



**AGENDA
CLEAN WATER SERVICES
BOARD OF DIRECTORS**

Agenda Category: Public Hearing All CPOs

Agenda Title: **HOLD A PUBLIC HEARING AND ADOPT REVISED DESIGN AND CONSTRUCTION STANDARDS**

Presented by: Bill Gaffi, General Manager (dwr)

SUMMARY

Clean Water Services (District) has completed revisions to its Design and Construction Standards (Standards). These regulations, which set the minimum standards for construction of components of the sanitary sewer and storm and surface water management systems within the District's boundary, are adopted pursuant to Ordinance 27. The District's last comprehensive update to the content of its Standards occurred in April 2007, with the adoption of Resolution and Order (R&O) 07-20. Additional minor revisions were made in 2008 with the adoption of R&O 08-28 and in 2009 with the adoption of R&O 09-25.

(Continued)

Attachments: Resolution and Order
Phase 1 Update to Design and Construction Standards

REQUESTED ACTION

Hold a public hearing on the proposed Design and Construction Standards, and after considering any testimony received, adopt the revised Standards.

(A copy of the Design and Construction Standards is available at the Clerk's desk.)

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Date:	03/28/17

HOLD A PUBLIC HEARING AND ADOPT REVISED DESIGN AND CONSTRUCTION STANDARDS

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The proposed changes include revisions necessary to meet the requirements of the District's new National Pollutant Discharge Elimination System Watershed-Based Permit (NPDES Permit), particularly as they relate to providing stormwater treatment for projects disturbing 1,000 square feet or more and to the prioritization of Low Impact Development Approaches (LIDA) on development sites. Proposed changes also address how treatment will be approached on redevelopment sites and include minor revisions to address new technology in the standard details, erosion control, and pump stations sections, and minor housekeeping changes throughout the document.

The District's NPDES Permit requires that the new Standards be adopted and effective by April 22, 2017, which is the first anniversary of the issuance of the NPDES Permit. The Standards will become effective for new applications received on or after April 22, 2017.

A comprehensive public involvement process was completed to review the proposed changes. Notices of meetings and interim drafts of the proposed changes were sent to a list of over 350 stakeholders from the development, builder, engineering, and environmental communities, as well as the County and City co-implementers, Tualatin Hills Park and Recreation District, and Community Participation Organization representatives. Background papers, draft changes, Clean Water Services Advisory Commission (CWAC) presentations, public comments and supporting documents were posted on the Clean Water Services website as they became available. Three presentations were made to CWAC. A separate email account (dncupdate@cleanwaterservices.org) was established to receive comments and feedback. Written comments were received from 17 entities, a number of whom submitted multiple comments. Approximately 80 people attended three public meetings held in September 2016, October 2016 and January 2017.

Notice of the final language proposal and this public hearing was published in local newspapers and individually sent to involved stakeholders during the week of March 20, 2017.

An overview of the proposed changes to the current Standards is attached. Copies of the complete text of the proposed revised Standards is available at the Clerk's desk and on the District's website at www.cleanwaterservices.org.

PHASE 1 UPDATE TO DESIGN AND CONSTRUCTION STANDARDS

Overview of Changes by Chapter

As part of the Phase 1 Design and Construction Standards Update, Clean Water Services (District) has drafted proposed changes that incorporate new NPDES permit requirements and reflect new technologies, approaches and development patterns. Specific changes are summarized by chapter below and described in detail by Reader Notes in each chapter.

Chapter 1, General Requirements and Administrative Provisions

- Add and revise definitions to comply with new permit conditions and maintain consistency.
- Add definitions for the following terms: Modified, Water Quality or Quantity Approaches, Water Quality or Quantity Facilities.
- Revise definitions for the following terms: Impervious Surface, Low Impact Development Approaches and Redevelopment.

Chapter 2, Administrative Procedures

- Add submittal requirements and approval criteria for development on single family and duplex existing lots of record and connection permits for model homes.
- Simplify the parameters used to determine when an erosion control permit is not required.
- Incorporate general housekeeping updates to reflect current practices and submittal requirements that facilitate District and City plan reviews.

Chapter 3, Sensitive Areas and Vegetated Corridors

- No changes proposed

Chapter 4, Runoff Treatment and Control

- New permit conditions require treatment for all development that creates or replaces 1,000 square feet or greater of impervious surface and prioritization of low impact development approaches (also known as green infrastructure). The changes to Chapter 4 incorporate the District's proposed approach to comply with this permit requirement.
- Based on stakeholder input, the proposed changes include revisions to the redevelopment requirements.
- General "housekeeping" changes include changing the term "facility" to "approach" for specific water quality and quantity types.

