

OAK LODGE WATER SERVICES

BOARD OF DIRECTORS

REGULAR MEETING



November 17, 2020

“Enhancing Our Community’s Water Environment”



REMOTE MEETING

Board Attendance by Zoom Video/Telephone

Public Attendance by Telephone Only

November 17, 2020 at 6:00 p.m.

1. Call to Order and Meeting Facilitation Protocols

2. Call for Public Comment

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

3. Consent Agenda

- a. October 2020 Financial Report
- b. Approval of October 20, 2020 Board Regular Meeting Minutes
- c. Extension of the March 17, 2020 Declaration of State of Emergency
- d. Approval of Hillside & Boardman Sewer Rehabilitation Design Task Order

4. First Reading of Proposed Ordinance No. 2020-03 Revising the Rules and Regulations

5. Consideration of Protective Footwear Policy

6. The Clackamas Basin's Response to the Riverside Fire

7. Communications Briefing Materials and Draft Plan Update

8. Call for Public Comment

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

9. Department Reports

- a. General Manager
- b. Finance
- c. Technical Services
- d. Field Operations
- e. Plant Operations

10. Business from the Board

11. Adjourn Regular Meeting



AGENDA ITEM

Title	Call for Public Comment
Item No.	2
Date	November 17, 2020

Summary

The Board of Directors welcomes comment from members of the public.

Written comments may not be read out loud or addressed during the meeting, but all public comments will be entered into the record.

The Board of Directors may elect to limit the total time available for public comment or for any single speaker depending on meeting length.



CONSENT AGENDA

To Board of Directors
From Sarah Jo Chaplen, General Manager
Title Consent Agenda
Item No. 3
Date November 17, 2020

Summary

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:

- a. October 2020 Financial Report**
- b. Approval of the October 20, 2020 Board Regular Meeting Minutes**
- c. Extension of the March 17, 2020 Declaration of State of Emergency**
- d. Approval of Hillside Sewer Replacement Design Task Order**

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

Staff requests that the Board approve the items listed under the Consent Agenda.

Suggested Board Motion

"I move to approve the Consent Agenda."

Approved By _____	Date _____
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MONTHLY FINANCIAL REPORT

To	Board of Directors
From	Gail Stevens, Finance Director
Title	October 2020 Financial Reports
Item No.	3a
Date	November 17, 2020

Reports

- October 2020 Monthly Overview
- October 2020 Monthly Cash and Investment Balances Report
- October 2020 Budget to Actual Report
- October 2020 Budget Account Roll Up Report

**Oak Lodge Water Services
Monthly Overview
October 2020**

This report summarizes the revenues and expenditures for October 2020. Also incorporated in this report are account balances, including all cash and investment activity as well as checks and withdrawals.

The District's liquid cash and investment assets equal \$15.52 million as of the end of October 2020; consisting of \$2.23 million in checking, and \$13.29 million in the State Local Government Investment Pool (LGIP).

The District's checks, electronic withdrawals, and bank drafts total \$0.80 million for October 2020.

Below is a table identifying the District's three principal sources of service charges in each fund with a comparison between annual budget estimates and year-to-date service charge fees.

GL Account	Service Charge	Budget Estimate	Period Amount	Year-to-Date Amount	Percentage of Budget
10-00-4210	Water sales-CRW	\$ 32,000	\$ 7,341	\$ 14,795	46.23%
10-00-4211	Water sales	4,038,000	415,106	1,616,448	40.03%
20-00-4212	Wastewater charges	8,270,000	709,797	2,710,618	32.78%
30-00-4213	Watershed protection	1,548,000	131,201	518,054	33.47%
	Subtotal	\$ 13,888,000	\$ 1,263,445	\$ 4,859,913	34.99%

The percentage of budget is calculated by dividing the ending balance by the budget. With respect to revenues, the percentage of budget is affected by seasonal variations. The expectation is that the District would recognize a greater percentage of revenue in the first half of the fiscal year than in the second half.

Review of revenue lines that are above 40% of budget:

1. **4210 Water Sales-CRW** is at 46.23% of budget. Revenue is received bi-monthly based on water consumption for CRW customers.
2. **4211 Water Sales** is at 40.03% of budget. Water sales are typically at 40.59% of annual sales through October due to the summer higher consumption period.
3. **4220 System development charges** is at 159.14% of budget. In October, the District received payment of SDC charges from the Lennar NW single-family homes, Mountain View Development-SE Pinehurst, Pacific Lifestyle homes, Black Forest, and Bspoke Homes.
4. **4240 Service installations** is at 108.43% of budget. This revenue is directly related to development in the district when new service connections are added.
5. **4290 Other Charges for Services** is at 225.78% of budget. This revenue is from inspection and plan review fees. There are several active building developments throughout the District.
6. **4320 State Grant** for CARES Act funds of \$16,836 received for reimbursement for payroll cost related to Emergency FMLA.
7. **4630 Miscellaneous Revenue** is at 70.14% of budget. This revenue is from title companies. Property sales activities are high due to low interest rates.

With respect to expenditures, at the end of October expenditures are overall 16.84% of budget. When excluding Contingencies, expenditures are 22.82% of budget, with 33.33% of the fiscal year completed.

Review of expenditure lines that are above 40% of budget:

1. **5260 Unemployment** is at 42.17% of budget. The District pays actual unemployment claims as submitted to the State. There are currently two former employees claiming unemployment.
2. **5270 Workers Compensation** is at 99.59% of budget. This expense is paid in one lump sum in July.
3. **6120 Accounting & Audit Services** is at 67.43% of budget. This expense occurs in the first half of the fiscal year.
4. **6180 Dues & Subscriptions** is at 45.41% of budget. Consortium annual dues are paid in July.
5. **6290 Other Utilities** is at 54.12% of budget. This line includes pass-through charges that the District pays to the City of Milwaukie for residences that flow to Kellogg water treatment facility.
6. **6320 Buildings and Grounds** is at 48.60% of budget. This is due to improvements completed to the HVAC Systems of all buildings to include UV treatment to reduce the potential of COVID-19 outbreaks in OLWSD facilities.
7. **6560 Uniforms** is at 48.51% of budget. Uniforms budget line was reduced from prior years. This line may need to be reviewed in a later Supplemental Budget adjustment.
8. **6710 Purchased Water** is at 42.90% of budget. This is as expected since water consumption is higher at the beginning of the year due to the weather.
9. **6715 Water Quality Program** is at 137.81% of budget. This is due to required lead and copper testing every three years.
10. **6770 Bank Charges** is at 43.89% of budget. This is due to the collection of SDC charges via credit card payments resulting in additional banking fees. SDC Revenues are currently at 159.14% of budget.
11. **6780 Taxes and Fees** is at 102.24% of budget. Expenditures recorded in this account are typically annual, instead of monthly or quarterly so the percentage to budget will fluctuate throughout the fiscal year.

Low Income Rate Relief Program Overview

The District allows eligible customers to obtain a discounted rate on a portion of their bill. The District budgets resources to fund the revenue losses due to the program at the rate of 0.50% of budgeted service charge revenue. The budgeted amount serves as a cap to the program's cost which can only be exceed with approval from the District's Board of Directors.

Below is a table identifying the number of accounts in the program and an estimated monthly discount and year-to-date value based on a single-family residential account with a standard 20 GPM Water Meter and 6 CCF of water consumption per month.

Total Number of Accounts	Discount	Cap per Policy	Estimated Monthly Discount	Estimated Year-to-Date Discount	Estimated Percentage of Budget
141	Low Income Rate Relief	\$ 69,440	\$ 5,843	\$ 22,965	33.07%

Customer Time Payment Agreements (TPA)

The District extends TPA's to customers with delinquent balances to bring accounts current over time. Negotiation of a TPA is often the first step in working with a customer who may have trouble paying their utility bills.

The table below summarizes TPA activity for October 2020.

<u>Beginning of month</u>	<u>TPA Issued</u>	<u>TPA Completed</u>	<u>TPA Expired</u>	<u>End of month</u>
52	7	(3)	(12)	44

Of the total TPAs outstanding on October 31, 2020, 24 are current in their arrangements and 20 are delinquent. Three TPAs completed with full payments received. Twelve TPAs expired in delinquent status. The District has mailed notices to delinquent TPA holders urging them to contact the District to make further arrangements.

Emergency Customer Assistance Program (ECAP)

The District's budget line item for the Emergency Customer Assistance Program (ECAP) is \$97 thousand through June 30, 2021. These monies are earmarked as direct assistance to District customers experiencing acute financial troubles related to COVID-19 and that do not necessarily qualify for the District's Low-Income Rate Relief Program. Staff will provide monthly information going forward on the use of these monies to benefit District customers.

<u>Beginning of month</u>	<u>Expended</u>	<u>End of month</u>
\$97,000	\$2,614	\$94,386

The above expenditures represent assistance to nineteen (19) residential accounts totaling \$1,001 and four (4) commercial accounts. The District is currently receiving inquiries about financial assistance more regularly and customers are still trying to keep their accounts in good standing before accepting assistance. That may change over the next few months.

Oak Lodge Water Services District

Account Balances As of:		
October 31, 2020	Interest Rate	Balance
Account		
Wells Fargo Bank Checking-3552	0.25%	\$ 2,225,095.55
LGIP	0.91%	\$ 13,291,816.01
Total		\$ 15,516,911.56

General Ledger
Budget to Actual



User: jeff
Printed: 11/9/2020 8:57:49 AM
Period 04 - 04
Fiscal Year 2021

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
05	Administrative Services					
	NonDivisional					
	<i>Beginning Fund Balance</i>					
05-00-3500	Fund balance	335,000.00	0.00	598,700.78	0.00	178.72
	<i>Beginning Fund Balance</i>	<i>335,000.00</i>	<i>0.00</i>	<i>598,700.78</i>	<i>0.00</i>	<i>178.72</i>
	NonDivisional	335,000.00	0.00	598,700.78	0.00	178.72
	Fund Balance	335,000.00	0.00	598,700.78	0.00	178.72
	NonDivisional Revenue					
05-00-4320	State Grant Revenue	0.00	0.00	15,927.77	0.00	0.00
05-00-4610	Investment revenue	0.00	233.83	1,097.44	0.00	0.00
05-00-4630	Miscellaneous revenues	1,000.00	2,550.00	5,375.00	0.00	537.50
	<i>Revenue</i>	<i>1,000.00</i>	<i>2,783.83</i>	<i>22,400.21</i>	<i>0.00</i>	<i>2,240.02</i>
	NonDivisional	1,000.00	2,783.83	22,400.21	0.00	2,240.02
	Transfers & Contingencies					
	<i>Revenue</i>					
05-29-4910	Transfer in from Fund 10	1,908,000.00	159,000.00	636,000.00	0.00	33.33
05-29-4920	Transfer in from Fund 20	2,026,000.00	168,833.33	675,333.32	0.00	33.33
05-29-4930	Transfer in from Fund 30	635,000.00	52,916.67	211,666.68	0.00	33.33
	<i>Revenue</i>	<i>4,569,000.00</i>	<i>380,750.00</i>	<i>1,523,000.00</i>	<i>0.00</i>	<i>33.33</i>
	Transfers & Contingencies	4,569,000.00	380,750.00	1,523,000.00	0.00	33.33
	Revenue	4,570,000.00	383,533.83	1,545,400.21	0.00	33.82
	AdminFinance					
	<i>Personnel Services</i>					
05-01-5110	Regular employees	563,000.00	44,998.52	175,279.43	0.00	31.13
05-01-5120	Temporaryseasonal employees	5,000.00	0.00	0.00	0.00	0.00
05-01-5130	Overtime	5,000.00	2,681.33	4,448.46	0.00	88.97
05-01-5210	Healthdental insurance	115,000.00	8,354.10	30,970.14	0.00	26.93
05-01-5230	Social security	43,000.00	3,186.65	13,024.52	0.00	30.29
05-01-5240	Retirement	124,000.00	9,706.34	34,312.62	0.00	27.67
05-01-5250	TrimetWBF	4,000.00	369.67	1,390.98	0.00	34.77
05-01-5260	Unemployment	5,000.00	3,888.00	9,720.00	0.00	194.40
05-01-5270	Workers compensation	8,000.00	0.00	671.10	0.00	8.39
05-01-5290	Other employee benefits	5,000.00	0.00	3,303.95	0.00	66.08
	<i>Personnel Services</i>	<i>877,000.00</i>	<i>73,184.61</i>	<i>273,121.20</i>	<i>0.00</i>	<i>31.14</i>
	<i>Materials & Services</i>					
05-01-6110	Legal services	375,000.00	26,765.50	34,504.00	0.00	9.20
05-01-6120	Accounting and audit services	45,000.00	3,177.00	30,344.45	8,254.73	67.43
05-01-6155	Contracted services	248,000.00	15,038.40	42,599.50	0.00	17.18
05-01-6180	Dues and subscriptions	35,000.00	4,525.00	23,612.00	160.00	67.46
05-01-6220	Electricity	9,000.00	2,054.24	4,184.56	0.00	46.50
05-01-6240	Natural gas	1,000.00	238.25	436.09	0.00	43.61

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
05-01-6290	Other utilities	20,000.00	4,084.01	10,013.58	0.00	50.07
05-01-6310	Janitorial services	25,000.00	1,473.05	4,003.85	0.00	16.02
05-01-6320	Buildings and grounds maint	18,000.00	384.70	8,973.29	0.00	49.85
05-01-6410	Mileage	1,000.00	0.00	0.00	0.00	0.00
05-01-6420	Staff training	12,000.00	195.00	195.00	0.00	1.63
05-01-6440	Board expense	0.00	-886.06	-886.06	0.00	0.00
05-01-6510	Office supplies	25,000.00	2,944.33	8,344.84	1,334.10	33.38
05-01-6530	Small tools and equipment	2,000.00	0.00	0.00	0.00	0.00
05-01-6560	Uniforms	500.00	0.00	0.00	0.00	0.00
05-01-6730	Communications	2,000.00	84.28	479.29	0.00	23.96
05-01-6740	Advertising	1,000.00	209.09	209.09	0.00	20.91
05-01-6750	Other Purchased Services	0.00	0.00	1,000.00	0.00	0.00
05-01-6760	Equipment rental	1,000.00	653.75	884.40	1,344.60	88.44
05-01-6770	Bank charges	125,000.00	12,224.27	54,866.09	73,804.54	43.89
05-01-6780	Taxes, fees, and other charges	1,000.00	1,016.43	1,034.93	0.00	103.49
05-01-6785	ECAP Payments	97,000.00	0.00	2,614.28	0.00	2.70
05-01-6900	Miscellaneous expense <i>Materials & Services</i>	1,000.00 <i>1,044,500.00</i>	0.00 <i>74,181.24</i>	0.00 <i>227,413.18</i>	0.00 <i>84,897.97</i>	0.00 <i>21.77</i>
	AdminFinance	1,921,500.00	147,365.85	500,534.38	84,897.97	26.05
	Human Resources					
	<i>Personnel Services</i>					
05-02-5110	Regular employees	152,000.00	12,562.40	48,574.26	0.00	31.96
05-02-5130	Overtime	5,000.00	327.32	512.34	0.00	10.25
05-02-5210	Healthdental insurance	26,000.00	1,720.66	6,883.20	0.00	26.47
05-02-5230	Social security	12,000.00	968.80	3,686.04	0.00	30.72
05-02-5240	Retirement	27,000.00	2,182.22	8,310.15	0.00	30.78
05-02-5250	TrimetWBF	1,000.00	101.54	278.25	0.00	27.83
05-02-5270	Workers compensation	2,000.00	0.00	174.96	0.00	8.75
05-02-5290	Other employee benefits <i>Personnel Services</i>	2,000.00 <i>227,000.00</i>	0.00 <i>17,862.94</i>	0.00 <i>68,419.20</i>	0.00 <i>0.00</i>	0.00 <i>30.14</i>
	<i>Materials & Services</i>					
05-02-6180	Dues and subscriptions	1,000.00	0.00	0.00	0.00	0.00
05-02-6230	Telephone	57,000.00	5,238.80	15,155.24	0.00	26.59
05-02-6410	Mileage	1,000.00	0.00	0.00	0.00	0.00
05-02-6420	Staff training	22,000.00	0.00	0.00	0.00	0.00
05-02-6440	Board Travel and Training	7,000.00	0.00	22.00	0.00	0.31
05-02-6510	Office supplies	1,000.00	196.20	196.20	0.00	19.62
05-02-6540	Safety Supplies	1,000.00	0.00	0.00	0.00	0.00
05-02-6610	Board Compensation	2,500.00	0.00	0.00	0.00	0.00
05-02-6720	Insurance-General	240,000.00	0.00	-210.00	0.00	-0.09
05-02-6730	Communications	6,000.00	0.00	0.00	0.00	0.00
05-02-6740	Advertising	5,000.00	229.00	229.00	0.00	4.58
05-02-6785	ECAP Payments <i>Materials & Services</i>	0.00 <i>343,500.00</i>	0.00 <i>5,664.00</i>	0.00 <i>15,392.44</i>	0.00 <i>0.00</i>	0.00 <i>4.48</i>
	Human Resources	570,500.00	23,526.94	83,811.64	0.00	14.69
	Technical Services					
	<i>Personnel Services</i>					
05-03-5110	Regular employees	577,000.00	39,388.75	150,939.95	0.00	26.16
05-03-5130	Overtime	5,000.00	0.00	133.00	0.00	2.66
05-03-5210	Healthdental Insurance	112,000.00	8,063.99	32,257.36	0.00	28.80
05-03-5230	Social security	44,000.00	2,964.21	11,360.97	0.00	25.82
05-03-5240	Retirement	112,000.00	7,073.85	27,130.43	0.00	24.22
05-03-5250	TrimetWBF	4,000.00	307.98	1,180.37	0.00	29.51
05-03-5260	Unemployment	5,000.00	0.00	0.00	0.00	0.00
05-03-5270	Workers compensation	9,000.00	0.00	664.16	0.00	7.38
05-03-5290	Other employee benefits <i>Personnel Services</i>	5,000.00 <i>873,000.00</i>	0.00 <i>57,798.78</i>	0.00 <i>223,666.24</i>	0.00 <i>0.00</i>	0.00 <i>25.62</i>

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
	<i>Materials & Services</i>					
05-03-6155	Contracted services	291,000.00	2,740.50	29,072.99	58,082.58	9.99
05-03-6180	Dues and subscriptions	10,000.00	0.00	0.00	0.00	0.00
05-03-6350	Computer maintenance	237,000.00	15,354.63	76,187.94	2,850.00	32.15
05-03-6410	Mileage	3,000.00	0.00	0.00	0.00	0.00
05-03-6420	Staff training	16,000.00	1,330.00	1,330.00	0.00	8.31
05-03-6430	Certifications	1,000.00	0.00	0.00	0.00	0.00
05-03-6510	Office supplies	3,000.00	69.99	87.98	0.00	2.93
05-03-6540	Safety supplies	8,000.00	223.99	383.99	0.00	4.80
05-03-6730	Communications	149,000.00	0.00	2,320.16	0.00	1.56
	<i>Materials & Services</i>	<i>718,000.00</i>	<i>19,719.11</i>	<i>109,383.06</i>	<i>60,932.58</i>	<i>15.23</i>
	Technical Services	1,591,000.00	77,517.89	333,049.30	60,932.58	20.93
	Vehicle Services					
	<i>Materials & Services</i>					
05-04-6330	Vehicleequipment maintenance	50,000.00	3,586.28	7,132.76	0.00	14.27
05-04-6520	Fuels and oils	71,000.00	4,373.73	8,326.91	0.00	11.73
	<i>Materials & Services</i>	<i>121,000.00</i>	<i>7,960.01</i>	<i>15,459.67</i>	<i>0.00</i>	<i>12.78</i>
	Vehicle Services	121,000.00	7,960.01	15,459.67	0.00	12.78
	Special Payments					
	<i>Special Payments</i>					
05-25-6990	Special Payments - PERS	552,000.00	0.00	0.00	0.00	0.00
	<i>Special Payments</i>	<i>552,000.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
	Special Payments	552,000.00	0.00	0.00	0.00	0.00
	Transfers & Contingencies					
	<i>Transfers & Contingencies</i>					
05-29-9000	Contingency	139,000.00	0.00	0.00	0.00	0.00
	<i>Transfers & Contingencies</i>	<i>139,000.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
	Transfers & Contingencies	139,000.00	0.00	0.00	0.00	0.00
05	Expense Administrative Services	4,895,000.00 10,000.00	256,370.69 127,163.14	932,854.99 1,211,246.00	145,830.55 -145,830.55	19.06 12,112.46
10	Drinking Water NonDivisional					
	<i>Beginning Fund Balance</i>					
10-00-3500	Fund balance	1,527,000.00	0.00	1,508,128.42	0.00	98.76
	<i>Beginning Fund Balance</i>	<i>1,527,000.00</i>	<i>0.00</i>	<i>1,508,128.42</i>	<i>0.00</i>	<i>98.76</i>
	NonDivisional	1,527,000.00	0.00	1,508,128.42	0.00	98.76
	Fund Balance NonDivisional Revenue	1,527,000.00	0.00	1,508,128.42	0.00	98.76
10-00-4210	Water Sales - CRW	32,000.00	7,340.60	14,794.58	0.00	46.23
10-00-4211	Water sales	4,038,000.00	415,106.48	1,616,447.61	0.00	40.03
10-00-4215	Penalties and late charges	20,000.00	0.00	-127.79	0.00	-0.64
10-00-4220	System development charges	100,000.00	39,268.80	178,116.80	0.00	178.12
10-00-4230	Contract services	40,000.00	12,000.00	21,400.00	0.00	53.50
10-00-4240	Service installations	10,000.00	8,739.00	21,686.82	0.00	216.87

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
10-00-4280	Rents & leases	200,000.00	27,568.02	54,947.59	0.00	27.47
10-00-4290	Other charges for services	10,000.00	3,370.00	9,773.65	0.00	97.74
10-00-4610	Investment revenue	10,000.00	544.32	2,618.63	0.00	26.19
10-00-4630	Miscellaneous revenues	26,000.00	4,502.00	17,728.10	0.00	68.19
	<i>Revenue</i>	<i>4,486,000.00</i>	<i>518,439.22</i>	<i>1,937,385.99</i>	<i>0.00</i>	<i>43.19</i>
	NonDivisional	4,486,000.00	518,439.22	1,937,385.99	0.00	43.19
	Revenue	4,486,000.00	518,439.22	1,937,385.99	0.00	43.19
	Drinking Water					
	<i>Personnel Services</i>					
10-20-5110	Regular employees	607,000.00	49,375.40	195,342.31	0.00	32.18
10-20-5130	Overtime	35,000.00	683.38	9,745.38	0.00	27.84
10-20-5210	Health/dental insurance	140,000.00	11,428.76	45,717.33	0.00	32.66
10-20-5230	Social Security	47,000.00	3,739.09	15,327.05	0.00	32.61
10-20-5240	Retirement	132,000.00	10,189.74	41,663.36	0.00	31.56
10-20-5250	Trimet/WBF	5,000.00	387.98	1,592.42	0.00	31.85
10-20-5260	Unemployment	8,000.00	0.00	0.00	0.00	0.00
10-20-5270	Workers compensation	9,000.00	0.00	16,936.29	0.00	188.18
10-20-5290	Other employee benefits	6,000.00	0.00	0.00	0.00	0.00
	<i>Personnel Services</i>	<i>989,000.00</i>	<i>75,804.35</i>	<i>326,324.14</i>	<i>0.00</i>	<i>33.00</i>
	<i>Materials & Services</i>					
10-20-6155	Contracted Services	20,000.00	0.00	0.00	0.00	0.00
10-20-6220	Electricity	27,000.00	5,657.94	12,061.55	0.00	44.67
10-20-6240	Natural gas	3,000.00	397.30	794.60	0.00	26.49
10-20-6290	Other utilities	0.00	516.66	516.66	0.00	0.00
10-20-6310	Janitorial services	0.00	0.00	-99.23	0.00	0.00
10-20-6320	Buildings & grounds	5,000.00	3,138.00	11,211.17	0.00	224.22
10-20-6340	Distribution system maint	200,000.00	64,301.98	83,613.80	40,607.61	41.81
10-20-6390	Other repairs & maintenance	35,000.00	6,025.20	16,813.55	0.00	48.04
10-20-6420	Staff training	10,000.00	90.00	325.00	0.00	3.25
10-20-6430	Certifications	2,000.00	0.00	158.00	0.00	7.90
10-20-6530	Small tools & equipment	9,000.00	80.63	1,417.08	0.00	15.75
10-20-6540	Safety supplies	15,000.00	2,270.72	4,181.41	0.00	27.88
10-20-6550	Operational Supplies	2,000.00	29.45	1,992.24	0.00	99.61
10-20-6560	Uniforms	2,000.00	0.00	0.00	0.00	0.00
10-20-6710	Purchased water	1,084,000.00	199,838.14	465,054.20	0.00	42.90
10-20-6715	Water quality program	5,000.00	3,708.40	6,890.40	0.00	137.81
10-20-6760	Equipment Rental	3,500.00	0.00	0.00	0.00	0.00
10-20-6780	Taxes & fees	20,000.00	6,898.20	7,439.82	0.00	37.20
10-20-6900	Miscellaneous expense	1,000.00	0.00	0.00	0.00	0.00
	<i>Materials & Services</i>	<i>1,443,500.00</i>	<i>292,952.62</i>	<i>612,370.25</i>	<i>40,607.61</i>	<i>42.42</i>
	Drinking Water	2,432,500.00	368,756.97	938,694.39	40,607.61	38.59
	Debt Service					
	<i>Materials & Services</i>					
10-24-6815	Zions Bank loan-principal	179,000.00	0.00	0.00	0.00	0.00
10-24-6825	Zions Bank loan-interest	30,801.00	0.00	15,400.25	0.00	50.00
	<i>Materials & Services</i>	<i>209,801.00</i>	<i>0.00</i>	<i>15,400.25</i>	<i>0.00</i>	<i>7.34</i>
	Debt Service	209,801.00	0.00	15,400.25	0.00	7.34
	Transfers & Contingencies					
	<i>Transfers & Contingencies</i>					
10-29-8105	Transfer out - Fund 05	1,908,000.00	159,000.00	636,000.00	0.00	33.33
10-29-8171	Transfers out to Fund 71	500,000.00	41,666.67	166,666.68	0.00	33.33
10-29-9000	Contingency	962,699.00	0.00	0.00	0.00	0.00
	<i>Transfers & Contingencies</i>	<i>3,370,699.00</i>	<i>200,666.67</i>	<i>802,666.68</i>	<i>0.00</i>	<i>23.81</i>

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
	Transfers & Contingencies	3,370,699.00	200,666.67	802,666.68	0.00	23.81
10	Expense Drinking Water	6,013,000.00 0.00	569,423.64 -50,984.42	1,756,761.32 1,688,753.09	40,607.61 -40,607.61	29.22 0.00
20	Wastewater Reclam. NonDivisional					
	<i>Beginning Fund Balance</i>					
20-00-3500	Fund balance	1,842,000.00	0.00	1,815,853.47	0.00	98.58
	<i>Beginning Fund Balance</i>	<i>1,842,000.00</i>	<i>0.00</i>	<i>1,815,853.47</i>	<i>0.00</i>	<i>98.58</i>
	NonDivisional	1,842,000.00	0.00	1,815,853.47	0.00	98.58
	Fund Balance	1,842,000.00	0.00	1,815,853.47	0.00	98.58
	NonDivisional Revenue					
20-00-4212	Wastewater charges	8,270,000.00	709,797.42	2,710,617.58	0.00	32.78
20-00-4215	Penalties & late charges	10,000.00	0.00	0.00	0.00	0.00
20-00-4220	System development charges	125,000.00	25,825.00	211,765.00	0.00	169.41
20-00-4240	Service installations	10,000.00	0.00	0.00	0.00	0.00
20-00-4290	Other charges for services	10,000.00	1,220.00	15,459.69	0.00	154.60
20-00-4320	State grants	0.00	0.00	908.00	0.00	0.00
20-00-4610	Investment revenue	5,000.00	199.71	862.49	0.00	17.25
20-00-4630	Miscellaneous revenues	5,000.00	0.00	43.30	0.00	0.87
	<i>Revenue</i>	<i>8,435,000.00</i>	<i>737,042.13</i>	<i>2,939,656.06</i>	<i>0.00</i>	<i>34.85</i>
	NonDivisional	8,435,000.00	737,042.13	2,939,656.06	0.00	34.85
	Revenue	8,435,000.00	737,042.13	2,939,656.06	0.00	34.85
	Wastewater-Plant Personnel Services					
20-21-5110	Regular employees	608,000.00	45,961.21	180,788.43	0.00	29.73
20-21-5120	Temporaryseasonal employees	35,000.00	0.00	0.00	0.00	0.00
20-21-5130	Overtime	45,000.00	2,986.72	15,736.74	0.00	34.97
20-21-5210	Healthdental insurance	179,000.00	12,269.30	49,079.06	0.00	27.42
20-21-5230	Social security	55,000.00	3,660.84	14,697.52	0.00	26.72
20-21-5240	Retirement	131,000.00	8,286.90	33,271.72	0.00	25.40
20-21-5250	TrimetWBF	5,000.00	381.71	1,529.42	0.00	30.59
20-21-5260	Unemployment	5,000.00	0.00	0.00	0.00	0.00
20-21-5270	Workers compensation	9,000.00	0.00	15,600.79	0.00	173.34
20-21-5290	Other employee benefits	6,000.00	0.00	0.00	0.00	0.00
	<i>Personnel Services</i>	<i>1,078,000.00</i>	<i>73,546.68</i>	<i>310,703.68</i>	<i>0.00</i>	<i>28.82</i>
	<i>Materials & Services</i>					
20-21-6155	Contracted services	133,000.00	3,968.35	24,193.70	2,654.13	18.19
20-21-6180	Dues & subscriptions	6,000.00	0.00	0.00	0.00	0.00
20-21-6220	Electricity	260,000.00	39,727.36	83,206.91	0.00	32.00
20-21-6240	Natural gas	1,000.00	79.21	122.87	0.00	12.29
20-21-6250	Solid waste disposal	81,000.00	-8,294.24	9,525.58	0.00	11.76
20-21-6290	Other utilities	1,000.00	535.27	835.40	0.00	83.54
20-21-6310	Janitorial services	10,000.00	798.88	1,971.66	0.00	19.72
20-21-6320	Buildings & grounds	57,000.00	3,360.33	19,182.01	1,419.00	33.65
20-21-6342	WRF system maintenance	270,000.00	42,064.94	110,556.18	8,696.47	40.95
20-21-6410	Mileage	1,000.00	0.00	0.00	0.00	0.00
20-21-6420	Staff training	9,000.00	218.00	218.00	0.00	2.42
20-21-6430	Certifications	2,000.00	160.00	430.00	0.00	21.50
20-21-6525	Chemicals	26,000.00	502.50	7,356.35	20,000.00	28.29
20-21-6530	Small tools & equipment	10,000.00	2,048.88	2,138.87	0.00	21.39
20-21-6540	Safety supplies	20,000.00	1,248.42	2,883.06	0.00	14.42
20-21-6550	Operational supplies	14,000.00	-6,046.64	1,631.10	3,143.86	11.65

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
20-21-6560	Uniforms	9,000.00	1,505.99	9,485.04	0.00	105.39
20-21-6590	Other supplies	10,000.00	27.36	270.03	0.00	2.70
20-21-6740	Advertising	0.00	0.00	496.30	0.00	0.00
20-21-6750	Other purchased services	15,000.00	0.00	0.00	0.00	0.00
20-21-6780	Taxes & fees	0.00	0.00	4,913.90	0.00	0.00
20-21-6900	Miscellaneous expense	1,000.00	0.00	0.00	0.00	0.00
	<i>Materials & Services</i>	<i>936,000.00</i>	<i>81,904.61</i>	<i>279,416.96</i>	<i>35,913.46</i>	<i>29.85</i>
	Wastewater-Plant	2,014,000.00	155,451.29	590,120.64	35,913.46	29.30
	Wastewater-Collections					
	<i>Personnel Services</i>					
20-22-5110	Regular employees	401,000.00	40,033.23	158,564.17	0.00	39.54
20-22-5130	Overtime	11,000.00	395.37	3,140.83	0.00	28.55
20-22-5210	Health/dental insurance	110,000.00	7,942.54	31,772.10	0.00	28.88
20-22-5230	Social security	32,000.00	3,084.72	12,337.92	0.00	38.56
20-22-5240	Retirement	70,000.00	7,516.65	30,032.12	0.00	42.90
20-22-5250	TrimetWBF	3,000.00	322.06	1,287.18	0.00	42.91
20-22-5260	Unemployment	5,000.00	0.00	0.00	0.00	0.00
20-22-5270	Workers compensation	7,000.00	0.00	9,149.34	0.00	130.70
20-22-5290	Other employee benefits	4,000.00	0.00	0.00	0.00	0.00
	<i>Personnel Services</i>	<i>643,000.00</i>	<i>59,294.57</i>	<i>246,283.66</i>	<i>0.00</i>	<i>38.30</i>
	<i>Materials & Services</i>					
20-22-6310	Janitorial services	0.00	0.00	-43.83	0.00	0.00
20-22-6320	Buildings & grounds	1,000.00	0.00	0.00	0.00	0.00
20-22-6342	Collection system maint.	50,000.00	4,289.34	7,865.59	1.25	15.73
20-22-6390	Other repairs & maintenance	5,000.00	0.00	194.16	0.00	3.88
20-22-6420	Staff training	8,000.00	0.00	0.00	0.00	0.00
20-22-6430	Certifications	2,000.00	0.00	0.00	0.00	0.00
20-22-6530	Small tools & equipment	25,000.00	78.16	90.14	0.00	0.36
20-22-6540	Safety supplies	4,000.00	155.99	696.18	0.00	17.40
20-22-6550	Operational supplies	5,000.00	58.34	334.47	0.00	6.69
20-22-6560	Uniforms	9,000.00	868.07	1,187.50	0.00	13.19
20-22-6780	Taxes & fees	0.00	0.00	8,082.67	0.00	0.00
20-22-6900	Miscellaneous expense	1,000.00	0.00	0.00	0.00	0.00
	<i>Materials & Services</i>	<i>110,000.00</i>	<i>5,449.90</i>	<i>18,406.88</i>	<i>1.25</i>	<i>16.73</i>
	Wastewater-Collections	753,000.00	64,744.47	264,690.54	1.25	35.15
	Transfers & Contingencies					
	<i>Transfers & Contingencies</i>					
20-29-8105	Transfers out to Fund 05	2,026,000.00	168,833.33	675,333.32	0.00	33.33
20-29-8140	Transfers out to Fund 40	812,000.00	0.00	0.00	0.00	0.00
20-29-8150	Transfers out to Fund 50	2,871,000.00	0.00	586,998.00	0.00	20.45
20-29-8172	Transfers out to Fund 72	1,000,000.00	83,333.33	333,333.32	0.00	33.33
20-29-9000	Contingency	801,000.00	0.00	0.00	0.00	0.00
	<i>Transfers & Contingencies</i>	<i>7,510,000.00</i>	<i>252,166.66</i>	<i>1,595,664.64</i>	<i>0.00</i>	<i>21.25</i>
	Transfers & Contingencies	7,510,000.00	252,166.66	1,595,664.64	0.00	21.25
20	Expense	10,277,000.00	472,362.42	2,450,475.82	35,914.71	23.84
	Wastewater Reclam.	0.00	264,679.71	2,305,033.71	-35,914.71	0.00
30	Watershed Protection NonDivisional					
	<i>Beginning Fund Balance</i>					
30-00-3500	Fund balance	410,000.00	0.00	438,142.50	0.00	106.86
	<i>Beginning Fund Balance</i>	<i>410,000.00</i>	<i>0.00</i>	<i>438,142.50</i>	<i>0.00</i>	<i>106.86</i>
	NonDivisional	410,000.00	0.00	438,142.50	0.00	106.86

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
	Fund Balance	410,000.00	0.00	438,142.50	0.00	106.86
	NonDivisional					
	<i>Revenue</i>					
30-00-4213	Watershed protection fees	1,548,000.00	131,200.53	518,053.65	0.00	33.47
30-00-4215	Penalties & late charges	2,000.00	0.00	0.00	0.00	0.00
30-00-4220	System development charges	20,000.00	0.00	0.00	0.00	0.00
30-00-4290	Other charges for services	5,000.00	4,030.00	31,212.55	0.00	624.25
30-00-4610	Investment revenue	0.00	190.91	638.98	0.00	0.00
30-00-4630	Miscellaneous revenues	1,000.00	0.00	0.00	0.00	0.00
	<i>Revenue</i>	<i>1,576,000.00</i>	<i>135,421.44</i>	<i>549,905.18</i>	<i>0.00</i>	<i>34.89</i>
	NonDivisional	1,576,000.00	135,421.44	549,905.18	0.00	34.89
	<i>Revenue</i>	<i>1,576,000.00</i>	<i>135,421.44</i>	<i>549,905.18</i>	<i>0.00</i>	<i>34.89</i>
	Watershed Protection					
	<i>Personnel Services</i>					
30-23-5110	Regular employees	92,000.00	1,801.40	7,238.09	0.00	7.87
30-23-5120	Temporaryseasonal employees	2,000.00	0.00	0.00	0.00	0.00
30-23-5130	Overtime	1,000.00	0.00	0.00	0.00	0.00
30-23-5210	Healthdental insurance	8,000.00	292.97	1,171.95	0.00	14.65
30-23-5230	Social Security	7,000.00	133.00	533.96	0.00	7.63
30-23-5240	Retirement	20,000.00	304.93	1,225.36	0.00	6.13
30-23-5250	TrimetWBF	1,000.00	13.86	55.88	0.00	5.59
30-23-5260	Unemployment	1,000.00	2,508.44	2,508.44	0.00	250.84
30-23-5270	Workers compensation	1,000.00	0.00	1,618.73	0.00	161.87
30-23-5290	Other employee benefits	1,000.00	0.00	0.00	0.00	0.00
	<i>Personnel Services</i>	<i>134,000.00</i>	<i>5,054.60</i>	<i>14,352.41</i>	<i>0.00</i>	<i>10.71</i>
	<i>Materials & Services</i>					
30-23-6155	Contracted Services	40,000.00	2,037.75	2,037.75	29,587.25	5.09
30-23-6310	Janitorial services	0.00	0.00	-66.78	0.00	0.00
30-23-6340	System maintenance	50,000.00	0.00	0.00	0.00	0.00
30-23-6420	Staff training	3,000.00	0.00	0.00	0.00	0.00
30-23-6530	Small tools & equipment	0.00	1,103.03	1,103.03	0.00	0.00
30-23-6540	Safety supplies	500.00	0.00	0.00	0.00	0.00
30-23-6560	Uniforms	1,500.00	0.00	0.00	0.00	0.00
30-23-6730	Communications	10,000.00	15,493.61	15,493.61	0.00	154.94
	<i>Materials & Services</i>	<i>105,000.00</i>	<i>18,634.39</i>	<i>18,567.61</i>	<i>29,587.25</i>	<i>17.68</i>
	Watershed Protection	239,000.00	23,688.99	32,920.02	29,587.25	13.77
	Debt Service					
	<i>Materials & Services</i>					
30-24-6814	Principal Payment-KS Statebank	54,233.00	0.00	54,233.33	0.00	100.00
30-24-6824	Interest Paid-KS Statebank	8,325.00	0.00	8,324.28	0.00	99.99
	<i>Materials & Services</i>	<i>62,558.00</i>	<i>0.00</i>	<i>62,557.61</i>	<i>0.00</i>	<i>100.00</i>
	Debt Service	62,558.00	0.00	62,557.61	0.00	100.00
	Transfers & Contingencies					
	<i>Transfers & Contingencies</i>					
30-29-8105	Transfers out to Fund 05	635,000.00	52,916.67	211,666.68	0.00	33.33
30-29-8173	Transfers out to Fund 73	500,000.00	41,666.67	166,666.68	0.00	33.33
30-29-9000	Contingency	549,442.00	0.00	0.00	0.00	0.00
	<i>Transfers & Contingencies</i>	<i>1,684,442.00</i>	<i>94,583.34</i>	<i>378,333.36</i>	<i>0.00</i>	<i>22.46</i>

