.16
2017	80,205,000	75,867,000	68,040,000	73,822,000	74,515,000	101,310,000	136,262,000	154,085,000	122,113,000	79,860,000				
2018														
2019														
2020														

10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year Average 10 Year ADD
78,644,686 75,389,700 67,752,600 74,892,472 79,344,528 98,367,395 130,974,633 144,196,300 114,949,700 81,731,800 75,831,556 75,170,794 3.05

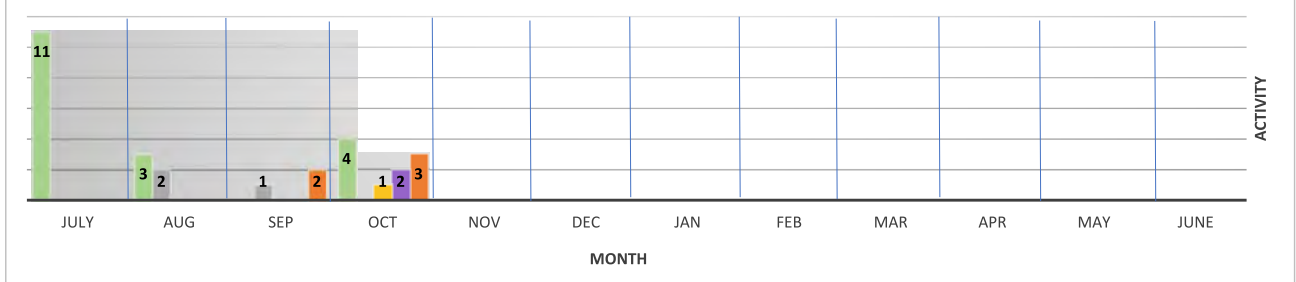
OLWSD'S Metered Monthly Consumption



REPLACED METER CHART 2017 - 2018



SERVICE and MAIN ACTIVITY 2017 - 2018



Fiscal Year 2017 - 2018	Month	Meters Replaced	New Services	Iron Services Renewed	Plastic Services Renewed	Service Leaks Repaired	Main Leaks Repaired
2018	June						
2018	May						
2018	Apr						
2018	Mar						
2018	Feb						
2018	Jan						
2017	Dec						
2017	Nov						
2017	Oct	64	4		1	2	3
2017	Sep	53		1			2
2017	Aug	16	3	2			
2017	July	17	11				
Yearly Total		150	18	3	1	2	5



Staff Report

To: Board of Directors
From: David Mendenhall, Plant Superintendent
Agenda Item: Plant Operations
Item No.: 8c
Date: November 9, 2017

Background:

The Board has requested updates at the Regular Meetings of the Board on the status of the District's Operations.

Water Reclamation Facility Operations

We contacted and met with Brown and Caldwell and have received a scope of work to determine the best way to install and use the new belt press. We are now awaiting the pricing proposal.

The Return Activated Sludge (RAS) pump replacement project is progressing. Two of the new pumps are physically installed, the main wiring is done, and the control wiring is close to complete. We did discover, however, that the Variable Frequency Drives (VFD) that support these pumps are not large enough for the new pumps. We are pursuing getting new ones installed. The new pumps will have larger output capacity giving us better redundancy and ability to handle higher flows. Because of the delay, we are increasing the wasting (removal of solids) to reduce inventories and lower solids levels in the clarifiers. This will enable the plant to handle the higher flows and loadings from rain events.

We had a rain event on the weekend of October 21 with about 2" of rainfall for the 24-hour period of the 21st. Plant flows increased to 7.2 MGD and there were several power bumps and brownouts. Chuck Adams responded to several power alarms and kept resetting the equipment. He ended up staying here overnight to make sure the breakers got reset especially on the influent pump station preventing any overflows at the head of the plant which kept us in compliance. Thank you, Chuck, for your diligence.

The plant operations team received the runner up award for 2017 Excellence in Biosolids Management from Northwest Biosolids Management Association/PNCWA

Monica Stone was invited and appointed by DEQ to serve on the Wastewater Certification Advisory Board. This is a good opportunity to have a voice from a smaller plant on this board.

We installed a new phone in the Operators Control Room to allow for better communication with the front gate. This enables us to keep the front gates closed all day and have better response to visitors.

We are starting to look into making some modifications to the final digesters in order to gain digestion and storage space. The first part of this was done months ago with the removal of the floating cover. Right now, we are brainstorming ideas to use that empty digester effectively.

I was able to attend the Pacific Northwest Clean Water Association (PNCWA) conference in Vancouver WA on the 23-25th of October. It was very good for me to see the talks and meet the operators and vendors in this area. I learned some more history of OLWSD by attending a presentation by one Jason Rice on the final day.

Plant Maintenance Monthly Report

The plant maintenance duo completed 56 work orders in October and that included some big projects. They were very involved in the RAS pump project mentioned above providing support and information to the contractors.

A big milestone was achieved when the rebuilt grinder was installed in Pump Station #2. First testing had to be done to make sure the overhead crane in the wet well was adequate to make the lift. It passed, and the worn grinder was removed and the rebuilt one installed. This is a very tight area and a difficult time-consuming process to complete this service. The grinder is working well and in the two weeks since this installation Pump Station #2 has not had a clog. Thank you to John Brown and John Krogstad for getting this tough task done. For the month of October there were six incidents of unclogging pump station pumps. At the last board meeting a question was asked regarding the costs of removing wipes from the pumps. Using charge rates for mechanics, the vehicle, and materials it is \$101 dollars per person per hour. At pump station #2 only one mechanic is required, and the job takes about an hour, so the cost is \$101. At pump station #5 two people are required because of confined space entry. The access is tighter and so this job takes about 1 ½ hours for a cost of \$303 per case.

The feed pump and grinder feeding the belt filter press were rebuilt. It looks like low pH is impacting these parts.

All gaskets (11) on the submersible pump electrical connections in the plant were replaced to keep moisture out of the cables and motors.

We received a spare motor for pump station #3. This motor has now been staged in the pump station. This will allow for quick access and motor replacement in the event of a motor failure and to avoid an overflow at that very visible station.

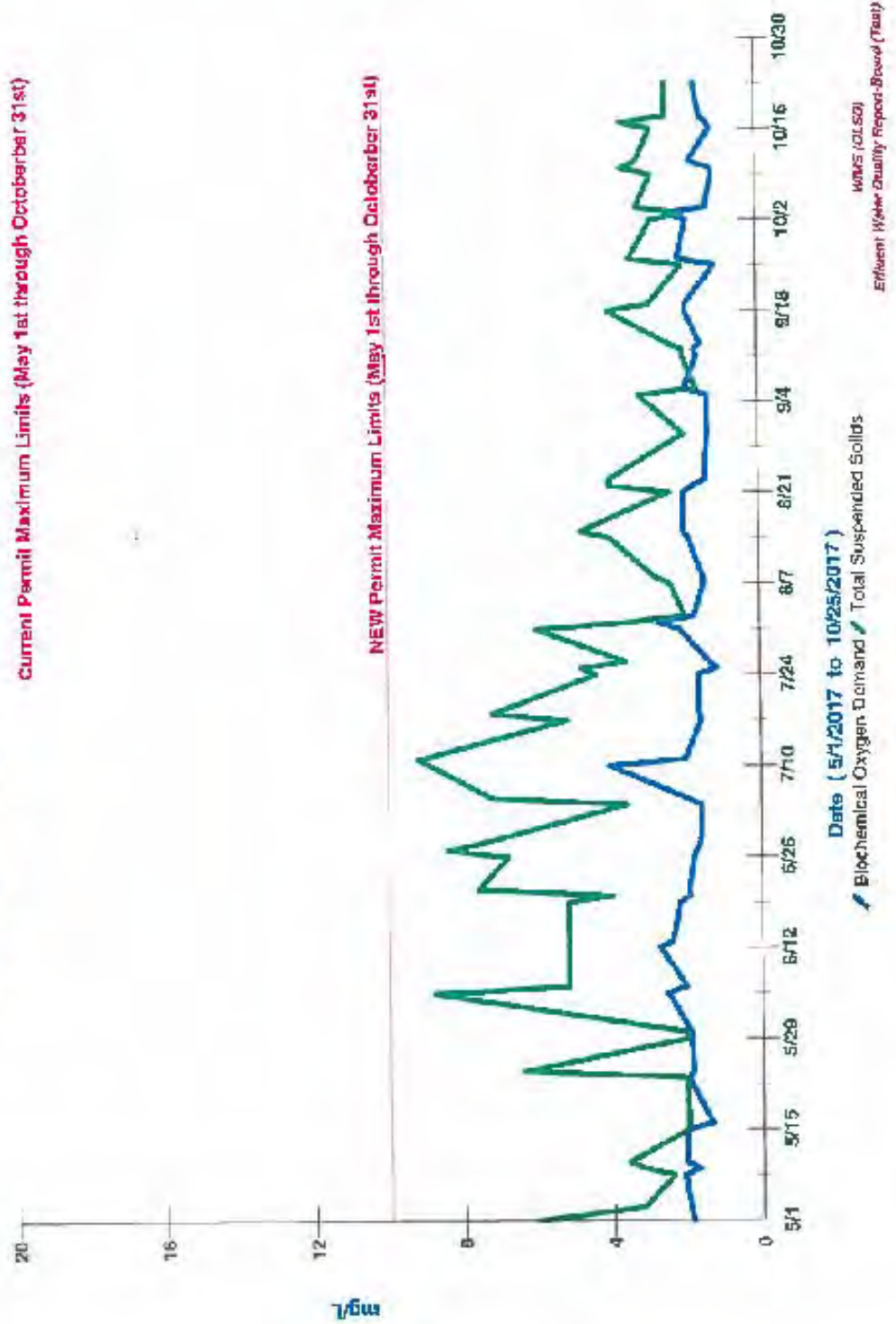
Digester pump #1 developed a leak on the volute last month. Further investigation revealed a larger hole making the pump unusable. This pump mixes one of the aerobic digesters and without it digestion is not as good. As mentioned previously digestion is very good now and so this was not a crisis, but the pump needed to be returned as soon as feasible. A stainless-steel volute was available within 2 weeks and because of the pH of the digester and the further corrosion discovered inside the pump we thought that was a good option. The pump was disassembled, and the new volute and concentric cone were installed, and the pump aligned. Due to space and location rigging, lifting, and moving the pieces took some creativity. In less than 4 weeks this job was done which is a quick turnaround.