Chapter 5, Conveyance Systems

- No changes proposed

Chapter 6, Erosion Prevention and Sediment Control

- Provide a reference to the 1200-CN permit, in addition to the 1200-C permit.
- Add new Sediment Control BMPs for work in and near sensitive areas and a reference to a new manual currently being developed specific to erosion control for development in and near sensitive areas.
- Add a new requirement for Supplemental Plans as BMPs in limited instances.
- Add criteria for the use of chitosan to treat construction site runoff.
- Remove outdated inspection frequencies.

Chapter 7, General Construction Specifications for Conveyance Systems

- No changes proposed

Chapter 8, Technical Specifications for Conveyance Systems

- No changes proposed

Chapter 9, Wastewater Pump Stations and Force Mains

- Updates to materials to reflect new technologies and approaches
- Replace the reference to Treatment Plant Services with Wastewater Treatment Department

Chapter 10, Septic Tank Effluent Pump (STEP) Systems

- No changes proposed

Appendix A, Planting Requirements

- No changes proposed

Appendix B, Standard Details

- Revisions to existing details and addition of new details to reflect existing practice and current construction techniques and materials.
- Drafting changes are made to all drawings with the exception of details that will be considered during the Phase 2 update. The drafting changes standardize the layout to improve legibility, including font and hatch patterns that indicate different materials.

1 **BEFORE THE BOARD OF DIRECTORS OF CLEAN WATER SERVICES**

2 In the Matter of Adopting Revisions to the)
3 Design and Construction Standards Pertaining)
4 to the Sanitary Sewerage and Storm and)
5 Surface Water Management Systems,)
6 Including Regulations for Erosion Control and)
7 Protection of Water Quality Sensitive Areas;)
8 Pursuant to Ordinance 27; Repealing)
9 Resolution and Order Nos. 07-20 and 08-28)
10 and 09-25

RESOLUTION AND ORDER

NO. _____

8 The above-entitled matter came before the Board of Directors of Clean Water Services
9 (Board) at its regular meeting of March 28, 2017; and

10 It appearing that this Board adopted Ordinance 27 pertaining to the use and operation of the
11 sanitary sewerage system and the storm and surface water management system throughout urban
12 Washington County; that this ordinance provides authority to adopt additional rules by resolution
13 and order pertaining to design and construction of public sanitary sewerage and storm and surface
14 water management facilities, erosion control, provision of permanent water quantity and quality
15 control facilities, regulation of activities affecting discharges of stormwater and nonpoint sources of
16 pollution for the protection of the Tualatin River, its tributaries and other waters of the state within
17 the Clean Water Services (District) boundary, requirements for permits for connection to the
18 sanitary and stormwater system and related matters; and

19 It appearing to the Board that the District is responsible for sanitary sewer service and storm
20 and surface water management throughout urban Washington County pursuant to Oregon Revised
21 Statutes (ORS) Chapter 451 and subject to the rules and orders of the state Department of
22 Environmental Quality, that the District is a permittee on the National Pollutant Discharge
23 Elimination System Permit (NPDES) Watershed-Based Waste Discharge Permit for all urban
24 Washington County, and that the District has adopted master plans for sanitary sewer and
25 management of storm and surface water throughout urban Washington County, as authorized by
26 ORS Chapter 451; and

1 It appearing to this Board that the District has entered into intergovernmental agreements
2 with Washington County (County) and the cities within the District’s boundaries primarily affected
3 by the District’s master plans to provide for an integrated system pursuant to the District’s master
4 plan for sanitary sewer and storm and surface water management, and that these agreements
5 provided that the cities and County will observe the orders promulgated by the District; and

6 It appearing to the Board that the Board, on April 17, 2007, adopted District Resolution and
7 Order No. 07-20, which repealed Resolution and Order No. 04-9 and adopted revisions to the
8 Design and Construction Standards pertaining to the sanitary sewerage and storm and surface water
9 management systems, including regulations for erosion control and protection of water quality
10 sensitive areas, pursuant to Ordinance 27; and,

11 It appearing to the Board that the Board, on August 5, 2008, adopted District Resolution and
12 Order 08-28 which amended provisions of Resolution and Order No. 07-20; and,

13 It appearing to the Board that the Board, on August 17, 2009, adopted District Resolution
14 and Order No. 09-25 which amended provisions of Resolution and Order No. 07-20; and,

15 It appearing the existing rules and regulations of the District contained in Resolution and
16 Order Nos. 07-20, 08-28 and 09-25 are in need of revision to maintain compliance with the
17 District’s NPDES permit to increase flexibility, to clarify current policy and procedure, to improve
18 consistency in implementation, and to reflect new technologies and requirements necessary to
19 ensure proper function of sanitary, storm water and surface water management facilities; and