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
	Transfers & Contingencies	1,684,442.00	94,583.34	378,333.36	0.00	22.46
30	Expense	1,986,000.00	118,272.33	473,810.99	29,587.25	23.86
	Watershed Protection	0.00	17,149.11	514,236.69	-29,587.25	0.00
40	WW GO Debt Service					
	NonDivisional					
	<i>Beginning Fund Balance</i>					
40-00-3500	Fund balance	333,000.00	0.00	333,918.79	0.00	100.28
	<i>Beginning Fund Balance</i>	<i>333,000.00</i>	<i>0.00</i>	<i>333,918.79</i>	<i>0.00</i>	<i>100.28</i>
	NonDivisional	333,000.00	0.00	333,918.79	0.00	100.28
	Fund Balance	333,000.00	0.00	333,918.79	0.00	100.28
	NonDivisional					
	<i>Revenue</i>					
40-00-4610	Investment revenue	7,000.00	258.43	1,159.59	0.00	16.57
40-00-4701	Interest Subsidy	111,000.00	0.00	0.00	0.00	0.00
	<i>Revenue</i>	<i>118,000.00</i>	<i>258.43</i>	<i>1,159.59</i>	<i>0.00</i>	<i>0.98</i>
	NonDivisional	118,000.00	258.43	1,159.59	0.00	0.98
	Transfers & Contingencies					
	<i>Revenue</i>					
40-29-4920	Transfers in from Fund 20	812,000.00	0.00	0.00	0.00	0.00
	<i>Revenue</i>	<i>812,000.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
	Transfers & Contingencies	812,000.00	0.00	0.00	0.00	0.00
	<i>Revenue</i>					
	Debt Service					
	<i>Materials & Services</i>					
40-24-6811	2010 IFA Loan Principal	375,273.00	0.00	0.00	0.00	0.00
40-24-6822	2010 IFA Loan Interest	262,828.00	0.00	0.00	0.00	0.00
	<i>Materials & Services</i>	<i>638,101.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
	Debt Service	638,101.00	0.00	0.00	0.00	0.00
40	Expense	638,101.00	0.00	0.00	0.00	0.00
	WW GO Debt Service	624,899.00	258.43	335,078.38	0.00	53.62
50	WW Revenue Bond					
	Debt Service					
	NonDivisional					
	<i>Beginning Fund Balance</i>					
50-00-3500	Fund balance	682,000.00	0.00	678,562.56	0.00	99.50
	<i>Beginning Fund Balance</i>	<i>682,000.00</i>	<i>0.00</i>	<i>678,562.56</i>	<i>0.00</i>	<i>99.50</i>
	NonDivisional	682,000.00	0.00	678,562.56	0.00	99.50
	Fund Balance	682,000.00	0.00	678,562.56	0.00	99.50
	NonDivisional					
	<i>Revenue</i>					
50-00-4610	Investment revenue	16,084.00	525.18	2,324.22	0.00	14.45
	<i>Revenue</i>	<i>16,084.00</i>	<i>525.18</i>	<i>2,324.22</i>	<i>0.00</i>	<i>14.45</i>
	NonDivisional	16,084.00	525.18	2,324.22	0.00	14.45
	Transfers & Contingencies					
	<i>Revenue</i>					
50-29-4920	Transfer in from Fund 20	2,871,000.00	0.00	586,998.00	0.00	20.45

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
	Revenue	2,871,000.00	0.00	586,998.00	0.00	20.45
	Transfers & Contingencies	2,871,000.00	0.00	586,998.00	0.00	20.45
	Revenue	2,887,084.00	525.18	589,322.22	0.00	20.41
	Debt Service					
	<i>Materials & Services</i>					
50-24-6810	2010 SRF Loan Principal	910,550.00	0.00	453,101.00	0.00	49.76
50-24-6813	JPM Bank Loan Principal	1,356,000.00	0.00	0.00	0.00	0.00
50-24-6820	2010 SRF Loan Interest	327,958.00	0.00	133,897.00	0.00	40.83
50-24-6823	JPM Bank Loan Interest	374,576.00	0.00	0.00	0.00	0.00
	<i>Materials & Services</i>	2,969,084.00	0.00	586,998.00	0.00	19.77
	Debt Service	2,969,084.00	0.00	586,998.00	0.00	19.77
50	Expense	2,969,084.00	0.00	586,998.00	0.00	19.77
	WW Revenue Bond Debt Service	600,000.00	525.18	680,886.78	0.00	113.48
71	Drinking Water Capital NonDivisional					
	<i>Beginning Fund Balance</i>					
71-00-3500	Fund balance	3,942,000.00	0.00	4,229,831.51	0.00	107.30
	<i>Beginning Fund Balance</i>	3,942,000.00	0.00	4,229,831.51	0.00	107.30
	NonDivisional	3,942,000.00	0.00	4,229,831.51	0.00	107.30
	Fund Balance	3,942,000.00	0.00	4,229,831.51	0.00	107.30
	NonDivisional					
	<i>Revenue</i>					
71-00-4610	Investment revenue	50,000.00	3,232.90	14,782.29	0.00	29.56
	<i>Revenue</i>	50,000.00	3,232.90	14,782.29	0.00	29.56
	NonDivisional	50,000.00	3,232.90	14,782.29	0.00	29.56
	Transfers & Contingencies					
	<i>Revenue</i>					
71-29-4910	Transfer in from Fund 10	500,000.00	41,666.67	166,666.68	0.00	33.33
	<i>Revenue</i>	500,000.00	41,666.67	166,666.68	0.00	33.33
	Transfers & Contingencies	500,000.00	41,666.67	166,666.68	0.00	33.33
	Revenue	550,000.00	44,899.57	181,448.97	0.00	32.99
	Drinking Water Capital Outlay					
71-20-7540	Vehicles	35,000.00	0.00	0.00	0.00	0.00
71-20-7600	Capital Improvement Projects	1,480,000.00	10,824.45	158,377.46	336,895.55	10.70
	<i>Capital Outlay</i>	1,515,000.00	10,824.45	158,377.46	336,895.55	10.45
	Drinking Water	1,515,000.00	10,824.45	158,377.46	336,895.55	10.45
	Transfers & Contingencies					
	<i>Transfers & Contingencies</i>					
71-29-9000	Contingency	2,977,000.00	0.00	0.00	0.00	0.00
	<i>Transfers & Contingencies</i>	2,977,000.00	0.00	0.00	0.00	0.00

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
	Transfers & Contingencies	2,977,000.00	0.00	0.00	0.00	0.00
71	Expense Drinking Water Capital	4,492,000.00 0.00	10,824.45 34,075.12	158,377.46 4,252,903.02	336,895.55 -336,895.55	3.53 0.00
72	Wastewater Reclamation Capital NonDivisional					
	<i>Beginning Fund Balance</i>					
72-00-3500	Fund balance	4,605,000.00	0.00	5,252,624.14	0.00	114.06
	<i>Beginning Fund Balance</i>	4,605,000.00	0.00	5,252,624.14	0.00	114.06
	NonDivisional	4,605,000.00	0.00	5,252,624.14	0.00	114.06
	Fund Balance	4,605,000.00	0.00	5,252,624.14	0.00	114.06
	NonDivisional					
	<i>Revenue</i>					
72-00-4610	Investment revenue	75,000.00	4,090.87	18,083.78	0.00	24.11
	<i>Revenue</i>	75,000.00	4,090.87	18,083.78	0.00	24.11
	NonDivisional	75,000.00	4,090.87	18,083.78	0.00	24.11
	Transfers & Contingencies					
	<i>Revenue</i>					
72-29-4920	Transfer in from Fund 20	1,000,000.00	83,333.33	333,333.32	0.00	33.33
	<i>Revenue</i>	1,000,000.00	83,333.33	333,333.32	0.00	33.33
	Transfers & Contingencies	1,000,000.00	83,333.33	333,333.32	0.00	33.33
	<i>Revenue</i>					
	Revenue	1,075,000.00	87,424.20	351,417.10	0.00	32.69
	Wastewater-Plant					
	<i>Capital Outlay</i>					
72-21-7300	Buildings & improvements	0.00	5,240.00	5,240.00	0.00	0.00
72-21-7520	Equipment	100,000.00	7,328.18	23,228.19	0.00	23.23
72-21-7540	Vehicles	20,000.00	19,706.90	19,706.90	0.00	98.53
72-21-7600	Capital Improvement Projects	2,330,000.00	7,747.33	155,181.82	698,895.14	6.66
	<i>Capital Outlay</i>	2,450,000.00	40,022.41	203,356.91	698,895.14	8.30
	Wastewater-Plant	2,450,000.00	40,022.41	203,356.91	698,895.14	8.30
	Transfers & Contingencies					
	<i>Transfers & Contingencies</i>					
72-29-9000	Contingency	3,230,000.00	0.00	0.00	0.00	0.00
	<i>Transfers & Contingencies</i>	3,230,000.00	0.00	0.00	0.00	0.00
	Transfers & Contingencies	3,230,000.00	0.00	0.00	0.00	0.00
72	Expense Wastewater Reclamation Capital	5,680,000.00 0.00	40,022.41 47,401.79	203,356.91 5,400,684.33	698,895.14 -698,895.14	3.58 0.00
73	Watershed Protection Capital NonDivisional					
	<i>Beginning Fund Balance</i>					
73-00-3500	Fund balance	1,481,000.00	0.00	1,177,314.89	0.00	79.49

Account Number	Description	Budget	Period Amt	End Bal	Encumbered	% of Budget
	<i>Beginning Fund Balance</i>	1,481,000.00	0.00	1,177,314.89	0.00	79.49
	NonDivisional	1,481,000.00	0.00	1,177,314.89	0.00	79.49
	Fund Balance NonDivisional	1,481,000.00	0.00	1,177,314.89	0.00	79.49
73-00-4610	<i>Revenue</i> Investment revenue	40,000.00	975.29	4,707.82	0.00	11.77
	<i>Revenue</i>	40,000.00	975.29	4,707.82	0.00	11.77
	NonDivisional	40,000.00	975.29	4,707.82	0.00	11.77
	Transfers & Contingencies <i>Revenue</i>					
73-29-4930	Transfer in from Fund 30	500,000.00	41,666.67	166,666.68	0.00	33.33
	<i>Revenue</i>	500,000.00	41,666.67	166,666.68	0.00	33.33
	Transfers & Contingencies	500,000.00	41,666.67	166,666.68	0.00	33.33
	<i>Revenue</i> Watershed Protection	540,000.00	42,641.96	171,374.50	0.00	31.74
73-23-7600	<i>Capital Outlay</i> Capital Improvement Projects	465,000.00	0.00	513.00	0.00	0.11
	<i>Capital Outlay</i>	465,000.00	0.00	513.00	0.00	0.11
	Watershed Protection	465,000.00	0.00	513.00	0.00	0.11
	Transfers & Contingencies <i>Transfers & Contingencies</i>					
73-29-9000	Contingency	1,556,000.00	0.00	0.00	0.00	0.00
	<i>Transfers & Contingencies</i>	1,556,000.00	0.00	0.00	0.00	0.00
	Transfers & Contingencies	1,556,000.00	0.00	0.00	0.00	0.00
73	Expense Watershed Protection Capital	2,021,000.00 0.00	0.00 42,641.96	513.00 1,348,176.39	0.00 0.00	0.03 0.00
Revenue Total		25,049,084.00	1,950,185.96	8,267,069.82	0.00	0.33
Expense Total		38,971,185.00	1,467,275.94	6,563,148.49	1,287,730.81	0.1684

General Ledger
Account Roll up



User: jeff
Printed: 11/9/2020 8:57:53 AM
Period 04 - 04
Fiscal Year 2021

Sort Level	Description	Budget	Period Amt	End Bal	% ExpendCollect
Revenue	Revenue				
4210	Water Sales - CRW	32,000.00	7,340.60	14,794.58	46.23
4211	Water sales	4,038,000.00	415,106.48	1,616,447.61	40.03
4212	Wastewater Charges	8,270,000.00	709,797.42	2,710,617.58	32.78
4213	Watershed protection fees	1,548,000.00	131,200.53	518,053.65	33.47
4215	Penalties & late charges	32,000.00	0.00	-127.79	-0.40
4220	System development charges	245,000.00	65,093.80	389,881.80	159.14
4230	Contract services	40,000.00	12,000.00	21,400.00	53.50
4240	Service installations	20,000.00	8,739.00	21,686.82	108.43
4280	Rents & leases	200,000.00	27,568.02	54,947.59	27.47
4290	Other charges for services	25,000.00	8,620.00	56,445.89	225.78
4320	State grants	0.00	0.00	16,835.77	0.00
4610	Investment revenue	203,084.00	10,251.44	46,275.24	22.79
4630	Miscellaneous revenues	33,000.00	7,052.00	23,146.40	70.14
4701	Interest Subsidy	111,000.00	0.00	0.00	0.00
4910	Transfer in from Fund 10	2,408,000.00	200,666.67	802,666.68	33.33
4920	Transfer in from Fund 20	6,709,000.00	252,166.66	1,595,664.64	23.78
4930	Transfer in from Fund 30	1,135,000.00	94,583.34	378,333.36	33.33
Revenue	Revenue	25,049,084.00	1,950,185.96	8,267,069.82	33.00
Expense	Expense				
5110	Regular employees	3,000,000.00	234,120.91	916,726.64	30.56
5120	Temporary/Seasonal employees	42,000.00	0.00	0.00	0.00
5130	Overtime	107,000.00	7,074.12	33,716.75	31.51
5210	Employee Ins	690,000.00	50,072.32	197,851.14	28.67
5230	Social Security	240,000.00	17,737.31	70,967.98	29.57
5240	Retirement	616,000.00	45,260.63	175,945.76	28.56
5250	Trimet	23,000.00	1,884.80	7,314.50	31.80
5260	Unemployment	29,000.00	6,396.44	12,228.44	42.17
5270	Workers compensation	45,000.00	0.00	44,815.37	99.59
5290	Other employee benefits	29,000.00	0.00	3,303.95	11.39
6110	Legal services	375,000.00	26,765.50	34,504.00	9.20
6120	Accounting & audit services	45,000.00	3,177.00	30,344.45	67.43
6155	Contracted Services	732,000.00	23,785.00	97,903.94	13.37
6175	Records Management	5,000.00	364.50	1,482.28	29.65
6180	Dues & subscriptions	52,000.00	4,525.00	23,612.00	45.41
6220	Electricity	296,000.00	47,439.54	99,453.02	33.60
6230	Telephone	57,000.00	5,238.80	15,155.24	26.59
6240	Natural gas	5,000.00	714.76	1,353.56	27.07
6250	Solid waste disposal	81,000.00	-8,294.24	9,525.58	11.76
6290	Other utilities	21,000.00	5,135.94	11,365.64	54.12
6310	Janitorial services	35,000.00	2,271.93	5,765.67	16.47
6320	Buildings & grounds	81,000.00	6,883.03	39,366.47	48.60
6330	Vehicle & equipment maint.	50,000.00	3,586.28	7,132.76	14.27
6340	Distribution system maint	250,000.00	64,301.98	83,613.80	33.45
6342	Collection system maint.	320,000.00	46,354.28	118,421.77	37.01
6350	Computer maintenance	237,000.00	15,354.63	76,187.94	32.15
6390	Other repairs & maintenance	40,000.00	6,025.20	17,007.71	42.52
6410	Mileage	6,000.00	0.00	0.00	0.00
6420	Staff training	80,000.00	1,833.00	2,068.00	2.59
6430	Certifications	7,000.00	160.00	588.00	8.40
6440	Board travel & training	7,000.00	-886.06	-864.06	-12.34
6510	Office supplies	29,000.00	3,210.52	8,629.02	29.76

Sort Level	Description	Budget	Period Amt	End Bal	% ExpendCollect
6520	Fuel & oils	71,000.00	4,373.73	8,326.91	11.73
6525	Chemicals	26,000.00	502.50	7,356.35	28.29
6530	Small tools & equipment	46,000.00	3,310.70	4,749.12	10.32
6540	Safety supplies	48,500.00	3,899.12	8,144.64	16.79
6550	Operational Supplies	21,000.00	-5,958.85	3,957.81	18.85
6560	Uniforms	22,000.00	2,374.06	10,672.54	48.51
6590	Other supplies	10,000.00	27.36	270.03	2.70
6610	Board compensation	2,500.00	0.00	0.00	0.00
6620	Election Costs	5,000.00	0.00	0.00	0.00
6710	Purchased water	1,084,000.00	199,838.14	465,054.20	42.90
6715	Water quality program	5,000.00	3,708.40	6,890.40	137.81
6720	Insurance	240,000.00	0.00	-210.00	-0.09
6730	Communications	167,000.00	15,577.89	18,293.06	10.95
6740	Advertising	6,000.00	438.09	934.39	15.57
6750	Other purchased services	15,000.00	0.00	1,000.00	6.67
6760	Equipment Rental	4,500.00	653.75	884.40	19.65
6770	Bank charges	125,000.00	12,224.27	54,866.09	43.89
6780	Taxes & fees	21,000.00	7,914.63	21,471.32	102.24
6785	ECAP Payments	97,000.00	0.00	2,614.28	2.70
6810	2010 SRF Loan Principal	910,550.00	0.00	453,101.00	49.76
6811	2010 IFA Loan Principal	375,273.00	0.00	0.00	0.00
6813	JPM Bank Loan Principal	1,356,000.00	0.00	0.00	0.00
6814	Principal Payment-KS Statebank	54,233.00	0.00	54,233.33	100.00
6815	Zions Bank loan-principal	179,000.00	0.00	0.00	0.00
6820	2010 SRF Loan Interest	327,958.00	0.00	133,897.00	40.83
6822	2010 IFA Loan Interest	262,828.00	0.00	0.00	0.00
6823	JPM Bank Loan Interest	374,576.00	0.00	0.00	0.00
6824	Interest Paid-KS Statebank	8,325.00	0.00	8,324.28	99.99
6825	Zions Bank loan-interest	30,801.00	0.00	15,400.25	50.00
6900	Miscellaneous expense	4,000.00	0.00	0.00	0.00
6990	Special Payments	552,000.00	0.00	0.00	0.00
7300	Buildings & improvements	0.00	5,240.00	5,240.00	0.00
7520	Equipment	100,000.00	7,328.18	23,228.19	23.23
7540	Vehicles	55,000.00	19,706.90	19,706.90	35.83
7600	Capital Improvement Projects	4,275,000.00	18,571.78	314,072.28	7.35
8105	Transfers out to Fund 05	4,569,000.00	380,750.00	1,523,000.00	33.33
8140	Transfers out - Fund 40	812,000.00	0.00	0.00	0.00
8150	Transfers out - Fund 50	2,871,000.00	0.00	586,998.00	20.45
8171	Transfers out - Fund 71	500,000.00	41,666.67	166,666.68	33.33
8172	Transfers out - Fund 72	1,000,000.00	83,333.33	333,333.32	33.33
8173	Transfers out - Fund 73	500,000.00	41,666.67	166,666.68	33.33
9000	Contingency	10,215,141.00	0.00	0.00	0.00
Expense	Expense	38,981,185.00	1,467,640.44	6,564,630.77	16.84
Grand Total		-13,932,101.00	482,545.52	1,702,439.05	-0.1222
Fund Balance Total		0.00	0.00	0.00	0
Revenue Total		25,049,084.00	1,950,185.96	8,267,069.82	0.33
Expense Total		38,981,185.00	1,467,640.44	6,564,630.77	0.1684



AGENDA ITEM

To	Board of Directors
From	Laural Casey, District Recorder
Title	Approval of the October 20, 2020 Meeting Minutes
Item No.	3b
Date	November 17, 2020

Summary of Minutes for Approval

- October 20, 2020 Regular Meeting Minutes



**BOARD OF DIRECTORS
[REMOTE] REGULAR MEETING MINUTES – 6:00 P.M.
October 20, 2020, 2020**

Board of Directors – Members Present via Zoom:

Kevin Williams	President
Paul Gornick	Secretary/Vice President
Mark Knudson	Treasurer
Susan Keil	Director
Ginny Van Loo	Director

Oak Lodge Water Services Staff – Present via Zoom:

Sarah Jo Chaplen	General Manager
Jason Rice	District Engineer
Aleah Binkowski-Burk	Human Resources/Payroll Manager
David Mendenhall	Plant Operations Manager
Todd Knapp	Field Operations Manager
Gail Stevens	Finance Director
Brad Lyon	Field Operations Supervisor
Laural Casey	District Recorder

Consultants & Presenters – Present via Zoom:

Tommy Brooks	Cable Huston
Scott Archer	North Clackamas Parks and Recreation District
Tonia Williamson	North Clackamas Parks and Recreation District
Scott Duren	Water Systems Consulting
Libby Barg Bakke	Barney & Worth
Aubrie Koenig	Barney & Worth

1. Call to Order & Meeting Facilitation Protocols

President Williams called the meeting to order at 6:00 p.m.

General Manager Chaplen welcomed everyone and asked District Recorder Casey to facilitate a roll call. District Recorder Casey facilitated the roll call of Board members, staff, and consultants.

General Manager Chaplen introduced guests visiting in an official capacity: Chris Hawes, Chair of the Sunrise Water Authority Board of Commissioners, and Sherry French, President of the Clackamas River Water Board of Commissioners.

General Manager Chaplen overviewed the general protocols of a virtual meeting due to the COVID-19 pandemic.

2. Call for Public Comment

President Williams asked District Recorder Casey if any written comments had been submitted. District Recorder Casey stated there were none.

President Williams asked District Recorder Casey if there were any members of the public in attendance. District Recorder Casey stated there was one.

Lynn Fisher congratulated NCPRD Director Scott Archer on the new City of Canby position.

3. Consent Agenda

Treasurer Knudson asked to modify the date on the Declaration of State of Emergency extension to the next Board meeting on November 17, 2020.

Treasurer Knudson asked why only the preliminary design was included in the emergency water intertie design contract. District Engineer Rice explained outstanding questions regarding the end of the design had split up the work. He noted completion of the preliminary design by Water Systems Consulting would likely result in a recommendation for the firm to complete the design. Director Keil noted the same firm completed the District's Water Master Plan. There was discussion regarding sole-source procurement and engineering on-call contracts due to concern about the District potentially gaining a reputation for sole-source contracting. General Manager Chaplen and District Engineer Rice confirmed a legal procurement process for every District contract.

Secretary/Vice President Gornick moved to adopt the Consent Agenda. Treasurer Knudson seconded. President Williams asked District Recorder Casey to conduct a roll call vote. Voting Aye: President Williams; Secretary/Vice President Gornick; Treasurer Knudson; Directors Keil and Van Loo.

MOTION CARRIED

4. Update from Scott Archer, Director of North Clackamas Parks and Recreation District

Scott Archer and Tonia Williamson thanked the Board and staff for the partnership in development of a new park in the Boardman Wetlands. Two videos available on the North Clackamas Parks and Recreation District (NCPRD) website were viewed. Scott Archer overviewed the park development and upcoming projects.

The Board thanked Scott, Tonia, and NCPRD for their persistent partnership and diligence.

5. Consideration of Resolution No. 2020-15 Approval of the Water Master Plan

District Engineer Rice stated the Water Master Plan had been approved by the Oregon Health Administration (OHA). He noted the District was eligible for a variance that would waive the OHA review requirement for future water plans. District Engineer Rice thanked Scott Duren and the Water Systems Consulting team for their work on the document.

Director Van Loo thanked Jason for the incredible document.

Director Keil asked if the Plan could be accepted, but not adopted stating she had many questions. District legal counsel Brooks noted no legal issues with deferring approval. District Engineer Rice and Director Keil discussed the approval process and whether the outstanding questions would affect approval.

Treasurer Knudson asked for a modification to the resolution stating the Water Master Plan should be adopted, not approved.

President Williams noted the importance of adopting the Plan and asked Director Keil to ask her questions. District Engineer Rice and Consultant Duren answered questions related to citizen, Board, and staff participation; hydraulic analysis using hydrant pressure; project prioritization criteria; system leakage; and intertie qualification for long-term borrowing or federal grants.

Secretary/Vice President Gornick asked what projects would be included in the OHA waiver that District Engineer Rice had stated the District was going to apply for. District Engineer Rice stated the variance would apply to all drinking water projects.

District Engineer Rice asked if the Board expected public input in determining levels of service for the Sanitary Master Plan. Director Keil stated the public should be surveyed on general levels of service standards. She asked that citizen input be compiled and presented to the Board.

Treasurer Knudson moved to approve Resolution 2020-15 to adopt the District's 2020 Water Master Plan. Secretary/Vice President seconded. President Williams asked District Recorder Casey to conduct a roll call vote. Voting Aye: President Williams; Secretary/Vice President Gornick; Treasurer Knudson; Directors Keil and Van Loo.

MOTION CARRIED

6. PERS Side Account Update

Finance Director Stevens reported on the legislative changes regarding PERS contributions. She detailed the budgeted amount and the State wait list for fund matching, which is not currently guaranteed. Finance Director Stevens overviewed the fund evaluation to receive a reduction in PERS rates.

Secretary/Vice President Gornick asked what a transition liability rate was. Finance Director Stevens explained the State defined it as a surplus.

7. Call for Public Comment

President Williams asked District Recorder Casey if there were any members of the public still in attendance. District Recorder Casey confirmed there were two.

There was no public comment.

8. Community Briefing Materials Update

Consultant Barg Bakke explained the purpose for the two versions of the briefing materials.

Director Van Loo liked the shorter version and noted changes to the “What’s Coming” slide of the longer version.

Director Keil asked for more specificity on the issue related to consolidation cost savings and District buildings.

Treasurer Knudson stated that protecting public health should be first on the list of District commitments.

There was discussion regarding formation of a task force to complete the briefing materials review. Director Van Loo and Treasurer Knudson accepted nominations.

Secretary/Vice President Gornick asked for an expanded list of County-owned, District-provided services to include catch basins, pipes, culverts, and ditches.

Consultant Barg Bakke provided a mock presentation of the community briefing materials and stated a script would be created in conjunction with the materials. The Board and General Manager Chaplen discussed the presentation slides as they were presented.

Director Van Loo moved to accept the proposal with discussed changes. Director Keil seconded. President Williams asked District Recorder Casey to conduct a roll call vote. Voting Aye: President Williams; Secretary/Vice President Gornick; Treasurer Knudson; Directors Keil and Van Loo.

MOTION CARRIED

9. Recess to Executive Session

President Williams recessed to Executive Session at 7:56 p.m. under ORS 192.660(2)(f) to consider information or records that are exempt by law from public disclosure and 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

General Manager Chaplen presented the general topics to be discussed during the executive session. The Board was informed that no decisions were to be expected coming out of executive session. The Board then received a presentation from the District legal counsel Brooks regarding the contents of two memos prepared for the Board. The Board asked follow-up questions and generally discussed the topics addressed in the memos.

The Board then received a presentation from staff regarding a claim filed against the District relating to flood damage. The Board received information regarding the District’s rights and obligations with respect to that claim.

10. Adjourn Executive Session

President Williams adjourned the Executive Session at 9:57 p.m.

President Williams asked District Recorder Casey if there were any members of the public waiting for the adjournment of the Executive Session. There were none.

No decisions were made as a result of the Executive Session

11. Departments Reports

Due to the time, President Williams did not facilitate verbal department reports noting the written Department Reports published in the meeting packet.

12. Business from the Board

Due to the time, President Williams did not facilitate verbal liaison reports noting the written reports published in the meeting packet.

13. Adjourn Meeting

President Williams adjourned the meeting at 9:58 p.m.

Respectfully submitted,

Kevin Williams
President, Board of Directors

Paul Gornick
Secretary/Vice President, Board of Directors

Date: _____

Date: _____

STAFF REPORT

To Board of Directors
From Sarah Jo Chaplen, General Manager
Title Extension of the March 17, 2020 Declaration of State of Emergency
Item No. 3c
Date November 17, 2020

Summary

The Board of Directors holds the authority to declare and extend states of emergency for the Oak Lodge Water Services District, and to delegate certain powers to the General Manager during such an emergency.

Background

In response to the global pandemic and regional outbreak of COVID-19, the Oak Lodge Water Services District Board of Directors declared a State of Emergency relating to COVID-19 on March 17, 2020, to ensure that the District could perform all of its obligations and continue operating its systems.

The District's Declaration, as extended by Addendum No. 1 on April 21, 2020, Addendum No. 2 on May 19, 2020, Addendum No. 3 on June 16, 2020, Addendum No. 4 on July 21, 2020, Addendum No. 5 on August 18, 2020, Addendum No. 6 on September 15, 2020, and Addendum No. 7 on October 20, 2020, currently ends the State of Emergency on November 17, 2020.

The Oregon Health Authority has been monitoring various indicators measuring the health burden of COVID-19 in each county, and the public health capacity to respond. Counties have applied to the Governor to enter various phases of reopening consistent with meeting those health indicators. As of the date of this staff report, Clackamas County is in Phase 1 of three phases of reopening.

To date, the Board has extended the State of Emergency for so long as the findings in the original Declaration continue to exist; namely, the Board has continued to find that social distancing and community mitigation measures within the District are in the best interests of the public health, safety, and welfare of the community, and that immediate action may be required to minimize, respond to, or recover from the emergency.

Past Board Actions

On March 17, 2020, the Board of Directors approved Resolution 2020-03 authorizing declarations of a state of emergency and certain actions during a state of emergency.

The Board of Directors subsequently declared a State of Emergency relating to COVID-19 with the intent to revisit the effective end date at the next regularly scheduled meeting on April 21, 2020.

On April 21, 2020, the Board of Directors approved Addendum No. 1 to the March 17, 2020 Declaration of State of Emergency extending the effective end date to May 19, 2020.

On May 19, 2020, the Board of Directors approved Addendum No. 2 to the March 17, 2020 Declaration of State of Emergency extending the effective end date to June 16, 2020.

On June 16, 2020, the Board of Directors approved Addendum No. 3 to the March 17, 2020 Declaration of State of Emergency extending the effective end date to July 21, 2020.

On July 21, 2020, the Board of Directors approved Addendum No. 4 to the March 17, 2020 Declaration of State of Emergency extending the effective end date to August 18, 2020.

On August 18, 2020, the Board of Directors approved Addendum No. 5 to the March 17, 2020 Declaration of State of Emergency extending the effective end date to September 15, 2020.

On September 15, 2020, the Board of Directors approved Addendum No. 6 to the March 17, 2020 Declaration of State of Emergency extending the effective end date to October 20, 2020.

On October 20, 2020, the Board of Directors approved Addendum No. 7 to the March 17, 2020 Declaration of State of Emergency extending the effective end date to November 17, 2020.

Concurrence

The General Manager and the District's legal counsel are prepared to explain the approach other entities have taken while declaring states of emergency and how the District would be affected by an extension of the Declaration.

Recommendation

Staff recommends the Board extend the Declaration of State of Emergency until the conclusion of the next Board meeting on December 15, 2020.

Alternatives to Recommendation

The Board can decline to extend the Declaration of State of Emergency.

Suggested Board Motion

“I move to approve Addendum No. 8 to the March 17, 2020 Declaration of State of Emergency and extend the effective end date to December 15, 2020.”

Attachments

1. Addendum No. 8 to the March 17, 2020 Declaration of State of Emergency

OAK LODGE WATER SERVICES DISTRICT

ADDENDUM NO. 8 TO THE MARCH 17, 2020 DECLARATION OF STATE OF EMERGENCY

WHEREAS, the Board of Directors (“Board”) of the Oak Lodge Water Services District (“District”) on March 17, 2020 declared a state of emergency due to the public health and financial threats posed by the highly infectious virus COVID-19 and authorized certain actions that may be taken during the emergency; and

WHEREAS, the March 17, 2020 *Declaration of State of Emergency* included an expiration date of April 21, 2020, upon which date the state of emergency would terminate; and

WHEREAS, the April 21, 2020 *Addendum No. 1 to the Declaration of State of Emergency* extended the expiration date to May 19, 2020, upon which date the state of emergency would terminate; and

WHEREAS, the May 19, 2020 *Addendum No. 2 to the Declaration of State of Emergency* extended the expiration date to June 16, 2020, upon which date the state of emergency would terminate; and

WHEREAS, the June 16, 2020 *Addendum No. 3 to the Declaration of State of Emergency* extended the expiration date to July 21, 2020, upon which date the state of emergency would terminate; and

WHEREAS, the July 21, 2020 *Addendum No. 4 to the Declaration of State of Emergency* extended the expiration date to August 18, 2020, upon which date the state of emergency would terminate; and

WHEREAS, the August 18, 2020 *Addendum No. 5 to the Declaration of State of Emergency* extended the expiration date to September 15, 2020, upon which date the state of emergency would terminate; and

WHEREAS, the September 15, 2020 *Addendum No. 6 to the Declaration of State of Emergency* extended the expiration date to October 20, 2020, upon which date the state of emergency would terminate; and

WHEREAS, the October 20 2020 *Addendum No. 7 to the Declaration of State of Emergency* extended the expiration date to November 17, 2020, upon which date the state of emergency would terminate; and

WHEREAS, the facts set forth in the March 17, 2020 declaration that gave rise to the state of emergency continue to exist and continue to constitute an emergency.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE OAK LODGE WATER SERVICES DISTRICT DECLARES:

Section 1. Continued State of Emergency. The Board finds that the facts set forth in the March 17, 2020 *Declaration of State of Emergency* as modified by the April 21st *Addendum No. 1*, the May 19th *Addendum No. 2*, the June 16th *Addendum No. 3*, the July 21st *Addendum No. 4*, the August 18th *Addendum No. 5*, the September 15th *Addendum No. 6*, the October 20th *Addendum No. 7* (“Emergency Declaration”) continue to exist and continue to constitute an emergency and the Board hereby declares the District to be in a continued state of emergency.

Section 2. Effective Date. The expiration date of the Emergency Declaration is hereby extended to December 15, 2020, unless superseded or earlier terminated.

Section 3. Effect on Declaration. This Addendum No. 8 modifies Section 5 of the Emergency Declaration, replacing the date of April 21, 2020 with the date identified in Section 2 of this Addendum No. 8. All other terms of the Emergency Declaration remain the same.

INTRODUCED AND ADOPTED THIS 17th DAY OF NOVEMBER 2020, EFFECTIVE AS OF THE DATE OF ADOPTION.

OAK LODGE WATER SERVICES DISTRICT

By _____
Kevin Williams, President

By _____
Paul Gornick, Secretary/Vice President

STAFF REPORT

To	Board of Directors
From	Jason Rice, District Engineer
Title	Hillside & Boardman Sewer Rehab Design Task Order
Item No.	3d
Date	November 17, 2020

Summary

Staff seeks approval of a Task Order with one of its On-Call Engineering firms, AKS Engineering and Forestry in the amount of \$138,225 for the design of the Hillside & Boardman Sewer Rehab.

Background

During the creation of the Capital Improvement Plan staff identified deficiencies in two sanitary sewer mains which need repair.

The first section is between the Willamette River and SE Hillside Dr. This section is comprised of two line segments totaling 638 lineal feet and is located in the backyards of 7 homes that are adjacent to the Willamette River. This line is one of the Districts trunklines and has been found to have a substantial belly (vertical deflections) in the line. By replacing this line, it will reduce the amount of ongoing maintenance the Field Services crew has to perform.

The second section needing repair is comprised of two line segments totaling 504 lineal feet. This section exists just north of Boardman Avenue very near the Boardman Creek. Vertical deflections exist in this line as well, which again causes added ongoing maintenance. Both of these lines will be rebuilt using open trench construction methods.

The contracted work (see scope attachment) will survey, design, assist in permitting and in the acquisition of temporary construction easements necessary to perform the replacement of the lines described above.

Selection of AKS Engineering was first based on the company being one of the District's On-Call Engineering Firms for these types of services. Then further selected based on their repeated performance of supplying the District with timely, high-quality products.

Past Board Actions

June 2020 Adoption of the FY21 Budget, which includes funding for the design and replacement off:

\$400,000	Hillside Sewer Line
\$60,000	2A010-343 (Boardman)
\$60,000	Lateral Repair Program

June 2018 Board Approval of the On-Call Engineering Services List developed through a competitive Request for Proposal process.

Concurrence

Technical Services staff have collaborated with Field Operations and Water Systems Consulting in developing these projects.

Recommendation

Staff recommends the Board approve the General Manager to sign a Task Order under the active On-Call Services Contract with AKS Engineering and Forestry for the design of the Hillside & Boardman Sewer Rehab Project in the amount of \$138,225.

Suggested Board Motion

"I move to approve the General Manager to sign a Task Order for the design of the Hillside and Boardman Sewer Rehab Project with AKS Engineering and Forestry in an amount not to exceed \$138,225."

Attachments

1. Exhibit A – Scope of Work for Task Order #8 with AKS Engineering and Forestry

HILLSIDE & BOARDMAN SEWER REHAB
SEWER REPAIRS
OAK GROVE, OREGON

Exhibit A — Scope of Work

Oak Lodge Water Services District (District) has identified deficiencies in two sanitary sewer mains which need repair. The first section is between the Willamette River and SE Hillside Dr. This section is comprised of two line segments totaling 638 lineal feet and is located on tax lots 3902, 3900, and 4000, of tax map 21E13DA, and tax lots 2400, 2500, 2501, and 2600, of tax map 21E13DB. The second section needing repair is two segments totaling 504 lineal feet and is located on tax lot 801 of tax map 22E18CB and 1100 22E18CB. There vertical deflections in these lines and the anticipated repair is full replacement of the line with open trench construction methods.

The following services will be performed by AKS Engineering & Forestry, LLC (Consultant). All services will be performed by or under the observation of a Professional Land Surveyor and/or Professional Engineering registered in the State of Oregon.

1. Project Management

Consultant will:

- Provide a cohesive consulting team to execute the scope of work listed herein
- Coordinate and participate in project meetings
- Develop a schedule identifying critical tasks
- Perform project management duties including: monthly invoicing, preparing monthly project status reports and managing schedule, budget and scope to meet the project requirements.