Digester Pump #1 repair in progress with volute installed

Other preventive maintenance items were completed including sampling and testing of the oil in the generator and in all of the mixers on aeration basin #1. All in all a very busy month.

Effluent Water Quality Report



OAK LODGE
WATER SERVICES
STAFF REPORT

To: Board of Directors
From: Jason Rice, District Engineer
Agenda Item: Technical Services Report
Item No.: 8d
Date: November 14, 2017

Below is an update of various Technical Services Program efforts.

Capital Improvement Program:

Water Master Plan

Staff is preparing a Request for Proposals to perform an update to the Draft 2008 Water Master Plan. This plan will include:

- Satisfy the Oregon Health Division (OHD) Water Master Plan requirements as outlined in Oregon Administrative Rule (OAR) 333-61-060.
- Determine population and demand projections through 2030
- Identify system improvements required to meet projected demands through 2030 using an updated hydraulic model.
- Develop operational guidelines for the Valley View Reservoirs to ensure sufficient storage is maintained during peak day conditions.
- Conduct a condition assessment to identify required repair and replacement projects to be included in the District's Capital Improvement Plan (CIP)
- Provide OLWSD with a coordinated CIP for pipelines, pump stations, and reservoirs through a 20-year planning horizon.

OLWSD Master On-call Contract

The Sanitary District had an active contract that expires December 31, 2017. Since this contract is about to expire, staff is preparing an RFP for Master On-call Services for OLWSD which will be released to the public January 3, 2017 and be on the Board Agenda for February.

Other Projects:

Water Building Expansion

Potential purchase of the property to the north (on Cedar Street) has not yet advanced; however, staff is continuing to work upon it.

The plan set, bid documents and specification of materials for the west and east expansions are nearing completion. This material was given to a local contractor to gain an estimate for the work.

Staff plans to combine this material for a Board presentation in January.

Outreach and Education

November wraps up the fall outdoor portion of the school programming with our non-profit partners. OLWS staff met classrooms in the field five times since the October board meeting, as well as presenting watershed health education lessons in classrooms and providing tours at the Water Reclamation Facility.

With non-profit partners Ecology in Classrooms and the Outdoors (ECO), Dig In, and the North Clackamas Urban Watershed Council, OLWS staff field days included trips with three different district elementary schools, helping to restore local landscapes in the district. Field sites include the area behind the Milwaukie Elks lodge and the watershed of Rinearson Creek. Fifth grade students identified native plants in the field, as well as pulled ivy, clematis, and morning glory. High school students prepared for field work next spring that will include planting, restoration, and water quality data collection of macroinvertebrates. They did this by participating in classroom activities about stormwater pollution and touring the Water Reclamation Facility to examine the way our sewer water is treated and cleaned by microorganisms, and returned as high-quality effluent to the Willamette River.

To complete the whole water focus, OLWS staff connected existing stormwater partners and high school students to tours of the drinking water facilities as well as examining how the whole water cycle is impacted by human actions and individual choices. Teachers and non-profit partner staff appreciated that through shared programming in the classrooms and the field that OLWS can provide connections across the full spectrum of water knowledge and experience.

In addition to working with students, OLWS Outreach and Education staff represented the district at several regional group meetings focused on outreach and education.

- First, staff helped plan the Annual Children's Clean Water Festival (CCWF) which is held each year in March at the campus of the University of Portland and has reached over 30,000 4th and 5th grade students with whole water messaging over the years. Several District schools are invited to attend each year, and the Clackamas River Water Providers are also a partner in this event.

- Second, the Clackamas Community College's Environmental Learning Center is being completely overhauled to include state-of-the art stormwater facilities and staff have helped develop this project by being asked to provide input to an Advisory Committee for the project. This committee will wrap up soon as the ELC begins to organize around future programming.
- Third, the Clean Rivers Coalition will meet in early November to prioritize pollutants around which the group will focused shared regional messaging. The Coalition was awarded a two-year, \$100,000 grant from Meyer Memorial Trust to move the project along, and the Toxics Forum is one step in a process to roll out shared regional stormwater pollution messaging. Outcomes from this Coalition will be shared with both the Clackamas River Water Providers' "Clackamas County Water Education Team" (CCWET) as well as with Lisa Batey, the President of Milwaukie's City Council. Ms. Batey has inquired about a local and/or regional partnership with OLWS around pesticide education for area residents.
- Finally, the Clackamas River Water Providers' (CCWET) will be meeting in mid-November, led by Christine Hollenbeck. The CCWET is beginning planning for the annual Celebrating Water Festival held at Clackamas Community College in late winter. Modeled after the CCWF, this festival draws different elementary school students out to Clackamas Community College for a day-long focus on whole water education.

Permitting

October 2017 Development Activity

	<i>This Month</i>	<i>Last Month</i>	<i>Year-to-Date</i>	<i>This Month Last Year</i>	<i>Last Year-to-Date</i>
Pre-applications Conferences	3	3	9	-	-
Hours Spent on Development Review	181.66	195	541	-	-
Hours spent on Utility Permits	128.94	31	293	-	-
Development Permits Issued	3	0	6	-	-
Utility Permits Issued	12	11	38	-	-
New Sewer Connections	29	1	41	-	-
New Water Services	-	-	-	-	-
Active Erosion Control Permits	30	18	84	-	-
Total Erosion Control Permits Inspected	30	18	84	-	-
Active Construction Permits	10	7	31	-	-
Sanitary SDC Fees Received	\$149,785	\$0	\$206,600	-	-
Water SDC Fees Received		-	-	-	-
Plan Review Fees Received	\$3,423	\$200	\$5,689	-	-
Inspection Fees Received	\$5,135	\$0	\$7,810	-	-

Attachments

1. "Development Review Status" tracker

Project Status	Address	Type of Development	Notes	Last Updated
Under Construction	14400 SE Lee Ave.	Z0071-16 Duplex on existing lot. (SFR previously demolished)	Erosion Control inspections ongoing. Sanitary Sewer installed. Unknown Timeline	11/1/17
Under Construction	2009 SE Courtney Ave.	3-parcel Partition (1 new home & 1 new duplex. Existing home is on the Historical Register as a duplex.)	Erosion Control inspections ongoing. Sanitary Sewer installed. Sewer connections installed. SFDs under construction. Unknown timeline.	11/1/17
Under Construction	15448 SE East Ave. (Zetterberg Estates)	18-Unit Multi-Family	Sanitary sewer Inspections complete. Erosion Control inspections ongoing. Unknown timeline.	11/1/17
Under Construction	5210 SE Roethe Rd.	6-lot Subdivision (5 new homes)	Public infrastructure installed and approved. In 11-month warranty period. SFDs under construction. Warranty period ends July 2017. Final SS inspections pending.	11/1/17
Under Construction	13012 SE Oatfield	Proposed subdivision; 9 potential lots. Z0407-16	OLWSD approved plans. Pre-con being scheduled. Sanitary inspections pending. Expires Sept. 2018	11/1/17
Under Construction	18122 SE McLoughlin Blvd	Z0482-16-D Commercial Design Review: Fuel Island	EC and Sanitary inspections ongoing. Expiration April 2018	11/1/17
Under Construction	6460 Glen Echo Avenue	Z0461-16_Gladstone_Glen_Echo. (OLSD Service area / out of OLSD Boundary).	10-lot subdivision. Gladstone Plan Review. Gladstone Inspection . OLWSD receives approved plans and asbuilts and inspection reports.	11/1/17
Under Construction	4900 SE Meldrum	2-lot partition Z0572-16	Public infrastructure installed and approved. In 11-month warranty period. SFDs under construction. Warranty period ends March 2018.	11/1/17
Under Construction	Willamette View	Riverview Dining Facility Replacement / Expansion; Z0239-17	Plans approved. Expires Oct 2018	11/1/17
Pre-Application	18107 SE Addie Street.	ZPAC0167-16 4-plex	Pre-application comments sent. Awaiting land use / subdivision application. Expires Dec. 2017	11/1/17
Pre-Application	14501 SE Laurie Ave	Z0050-17 2-lot partition	Land use comments sent. Awaiting engineering plans. County expiration timeline.	11/1/17
Pre-Application	2818 SE Park Avenue	Commercial with underground parking	Pre-app comments submitted. Awaiting Land Use Application. County expiration timeline.	11/1/17
Pre-Application	3260 SE Oak Grove Blvd	130000+ mini storage facility	Land use comments sent. Awaiting engineering plans.	11/1/17
Pre-Application	15007 SE McLoughlin Blvd	LA Fitness TI	ZPAC0031-17-Awaiting land use/design review application.	11/1/17
Pre-Application	16005 SE River Forest Pl	two-parcel partition	ZPAC0027-17.Awaiting land use application.	11/1/17
Pre-Application	2615 SE VINEYARD WAY	two-parcel partition	Attended pre-app. Awaiting Land Use application. County expiration timeline.	11/1/17
Pre-Application	15314 SE RUPERT DR	7-lot subdivision Z0426-17-SS	Seven-lot minor subdivision for one existing and six new home sites. Attended pre-app. Land Use Comments Submitted. County expiration timeline.	11/1/17
Pre-Application	ZPAC0130-17 18332 SE Willamette Dr	3-lot partition	Pre-app comments submitted. Awaiting Land Use Application. County expiration timeline.	11/1/17
Pre-Application	ZPAC0131-17 16885 SE McLoughlin	Design Review - Les Schwab	Pre-app comments submitted. Awaiting Land Use Application. County expiration timeline.	11/1/17
Pre-Application	18107 SE Addie Street	Subdivision: 5 units / 6 lots	ZPAC0096-17 to build 5 units and partition 6 lots at	11/1/17
Plan Review	4281 SE Manewell Lane	A four-lot SFR minor subdivision.	Z0640-16 Land use comments sent. Awaiting engineering plans. County expiration timeline. AKS / Kustom-Built project.	11/1/17
Plan Review	18121 SE River Rd. (Jennings Lodge Estates)	62-lot Subdivision (Zone Change R-10 to R-8.5 not approved by CC. (Applicant has filed an appeal with the Land Use Board of Appeals)	Received Engineering Plans 3rd plan submittal.	11/1/17