20 It appearing to the Board that the revised Design and Construction Standards serve to reduce
21 the adverse effects to water quality and quantity of any construction or site alteration and will
22 further safeguard the public health and safety and the operations of the District’s sanitary and storm
23 and surface water systems, to aid the District in achieving compliance with the rules and
24 requirements of the Oregon Department of Environmental Quality, to coordinate the District’s
25 planning and actions with the comprehensive plans of the cities and County as those entities comply
26 with title 3 of Metro’s Urban Growth Management Functional Plan, and to further efforts to

1 improve the water quality of the Tualatin River and its tributaries; and

2 It appearing to the Board that the District has conducted an extensive outreach of public
3 information regarding the development and adoption of these rules, including meeting with
4 representatives of the cities within the District and with the County, and providing information and
5 copies of the proposed rules to those entities and members of the public; and

6 It appearing to the Board that the revised Design and Construction Standards (Standards)
7 were separately provided to the Board and a copy is available at the Clerk's desk; and

8 It appearing to the Board that it has conducted a public hearing regarding the adoption of
9 these Standards on this date in accordance with District Ordinance No. 27, Section 8 and that public
10 notice was given as required and interested persons were given an opportunity to appear and be
11 heard; and

12 It appearing to this Board that it is appropriate to adopt the Standards, that such Standards
13 are within the scope of District Ordinance No. 27 and are necessary to further the objectives of
14 District Ordinance No. 27, which include: enhancement and maintenance of the water quality of the
15 Tualatin River and its tributaries; compliance with state and federal permit and regulatory
16 requirements; promotion of the health, safety, and welfare of the community; and furtherance of the
17 objectives and purposes of the Federal Water Pollution Control Act 33 USC §§ 1251-1387; and the
18 Board being fully advised in the premises; now, therefore it is

19 RESOLVED AND ORDERED that the Standards are hereby adopted; and it is further

20 RESOLVED AND ORDERED that Resolution and Order Nos. 07-20, 08-28 and 09-25 are
21 hereby repealed, provided however that all permits issued, enforcement and other actions taken
22 pursuant to said Resolutions and Orders prior to the effective date of this resolution shall remain in
23 full force and effect; and it is further

24 RESOLVED AND ORDERED that the District or its designee shall review all development
25 plans and site assessments required by these Standards and specify in a certification letter to the city
26 or county responsible for land use review of the proposed development what conditions must be met

1 by the application in order for the District or its designee to issue a stormwater connection permit
2 pursuant to District Ordinance No. 27 and these Standards; and it is further

3 RESOLVED AND ORDERED that final stormwater connection permits shall be issued by
4 the District or its designee upon confirmation that the development approved through the land use
5 review or through other development permit process is consistent with the conditions required in the
6 certification letter or revisions thereto; and it is further

7 RESOLVED AND ORDERED that administration of the Standards may be delegated to
8 individual cities and to the counties as the District’s designees only pursuant to intergovernmental
9 agreements that specifically provide for such delegation; and it is further

10 RESOLVED AND ORDERED that the General Manager is hereby authorized and directed
11 to take such steps as are necessary to finalize the Standards, including but not limited to correcting
12 typographical errors, removing “Reader Notes”, and removing underline and strike-outs to produce
13 a final version that can be published and available to the public. These changes shall not affect the
14 substance of the Standards; and it is further

15 RESOLVED AND ORDERED that this Resolution and Order shall take effect for all
16 development and construction permit applications received on or after April 22, 2017, unless
17 specifically requested by applicants for development and construction permits with applications
18 currently in process. More specifically:

- 19 • New land use and building permit applications accepted by the land use authority on
20 or after April 22, 2017 must be accompanied by a Clean Water Services Service
21 Provider Letter dated on or after April 22, 2017 or one dated before April 22, 2017
22 which specifically references compliance with this Resolution and Order.
- 23 • Modifications to Service Provider Letters for land use or building permit applications
24 that were accepted by the land use authority before April 22, 2017 will be reviewed
25 and processed for compliance with the rules under which the Service Provider Letter
26 was originally issued.

- Construction drawings submitted for Site Development and/or Erosion Control Permits will be reviewed under this Resolution and Order if initially accepted by the District/City on or after April 22, 2017; earlier submittals will be reviewed under Resolutions and Order No. 07-20, as amended by Resolution and Order Nos. 08-28 and 09-25.

DATED this 28th day of March, 2017.

CLEAN WATER SERVICES
By its Board of Directors

Chairman

Recording Secretary