

# **Clean Water Services**

## **Clean Water Advisory Commission**

### **Meeting Notes**

April 13, 2016

#### **Attendance**

The meeting was attended by Commission Chair Tony Weller (Builder/Developer), Commission Vice Chair Mike McKillip (District 3-Rogers), and Commission members Alan DeHarpport (Builder/Developer), Lori Hennings (Environmental), John Jackson (Agriculture), Art Larrance (At-Large-Duyck), Judy Olsen (Agriculture), Erin Poor (District 1-Schouten), and David Waffle (Cities), and Clean Water Services District General Manager Bill Gaffi.

Commission members Molly Brown (District 2-Malinowski), Erin Holmes (Environmental), Richard Vial (District 4-Terry), and Stephanie Shanley (Business) did not attend the meeting.

The meeting was also attended by Nacia Bonilla (Metropolitan Land Group).

In attendance from Clean Water Services were Andy Braun (Engineering Services Division Manager), Nora Curtis (Conveyance Department Director), Don Januik (Line Maintenance Unit Supervisor, Field Operations), Kathy Leader (Finance Manager), Jerry Linder (General Counsel), Ely O'Connor (Outreach and Education, Public Affairs), Mark Poling (Business Services Director), Ryan Sandhu (Field Operations Division Manager), and Sheri Wantland (Public Involvement Coordinator).

#### **1. Call to Order**

Mr. Weller called the meeting to order at 6:35 PM in the conference room at the Clean Water Services Administration Building.

#### **2. Review of Meeting Notes from February 10, 2016**

There were no comments regarding the Meeting Notes from February 10, 2016.

#### **3. Budget Committee Nominations**

At the February 10 meeting, Ms. Holmes, Ms. Poor, Mr. Weller and Mr. Vial expressed interest in serving on the Budget Committee. Following past practice, the Commission recommended Ms. Poor and Mr. Weller to the Board for appointment, considering Mr. Vial ineligible as he does not live within the Clean Water Services District boundaries, and asking staff to note Ms. Holmes's interest for a future year.

Since that meeting, the State rules governing special service districts have been reviewed and an updated interpretation allows that Budget Committee members must reside within the service district *or* reside in Washington County. In addition, while the Commission

has always recommended to the Board of Directors the same number of members for appointment to the Budget Committee as there are open positions, the rules allow for forwarding several names and leaving the final selection to the Board.

Mr. Waffle moved to re-open the nomination process for Budget Committee members. Ms. Olsen seconded. Motion passed.

Mr. DeHarpport moved to forward four names to the Board for consideration and appointment of two to the Budget Committee: Erin Holmes, Erin Poor, Rich Vial, and Tony Weller. Judy Olsen seconded. Motion passed.

#### **4. Leaf Program**

Mr. Sandhu provided an overview of the Clean Water Services Leaf Program as background for future Commission discussions (*presentation attached*). The Board of Directors has committed to reviewing the Leaf Program before the 2017-18 budget is set and will likely charge the Commission with helping to develop recommendations.

The Leaf Program began in 1990 as Clean Water Services (known as USA, or Unified Sewerage Agency, at that time) took over responsibility for stormwater management and noted a significant number of calls regarding catch basins blocked with leaves. In general, leaves are the responsibility of the property owner, but in certain areas with less robust storm drainage systems where heavy leaf volumes cause back-ups and flooding, it was proactive to provide leaf collection. It was also felt that leaf removal would help with stormwater water quality issues. In some areas, leaves are scooped up from curbed streets and hauled away. In other areas, residents can bring their leaves to collection sites, where they can also donate grocery items to the Oregon Food Bank. The Leaf Program is available to about 14% of the wastewater/stormwater customers served directly by Clean Water Services.

The Leaf Program is conducted by members of the line cleaning crew and the total hours required during the approximately six to eight weeks the program is in operation are equivalent to about 1.5 full-time year-round staff. Last year nearly 55,000 cubic yards of leaves were collected, hauled to a storage site for the winter, and spread as agricultural mulch this spring. Clean Water Services contracts with West Union Gardens to accept the leaves. Clean Water Services staff runs the drop-off events, collects and hauls leaves from the street, maintains the storage pile, and spreads the mulch. The total annual cost for the Leaf Program is about \$290,000. For comparison, the year-round sanitary sewer line cleaning program requires about 3.0 FTE and costs \$560,000 annually. Mr. Sandhu noted that leaf collection is not required by the Clean Water Services District's NPDES (National Pollution Discharge Elimination System) permit.