2. Review of Records

Consultant will review the following records provided by District:

- Video inspection of the sewer main to identify the locations of the pipe failures and laterals within the project boundary
- As-built records

3. Geotechnical Investigation

Consultant will complete two hand augers (Hillsdale & Boardman sites) to determine the depth of groundwater and characteristics of the soil adjacent to the existing trench. Auger data will be logged and compiled into a field data report.

4. Arborist Services

Consultant will arborize all trees within the project area at both sites that may be impacted by construction. Tree protection measures will be included in the construction documents.

5. Natural Resources

Natural Resource services will be completed as follows:

Wetland and Waters Delineation Services

AKS will conduct a site visit to determine if wetland conditions are present within the project area in accordance with guidance in the Western Mountains, Valleys, and Coast Regional Supplement and the 1987 U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual. Data will be collected to document the presence and/or absence of wetland conditions on the site. All on-site wetland boundaries, plot locations, and physical ordinary high water mark (OHWM) field indicators will be flagged in the field for professional land survey by AKS. In addition, AKS Natural Resource staff will complete the following tasks.

- Review existing data and coordinate with agency staff to confirm the Section 10 elevation for compliance with the Rivers and Harbors Act and, if applicable, the Highest Measured Tide elevation for Section 404 and DSL jurisdictional limits.
- Prepare a Wetland and Waters Delineation Report for submittal to USACE and Oregon Department of State Lands (DSL) for review and concurrence. The report will be prepared in accordance with current agency guidelines and will include all required supplemental documentation.
- Provide post-submittal coordination with agency staff to facilitate their review. Coordination efforts to consist of written and verbal communication, and up to one (1) site visit with agency staff to confirm wetland boundaries.

DSL/USACE Permitting Services

AKS staff will prepare a Joint Permit Application (JPA) to authorize unavoidable wetland and/or waters impacts for replacement of the failing section of sewer line. It is anticipated that the project can be authorized under the 2020 USACE Nationwide Permit D for Utility Lines Activities, and an Individual Permit from DSL. The permit application will include a description of all jurisdictional resources identified within the project area, including a wetland and/or waters function and value assessment using best professional judgment (BPJ). The JPA will document the proposed impacts, by resource type, and will provide a discussion on how the proposed impacts have been minimized during project design. AKS will prepare all required permit maps and figures for inclusion with the JPA.

Since the Willamette River within the project vicinity contains federally listed anadromous fish, we will work with the project team to ensure the project meets design criteria listed under NOAA's Standard Local Operating Procedures (SLOPES) for Stormwater, Transportation or Utilities to ensure no effect to ESA listed fish.

The project is not expected to create additional impervious surfaces; therefore, a DEQ post-construction stormwater report for 401 Certification compliance is not anticipated for this project. No direct permanent wetland or water impacts are anticipated for this project; however, temporary wetland, water, or riparian area impacts will require site restoration upon construction completion. As part of the JPA, AKS will prepare a Site Rehabilitation Plan

6. Topographic & Boundary Survey

Consultant will complete a topographic and boundary survey of the portion of the Hillside and Boardman segments. (shown in the attached Exhibit 'B'). The survey will include the following:

Hillsdale Segments:

-
- Photogrammetric aerial survey will be completed for the Hillsdale segments show in Exhibit 'B'. High resolution perspective view images will be recorded along the Hillsdale segment to support the design, permitting and construction efforts.
 - Property boundaries and easements will be reviewed and drafted on tax lots 3902, 3900, and 4000, of tax map 21E13DA, tax lots 2400, 2500, 2501, and 2600, of tax map 21E13DB, and tax lot 801 and 1100 of tax map 22E18CB.
 - Consultant will complete a topographic survey for the Hillsdale and Boardman segments. The topographic survey will cover a 75-ft wide path along the alignment of the existing sewer lines to be replaced, and/or the OHWM of the Willamette River and will include ties on edge of pavement, curb, sidewalk, driveways, roadway stripping, signs, fences, trees greater than 6" DBH, utility poles, underground utilities visible at grade (vaults, manholes, valve cans, area drains), underground utilities marked by locating services, ground slopes, and any other physical improvements along the project corridor.

Data collected in the topographic survey will be drafted in a digital format (CAD) for use in design

7. Construction Documents

Consultant will prepare the following:

- Construction Drawings including the following sheets: Cover Sheet, General Notes Sheet, Existing Conditions Plan, Erosion Control Plan, Sanitary Sewer Improvements Plans and Profiles, Surface Restoration Plan, and Construction Details
- Special Provisions for any work item not defined in the District standard specifications
- Bid Sheet
- Engineer's Estimate

Construction drawings will be issued to District for review at 50%, 90% and 100% design stage. All other construction documents will be issued to District for 90% and 100% review. Consultant will participate in two (2) design review meetings with District.

8. Temporary Easement Acquisition

Consultant will support the district in their effort to acquire temporary construction easements. Legal descriptions will be drafted and provided to the district for tax lots 3902, 3900, and 4000, of tax map 21E13DA, tax lots 2400, 2500, 2501, and 2600, of tax map 21E13DB, and tax lot 801 and 1100 of tax map 22E18CB.

AKS will send Right of Entry request letters to all property owners listed above and will coordinate with property owners and the district as necessary to obtain executed Right-of-Entry documents. Three separate site visits are included to meet with property owners as needed.

9. Permitting Coordination

Consultant will submit construction drawings to Clackamas County to coordinate with the County ahead of the right-of-way permit issuance, which will be issued once a contractor is selected. Consultant will respond to County review comments and revise plans as required to support the right-of-way permit.

Consultant will coordinate with Clackamas County land use to navigate the land use permitting requirements. It is anticipated that land use permits are not required for this maintenance related project.

10. WRG Permitting (Contingency)

Consultant will prepare and submit the permit application and coordinate with the County as required to obtain a WRG permit. An allowance of \$11,490 will only be utilities as required to facilitate permitting if necessary and as authorized by the district.

11. Construction Phase Services

Consultant will perform the following construction phase services:

- Respond to contractor RFIs
- Participate in a final walkthrough with District, the contractor, and Clackamas County.
- Arborist site visits during construction (Assumes 4 site visits)

12. Construction Staking

Consultant will provide construction stakes for the sewer improvements. Stakes are anticipated to include the following:

- 10-ft and 25-ft Offsets to manholes and cleanouts
- Sanitary sewer mainline offsets at 10-ft and 25-ft intervals from manholes and 50-ft stations thereafter.

Fee Estimate

(See attached detailed estimate – Exhibit C)

TOTAL\$138,225

Assumptions

- District will provide as-builts and video records of existing pipelines
- District is responsible for preparing project specifications and assembling the contract documents for bidding.
- District will provide a sample bid package to Consultant for reference in preparing the Construction Documents
- District is responsible for all permit fees
- The erosion control permit for the project will be reviewed and issued by District
- Construction staking services are assumed at BOLI rates
- District is responsible for all construction inspection
- Permanent easements are not required
- Future monitoring permit requirements are not included
- Cultural resource inventory is not included
- The project will be exempt from Clackamas County 706 (Habitat Conservation Area District) and 709 (Water Quality Resource Area District) provisions
- Trees will not need to be removed as part of the project.

Exclusions

Services that do not fall within the scope of work are excluded from this estimate.

Exhibit 'B' – Hillside Site





**Oak Lodge Water Services District
Hillsdale & Boardman Sewer Rehab**

	Project Manager	Project Engineer	Eng. Tech	Project Surveyor	Surveyor	Survey Tech	Survey Crew (2-Person)	Drone Field Crew	Drone Specialist	Arborist	Sr. Nat Res Manager	Nat Res Specialist	Nat Res Tech	Sr. Land Use Planner	Land Use Planner	Clerical	Direct Cost	ESTIMATED TOTAL COST
Fee Estimate	\$170	\$160	\$125	\$160	\$125	\$110	\$220	\$200	\$120	\$160	\$160	\$130	\$110	\$170	\$140	\$65	1	

Project Tasks & Estimated Personnel Hours

1. Project Management	10	6														6		\$3,050
2. Review of Records	1	2	8			2										1		\$1,775
3. Geotechnical Investigation	1	2	4													1	\$10,000	\$11,055
4. Arborist Services	1	1	1							20								\$3,655
5. Natural Resources	2	4	20								20	65	90			8		\$25,550
6. Topographic & Boundary Survey	1	4	4	4	10	40	30	20	10							2	\$5,000	\$24,530
7. Construction Documents	20	60	120							16						2		\$30,690
8. Temporary Easement Acquisition	4	20	20	1	2	15										4		\$8,700
9. Permitting Coordination	4	4	10											4	8	4		\$4,630
10. WRG Permitting (Contingency)	2	4	10											20	40	4		\$11,490
11. Construction Phase Services	1	1	2							40						2		\$7,110
12. Construction Staking	1	1			2	8	20									2		\$5,990
ESTIMATED TASK HOURS SUBTOTAL	48	109	199	5	14	65	50	20	10	76	20	65	90	24	48	36	-	-
ESTIMATED COST SUBTOTAL	\$8,160	\$17,440	\$24,875	\$800	\$1,750	\$7,150	\$11,000	\$4,000	\$1,200	\$12,160	\$3,200	\$8,450	\$9,900	\$4,080	\$6,720	\$2,340	\$15,000	\$138,225
TOTAL COST ESTIMATE																		\$138,225

STAFF REPORT

To Board of Directors
From Jason Rice, District Engineer
Title First Reading of Proposed Ordinance No. 2020-03 Revising the District Rules and Regulations
Item No. 4
Date November 17, 2020

Summary

Ordinance No. 2020-03, if adopted, will make several changes to the Oak Lodge Water Services District's ("District") existing Rules and Regulations ("Rules"). The changes proposed in the ordinance primarily address: (1) updates to industrial pre-treatment requirements; (2) updates to provisions relating to backflow prevention; (3) refinements to the Low Income Rate Relief program language; and (4) various housekeeping amendments to improve the format and readability of the Rules.

Proposed Ordinance No. 2020-03 is coming before the District's Board of Directors ("Board") for a first reading. District Staff will incorporate any input from the Board and the public prior to a second reading. District Staff currently plan to have a second reading of the ordinance at the Board's December meeting. As a result, the Board does not need to make any final decisions during the Board's November meeting.

Past Board Actions

On February 20, 2018, the Board adopted Ordinance No. 18-01. That ordinance enacted the current version of the District's Rules.

Discussion

In early 2018, the District adopted the current version of the Rules through Ordinance No.18-01. The result of that effort was to have a consolidated set of rules and regulations for each of the services the District provides – domestic water, sanitary sewer, and watershed protection.

Because the Rules reflect the District's first attempt to consolidate all regulations, the Board and District Staff acknowledged that the Rules would likely require updates once District Staff developed more experience implementing the combined rules. The Rules also generally require updating to respond to the District's own obligations under state and federal laws. Rather than amend the rules each time a needed change is identified, the District plans to update the Rules on an annual basis.

As noted in the Summary, the proposed Rule amendments generally fall into four

categories: (1) updates to industrial pre-treatment requirements; (2) updates to provisions relating to backflow prevention; (3) refinements to the Low Income Rate Relief program language; and (4) various housekeeping amendments to improve the format and readability of the Rules.

A. Industrial Pre-Treatment

As part of meeting its obligations under Oregon Department of Environmental Quality (“DEQ”) regulations, the District regulates industrial discharges to the sanitary sewer system. Under certain circumstances, a customer may be required to treat effluent prior to discharging wastewater to the District’s system.

The proposed revisions to the Rules relating to industrial pretreatment are intended to conform the District’s requirements to the applicable DEQ regulations. Procedurally, the District must approve the Rule changes first, and then submit the changes to DEQ for final approval. DEQ will have a notice and comment period prior to giving its final approval of the rule changes. However, Staff has shared the Rule changes with DEQ to reduce the likelihood that DEQ would require any changes as part of its final approval. Even so, the District will not be able to enforce any new rule changes until it receives final approval from DEQ. For this reason, Staff is recommending that the revisions to the industrial pretreatment section of the Rules take effect on March 1, 2021. This date will allow DEQ to complete its review and approval process. If DEQ does not require any changes to the Rules, the new provisions will go into effect on that date. If DEQ requires changes, Staff will return to the Board with a new ordinance affecting just those sections.

The substantive changes to the industrial pretreatment provisions of the Rules are in Section 7, Section 8, and Section 11. The proposed ordinance also includes changes to the Definitions section that support the substantive changes.

Section 7 of the Rules prohibits certain discharges to the sanitary sewer system. The revisions in Sections 7.1 and 7.2 clarify the types of discharges the District prohibits, including by adding a general prohibition on discharges that cause “pass through, interference, or disruption” (defined in the Rules) and by refining the list of more than twenty specific types of prohibited discharges.

Section 8 of the Rules is specific to industrial waste. The primary change to this part of the rules is in Section 8.6, which establishes the daily maximum concentration of specific industrial pollutants. DEQ has added pollutants to the list, changed the allowable concentration of some pollutants, and recommended removal of monthly average local limits. Staff has also proposed edits to Section 1.19.2 to update the certification requirement of certain industrial users consistent with DEQ regulations. In Section 8.30, Staff has proposed revisions that will expressly require a user to maintain wastewater monitoring and flow measurement facilities in good working order. The intent of these revisions is to ensure that the District can rely on test results. Other changes to Section 8 improve regulations relating to reporting and notice requirements.

Section 11 of the Rules sets forth the process for how the District enforces the Rules. In Section 11.8, Staff has recommended a change that acknowledges violations of the Rules are Class C misdemeanors and that will expressly allow the District to refer Rules violations to the appropriate criminal enforcement authority.

B. Backflow Prevention

The District has an obligation under DEQ statutes and rules to have a program aimed at preventing backflow to the District's water system. The District assigns Cross Connection duties to a Utility Worker with the corresponding state certification, and the District has made great gains recently in educating system users about the need to prevent backflow and the obligation a user has under state rules. After hundreds of communications with system users and a handful of enforcement actions, Staff has identified several changes to the Rules that will clarify user obligations and the ability of the District to enforce these provisions in the Rules.

While the District has an obligation to have a program that will help prevent backflows, individual users are required to install backflow prevention measures under certain circumstances. The revisions in Section 2.5.2 clarifies this obligation. Section 2.7.2 also expressly states that an owner or user must adhere to state regulations regarding the installation, testing, and inspection of backflow devices and assemblies.

Section 6.8 of the Rules contains the remainder of the provisions relating to backflows and cross connections. Many of the proposed changes in this section are intended to clarify that users may have "backflow prevention devices" or "backflow prevention assemblies." While devices and assemblies serve similar functions, they are physically different. When determining their functionality, a device is inspected, whereas an assembly is actually tested.

The revisions in Section 6.8.3 add to the Rules an express list of scenarios in which the District proposes to require the installation of a backflow prevention device or assembly. Among that list is an express reference to the DEQ rules that impose similar requirements. The current version of the DEQ list will also be included as Appendix A to the Rules. In the future, if DEQ's list changes, the Appendix can be updated in the published version of the Rules without the need to actually amend Rules.

The revisions in Section 6.9 clarify the process for testing and repairing backflow prevention devices and assemblies. The additions to Section 6.9.1.1 specifically conform to DEQ's requirements. The revisions to Section 6.9.4 set forth a more detailed process for when a device or assembly is not functioning correctly. The goal of these provisions is to ensure a predictable cadence that will result in timely repairs when necessary while also providing the District's designated Cross Connection specialist with clear language he can point customers to in the case of an enforcement matter. The rule revisions also expressly authorize the District to "force test" a backflow prevention assembly or device when a customer fails to do so, and to recover the cost of a force test from that customer.

C. Low-Income Rate Relief Program

Section 4.12 of the Rules contains language authorizing the District's Low-Income Rate Relief program. Since the initial adoption of those provisions, the District has separately enacted a Low-Income Rate Relief Policy. Staff recommends changes to the Rules that will keep the language in the Rules more generic and leave the specifics of the program to the specific policy. This approach will allow the Board to update the policy as needed without having to amend the rules if the policy changes. A copy of the Low-Income Rate Relief Policy is included with this Staff Report.

The revisions proposed to Section 4.12 also address a minor discrepancy in the Rules and the way the program has been administered in regard to the application and renewal process and dates of eligibility. The current version of the Rules provides that rate reductions will 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. In the proposed revisions, rate relief would last until the April after the application is approved. Applicants must then reapply to the program each year before March 31st. The result is that every customer receiving rate relief under this program would be on a similar schedule and there will be less processing of paperwork for Staff staggered throughout the year.

D. Housekeeping Amendments

Because the District created the Rules in part by combining the rules and regulations of its predecessors, several inconsistencies exist throughout. Some of these inconsistencies are reflected in language choice, while others are reflected in the formatting of the document. Staff is therefore recommending several small revisions throughout the Rules to address these inconsistencies. While the proposed revisions do not address all changes that could be made, Staff believes they will make the document more consistent and user friendly. Staff expects to present additional housekeeping amendments during the next annual review of the Rules. That being said, if the Board identifies any revisions it wants to make, those can be incorporated into the proposed ordinance and adopted as part of the second reading.

One of the more substantive housekeeping amendments Staff proposes is to clarify its ownership of District facilities in certain easements. Easements exist in different forms – some are granted to a public entity like the District or the County, some are granted to the “public” generally, and some are granted to other private entities. The District exercises control over facilities only where it has an established right of access to property. The District can access property that are within public rights of way like roads and property within easements granted to the District. By agreement with the County, the District can also access property within easements granted to the County. Where there is a private easement, however, or where there is an easement to the public that has not been accepted by the County or the District, the District typically cannot establish a right of access. Proposed changes throughout the Rules address this distinction.

E. Potential Amendments Not Recommended

There are two issues Staff considered in response to recent Board discussions, but for which Staff is not recommending changes to the Rules at this time.

A ratepayer requested that the District investigate what was, in his opinion, a disincentive to reporting violations of the Rules. The example provided to the District was when a ratepayer observes contamination of a creek on their property caused by upstream activities. Reporting that contamination could mean that the ratepayer must perform some or all of the cleanup associated with that contamination on the property. Staff ultimately chose to keep the current language in the Rules, which requires a property owner to provide notice to the District in the event they discover a violation of the Rules. Once the District receives the notice, the District can determine the proper approach to the cleanup.

The Board also recently discussed the applicability of its sanitary Systems Development Charge (“SDC”) to accessory dwelling units (“ADU”). The current language in the Rules relies on Clackamas County to determine whether a development comprises an ADU. Staff considered the possibility of creating a definition of ADU that is specific to the District and which does not rely on the County. However, Staff has determined that more analysis is necessary, which will be better informed after the completion of the sewer master plan.

Concurrence

The District’s legal counsel team has participated in this effort and will be available to answer questions from the Board.

Recommendation

Staff recommends the Board provide input into the language of proposed Ordinance No. 2020-03 and schedule a second reading on December 15, 2020.

Alternatives to Recommendation

The Board can propose major modifications to the proposed ordinance and bring it back for a first reading.

The Board can decline to give further consideration to the proposed ordinance.

Suggested Board Motion

If the Board has no modifications or only minor modifications, no motion is required and Staff will schedule a second reading of the proposed ordinance on December 15, 2020.

If the Board desires to make major modifications to the proposed ordinance: *“I move to direct Staff to make the following modifications to proposed Ordinance No. 2020-03 and to return to the Board for a first reading of the ordinance as modified.”*

Attachments

1. Proposed Ordinance No. 2020-03
2. Rules and Regulations (with edits shown as redlines)
3. Low-Income Rate Relief Policy

OAK LODGE WATER SERVICES

ORDINANCE NO. 2020-03

AN ORDINANCE ADOPTING AMENDMENTS TO THE DISTRICT'S RULES AND REGULATIONS.

WHEREAS, by this Ordinance, the District adopts amendments to the Oak Lodge Water Services District Rules and Regulations ("Rules"), attached hereto as Exhibit 1 and incorporated by reference, to be effective as of the dates specified below.

NOW, THEREFORE, THE OAK LODGE WATER SERVICES BOARD OF DIRECTORS HEREBY ORDAINS THE FOLLOWING:

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

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 at a public meeting and was attested to by the Secretary. The Secretary of the Board of Directors is instructed to cause this Ordinance to be filed in the Records of the Oak Lodge Water Services District and to file a certified copy of this Ordinance with the County Clerk.

Section 4. The Secretary of the Board of Directors, with consultation by the District's General Manager, is hereby authorized to correct any formatting or scrivener's errors prior to transmitting the Rules to the County Clerk.

Section 5. The effective date of the amendments in Article XII, Article XII, and Section 11.8 of the Rules shall be March 1, 2021. The effective date of all other amendments to the Rules shall be January 15, 2021.

FIRST READING: November 17, 2020

SECOND READING: December 15, 2020

ADOPTED THIS 15th DAY OF DECEMBER 2020.

OAK LODGE WATER SERVICES DISTRICT

By _____ By _____
Name, President Name, Secretary/Vice President

Oak Lodge Water Services District
Rules and Regulations
~~March 8, 2018~~ January 15, 2021

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PREFACE

The Oak Lodge Water Services District (OLWSD or District) is a municipal corporation organized and operating under Oregon Revised Statutes Chapters 198, 264 and Chapter 450 of the Oregon Revised Statutes. The purpose of OLWSD is to supply ~~its~~ Users in the District with sanitary sewage conveyance and treatment, watershed protection/surface water quality management, and domestic water supply. OLWSD also supplies, or can supply, water and sanitary sewer services to Users outside the District by agreement with ~~is also supplied, furnished and may be sold over and above the needs of its Users to any persons~~ municipalities, special districts and private entities, 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 provided under state law and vested in a Board ~~board~~ of five Directors ~~directors~~ residing within OLWSD's boundaries and elected by voters. ~~Regular monthly meetings are held by~~ The Board of Directors holds regular monthly meetings, which ~~The Board meetings~~ are open to the public.

No provision of these ~~District~~ Rules and Regulations is intended to limit or alter any power granted to the District by state law, and this document should be interpreted to allow the District to exercise that authority to its fullest extent. At the time of adoption, these District Rules and Regulations contain references to other Local, State and Federal regulations or documents. In the event changes to those regulations or documents necessitate a change to these District Rules and Regulations, the District will amend this document.

DEFINITIONS

The following words and phrases appearing in these Rules and Regulations shall have the meaning set forth in these Definitions, unless the context determines otherwise. Defined words and phrases may or may not appear as capitalized terms. Other words and phrases may be defined in specific sections of the Rules and Regulations.

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 attorney engaged by OLWSD to provide legal counsel's Attorney.

Authorized or Duly Authorized Representative of the User means:

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president 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

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager: is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and to initiate and direct 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 individual wastewater discharge permit requirements; and has authority to sign documents as assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) 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.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

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.

Chemical Oxygen Demand (COD) means the total measurement of all chemicals in the water that can be oxidized

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.

Customer means the Owner or User receiving service from the District, as applicable.

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

Day, unless stated otherwise in these Rules and Regulations, means a calendar day.

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.

Disruption means a deleterious impact on the structure, function, operation or maintenance of the Publicly Owned Treatment Works (including an increase in maintenance requirements or a risk of harm to persons) or on the ability to beneficially reuse biosolids, recycled water, or any product produced by the Publicly Owned Treatment Works, caused by a discharge either alone or in combination with other discharges.

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, as may be amended from time to time.

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

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

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.

General Manager means the District General Manager or designee.

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

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."

Interference means ~~any a~~ discharge ~~that, which~~ alone or in conjunction with ~~the discharge or~~ discharges from other sources, ~~inhibits or disrupts the~~ Publicly Owned Treatment Works treatment

~~system, its treatment processes or operations, or its sludge processes, use or disposal; and therefore/ or is a cause of a violation of the District's NPDES discharge permit requirements or of the preventions of sewage or constrains normal practices for use and disposal of sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.~~

~~**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, if the pipe is 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 is as defined in the Shoreline Management Act (SMA) is and means 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 Requirements means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

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.

Publicly Owned Pretreatment Works or POTW means a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Right-of-Way means a publicly-owned easement for utilities and to which the District has an established right to 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 Lateral means the portion of pipe connecting private property structures to the main sewer system. The District accepts ownership of the lateral in the ~~ROW-right-of-way and within public easements.~~

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 ~~P~~private ~~P~~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-borne 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 rights of way, or ~~within private easements where the District has expressly accepted ownership of the lateral,~~ 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. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the Publicly Owned Treatment Works (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

a.b. _____ Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the Publicly Owned Treatment Works POTW treatment plant; or

b.c. Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the Publicly Owned Treatment Works' POTW's operation or for violating any pretreatment standard or requirement.

3. ~~3.~~ Upon a finding that a User meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the Publicly Owned Treatment Works' 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.

4. The District may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to the District's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the required certification statement, together with any additional information necessary to support the certification statement; and

~~(c)~~ The Industrial User never discharges any untreated concentrated wastewater.

Sludge means any solid, semi-solid or liquid decant, supernate 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 Publicly Owned Treatment Works' 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 latest edition of the "Standard Methods for the Examination of Water and Wastewater".

System means all or any part of the water, and sewer or stormwater 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 located within private easements where the District has expressly accepted ownership of the Trunk Sewer.

User means any person or entity who receives or contributes flow to or from the publicly maintained system.

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.

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

ABBREVIATIONS

The following abbreviations ~~shall have the designated meanings~~ are presented for the convenience of the reader:

<u>ASPP</u>	Accidental Spill Prevention Plan
<u>ADU</u>	Accessory Dwelling Unit
<u>BMP</u>	<u>Best Management Practice</u>
<u>BOD</u>	Biochemical Oxygen Demand
<u>BP</u>	<u>Base Penalty</u>
<u>CCSD#1</u>	Clackamas County Service District #1
<u>CFR</u>	Code of Federal Regulations
<u>DSL</u>	<u>Oregon Department of State Lands</u>
<u>EDU</u>	Equivalent Dwelling Unit
<u>EPA</u>	U.S. Environmental Protection Agency
<u>FOG</u>	<u>Fats, Oils, and Greases</u>
<u>FSE</u>	<u>Food Service Establishment</u>
<u>GIS</u>	<u>Geographic Information System</u>
<u>GRD</u>	Grease Removal Device
<u>l</u>	liter
<u>LEL</u>	Lower Explosive Limit
<u>MAO</u>	<u>Memorandum of Agreement and Order</u>
<u>mg</u>	milligrams
<u>mg/l</u>	milligrams per liter
<u>NON</u>	<u>Notice of Non-compliance</u>
<u>NOV</u>	<u>Notice of Violation</u>
<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>SSO</u>	<u>Sanitary Sewer Service Overflow</u>
<u>TSS</u>	Total Suspended Solids
<u>USACE</u>	<u>United States Army Corps of Engineers</u>
<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 Systems 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 applicable law.
- § 1.4. Delegation and Administration. The Board delegates to the General Manager all duties necessary for the day-to-day operation of the District. 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 Systems.

§ 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 to their personal water system~~ in the event of service interruptions or pressure changes within the System, including by equipping personal water systems with backflow prevention devices or assemblies and pressure regulators.

§ 2.6. Leakage within premises and related damages.

§ 2.6.1. 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 Right-of-Way or service meters (typically found at the edge of the Right-of-Way).

§ 2.6.1.1. ~~One An~~ exception to this rule ~~would be may exist in the case that if~~ it can be proven that the District caused sewage to be pushed into the private sewer lateral as a result of regular maintenance.

~~(f)~~ § 2.6.2. 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.

~~(b)~~ § 2.6.2.1. 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.

~~(c)~~ § 2.6.3. No person other than an employee of the District may operate any District-owned equipment or infrastructure.

§ 2.7. Responsibility of Owner or User.

§ 2.7.1. 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.

§ 2.7.2. Owners and Users must comply with all applicable local regulations, state plumbing code, and Oregon Health Authority regulations regarding the installation, testing, and inspection of backflow devices, backflow assemblies and pressure regulators on their personal water systems.

~~§ 2.7.2.~~ § 2.7.3. 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.

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~~§ 2.7.3.~~ § 2.7.4. 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.

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

§ 2.9. Inspection. The District, through its authorized employees, shall have the right, at reasonable times and upon presentation of proper credentials, to enter any building, structure, or premises to ensure compliance with these Rules and Regulations, investigate complaints, or perform any other duty required by law.

§ 2.10. 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~~ and other services of the District by Resolution. A copy of the ~~established Rate~~ Fee Schedule shall be found on the District's Website and 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~~winter average period. The measured water consumption for the previous ~~non-irrigation~~winter average 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, or as otherwise required by law. 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, unless otherwise allowed by law pursuant to Section 3.3.2.1. 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~~-two 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 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 District 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 that has been 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 prohibited substances into the District sewerage system 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 once the water meter is locked out by District Staff.

§ 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 sSystems shall be charged according to the District's Fee Schedule.

§ 4.10. 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.

§ 4.11. Temporary Discontinuance or Restrictions Of Service.

§ 4.11.1. Temporary Discontinuance.

§ 4.11.1.1. 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.

§ 4.11.1.2. 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.

§ 4.11.1.3. 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.

§ 4.11.2. Restrictions on Service.

§ 4.11.2.1. 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.

§ 4.11.2.2. 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.

§ 4.12. Low Income Rate Relief.

§ 4.12.1. Charges for water and sanitary sewer service and the watershed protection ~~fee charge~~ 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 of each charge.

~~§ 4.12.2. 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.~~

~~§ 4.12.3.~~ § 4.12.2. Applicants for the low-income rate relief program must meet eligibility requirements established by the Board ~~District~~, show proof of income, and make submit written applications on forms approved by the District. Eligible customers who are approved for the low-income rate relief program must continue to meet eligibility requirements and submit written renewal applications for continued enrollment in the program. ~~The District has established a maximum subsidy for this program.~~

~~§ 4.12.4. 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.~~

~~§ 4.12.5.~~ § 4.12.3. Financing Low Income Rate Relief. Water, ~~and sanitary, and watershed protection~~ service charges shall be established at a level sufficient to cover revenue losses resulting from the District customers qualifying for a reduced rates ~~as~~ authorized under the low-income rate relief program ~~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 revenues. This budgeted amount shall serve as a cap to the program's cost which will require Board of Director approval to exceed.

§ 4.13. Leak Adjustments

§ 4.13.1. 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 Application" 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.

§ 4.13.2. 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.

§ 4.13.3. 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.

§ 4.14. 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.

§ 4.15. Meter Accuracy and Testing. The District's meters comply with the standards established by the American Water Works Association (AWWA) Section C700.

§ 4.15.1. An Owner 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 (4) 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.

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

§ 4.15.3. 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 not 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 as 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 state law and these Rules and Regulations ~~District, in its Design and Construction Standards~~. Service of water may be terminated if ~~a~~ backflow prevention assemblies or backflow prevention devices required by the District ~~are~~ not installed, tested, inspected and maintained as provided by these Rules and Regulations; or if it is found that a backflow prevention assembly or backflow prevention device has been removed ~~or~~ 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.

~~§ 6.8.2.~~ § 6.8.3. Properties required to install an approved backflow prevention device or backflow prevention assembly include where there is:

§ 6.8.3.1. a commercial account or any service meter 1 ½ inch and larger.

§ 6.8.3.2. a situation included or defined in Appendix A to these rules, which shall be Table 42 of OAR 333-061-0070, as amended or revised. In the event DEQ revises that rule, Appendix A shall be replaced with the then-current version of the rule.

§ 6.8.3.3. intricate or inaccessible piping, which makes it impractical to ascertain whether or not a cross-connection exists.

§ 6.8.3.4. an elevation difference between the service connection at the public water Main and the highest water outlet on the property that exceeds 30ft.

§ 6.8.3.5. an irrigation system on the property.

§ 6.8.3.6. a temporary water supply provided for construction use.

§ 6.8.3.7. a fire line, fire sprinkler system, or private fire hydrant on the premises.

§ 6.8.3.8. the presence of materials or chemicals on site which present a potential hazard or risk of contamination to the water supply.

§ 6.8.3.9. a boiler on the property.

an auxiliary water supply on the property, such as a well, cistern, or body of water.

§ 6.8.3.10.

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§ 6.9. Backflow Testing

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

§ 6.9.1.1. At the time of installation or prior to water service being turned on;

§ 6.9.1.2. If the device is moved or repaired, immediately thereafter;

§ 6.9.1.3. Annually;

§ 6.9.1.4. More frequently than annually for approved backflow prevention assemblies or devices that repeatedly fail, or are protecting health hazard cross connections, as determined by the water supplier;

§ 6.9.1.5. After a backflow incident;

§ 6.9.1.4. § 6.9.1.6. After an approved air gap is replumbed.

§ 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 within the District and annually thereafter.

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

§ 6.9.4. All completed backflow test reports must be forwarded to the District within ~~thirty ten~~ (30) days from the date of the test. The User or Owner and the District shall take the following actions ~~may occur~~, depending on the results of the testing and inspection reports:

~~(a)~~ § 6.9.4.1. If the ~~test~~ results indicate that the backflow prevention assembly or device is working properly, the results shall be entered in the District's records as such.

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~~(b)~~ § 6.9.4.2. If the ~~test~~ results indicate that the backflow prevention assembly or device is not working properly, the User or Owner shall cause the assembly or device ~~to~~ must be repaired and retested immediately and shall forward the subsequent retested and the test results ~~forwarded~~ to the District within ten (10) working days from the date ~~of notice~~ the User or Owner received the initial results.

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~~(c)~~ § 6.9.4.3. If a backflow prevention assembly or device fails a test and repair is not immediately possible, the User or Owner must notify the District ~~must be notified~~ immediately of the failure, the location of the failed assembly or device, and estimated time ~~of for completing~~ repairs to the assembly or device.

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~~(d)~~ § 6.9.4.4. If the District has not timely received the results of a test or inspection that is required to be performed, it may order a the required test or inspection ("Force test/inspection") and invoice the cost of the Force test/inspection test to the User or eOwner. If the results indicate that the assembly or device needs repair, the District may either complete those repairs at the time of the Force test/inspection, and add those fees to the Customer's invoice, or the District may turn the water off to the premises and the User or Owner will be responsible for repair costs as well as any fees associated with resumption of service to the premises, or turn the water off to the premises.

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~~§ 6.9.4.2-§ 6.9.4.5.~~ § 6.9.4.5. If the User or eOwner of a failed backflow prevention assembly or device fails to make repairs on a failed backflow device that result in acceptable test results within ten (10) days of receiving results from a test or inspection or notice showing the assembly or 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 eOwner, or the District may turn the water off to the premises and the User or Owner will be responsible for repair and retesting as well as any fees associated with resumption of service to the premises.

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

§ 6.9.6. All water meters which are used for irrigation purposes will be locked off upon installation and the locks will not be removed until the approved backflow prevention assembly or device has been installed properly and a passing test or inspection report inspected and approved is received by the District's Inspector assigned Cross Connection Specialist.

§ 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 General Prohibitions

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 cause pass through, interference, or disruption. ~~These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, local, or state pretreatment standards or requirements, 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:~~

§ 7.2. Specific Prohibitions

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (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, COD etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause pass through, interference or disruptions 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 104oF (40oC) 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)~~(u) Any hazardous wastes as defined in rules published by the State of Oregon or in federal regulations.

~~(w)~~(v) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Rodenticide Act (FIFRA);

~~(x)~~(w) 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)~~(x) 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;

(y) Any septic tank wastes unless otherwise approved by DEQ;

(z) Except as authorized by a discharge permit or in writing by the District, removed substances such as solids removed from liquid waste streams, sludges, filter backwash, or other residuals removed in the course of treatment or control of wastewater.

§ 7.3. 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.

~~§ 8.6.~~

Local Limit Schedule (Concentration, mg/l):

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	Monthly Average/Pollutant	Daily Maximum Shall Not Exceed Concentration
<u>Arsenic</u>		<u>0.39</u>
Cadmium	0.50	0.2527
Chromium, Total	2.77	1.71
Copper	3.14	1.92
Cyanide	0.42	0.23
Lead	0.69	0.43
<u>Mercury</u>		<u>0.14</u>
<u>Molybdenum</u>		<u>0.42</u>
Nickel	3.98	2.38
<u>Selenium</u>		<u>0.90</u>
Silver	0.43	0.24
Zinc	2.64	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.

Effluent limits and/or action levels may be established for BOD, COD, and/or TSS based on treatment plant capacity.

§ 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:

§ 8.9.1.1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

§ 8.9.1.2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

§ 8.9.1.3. 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:

§ 8.9.3.1. Begun, or caused to begin as part of a continuous on-site construction program

§ 8.9.3.2. any placement, assembly, or installation of facilities or equipment; or

§ 8.9.3.3. 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

§ 8.9.3.4. 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 ninety (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 fourteen (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 sixty (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 three hundred sixty-five (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 ninety (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 sixty (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. Certification Statement for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User must annually submit the following signed certification statement signed in accordance with the signatory requirements in § 8.19.1. The certification must accompany an alternative annual report required by the District:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR , I certify that, to the best of my knowledge and belief that during the period from , to [months, days, year]: (a) The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information:

”

~~§ 8.19.3. 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 ~~sixty (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 ~~thirty (30)~~ days of full evaluation and acceptance of the data furnished.

The 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 ~~thirty~~ (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 one hundred twenty (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 thirty (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 sixty (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 sixty (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. Where the Standard requires compliance with a best management practice or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.
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 ninety (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 ninety (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. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit

documentation required by District or the Pretreatment Standard necessary to determine the compliance status of the User.

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.

The District may reduce the requirement for biannual compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by state laws, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

(1) 350 gallons per day, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches; and

(2) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits have been developed.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the General Manager, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

§ 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 nine (9) months.

Not later than fourteen (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 nine (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 thirty (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 twelve (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 ninety (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 thirty (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). Users shall notify the District immediately of any change that affects the potential for slug discharges to the POTW.

- § 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.

§ 8.49. 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 ~~fourteen (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.

§ 8.49.1. 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.

§ 8.49.2. 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

(7) 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.

§ 8.49.3. 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.

§ 8.49.4. 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.

§ 8.49.5. 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.

§ 8.49.6. 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.

§ 8.49.7. 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.

§ 8.50. Judicial Enforcement Remedies.

§ 8.50.1. 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.

§ 8.50.2. 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.

§ 8.50.3. 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.

§ 8.51. Supplemental Enforcement Action.

§ 8.51.1. 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.

§ 8.51.2. 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.

§ 8.51.3. 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.

§ 8.51.4. 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.

§ 8.52. Affirmative Defenses to Discharge Violations

§ 8.52.1. 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.

§ 8.52.2. 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.

§ 8.53. 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.

§ 8.53.1. 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.

§ 8.53.2. 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.

§ 8.54. 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 some 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-five (51)~~ 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:

§ 10.6. 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.

§ 10.7. 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.

§ 10.8. Application Requirements.

§ 10.9. 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.

§ 10.10. 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:

§ 10.10.1.1. 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)

§ 10.10.1.2. 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.

§ 10.11. 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.

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

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

§ 10.14. 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.

§ 10.15. 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.

§ 10.16. 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.

§ 10.17. 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.

§ 10.18. Discharge Regulations.