Project Status	Address	Type of Development	Notes	Last Updated
Plan Review	3816 SE Hill Rd	Z0428-16 8-lot subdivision	Received Engineering Plans (2nd review) comments sent. Awaiting 3rd plan submittal.	11/1/17
Plan Review	13715 SE River Road	Z0399-17 Rose Villa - 28 Homes	Awaiting Engineering Plans. County expiration timeline. Also Z0066-17	11/1/17
Plan Review	17908 and 17900 SE Addie Street.	Z0200-17-D_BOARDMAN_WETLAND	Land use comments sent. Awaiting engineering plans. County timeline for expiration.	11/1/17
plan review	5215 SE Roethe Rd	2-parcel partition / 2-year extension Z0014-17. previous Z0555-12-M	Land use comments sent. Awaiting engineering plans. Land Use timeline.	11/1/17
Plan Review	SE Manewal at SE Towery LN	Z0157-17_Manewal_South	Land use comments sent. Reviewed by OLWSD Counsel. Land Use / Partition Land Use Review. Z0156-17 (for original tax lot 2300) is now void. Z0157-17 for original tax lot 800 and now east one-half of 2300 is revised and is now the only Partition application for Tasso Homes on Manewal. Engineering Plans submitted Sept. 5. Awaiting land use decision.	11/1/17
Plan Review	SE Courtney at SE Rupert	Z0061-17-D 10-unit apartment	Land Use Comments sent. Awaiting engineering plans. County Land Use Timeline. Erosion control submitted. Under review.	11/1/17
Plan Review	15510 SE Wallace Street	Z0593-16 13 lot subdivision	Land Use Comments sent. Awaiting engineering plans. County Land Use Timeline.	11/1/17
plan review	18107 SE Blanton	6-lot partition	Land Use Comments sent. Awaiting engineering plans.	11/1/17
Plan Review	19421 SE KAY ST	two-parcel partition	Land use comments sent. Awaiting engineering plans. County expiration timeline.	11/1/17
Plan Review	13809 SE Linden Ln.	Replace existing home with duplex.	Z0064-17-D. Awaiting Engineering Planset. Also included is ZPAC0138-17. Erosion control issued, some construction activity - preparation only. Awaiting utility plans.	11/1/17
Plan Review	Taxlots 2000 & 2100 located behind 15026 & 15018 SE Linden Ln.	3-parcel partition	Z0305-15-M Pubic Main Line Extension. Development approval. Sanitary inspections ongoing. Erosion inspections ongoing. Expires Oct 2018	11/1/17
Plan Review	13755_SE_Schroeder	Rose Villa Units	"The Oaks" PHASE 2B' NET ZERO ENERGY POCKET NEIGHBORHOOD Z0489-17_	11/1/17
Plan Review	18800 SE MCLOUGHLIN BLVD	Nonconforming Use - Alteration/Verification:	Land use comments submitted. Awaiting building permits. Z0542-17 Nonconforming Use - Alteration/Verification	11/1/17
Plan Review	18800 SE McLoughlin	Z0542-17 Addition of one vehicle sales stall	An Alteration of a Nonconforming Use, a service commercial use, a hair salon, to permit the use of one parking space for the display and sale of automobiles.	11/1/17
Plan Review	3016 SE COURTNEY AVE	Z0523-17 Parking lot	Land use comments submitted. Awaiting engineering plans. County expiration timeline.	11/1/17
Plan Review	17624 SE RIVER RD	Z0471-17 : attached housing	Land use comments submitted. Awaiting engineering plans. County expiration timeline.	11/1/17
Complete	15415 SE River Rd.	3-parcel Partition (2 new homes)	Project complete. Sanitary Inspections complete. Erosion Control ongoing (SFD). Awaiting asbuilts. Unknown timeline.	11/1/17

Project Status **Address** **Type of Development** **Notes** **Last Updated**

Pre-Application	7900 SE Addie Street	ZPAC0153-17 - Park proposal at Boardman	Pre-app comments sent. Awaiting land use application. County timeline. Design review to develop a pocket park project to include sidewalk, benches, slides, playground equipment with appropriate landscaping	11/1/17
Pre-Application	16250 SE MCLOUGHLIN BLVD	Commercial with interior storage	Pre-app comments sent. Awaiting land use application. County timeline. Design Review Pre-app to add 32,246 sf commercial space (add 2 stories) to existing commercial bldg at 16250 SE McLoughlin	11/1/17
Pre-Application	22E07CA03003	Partition	A Partition of the subject property to create two parcels; one of approximately 10,259 s.f. and one of approximately 12,421 s.f. for new home sites.	11/1/17



AGENDA ITEM

Agenda Item: Call for Public Comment
Item No.: 9
Presenters: Public

Background:

Members of the public are invited to address the Board on any relevant topic. The Board may elect to limit the total time available for public comment or for any single speaker depending on meeting length.



AGENDA ITEM

Agenda Item: Business from the Board
Item No.: 10
Presenters: Board Members

Background:

The Board of Directors appoints District representatives from time to time to serve as liaisons or representatives of the District to committees or community groups.

Directors assigned specific roles as representatives of the District are placed on the agenda to report to the Board on the activities, issues, and policy matters related to their assignment.

Thursday, November 02, 2017
6:45 PM – 8:30 PM

Development Service Building
Main Floor Auditorium, Room 115
150 Beaver Creek Road, Oregon City, OR 97045

AGENDA

6:45 p.m. Pledge of Allegiance

Welcome & Introductions

Chair Jim Bernard & Mayor Brian Hodson, Co-Chairs

Housekeeping

- Approval of October 05, 2017 C4 Minutes **Page 03**
- Meeting notice emails

6:50 p.m. Housing Tools Discussion re SDCs and CET

- Staff Memo and Materials **Page 05**
- SB 1533 (2016) **Page 15**
- Presentation materials from Alma Flores - Milwaukie **Page 20**

8:15 p.m. Updates/Other Business

- 2018 Regional Bond
- JPACT/MPAC Updates
- Other Business

8:30 p.m. Adjourn

General Information



Current Voting Membership

		C4 Exec	C4 Metro	C4 Rural	JPACT	MPAC	R1ACT
Clackamas County	Chair Jim Bernard	●	●	●			
Clackamas County	Commissioner Paul Savas		●	●	●		●
Canby	Mayor Brian Hodson	●		●			●
CPOs	Laurie Freeman Swanson (Molalla CPO)	●					
Estacada	Mayor Sean Drinkwine			●			
Fire Districts	Matthew Silva (Estacada Fire District)	●					
Gladstone	Mayor Tammy Stempel		●				
Hamlets	John Meyer (Mulino Hamlet)						
Happy Valley	Councilor Markley Drake		●				
Johnson City	Vacant						
Lake Oswego	Councilor Jeff Gudman	●	●		●	●	●
Milwaukie	Mayor Mark Gamba		●			●	
Molalla	Mayor Jimmy Thompson			●			
Oregon City	Mayor Dan Holladay		●				
Portland	Vacant						
Rivergrove	Mayor Heather Kibbey		●				
Sandy	Councilor Carl Exner			●			
Sanitary Districts	Nancy Gibson (Oak Lodge Water Services)	●					
Tualatin	Councilor Nancy Grimes		●				
Water Districts	Hugh Kalani (Clackamas River Water)						
West Linn	Council President Brenda Perry		●				
Wilsonville	Mayor Tim Knapp		●		●		

Current Ex-Officio Membership

MPAC Citizen Rep	Betty Dominguez
Metro Council	Councilor Carlotta Collette
Port of Portland	Emerald Bogue
Rural Transit	Julie Wehling
Urban Transit	Dwight Brashear

Frequently Referenced Committees:

- CTAC:** Clackamas Transportation Advisory Committee (C4 Transportation TAC)
- JPACT:** Joint Policy Advisory Committee on Transportation (Metro)
- MPAC:** Metro Policy Advisory Committee (Metro)
- MTAC:** Metro Technical Advisory Committee (MPAC TAC)
- R1ACT:** Region 1 Advisory Committee on Transportation (ODOT)
- TPAC:** Transportation Policy Advisory Committee (JPACT TAC)

Thursday, October 5, 2017
6:45 PM – 8:30 PM

Development Service Building
Main Floor Auditorium, Room 115
150 Beaver Creek Road, Oregon City, OR 97045

Draft MINUTES

Attendance:

Members: **Canby:** Brian Hodson (Co-Chair); **Clackamas County:** Chair Jim Bernard (Co-Chair); Paul Savas; **CPOs:** Laurie Swanson (Molalla); Marjorie Stewart (Firwood) (Alt.); **Estacada:** Sean Drinkwine; **Hamlets:** John Meyer (Mulino); **Happy Valley:** Markley Drake; **Lake Oswego:** Jeff Gudman; **Milwaukie:** Mark Gamba; **Molalla:** Elizabeth Klein (Alt); **MPAC Citizen Rep:** Betty Dominguez; **Sanitary Districts:** Nancy Gibson (Oak Lodge Water Services); **Transit:** Dwight Brashear (SMART); Eve Nilenders (Trimet); Julie Wehling (Canby); **Water Districts:** Hugh Kalani; **West Linn:** Teri Cummings (Alt); **Wilsonville:** Tim Knapp

Staff: Gary Schmidt (PGA); Trent Wilson (PGA)

Guests: Jaimie Huff (Happy Valley); Don Kemp (WES); Doug Riggs (West Linn); Diedre Landon (DTD); John Lewis (Oregon City); Mary Jo Cartasegna (BCC); Mark Ottenad (Wilsonville SMART); Lisa Batey (Milwaukie); Annette Mattson (CCBA); Theresa Kohlhoff (Lake Oswego); Mike Kohlhoff (Lake Oswego); Tracy Moreland (BCC); Alma Flores (Milwaukie); Sherilyn Lombos (Tualatin); Kathryn Krysier (NCPRD); Chuck Robbins (H3S); Steve Williams (DTD); Bernie Bottomly (TriMet); Greg Geist (WES); Karen Buehrig (DTD)

The C4 Meeting was recorded and the audio is available on the County's website at <http://www.clackamas.us/c4/meetings.html> Minutes document action items approved at the meeting.