Mr. Sandhu also described leaf programs operated by Clean Water Services partner cities and by other municipalities around Oregon, each one unique.

Ms. Curtis said staff would provide additional information for future discussions of whether/how Clean Water Services should modify the Leaf Program.

Questions and comments regarding the Leaf Program can be found in Appendix A.

### **5. Reimbursement District Update**

Mr. Braun shared progress on updating Clean Water Services Ordinance 41, which addresses Reimbursement Districts (*presentation attached*). As described during the last meeting, a Reimbursement District can be formed as a way for developers or Clean Water Services to recover the extra costs incurred when they must install infrastructure which will not only serve their own project but will also benefit the future development of nearby properties. Ordinance 41 as adopted in 2014 does not lend itself to unusual situations or complex projects such as the sanitary sewer trunk line in the North Bethany area and anticipated similar work in several other areas.

Since the last meeting, Clean Water Services staff members have so far met twice with a task force of developer and homebuilder representatives to identify situations where Ordinance 41 does not allow a reasonable approach, identify administrative difficulties set up by the language in the existing Ordinance 41, and consider developer concerns about how Ordinance 41 applies to various projects. The goal is to adopt language that captures the appropriate guidelines while allowing for flexible application.

Mr. Braun shared examples of unclear language and overlapping reimbursement options that were discussed by the group. He described a hypothetical area with different developers for multiple parcels and outlined three scenarios for applying a reimbursement district. The three primary aspects of reimbursement district eligibility are 1) oversizing (in some cases this would mean a 12-inch pipe or larger instead of an 8-inch pipe), 2) the difference in cost between a prevailing-wage project and a non-prevailing-wage project (this difference could be considered an extraordinary cost), and 3) other extraordinary costs such as soil or terrain issues, which will vary by project. Mr. Braun also described some issues that could come up in the future, such as overlapping reimbursement options and conflicting preferences. The revised Ordinance 41 will need to account for those, too.

The task force will meet at least one more time before bringing any proposed language back to the Commission for review.

Questions and comments regarding the Ordinance 41 Reimbursement District Update can be found in Appendix B.

### **6. Announcements**

Ms. Wantland encouraged all to visit the new Tualatin Basin Water Supply Project website. A link to the website has been emailed to Commission members.

The next Commission meeting is scheduled for May 11, 2016.

Related to the Tualatin Basin Water Supply Project, Mr. Weller asked if there were any updates regarding funding for Scoggins Dam (seismic upgrades and expansion of Hagg

Lake capacity). Mr. Gaffi said that since an update about the latest reauthorization was emailed to Commission members earlier this spring, it has been clarified that the downstream dam option (construction of a new dam to current seismic standards, in a narrower opening downstream from the existing dam) could be pursued if it is identified as the preferred alternative.

Mr. Jackson wondered about the effect of weeds on the plantings at the Fernhill Wetlands natural treatment systems project and suggested a status report on the intended vegetation vs. actual vegetation in the next year or so, once the plantings have become better established.

## **7. Adjournment**

Mr. Weller adjourned the meeting at 8:18 PM.

*(Meeting notes prepared by Sue Baumgartner)*

**Appendix A**  
**Clean Water Services Advisory Commission Meeting Notes**  
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Questions and comments regarding the Leaf Program:

1. Did the County operate a Leaf Program before USA (Clean Water Services) became responsible for stormwater management?
  - a. Washington County responded to flooding complaints from clogged drains, but did not do any ongoing leaf removal.
  
2. Has Clean Water Services considered hauling the leaves someplace (Grimm's, for example) that would process them into mulch; the leaves would be someone else's responsibility immediately and there would be no further staff time/costs.
  - a. Haven't looked into other options because of the existing arrangement, but we do need to be looking for options should that property ownership or management change.
  - b. Grimm's and similar operations do charge tipping fees.
  
3. How have changes in curbed areas and tree canopy, such as trees maturing in neighborhoods and new trees being planted in existing neighborhoods, affected the Leaf Program?
  - a. Boundaries of the pick-up areas have not been changed significantly in the past 15-20 years, though there have certainly been new areas developed.
  - b. Newer areas generally have less need for Leaf Program as they have better stormwater systems and there are fewer leaves anyway because the trees are smaller, but as those newer neighborhoods age, more leaves would be produced so that would be something to look at.
  