§ 10.19. 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.

§ 10.20. 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.

§ 10.21. 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.

§ 10.21.1. 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.

§ 10.22. 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.

§ 10.23. 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.

§ 10.24. 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.

§ 10.24.2. 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

§ 10.24.3. 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.

§ 10.24.4. 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.

§ 10.24.5. 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.

§ 10.24.6. 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.

§ 10.25. 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.

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

§ 10.27. 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.

§ 10.28. 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.

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

§ 10.30. 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.

§ 10.31. EROSION CONTROL AND ENVIRONMENTAL PROTECTION

§ 10.32. 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.

§ 10.33. 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.

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

§ 10.35. Erosion Control Requirements.

§ 10.35.1.1. 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*."

§ 10.35.1.2. 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.

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

§ 10.35.1.4. 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.

§ 10.35.1.5. 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.

§ 10.35.1.6. 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.

§ 10.35.1.7. 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.

§ 10.36. 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.

§ 10.37. 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.

§ 10.38. 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.

§ 10.39. Water Quality Maintenance.

§ 10.40. 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.

§ 10.41. 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.

§ 10.42. 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.

§ 10.43. 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.

§ 10.44. Natural Resource Protection.

§ 10.45. 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.

§ 10.46. 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.

§ 10.47. 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.

§ 10.48. 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.

§ 10.49. 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.*

§ 10.50. 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.

§ 10.51. 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.

§ 10.52. 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.

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

§ 10.52.1.2. 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.

§ 10.53. 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*.

§ 10.54. 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.

§ 10.55. 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.

§ 10.56. Plans, Specifications, and Construction

§ 10.56.1.1. 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.

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

§ 10.57. Hazardous Chemicals, Pesticides, Fertilizers.

§ 10.57.1.1. 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.

§ 10.57.1.2. 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.

§ 10.58. Additional Surface Water Management Standards.

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

§ 10.60. General Standards.

§ 10.60.1.1. 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.

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

§ 10.60.1.3. 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.

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

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

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

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

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

- § 10.60.1.9. 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.
- § 10.60.1.10. 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.
- § 10.60.1.11. 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.
- § 10.60.1.12. 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.
- § 10.60.1.13. 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.
- § 10.60.1.14. 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.
- § 10.60.1.15. 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.
- § 10.60.1.16. 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 25 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.

- § 10.60.1.17. The permittee or owner is responsible for complying with federal, state and local regulations.
- § 10.60.1.18. All developments and redevelopments shall provide water quantity, water quality, and infiltration systems to meet requirements of Section 10.22.
- § 10.60.1.19. Development projects shall not be phased or segmented in such a manner to avoid the requirements of these Rules and Regulations.

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

§ 10.62. Water Quality Standards.

- § 10.63. 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.
- § 10.64. 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. City of Portland Stormwater Management Manual.

§ 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 (5) 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 (5) 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 thirty-six (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.
 - (a) For each civil penalty assessed, the magnitude is moderate unless:
 - (b) The magnitude of the violation is major if the District finds that the violation had a significant adverse impact on human health or the environment. In making this finding, the District will consider all reasonably available information.
 - (c) The magnitude of the violation is minor if the District finds that the violation had no more than a de minimis adverse impact on

human health or the environment and posed no more than a de minimis threat to human health or other environmental receptors. In making this finding, the District will consider all reasonably available information.

- 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

- 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" 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.	
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
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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.	
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-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. The District is authorized to refer violations of District Rules and Regulations to the proper authorities for the investigation and enforcement of criminal matters. Pursuant to ORS 198.600, violation of District Rules and Regulations is a Class C misdemeanor.

§ 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 twenty-one (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 ~~fourteen (14) days~~^{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.

§ 12.4.3. Circuit Court Review: Decisions of the General Manager ~~or their designee, or the~~ Hearings Officer ~~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

Oak Lodge Water Services District



Low-income Rate Relief Policy

Adopted October 25, 2018

This document supersedes any and all previous low-income rate relief policies.

I. Purpose

The purpose of this policy is to allow eligible District customers to obtain a discounted rate on a portion of their bill.

II. Scope

This policy applies to residential customers of Oak Lodge Water Services District seeking rate relief on the basis of low-income resulting in economic hardship. Approved low-income applicants will receive a 50% reduction on the eligible portions of their bill. Eligible portions include water base rate, sanitary sewer charge, and water shed protection fee. Water consumption charges are not eligible for discount.

III. Policy Statement

The District encourages low-income customers to take advantage of District programs that provide relief resulting from economic hardship. The Finance Director or their designee shall administer the Low-income rate relief policy to the direct benefit of the District's customers in accordance with this and all other applicable policies of the District.

A. Financing of Program

Drinking water, sanitary sewer and surface water management service charges shall be established at a level sufficient to cover revenue losses resulting from District customers qualifying for a reduced rate pursuant to District ordinance. The District shall budget resources to fund the revenue losses due to the program at the rate of 0.5 percent of budgeted drinking water, sanitary sewer and surface water management rate revenue. This budgeted amount shall serve as a cap to the program's cost which will require Board of Directors' approval to exceed upon Budget Committee Approval.

B. Eligibility

To be eligible for low-income rate relief applicants must meet the following minimum qualifications:

1. The applicant must be a residential customer or user of the District; and
2. The property served must be occupied and used by the applicant as his or her principal residence during the period for which rate relief is applied; and
3. If the applicant is not current, they must setup and adhere to an approved payment plan to bring the account current; and
4. 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 Department as "Very Low Income" for the Portland-Vancouver area, most recent version.
5. The applicant must make written application on a form provided by the District; and
6. The applicant must provide proof of income status in a form determined by the District; and
7. The applicant may not own property other than that associated with their principal residence for which the application is submitted.
8. "Family" means one person or two or more persons related by blood, marriage, legal adoption or guardianship; or a group of not more than five persons, all or part of whom are not related by blood, marriage, legal adoption or guardianship, living together as a simple

housekeeping and economic unit in the dwelling occupying the property for which the reduced rate is applied.

9. Enrollment in the rate reduction program ends if the applicant can no longer meet one or more of the program requirements or is disqualified for a violation of the policy.

C. Rate Relief

1. Rate reductions, if granted, are based on complete calendar months and commence on the first day of the month following the date the application is approved by the General Manager; and
2. Rate relief will last until April of the year after the initial application is approved. It is the applicant's duty to reapply for the program annually. If the District has not received the renewal application by March 31 each year the rate will revert to the standard service charge; and
3. Billings will not be prorated for partial month eligibility; and
4. The District will not retroactively adjust charges.

D. Contract

The application required under this policy shall be in a form provided by the District and shall contain a signed statement of agreement to abide by all terms of this policy and such subsequent rules and regulations as may be adopted by the Board.

1. Proof of Eligibility - Applicants must file with the District proof of eligibility in the form of a Federal or State tax filing form for the previous year, or other acceptable official document as the District may require.
2. Termination of Rate Reduction - Reduced rates for customers shall be terminated in the event of the occurrence of any of the following circumstances:
 - a. Minimum income levels are exceeded;
 - b. Applicant defaults in the performance of the terms and provisions of his/her contract with the District (including delinquency on services or other assessments);
 - c. Applicant moves from the dwelling;
 - d. Applicant (if an owner) sells, trades or otherwise relinquishes ownership of the dwelling;

E. Confidentiality

To the maximum extent possible under the law, the applications, records and other information relating to rate reduction requests shall be kept confidential by the District.

F. Violation and Penalty

1. A violation of this policy shall be punishable by a penalty equal to twenty percent of the moneys owed and shall disqualify the further participation in the program.
2. Each violation of a separate provision of this policy shall constitute a separate offense and each day that a violation of this policy is committed or permitted to continue shall constitute a separate offense.
3. The disqualification of any person for violation of this policy shall disqualify such person from eligibility for a period of two years.
4. Multiple disqualifications of any person for violation of this policy shall disqualify such person from eligibility in perpetuity.

STAFF REPORT

To	Board of Directors
From	Aleah Binkowski, Human Resources Manager
Title	Consideration of Protective Footwear Policy
Item No.	5
Date	November 17, 2020

Summary

The Board of Directors maintains the authority to approve or deny employment policies and practices.

Background

The District has very specific language outlined in the Collective Bargaining Agreement relating to boots and protective footwear. The language concerning boots and protective footwear was carried over from the prior contract and no changes were made in the most recent round of bargaining. The attached Policy provides guidelines for employees eligible for the agreed upon boot allowance and clarifies how the allowance can be spent. The policy also clarifies some of the employee and employer responsibilities.

Concurrence

Staff have developed the Protective Footwear Policy guided by the Collective Bargaining Agreement language. All documents were reviewed and approved by Union representatives as outlined in the National Labor Relations Act.

Recommendation

Staff requests approval of the policy as presented.

Recommended Board Motion

"I move to approve the Protective Footwear Policy as presented."

Attachments

1. Protective Footwear Policy

PROTECTIVE FOOTWEAR

PURPOSE:

This policy applies to the use of personal protective footwear at all Oak Lodge Water Services District facilities and related facilities of operations.

SCOPE:

This policy applies to all Oak Lodge Water Services District employees who work in any environment requiring the use of personal protective footwear either by law or by District policy.

POLICY STATEMENT:

The safety, health, and wellbeing of all employees are of primary concern to Oak Lodge Water Services District (OLWSD). It is the policy of this organization to conduct all operations safely, to prevent injury to employees, and to provide and maintain a safe work environment, which is conducive to efficient and effective public service delivery.

DEFINITIONS:

Affected Employee: An OLWSD employee who may be exposed to hazardous conditions or materials while performing assigned job duties and responsibilities. This definition includes but is not limited to those employees who work in areas where there is a danger of foot injuries due to falling or rolling objects, objects piercing the sole, or when the use of protective footwear will protect the affected employee from an electrical hazard, such as a static-discharge or electric-shock or hazardous materials. This definition does not mean employees who are visiting the facilities of the District for the purposes of touring or observing operations or portions thereof on a limited and infrequent basis nor does it apply to employees who are strictly stationed in an office setting.

Protective Footwear: Protective footwear is footwear that is designed to provide protection from foot injuries due to falling or rolling objects, objects piercing the sole, or when the use of protective footwear will protect the affected employee from an electrical hazard, such as a static-discharge or electric-shock or hazardous materials. All required protective footwear shall meet

current American National Standards Institute (ANSI) or ASTM standards and/or any applicable Oregon OSHA standards. Foot protection includes:

- Steel or composite toe protection for impact hazards to the toes and front of foot
- If necessary, metatarsal guards to protect the top of the foot from impact
- Puncture and slip resistant soles
- Electrical hazard protection from limited voltage under dry conditions

The need for protective footwear depends on specific job tasks and the associated potential for foot injury hazards. Protective footwear does not take the place of safe work practices, proper material handling, proper equipment uses, which are always primary principles in the safe handling of materials, equipment, and substances.

PROCEDURE:

Employee Responsibilities: Employees are responsible for properly wearing the assigned personal protective footwear as required for each task assigned. Employees are also responsible for proper use, care, maintenance, and storage of said footwear. Employees shall immediately report any required maintenance, repair, or replacement of personally assigned protective footwear necessary to maintain its serviceability, and employee protection, to their supervisor or manager. Employees must turn in all receipts or charge account slips to Accounts Payable or the Human Resources Manager for tracking and coding.

Work Boots and Protective Footwear:

1. The District will provide up to \$300.00 every fiscal year for the purchase or repair of safety-toed protective boots to affected employees. OLWSD has accounts with several local stores. Contact your direct supervisor, manager, or the Human Resources manager for more details about those accounts. Employees may purchase work boots from the supplier of their choice and attach a receipt to the expense reimbursement form for reimbursement.
2. All affected employees interested in enhancing their personal protective work boots or protective footwear, agree that any additional costs over and above the District's allowed \$300.00 every year will be borne by them personally. The \$300 annual allowance covers the boots themselves and enhancements to the boots. Enhancements are defined as items used to care for and improve the boots themselves (e.g. insoles, laces, waterproofing wax, etc.)
3. All affected employees who are required to wear personal protective work boots or protective footwear will be provided up to one hour every fiscal year during the employee's regular working hours and schedule, to be scheduled/or approved by the employee's supervisor or manager, to make their personal protective footwear purchase.

Any additional time used by the employee to select and purchase the required personal protective footwear will be on the employee's own time.

4. Affected employees who fail to use the personal protective footwear as required when exposed to potential hazards, shall be subject to disciplinary action.
5. When selecting personal protective work boots or protective footwear, employees shall consider comfort and fit. Care should be taken to ensure the appropriate size and style is selected based upon suitability for the intended purpose.
6. Affected employees must ensure protective footwear is properly maintained, inspected, and cleaned at regular intervals so that the footwear provides the requisite protection during its expected useful life. It is important that all personal protective footwear be kept clean and properly maintained. Consult the manufacturer(s) use and care guidelines.
7. No Fault Replacement. The District will replace personal protective work boots or protective footwear, up to the reimbursement limit, should the work boots or protective footwear become damaged, through no fault of the employee. Any defective or damaged personal protective footwear shall not be used and shall be immediately reported to the employee's supervisor. The term "no fault" shall not include misuse, abuse, or negligence in the care and use of the District's personal protective footwear and will be determined by the employee's manager.

Knee Boots and Hip or Chest Boots:

1. In addition to work boots, the District will supply personal protective rubber knee boots, and hip boots or chest waders for those affected employees who are assigned tasks where exposure to hazardous chemicals, sewage, wastewater, or contaminated liquids is probable. Rubber knee boots, and hip boots or chest waders must be worn when the potential for exposure to hazardous chemicals, sewage, wastewater, contaminated liquids, wet environment, or other assessed hazards are identified and present in the workplace.
2. All personal protective rubber knee boots, and hip boots or chest waders must be properly maintained, inspected, and cleaned at regular intervals so that they provide the requisite protection during their expected useful life.

Defective or damaged personal protective footwear shall not be used and shall be immediately reported to the employee's supervisor.

Employer Responsibilities: The first week of June of every year a report will be sent out to affected employees with the total amount of remaining boot allowance.

AGENDA ITEM

Title	The Clackamas Basin's Response to the Riverside Fire
Item No.	6
Date	November 17, 2020

Summary

The water providers that get their drinking water from the Clackamas River work in close partnership with each other. Clackamas River Water Providers (CRWP) facilitates the sharing of resources and information. This is even more important during times of emergency.

CRWP member water interties were integral during both the September 2020 power outage and fire emergencies. Tonight, Kim Swan, CRWP's Water Resources Manager, will provide an overview on how regional interties and emergency communication tools were used during the recent emergencies.

While the immediate danger of the fires has passed, increased turbidity and debris flow potential due to erosion and burned biomass (wood and plants) are expected to affect water providers into the future. CRWP members are working together to conduct additional water quality monitoring to enhance our water treatment plants ability to adjust their water treatment process accordingly if needed.

Attachments

1. PowerPoint Presentation

Clackamas Inter-basin Interties and Communications

Using the Riverside Fire as an Example

Clackamas River Water Provider Members

*Conservation programs and services are provided to these members

*



*



*



*



*

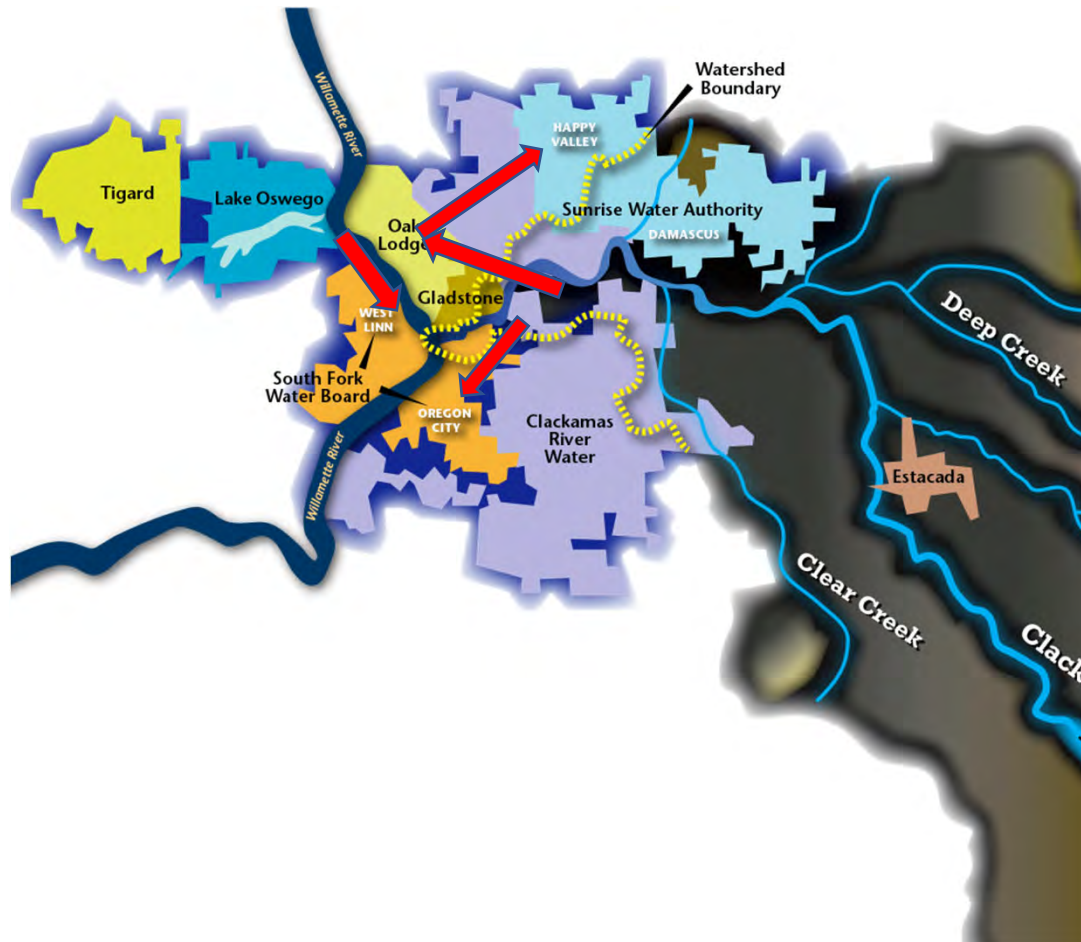


(Oregon City and West Linn)

Moving Water Around

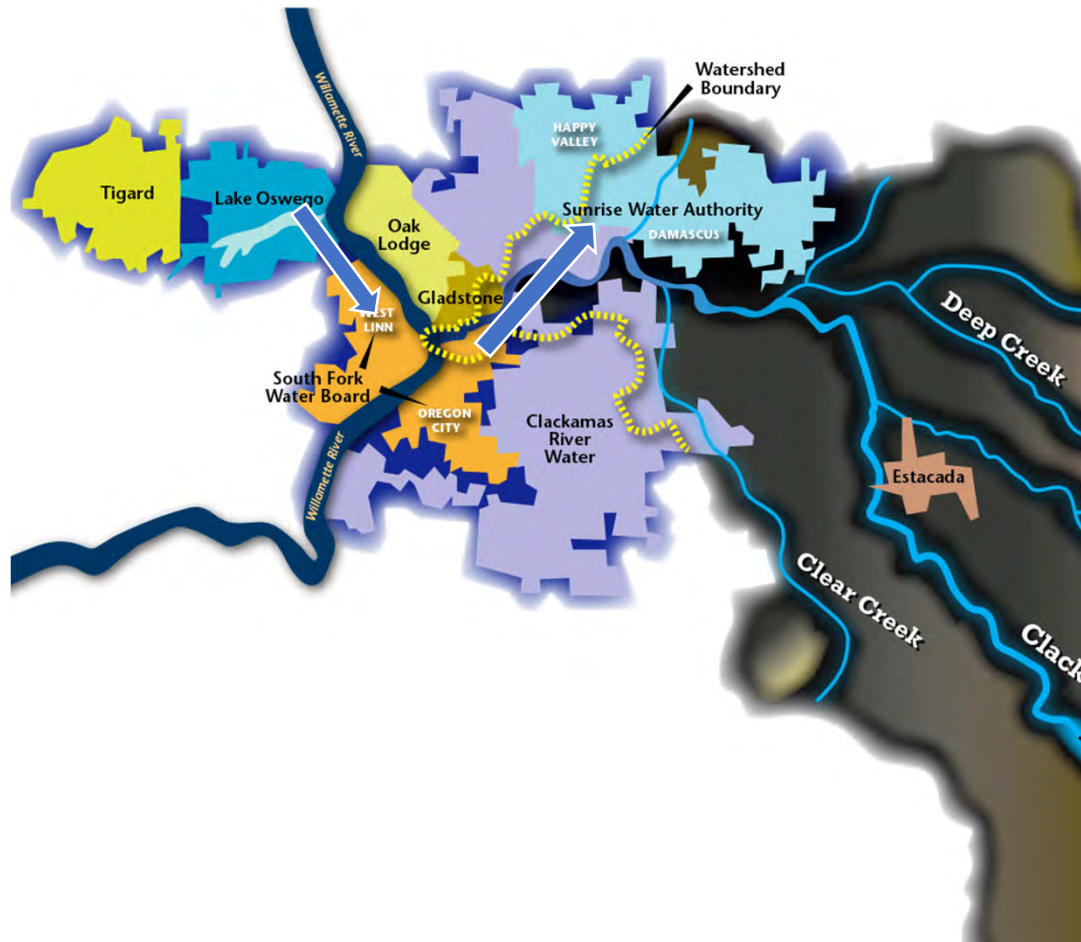
- Regional Water Providers Consortium *2000 Regional Transmission & Storage Strategy*
- CRWP 2018 Intertie Table Top Exercise

Emergency interties used due to Power Outages 9/7-9/8



- NCCWC water to SFWB
- Lake Oswego Tigard Water to West Linn
- CRW Water to NCCWC customers
- Short duration and small quantity of water moved through interties

Emergency interties used due to Fire and Evacuation



Fire Response 9/11-9/12

- High localized demand due to fire fighting and evacuation notices
- Lake Oswego
Tigard Water to
West Linn
- SFWB to NCCWC

Basin Communications during an Emergency

- CRWP staff worked closely with County Emergency Operation Center staff
- CRWP staff participated in Riverside Cooperator meetings
- CRWP held weekly Board check in meetings
- CRWP staff utilized the Regroup Notification tool twice during the event for: 1) spill notification 2) regarding communication with press/reporter
- CRWP staff will participate in Burned Area Emergency Response team meetings

Working with Clackamas County

 **Clackamas County, Oregon** ✓
September 15 · 🌐

Clackamas water providers are working together to ensure the region has enough water. It is important to continue to use water wisely so that it is available for fire-related purposes. Some conservation tips include: Turn off your irrigation system and get it ready for winter, check your house for leaks and turn water off while brushing your teeth.



  48

5 Comments 18 Shares

 **Clackamas County, Oregon** ✓
September 12 · 🌐

This is the time to conserve water. Please avoid watering your house or lawn so we don't negatively affect the firefighter's water supply. We're in this together.

www.clackamas.us/wildfires #ClackamasWildfires Clackamas Fire
Portland Fire & Rescue



**Don't water.
Save it for the fires.**

Messaging about water conservation



Messaging about water safety and availability



City of Lake Oswego @LakeOswegoInfo · Sep 15

Thank you 🙏 all for doing your part & reducing non-essential water use during this unprecedented time.

- 💧 Our drinking water continues to be reliable & safe to drink
- 💧 Our @LakeOswegoInfo - @TigardOR Water Treatment Plant is fully functional

1/3

#ClackamasWildfires



1

4

9



Clackamas County, OR @clackamascounty · Sep 16

Some areas in #ClackCo are currently under a boil notice. Please remember to bring water to a rolling boil for one full minute and allow water to cool before using.

Learn more at clackamas.us/news/2020-09-1...



Communication Tools

Regroup

DASHBOARD POSTS GROUPS **REPORTS**

New Post

clackamaswp

REPORTS

- Summary
- Standard Posts
- API Text
- API TTS
- API Email

Home > Reports > Summary

Summary


LAST POST **3 MONTHS** 12 MONTHS

Month	Email	Text	Voice
August	20	40	40
September	50	60	20
October	40	50	70

Summary - Posts


Post Title	Group	Sent By	Method	Sent
Hazmat-Sewage Spill	Hazmat-Sewage Spills	Kimberly Swan	Email, Text, Voice, TTS, API Text, RSS	Oct-14-20 09:39AM
OERS Incident Number: 2020-2346	Hazmat-Sewage Spills	Kimberly Swan	Email, Text, TTS, API Text, RSS	Sep-14-20 05:25PM
OPB Media inquiry	CRWP Board Members	Kimberly Swan	Email, Text, Voice, TTS, API Text, RSS	Sep-10-20 12:26PM
Test	NCCWC Group	Kimberly Swan	Email, Voice, TTS, RSS	Aug-12-20 01:27PM
TEST	NCCWC Group	Kimberly Swan	Email, Text, Voice, TTS, API Text, RSS	Aug-12-20 10:51AM
TEST	NCCWC Group	Kimberly Swan	Email, Text, Voice, TTS, API Text, RSS	Aug-13-20 08:00AM

Visit us at www.clackamasproviders.org



Working together to protect and conserve our drinking water.

Home - About - Watershed Protection - Water Conservation - News and Resources - Contact



Who is my water provider?

Type your address here to check

This lookup tool only works for customers whose water providers are members of the Regional Water Providers Consortium.

Riverside Fire & Water Quality

CRWP members provide drinking water to the following areas: Clackamas River Water, City of Estacada, City of Gladstone, City of Lake Oswego, City of Tigard, Oak Lodge Water Services, South Fork Water Board (the City of Oregon City and West Linn), Sunrise Water Authority (Damascus and Happy Valley). Collectively provide drinking water to over 300,000 people.

We have five water treatment plants on the Clackamas River where water is taken out of the river and treated to State and Federal drinking water standards before it is distributed through water mains to our communities. Water treatment is the process of removing undesirable chemicals, biological contaminants, suspended solids and gases from the raw river water. Our Water Treatment Plants are fully functional and continue to provide safe clean drinking water.


In the near-term (next couple of months) as it starts raining, as a result of the Riverside Fire, we expect to see increased levels of turbidity (suspended solids) due to erosion and ash, Total Organic Carbon, Dissolved Organic Carbon, metals and nutrients in our source water. Our water treatment plants are all designed and operated to constantly monitor and remove these constituents in our water. We are working together along with USGS and other partners to conduct additional water quality monitoring to enhance our water treatment plants ability to adjust their water treatment process accordingly if needed.

For more information about the Riverside Fire go to <https://www.clackamas.us/wildfires>

New Pilot Water Conservation Rebate

Flume Smart Home Water Monitor \$100 Maximum. Flume, a first-of-its-kind, easily installed household device that puts the power of water monitoring into the hands of homeowners. [Click Here](#) for more information.

In an effort to help slow the spread of COVID-19 and support the health of our communities, we are working from home until further notice. We will continue to be accessible online and by phone. [Click here](#) for more information about how the CRWP members are keeping your drinking water safe.



Kim Swan
503.723.3510
kims@clackamasproviders.org

Christine Hollenback
503.723.3511
christine@clackamasproviders.org

Kimberly Swan

Water Resource Manager

Clackamas River Water Providers

14275 S. Clackamas River Rd.

Oregon City, OR 97045

(503) 723-3510

kims@clackamasproviders.org

Christine Hollenbeck

**Public Education & Outreach
Coordinator**

Clackamas River Water Providers

14275 S. Clackamas River Rd.

Oregon City, OR 97045

(503) 723-3511

christine@clackamasproviders.org

STAFF REPORT

To Board of Directors
From Sarah Jo Chaplen, General Manager
Title Communications Briefing Materials and Draft Plan Update
Item No. 7
Date November 17, 2020

Summary

Oak Lodge Water Services District has engaged Barney & Worth to prepare community briefing materials and develop a two-year strategic communications plan. Barney & Worth will provide an update on these two activities. No formal action is requested.

Background

Barney & Worth prepared a community briefing presentation to support outreach to community groups and businesses. The longer, base presentation in the Board packet reflects edits discussed with the Board on October 20 and in the subsequent task force meeting. This presentation can be used in its entirety for a special briefing or shortened and customized when the District has limited time on a community group's agenda.

Barney & Worth is also developing a two-year communications plan to serve as a framework for the District's ongoing customer communications. The communications plan in the Board packet incorporates initial direction from the Board and review input from the District's management team. On November 17, Barney & Worth will provide an overview of the communications plan objectives and strategies.

On December 15, 2020 Barney & Worth will provide another update on the final communications plan.

Past Board Actions

On August 18, 2020, the Board of Directors approved a Communications Plan Framework.

On September 10 and October 20, 2020, the Board of Directors provided input on the draft community briefing materials.

Recommendation

Staff request questions and comments regarding the draft Communications plan. No action is needed at this time.

Attachments

1. Community Briefing Update
2. Draft Communications Plan



An Update for Our Community

November 2020



1

Providing essential water services to our community



Our Commitments

- 
Protect public health
- 
Provide excellent customer service
- 
Make smart investments and keep rates affordable
- 
Keep our streams and rivers clean

2

One District, three services – protecting public health and our water resources

Safe and reliable drinking water from the Clackamas River delivered to customers



Wastewater collected from homes and businesses, treated and returned to the Willamette River



Water quality of local streams and rivers protected



3

3

The District serves homes and businesses, providing 24/7 reliable water services to nearly 29,000 people



4

4

The District’s elected Board of Directors serve four-year terms. They volunteer their time providing service to the community.



Director
Susan Keil



Director
Ginny Van Loo



President
Kevin Williams



Vice President &
Secretary
Paul Gornick



Treasurer
Mark Knudson

5



6

6



Drinking Water: delivering safe & reliable water

- ✓ Reservoirs upgraded to current seismic standards to improve system resilience
- ✓ Water System Master Plan completed to determine future needs and priorities
- ✓ Water meters updated to provide more timely data to customers and improve billing accuracy
- ✓ Water audit completed to better manage water resources and control operating costs

What's Coming

- Upgrading critical facilities to improve earthquake resilience and increase capacity for fighting fires

7

7



Sanitary Sewer: collecting & treating wastewater

- ✓ Improved and expanded treatment plant doing well; meeting water quality permit requirements
- ✓ Collection and treatment systems work effectively for current customers and new development
- ✓ Ongoing employee education to keep up with permitting changes

What's Coming

- Completing a Sanitary Sewer System Master Plan
- Ongoing repair and replacement to improve reliability

8

8



Watershed Protection: protecting streams & rivers

- ✓ Continue to meet water quality permit requirements set by Oregon Department of Environmental Quality
- ✓ Fees provide funding for creek monitoring, catch basin cleaning, education programs, and stormwater infrastructure permitting
- ✓ Working with local businesses through our Stormwater Cleaning Assistance Program to keep storm drains clean

What's Coming

- Evaluating options for expanded watershed protection services using customer input and engineering analysis
- Designing and constructing improvements to help manage runoff



FAQ: Did the consolidation make operations more efficient?

- ✓ Completed a thorough audit and have systematically corrected nearly all deficiencies
- ✓ Implemented joint systems and new policies to improve:
 - Financial management
 - Maintenance planning and operational performance
 - Compliance with laws and regulations
- ✓ Simplified organizational structure and brought on qualified staff to fill vacancies
- ✓ Cross-trained staff to improve ability to respond quickly to emergencies
- ✓ Continue to focus on efficiencies and improvement



11

11

FAQ: I thought the consolidation was going to save us money. Why did the rates go up?

- Consolidation has kept rates from increasing as quickly as they would have without the consolidation
- Investments in maintenance and replacement of District infrastructure are needed to maintain reliable and efficient services and prevent emergency repairs
- Additional costs include new regulations, higher costs for materials and services, and personnel costs

Our Commitments

-  Protect public health
-  Provide excellent customer service
-  Make smart investments and keep rates affordable
-  Keep our streams and rivers clean

12

12

FAQ: I thought the District was going to save money by moving staff into one building?

- With Consolidation, the District has continually sought efficiencies, including looking at a joint water and sanitary location
- However, the initial data presented to the Board did not accurately represent savings opportunities
- With better information, the move to the water location was complicated by:
 - Insufficient existing office and yard space
 - Complex land use and zoning
 - Costly remodeling needs (e.g., seismic and ADA upgrades) that would not be covered by sale of the sanitary building
- Purchasing a new location was also more costly than originally estimated
- Although initial plans did not pan out, staff are putting both sites to good use and the Board continues to look for affordable long-term options for a joint location balancing this need with other priorities

13

13



14

14

FAQ: How will the District and the County coordinate stormwater services in the future?

- In the District, Clackamas County owns and maintains the surface water system (catch basins, pipes, culverts)
- The District helps keep the County-owned system clean
- The District also manages a watershed protection program to meet state and federal water quality permit requirements
- The District is currently considering possible changes to its role in stormwater services and will be asking for your advice



15

15

FAQ: Should a change in District governance be considered?

- Water and sewer authorities have similar powers to districts and both forms of governance:
 - Provide essential services
 - Have elected boards
 - Involve customers in decision-making
- Because the District's service area is a high-density, unincorporated area, there's always a possibility it could be annexed or incorporated
- An Authority would continue to provide the same services and set rates by direction of a customer-elected Board even if part of the service area was annexed or incorporated



16

16

FAQ: What are the key features of an Authority?

- Limits risk of withdrawal of customers and assets
- Keeps focus on essential services with rates based on cost of service
- Preserves existing funds and investments in infrastructure
- Continues public process for decision-making
- Maintains stable, cost-efficient service
- Secures dedicated revenue base and provides certainty for long-range planning



17

17

FAQ: What is the process for forming an Authority?

- Forming an Authority is a complex, multi-step process
- The Authority would replace the District as the service provider
- This process requires initiation by the community not the District Board
- What questions do you have about forming an Authority?
- Where do you think we should go from here?



18

18

Questions?

(503) 654-7765
info@olwsd.org

14496 SE River Road
Oak Grove, OR 97267

www.oaklodgewaterservices.org








19

In the District, Clackamas County owns and maintains the surface water system. The District helps clean the County-owned system and is responsible for water quality.

	Install water quality protection	Ongoing cleaning and maintenance	Install and replace flood-control infrastructure	Issue land use permits for development	Issue permits for stormwater infrastructure	Environmental regulation reporting
Oak Lodge Water Services District	✓	✓			✓	✓
Clackamas County (Rights-of-Way)	✓	✓	✓	✓	✓	✓
Oregon Dept. of Transportation (McLoughlin Blvd)	✓	✓	✓			✓
Private Property Owners	✓	✓				
Land Developers	✓		✓			

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Draft Communications Plan 2021-2022

Rev. 11.4.2020



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Overview

The Oak Lodge Water Services District (District), and consultant Barney & Worth, Inc., developed this two-year Communications Plan based on input from the Board of Directors and staff. This plan identifies objectives, audiences, messaging, resources, and a recommended two-year roadmap of strategies and tactics for ongoing customer communications.

Objectives

Based on input from District staff and the Board of Directors, the Communications Plan objectives include:

- Create engaging key messages on the benefits of core services and build on them over time
- Provide a means for District staff and the Board of Directors to share a common message with the community
- Target messaging and information to stakeholders based on their interests and needs

It is recommended to update this plan in two years to keep communications strategies current and relevant to the District's customers.



Key Audiences

The following high-level list of District audiences identifies different communication needs and priorities. This list can be used to help tailor messaging and communication tools to best resonate with specific audiences.

Audience	Interests
District Board of Directors	<ul style="list-style-type: none"> • Progress updates • Water quality • Costs and rates
District Staff Includes all District employees with an emphasis on frontline staff who routinely interact with customers	<ul style="list-style-type: none"> • Decision making • Water quality • Progress updates • Costs and rates
Regulatory Agencies Includes Oregon Department of Environmental Quality, Oregon Health Authority, and U.S. Environmental Protection Agency	<ul style="list-style-type: none"> • Water quality • Public health • Permitting
Other Local and Regional Agencies Includes Clackamas County and Oregon Department of Transportation	<ul style="list-style-type: none"> • Stormwater • Permitting • Maintenance
Community Groups Includes various civic and neighborhood groups such as North Clackamas Chamber of Commerce, Oak Grove Community Council, Willamette View, and Jennings Lodge Community Planning Organization	<ul style="list-style-type: none"> • Water quality and public health • Costs and rates
District Customers Includes residential accounts and business accounts	<ul style="list-style-type: none"> • Water quality and public health • “How to” information (e.g., conserve water, protect watersheds) • Costs and rates
Interested Parties Includes individuals who opted into receiving email communications from the District more regularly	<ul style="list-style-type: none"> • Water quality and public health • Costs and rates • Opportunities to volunteer
General Public	<ul style="list-style-type: none"> • Water quality and public health

Framework Messaging

Consistently framing communications around the District’s commitments to customers will enhance awareness of the services the District provides and the benefits of those services. The four commitments identified through discussion with the District Board and staff are to:

- Protect public health
- Provide excellent customer service
- Make smart investments and keep rates affordable
- Keep our streams and rivers clean

This section of the plan outlines messaging for each of the four commitments, including both an overarching statement and optional supporting messages that can be used for different circumstances.

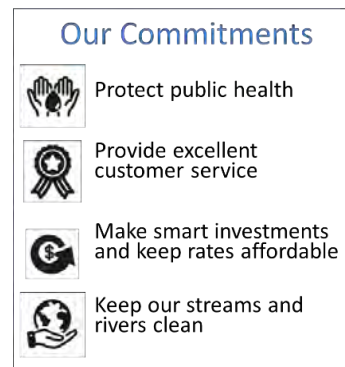
One District, Three Services – Protecting Public Health and Water Resources

Oak Lodge Water Services District is committed to a clean water environment and a healthy community. The District was formed January 2017 through the consolidation of Oak Lodge Water and Oak Lodge Sanitary districts and now provides unified drinking water, sanitary sewer, and watershed protection services.

Protect Public Health

The District provides essential drinking water and sanitary sewer services to protect the health of nearly 29,000 people in the community.

1. **Drinking Water:** The District provides safe, reliable drinking water to customers from the Clackamas River.
 - The Clackamas River is an extremely high-quality, raw water source. The headwaters of the Clackamas River are made up by Timothy Lake and Olallie Lake high up in the Mount Hood National Forest.
 - The District maintains about 100 miles of water pipe, three booster pump stations, and four storage reservoirs to deliver safe drinking water to homes and businesses each year.
 - The District has a cost-saving partnership with Sunrise Water Authority and the City of Gladstone to jointly own the North Clackamas County Water Commission water treatment plant.
2. **Sanitary Sewer:** The District collects wastewater from homes and businesses so the water can be cleaned and safely returned to the Willamette River.
 - The District maintains about 100 miles of sewer pipe, five pump stations, an outfall, and a water reclamation facility. After the collected wastewater is treated at the



water reclamation facility, the clean water is returned safely to the Willamette River.

- In 2009, the community voted to invest in an up-to-date water reclamation facility that will serve the District through many years of growth and development.
- Each year, the District's water reclamation facility produces more than 2,100 tons of Class B biosolids that is beneficially reused as fertilizer.