Agenda Item	Action
Approval of September 07, 2017 C4 Minutes	Minutes approved.
Approval of Updated Draft Bylaws	The proposed bylaws included in the Agenda Packet were approved, with the caveat to add an "s" to "representatives" on Page 2, paragraph 3, line 2.
2018 Regional Bond Discussion	Bernie Bottomly (TriMet) and Karen Buehrig (Clackamas County DTD) presented on the current status of the 2018 Regional Bond, sharing the timeline and expectations of C4 to agree upon recommended projects that would be polled in the region. C4 agreed to advance two proposals for polling purposes: I-205 Abernethy

	<p>Bride and a suite of projects identified throughout many jurisdictions. The suite of projects include: Hwy 213 Improvements at Abernethy Rd and Beaver Creek (CC), Hwy 43 Corridor (WL), Boones Ferry Rd. (LO), Railroad Ave (Milwaukie), 99E and McLoughlin Blvd. (OC), 172nd/190th Connector (HV), Trolley Trail Bridge (Gladstone), and a bike/ped bridge connecting Lake Oswego and Oak Grove.</p> <p>Successful motion: Advance I-205 Abernethy Bridge and projects 2-8, plus 13 on the presented project list. (9 in favor, 5 against)</p> <p>Failed motion: Advance Sunrise Phase II over I205. (3 in favor, 11 against)</p> <p>C4 members requested that I205 be considered as a project that is “taken off the top,” and not from only Clackamas County’s allocated bond funds, because of its regional significance, and thus allowing Clackamas County to consider other project alternatives that would resonate with voters, like Sunrise Phase II.</p> <p>C4 members also expressed frustration at the process and the express timeline by which these project considerations needed to be made. Members expressed that a rushed process could thwart the region’s ability to be successful, and that the projects put forward should be “bold”.</p> <p>C4 asked that this information be memorialized in a formal recommendation to the appropriate body. Staff agreed to prepare a letter.</p>
<p>Housing Tools Discussion re SDCs and CET</p>	<p>Alma Flores (Milwaukie) and Chuck Robbins (Clackamas County Housing) presented a high level discussion on the role that a construction excise tax (CET) can play in the region. Alma shared about Milwaukie’s reasoning behind advancing a CET, mainly to capture funds that would help the city support/ensure low income housing is prioritized in future development.</p> <p>This discussion ran short on time and members requested this discussion continue at the November meeting and include more dialogue about how SDCs impact development.</p>
<p>JPACT/MPAC Updates</p>	<p>JPACT: Regional Bond discussion are occurring at the JPACT Finance Subcommittee. Mayor Knapp acknowledge the conflict of Wilsonville being the JPACT rep for the cities because the regional bond does not include Wilsonville.</p> <p>MPAC: Entering discussions on the Construction Excise Tax, and a discussion about having a region-wide CET, which state law currently prohibits.</p>
<p>Other Business</p>	<p>None.</p>

Adjourned at 9:00 p.m.

MEMORANDUM

To: Clackamas County Coordinating Committee (C4)
From: Trent Wilson, Clackamas County Government Affairs Specialist
Date: October 26, 2017

Subject: Housing tools discussion regarding SDCs and CET

Overview:

As a continuation of the housing affordability discussion, C4 members have asked to discuss system development charges (SDC) and the construction excise tax (CET) as possible mechanisms to address housing. Recommendations to date have included a proposal to consider the merits of “proportional” SDCs and to consider CETs as a mechanism to facilitate a housing trust fund.

Recommendation:

Staff recommends C4 discuss the merits of SDCs and CETs as possible tools to address housing in Clackamas County.

Key questions to address for CET:

- Should jurisdictions adopt a local Construction Excise Tax (CET) to help generate revenue to support housing programs, such as a Housing Trust Fund? (A consideration from the C4 Land Use Advisory Subcommittee Report)
- What would CET revenue fund?
 - Would it be specific to jurisdictions imposing the fund?
 - Would it be used countywide to serve agreed upon countywide needs?
 - Could a portion be used to offset potential reductions to SDC charges, to provide the funding for infrastructure needs?

Key questions to address for SDC:

- Are SDCs appropriate mechanisms to use to address housing affordability?
- Who is the appropriate beneficiary of potential SDC waivers or adjustments, and will restrictions be included to ensure long-term affordability?
- If so, should this be done through (1) project specific reductions, (2) a rate waiver or (3) “right-sizing” or “proportional” rates that would lower the cost of smaller residential development?

1. **Project specific reductions:** The applicant submits supporting documentation to justify a reduced SDC rate by demonstrating reduced impacts on the system(s) and the fee is calculated using those impacts. The development is creating less of

an impact and there is a direct correlation between the reduced rate and the reduced impact on the system.

2. **Rate waivers:** Developers can apply to have SDCs waived, but this presents other questions. For example, where would the agency recover the lost revenue to build the necessary infrastructure to support the additional population? Each system has an SDC based on capital project needs and projected growth, services relying on SDC would end up with a shortfall of SDC matching funds to add the necessary capacity to the system.
3. **“Right-sizing” or “proportional” rates:** This rate structure would be done through a methodology update and would shift the costs to other developments in the system. Such an update may have an unintended consequence on development costs throughout the County/City. Barrier to this methodology, where, or to whom, does the burden of paying for those improvements transfer to?
 - If SDCs are used as a potential tool to address housing affordability, how do you ensure those cost savings are being realized by the project, not other items, such as the profit margin?

Attachments:

- Metro Memo on Regional Equitable Housing Investment Opportunities
- SB 1533 (2016 State Legislature)

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: August 25, 2017 DRAFT
To: Metro Council
From: Elissa Gertler, Planning and Development Director
CC: Martha Bennett, COO
Megan Gibb, Land Use and Development Manager
Emily Lieb, Equitable Housing Initiative Project Manager
Subject: Regional equitable housing investment opportunities

Like other regions around the country, the Metro region faces an urgent need to address a critical shortage of affordable housing. Rents are increasing faster than renter incomes, and more than 67,000 renters in our three-county region pay more than half of their income toward housing costs. Metro's Equitable Housing Initiative is working to build our region's capacity and Metro's capacity to respond through a multi-pronged approach that includes the following elements:

- Mitigate displacement and stabilize communities
- Maximize and optimize resources for regulated affordable housing
- Leverage growth for affordability
- Increase and diversify overall housing supply

Financial resources remain the biggest hurdle to ensuring adequate housing for the region's residents. Federal resources for affordable housing have continued to decline, and despite recent expansions in funding at the state level and within the city of Portland, a large funding gap remains to meet the need for housing affordable to households making less than 50% of area median income (AMI). It would cost about \$900 million to construct sufficient new housing to close the region's 11,100-unit deficit of housing affordable to households making 30-50% of area median income (AMI), and approximately \$5 billion to fill the 36,300-unit deficit of housing affordable to households making at or under 30% of AMI.¹

This memo starts from an assumption that there are certain income levels currently not served by the private housing market—hence the need to undertake strategies not only to increase incomes and provide access to affordable transportation options, but also to increase the supply of publicly subsidized, regulated affordable housing. The memo and attachments outline the need for and advantages of a regional approach to address the challenge and lay out the policy and operational considerations that can inform the agency's next steps. As part of the Equitable Housing initiative, we have undertaken a technical analysis to identify the region's most significant areas of housing need, and the strategies that have been used successfully in other places to address similar challenges. The memo and attachments summarize the benefits and limitations of three potential investment strategies and two potential funding sources that have been informed by this research and additional initial stakeholder input, including feedback from our local city/county staff

¹ Assuming 4% tax credit leverage for wood frame or podium construction in medium cost areas, per unit gaps of \$60,000 to \$100,000 are achievable for affordability at the 60% of AMI level. Gaps to reach the 30% of AMI level are roughly double that amount. David Rosen & Associates Housing Affordability Gap Analysis, 2017. Housing deficit estimates are from the 2010-2014 Comprehensive Housing Affordability Strategy database (CHAS) produced by the U.S. Department of Housing and Urban Development (HUD) and U.S. Census American Community Survey (ACS).

partners. Finally, the memo includes recommended next steps for partner engagement, application of a racial equity lens, and continued development of programmatic elements.

The Planning department is seeking Council feedback regarding the overall direction and proposed next steps described in this memo.