4. Have locations been evaluated for effectiveness of the Leaf Program?
  - a. Have not done much formal evaluation of the leaf program.
  - b. Would be interesting to compare leaf cover and service calls in given areas.
  
5. What is the difference in leaf production inside and outside the boundaries of the collection areas?
  - a. Have observed that there are not always fewer leaves outside the boundaries.
  
6. Metro has a new map from LIDAR data showing conifer and deciduous canopy, which might be helpful in identifying areas with potential need for service.
  - a. Mr. Sandhu will find out more about the LIDAR map from Metro.

7. A GIS survey might help identify slopes to drains, areas with high tree cover, and other factors which could be used to help predict needs and costs for serving various areas.
  - a. Would be interesting to see if there are areas not being served where leaf production is heavier, existing stormwater system is worse, there is less curbing, etc. than in areas that are currently being served.
8. Clean Water Services should have some rationale for where the Leaf Program boundaries are placed.
9. Does the Leaf Program occur at a time of year that provides the most benefit for water quality?
  - a. Fall rains can wash the summer accumulation of toxics into the stormwater system, so collecting leaves can help remove some of that.
  - b. Water quality is probably not the most important benefit from the leaf program; leaf collection is not listed as a BMP (best management practice) in the SWMP, but is a performance standard and cities can design whatever approach best fits their needs.
  - c. While leaf collection could keep some toxics out of the stormwater, fall is also the time when there is increasing stream flow to dilute and carry away pollutants.
  - d. Year-round (monthly) street sweeping IS included as an NPDES permit-required BMP in the SWMP.
10. Is Clean Water Services interested in expanding the Leaf Program?
  - a. Would be incredibly expensive to expand it in its current form, where some regular operations are suspended for a short time to do leaf collection. Pulling more resources away would jeopardize ability to meet other performance standards, and could not justify having dedicated staff for such a seasonal task.
  - b. There could be other ways to expand or alter service.
    - i. Drop curbside collection but do additional drop sites/events
    - ii. Increase the service area and charge everyone in the area a small fee
11. What if the Leaf Program was discontinued?
  - a. Would probably get more flooding complaints but staff would still respond to those and would still do pre-emptive “storm patrols.”
  - b. Would probably have significant backlash from existing customers.
12. Flood protection is important—would have to be very responsive to those calls.
  - a. City and Clean Water Services staff know the usual problem spots and get out to those areas when heavy rain is forecast.
13. The Leaf Program is a very visible service, but there are many other arguably more important stormwater practices that nobody sees.

**Appendix B**  
**Clean Water Services Advisory Commission Meeting Notes**  
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Questions and comments regarding the Reimbursement District Ordinance:

1. Similar SDC (System Development Charge)-based reimbursement programs, such as the TDT (Transit Development Tax), are not contingent on a prevailing wage requirement.
  - a. That came up in the first meeting and the cost implications are a big issue for everyone.
  - b. Staff will research logistics—must be lawful as well as economical.
  - c. SDCs and TDTs are two different animals.
2. The idea of reimbursement districts is not to change the costs for anyone or to change the overall cost, but to not have anyone bear more cost than they otherwise would have for their specific development.
3. Wouldn't Scenarios #2 and #3 increase Clean Water Services costs?
  - a. Yes, the reimbursements would reduce income from SDCs, but that would be somewhat offset because fewer projects (12-inch lines or larger) would be reimbursement-eligible.
  - b. Your SDCs would have to reflect those reimbursements for extraordinary costs.
4. Interesting to note that the net SDC coming in to Clean Water Services would be the same in Scenarios #2 and #3, even though the total project cost in Scenario #2 would be greater.
5. Important to remember that perhaps 99% of sewer line projects are not going to involve any form of reimbursement. North Bethany is extraordinary in that the pipe has to be laid so deep, so while it makes sense to have a reimbursement process for such situations, not very many are going to occur.
6. Where there are overlapping reimbursement options or multiple sources, developers should have to make a choice, not be able to take advantage of both/all.
  - a. Cost-sharing preference must be declared prior to the project but right now the private project reimbursement option allows the developer to request it up to a year after project completion, so that is something to think about.
7. It is tricky to keep things fair for everyone—developers and builders, homebuyers, ratepayers—and with that in mind there may need to be some criteria established for selecting reimbursement options.