Provide Excellent Customer Service

District staff are passionate about water and committed to being a good community partner. They provide high-quality customer service in every aspect of their work.

1. **Efficient Business Processes:** During consolidation, the District combined business systems for water and sewer to improve efficiency and continue to meet the needs of a growing community in everyday operations.
2. **Ongoing Community Conversations:** The District promotes two-way communication and positive relationships with customers through a friendly, customer-first culture.
3. **Skilled Professionals:** Experienced staff operate and maintain the District's systems to comply with regulations. Staff are committed to continuous learning and professional development to best serve the community.

Make Smart Investments and Keep Rates Affordable

The District is a self-sustaining utility that focuses every dollar and every day on maintaining reliable drinking water, sanitary sewer, and watershed protection.

1. **Long-range Planning:** The District continues to provide high-quality, reliable service through ongoing investment in updated infrastructure and technology.
 - The District prepares master plans to help prioritize future investments in repairs, replacement, and improvements.
2. **Dedicated Revenue:** District rate revenue supports maintenance and development of essential water services and is not diverted to any unrelated purpose.
 - Along with routine operations, rates cover annual delivery of the following services:
 - Maintaining existing infrastructure, including more than 200 miles of water and sewer pipeline.
 - Building and upgrading reservoirs, pump stations, and pipelines to continue providing reliable drinking water and wastewater treatment.
 - Providing backup facilities to meet peak water demand and emergency supply.
 - Cleaning Clackamas County-owned culverts, catch basins, and stormwater pipes in the District's service area.
3. **Robust Asset Management:** The District focuses on a strong asset repair and replacement program. Incremental rate adjustments keep the water and wastewater systems working reliably.

4. **Partnership Approach:** The District partners with other regional services providers to identify cost-savings opportunities and provide the best service to our customers.
5. **Financial Stewardship:** The District conducts regular financial planning to make sure future capital needs are met.
 - Through consolidation, the District has implemented joint systems and updated procedures to improve financial management.
 - The District adjusts water system development charges annually so that new development pays for its share of growth-related costs.
 - Each year, the District asks for public participation in the Budget Committee, which helps to review the current budget and build the budget for the next fiscal year.

Keep our Streams and Rivers Clean

The District helps protect the environment by monitoring water quality in local waterways and helping to keep the Clackamas County-owned stormwater system clean.

1. **Water Quality Regulations:** The District meets or surpasses the Oregon Department of Environmental Quality's water quality permit requirements.
 - The District uses watershed protection fees to monitor creeks, clean catch basins, and coordinate permitting for stormwater infrastructure.
2. **Education and Partnership:** The District works with community partners to provide education programs and encourage good stewardship of streams, wetlands, and watersheds.
 - The District works with local businesses through the Stormwater Cleaning Assistance Program to keep storm drains clean.
 - The District provides proactive and regular maintenance for Clackamas County-owned stormwater catch basins and pipes.

Strategies

This plan outlines the following five key strategies for the next two years to help the District achieve communication objectives:

- **Strategy 1:** Increase electronic communications opportunities with customers.
- **Strategy 2:** Raise awareness and communicate benefits of core services.
- **Strategy 3:** Communicate utility management accomplishments.
- **Strategy 4:** Create opportunities for two-way communications with customers.
- **Strategy 5:** Consider equity and inclusion of customer needs in communications.

Two Year Focus

2021

- Update service messaging with clear, concise customer benefits
- Build a strong digital communications foundation

2022

- Use customer input to grow new digital opportunities
- Celebrate steps to improve efficiency and to plan for the future

Tactics

Each of the five strategies is supported by tactics that detail specific activities for the next two years (January 2021 to December 2022). The description of each tactic identifies resource needs and recommends metrics to evaluate effectiveness.

These tactics should be reviewed annually and updated as needed to allow for budgeting for the following fiscal year.

A high-level list of tactics is included below. Each strategy and tactic is described in more detail in the following pages.

- **Strategy 1:** Increase electronic communications
 - Tactic 1.1: Increase email and e-bill customer list
 - Tactic 1.2: Change to digital newsletter
 - Tactic 1.3: Update existing social media
 - Tactic 1.4: Create NextDoor account
 - Tactic 1.5: Build photo library
 - Tactic 1.6: Network with community groups
- **Strategy 2:** Raise awareness of benefits
 - Tactic 2.1: Update welcome packet
 - Tactic 2.2: Develop themed monthly communications
 - Tactic 2.3: Update website

- Tactic 2.4: Develop key graphics
- **Strategy 3:** Communicate accomplishments
 - Tactic 3.1: Share master planning priorities
 - Tactic 3.2: Develop annual report
 - Tactic 3.3: Celebrate project milestones
 - Tactic 3.4: Include spotlight in staff meetings
 - Tactic 3.5: Develop branded site signage
- **Strategy 4:** Create opportunities for two-way communications
 - Tactic 4.1: Schedule community briefings
 - Tactic 4.2: Conduct customer survey
 - Tactic 4.3: Schedule facility tours
- **Strategy 5:** Support equity and inclusion
 - Tactic 5.1: Promote customer assistance program
 - Tactic 5.2: Prepare accessibility guide
 - Tactic 5.3: Create video or photo tours of key facilities

STRATEGY 1: Increase electronic communications opportunities with customers

A key strategy for the District will be continuing to build the customer email database and enhancing digital communications opportunities. With a stronger email list and web presence, the District will have the flexibility to evolve communications to meet changing community needs and share information in multiple ways to reach different audiences.

To help the District achieve Strategy 1, the following specific activities will be completed:

TACTIC 1.1: Promote customers signing up for electronic communications and billing					
Objective	Audience	Timeline	Lead	Budget	Measurement
Increase email and e-bill customer list (customer service, e-bill, newsletter push)	Customers (new and existing)	Monthly priority for 2021	Customer service staff	12 hours	Number of customers added (goal to increase from 40% to 70% in 2021)

TACTIC 1.2: Transition to digital newsletter format that provides analytics and integrates with social media					
Objective	Audience	Timeline	Lead	Budget	Measurement
Use digital news tool (Emma, Constant Contact, MailChimp) to maximize efficiency and integrate digital communications	Customers	Spring 2021: promote opt-in to digital news Summer 2022: shift to opt-in to paper news	Communications Lead	20 hours	Number of customers reached (goal of 70% or more in 2022) and engagement analytics

TACTIC 1.3: Claim and update content on existing social platforms customers use to share information

Objective	Audience	Timeline	Lead	Budget	Measurement
Update content on existing social platforms and direct subscribers to website (Facebook, LinkedIn, Google)	Customers	2021 (summer)	Communications Lead	2 hours weekly	Engagement analytics

TACTIC 1.4: Pilot use of a social media platform to engage with customers

Objective	Audience	Timeline	Lead	Budget	Measurement
Create NextDoor account and track and respond to customer comments	Customers	2022 (summer)	Communications Lead	2 hours weekly	Engagement analytics

TACTIC 1.5: Build a stronger library of water system and working staff photos

Objective	Audience	Timeline	Lead	Budget	Measurement
Work with field staff to obtain quality photos of people and processes at work	Customers	2021 (summer)	Communications Lead	4 hours weekly	Number of photos

TACTIC 1.6: Selectively share content with partner organizations to expand communications reach

Objective	Audience	Timeline	Lead	Budget	Measurement
Develop simple message content that partner organizations can share on their digital platforms	Community groups and other service providers	Quarterly	Communications Lead	4 hours monthly	Engagement analytics

STRATEGY 2: Raise awareness and communicate benefits of core services

Another important strategy for ongoing communications is to enhance customer awareness of the three services the District provides (drinking water, sanitary sewer, and watershed protection) and the ways those services benefit customers. An annual review and update of core service content will help keep messaging relevant and consistent.

To help the District achieve Strategy 2, the following specific activities will be completed:

TACTIC 2.1: Update customer welcome packet and distribute widely

Objective	Audience	Timeline	Lead	Budget	Measurement
Make a strong first impression and establish good communication early (use packet to promote digital communications)	New customers	Updated at the start of each calendar year	Communications Lead	60 hours	Update completed Track number of customers reached annually

TACTIC 2.2: Organize outreach schedule to focus on monthly communications themes (see page 17)

Objective	Audience	Timeline	Lead	Budget	Measurement
Amplify messages with consistency across channels	Customers	Once per year	Communications Lead	20 hours	Annual update completed

TACTIC 2.3: Complete an audit of existing website content and identify needed updates

Objective	Audience	Timeline	Lead	Budget	Measurement
Improve consistency of information about core services and benefits	Customers	Once per year	Communications Lead	60 hours	Annual update completed

TACTIC 2.4: Develop multi-use infographic that illustrates three core services

Objective	Audience	Timeline	Lead	Budget	Measurement
Create visual to support education around core services (potentially using a 'One Water' concept)	Customers	Once	Consultant support	\$2,000	Graphic completed

STRATEGY 3: Communicate utility management accomplishments

The District takes pride in responsible stewardship of infrastructure and systems through long-range planning and efficient business processes and operations. Communications that coincide with each major project and planning cycle will help communicate accomplishments towards achieving efficiency goals.

To help the District achieve Strategy 3, the following specific activities will be completed:

TACTIC 3.1: Communicate priorities identified through master planning process					
Objective	Audience	Timeline	Lead	Budget	Measurement
Communicate planning progress and priorities for future investment (e.g., 'improving water system reliability' newsletter feature to speak to progress on Water System Master Plan priorities)	Customers	Quarter following planning cycle	Communications Lead	16 hours	Number and distribution of articles

TACTIC 3.2: Develop an annual report template and publish every two years					
Objective	Audience	Timeline	Lead	Budget	Measurement
Celebrate progress towards goals	Highly interested customers	2021	Communications Lead	60 hours	Distribution of report

TACTIC 3.3: Hold ground breaking and ribbon cutting events for significant projects

Objective	Audience	Timeline	Lead	Budget	Measurement
Celebrate wise investment and steps to improve and maintain reliability (for large projects, may include site signage, event video, press coverage)	Customers	Annually	Communications Lead	40 hours	Number of events annually

TACTIC 3.4: Communications spotlight in agenda of reoccurring staff and/or manager’s meetings

Objective	Audience	Timeline	Lead	Budget	Measurement
Support internal information sharing to increase communications power across staff	Internal	Once per month	Communications Lead	2 hours monthly	Number of meetings

TACTIC 3.5: Develop branded signage for use at project sites and other District locations

Objective	Audience	Timeline	Lead	Budget	Measurement
Increase visibility of District work activities (temporary or permanent signage)	Customers	Once	Communications Lead	18 hours	Signage ordered and/or installed

STRATEGY 4: Create opportunities for two-way communications with customers

To help make sure communications are effective, this strategy identifies several tactics to provide ongoing opportunities for two-way customer communication. Feedback collected from customer engagement can be used to refine and update communications content.

To help the District achieve Strategy 4, the following specific activities will be completed:

TACTIC 4.1: Schedule and present briefings to interested community groups

Objective	Audience	Timeline	Lead	Budget	Measurement
Increase customer understanding of service benefits	Community groups and neighborhood associations	8-10 per year	Communications Lead	100 hours	Number of briefings and participants

TACTIC 4.2: Conduct a statistically valid phone/online customer survey

Objective	Audience	Timeline	Lead	Budget	Measurement
Improve understanding of customer priorities and communications needs	Customers	Spring 2021 (to support benchmarking)	Consultant support	\$20,000	Number of customer responses

TACTIC 4.3: Provide educational tours for students and other community members

Objective	Audience	Timeline	Lead	Budget	Measurement
Meet MS4 permit requirements and improve customer understanding of how facilities operate	Primarily local schools	Twice per year	Communications Lead	40 hours	Number of tours and participants

STRATEGY 5: Consider equity and inclusion of customer needs in communications

This strategy focuses on building best practice guidance to support continuing equitable access for customer communications.

To help the District achieve Strategy 5, the following specific activities will be completed:

TACTIC 5.1: Communicate availability of customer support program

Objective	Audience	Timeline	Lead	Budget	Measurement
Share information about available services and communicate program successes	Low income customers	Bi-annually (tied to themed communications calendar)	Communications Lead	2 hours	Statement added to newsletter Track signups in next 2 months

TACTIC 5.2: Develop accessibility standards and guidelines for communications materials

Objective	Audience	Timeline	Lead	Budget	Measurement
Create guidance for improving accessibility of communications materials	Staff developing materials	Once	Communications Lead	10 hours	Complete guide

TACTIC 5.3: Create brief photo or video tour(s) of key facilities to improve information access

Objective	Audience	Timeline	Lead	Budget	Measurement
Make information available in multiple formats to improve access for diverse audiences	Customers	Bi-annually	Communications Lead	20 hours	Publish photo or video tour Track views

Communication Channels

The use of multiple communication channels is necessary to reach all customers. The District has an established set of communications tools that can be used for direct engagement with residents and businesses.

The following list identifies priority communications channels for the District:

Channel	Main Audience	Content	Distribution
Website	Customers	Information on services and benefits	All customers
Newsletter	Customers	Rate information, customer tips	Electronic or print based on utility bill
Email	Interested parties	Selective updates	1-2 times per month (50 subscribers)
Community Briefings	Businesses and schools Neighborhood groups Low-income groups Non-English speaking communities	Presentation with information and Q&A Feedback form	10-12 per year (15-30 participants)
Education Outreach	Students	Information about protecting waterways from runoff	Based on interest
Tours	Customers	Tour guide script and participant handout Self-guided tour video	Based on interest
Welcome Packet	New customers	Informational overview of services and customer support	All customers activating service accounts
Annual Water Quality Report	Customers	EPA-required information Postcard notice Electronic and print options	All water customers
Customer Feedback	Customers	Feedback on customer service, rates, awareness	All customers

Communications Calendar

Developing an annual content calendar using key messages can help amplify the impact of customer communications. As the District grows digital communications opportunities beyond the newsletter and website, this type of calendar can be scaled up and applied across multiple communications channels so that customers are hearing consistent messages.

The following table describes a sample communications calendar:

Month	Theme	Topic	Stories
Jan-Feb	Protect Public Health	Water Service	Improving water system reliability (master plan priorities to enhance infrastructure resilience)
Mar-Apr	Provide Excellent Customer Service	Customer Survey	Seeking community input to help shape future communications and decision-making
May-Jun	Make Smart Investments and Keep Rates Affordable	Capital Planning	Update on long-range planning and steps to improve efficiency
Jul-Aug	Keep our Rivers and Streams Clean	Watershed Protection Service	Spotlight on education program and/or regional partnerships
Sep-Oct	Protect Public Health	Sanitary Sewer Service	Improving wastewater system resilience (master plan priorities)
Nov-Dec	Provide Excellent Customer Service	Business Efficiencies	Tips to manage utility bill (e-bill, conservation, customer support)

Additional Resources

The following is a list of additional communications resources that are available as part of the toolkit for ongoing customer communications.

- [Oak Lodge Demographics Summary](#)

A resource to better understand who the District's ratepayers are and to help create effective customer communications. This memo summarizes demographic characteristics for residents and households in the District and provides comparisons to Clackamas County and the state of Oregon.

- [Oak Lodge Style Guide and Templates](#)

A reference document with written and visual style guidelines for external communication materials. The guidelines are intended to create a consistent impression of the District and make it easier to create communications materials.

- [Oak Lodge Community Briefing Materials](#)

A resource to support in-person communications with neighborhood associations and other community groups about the services the District provides. This presentation includes basic information about each service area and response to FAQs.

- [Oak Lodge Customer Service Training Materials](#)

A brief presentation that outlines simple best practices and messaging resources to help staff effectively respond to customer calls.

14496 SE River Road
Oak Grove, Oregon 97267
(503) 654-7765
www.oaklodgewaterservices.org





AGENDA ITEM

Title	Call for Public Comment
Item No.	8
Date	November 17, 2020

Summary

The Board of Directors welcomes comment from members of the public.

Written comments may not be read out loud or addressed during the meeting, but all public comments will be entered into the record.

The Board of Directors may elect to limit the total time available for public comment or for any single speaker depending on meeting length.

STAFF REPORT

To Board of Directors
From Sarah Jo Chaplen, General Manager
Title Update on a Metro Grant to Study Governance in Oak Grove and Jennings Lodge
Item No. 9a
Date November 17, 2020

Summary

Metro has allocated a grant of \$120,000 to develop a report regarding incorporation or annexation options. The work has begun and the initial timeline for a final report and presentation is for completion by August 31, 2021.

Background

The “Incorporation for Equity” applied for a 2040 Planning and Development Grant from Metro for \$125,000. The geographic area to be studied was the unincorporated area between the cities of Milwaukie and Gladstone, the Willamette River, and the Oatfield Ridge (generally the area serviced by the Oak Lodge Water Services District). The project is to “study the economic and governmental potential to incorporate a large suburban area into a new and/or existing city.”

Metro has now granted \$120,000 for this project which is currently referred to by the community members working upon it as the Oak Lodge Governance Project (OLPG). Metro has engaged 3J Consulting to act as the project manager and ECONorthwest to complete the analytic work. 3J Consulting’s scope is not to exceed \$20,000 and ECONorthwest’s scope is not to exceed \$100,000.

The work to be completed for Metro is outlined in each work order. The 3J Consulting Project Summary section in the work order reads:

“This project is intended to provide the unincorporated Oak Grove community with information about incorporation or annexation options. This project is not intended to include significant public engagement. It is merely intended to provide an objective analysis to guide the community’s future discussions. 3J Consulting will serve as a project manager for Metro, overseeing analytic work to be completed by ECONorthwest and acting in coordination with Metro staff as the primary point of contact with the Oak Grove community group’s designee.”

There will be two subcontractors working for ECONorthwest. Tiberius Consulting will be completing the financial analyses and John Morgan will be consulting on governance questions for ECONorthwest. The ECONorthwest Scope of Work section in the work order reads:

“This project will evaluate local governance options for the unincorporated area of Clackamas County generally between the cities of Milwaukie and Gladstone, the Willamette River and the Oatfield Ridge. This area includes the unincorporated community of Oak Grove and has community representation through the Oak Grove Community Council and the Jennings Lodge Community Planning Organization.”

A draft report is to be completed by March 31, 2021 and a final report and presentation will be completed by August 31, 2021.

Attachments

1. Metro Concept Planning Application—Incorporation for Equity
2. Metro 3J Consulting Work Order
3. Metro ECONorthwest Work Order

2040 Planning and Development Grant Application | Concept Planning

Project: Incorporation for Equity - *Alternatives Analysis for Local Governance*

Funds requested: \$125,000

Project purpose and need

1. Describe the geographic area to be concept planned and the housing or employment land need that the concept plan area is intended to fulfill. Correlate the housing or employment need to your documented future growth needs and how the plan will meet the long-term vision for the city. Describe how urbanization of the reserve area [**unincorporated area** in our response] relates to any specific community plans and goals and maximizes existing community assets. Explain the desired timeline for an urban growth boundary expansion [**annexation/incorporation** in our response].

Geographic Area

The core area of focus is the unincorporated area between the cities of Milwaukie and Gladstone, the Willamette River, and the Oatfield Ridge (generally the area serviced by Oak Lodge Water Services District), though we would consider the potential of including unincorporated areas further east to Happy Valley depending on cost/benefit.

Project Overview

This project will study the economic and governmental potential to incorporate a large suburban area into a new and/or existing city. We believe incorporation will empower community members to shape a sustainable model of governance that will give our community agency to develop governmental and economic strategies designed to meet the specific needs of this particular area. This includes bolstering development and increasing employment opportunities, particularly on the McLoughlin corridor, between the Cities of Milwaukie and Gladstone, including primarily the unincorporated communities of Oak Grove and Jennings Lodge. In addition, it will allow the area to shape housing and public policy reflective of the community's values and to develop a comprehensive plan to manage the projected population influx over the next two decades.

Without a city government, the unincorporated urban area of Oak-Lodge has long struggled to implement solutions that deliver equitable outcomes unique to our residents. While the two community planning organizations for the area (Oak Grove Community Council and the Jennings Lodge Community Planning Organization) maintain a relatively active and robust membership, even the most dedicated of volunteer advocacy groups can't match the resources and influence that would be available through a city government. At the most basic level, we lack the funding, organization, authority, and expert-knowledge base to make substantive inroads on most large-scale issues facing our community, including economic policy development and affordable housing solutions. We want to shape a more sustainably just community and our CPOs lack the necessary power to affect this goal.

The following are a few recent examples of resident advocacy that attempted to achieve more equitable and sustainable outcomes but essentially struggled/failed due to lack of effective local agency:

- ERC / infill development - We've seen numerous single family neighborhoods be developed in a manner that decimates existing trees and topography/hydrology. The most significant of these was the ERC where despite the community's best efforts, we could not affect any standards and modifications to the development that would have included a mix of housing types and preserve key open space for a much needed park.
- Active transportation infrastructure - This urban area has long lacked continuous pedestrian sidewalks and bikeways providing connection within our community and

beyond. Not only does this cause safety issues for people who don't have access to cars, it essentially forces more people to own cars or suffer lack of access to schools, essential services, mass transit, and employment.

- McLoughlin Blvd - a woefully under-developed corridor, McLoughlin represents a huge missed opportunity for housing, employment, services and a tax base essential to our community. There is an enormous disconnect between zoned housing capacity and the actual / projected needs. Current development patterns ignore the available transit access and consist mainly of car lots changing over. The most recent SNAFU is a new storage facility located in the heart of our community where housing and services should be. None of this contributes in terms of local economic productivity, employment opportunity, or social cohesion.

We recognize that our community is requesting a significant financial investment from Metro. As we look towards strategies for future community engagement, we need to be prepared with data to establish the case for need. We expect the economic and governmental analyses to provide clear evidence to our community, allowing informed conversations around potential incorporation.

Housing & Employment needs

Metro, 2014 Urban Growth Report:

- 205,780 new housing units within the urban growth boundary by 2035
- 113,325 (55%) apartments, condos, duplexes, row houses and townhomes in Portland
- = 92,455 housing units including all housing types outside of Portland and detached single family houses in Portland

Clackamas County, [2019 Housing Needs Analysis](#):

- 8,175 new housing units needed by 2039
- there is inadequate land capacity (current zoning) to meet these needs in all plan designations
- More than 30% of existing households are cost burdened or severely cost burdened showing an immense need for affordable housing

Current Demographics

The rate of persons in poverty for Oak Grove and Jennings Lodge (12.9%) is substantially higher than the Clackamas County rate (7.3%). Area elementary schools qualify 48.9% of students for the Free and Reduced Price Lunch program, while North Clackamas School District overall qualifies 38% of students. These comparisons suggest that economic equity suffers in the unincorporated urban area of Clackamas County.

Given the great need for healthy, safe and affordable housing, it is obvious that a massive increase in living wage employment is also required. Supporting income growth resolves many issues, including increasing taxpayer funding of essential services and resources, such as affordable housing. Employment lands near transit, and high density housing and services are severely limited. Redevelopment of McLoughlin boulevard is essential to lifting economic productivity, allowing for more equitable distribution of resources and prosperity for the whole community.

Community Plans & Goals

While desire to pursue incorporation in this area has arisen in some form every 5-10 years, we believe the timing is especially right and poignant in this moment. Alignments with significant

Metro transportation investments, boulevard planning starting at Park Ave, the presence of light rail transit coupled with a real lack of capacity to meet growing economic and planning needs, the need to address tough crises like the pandemic we're facing now, and the ever increasing instability and churn of businesses / retail along McLoughlin boulevard under our current model of existence point to many reasons to improve our ability to self-govern and plan new pathways for our collective future. Most importantly, more people than ever have begun to realize how inequitable our society has been and still is for many of our community members. There is a strong desire to be better, to do better, and to design our systems to center these marginalized folks first rather than continue to enable established privilege and plan only for averages and majorities.

Our community has begun to develop a vision for its future through the McLoughlin Area Plan, and the Park Avenue Development and Design Standards project. We know that big, locally-driven changes are needed to ensure housing needs can be met, and that desired public services and amenities can be feasibly developed and implemented. Most importantly, we recognize that long term sustainability and prosperity require holistic thinking about land use, transportation, employment, and self governance. We want to protect and enhance the natural surroundings we enjoy, while simultaneously heightening the local economy, boosting the businesses that shape our area. Incorporation will empower us to implement these visions and ensure that Metro's significant investments in our planning efforts can come to fruition much sooner than later.

Project Timeline

Once approved, we expect to move quickly to procure consultants who will produce the required data. We expect that no more than eight to ten months will be necessary to complete the proposed work (from approval to process to final completion). Following the results of this project, we expect to move directly into various forms of community engagement, and we imagine campaign efforts toward a ballot measure could occur in time for the November 2022 election cycle.

Key goals this specific project will achieve:

1. Identify ideal model(s) of local governance that could benefit many existing cities and communities in Oregon and beyond, enabling them to shift their own models in strategic ways that enhance equity, transparency, economic prosperity, and ongoing community engagement.
2. Provide an incredibly powerful collection of information to all residents of the area, enabling enlightened decision making and collective action.
3. 1. Ultimately enable a successful incorporation or annexation that will enable the community to better enact equitable planning and improved funding for Metro 2040 aligned projects including public and active transportation, tree canopy and habitat enhancement, vibrant and walkable urban planning, increased housing capacity, improved economic productivity and employment opportunities, and much more.

Proposed scope of work

2. Provide a bulleted list outline of the major project elements and deliverables needed to meet the requirements of Metro Code Section 3.07.1110 Planning for [Areas Designated Urban Reserve](#) [*enhanced local governance of the urban unincorporated area* in our response]. Briefly describe the scope for each phase, key deliverables and general timeframe to complete the project.

This project is essentially an *equitable alternatives analysis* designed to understand and prepare the

case for incorporation of our large suburban community in one of two potential ways: create a new city entity or annex to the city of Milwaukie or other neighboring city(s) as desired by all stakeholders. This will entail the identification and prioritization of important questions and scenarios to analyze; then quickly test and eliminate options/pathways that don't prove to be effective, ensuring that time and resources can be focused on the most potentially beneficial scenarios.

Beyond this basic premise, this project also seeks to think bigger about how community members can and should come together to more effectively shape our shared future in the context of local government through an equity-first lens. Incorporation/annexation should aim to expand civic engagement opportunities for every resident; encourage them to exercise individual agency; and empower them to work empathetically and collaboratively together to work to overcome the challenges and struggles of current models of government and engagement processes. The result will bring not only the empowered benefits of city governance, but also the ability for every person to work toward policies that yield more equitable prosperity for people and the planet.

Determination of the ideal consultants for the following scopes will be done through collaboration among all project partners.

Economic Analysis - *Understand the potential economic benefits and drawbacks of the local governance options available*

Procure an economics consultant to study and reveal the best cost/benefit scenarios to be presented to voters for proposed scenarios. This will include a forecast of potential tax revenue based on projected policy directions that intentionally optimize Metro's 2040 concepts as well as local priorities. It will include a comprehensive cost comparison of various government structures and service arrangements to allow the clearest presentation of possibilities to benefit all residents, businesses, landowners, and other stakeholders.

Deliverables:

- Determine project timeline and optimal scenarios for analysis with community engagement support from Incorporation for Equity
 - Anticipate to begin with 2-4 scenarios for each; geographic areas/zones, future development potentials, future national/international economic trends/projections, and governmental profiles (combinations of nothing, annexation, or incorporation). From there, seek to eliminate the least likely scenarios enabling the remainder of the project to focus on 2-4 total options, ensuring that at least one innovative/unexpected alternative is put forward.
 - Overlay an equity lens (with community input) to guide selection of scenarios.
 - Provide initial and midpoint opportunities for input/feedback per the Community Engagement section
- Economic analysis report including models and projections for scenarios with digestible & presentable summary for engagement purposes

Governmental Structure / Legal Analysis - *Identify the most effective, viable, and empowering structure for local government available*

Procure specialized consultant(s) and/or university researchers to clarify and compare options for governmental structure, along with the best/worst outcomes that can be realized based on real world examples from other existing cities, both foreign and domestic, as well as imagine even better models that may not yet exist. In addition, potential legal barriers and commensurate potential strategies to overcome those barriers will be identified.

Deliverables:

- Determine project timeline and optimal scenarios for analysis with community engagement support from Incorporation for Equity
 - Anticipate to begin with 2-4 scenarios for each; geographic areas/zones, future national/international societal trends/projections (how people will view, participate in, and rely on local governance), and potential governmental structures including doing nothing, traditional annexation or incorporation, and other potential models not common in Oregon. From there, seek to eliminate the least likely scenarios enabling the remainder of the project to focus on 4 total options, ensuring that at least one innovative/unexpected alternative is put forward.
 - Overlay an equity lens (with community input) to guide selection of scenarios.
 - Provide initial and midpoint opportunities for input/feedback per the Community Engagement section
- Governmental structure report with options and recommendations including digestible & presentable summary for engagement purposes

Project manager

3. Describe the skills and experience of the lead staff person who will manage all aspects of the grant project and oversee the project team's collaboration and consultant work.

Project Management - *Guide the necessary processes of the project*

Metro-assigned project manager will work directly to procure consultants and manage their work. Throughout the project, they will communicate frequently with and have the support of city and county staff members and Incorporation for Equity. They will be responsible to relay community feedback to the consultants and ensure that all parties work effectively together to complete a thorough yet efficient process that encourages both creative and pragmatic thinking along the way. We want to see some out of the box thinking and non-standard sources for research, but we understand that big ideas must be quickly vetted in order to avoid cost overruns and wasted time.

Deliverables:

- Compile the final recommendations report identifying best means to equitably communicate incorporation options to all stakeholders including recommended structure for each scenario (culmination of all of the analysis deliverables & strategies), potentially including mass distribution.
 - Work with the consultant team to outline and describe past and current barriers to incorporation and/or annexation including factors involved in other regional successes and failures that citizens may be thinking about.

Project partners and roles

4. Clearly describe the roles and responsibilities of each of the key project partners. Describe the level of commitment from service providers to meet the goals of the project.

Incorporation for Equity is a core group involved in preparing this grant application that includes members (including present and past leadership) of Oak Grove and Jennings Lodge CPO's, MAPIT, Urban Green, Oak Lodge Library Board, HDOG (Historic Downtown Oak Grove), and other action groups. Partnering directly with us in this work are Clackamas County and the City of Milwaukie.

The County and City both recognize the importance of this project, as well as the immense benefit it

could bring to our residents/landowners/business owners and to each of their governments. As an active and empowered partner, we will be better able to execute plans, collaborate productively, and reinforce their efforts rather than draw on their resources. Both have committed to provide politically neutral support, allowing the members of Oak Lodge to lead and guide the process while they contribute the necessary professional staff to administer the funds and help organize community-led public engagement.

Clackamas County is considering being the fiduciary partner that would manage the funds, working with Metro on consultant procurement. Given the county's projected budget limitations, we request that Metro provide for both the consultant scopes of work, and dedicated project management. City of Milwaukie officials and staff will serve as advisors providing insights into the functions of Milwaukie as it relates to annexation and incorporation options.

Community engagement

5. Describe how the community engagement strategy will utilize best practices to meaningfully engage neighbors, property owners, key stakeholders and historically marginalized communities. Specifically describe your approach for advancing racial equity and involving communities of color in the planning process. Provide examples the city has used or is currently using to meaningfully involve diverse community members in planning processes.

One of the driving motivators towards incorporation is the potential for more equitable opportunities for all. Because of this, we plan to pursue a truly representational and robust community engagement effort following this project. That said, this grant is about gathering the information necessary to facilitate community conversations around potential incorporation. Incorporation for Equity will simply work to keep existing community groups informed of the project in a transparent manner.

Deliverables:

The scope of this project requires some means to communicate results widely and equitably to the community. We envision that one or both of the following options would be ideal depending on what budget may allow:

- Digital community hub - create a simple yet clear community website for hosting the results of this incorporation analysis. (Ideally the community can adopt this URL and build on it as part of future engagement phases, serving as an information hub)
- Clear and concise project summary delivered as a mailer to every resident including renters.

Proposed project budget

6. Use the budget table template provided to show the estimated project costs by major phase or element. The budget table should reflect the bulleted outline provided in #2. Indicate estimated cost for consultant work as well as other direct project expenses. In the space below, describe the methodology used for estimating project costs, and identify any additional funds (if any) that have been pledged by project partners or other sources.

Estimated costs are informed by the professional input of Metro staff and initial conversation with potential consultants. Working within the total grant amount requested, we will need additional support from all project partners to help determine where the money should be best allocated to achieve the goals and deliverables outlined within any applicable procurement limitations.

Other funding sources committed: none

In-kind contributions: Incorporation for Equity's community engagement efforts and project management support, potential academic support of research and/or engagement yet to be determined.

2040 Planning and Development Grant Application
Proposed project budget | Concept planning

Project Name: Incorporation for Equity - Alternatives Analysis for Local Governance

Grant Funds Requested: \$125,000

Other funds Pledged: \$0

PROJECT COMPONENT (Phase, element, deliverable, etc.)	CONSULTANT FEES	CBO PARTICIPATION AND/OR COMMUNITY LIAISON	OTHER DIRECT PROJECT COSTS	TOTAL
Project Management (Metro provided)	\$ -			\$ -
Economic Analysis	\$ 50,000			\$ 50,000
Governmental Analysis	\$ 50,000			\$ 50,000
Community Engagement (communication of results)	\$ 10,000		\$ 15,000	\$ 25,000
TOTAL PROJECT BUDGET				\$ 125,000

Attachment B – Work Order

Metro Contract No. 935597

CONTRACTOR	3J Consulting Inc.	PO#	44088
CONTRACTOR EMAIL	steve.faust@3j-consulting.com		
PROJECT NAME	Oak Grove Incorporation for Equity		
METRO PROJECT MGR	Ted Reid		
PROJECT BUDGET	\$20,000		
PROJECT CODING	524000-013-99999-00600-X-01201-9999		

PROJECT SUMMARY

This project is intended to provide the unincorporated Oak Grove community with information about incorporation or annexation options. This project is not intended to include significant public engagement. It is merely intended to provide an objective analysis to guide the community's future discussions.

3J Consulting will serve as a project manager for Metro, overseeing analytic work to be completed by ECONorthwest and acting in coordination with Metro staff as the primary point of contact with the Oak Grove community group's designee.

SCOPE OF WORK

Steve Faust will be 3J Consulting's primary personnel and will participate in the following work:

- Review and provide feedback on an initial scope of work proposed by ECONorthwest.
- Participate in an introductory meeting with the Oak Grove community group's designees and Metro staff (if available).
- Arrange for and manage a project kickoff meeting with ECONorthwest, designees of the Oak Grove community group, and Metro staff. The purpose of this kickoff meeting will be to solicit feedback from the community group on the questions to answer with this work.
- Review and provide advice on proposed changes to ECONorthwest's scope of work that result from the project kickoff meeting.
- Manage ECONorthwest deliverable deadlines and provide advice to Metro on the adequacy of deliverables in a timely fashion.
- Communicate any project timeline, scope, communications, or analytic concerns to Metro in a timely fashion.
- Keep Oak Grove community group's designees apprised of the project's status.
- In coordination with Metro staff, recruit for and manage a peer review of ECONorthwest's draft analysis.
- Review and provide feedback to ECONorthwest on analytic approaches, assumptions, and draft products.
- Coordinate a presentation of the final report by ECONorthwest to Metro staff and the Oak Grove community group's designees.

Attachment B – Work Order

Metro Contract No. 935597

DELIVERABLES

1. Community introductory meeting (November 6, 2020)

Participate in an introductory meeting with the Oak Grove community group's designees. Metro will arrange for this meeting.

2. Kickoff meeting (November 20, 2020)

Schedule and manage a kickoff meeting that includes ECONorthwest project staff, Metro, and the designees of the Oak Grove community group. The purpose of this meeting will be for the community group designees to meet ECONorthwest project staff and to provide feedback on the questions to answer with this project.

3. ECONorthwest scope finalization (December 4, 2020)

Coordinate with ECONorthwest to agree on a final scope of work for ECONorthwest. Provide Metro with a recommendation on whether ECONorthwest's proposed scope of work adequately addresses any issues raised in the kickoff meeting.

4. Ongoing project management (timelines described below)

a) Management of ECONorthwest work (timeline per ECONorthwest's scope of work)

Act as Metro's agent and provide day-to-day project management as needed, ensuring that ECONorthwest completes tasks according to its scope. Review draft materials on Metro's behalf, exercising professional judgment and coordinating with Metro staff as needed.

b) Coordination with Metro (by last day of every month, December 2020 through completion of the project)

Provide Metro with a brief monthly update on project status, identifying any concerns.

c) Coordination with Oak Grove (by the last day of every month, December 2020 through completion of the project)

Provide the Oak Grove community designee with a brief monthly update on project status.

5. Peer review (May 31, 2021)

In coordination with Metro staff, recruit for and manage a peer review of ECONorthwest's draft report. Ideally, the peer review will include at least two reviewers, but one reviewer is acceptable if more people with appropriate expertise are not available. 3J Consulting will be responsible for providing written review comments to Metro and ECONorthwest and will be responsible for any compensation required by reviewers.



Attachment B – Work Order

Metro Contract No. 935597

6. Community presentation (July 30, 2021)

In coordination with Metro staff, 3J will schedule and manage a presentation by ECONorthwest to the Oak Grove community group of the final report. The purpose of this presentation is to answer questions about the report, not to solicit proposed revisions.

COST

Contractor agrees to bill Metro on an hourly basis for services and deliverables outlined in this work order up to a not to exceed amount of \$20,000.

Hourly rates are as follows:

Steve Faust - \$160/hour

Contractor: Email all invoices to metroaccountspayable@oregonmetro.gov. Invoices must include the PO number provided by Metro staff to ensure timely processing of your payment.

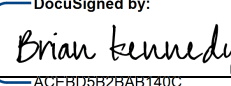
Please invoice Metro on a monthly basis and include detailed timesheets that include specific tasks as they relate to the scope of work, hours for each task, rates, and staff assigned. Not to exceed cost includes all expenses. All requested reimbursable expenses must be billed at cost. No mark-ups, commissions or percentage of costs allowed.

3J Consulting Inc.

Signature:  John Howorth, President

Date: October 15, 2020

Metro

DocuSigned by:
Signature:  Brian Kennedy
ACEBD5B2BAB140C...

Date: October 21, 2020

Attachment B – Work Order

Metro Contract No. 935604

CONTRACT #	<u>935604</u>	PO#	<u> </u>
CONTRACTOR	<u>ECONorthwest</u>	PS ENTRY DATE	<u> </u>
CONTRACTOR EMAIL	<u>goodman@econw.com</u>		
PROJECT NAME	<u>Oak Grove Incorporation for Equity</u>		
METRO PROJECT MGR	<u>Ted Reid</u>		
PROJECT BUDGET	<u>\$100,000</u>		

PROJECT SUMMARY

This project is intended to provide the unincorporated Oak Grove community with information about incorporation or annexation options. This project is not intended to include significant public engagement. It is merely intended to provide an objective analysis to guide the community's future discussions.

As described in a separate work order, 3J Consulting will serve as a project manager for Metro, overseeing the work to be completed by ECONorthwest – described in this work order – and acting in coordination with Metro staff as the primary point of contact with the Oak Grove community group's designee.