Advantages of a regional approach

Our housing affordability challenges do not know jurisdictional boundaries, yet within our region, resources for investing in affordable housing are overwhelmingly focused within the city of Portland. More than half of our region's severely cost burdened households live outside Portland in the other 23 cities and counties that comprise Metro's jurisdictional boundary; however, only 33% of our region's 41,353 regulated affordable rental housing units are located outside Portland, and only 6% of existing \$149 million of annual funding capacity for investing in affordable housing is focused outside of Portland in the rest of the region.²

Tackling the region's shortage of affordable housing will require new dedicated revenue tools, coordinated investment strategies, and a mix of short- and long-term approaches. While such tools and strategies could be pursued at the local level, our team feels strongly that a regional approach offers several advantages, including the ability to:

- Generate an investment strategy on the scale necessary to have an impact on serving regional needs
- Integrate affordable housing into communities across the region and strategically target investments to locations that offer the best balance of cost efficiency, leverage, outcomes for vulnerable communities and local needs
- Develop a regional housing strategy that responds to regional dynamics of market change and economic displacement
- Connect affordable housing investments to planning and policy related to transportation, natural areas, economic development, and racial equity
- Leverage state and federal resources to support coordinated investment strategies to address a critical regional need
- Spread the burden of revenue generation evenly across the region in a way that does not affect the competitive advantage of one jurisdiction over another
- Capture operational efficiencies of scale

Recommended strategies

Based on research, analysis, and stakeholder conversations over the past two years, staff have identified promising investment tools recommended for further exploration and development as part of a comprehensive regional investment program. We believe a successful regional program will include multiple components that fall within three strategic approaches:

² 2010-2014 Comprehensive Housing Affordability Strategy database (CHAS), U.S. Department of Housing and Urban Development (HUD) and U.S. Census American Community Survey (ACS); Metro 2015 Regulated Affordable Housing Inventory; David Rosen & Associates Inventory of 2016 Federal and Local Resources for Affordable Housing Investment.

- *Strategy #1: Anti-displacement and community stabilization.* Land acquisition, acquisition and rehabilitation of existing regulated and unregulated affordable housing, and gap financing to create or preserve housing opportunities for households at 0-60% of area median income (AMI) in locations with high displacement risk and/or access to transit, opportunities, and amenities.
- *Strategy #2: Homelessness prevention and deep affordability.* Flexible gap financing to support traditionally financed projects at 0-60% AMI, which face widening subsidy gaps due to rising construction costs and uncertainty in the tax credit equity market. This strategy could be coordinated with housing authorities' project-based rental assistance vouchers to include some units with deeper affordability to serve households with incomes at 0-30% of AMI.
- *Strategy #3: Mixed income communities and shallow subsidy.* Financial incentives for inclusion of affordable and "below market" units, typically 0-80% AMI, in new private market residential developments. Incentives could be tailored to local community needs in terms of what income level is served and whether the program is more targeted at private or nonprofit developers.

These three strategies and the program components within them are further described in *Attachment A*. In order to respond to the range of needs and contexts across the region, we anticipate that a regional equitable housing investment program would include multiple programmatic elements targeting different income levels and approaches. Most of these strategies are fairly scalable; however, start-up and overhead costs will vary. A summary of feedback on these strategies from local jurisdiction staff is included on pp. 5-7.

Key policy considerations related to the equity and cost effectiveness that would need to inform the design of a regional investment program include:

- *Who is served?* Households with the lowest income levels have the greatest need for affordable housing, but deeper income targeting requires more subsidy per unit, thereby reducing the number of households that can be served. For example, a strategy targeting households at 80% of AMI will be able to support more units with a shallow subsidy than a strategy serving households at 30% of AMI, which requires a much deeper per unit subsidy. It is worth noting: our analyses do not show a deficit of rental housing affordable at the 50-80% or 60-80% AMI levels anywhere in the region.³
- *Where is housing built?* It's more expensive to produce affordable units in locations with high land costs; however, these locations are often the places that offer better access to transportation, services, and jobs. Focusing investments in low or medium-cost areas with increasing land values could help prevent displacement, ensure income diversity in high-opportunity areas, and capture value created by the real estate market.

³ 2010-2014 Comprehensive Housing Affordability Strategy database (CHAS), U.S. Department of Housing and Urban Development (HUD) and U.S. Census American Community Survey (ACS). A similar conclusion was reached by a Johnson Economics of 2015 data from Axiometrics, ACS, and Metro's 2015 Regulated Affordable Housing Inventory.

- *What type of housing (new or preserved)?* Acquisition of existing units for preservation as affordable housing is more cost effective than new construction in low- to middle-cost areas; however, this strategy does not increase the overall supply of housing and is limited to locations where existing naturally occurring affordable housing exists. More research is needed to understand specific preservation opportunities across the region and how they would align with different income targeting and location priorities.
- *What revenue tool could be used to support it?* Two funding tools that have been identified as having near term potential include construction excise tax (CET) and general obligation (GO) bonds. These tools have different implications in terms of potential scale, permitted uses and compatibility with identified investment strategies, anticipated geography (region as a whole vs. non-Portland balance of region), implementation requirements (legislative and voter approvals), and who would be impacted (i.e., who pays, who benefits). These considerations are discussed further in the next section. .

Potential funding sources

Two revenue tools identified as having near term potential include construction excise tax (CET) and general obligation (GO) bonds. These tools are complementary. While either tool could be pursued and implemented independently, it is anticipated that a regional program supported by both of these funding tools would generate stronger stakeholder support and serve a range of housing needs and local market contexts. If the region chose not to pursue either of these funding sources, other potential options include attempting to build a regional housing investment consortium or collective impact approach, pursuing federal or philanthropic grants, or attempting to develop a private funding source. Such strategies would all likely result in a much smaller scale of impact than the two funding sources detailed here.

Considerations	Construction Excise Tax	General Obligation (GO) Bond
Scale	\$10.8 million/ year	Potentially \$500 million or more. For example, Metro's 2006 Parks bond was \$XXX million. The proposed TriMet transportation bond will be \$1.7 billion.
Permitted uses	According to the formula laid out in SB 1533, 15% of proceeds are passed to the Oregon Housing and Community Services Department (HSCD) for homebuyer assistance programs, 50% of residential revenues must be used for developer incentives, and the remaining 35% of revenues from a residential CET and all revenues from a commercial CET can be used	Currently, local GO bonds for affordable housing are subject to a requirement that a public agency own and operate the asset until the bond is repaid. These requirements create limitations for the ability to use bond investments to leverage traditional finance tools such as tax credits. However, discussions are underway to pursue a constitutional amendment in 2018 that would

	at local discretion.	modify those requirements to create greater flexibility.
Anticipated geography	Locations where a local CET is not currently in place. (Currently, Portland is the only Metro jurisdiction with a local CET, but others are considering it.)	The three-county region
Approvals required for implementation	State legislative approval is necessary to enable Metro to be authorized to use the CET enabled by SB 1533. Regional voter approval may also be necessary to raise a spending cap on excise taxes in Metro’s charter.	Regional voter approval would be required for a GO bond. State voter approval would be required for the constitutional amendment that would provide more flexibility for this strategy.
Who pays?	While it is often assumed that “developers pay” for a CET, it is possible that some or all of these costs may be passed on to tenants in new residential or commercial building.	Costs would be spread across existing property owners throughout the region. Due to Measures 5 and 50, this means that existing inequities in the property tax system would be perpetuated.
Current use for affordable housing	There are currently seven local jurisdictions around the state of Oregon that have adopted a CET for affordable housing under the authorization provided in SB 1533. Currently, Portland is the only jurisdiction in the Metro region with a CET; however, other jurisdictions, including Milwaukie, are considering a CET.	The State’s Local Innovation and Fast Track (LIFT) program is funded by \$40 million GO bond committed by the state legislature in 2015. In 2016, the City of Portland passed a \$258 million bond—the largest housing bond ever passed by Portland voters, with a price point of \$75/voter/year—focused on building or preserving 1,300 units of affordable housing over the next 5-7 years.

Feedback from Local Jurisdiction Staff

In August, Metro Planning staff met with planning, community development, and housing authority directors from across the region to discuss their perspectives on the need for regional approaches to funding and investment in equitable housing, and on the identified investment strategy options.

General themes included:

- There is widespread recognition among both staff and elected leaders that housing affordability is a regional challenge that requires regional solutions. Participants expressed general support for Metro to convene a conversation around regional opportunities.
- Several participants expressed concerns about fair allocation of resources and the need for strong local participation in the design and/or administration of new investment programs. Additional concerns were raised about the need to align new

program criteria with existing funding programs to avoid creating another layer of complexity for the already challenging process of lining up multiple funding sources to make affordable housing projects pencil out.

- Across the region, city and county staff are being directed by their councils to identify new policy and funding solutions to address growing local concerns about homelessness, displacement vulnerability for renters, and the need for permanently affordable housing to serve households at a range of income levels—from growing houseless populations to the local workforce.
- Smaller jurisdictions feel they lack the technical capacity to facilitate affordable housing development and expressed interest in a regional technical assistance program, whereas several larger jurisdictions felt they had significant staff expertise but lacked the resources and in some cases the staff capacity for implementation.

Themes related to how the strategies described in Attachment A might relate to identified needs and existing programs or gaps to address them included:

- Nearly everyone we spoke with expressed concerns about the need for new solutions to address growing homelessness challenges. Housing authorities saw an opportunity to combine new gap financing with their existing federal rental assistance vouchers and align investments with social services to develop new permanent supportive housing for service-dependent low-income households.
- Housing authority staff also identified a growing need for flexible funding to fill the widening gap for traditionally financed affordable housing projects at 30-60% AMI. Current projects in the pipeline have been experiencing delays due to rising construction costs and uncertainty among tax credit equity investors.
- City and county staff saw an opportunity for coordination between regional housing and transportation funding discussions. Several participants pointed to opportunities for land acquisition and preservation in the SW Corridor.
- Jurisdictions with a lot of naturally occurring affordable housing expressed interest in a preservation strategy that would improve habitability of units while also protecting affordability.
- Several participants saw an opportunity for developer incentives to support inclusion of 80% AMI rental units in new market rate development to support mixed income buildings. Even in locations where most market rate development is currently affordable at 80% AMI, staff saw an opportunity to bring more income diversity to neighborhoods while also protecting long-term affordability in the face of anticipated market change.

Participants also identified three areas not included in the strategies summarized in *Attachment A*:

- In addition to general preservation strategies, several participants specifically pointed to the need to stabilize communities in mobile home parks. New state resources have been dedicated to this issue, but several participants felt it merited additional consideration as part of a regional strategy. This is something we would like to further explore in the next phase of this work.
- Several participants talked about the need to broaden access to homeownership both through the development of more modest “missing middle” housing options and also through targeted homeownership assistance programs. Such a strategy

would be supported to some extent by a CET due to the requirement that 15% of funding be allocated to the state to provide down payment assistance.