SCOPE OF WORK

This project will evaluate local governance options for the unincorporated area of Clackamas County generally between the cities of Milwaukie and Gladstone, the Willamette River, and the Oatfield Ridge. This area includes the unincorporated community of Oak Grove and has community representation through the Oak Grove Community Council and the Jennings Lodge Community Planning Organization.

The project intends to analyze governance options for the area and the associated fiscal, economic, and policy implications. The primary focus of this project is on governance and will address the following questions:

- What are the taxes and fees that would be imposed for each governance option? At what rates? How much revenue would be raised?
- A more important, but somewhat subjective, question is how much of that revenue could reasonably be expected to be invested back into the community?
- What are the administrative and overhead costs of each governance option? For example, understanding whether overhead costs will consume 5% or 50% of projected local revenue will provide empirical data to support local decision-making.
- What are the equity implications of each option? How does each governance option differ for representation and taxation, including potential impacts on lower-income and minority populations. Are there meaningful differences in access to power and decision making or taxation and the distribution of services among the governance options? Is one governance option more or less progressive?
- How might each governance option affect property values within the study area?
- How might each governance option affect costs of housing and development of housing that is affordable to people living in the study area?
- What implications do governance options have on local control? For example, decisions related to future development and transportation infrastructure?

Attachment B – Work Order

Metro Contract No. 935604

In short, a full evaluation of governance options is more than just a fiscal analysis. It requires consideration of government administration, legal issues, planning, local control, potential levels of service, and the cost of pursuing each course of action. Many of these cannot be reliably modeled so we will pursue a more qualitative approach to evaluating some factors. These factors include:

- What land use patterns would be possible or expected under different governance options? Each governance option potentially will result in different development patterns. This is an instance where governance matters and different governance models will offer different levels of local control.
- What level and types of public services would be possible or expected under different governance options? Communities incorporate in part to provide desired services to residents. Each option has implications for a broad range of public services. Public services may include public works, utilities, transportation, police and fire, parks and recreation, planning and community development, and other services.

Moreover, answering these questions will require a structured and rigorous technical analysis that allows for useful comparisons of the differences between the governance options. In short, we want to be able to analyze the key differences between the options at the margin. That requires fixing some foundational assumptions in the initial fiscal analysis, including:

- Geographic Boundary. A meaningful comparison of governance options will require a fixed boundary. We will work with the project manager and Metro staff to determine and set the boundary.
- Population, Household, and Employment Forecasts.¹ The Metro 2014 Urban Growth Report provides some information about new housing and employment by Transportation Analysis Zones (TAZ), which provide foundational information about future growth in the study area. Metro is currently in the process of updating its forecasts and buildable lands inventory. To the extent that information is available from this update for the study area, we will use it in this study.
- Land Use. Land use is one of the most important considerations for this study. Land use planning will affect development capacity, which in turns will affect housing production and affordability, population and employment density, revenue from a range of sources, and general livability. The challenge with land use is that no method exists to forecast future land use decisions. Moreover, different local governments will have land use authority for each governance option (Clackamas County, the City of Milwaukie, or a newly incorporated municipality).
- Level of Service: Compare on a service by service basis. Hold some the same but others like police might be different (police, land use planning, etc.). This is a variable that needs to be carefully considered.

The consultant team will analyze three governance options (scenarios) for the study area boundary:

1. Oak Grove remains an unincorporated community of Clackamas County (no action)
2. Oak Grove annexes into Milwaukie or Gladstone (with one city (identified at the beginning of the project) to be used in the analysis for the project)
3. Oak Grove incorporates as a new city

Holding the foundational assumptions constant will allow more meaningful comparisons across the three governance options.

¹ If we varied the population, household, and employment forecasts through the analysis, that would create considerably different results based on the forecasts but could obscure the differences among the governmental options. Given that the focus of the project is the differences among the governmental options, we strongly recommend holding the forecasts the same throughout the modeling.

Attachment B – Work Order

Metro Contract No. 935604

DELIVERABLES

The following outlines the major elements and deliverables of the project, organized chronologically.

TASK 1: PROJECT KICKOFF AND PROJECT MANAGEMENT

In Task 1, ECONorthwest will facilitate one Project Kickoff Meeting to finalize the scope of work and confirm study parameters with Metro, 3J, and key stakeholders/partners. Discussion lead by 3J with community stakeholders the key assumptions (such as geography and assumptions to hold constant) and the key questions. This task will require discussions about desired outcomes and products, analytical options, and process.

Product: Refined work program, if needed

Meetings: One meeting with Metro, 3J, and key stakeholders

TASK 2: DATA COLLECTION

In Task 2, ECONorthwest will gather data relevant to the benefit cost model and governance options evaluation. At present, ECONorthwest expects to collect:

- Baseline financial and budgetary information for taxing districts that might provide services to the Oak Grove area under any of the governance options (e.g., City of Milwaukie, Clackamas County, Clackamas Fire District, North Clackamas Parks and Rec, etc.). Data should include adopted budgets, capital facility plans, fee schedules, transportation system plans, and related documents.
- GIS data (RLIS) for the Oak Grove study area, including taxing district boundaries, parcel boundaries, land use, zoning designations, comprehensive plan designations, etc.
- Disaggregated assessment data for all property tax accounts located within the Oak Grove study area.
- Metro forecasts for population and employment for each TAZ overlapping the Oak Grove study area.
- Quarterly Census of Employment and Wages data for covered employment in the Oak Grove study area.
- City and County charter documents. In particular, sections related to governance and representation.

This task can overlap (run in parallel with) Task 3 and Task 4: in fact, it is preferable if it does. The desired outputs of the model suggest data to collect; data available (or not available) suggest how the model should be structured.

Critical to this effort is data documentation. The consultant team will develop standard protocols in Task 2 so that we can document data sources in a thorough and consistent way.

Product: Chapter of the report documenting data; Data request

Meetings: Phone discussions with staff, as needed

TASK 3: IDENTIFY AND DOCUMENT GOVERNANCE OPTIONS

In Task 3, ECONorthwest will describe the three governance options for Oak Grove, with a single growth scenario and a static geographic boundary. The governance options are:

1. Oak Grove remains an unincorporated community of Clackamas County (no action)



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2. Oak Grove annexes into Milwaukie
3. Oak Grove incorporates as a new city

Each governance option will have fiscal, economic, and equity implications. In this Task, and for each option, ECONorthwest will identify key analytical metrics, characterize legal constraints and administrative considerations, present the forecast of growth, and identify the relevant public service responsibilities. We will line up applicable information to answer the following questions:

- What implications do the three governance options have on local control?
- What land use patterns would be possible or expected under each governance options?²
- What level and types of public services would be possible or expected under each option?³
- What is the taxing authority of each governance option?
- What are the costs of pursuing each governance option?
- How does each governance option differ for representation and taxation, including potential impacts on lower-income and minority populations? Do the options present meaningful differences in access to power and decision making – or – taxation and the distribution of services? Is one governance option more or less progressive?
- How might each governance option affect property values within the study area?
- How might each governance option affect costs of housing and development of housing that is affordable to people living in the study area?

The product of this analysis will be (1) a chapter in the report describing the governance options in detail, and (2) a framework chapter in the report that describes our approach and how the consulting team conducted the analysis.

Product: Chapter(s) of the final report

Meetings: None, interviews and discussions with governmental stakeholders as needed

TASK 4: MODEL DEVELOPMENT AND GOVERNANCE OPTIONS EVALUATION

In Task 4, ECONorthwest will develop the benefit-cost model to assess fiscal costs and revenues of the three governance options. This task evaluates the findings of the technical analysis and includes a qualitative assessment of benefits which cannot be quantified. The ECO team will assess the following services:

- Police
- Transportation
- Public works (e.g., water, sanitary sewer, and storm water)
- Planning
- Other general services (e.g., finance, human resources, economic development, etc.)

Other public services that are unaffected by decisions on municipal governance will be excluded from the analysis, including the following:

- Fire and emergency medical services

² Each governance option potentially will result in different development patterns. This is an instance where governance matters, and different governance models will offer different levels of local control.

³ Communities incorporate in part to provide desired services to residents. Each option has implications for a broad range of public services. Public services may include public works, utilities, transportation, police and fire, parks and recreation, planning and community development, and other services.



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- Parks and recreation
- Education
- Library

The analysis may consider special districts, looking for districts with existing capacity. ECONorthwest may do interviews with special districts about this issue and governance options.

This task incorporates much of the technical work and characterizes the financial realities of each option. This task will involve correcting data, adjusting the model, and interpreting the results. We include model development and governance option evaluations in a single task to signify the iterative nature of this work.

Our approach is strong if our assumptions about the overall objectives for this study are correct. Oak Grove needs evidence to support decisions about changing policies that will change governance realities. Such decisions are controversial. Different parties have different perspectives and are affected in different ways. This project will deliver relevant and credible evidence about the impacts of the three governance options.

Product: Chapter(s) of the final report

Meetings: None, interviews and discussions with service providers as needed

TASK 5: DRAFT AND FINAL REPORTS

The project will result in development of a technical report, which will provide all of the analysis conducted for the project, and a summary report, which will be graphically oriented and easily accessible to the general public. The draft version of the technical report will be peer reviewed by a third-party reviewer to identify concerns or unanswered questions. ECONorthwest will make a presentation to stakeholders and decisionmakers about the analysis and results of the analysis.

Product: Draft and final version of a technical report and a summary report

Meetings: Presentation to stakeholders and decisionmakers

SCHEDULE

As described in Task 5, a draft report will be complete by March 31, 2021 and a final report will be completed by August 31, 2021.

Contractor will participate in a presentation of the final report by August 31, 2021.

COST

Contractor agrees to bill Metro on an hourly basis for services and deliverables outlined in this work order up to a not to exceed amount of \$100,000.

Hourly rates are as follows:

Staff person	Hourly Rate
ECONorthwest	
Bob Parker, Project Director	\$210
Beth Goodman, Project Manager	\$165



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Lorelei Juntunen, Adviser	\$215
Sadie DiNatale, Associate	\$120
Justin Sherrill, GIS Analyst and Analyst	\$130
Research Analyst	\$75 to \$105
<hr/>	
Tiberius Solutions	
Nick Popenuk, Finance Consultant	\$160
Ali Danko, Financial Analyst	\$110
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Morgan CPSGroup	
John Morgan	\$150
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Contractor: Email all invoices to metroaccountspayable@oregonmetro.gov. Invoices must include the PO number provided by Metro staff to ensure timely processing of your payment.

Please invoice Metro on a monthly basis and include detailed timesheets that include specific tasks as they relate to the scope of work, hours for each task, rates, and staff assigned. Not to exceed cost includes all expenses. All requested reimbursable expenses must be billed at cost. No mark-ups, commissions or percentage of costs allowed.

ECONorthwest

Metro

Signature: _____

Signature: _____

Date: _____

Date: _____

STAFF REPORT

To Board of Directors
From Gail Stevens, Finance Director
Title Finance Department Monthly Report
Item No. 9b
Date November 3, 2020 for November 17, 2020

Summary

The Board has requested updates at the Regular Meetings of the Board on the status of the District's Operations.

Highlights of the Month

- The District's final audit work occurred October 5 through October 16, 2020. The District is currently working through final financial reports with Moss Adams.
- Staff continues to make progress in addressing the audit findings from the FY 2018-19 financial statement audit as noted below.
- Meter project verification of the District's billing system is nearly completed as noted below.
- The District has started to replace large meters. As of August 2020, 24 meters have been replaced, with an increase in consumption reads of 51%.
- The impact to collections experienced last month has resolved this month as collections exceeded utility billing in October 2020.
- Accounts Receivables balance has only slightly increased.
- Bond refunding opportunity with anticipated savings of 12.05% over the remaining 10 years.

FY2019 Audit Recommendations Status

As of this report 18 of the 24 recommendation are in place and complete, this is 75%. The following work been has completed since the last status report:

- Purchase order workflow changes have been added to Springbrook (the District's finance software). Testing of these workflows is currently happening. Springbrook is a lineal system for approvals and follows the path by approval authority. Once the workflow is rebuilt, training will be developed and completed with implementation, which is anticipated the first week of December 2020.
- Security access review for Springbrook has been completed as to access by designated groups, such as Managers. Individual users access review is

underway. Completion is anticipated over the next 30-45 days, with Springbrook staff support and training.

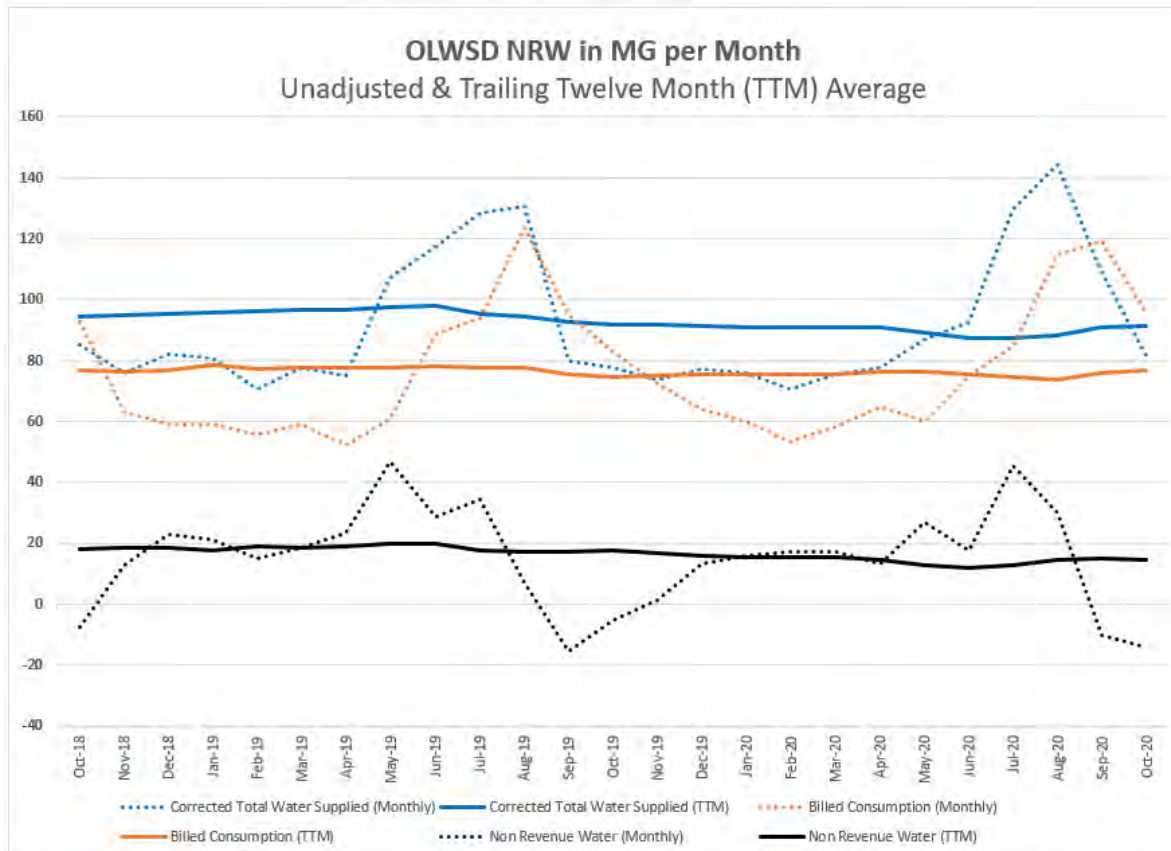
- Contract tracking, item number 27, is on task for December 31. Even as legal documents continue to be located, a large majority have been reviewed and assembled.
- For number 7, 9 and 14, there are several phases that need to be implemented, connected, and then re-evaluated. Lucity, Springbrook, inventory tracking, work order reporting and capital projects reporting all need to be reviewed as a whole and planned for the necessary phases to full recording. This will evolve over the next months.

FY 2020 Audit

Moss Adams began on-site review on Monday, July 20, 2020. They are focusing on the District’s internal controls and progress on recommendations from the prior audit. On October 5, 2020, Moss Adams began the final audit work, testing and reviewing sample documentation and verification. Due to additional testing for procurement, which was not included in the original plan, the final financial reports will be presented to the Board at the December 15, 2020 meeting.

Billing System and Non-Revenue Water

Starting with this report, the Non-Revenue Water monthly results will be included with the Finance Staff Report.



For Non-Revenue Water, typically the lowest monthly point occurs annually in September, which is logical because August is typically the hottest month of the year. Based on the structure of the District's billing cycles, billed consumption exceeds purchased consumption in September. This year October is the lowest monthly result. The only event unique to this year is the Riverside Fire, which occurred Labor Day 2020. This event may have caused this variance to annual trends. From this point, the monthly trend lines should trend back towards annualized trending.

Main breaks are one identifiable cause of Non-Revenue Water. In October, there were 3 main breaks resulting in 0.0564 million gallons (MG) of water loss. Main breaks are common seasonally as weather temperatures rise or fall from day to day. In just the first 10 days of November, there have been 4 main breaks resulting in 0.4956 MG of Non-Revenue Water.

In reviewing the Trailing Twelve Months (TTM) there was an improvement from October 2019 of 3.112 MG. As of October 2020, Non-Revenue Water TTM volume was 15.8% of total water purchased, compared to 19.06% as of October 2019. That is a 3.26% improvement over the preceding TTM.

The final step of the Billing System Verification is recalculation for two billing cycles. This work is planned after the audit work is completed.

Data from replaced large meters in being collected and analyzed to track the change in consumption billed. As of September 2020, 56 meters, sizes 1" – 3", have been replaced with the following results:

- 56 of the 459 large meters (1" – 10") in the District have been replaced. Majority of which were either aged over 20 years or were stuck meters, or both
- 108 reads out of 672 (56 meters x 12 reads), or 16.1%, were zero consumption reads. This is verification that the old meters were contributing to the Non-Revenue Water variance.
- Consumption billed has increased by 53% over the same period prior to replacement.
- There remains 14 large meters aged over 20 years to be replaced. All but 4 are 1" – 2" meters.

Collections Rate

As the COVID State of Emergency continues, the District has kept a close eye on collections for Utility Billing. With the impacts from Oregon's Unemployment Department's delay of paying claims, and uncertainty in future CARES Act assistance, each District customer could be impacted in a variety of ways.

Collection Rates

	July 2020	August 2020	September 2020	October 2020
Utility Billing Sales	\$ 1,203,556	\$ 1,117,848	\$ 1,280,284	\$ 1,189,434
Cash Receipts	1,211,307	1,100,072	1,145,389	1,359,437

% (Uncollected)	0.6%	(1.6%)	(10.5%)	14.3%
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October collections rebounded with cash receipts above utility billings. This results in an overall collection this fiscal year in excess of billings of 0.6%, or \$29,046.

Accounts Receivable Review

The Accounts Receivable balances as of October 31, 2020 compared to September 30, 2020. These were the findings:

1. A/R Balance owed to OLWSD has increased \$145 since prior month-end.

A/R Balance	9/30/2020	10/31/2020
Bi-Monthly Residential	\$1,198,425	\$1,205,527
Large Meters	534,755	527,798
Total	1,733,180	1,733,325
	Variance	\$145
		0.01%

2. The total number of delinquent accounts has increased by 12 and the average balance per delinquent account has increased by 4.1%.

Delinquent Accounts	9/30/2020	10/31/2020
Over 60 Days	\$ 363,202	\$ 385,096
Number of Accounts	635	647
Average Balance per Acct.	\$ 572	\$ 595
		4.1%

3. The number of accounts that are current, account paid in full within 30 days, has decreased by 0.30% compared to prior month.

Account %	9/30/2020	10/31/2020
Current	84.16%	83.86%
30-60 Day Grace	4.30%	5.01%
Delinquent	6.88%	7.01%
Credit Balance	4.67%	4.12%

Part of these variances are due to the composition of accounts included in each of the Cycle 001 and Cycle 002 residential billing accounts. Utility Billings for Cycle 002 are 9% higher than Cycle 001. Additionally, the pattern of payments will also be different for the two cycles. While this initial uncollected amount is concerning, it has not become a trend.

While Governor Brown has extended the eviction moratorium for residential property until the end of 2020, the moratorium for commercial property was not. Property owners have begun to reach out to the District to advise of tenant changes. The District is taking this opportunity to covert these tenant accounts back to the property owner prior to the full implementation of the landlord policy.

Bond Bank Refunding Participation

The District was contacted by the State Business Oregon Bond Bank to participate in the Refunding of Bond issue W10001, OLWSD's Infrastructure Financing Authority (IFA) Revenue Bonds. Refunding involves issuing new bonds at a lower interest rate to retire old higher-rate bonds. Business Oregon is estimating issuing the refunding bonds January 2021, however there is a dependency on the availability of low interest rates at that time.

Based on the market conditions at the time of this communication, Business Oregon estimates the net present value principal savings of 12.06% or \$445,755. There is no cost to the District to take advantage of this refunding.

The savings will be recognized over the remaining 10 years of this loan through reduced interest rate and lower loan payments. All existing post compliance requirements would remain in force for the refunding bonds.

The District's only other option is to prepay the remaining balance of the IFA loan of \$4,496,846. Prepayment is not currently an option, so the District has consented to participate in the refunding of these bonds.

Attachments

1. Checks by Date Report for October 2020
2. Corrective Action Plan Matrix

Bank Reconciliation
 Checks by Date
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 Cleared and Not Cleared Checks
 Print Void Checks

Check No.	Check Date	Name	Comment	Module	Void	Clear Date	Amount
ACH Disbursement Activity							
0	10/2/2020	Check Commerce		AP		10/ 2/2020	184.00
0	10/7/2020	TSYS		AP		10/13/2020	9,347.83
0	10/7/2020	TSYS		AP		10/13/2020	1,942.24
0	10/9/2020	OR Dept of Justice, Div of Child Support		AP		10/15/2020	937.30
0	10/9/2020	IRS Dept of The Treasury		AP		10/13/2020	29,838.59
0	10/9/2020	Oregon DOR - State Transit Tax		AP		10/14/2020	105.10
0	10/9/2020	Oregon Department Of Revenue		AP		10/14/2020	8,226.05
0	10/9/2020	Nationwide Retirement Solutions		AP		10/14/2020	1,633.04
0	10/9/2020	VALIC c/o JP Morgan Chase		AP		10/13/2020	3,636.05
0	10/9/2020	Public Employees		AP			29,686.23
0	10/9/2020	Payroll Direct Deposit	DD 00001.10.2020	PR		10/ 9/2020	71,241.70
0	10/12/2020	Wells Fargo Bank		AP		10/13/2020	1,782.55
0	10/13/2020	Pitney Bowes Global Financial Services LLC		AP		10/13/2020	283.71
0	10/13/2020	Pitney Bowes Global Financial Services LLC		AP		10/13/2020	147.84
0	10/21/2020	Pitney Bowes Global Financial Services LLC		AP		10/23/2020	300.00
0	10/23/2020	Public Employees		AP			30,046.15
0	10/23/2020	Nationwide Retirement Solutions		AP		10/26/2020	1,633.04
0	10/23/2020	VALIC c/o JP Morgan Chase		AP		10/26/2020	3,890.60
0	10/23/2020	IRS Dept of The Treasury		AP		10/26/2020	29,424.34
0	10/23/2020	Oregon DOR - State Transit Tax		AP		10/27/2020	106.33
0	10/23/2020	OR Dept of Justice, Div of Child Support		AP		10/28/2020	937.30
0	10/23/2020	Oregon Department Of Revenue		AP		10/27/2020	8,299.39
0	10/23/2020	Payroll Direct Deposit	DD 00002.10.2020	PR		10/23/2020	72,630.26
15401023	10/23/2020	Wells Fargo Remittance Center	Wells Fargo Credit (BRX		10/23/2020	6,520.63
15401024	10/23/2020	Wells Fargo Remittance Center	Wells Fargo Credit (BRX		10/23/2020	-6,520.63
0	10/23/2020	Wells Fargo Remittance Center		AP		10/23/2020	6,520.63
ACH Disbursement Activity Subtotal							312,780.27
Voided ACH Activity							0.00
Adjusted ACH Disbursement Activity Subtotal							312,780.27

Paper Check Disbursement Activity							
44589	10/9/2020	Employee Paycheck		PR		10/15/2020	1,269.18
44590	10/9/2020	Employee Paycheck		PR		10/15/2020	2,001.91
44591	10/9/2020	Customer Refund		AP			28.02
44592	10/9/2020	Barney & Worth Inc		AP		10/19/2020	17,361.89
44593	10/9/2020	BendTel, Inc		AP		10/16/2020	172.33
44594	10/9/2020	Brown and Caldwell		AP		10/16/2020	3,793.75
44595	10/9/2020	Customer Refund		AP		10/20/2020	23.21
44596	10/9/2020	Customer Refund		AP		10/16/2020	17.01
44597	10/9/2020	Cavanaugh & Associates. PA		AP		10/19/2020	2,475.00
44598	10/9/2020	Century Link		AP		10/19/2020	814.89
44599	10/9/2020	Cintas Corporation - 463		AP		10/22/2020	743.25
44600	10/9/2020	City Of Gladstone		AP			5,479.13
44601	10/9/2020	Comcast		AP		10/19/2020	764.55
44602	10/9/2020	Consolidated Supply Co.		AP		10/15/2020	7,952.28
44603	10/9/2020	Convergence Networks		AP		10/19/2020	600.50
44604	10/9/2020	Customer Refund		AP		10/26/2020	4.81
44605	10/9/2020	Customer Refund		AP		10/26/2020	2.43
44606	10/9/2020	Dr. Lance F. Harris D.C.		AP		10/19/2020	90.00
44607	10/9/2020	Ferguson Enterprises, Inc.		AP		10/19/2020	750.85

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Check No.	Check Date	Name	Comment	Module	Void	Clear Date	Amount
44608	10/9/2020	Ferguson Waterworks		AP		10/19/2020	159.84
44609	10/9/2020	Customer Refund		AP			10.03
44610	10/9/2020	Customer Refund		AP		10/27/2020	3.56
44611	10/9/2020	Grainger, Inc.		AP		10/16/2020	349.56
44612	10/9/2020	Customer Refund		AP		10/20/2020	57.42
44613	10/9/2020	Customer Refund		AP		10/28/2020	182.50
44614	10/9/2020	Customer Refund		AP		10/26/2020	450.82
44615	10/9/2020	Customer Refund		AP			3.00
44616	10/9/2020	Customer Refund		AP		10/19/2020	1.02
44617	10/9/2020	J. Thayer Company		AP		10/16/2020	97.94
44618	10/9/2020	Customer Refund		AP			12.23
44619	10/9/2020	Customer Refund		AP		10/19/2020	4.79
44620	10/9/2020	Customer Refund		AP		10/19/2020	1.98
44621	10/9/2020	KPTV		AP		10/26/2020	1,000.00
44622	10/9/2020	Customer Refund		AP		10/16/2020	46.55
44623	10/9/2020	Laserwerks		AP		10/14/2020	22.00
44624	10/9/2020	Lord & Associates, Inc.		AP		10/20/2020	521.50
44625	10/9/2020	Madison Biosolids, Inc.		AP		10/16/2020	2,355.69
44626	10/9/2020	Maverick Welding Supplies Inc		AP		10/19/2020	225.00
44627	10/9/2020	Merina & Company, LLP		AP			10,335.00
44628	10/9/2020	Minuteman Press Gresham		AP		10/29/2020	122.66
44629	10/9/2020	Moss Adams LLP		AP		10/16/2020	5,071.81
44630	10/9/2020	Customer Refund		AP		10/21/2020	201.68
44631	10/9/2020	Napa Auto Parts		AP		10/19/2020	25.57
44632	10/9/2020	Northstar Chemical, Inc.		AP		10/16/2020	502.50
44633	10/9/2020	Customer Refund		AP			1.83
44634	10/9/2020	Pacific Northwest Pollution Prevention Resource Ce		AP		10/23/2020	1,107.50
44635	10/9/2020	Pacific Power Group, LLC		AP		10/19/2020	4,090.00
44636	10/9/2020	Pamplin Media Group		AP		10/16/2020	57.92
44637	10/9/2020	R.L. Reimers Company		AP		10/15/2020	28,671.00
44638	10/9/2020	Relay Resources		AP		10/20/2020	5,463.99
44639	10/9/2020	Customer Refund		AP			191.94
44640	10/9/2020	Santana Crane, Inc		AP		10/16/2020	572.50
44641	10/9/2020	Customer Refund		AP		10/30/2020	18.73
44642	10/9/2020	Seattle Ace Hardware		AP		10/29/2020	385.58
44643	10/9/2020	Secure Pacific Corporation		AP		10/15/2020	240.00
44644	10/9/2020	Customer Refund		AP		10/22/2020	14.00
44645	10/9/2020	Customer Refund		AP		10/16/2020	163.28
44646	10/9/2020	Employment Tax State of Oregon - Employment Department		AP		10/15/2020	9,072.00
44647	10/9/2020	Customer Refund		AP			1.27
44648	10/9/2020	Customer Refund		AP			37.90
44649	10/9/2020	Tice Electric Company		AP		10/21/2020	815.00
44650	10/9/2020	Trotter & Morton Facility Service of PNW		AP		10/21/2020	7,880.00
44651	10/9/2020	Unifirst Corporation		AP		10/19/2020	3,508.73
44652	10/9/2020	USA Blue Book		AP		10/26/2020	9,541.34
44653	10/9/2020	UV Doctor Lamps, LLC		AP		10/16/2020	18,648.95
44654	10/9/2020	Verizon Wireless		AP		10/16/2020	2,198.97
44655	10/9/2020	Wallis Engineering PLLC		AP		10/15/2020	7,369.59
44656	10/9/2020	Water Systems Consulting, Inc.		AP		10/20/2020	2,985.00
44657	10/9/2020	Western Exterminator Company		AP		10/15/2020	125.00
44658	10/9/2020	Customer Refund		AP			2.20
44659	10/12/2020	AFSCME Council 75		AP		10/20/2020	903.77
44660	10/12/2020	Bureau Of Labor And Industries		AP		10/20/2020	250.00
44661	10/12/2020	Milliman		AP		10/16/2020	1,000.00
44662	10/12/2020	Customer Refund		AP			136.26
44663	10/23/2020	Employee Paycheck		PR		10/27/2020	1,081.74

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Check No.	Check Date	Name	Comment	Module	Void	Clear Date	Amount
44664	10/23/2020	Employee Paycheck		PR		10/28/2020	2,001.89
44665	10/23/2020	3CMA		AP			149.00
44666	10/23/2020	AFLAC		AP			905.72
44667	10/23/2020	AnswerNet		AP			350.22
44668	10/23/2020	Bend Mailing Services LLC		AP		10/28/2020	3,474.49
44669	10/23/2020	Customer Refund		AP			83.35
44670	10/23/2020	Customer Refund		AP			7.31
44671	10/23/2020	Customer Refund		AP			51.13
44672	10/23/2020	Brix Paving Northwest Inc		AP		10/29/2020	34,815.00
44673	10/23/2020	Customer Refund		AP			18.89
44674	10/23/2020	Centro Print Solutions		AP		10/30/2020	196.20
44675	10/23/2020	Century Link		AP		10/30/2020	39.12
44676	10/23/2020	Customer Refund		AP			23.76
44677	10/23/2020	City Of Milwaukie		AP		10/30/2020	1,738.11
44678	10/23/2020	Comcast		AP		10/30/2020	764.55
44679	10/23/2020	D&H Flagging Inc.		AP			668.00
44680	10/23/2020	Customer Refund		AP			288.42
44681	10/23/2020	Hach Company		AP		10/30/2020	1,103.03
44682	10/23/2020	Customer Refund		AP		10/30/2020	1,630.56
44683	10/23/2020	Kaiser Permanente		AP		10/29/2020	15,258.68
44684	10/23/2020	Customer Refund		AP			30.64
44685	10/23/2020	League Of Oregon Cities		AP		10/29/2020	80.00
44686	10/23/2020	Moss Adams LLP		AP		10/29/2020	3,177.00
44687	10/23/2020	Net Assets Corporation		AP			509.00
44688	10/23/2020	One Call Concepts, Inc.		AP		10/30/2020	870.24
44689	10/23/2020	Relay Resources		AP		10/29/2020	6,098.81
44690	10/23/2020	Reynolds Sewers Inc		AP		10/29/2020	3,450.00
44691	10/23/2020	SDIS		AP		10/28/2020	40,333.01
44692	10/23/2020	Secure Pacific Corporation		AP		10/30/2020	314.70
44693	10/23/2020	ULTRABLOCK INC		AP		10/30/2020	5,240.00
44694	10/23/2020	US Bank Equipment Finance		AP		10/30/2020	222.20
44695	10/23/2020	Water Metrics West		AP			985.00
44696	10/23/2020	Xerox Corporation		AP		10/30/2020	19.57
44697	10/27/2020	AnswerNet		AP			300.37
44698	10/27/2020	Applied Industrial Technologies		AP		10/30/2020	2,083.22
44699	10/27/2020	Cable Huston LLP		AP			19,382.50
44700	10/27/2020	Comcast		AP			942.75
44701	10/27/2020	Employee Business Expense Reimbursement		AP		10/29/2020	160.00
44702	10/27/2020	NCCWC		AP		10/30/2020	119,930.55
44703	10/27/2020	Technology Integration Group		AP			2,250.00
44704	10/28/2020	AFLAC		AP			905.72
44705	10/28/2020	AFSCME Council 75		AP			1,024.11
44706	10/28/2020	Apex Labs		AP			1,171.00
44707	10/28/2020	BendTel, Inc		AP			172.45
44708	10/28/2020	City Of Gladstone		AP			168.33
44709	10/28/2020	Convergence Networks		AP			855.50
44710	10/28/2020	FLO-Analytics		AP			2,740.50
44711	10/28/2020	Merina & Company, LLP		AP			3,217.50
44712	10/28/2020	Northstar Chemical, Inc.		AP			502.50
44713	10/28/2020	Portland General Electric		AP			24,459.91
44714	10/28/2020	USA Blue Book		AP			1,072.54
44715	10/28/2020	Waste Connections		AP			458.70
44716	10/28/2020	Water Systems Consulting, Inc.		AP			2,900.00
44717	10/28/2020	Western Exterminator Company		AP			282.65
Paper Check Disbursement Activity Subtotal							482,524.03
Voided Paper Check Disbursement Activity							0.00

Bank Reconciliation
Checks by Date
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Cleared and Not Cleared Checks
Print Void Checks

<u>Check No.</u>	<u>Check Date</u>	<u>Name</u>	<u>Comment</u>	<u>Module</u>	<u>Void</u>	<u>Clear Date</u>	<u>Amount</u>
Adjusted Paper Check Disbursement Activity Subtotal							482,524.03
Total Void Check Count:							0
Total Void Check Amount:							0.00
Total Valid Check Count:							154
Total Valid Check Amount:							795,304.30
Total Check Count:							154
Total Check Amount:							795,304.30

Identification							
Category	#	Audit Finding	Recommendation	Priority Level	Individual Responsible	Planned Action	Estimated Completion Date
Process	1	Review of new rates – During our current year control procedures over the revenue cycle, we noted no formal, documented process in place to evidence the review of rates input into the system. This is particularly important at the time of a Board-approved rate change to mitigate the risk that rates are input incorrectly or are not updated timely in accordance with the effective date of the new rates.	We recommend that a formal process be established to require someone other than the person responsible for making the rate changes to review those changes to verify the accuracy and timeliness.	B	Finance Director	Annually, when rates are entered to Springbrook, the Finance Director will print a report from the system, compare rates to the resolution adopted by the Board, and initial and date indicating their review and approval. The report will be retained until after audit.	Completed - July 2020. New rates added into the financial billing system were reviewed and verified by the Finance Director before publishing the first utility billing requiring the new rates. Verification file is electronically saved to support the audit trail.
Process	2	Recalculation of customer bills – During our control procedures we noted no evidence of a recalculation of a sample of customer bills to determine if the bills were calculated accurately using appropriate rates. This is a key control that helps to mitigate the risk that bills are being calculated incorrectly or with incorrect rates, prior to the bills being sent to the customers.	We recommend that management implement controls to require a re-calculation of a sample of customer bills each billing cycle, with a minimum of one bill from each rate class. This procedure should be documented to support which bills were re-calculated, who performed the procedures, and to date when the procedures were completed.	A	Jr Accounting Specialist	Monthly after the bills are generated, the Jr. Accountant will obtain a billing register and recalculate a sample of customer bills to ensure accuracy of the bills. Review will occur prior to mailing of customer bills. Jr. Accountant will maintain a log of customer bills verified and retained until after audit.	Completed - Placed in effect with April 2020 billing. Junior Accountant completes testing prior to billing being sent to the printers and reviewed by Finance Director.
Process	3	Manual adjustments to customer accounts – During our procedures we noted that the District often makes manual adjustments to customer bills and consumption amounts.	We recommend that manual adjustments are reviewed and approved by someone other than the person recording the adjustments prior to the bill being sent to the customer. This approval should be documented either electronically through the billing system or in writing. In addition, we recommend that the District run monthly reports to detail the adjustments made during the month, and such a report should be reviewed by someone other than those responsible for recording adjustments, to help identify any unauthorized adjustments.	A	Finance Director	Monthly the Finance Director will run a "Transactions by Date" report from the system for adjustments and review for anomalies. The Finance Director will initial and date evidencing approval, and the report will be retained until after audit.	Completed - Placed in effect in early April. Finance Director ran report and reviewed. Documented review with initials and data and filed for reference.
Process	4	Customer refund approvals – During our inquiries, we noted that the District has a policy in place that requires any customer refunds should be approved by the Finance Director prior to being issued to the customer. However, during our testing we noted instances where the refunds were not approved by the Finance Director and had been issued to customers. We also noted that individuals other than the Finance Director had access to approve refunds in the system.	We recommend that the Finance Director reviews and approves all refunds prior to being issued, and that electronic access to approve refunds be limited to the Finance Director.	A	Finance Director	The Finance Director receives documentation supporting a customer refund which requires signature and date of approval. Documentation is retained as support for AP. Refund batches are committed (posted) in the system by the Finance Director. Access to approve refund batches has been limited to the Finance Director or the General Manager.	Completed - Control is currently in place and operating effectively.
Process	5	New customer setup – During our inquiries, we noted that no formal review control is in place to verify the accuracy of the new customer information input into the billing system. This is particularly important for new services to validate that the proper rate class was entered into the billing system.	We recommend that management establish a control to routinely review reports of new customers added and to verify that the customers were setup correctly with accurate billing attributes.	A	Jr Accounting Specialist	Monthly the Jr Accounting Specialist will run an "Account Master List" report indicating all accounts setup during the month and review for completeness and accuracy of information. All exceptions will be addressed and resolved immediately. The report will be initialed and dated evidencing the review, and will be retained until after audit. Upon setup of a new customer account, a service order will be generated for an initial read. Initial read and meter information on each account will be verified to the respective service order for initial read.	Completed - Control placed in effect April 2020 with review of customer account changes for March 2020. Review performed by Jr. Accounting Specialist and any exceptions reported to Finance Director (Financial Consultant) for direction of resolution. All documentation retained for reference.
Process	6	Exceptions – During our inquiries over the exception reporting process, we noted that the exceptions report is a live screen that populates all the variances identified by the system and clears them out as exceptions are cleared by staff. However, no evidence of the exceptions is maintained on file to support the variances that were identified, and the manner with which those exceptions were cleared. This also creates challenges with verifying whether all exceptions were cleared prior to issuing all the bills to customers.	We recommend that the District establish procedures to review the exceptions report prior to issuing customer bills each billing cycle to ensure all exceptions were cleared appropriately and timely. This review should be documented to note who performed the review and when it was completed.	B	Finance Director	The Finance Director will work with Springbrook to identify a report from the system that can evidence exceptions identified, resolution, and approval. That report will be run each month prior to bills being sent to customers and retained until after audit.	Completed - Staff is retaining the "Xdata reports" as evidence of resolution of meter read exceptions. Reports are retained until after the audit.
Process	7	Asset tracking system – We noted that the District does not currently utilize an asset tracking system to track and monitor costs by project throughout the year, and to document when projects were placed into commercial operation and should be moved to assets in service for financial reporting purposes.	We recommend that the District consistently utilize an electronic project tracking system to capture all the costs by project each year and to utilize reports from the system to monitor the costs by project to identify any significant variances from budget or estimate. The information in this system should also be reconciled to the general ledger on a monthly basis and any projects placed into service should be closed to assets in service on the general ledger.	C	Management Team	The Finance Director will work directly with other members of the management team to identify the objectives and requirements of a project tracking system, then evaluate options to best meet those needs. An approach will be selected and implemented to ensure project cost information is complete and accurate on a go-forward basis.	In progress - The District has completed the merging of historical information into Lucity. In September 2020, water workorders are being generated by Lucity. Into October processes are being created to pass meter replacement information into Springbrook for billing. Reports are being reviewed for the recording of costs.
Process	8	Capital asset reconciliation to the general ledger – We noted that the District does not currently have a control in place to reconcile certain key, full-accrual accounts on a monthly basis, specifically capital assets.	To improve the accuracy of the monthly financial reports and to reduce the burden of the year end closing process, we recommend that the activity per the asset tracking system be routinely reconciled to the capital outlay accounts on a monthly basis. This reconciliation should be formally documented and reviewed by someone other than the person performing the reconciliation as part of the District's monthly close process.	C	Jr Accounting Specialist	The Jr Accounting Specialist will reconcile capital asset records to asset additions, and other changes in capital assets for fiscal year end June 30, 2020 in preparation for the annual audit. Reconciliations will be reviewed and approved by the Finance Director. Beginning with the 20-21 fiscal year, staff will reconcile capital assets activity quarterly.	Capital Assets and Construction in Progress has been reconciled to the GL for FY 2020. Next step is quarterly reconciliation and reporting starting in Q1 FY 2021.