- Several participants, particularly in Clackamas County, pointed to the need for new solutions to provide temporary housing for the homeless, and more regional coordination around services for the homeless. We believe there is an opportunity to explore how a regional investment program could support homelessness efforts. With regard to coordination of services, the HUD regional field office could potentially serve as a regional coordinator.

Finally, feedback related to revenue approaches included:

- Some jurisdictions had concerns about the potential impacts of construction excise tax on development, given rising construction costs and already high system development charges (SDCs). At the same time, jurisdictions in Washington County have been fielding increasing inquiries from private developers following adoption of Portland inclusionary housing policy, which may create additional appetite for development outside of Portland.

Based on this feedback, we believe there is general support for the list of strategies described in Attachment A, but recommend continued engagement with city, county, and housing authority staff—as well as with a broader range of stakeholders—to design a program that will serve a wide range of needs and local contexts.

Partner Engagement, Racial Equity Approach, and Proposed Next Steps

Based on the findings presented above and our discussions with internal and external stakeholders, we recommend the following next steps:

Racial Equity Analysis. Over the next several months, we will be working with internal and external partners to identify how efforts to advance regional affordable housing can best align with Metro’s adopted racial equity strategy and provide maximum benefit to resident of color in our region. Strategies designed to increase access to housing for residents with lower incomes do provide some targeted benefit to people of color, who experience disproportionate levels of low income compared to white populations; yet more can and should be done to explore how regional affordable housing revenue and investment strategies can maximize benefit to people of color. Staff will explore multiple next steps, including engagement, collaborative partner dialogue, and analysis to understand the potential equity impacts of revenue and investment strategy decisions, and to ensure that a racial equity lens approach is applied to these discussions. This information will be used to inform next steps and recommendations and will support existing timelines and program development.

Investment Strategies and Tools. Based on feedback from local jurisdiction staff, we recommend additional consideration of how mobile home park preservation and homeownership assistance might factor into a regional investment approach, and additional consideration for how a regional housing investment program could be aligned with homelessness efforts across the region. Additional research is also needed to understand the best scale and targeting for a land acquisition and/or acquisition of naturally occurring affordable housing program.

Revenue Options. Further cost-benefit and legal analysis is necessary to understand the impacts of potential revenue tools and implications for program development, and political feasibility research is recommended to understand the viability of each of these strategies.

Stakeholder Engagement. On September 13, staff will present an update on this work to the Metro Policy Advisory Council (MPAC). We will also continue to engage city and county planning and community development staff and public housing authority staff, for-profit and non-profit developers, and funders and lenders to better understand their perceptions about how a regional strategy could respond to local needs and align with existing programs. Key stakeholders include:

- City and county community development and housing departments
- Local council and policy staff
- Public housing authorities
- Oregon Housing & Community Services (OHCS)
- Funders and community development finance institutions, including Network of Oregon Affordable Housing, Community Housing Fund, and Enterprise Community Partners
- Foundations, including Meyer Memorial Trust
- Private and nonprofit affordable housing developers
- Social service providers
- Advocacy groups and coalitions working on housing and equity issues, including the Welcome Home Coalition and Washington County Thrives Initiative
- Community leaders representing vulnerable communities, including partners on Metro's adopted Equity Strategy
- SW Corridor Equity & Housing Advisory Group

Enrolled
Senate Bill 1533

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Workforce and General Government)

CHAPTER

AN ACT

Relating to affordable housing; creating new provisions; amending ORS 197.309, 320.170, 320.176 and 320.186 and section 1, chapter 829, Oregon Laws 2007; repealing section 9, chapter 829, Oregon Laws 2007; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.309 is amended to read:

197.309. (1) **As used in this section:**

(a) **“Affordable housing” means housing that is affordable to households with incomes equal to or higher than 80 percent of the median family income for the county in which the housing is built.**

(b) **“Multifamily structure” means a structure that contains three or more housing units sharing at least one wall, floor or ceiling surface in common with another unit within the same structure.**

[(1)] (2) Except as provided in subsection [(2)] (3) of this section, a [city, county or] metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178[,] a requirement, that has the effect of establishing the sales **or rental** price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale **or rent** to [any] a particular class or group of purchasers **or renters**.

[(2)] (3) [This] **The provisions of subsection (2) of this section [does] do** not limit the authority of a [city, county or] metropolitan service district to:

(a) Adopt or enforce a [land] use regulation, [functional plan] provision or [condition of approval] **requirement** creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or [condition] **requirement** designed to increase the supply of moderate or lower cost housing units; or

(b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295.

(4) **Notwithstanding ORS 91.225, a city or county may adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178 a requirement, that has the effect of establishing the sales or rental price for a new multifamily structure, or that requires a new multifamily structure to be designated for sale or rent as affordable housing.**

(5) **A regulation, provision or requirement adopted or imposed under subsection (4) of this section:**

(a) May not require more than 20 percent of housing units within a multifamily structure to be sold or rented as affordable housing;

(b) May apply only to multifamily structures containing at least 20 housing units;

(c) Must provide developers the option to pay an in-lieu fee, in an amount determined by the city or county, in exchange for providing the requisite number of housing units within the multifamily structure to be sold or rented at below-market rates; and

(d) Must require the city or county to offer a developer of multifamily structures, other than a developer that elects to pay an in-lieu fee pursuant to paragraph (c) of this subsection, at least one of the following incentives:

(A) Whole or partial fee waivers or reductions.

(B) Whole or partial waivers of system development charges or impact fees set by the city or county.

(C) Finance-based incentives.

(D) Full or partial exemption from ad valorem property taxes on the terms described in this subparagraph. For purposes of any statute granting a full or partial exemption from ad valorem property taxes that uses a definition of "low income" to mean income at or below 60 percent of the area median income and for which the multifamily structure is otherwise eligible, the city or county shall allow the multifamily structure of the developer to qualify using a definition of "low income" to mean income at or below 80 percent of the area median income.

(6) A regulation, provision or requirement adopted or imposed under subsection (4) of this section may offer developers one or more of the following incentives:

(a) Density adjustments.

(b) Expedited service for local permitting processes.

(c) Modification of height, floor area or other site-specific requirements.

(d) Other incentives as determined by the city or county.

(7) Subsection (4) of this section does not restrict the authority of a city or county to offer developers voluntary incentives, including incentives to:

(a) Increase the number of affordable housing units in a development.

(b) Decrease the sale or rental price of affordable housing units in a development.

(c) Build affordable housing units that are affordable to households with incomes equal to or lower than 80 percent of the median family income for the county in which the housing is built.

(8)(a) A city or county that adopts or imposes a regulation, provision or requirement described in subsection (4) of this section may not apply the regulation, provision or requirement to any multifamily structure for which an application for a permit, as defined in ORS 215.402 or 227.160, has been submitted as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application has been submitted to the city or county prior to the effective date of the regulation, provision or requirement.

(b) If a multifamily structure described in paragraph (a) of this subsection has not been completed within the period required by the permit issued by the city or county, the developer of the multifamily structure shall resubmit an application for a permit, as defined in ORS 215.402 or 227.160, as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application under the regulation, provision or requirement adopted by the city or county under subsection (4) of this section.

(9)(a) A city or county that adopts or imposes a regulation, provision or requirement under subsection (4) of this section shall adopt and apply only clear and objective standards, conditions and procedures regulating the development of affordable housing units within its jurisdiction. The standards, conditions and procedures may not have the effect, either individually or cumulatively, of discouraging development of affordable housing units through unreasonable cost or delay.

(b) Paragraph (a) of this subsection does not apply to:

(A) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(B) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(c) In addition to an approval process for affordable housing based on clear and objective standards, conditions and procedures as provided in paragraph (a) of this subsection, a city or county may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(A) The developer retains the option of proceeding under the approval process that meets the requirements of paragraph (a) of this subsection;

(B) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(C) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in paragraph (a) of this subsection.

(10) If a regulation, provision or requirement adopted or imposed by a city or county under subsection (4) of this section requires that a percentage of housing units in a new multifamily structure be designated as affordable housing, any incentives offered under subsection (5)(d) or (6) of this section shall be related in a manner determined by the city or county to the required percentage of affordable housing units.

SECTION 2. ORS 320.170 is amended to read:

320.170. (1) [*Construction taxes may be imposed by*] A school district, as defined in ORS 330.005, may impose a construction tax only in accordance with ORS 320.170 to 320.189.

(2) Construction taxes imposed by a school district must be collected, subject to ORS 320.179, by a local government, local service district, special government body, state agency or state official that issues a permit for structural improvements regulated by the state building code.

SECTION 3. Section 1, chapter 829, Oregon Laws 2007, is added to and made a part of ORS 320.170 to 320.189.

SECTION 4. Section 1, chapter 829, Oregon Laws 2007, is amended to read:

Sec. 1. (1) A local government or local service district, as defined in ORS 174.116, or a special government body, as defined in ORS 174.117, may not impose a tax on the privilege of constructing improvements to real property except as provided in [*sections 2 to 8 of this 2007 Act*] **ORS 320.170 to 320.189.**

(2) Subsection (1) of this section does not apply to:

(a) A tax that is in effect as of May 1, 2007, or to the extension or continuation of such a tax, provided that the rate of tax does not increase from the rate in effect as of May 1, 2007;

(b) A tax on which a public hearing was held before May 1, 2007; or

(c) The amendment or increase of a tax adopted by a county for transportation purposes prior to May 1, 2007, provided that the proceeds of such a tax continue to be used for those purposes.

(3) For purposes of [*this section and sections 2 to 8 of this 2007 Act*] **ORS 320.170 to 320.189**, construction taxes are limited to privilege taxes imposed under [*sections 2 to 8 of this 2007 Act*] **ORS 320.170 to 320.189** and do not include any other financial obligations such as building permit fees, financial obligations that qualify as system development charges under ORS 223.297 to 223.314 or financial obligations imposed on the basis of factors such as income.

SECTION 5. ORS 320.176 is amended to read:

320.176. (1) Construction taxes imposed [*under ORS 320.170 to 320.189*] **by a school district pursuant to ORS 320.170** may be imposed only on improvements to real property that result in a new structure or additional square footage in an existing structure and may not exceed:

(a) \$1 per square foot on structures or portions of structures intended for residential use, including but not limited to single-unit or multiple-unit housing; and

(b) \$0.50 per square foot on structures or portions of structures intended for nonresidential use, not including multiple-unit housing of any kind.

(2) In addition to the limitations under subsection (1) of this section, a construction tax imposed on structures intended for nonresidential use may not exceed \$25,000 per building permit or \$25,000 per structure, whichever is less.

(3)(a) For years beginning on or after June 30, 2009, the limitations under subsections (1) and (2) of this section shall be adjusted for changes in construction costs by multiplying the limitations set forth in subsections (1) and (2) of this section by the ratio of the averaged monthly construction cost index for the 12-month period ending June 30 of the preceding calendar year over the averaged monthly construction cost index for the 12-month period ending June 30, 2008.

(b) The Department of Revenue shall determine the adjusted limitations under this section and shall report those limitations to entities imposing construction taxes. The department shall round the adjusted limitation under subsection (2) of this section to the nearest multiple of \$100.

(c) As used in this subsection, "construction cost index" means the Engineering News-Record Construction Cost Index, or a similar nationally recognized index of construction costs as identified by the department by rule.

SECTION 6. ORS 320.186 is amended to read:

320.186. A school district may pledge construction taxes **imposed pursuant to ORS 320.170** to the payment of obligations issued to finance or refinance capital improvements as defined in ORS 320.183.

SECTION 7. Sections 8 and 9 of this 2016 Act are added to and made a part of ORS 320.170 to 320.189.

SECTION 8. (1) The governing body of a city or county may impose a construction tax by adoption of an ordinance or resolution that conforms to the requirements of this section and section 9 of this 2016 Act.

(2)(a) A tax may be imposed on improvements to residential real property that result in a new residential structure or additional square footage in an existing residential structure, including remodeling that adds living space.

(b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection must state the rate of the tax. The tax may not exceed one percent of the permit valuation for residential construction permits issued by the city or county either directly or through the Building Codes Division of the Department of Consumer and Business Services.

(3)(a) A tax may be imposed on improvements to commercial and industrial real property, including the commercial and industrial portions of mixed-use property, that result in a new structure or additional square footage in an existing structure, including remodeling that adds living space.

(b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection must state the rate and base of the tax.

(4) Taxes imposed pursuant to this section shall be paid at the time specified in ORS 320.189 to the city or county that imposed the tax.

(5)(a) This section and section 9 of this 2016 Act do not apply to a tax described in section 1 (2), chapter 829, Oregon Laws 2007.

(b) Conformity of a tax imposed pursuant to this section by a city or county to the requirements of this section and section 9 of this 2016 Act shall be determined without regard to any tax described in section 1 (2), chapter 829, Oregon Laws 2007, that is imposed by the city or county.

SECTION 9. (1) As soon as practicable after the end of each fiscal quarter, a city or county that imposes a construction tax pursuant to section 8 of this 2016 Act shall deposit the construction tax revenues collected in the fiscal quarter just ended in the general fund of the city or county.

(2) Of the revenues deposited pursuant to subsection (1) of this section, the city or county may retain an amount not to exceed four percent as an administrative fee to recoup the expenses of the city or county incurred in complying with this section.

(3) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use the remaining revenues received under section 8 (2) of this 2016 Act as follows:

(a) Fifty percent to fund developer incentives allowed or offered pursuant to ORS 197.309 (5)(c) and (d) and (7);

(b) Fifteen percent to be distributed to the Housing and Community Services Department to fund home ownership programs that provide down payment assistance; and

(c) Thirty-five percent for programs and incentives of the city or county related to affordable housing as defined by the city or county, respectively, for purposes of this section and section 8 of this 2016 Act.

(4) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use 50 percent of the remaining revenues received under section 8 (3) of this 2016 Act to fund programs of the city or county related to housing.

SECTION 10. Section 9, chapter 829, Oregon Laws 2007, is repealed.

SECTION 11. A city or county may not adopt a regulation, provision or requirement under ORS 197.309, as amended by section 1 of this 2016 Act, until the 180th day after the effective date of this 2016 Act.

SECTION 12. This 2016 Act takes effect on the 91st day after the date on which the 2016 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.

Passed by Senate February 26, 2016

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House March 3, 2016

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2016

Approved:

.....M.,....., 2016

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2016

.....
Jeanne P. Atkins, Secretary of State

CONSTRUCTION EXCISE TAX DISCUSSION



CONSTRUCTION EXCISE TAX

- [SB 1533B](#) allows cities and counties to enact a Construction Excise Tax to fund affordable housing initiatives.

The following is a CET summary of the key provisions of this bill.

Establishes a new authority for cities and counties (not Metro) to impose a Construction Excise Tax on construction of new structures or construction adding square footage to an existing structure. Cities and Counties may impose a CET on:

- Residential construction, at a rate of 1% of the value of the permit value of the construction
- New commercial and industrial construction, with no cap on the rate of the CET

CET—REVENUE ALLOCATION

The local government imposing the CET may retain 4% of the CET revenues as a fee for administering the tax. After this fee, the residential CET revenues are to be distributed as follows:

- 50% to developer incentives as set out in Section 1 of the bill
- 15% to Housing and Community Services Department to fund homeownership programs that provide down payment assistance
- 35% for affordable housing programs and incentives as defined by the local jurisdiction

For a CET imposed on commercial or industrial development, 50% of revenues after the administrative fee must be expended on programs related to housing

STAFF RECOMMENDATION--RESIDENTIAL

Staff proposes that a Milwaukee CET program be established in the following manner:

- 1 percent of permit valuation for new and additional square footage of residential construction.
- 1 percent of permit valuation on new commercial or industrial development.

The collected Residential Tax revenue will be distributed as follows:

- 15 percent to the State Housing and Community Services Department.
- 50 percent for developer incentives for building affordable housing at 80 percent or below of median family income (MFI) and should include SDC and Permit Waivers and discounts on the public area requirements, when applicable.
- 35 percent for programs and incentives of the city toward affordable housing 60 percent and should include SDC and Permit Waivers and discounts on the public area requirements, when applicable.



STAFF RECOMMENDATION--COMMERCIAL

The collected Commercial Tax Revenue would be distributed as follows:

- 50 percent for affordable housing incentive for housing projects at or below 120 percent of MFI (Workforce Housing) and should include SDC and Permit Waivers and discounts on the public area requirements, when applicable.
- 50 percent for citywide economic development projects and programming with emphasis placed on areas that the city has adopted plans in place (e.g. North Milwaukee Industrial Area Plan, Moving Forward Milwaukee Plan, and South Downtown Plan)



STAFF RECOMMENDATION--EXEMPTIONS

Required State Exemptions:

- Affordable Housing at or Below 80% MFI
- Public Improvements Under Public Contracting Code
- Schools, Hospitals, Worship, Agriculture, Non-Profit Care

Recommended Additional Exemptions:

- Affordable For-sale Housing—at or below 80 percent MFI
- Accessory Dwelling Units for 5 years
- Improvements when value is less than \$100,000



Questions?



ancy Gibson and Lynn Fisher

D. meeting

measure of introducing Sarah Jo to the group last night. She is
mes with faces in our community so it is a good thing. She picks up
situations quickly.

deal of time reviewing 4 new land use applications and re-hashed
been previously discussed. There was a question about
ons and how they are applied to the permit applications.

review each application and apply the current codes and
e compliance or make recommendations for modifications to the

re year that the County seeks input from the CPOs to decide what
changes should be considered. We did the dot exercise where
lots on their favorite proposed changes and that will be placed in a
nning.

ounce that he will be running for re-election. There was a rumor
e was done apparently. Good news is He left us alone this month.

te on the Parks District. It sounds like they have a lot of things on
nit with Happy Valley gets figured out.

ears to be worked out as earlier reported and there is talk of
library on the old Concord School site.



7:10 p.m. **Help Decide What Zoning Ordinance Changes to Request Now from County Planning**

Put dots on those zoning ordinance changes you think are most important to ask the County for in the coming year.

7:30 p.m. **Jennings Lodge Land Use: *New Applications***

- **19421 SE Kay St., Z0448-17-M & Z0527-17-Z:** Change zone from R10 to R7; 3 lot partition, Public hearing scheduled for 9:30 a.m. November 16.
- **18800 SE McLoughlin Blvd., Z0542-17:** Alteration of a nonconforming use to allow Barber shop to use 1 parking space to display/sell car(s). Comments to Rick McIntire by October 29.
- **18538 SE Willamette Dr., Z0517-17:** Change front setback from 20 ft. to 3 ft. for garage on slope. Comments to Andrew Yaden by November 1.
- **County-wide application of interpretation, Z0487-17:** Willamette United Football Club in West Linn asks for interpretation of RRRF5 zoning (Rural Residential Farm Forest 5-acres) to allow uses like their sports facility. Comments by October 30.

8:00 p.m. ***Applications Previously Discussed***

- **17624 SE River Rd., Z0470-17 & Z0471-17:** Conditional use to allow 2- & 3-family dwellings; 6-lot PUD for 13 families. JLCPO recommended application be denied. Public hearing scheduled for 9:30 a.m. October 26.
- **4530 SE Manewal Ln., Z0157-17:** 3-lot Partition. JLCPO recommended application be denied. Public hearing scheduled for 11 a.m. October 26.

8:10 p.m. **Reports and Updates:**

- Report on North Clackamas Parks & Recreation District (NCPRD) latest meeting
- Update on Oak Lodge library services
- Report on CPO liability insurance
- Update on McLoughlin Area Plan Implementation Team
- Report on International Planners' project on McLoughlin Blvd.
- Update on Evangelical property historic review process

8:50 p.m. **Announcements**

introductions: each attendee introduced themselves. Three new attendees were welcomed.