Process	9	Labor and overhead costs – During our review of project costs, we noted that the District does not currently track and apply internal labor and overhead costs to projects.	With the implementation of an asset tracking system as noted in the previous comment, we recommend that the District begin to track these costs and apply them to the appropriate projects to help capture all costs that were incurred during the construction phase of each project.	C	Management Team	This will be a key component of the project as outlined in number 7 above	In progress - The District is merging the in-house water workorder system with Lucy. Once combined, workorders that capture labor and equipment usage support proper costing of capital projects.
Process	10	Physical inventory of capital assets – During the audit several assets were identified on the general ledger that were disposed of in previous periods, thus requiring a prior period adjustment for this error.	We recommend that the District establish controls to perform periodic physical inventories of capital assets to help identify assets that were disposed of, but have not been captured appropriately in the financial records of the District.	C	Jr Accounting Specialist	The Jr Accounting Specialist will develop and implement a plan for a physical inventory of the District's capital assets in accordance with best practices. That plan will include identification of all capital assets by location and incorporate property tagging as well as procedures for reporting acquisition, transfer and disposal of capital assets in support of accurate financial reporting.	Complete - Physical inventory of capital assets, with a focus on assets that are not part of the infrastructure or physical plant were located and counted. Process included clarification of asset description and locations.
Process	11	Useful lives of capital assets – As we were analyzing depreciation expense and useful lives assigned to assets, we noted that the ability to change useful lives is unrestricted and therefore unauthorized changes could occur and impact the calculation of depreciation expense.	We recommend that access to change useful lives be restricted to certain individuals.	C	Jr Accounting Specialist/Finance Director	System security will be updated to restrict edit authority for capital assets to the Jr Accounting Specialist, with review responsibilities by the Finance Director	Completed as of May 31, 2020. Access provided to Jr Accounting Specialist with review and reporting access (only) to Finance Director
Process	12	Journal entries – During our review of IT access, we noted that the Finance Director has the ability to both prepare and post journal entries without a secondary approval.	We recommend that any manual journal entry have a documented approval from someone other than the person responsible for posting the entry.	A	Sr Accountant /Finance Director	The District has a policy in place that journal entries be approved/committed by someone other than the initiator. The system captures information on who initiated the journal entry and who approved/committed it. Staff is currently working with Springbrook to identify a report/procedure for documenting review and approval of separation of duties re: journal entries.	Completed in May 2020. The Finance Director runs a report of journal entries committed/posted to the system monthly, reviews and retains the report as evidence of the control.
Process	13	Review of reconciliations – During our testing, we noted no evidence to support that reconciliations are reviewed and approved timely by someone other than the person preparing the reconciliations. This includes bank reconciliations, accounts payable reconciliations, the daily cash summaries, as well as other monthly reconciliations.	We recommend that each reconciliation be reviewed monthly and that the review be documented electronically or in writing.	A	Finance Director	The Finance Director currently reviews all staff prepared reconciliations in a timely manner, and evidences that review with initials and date. Reconciliations are retained in accordance with records retention requirements.	Currently in place and operating effectively.
Process	14	Physical inventory of wastewater inventory – During our inquiries we determined that the District had not recorded materials and supplies inventory previously, which resulted in an audit adjustment of approximately \$116,000.	We recommend that the District record and track wastewater inventory consistently going forward and that physical inventories be performed on at least an annual basis to validate the accuracy of the amounts recorded.	B	Finance Director/Plant Superintendent/Collections Manager	The Finance Director will work directly with the Plant and Operations Managers to identify the required information in support of an effective and efficient materials inventory for Wastewater operations. That inventory will address quantities and costs in support of complete and accurate financial reporting.	Complete - these assets have been added to Lucy for tracking
Process	15	Inventory costs – We noted that the purchase of inventory items are not being input into the system timely, which has created instances where inventory items are identified during the year end physical inventory count and management may have to call the vendor to obtain the price.	We recommend that all inventory purchases be input into the inventory system on a timely basis to ensure the listing is updated, costs are accurate, and amounts charged to projects will be charged at accurate rates.	B	Finance Director/Plant Superintendent/Collections Manager	This will be a key component of the project as outlined in number 14 above	Completed - June 30 physical inventory has been added to Lucy.
Process	16	Approval of inventory charged to projects – We noted that the District did not have controls established to require formal approval of inventory to be charged to projects.	We recommend that controls be established to require a formal charge-out approval for any inventory items to be taken from the warehouse and utilized on a project. These approvals should be compared to the actual inventory charged to each project to ensure only authorized costs were captured on the project.	B	Finance Director/Plant Superintendent/Collections Manager	This will be a key component of the project as outlined in number 14 above	In progress - Approval processes and reporting are under development with the addition of inventory and workorders into Lucy.
Process	17	Obsolete inventory – We noted that the District did not have a process in place to regularly review its inventory listing to identify obsolete or unusable inventory items.	We recommend that as part of the physical inventory process, the District identify any obsolete items that should be expensed in the current year.	B	Finance Director/Plant Superintendent/Collections Manager	This will be a key component of the project as outlined in number 14 above	Completed with June 30 end of year counts.
Process	18	Cutoff of expenditures – During our testing, we noted amounts where the service period per the invoice spanned over both fiscal year 2018 and 2019, but the total amount of the invoice was expensed in fiscal year 2019. In addition, we noted an expenditure for which receiving documentation was not retained for materials that were invoiced in the prior fiscal year, but were recorded as expenditures in the current fiscal year.	We recommend that the District establish controls to review year end cutoff to ensure that costs are recorded in the period in which the service was provided or the materials were received. We also recommend that the District retain all documentation related to purchases including any receiving documentation.	A	Finance Director	The Finance team will initiate communications regarding cutoff to District staff in advance of year end emphasizing cutoff issues. The Finance Director reviews all expenditure batches against supporting documentation prior to payment. One element of review is that expenditures are charged to the proper period. Review is documented with initials and date evidencing approval.	Completed - Control is currently in place and operating effectively.
Process	19	Duplicate payment – We noted one instance in our subsequent disbursement testing where an invoice was paid twice by the District and was not discovered during the District's approval process.	We recommend a formal review of all disbursements prior to issuing payment to ensure the amount to be paid matches the amount owed to the vendor for the products or services received and invoiced.	A	Finance Director	The Finance Director is currently working with the new Jr Accounting Specialist to tighten controls and processes over expenditures and utilize system functionality to reduce or eliminate the opportunity for duplicate payments.	Completed - Control is currently in place and operating effectively. The Finance Director reviews all expenditures prior to payment for accuracy.

Process	20	Review of NCCWC balance – During the audit of the North Clackamas County Water Commission (NCCWC), a prior period adjustment was identified and reported relating to the improper previous amortization of water rights. The restatement of the NCCWC's financial statements had a direct impact on the District's reporting of its investment in the NCCWC on the District's financial statements. The adjustment to the investment in NCCWC was not properly recorded as a restatement in the initial draft of the district's financial statements provided to us.	We recommend that the district provide for a review of the final, audited NCCWC financial statements prior to finalizing the District's financial statements to ensure proper reflection of the investment in NCCWC. The review should be documented as part of the District's year end closing process.	A	Finance Director	The Finance Director will perform a careful and detailed review of NCCWC accounting records and financial statements in conjunction with the audit of NCCWC. That review will translate to a timely update of relevant accounting records and financial statements of the District.	Completed - Control is currently in place and operating effectively.
Process	21	Listing of public procurement contracts – As part of our testing of compliance with state procurement requirements, we noted that the District does not maintain a centralized list of all contracts executed during the year.	We recommend that this process be centralized with one employee to help track all procurements and ensure all documentation required is maintained on file to support the District's compliance with the State's procurement requirements.	B	District Recorder	The District Recorder has assumed responsibility for centralizing the District's contracts and related information as well as compliance with State records requirements. The Finance Director will work directly with the District Recorder to ensure all information related to procurements is centralized in support of contracts with vendors.	In Progress - Contract centralization is currently in process. It is expected that records will be complete and available by December 31, 2020.
Process	22	IT user access – We noted that the District does not regularly perform and document its review of user access to the various systems supporting the financial reporting function.	We recommend that the District perform routine reviews of user access, at least annually, to determine whether access to the systems are appropriately updated, terminated users have been removed timely, and any segregation of duties conflicts are identified.	A	Finance Director	The Finance Director will review system access quarterly and work with the appropriate staff to maintain appropriate segregation of duties.	In Progress - Security reviewed. Recommendations are currently under review. Training is underway with Springbrook to strengthen internal knowledge and two in a box training.
Process	23	Pay rate and other employee master file changes – We noted during our payroll testing that once a pay rate is entered into the system, there is no formal review to verify that the rates were entered correctly.	We recommend that the District run reports of any changes made to the employee master file on a monthly basis to verify the accuracy and timeliness of the changes. Such review should be formally documented to evidence who performed the review and when it was completed.	A	Finance Director	System security will be updated to allow the Finance Director "view only" and "reporting" access to the HR module so that changes to employee master files can be reviewed for completeness and accuracy. All changes to employee master files will be supported by a personnel action form approved and dated by appropriate parties. The Finance Director will review these forms against the system as they are implemented.	Completed - Control is currently in place and operating effectively.
Process	24	Purchase orders – We noted that the District's current policy requires purchase orders to be utilized for any inventory items over \$500. However, non-inventory items do not have a similar requirement.	We recommend that the District update its policy to require purchase orders on non-inventory items over \$500 as well. The purchase orders should be reviewed and approved by someone other than the person requesting the purchase.	B	Finance Director	The District's procurement and related approval policy is currently in review. Once finalized and implemented the policy will allow for consistency across transactions and require training of appropriate District staff in the generation and approval of PO's, supporting documentation for payment, and records retention.	In Process - PO workflows have been mapped and currently working on system updates. Anticipating completion early December

STAFF REPORT

To Board of Directors
From Jason Rice, District Engineer
Title Technical Services Monthly Report
Item No. 9c
Date November 17, 2020

Summary

The Board has requested updates at the Regular Meetings of the Board on the status of the District's operations.

Highlights of the Month

- Submitted MS4 Annual Report
- Submitted TMDL Annual Report Preparation
- Various Task Orders are in draft stage for FY21 Capital Work.
- GIS Mapping layers continue to be updated
- Technical Services staff continue to work from home when they can to create as much social distancing as possible while still completing all normal tasks

Education and Outreach

As the dry season is behind us, water conservation messaging shifts from outdoor water use to indoor winter water conservation goals. In partnership with the Clackamas River Water Providers, OLWS helps to get the word out to our customers on the availability of [customer rebate programs](#). Messaging around hot topics has continued on the website as well as the regular sharing of updates to the District's interested parties list and local community partners.

Development of the Strategic Communications plan continues, along with the goal to increase customer awareness of District priorities and goals. Along with the plan, OLWS is in the final stages of hiring a new staff member to strengthen and broaden the role that marketing, communications, and outreach plays in our District. Increased hours for interacting with the public through social media will allow the District to reach a broader and more diverse audience. By the time of this Board meeting, we may have good news to share about who will fulfill this exciting new role.

Another exciting development is the official opening of the park at Boardman Wetland. While the name has not been made official as of this document, the North Clackamas Parks and Recreation District announced the opening of the park that OLWS, NCPRD, Metro, and many other partners have worked so hard to complete. [Visit OLWSD's website to learn more.](#)



The walk into Boardman Wetland invites people into slow down and see nature in action.

Throughout October, the [pandemic](#) continues to impact our residents and staff alike. As always, staff works to provide clean water to our customers, to clean and return used water to the river, and to help Clackamas County Department of Transportation and Development maintain surface water quality through regular maintenance and monitoring.

As the winter season approaches, here are a few topics to remember:

- Keep grease out of the drains by putting it into the trash – [one approach is to freeze it first](#) (thanks to Clean Water Services for link to their video page).
- Winter [indoor water conservation](#) can help customers lower their sewer bills all year round.
- In order to keep nutrients out of our waterways help keep catch basins near your house free and clear of leaves. OLWS encourages people to remove leaves from their gutters and not to let them enter the storm drains, ditches and local creeks. [Visit our media partnership to learn more.](#)

Just a reminder that [hot topics for the Board are a click away at this link on our website.](#)

October 2020 Permit Activity

	<i>This Month</i>	<i>Last Month</i>	<i>Fiscal Year-to-Date</i>	<i>This Month Last Year*</i>	<i>Last Year-to-Date</i>
Pre-applications Conferences	1	1	6	1	11
New Erosion Control Permits	10	4	32	-	80
New Development Permits	1	1	2	0	6
New Utility Permits	12	6	30	7	55
Wastewater Connections	5	7	20	18	63
Sanitary SDC Fees Received	\$25,825	\$36,155	\$206,857	\$36,125	\$282,363
Water SDC Fees Received	\$26,179	\$30,542	\$162,985	\$21,400	\$150,810
Plan Review Fees Received	\$18,630	\$4,155	\$44,027	\$3,375	\$26,170
Inspection Fees Received	\$3,080	\$7,058	\$25,918	\$1,950	\$16,720

Attachments

1. Development Tracker
2. Capital Project Tracker

<i>Project Status</i>	<i>Address</i>	<i>Type of Development</i>	<i>Notes</i>	<i>Last Updated</i>
Under Construction	4410 SE Pinehurst Ave.	Residential: 17-lot Subdivision	Water utility only. Inspections Continuing	11/2/20
Under Construction	16518 SE River Rd.	Redevelopment: Head Start School Additions	Oak Lodge permits expire March 2021	11/2/20
Under Construction	13505 SE River Rd.	Residential: Rose Villa Phase 4 Medical Building and Replace Dwelling Units	Oak Lodge permits expire July 2021	11/2/20
Under Construction	1901 SE Oak Grove Blvd.	Redevelopment: Replace a portion of existing New Urban School	Oak Lodge permits expire July 2021	11/2/20
Under Construction	4828 SE View Acres Rd.	Redevelopment: View Acres Elementary School	Oak Lodge permits expire July 2021	11/2/20
Under Construction	16303 SE River Rd.	Redevelopment: Riverside Elementary School	Oak Lodge permits expire July 2021	11/2/20
Under Construction	1901 SE Oak Grove Blvd.	Redevelopment: Replace a portion of existing New Urban School; Annex	Oak Lodge permits expire July 2021	11/2/20
Under Construction	5901 SE Hull Ave.	Redevelopment: Candy Lane Elementary School	Oak Lodge permits expire July 2021	11/2/20
Under Construction	18521 SE River Rd.	Redevelopment: Jennings Lodge School	Oak Lodge permits expire July 2021	11/2/20
Plan Review	14824 SE Kellogg Rd.	Residential: 2-lot partition	Oak Lodge Site Development Permit current review	11/2/20
Plan Review	15099 SE McLoughlin Blvd.	Tenant Improvement: Clackamas Credit Union	Oak Lodge Site Development Permit current review	11/2/20
Plan Review	19315 SE River Rd.	Residential: 2-lot partition	Land Use comments sent to CCDTD. County land use expiration timeline.	11/2/20
Plan Review	SE Jennings Ave., SE Oatfield Rd. to SE McLoughlin Blvd.	Capital Improvement: CC DTD Jennings Ave Roadway expansion and regional stormwater treatment	Current OLWSD review	11/2/20
Plan Review	15603 SE Ruby Dr.	Residential: 3-lot partition	Current OLWSD review	11/2/20
Plan Review	14928 SE Oatfield Rd.	Residential: 4-lot partition	Current OLWSD review	11/2/20
Plan Review	6364 SE McNary Rd.	Residential: 15-lot partition	Current OLWSD review: water utility only	11/2/20

Project Status	Address	Type of Development	Notes	Last Updated
Pre-Application	14720 SE River Rd.	Residential: Multifamily	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	14733 SE Rupert Ave.	Residential: tri-plex; no demo	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	3110 SE Concord Rd. and 16103 SE Southview Ave.	Residential: 7-lot subdivision	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	Spaulding Ave. Taxlot 3200	Residential: 2-lot partition	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	5212 SE Thiessen Rd.	Residential: 5-Lot Short Subdivision	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	5200 SE Roethe Rd.	Residential: 4-lot subdivision	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	16305 SE Oatfield Rd.	Residential: 12-lot subdivision	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	3870 SE Hillside Dr.	Modification of previously approved 13 lot subdivision	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	3421 SE Vineyard Rd.	Zone Change To MR-1 and a three-parcel Partition for seven duplex and triplex units.	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	2316 SE Courtney Ave.	Residential: 14 rowhomes or 14 apartments	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	3811 SE Concord Rd.	Redevelopment: Concord School	Pre-app Comments sent to CCDTD. County land use expiration timeline.	11/2/20
Pre-Application	17325 SE McLoughlin Blvd.	Residential: 2-lot partition	Pre-app scheduled for Dec. 2, 2020	11/2/20

STAFF REPORT

To Board of Directors
From Todd Knapp, Field Operations Manager
Title Field Operations Monthly Report
Item No. 9d
Date November 17, 2020

Summary

The Board has requested updates at the Regular Meetings of the Board on the status of the District's Operations.

Highlights of the Month

- Water consumption for **October: 80,370,000 Gallons (-0.87%** Below the 10-year average of 81,075,900 and up **5.99%** compared to last year) (See metered monthly consumption chart)

Water Operations

Staff had three main breaks this past month, one on Woodland Way (see photos), one on Gordon St and one on Cook St. It seems to be that time of year again when water temperatures begin to drop and the ground is still fairly warm. This causes increasing stress on the pipes. Iron is not a very forgiving metal and has a tendency to crack when it expands or contracts due to temperature changes.

Crews also eliminated a water meter vault on the end of Kingsley, by relocating it just outside the old vault. Staff Dave Seifert was able to coordinate with the property owner to have a backflow device installed at the same time crews had the water shut down.

View Acres tanks had their annual cathodic protection inspection completed.

Collections Operations

The collections crew was able to locate a few more missing manholes and clean outs (see photos). There are still a few manholes that have been buried for quite some time. Crews spent several hours using a combination of GIS maps, measuring, using a metal detector and finally locating and digging up the buried manholes. It has been like this for several of the missing manholes. Fortunately, crews have been diligently chipping away at the missing footage with their hard work. The District's total footage is **523,392** feet of main, the total of missing footage currently is down to **3,356** feet or **(0.64%)** remaining.

Crews have also been working with Staff Lara Christensen this past month to proactively get a head of issues typically caused by leaf fall and additional rain. In preparation for the fall, along with routine cleanings, the crew has been cleaning catch basins that have historically had problems, known as hot spots.

Attachments

1. Photo Pages
2. Master Meter Report
3. Water Stats Report
4. Sewer Collection Report

Main Break Woodland Way (10/27/20)



Water main was full circle break.



Water main after repair band was installed.



Sewer manhole found 2-1/2' deep (10/21/20)



Manhole uncovered and brass bolts removed.



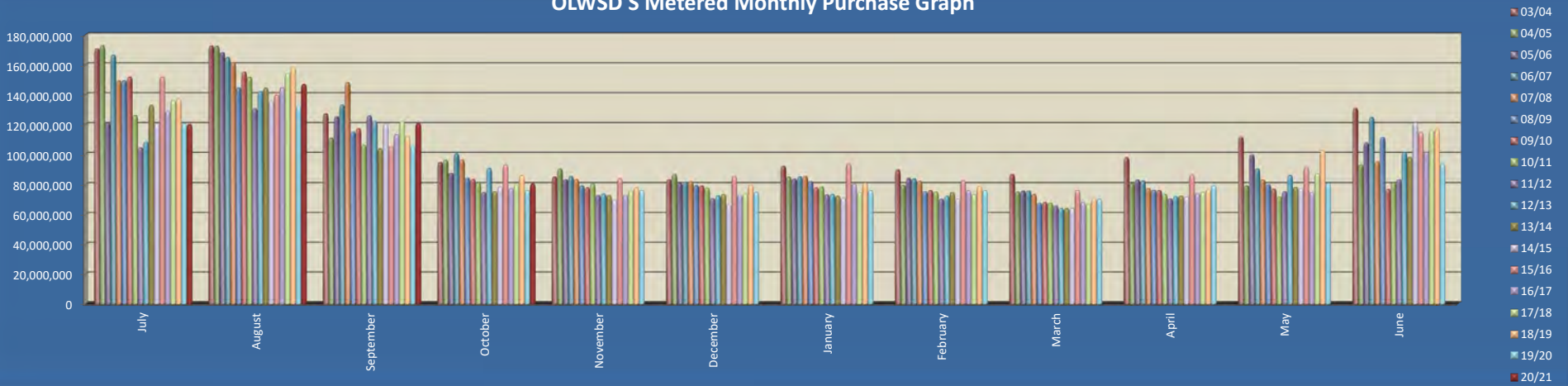
View of camera in trunk line



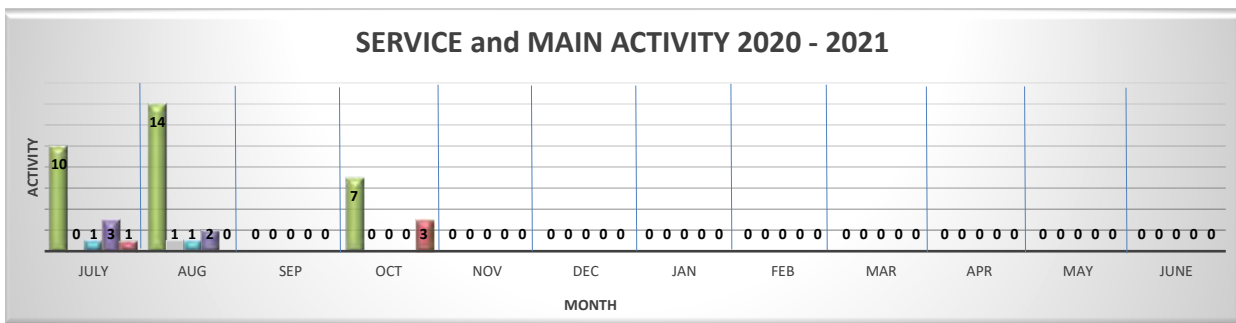
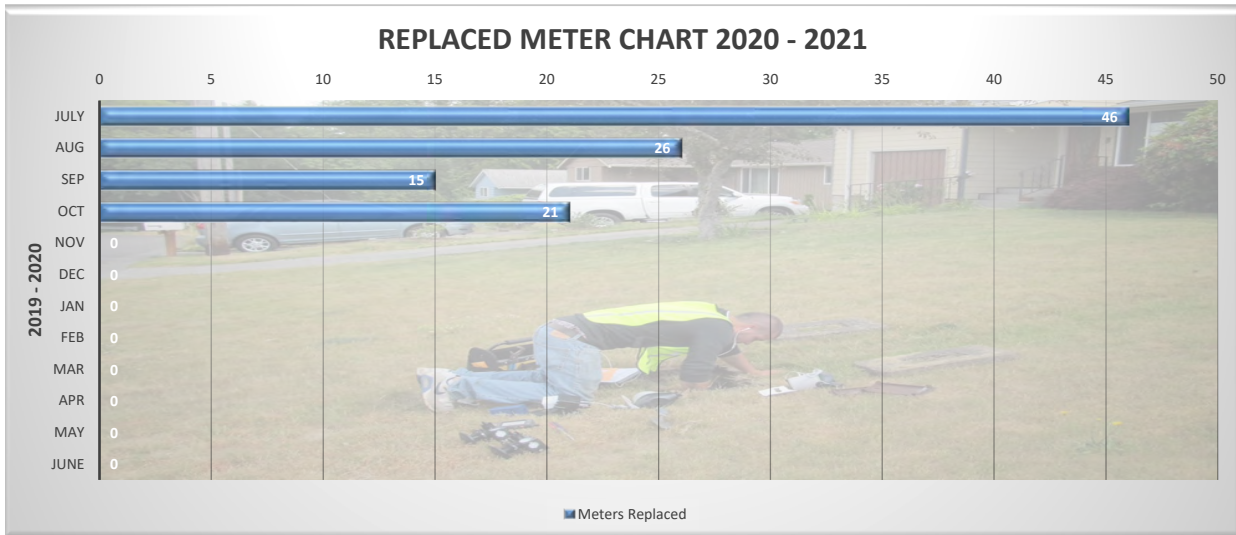
Water Purchased from NCCWC By Month and Year

Year	Fiscal 1st Half						Fiscal 2nd Half						Total Yearly Con	Average Daily Demand	10 Year % Ave
	July	August	September	October	November	December	January	February	March	April	May	June			
03/04	170,652,000	172,726,000	127,198,000	94,416,000	85,037,000	83,285,000	91,933,000	89,441,000	86,755,000	97,665,000	111,392,000	130,863,000	1,341,363,000	3.67	
04/05	172,883,000	172,499,000	110,696,000	95,973,000	90,079,000	86,823,000	84,976,000	79,415,000	74,996,000	80,616,000	79,088,000	92,885,000	1,220,929,000	3.35	
05/06	120,871,000	168,248,000	125,172,000	87,512,000	83,230,500	80,773,500	83,697,000	84,098,667	75,580,333	83,028,000	99,436,000	107,501,000	1,199,148,000	3.29	
06/07	166,449,000	164,957,000	132,989,000	100,180,000	85,350,000	81,587,000	85,179,000	83,766,000	75,622,455	82,508,545	90,129,000	124,696,000	1,273,413,000	3.49	
07/08	149,207,000	161,512,000	147,980,000	96,159,000	83,445,000	81,921,000	85,466,000	82,200,000	73,405,000	77,221,722	83,162,278	94,885,000	1,216,564,000	3.33	
08/09	149,422,000	144,592,000	114,830,000	84,307,000	79,094,000	79,319,000	82,042,000	75,196,000	67,364,000	76,238,000	79,968,000	111,127,286	1,143,499,286	3.13	
09/10	151,804,000	155,069,000	117,099,000	83,457,000	77,782,000	79,107,000	77,735,000	75,975,000	67,986,000	75,943,000	76,903,000	76,720,000	1,115,580,000	3.06	101.94%
10/11	125,996,000	151,590,000	105,880,000	81,052,000	80,389,000	77,515,000	78,266,000	74,983,000	67,462,000	73,285,000	71,613,000	81,189,000	1,069,220,000	2.93	97.70%
11/12	104,328,000	130,684,000	125,733,000	74,646,000	72,657,000	70,555,000	73,041,000	70,104,000	65,501,000	70,380,000	75,148,000	83,256,000	1,016,033,000	2.78	92.84%
12/13	108,236,000	142,023,000	121,981,000	90,545,000	73,672,000	72,454,000	73,277,000	72,051,000	63,866,000	71,906,000	86,085,000	101,278,000	1,077,374,000	2.95	98.45%
13/14	132,837,000	144,354,000	103,403,000	75,217,000	72,624,000	73,180,000	72,052,000	74,566,000	63,886,000	72,171,000	77,889,000	97,978,000	1,060,157,000	2.90	96.87%
14/15	120,411,000	135,271,000	120,008,000	78,257,000	69,534,000	66,200,143	70,840,857	70,318,000	63,972,000	71,515,000	77,173,000	121,185,000	1,064,685,000	2.92	97.29%
15/16	151,728,000	139,696,000	105,238,000	92,781,000	83,966,000	85,368,000	93,522,000	82,637,000	76,044,000	86,443,000	90,989,000	114,745,667	1,203,157,667	3.30	109.94%
16/17	128,722,333	144,599,000	113,212,000	77,196,000	72,766,000	72,839,000	80,205,000	75,867,000	68,040,000	73,822,000	74,515,000	101,310,000	1,083,093,333	2.97	98.97%
17/18	136,262,000	154,085,000	122,113,000	79,860,000	75,718,000	73,584,000	74,389,000	73,219,000	66,754,000	74,713,000	87,263,000	115,543,000	1,133,503,000	3.11	103.58%
18/19	136,887,000	158,433,000	112,001,000	86,062,000	77,769,000	79,690,000	81,040,000	78,594,000	70,790,000	76,199,000	102,519,000	116,626,000	1,176,610,000	3.22	107.51%
19/20	120,368,000	132,181,000	105,200,000	75,825,000	76,089,000	74,759,000	75,848,000	75,918,000	70,192,000	79,173,000	80,872,000	93,438,000	1,059,863,000	2.90	96.85%
20/21	119,901,000	146,849,000	120,624,000	80,370,000											
	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	Winter Ave
	125,968,033	142,817,500	114,951,300	81,075,900	75,518,400	74,614,414	77,248,086	74,825,700	67,650,700	74,960,700	82,406,600	100,983,067		3.00	75,562,733
Last Year Compare	99.61%	111.10%	114.66%	105.99%											Summer Ave
10 year Average	95.18%	102.82%	104.93%	99.13%											127,912,278
	0.52%	-4.82%	2.82%	4.93%	-0.87%										
	2,931,267	-6,067,033	4,031,500	5,672,700	-705,900										

OLWSD'S Metered Monthly Purchase Graph



Oak Lodge Water Services Water Report



Fiscal Year 2020 - 2021	Month	Meters Replaced	New Services	Iron Services Renewed	Plastic Services Renewed	Service Leaks Repaired	Main Leaks Repaired
2020	July	46	10	0	1	3	1
2020	Aug	26	14	1	1	2	0
2020	Sep	15	0	0	0	0	0
2020	Oct	21	7	0	0	0	3
2020	Nov	0	0	0	0	0	0
2020	Dec	0	0	0	0	0	0
2021	Jan	0	0	0	0	0	0
2021	Feb	0	0	0	0	0	0
2021	Mar	0	0	0	0	0	0
2021	Apr	0	0	0	0	0	0
2021	May	0	0	0	0	0	0
2021	June	0	0	0	0	0	0
Yearly Total		108	31	1	2	5	4

Backflow Program Update for the Month of July

Total						
1,325						
Signed up to Date	Devices Repaired	New Installations	Notice of Non-Compliance	Notice of Violation	Notice of Termination	Force Test
752	0	1	0	0	0	0
57%						

Total Signed up

573
57%

752
57%

List of Backflow Letters		
Letter 1	Notice of Non-Compliance	District made aware (30 days to respond)
Letter 2	Notice of Violation	Customer has final 30 days to correct
Letter 3	Notice of Termination of water service	Customer has 5 days til water shut off

Oak Lodge Water Services Collections Report

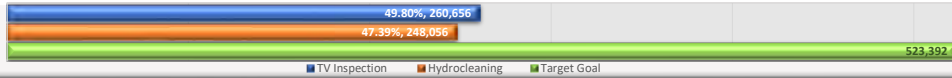
TV Inspections



Hydrocleaning



5 Year Plan



FY 2017-2018

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	Current Month %	To Date Totals	Year 1 % Complete	5 Year %	Total Feet Remaining
TV Inspection	2,512	11,906	13,532	8,961	4,566	4,987	5,092	1,548	1,942	9,212	7,875	6,239		78,372	74.87%	14.97%	445,020
Hydrocleaning	6,967	8,539	13,085	10,206	4,472	2,328	4,723	513	4,906	8,953	8,638	5,367		78,697	75.18%	15.04%	444,695
Target Goal	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723		104,678	100.00%	20.00%	418,714
Actual to Goal	-3,984	1,499	4,585	860	-4,204	-5,066	-3,816	-7,693	-5,299	359	-467	-2,920		-26,144			
Grease Line	3,625	5,105	3,276	3,625	10,227	3,859	3,625	4,757	3,625	3,276	11,061	4,225		60,286			

FY 2018-2019

Month	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Current Month %	To Date Totals	Year 2 % Complete	5 Year %	Total Feet Remaining
TV Inspection	4,308	10,281	10,488	3,388	5,886	13,480	3,283	8,993	4,635	1,657	4,923	15,854		87,176	83.28%	31.63%	357,844
Hydrocleaning	3,619	9,456	6,197	13,307	2,636	16,171	1,124	11,765	14,542	3,289	287	0		82,393	78.71%	30.78%	362,302
Target Goal	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723		104,678	100.00%	40.00%	314,035
Actual to Goal	-4,760	1,145	-381	-376	-4,462	6,102	-6,520	1,656	865	-6,250	-6,118	-796		-19,894			
Grease Line	3,276	4,757	3,625	3,625	3,625	2,192	5,105	3,625	2,963	10,872	4,006	3,276		50,947			

FY 2019-2020

Month	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Current Month %	To Date Totals	Year 3 % Complete	5 Year %	Total Feet Remaining
TV Inspection	16,502	768	0	7,139	5,272	8,798	11,449	8,537	7,246	0	249	2,647		68,607	65.54%	44.74%	289,237
Hydrocleaning	21,557	0	0	7,709	9,405	9,493	11,164	0	9,414	0	0	0		68,742	65.67%	43.91%	293,560
Target Goal	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723	8,723		104,678	100.00%	60.00%	209,357
Actual to Goal	10,306	-8,339	-8,723	-1,299	-1,385	422	2,583	-4,455	-393	-8,723	-8,599	-7,400		-36,004			
Grease Line	1,480	3,276	3,276	1,480	9,392	3,276	3,625	3,625	3,625	0	0	5,105		38,160			

FY 2020-2021

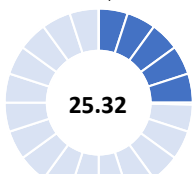
Month	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Current Month %	To Date Totals	Year 4 % Complete	5 Year %	Total Feet Remaining
TV Inspection	8,953	11,292	2,624	3,632										26,501	25%	49.80%	262,736
Hydrocleaning	4,205	11,108	2,911	0										18,224	17%	47.39%	275,336
Target Goal	8,723	8,723	8,723	8,723										104,678	33%	66.67%	174,464
Actual to Goal	-2,144	2,477	-5,956	-6,907										-12,530			
Grease Line	2,169	9,084	2,963	4,757										18,973			

FY 2021-2022

Month	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Current Month %	To Date Totals	Year 5 % Complete	5 Year %	Total Feet Remaining
TV Inspection																	0
Hydrocleaning																	0
Target Goal																	0
Grease Line																	0

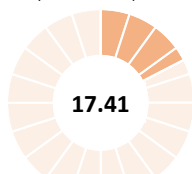
	Year 1	Year 2	Year 3	Year 4	Year 5	Remaining
Total Feet	523,392	523,392	523,392	523,392	523,392	
Target Per Year	104,678	104,678	104,678	104,678	104,678	
Target Per Month	8,723	8,723	8,723	8,723	8,723	
Actual Per Year TV	78,372	87,176	68,607	26,501		262,736
Actual Per Year Hyd	78,697	82,393	68,742	18,224		275,336
Make up	-26,144	-19,894	-36,004	-82,316		
Percent Completed	75%	81%	66%	21%	0%	49%

TV Complete



Current Year

Hydroclean Complete



Current Year

STAFF REPORT

To Board of Directors
From David Mendenhall, Plant Superintendent
Title Plant Operations Monthly Report
Item No. 9e
Date November 17, 2020

Summary

The Board has requested updates at the Regular Meetings of the Board on the status of the District's Operations.

Highlights of the Month

- Contract Biosolids Hauling
- Good process month
- No Smoke

Water Reclamation Facility Operations

On October 7, 2020 Horner Enterprises began hauling our biosolids. Prior to that date we had an onsite meeting and discovered we needed a little more height for our loader due the height of the trucks. Dave Seifert, Kris Pokorny, Jayson Kahler, and Chuck Adams quickly built a ramp with eco blocks we had and gravel. It worked out well but needed some adjustments after the first use. Dave, Jayson, and Justin Claxton added some gravel to smooth the slope and a block to make it a little wider and the second week was even smoother. With our production and storage, we have been able to have one load per week. Their trucks have carried on average about 100,000 pounds per load compared to our truck and trailer at about 45-50,000 pounds. There has been little mess to clean up, odors are low, and the operation has gone well so far. After getting started on the new internal handling of the solids, Chuck Adams put the old slinger truck to use and it works well in collecting off the belt and then shooting into storage. Practice will make this easier and cleaner. It was a nice idea that saves handling, time, and repurposes a piece of equipment that has been sitting around. It has been another great team effort to kick this new era off so well. (Photo 1)

We finalized our efforts and planning with the PGE Energy Partner program. We have agreed to reduce electrical load by 50 Kilowatts (KW) when we get notification from PGE that reduction is needed. We will get 12 to 18 hours' notice. We were able to set up a page on the Supervisory Control and Data Acquisition (SCADA) system to turn off

all the selected equipment with one selection. For participating in this program, we get a monthly capacity payment. The estimated total is \$3,524.00 for the year.