BUSINESS

Treasurers Report

Draft Minutes of the August meeting were adopted as submitted.

LAND USE ISSUES

(1) Evangelical Retreat Center – AKA Jennings Lodge Estates – Historic Review Process

After providing a short overview of the process with emphasis on the last month, Chair Karen Bjorklund said that while the U.S. Army Corps of Engineers federal historic review process is a very technical process, something everyone can do is write to our U.S. Senators to urge them to make sure the Corps follows the required review process of the proposed development for the Evangelical Retreat Center property.

Several members offered specific topics they intended to write about, including the importance of the trees, the property as the center of our community, one of the few existing camp meeting sites, and that alternative designs had been offered and dismissed.

(2) Manewal Lane (south) ZD137-17 Appeal of 3-lot partition (4530 SE Manewal Lane)

At the August meeting, the CPO recommended denial of this application. The County approved the application and neighbors appealed. The hearing may be 10-26. The CPO Land Use Committee will draft comments based on our previous discussion recommendation submitted to the County. CPO Member Karen Lane showed a copy of a sign where the developer has named the development – ironically -- “Storm Water Estates.”

(3) Manewal Lane (north) Z0640-16M ‘An appeal of a preliminary conditional approval of a three-parcel Flexible Lot Size Partition for three new home sites’ (4285 SE Manewal Lane)

The neighbors have filed an appeal after the County approved this application; the hearing is scheduled for 9-28-17. Lane expressed her frustration and said she felt that the County is eager to approve this development and just get tax money.

Nancy Gibson commended the neighbors for attending the Oak Lodge Water Services District (OLWSD) board meeting where they displayed a photo of the site after a recent rain, wherein the parcel is essentially a pond. Discussion followed on the required feasibility statement, as OLWSD was asked to submit a statement that a storm drainage system of some kind could be feasible to adequately handle

to build 2-family & 3-family dwellings in an area zoned for R-10 single family dwellings. The development would have a club house, and open space along River Rd. and the steep slope to the east.

Nancy Gibson moved that the CPO recommend the applications be denied because the property is zoned R-10, in an R-10 area of single family dwellings. Carol Mastronarde seconded the motion. Discussion included issues with water run-off, lack of future planning by the County, PUDs, slope failure, not wanting to establish a precedent, neighborhood character particularly of River Road, and parking.

22 voted in favor of the motion, 0 opposed, 2 abstained.

Voting Members voting in favor: Lisa Bentley, Steve Berliner, Grover Bornefeld, Jan Carothers, Brian Dirks, Carley Dirks, Virginia Foster, Nancy Gibson, Terry Gibson, Ira Godfrey, Tea Godfrey, Tom Humphrys, Sandy Humphrys, Curt Kurzenhauser, Karen Lane, Carol Mastronarde, Jane Morrison, Pat Reinert, Rita Tolonen, Norm Tolonen, Tom Weaver, and Kevin Williams.

(5) 18107 SE Blanton – half way between Jennings and Roethe (not on the agenda) A 3-lot partition, comments due by Oct 16

Discussion revolved around the lack of prior planning and approval of surface water run-off.

Grover Jeffrey Bornefeldt moved that the CPO recommend denial of the application because there is no plan to handle the surface water run-off. Terry Gibson seconded the motion. Discussion: There are already regular flooding below this property. The only remedy for post-development flooding is a civil suit. The recurrent conclusion that we need a more rigorous process for regulating surface water management is essential – prior to the development application review.

17 voted in favor of the motion, 0 opposed, 4 abstained.

Voting members voting in favor the motion: Lisa Bentley, Grover Bornefeld, Jan Carothers, Virginia Foster, Nancy Gibson, Terry Gibson, Ira Godfrey, Tea Godfrey, Tom Humphrys, Sandy Humphrys, Curt Kurzenhauser, Karen Lane, Jane Morrison, Pat Reinert, Rita Tolonen, Norm Tolonen, and Kevin Williams.

REPORTS/ANNOUNCEMENTS

- 2017 OAPA/ISOCARP Joint Planning Conference (international society of regional planners and U of O land use students) will be held in Portland (10-24 to 10-27). One of the workshops will focus on McLoughlin Blvd. Speaker Lorraine Gonzales will present at MAP-IT.
- School Yard Farms announced their new executive director Krista Basis and will be holding their annual fund raiser, the Harvest Dinner (10-9-17)

utes

10-7-17.

1 and the Oak Grove United Methodist Church

Sat 10-28-17 at the Methodist church.

rogram – Reminiscing the Past – was a huge

the purpose of our Facebook page is to be

1017.04	No	Solar Access Design Standards
---------	----	-------------------------------

Analysis

The proposed development does not meet the required solar access design standards of ZDO 1017.04 and the applicant has not demonstrated that the proposed development qualifies for exemption under ZDO 1017.05 or adjustment under ZDO 1017.06.

Land Use Committee Recommendation:

We respectfully recommend that the Jennings Lodge CPO recommend denial of this application due to failure to meet the solar access design standards of ZDO 1017.04.

We further recommend that the Jennings Lodge CPO authorize sending the following email to Rick McIntire, of the County Planning and Zoning Division:

Rick McIntire, Planning and Zoning Division:

TE I BLE DEVE ER

Our comments on Tasso Custom Homes application for partition of the lot at 19421 SE Kay Street, application number Z0157-17-M (the "Application") are below. We request you add these comments to the record of the Application and consider these comments in making your decision on the Application as required by ZDO 1307.09(B).

The Application Does Not Meet Required Solar Access Design Standards - ZDO 1017.04

ZDO 1017.04(A) sets forth basis design standards with apply to the proposed development. ZDO 1017.02. The applicant makes the following statement in the Application:

th pe an 'en 'on offs t m fro north/south
h ct p ' a requ're ac from SE
i t feas to figure c ac standards
cre extre y n w lots an ,

licant admits that it will not comply with ZDO 1017.04.

17.05 provides certain circumstances under which a development or a portion of will be exempt from ZDO 1017.04. However, in order for exemption to apply, must] show that one or more of the [listed] conditions apply.” The applicant has t to show that any of the listed conditions apply to the proposed development.

17.06 provides that, when certain site characteristics are present, the design O 1017.04 will be adjusted as applied to a development or a portion of a However, in order for an adjustment to apply, “the applicant [must] show that one listed] site characteristics apply.” The applicant has made no attempt to show isted site characteristics are present on the site of the proposed development.

posed development does not comply with the solar access design standards of Application should be denied. The applicant should be required to demonstrate ZDO 1017.04 or show that exemption or adjustment under ZDO 1017.05 or re appropriate before an application for the proposed development can be

ou for considering our comments.

t us know if you have any questions or if we can provide additional information ful to your review of the Application.

ommittee

EMAILED
10/11/17

Keith Wilson
P.O. Box 422
Clackamas, Oregon 97015
503-655-9294
Fax: 503-650-7750
keith@wilsoncompanyinc.com

**Wilson Company
Contractors LLC**

**Wilson Homes &
Development Inc.**

**Wilson Investment
Group, LLC**

Fax

Keith Wilson

TO: JACK

From:

Fax:

Pages:

Phone:

Date: 10/11/17

Re:

CC:

Urgent For Review Please Comment Please Reply

• Comments:

PICTURES - SURVAYS - SHOWING
THE EXISTING OLD HOUSE ON YOUR LOT
WHEN I SOLD TO BUYER #1 + YOU
BUYER #2 2003-04-05 - ?
HOPE THIS HELPS

CELL 503-320-7088

THANKS Keith

WILLAMETTE RIVER

ARCH 12, 2003, ELEV. 11'

ZONE PER PLAT NO. 1996-36

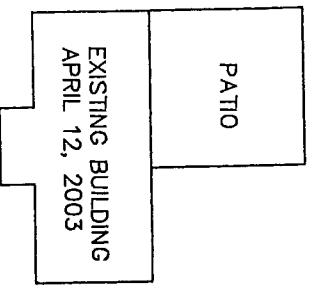
ION 49.5'±

25'

USE 2003

TOP OF BANK
13'
13'

52'



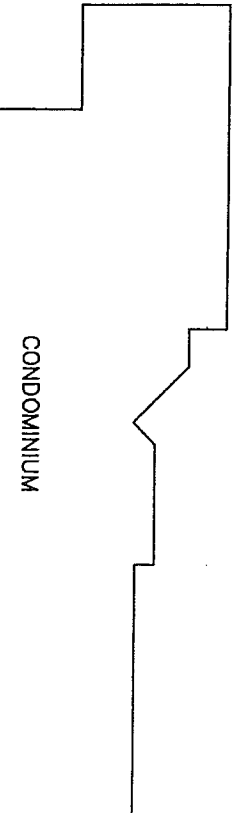
APPROXIMATE 100 FOOT GREEN WAY SET BACK

15' STORM DRAINAGE EASEMENT PER PARTITION PLAT N

VARIABLE WIDTH ACCE
UTILITY EASEMENT
PARTITION PLAT NO. 19

PARCEL 3

TBM
HUB ELEV.
47.4'



CONDOMINIUM

RIVER

84.01

10' SDE

EXISTING HOV. 11

100'

100'

207.10

207.33

IMAGINARY
OLD HOUSE

3-CAR GARAGE

150'

150'

SCALE
1/8" = 1' 0"

5' MIN
S.B.



CLACKAMAS COUNTY, OREGON
CLACKAMAS COUNTY PLANNING DEPARTMENT FILE NUMBER ZO400-95

CLIENT: ZELLA O. MANEWAL-TOWERY.
SCALE: 1" = 50'

DATE: OCTOBER 2, 1995
JOB NUMBER: 95-2076

BY: DICK LOVE LAND SURVEYS, INC.
 P.O. BOX 307
 GLADSTONE, OR 97027
 (503) 656-4915

NOTES

THERE ARE NO GEODETIC CONTROL MONUMENTS WITHIN ONE HALF MILE OF THIS PROPERTY.