On October 22, 2020 we finished making repairs to the wiring that was damaged in the short to the ground wire on August 12, 2020. We decided to run new conduit and wire around the aeration basin on the surface to replace the damaged wire. These wires feed power to air actuators among some other controls on the aeration basin. Right now, we are not running these basins because the flow is not high enough, but they will be needed this winter. We followed procurement procedures on selecting the electrician to do this job. (Photo 2)

Repairs continue on the SCADA system. All the Programmable Logic Controllers (PLC) and parts were installed, and they all work but communications are being hampered by compatibility issues with the program Wonderware. Software updates are being worked on now.

The plant processes are running very smoothly. The activated sludge is dialed in well and the results are great. We increased wasting a bit to keep solids in the good range. We want to avoid any turbidity problems as the season changes. The winter permit limits begin on November 1, 2020 and we are in good shape for the change. We are slowly reducing the mixed liquor return toward turning it off for winter.

There are several projects in the works. Haakon Ogbeide has been very busy, and we have been involved with coordinating the plans, scheduling and preparation for the belt press rebuild, digester piping project, blower project, and the refurbishment of Pump Station #5. These projects are going to refine our operation and increase efficiency.

Maintenance

Besides being involved in all of the above, there have been some specific maintenance activities, too. After shutting off the drum screen and successfully operating without it, we are putting the equipment into stasis, doing any needed maintenance on it to prep it so it can be started back up in the future if needed.

While we were having the generators serviced last month, they pointed out that it was time to do cooling system service at Pump Stations (PS) # 2 and #3, including changing the coolant, flushing the system, changing the hoses and belts. This involves taking the generator offline for the day. Due to the risk of overflow during the time the generator will be off, we need to rent a portable generator, and have it connected so we have back up power. Preparations are being made for this project. PS #3 will be done first and then later we will do this on PS #2.

One of the digested sludge pumps needs a rebuild service. These positive displacement pumps have lobes, seals, and bearings that wear and need replacement. We have most of the parts in inventory. We may have to get back plates depending on the condition of

the pump. First it has be removed and brought to the shop and that is a bit of a challenge. (Photo 3)

One of the tarps that covers the blower building opening had torn during the windstorm in September. We used the aerial lift that the electrical contractor had brought to turn the tarp upside down and rehang it. (Photo 4)

Every five years or so, we are supposed to be inspecting the outfall diffuser in the Willamette River. We hired the divers, and they came out October 27, 2020 and checked it out. There is one diffuser out of nineteen that is damaged and will be replaced later. We will get a full report at a later date. As a benefit of refining the Lucity system, we discovered that it has been seven years since this was done. So, we have been arranging for divers to come out and check out the diffuser and give us a report on its condition. That took place on October 27, 2020 and we await the report. (Photo 5)

And finally, we took delivery of our new electric utility cart. This rechargeable cart will help to move tools, oil, samples, and ladders to job sites throughout the plant. (Photo 6)

Attachments

1. Photo Pages of October 2020 Work
2. Rainfall vs Flow Data Correlation for April 2020-October 2020
3. Plant Performance BOD-SS Graph for April 2020-October 2020
4. Work Order Summary Graph 2020



1) Loading the first truck



2) Conduit installation



3) Digested Sludge Pump lobes



4) Tarp turnover

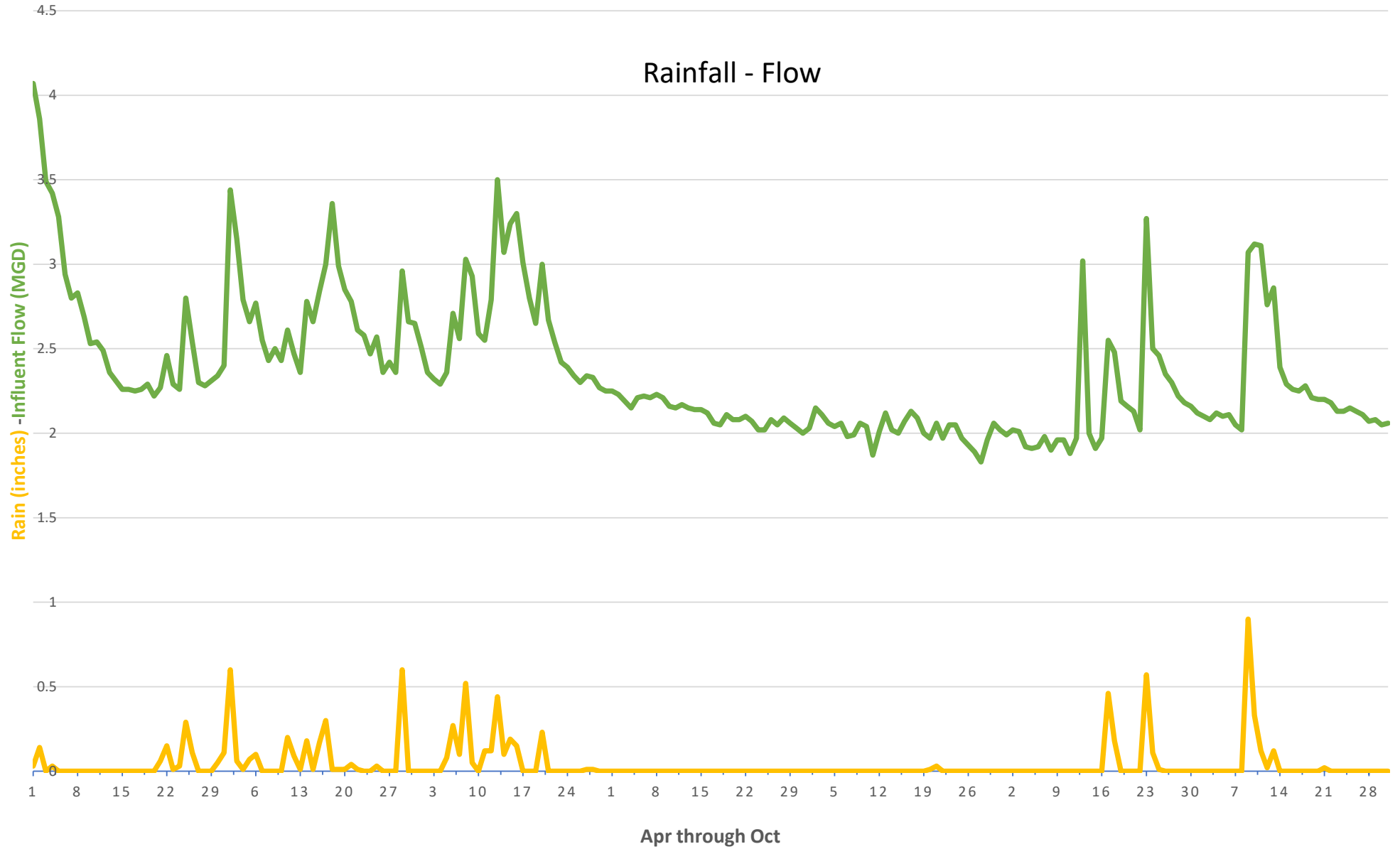


5) Three hour tour of diffuser

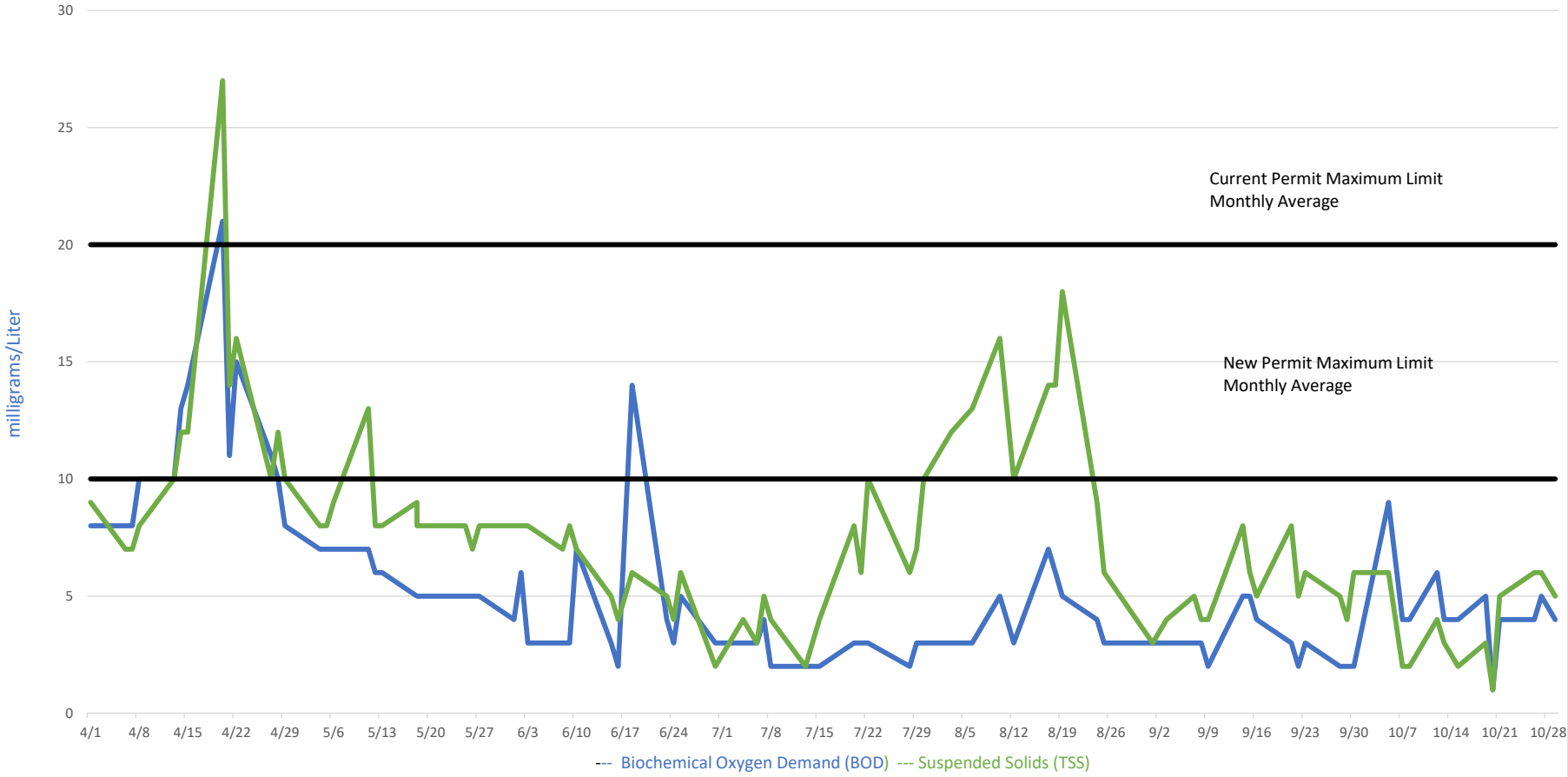


6) Electric utility cart

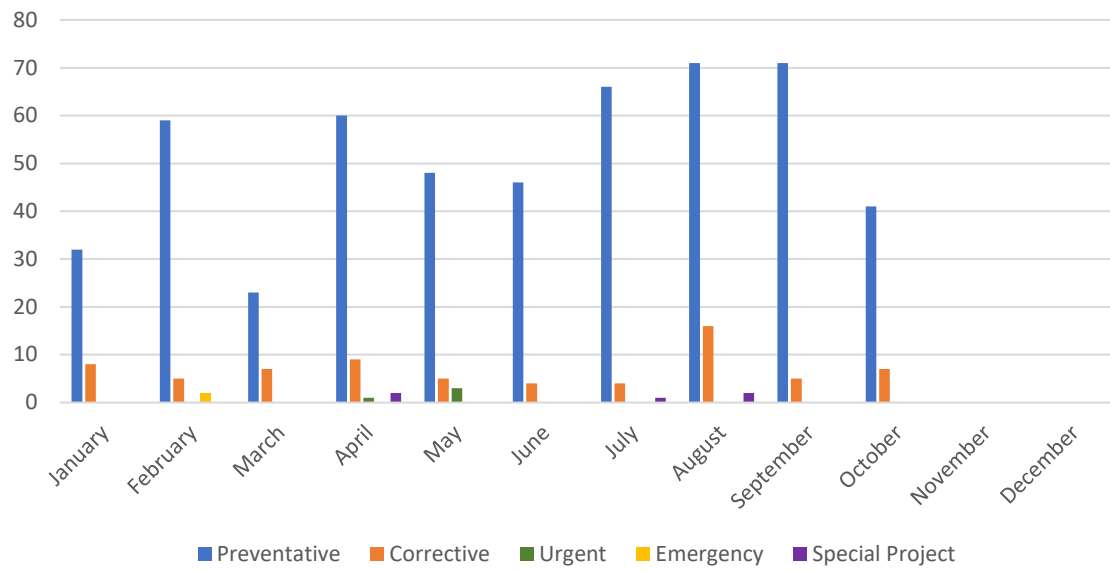
Rainfall - Flow



Effluent Water Quality



Treatment Plant Work Order Summary 2020



AGENDA ITEM

Title Business from the Board
Item No. 10
Date November 17, 2020

Summary

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.

Business from The Board Items Include:

- a. Individual Board Member Reports**
- b. Parking Lot**

Date Added	Item	Work Update
8/13/2019	OLWSD/Gladstone IGA	OLWSD has presented the first full draft of the IGA for the City of Gladstone to review. The first meeting to discuss it occurred on 11/06/2020.

**Oak Lodge Water Services
2020 OLWS Board Member Liaison Assignments**

Board/Committee	Current Primary	Current Alternate	Meeting Schedule
Clackamas River Water	Kevin Williams	Paul Gornick	Monthly - Second Thursday, 6 p.m.
Sunrise Water Authority	Paul Gornick	Kevin Williams	Monthly - Fourth Wednesday, 6 p.m.
C-4	Paul Gornick	Susan Keil	Monthly - First Thursday, 6:45 p.m.
Regional Water Providers Consortium	Mark Knudson	Paul Gornick	Triannually - First Wednesday, 6:30 p.m.
Oak Grove Community Council	Mark Knudson	Susan Keil	Monthly - Fourth Wednesday, 7:00 p.m.
SDAO	All		Varies
AWWA	All		Varies
Jennings Lodge CPO	Kevin Williams	Paul Gornick	Monthly - Fourth Tuesdays, 7:00 p.m.
North Clackamas County Water Commission (NCCWC)	Paul Gornick/Kevin Williams	Mark Knudson	Quarterly - Fourth Thursday in Jan/March/June/Sept, 5:30 p.m.
Chamber of Commerce	Ginny Van Loo	Susan Keil	Monthly - Third Wednesdays, 11:45 a.m.-1:15 p.m.
New Concord Task Force	Ginny Van Loo		Quarterly
Healthy Watersheds	Kevin Williams		
OGLO Bike-Ped Bridge Advisory Group	Lynn Fisher	None needed	Task Force will dissolve after project decision
Water Research Foundation	Mark Knudson	None needed	

Meetings Attended During the Past Month

1. October 20, 2020 – Oak Lodge Water Services Board meeting (virtual meeting)
2. October 26, 2020 – Business Oregon Audit Committee
 - a. Completed “Audit Training” on Oregon Audit Committee Handbook, Oregon Department of Administrative Services
3. October 28, 2020 – Oak Grove Community Council meeting (virtual meeting, agenda attached)
 - a. Attendance: ~ 29 participants
 - i. Past minutes (since May) are posted as recording on website and YouTube channel
 - ii. Nomination for OGCC directors now open; election at Feb 2021 meeting
 - b. Long Range Planning Project Requests (Joseph Edge, Chair)
 - i. Every two years, county prepares work plan for planning projects (e.g., bakeries and brewpubs, OGLO bridge, residential zoning)
 - ii. Known County priorities: housing plan, bike plan
 - iii. Previous requests: design plan for McLoughlin, acquiring open spaces, natural habitats, role of CPOs, 1% for art on public construction projects
 - iv. New ideas: MAX on McLoughlin, tree protection, historic protection, home businesses, maker spaces in commercial developments, CPO comment opportunities
 - c. Park Avenue Community Advisory Committee update: (Valery Chapman)
 - i. During the past year: multiple meetings, workshops and surveys (289 respondents); final meeting on Nov 3
 - ii. Guiding principles: employment, diversity, pedestrian & transit, natural systems, promote resilience, and sustainable infrastructure
 - iii. Established framework plan between Park and Courtney: multiple crossing across McLoughlin & mixed use in commercial zone along McLoughlin
 - iv. Proposed changes: manufacturing in mixed use; limit new auto-oriented uses; prohibit new self-storage; prohibit outdoor storage in lieu of café, street vendor, sidewalk sales
 - d. North Clackamas Parks & Recreation District Community Representation (Paul Savas, Clackamas County Commissioner)
 - i. Rewriting bylaws to focus on representation ... finished earlier today (10/28).
 - ii. Concept Plan: establish five subareas, each sub-area would have its own advisory board and each sub-area gets two representatives to the NCPRD District Advisory Committee. See attached map.
 - iii. OGCC voted to provide letter of support for the proposed concept.
 - e. Incorporation Governance and Economics Study – Metro has awarded the grant – see article in Clackamas Review – direct input from community is solicited; email comments and topics to oaklodgegovernance@gmail.com
4. October 30, 2020 – OLWSD Communications Task Force (virtual meeting)
 - a. Reviewed and edited draft presentation for public information/outreach re: OLWSD
5. November 4, 2020 – OLWSD Finance Committee (virtual meeting)
 - a. Discussed planning process and rating strategies for OLWSD capital projects

Meetings Scheduled for the Next Month

1. November 17, 2020 – OLWS Board meeting
2. November 19, 2020 – Business Oregon Critical Infrastructure Roundtable
3. December 4, 2020 – Oregon Infrastructure Finance Authority Board meeting
4. December 9, 2020 – Regional Water Providers Consortium Executive Committee meeting

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**Regular Council Business Meeting
October 28, 2020
Agenda**

6:50 - 7:00: Connect to Zoom

7:00 Welcome, Introductions, and Officer reports

- September 23rd Meeting minutes + membership update
- Treasurer's update
- Upcoming OGCC Board Elections

7:10 Program:

- Long Range Planning project requests
 - *Joseph Edge, Chair, OGCC*
- Park Avenue Community Project update
 - *Valerie Chapman, Vice Chair, OGCC*
- North Clackamas Parks & Recreation District community representation update
 - *Paul Savas, Clackamas County Commissioner*

8:00 Committee updates

- CPO Summit
- Concord Site and Library Task Force

8:10 Schedule review:

- Future OGCC Meetings - 7 pm at Zoom:
Dec 2*, Jan 27
- Future OGCC Board Meetings - 6:45 pm at Zoom:
Nov 2, Jan 4

8:15 Adjourn

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Business from the Board
Paul Gornick's Meeting Reports
October-November 2020

October 28, 2020 - Sunrise Water Board Meeting (remote meeting)

- A relatively short board meeting, with changes to the board meeting dates for the next two months – November 18th and December 16th.
- An executive session followed to discuss pending litigation and GM performance review and compensation.
- One item on consent agenda was the meeting notes from board work session on September 9th, which covered their 20-year CIP, rate planning, and possible borrowing from the state for the new administration/operations facility. I've included a copy of those meeting notes for your information.

November 5, 2020 – C4 Meeting (remote meeting)

- Travis Brouwer of ODOT did a presentation on development of the 20204-2027 State Transportation Improvement Plan (STIP), including a link to the online open house, which will allow comments through November 16th. There are five scenarios for allocating funds in seven categories. All scenarios have the same allocation for local programs, ADA curb ramp, and “other functions” (which include data collection, planning, and administrative functions). The scenarios had varied allocations for the four categories of Fix-It (maintenance), Enhance Highway, Safety, and Non-Highway (bike/ped. Public transportation). The discussion pointed out that many projects (including some in the failed Metro T2020 measure) fit more than one category.
- C4 Committee approved a letter recommending the Region 1 Advisory Committee on Transportation focus on the scenarios titled “Enhance” and “Non-Highway/Safety”, which, while somewhat nebulous, appear to allocate more funding to projects that are a higher priority to C4 members.
- Kristina Babcock, Transit Coordinator for Clackamas County, did a short presentation of updates on the State Transportation Improvement Fund (STIF). She provided a memo of the transit projects completed or underway in the current biennium, and those planned for the 2022-2023 biennium. The STIF funding flows from HB2017, and in Clackamas County goes to: Trimet, Canby Area Transit, South Clackamas Transit District (Molalla), South Metro Area Regional Transit (Wilsonville), and Sandy Area Metro.
- For details of the C4 meeting packet and PowerPoint slides, see this link: <https://dochub.clackamas.us/documents/drupal/adcc5179-d341-4d17-b8a0-8e42fe9af1dd>



M I N U T E S

A Work Session of the Sunrise Water Authority Board of Commissioners was held on **Wednesday, September 9, 2020 at 6:00 PM**. The meeting was held remotely, by teleconference through RingCentral.

Board Present: Chris Hawes, Chair; Andy Coate, Vice Chair; Kevin Bailey, Secretary; Gary Barth; Kevin O'Meara

Board Absent: Wayne Barstow

Staff Present: Wade Hathhorn, General Manager; Denise Bergstrom, Finance Director

Visitors Present: None

1. DISCUSSION OF FINANCING THE 20 YEAR CAPITAL IMPROVEMENT PLAN

Hathhorn prefaced the session with the note that central topic is a detailed discussion of the “pay as we go” principle. This idea is founded on a capital financing strategy that relies on “sufficient cash reserves” within the General Fund and a series of interfund (internal) loans to (and repayment from) the Construction Fund (or System Development Charges).

Hathhorn began the discussion by noting that as of June 30, 2020, Sunrise had about \$9M of cash on hand in the General Fund, along with \$16.1M in an interfund loan to the Construction Fund (SDCs). Moreover, about \$6-7M of this “cash” should be reserved for on-going operations (including repairs). Over in the Construction Fund, there were about \$7M in reserve, with about \$5.2M of “projects” scheduled to be paid by those reserves including the balance of the existing bond (\$4.2M) and remainder of Reservoir 11 (\$1M).

The point of all this being that the agency had just completed its first round of internal financing of major capital with the anticipated completion of Reservoir 11, pump station 15, bond payments, and other projects. The consequence of this, however, was a \$16.1 million interfund loan to the Construction Fund, which could only be paid back through the collection of future SDCs. Current numbers (and short-term projections), however, indicate that (we) Sunrise could expect \$3-4M of SDCs on an annual basis. Hence, an anticipated payback period between 4-6 years.

Hathhorn went onto to explain that this back and forth between borrowing and repayment based on SDCs (as planned) also comes with a significant impact on infrastructure, particularly storage. Hathhorn then explained a detailed analysis of existing and future demand and its impact on storage. Upon completion of Reservoir 11, the system was essentially at capacity (including unused storage from Reservoir 10). This conclusion, however, is predicated on the “technical” requirements assigned to “emergency storage.” Moreover, future service connections (ERUs) would begin to “borrow” against these storage reserves but that the “system” could “manage” by reducing the “desired” water volume in the event of emergency. Based on the numbers, every 1,000 additional (future) ERUs would reduce “effective” emergency storage by 0.6 million gallons. Hence, 3-4,000 future connections would reduce “effective” emergency storage around 2 to 2.5 MG – this “translates” to a reduction in available emergency storage from 2 days (by present design standards) to 1 day in the future. At approximately \$10,000 per ERU (current SDC rate per connection), Hathhorn explained these numbers translate to \$30-40 million dollars. Hathhorn went on to explain the only way to continue forward in this “pay as we go” strategy was to rely on that “borrowed infrastructure” to allow for sufficient time to collect future SDCs. Barth asked about whether this

represents any change in approach from prior boards. Hathhorn explained that all this was new and that this Board was the first to “see how” this strategy really works. Coate summarized his understanding by noting that we appear to be borrowing against 50% of our storage to generate \$30 million, operating on the assumption that facilities are fully operational. Hathhorn confirmed that summary, with the proviso that these numbers only apply in the worst case, with multiple pumping facilities off-line at the same time. Hathhorn then asked the Board to keep in mind this number of 3-4,000 new connections. (Hathhorn handed out an overview of the “borrowed” storage analysis. A copy is attached).

Hathhorn included a side discussion to explain that future rates were not designed to create significant additional cash reserves. Rather, the “numbers” included in the rate increase proposed in January were designed to accommodate existing and projected operational requirements; though there were possible reserves in those numbers to accommodate the addition of a modest future “debt service” – such as the State’s (Business Oregon) \$10M (30-year) loan presented in concept at the previous Board meeting in August. (Hathhorn presented a basic projection of rate revenue versus budgeted requirements through 2030. The state’s loan is shown as SPWF debt service or Special Public Works Fund loan. A copy of that financial projection is attached).

Hathhorn returned to the discussion of the future of the “pay as we go” strategy, indicating that the next major milestone would be the construction of Reservoir 12. He went on to say that this “may be the greatest challenge” this Board would face with regards to the Board’s desire not to take on significant future debt. Moreover, current estimates suggest the construction of Reservoir 12 will (nominally) require \$30-33M (Hathhorn handed out a copy of the related capital improvement plan. A copy is attached). Hathhorn then reminded the Board of the earlier discussion of “borrowed infrastructure” and the need for 3-4,000 new connections (ERUs) to pay for the future. At approximately \$10,000 per ERU (current SDC rate per connection), Hathhorn again explained these numbers translate to \$30-40 million dollars. Hathhorn went on to note the “financial strategy” was further encumbered by the unanticipated cost of the new facility – roughly (at least) \$10M – and that this money would also have to come from General Fund reserves. Hathhorn went on to present a summary of the expected impact on cash reserves if the loan was not approved (a copy of that summary is attached).

Hathhorn stated that if the new facility is constructed with cash, there would essentially be no funds available for projects. Barth asked if the administrative facility was included in the CIP list provided at the start of the meeting. Hathhorn stated that it wasn’t and also that construction wasn’t anticipated to be anywhere near as expensive as now estimated. Hathhorn explained that prior plans generally relied on the sale of the remainder parcel to generate at least half of the needed funds for the new facility and that total construction costs were estimated at half of the present estimate. Hawes noted that there is still the possibility to pay for a portion of the expense with the property but it might just take a few years of appreciation to get there. Hathhorn said that having the state’s loan keeps cash available to continue to pay for future planned capital, which allows us to schedule projects rather than having to wait around for SDC’s to accumulate. Moreover, without that loan, we (Sunrise) would be forced to construct infrastructure in smaller segments as sufficient SDC’s were accumulated. The “opportunity cost” of taking the loan is \$2.4 million of interest over the life of the loan. Several Board members asked if the facility could be constructed with SDC funds. Hathhorn noted the facility was not eligible for SDC funding, by law. Reimbursement SDC’s or rates would be the only source of revenue to fund the construction of the facility.

Barth then asked when the Board first knew of the present cost of the new facility. Hathhorn said that the first time was part of the preliminary numbers from the (MWA) study last year. Barth explained that he is trying to balance in his mind the “gotta have’s” versus the “nice to have’s” in relation to available funds and projects. Hathhorn conceded that “on paper” reservoir (12) might appear a priority, but he reminded the Board that the existing facility is not only a safety hazard but also a severe limitation on our operations. Hawes noted that we have out-grown our current facility and that new facility will need to be done sooner or later. Hawes also noted that the longer we wait the more it’s going to cost. Barth expressed a concern that the new facility had not been included on the capital list and that unexpected demand for cash could have been avoided. Hathhorn noted that he is not advocating for the state’s loan as a requirement, rather as a reasonable strategy option to avoid depleting existing cash reserves. and that after his analysis he feels like it is possible to move forward without the loan, however without it there are less tools available for him as he, and his successor, navigate the implementation of the CIP going forward. The opportunity is here now to gain access to funds at remarkably low rates.

Coate commented that he had been caught off guard by the \$10 million unplanned expenditure. He discussed how this impacts rate payers, as in, will it create additional rate increases. He also wondered if the facility needs to cost as much as projected, while also recognizing the present opportunity to obtain low cost financing. Coate asked about the time frame of the loan program. Bergstrom said that the concern at the state is that the lottery funds used for this program may not be available after the end of the year. Barth suggested that getting a more refined cost estimate was needed, along with further discussion of the timing of the loan program. There was discussion about the 20-year loan costs versus 30-year.

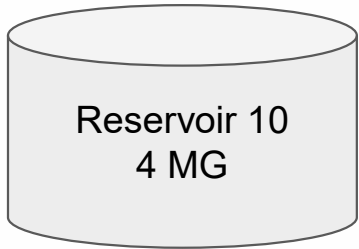
The general wrap up conversation centered around the timing for the infrastructure projects and the administrative facilities in relation to the anticipated revenue flows. Coate asked if the conversations around the rate plan relied on excess revenue to be the funding source for the building. Hathhorn stated that it did, but it didn’t anticipate the expense to be in the \$10 million range. Hawes noted that we don’t have a firm cost estimate, that it could go higher or lower. O’Meara noted that there appears to be a very narrow window on timing to get better building numbers and the end of the year.

He also noted that when the rate profiles have been presented over the past few years, it was never advocated that rates be adjusted to accommodate the construction of the facility, but only to accumulate funds for renewal and replacement and projects.

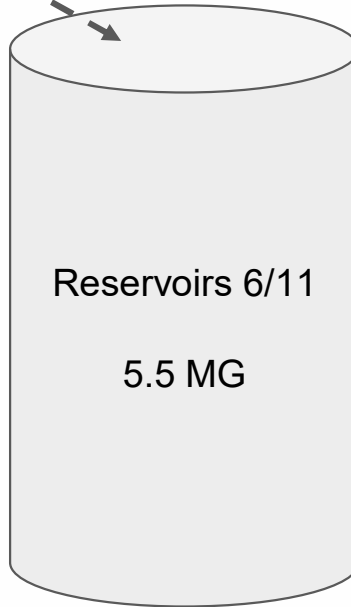
The Board contemplated that another work session on this topic may be necessary as the timing on the loan program becomes known and as better cost estimates become available. It was suggested that if it is possible it would be the preference to have it by the October meeting.

CHRIS HAWES, CHAIR

KEVIN BAILEY, SECRETARY



"Borrow" 1.5 MG



Emergency Storage: 2.3 - 2.8 MG

Operational Storage: 1 - 1.5 MG

Fire: 1.2 MG

Dead Storage: 0.5 MG



Storage Analysis

Target Emergency Storage
Currently 7,000 ERUs
X 600 gal per ERU (Target*)
= 4.2 MG

Available Emergency Storage
2.3 - 2.8 MG
+ 1.5 MG Borrow Res 10
= 3.8 - 4.3 MG (nominal)

Every future 1,000 ERUs will
reduce available storage by
0.6 MG

"Credit" 1.2 MG



Pump Capacity

Operations Net Revenue- 5% Rate Hike in 2020
M&S held to 3.5% annual increase

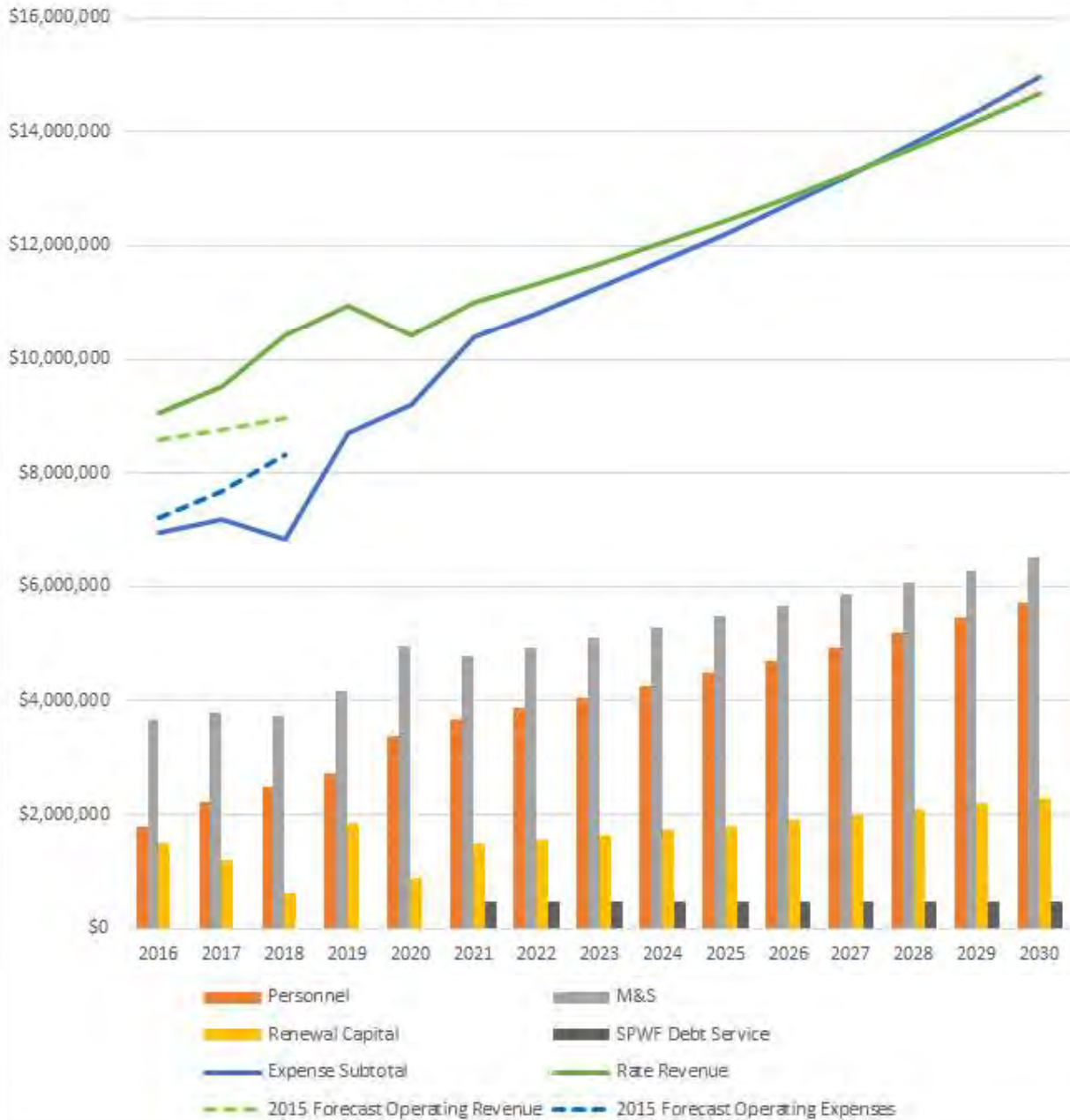


Table 4
20-Year Capital Improvement Plan

Improvement Projects			Period				
			2018-2020	2021-2025	2026-2030	2031-2035	Beyond
ERUs Added			1500	2750	3000	2750	
Storage	Notes	Capacity					
Reservoir 11	Add to 610 Zone	3 MG	\$7,500				
152nd Reservoir	Share with CRW	2 MG	\$5,000				
Reservoir 12 (plus land)	Add to 610 Zone	4 MG	\$1,000		\$11,000		
Sunridge (50% Replace)	Replace/Expand	3 MG				\$3,750	
Subtotals			\$13,500	\$0	\$11,000	\$3,750	\$0
Aquifer Storage & Recovery	Notes	Capacity					
ASR 2	New ASR Well	1000 gpm	\$2,500				
ASR 3	New ASR Well	1000 gpm		\$2,500			
ASR 4	New ASR Well	1000 gpm			\$2,500		
Subtotals			\$2,500	\$2,500	\$2,500	\$0	\$0
Non-Potable (Purple Pipe) System	Notes	Capacity					
Storage		1 MG		\$1,500			
Pumping		1500 gpm		\$1,500			
Transmission		10,000 @ 12"		\$2,500			
Subtotals			\$0	\$5,500	\$0	\$0	\$0
Pumping	Notes	Capacity					
PS 152nd	1200 hp	7000 gpm		\$3,000			
PS Vogel (w/ Res. 12)	1200 hp	7000 gpm			\$3,000		
PS 15 (Back up power + Pump)	Add Pump 3		\$300	\$150			
PS 16 (Fire Support Zone 8)	50 hp	600 gpm	\$350				
Subtotals			\$650	\$3,150	\$3,000	\$0	\$0
Transmission	Notes	Capacity					
172nd Hemrick to County Line	5,000 ft	18"	\$1,500				
CRW WTP to 152nd Reservoir	17,500 ft	30"		\$3,000	\$3,250		
Hwy 212: 152nd to 162nd	4800 ft	24"		\$1,680			
Hwy 212: 162nd to 172nd	3000 ft	18"		\$900			
162nd: Hwy 212 to Sunnyside	5800 ft	18"		\$1,750			
Sunnyside: 147th to 172nd	7,000 ft	18"			\$2,000		
172nd: Sunnyside to Vogel	900 ft	18"			\$275		
Vogel: 172nd to Reservoir 12	4,800 ft	24"			\$1,680		
Foster: Vogel PS to Hwy 212	7,500 ft	18"				\$2,250	
Hwy 212: Foster to Sunridge	6,100 ft	24"				\$2,150	
System Looping	15,000 ft	12"	\$750	\$1,000	\$1,000	\$1,000	
Subtotals			\$2,250	\$8,330	\$8,205	\$5,400	\$0
Treatment	Notes	Capacity					
Expand CRW (Pre-Design)	Add New Capacity	5-10 MGD				\$2,500	\$30,000
Add NCCWC Membranes	Add New Capacity	2 MGD				\$1,000	
Subtotals			\$0	\$0	\$0	\$3,500	\$30,000
Other	Notes						
Update CIP			\$0	\$150	\$150	\$150	
Subtotals			\$0	\$150	\$150	\$150	
Totals			\$18,900	\$19,630	\$24,855	\$12,800	\$30,000

Financing Reservoir 12

2020-2030 (Ten Years)

As of June 30, 2020:

General Fund

Cash on Hand: \$9M

Reserve for Ops/Repairs: \$6-8M (180 days + 2M capital)

Net Available Cash: \$1-2M

Interfund Load: \$16.5M (Equivalent to 1650 ERUs)

SDC Fund

Balance: \$7.2M

Remaining Debt Service (Bond): \$4.2M

Remaining Reservoir 11: \$1M

Net SDC Reserve: \$2M

Future SDCs: \$30M (3000 ERUs)

Total Available Future Funds: \$33-34M (GF cash + SDCs)

Cost of Reservoir 12: \$30M

Cost of New Facility: \$10M (\$6-7M not covered by current GF cash or future SDCs)

Option 1: No SPWF Loan	Option 2: SPWF Loan
Deplete Excess Cash Reserves (Beginning) Likely to Gain Additional Net Revenue \$5M Extend Payment by adding 500 additional ERUs on Existing Storage \$5M	Preserve Excess Cash Reserves (Beginning) Don't Gain Additional Net Revenue Pay Loan Balance Post Res. 12 (\$8 M)
Interfund Loan Remains at \$16.5M (Paid by 1650 ERUs Post Res. 12) Raise SDCs Now*	