

DATE: May 4, 2020

TO: Clean Water Services Advisory Commission Members
and Interested Parties

FROM: Mark Jockers, Government & Public Affairs Director

**SUBJECT: REMINDER OF AND INFORMATION FOR MAY 13, 2020, CWAC
MEETING**

This is a reminder of the Clean Water Services Advisory Commission (CWAC) meeting scheduled for **Wednesday, May 13, 2020.**

In support of Governor Brown's Executive Order No. 20-12, entitled "Stay Home, Save Lives," CWS is making the following changes to the format of the May meeting:

- The meeting will be held virtually using the Webex platform.
 - Webex offers the option to connect to video, slides and audio via a device with internet access, or an audio-only connection through any telephone line.
 - Please watch for additional communications via email regarding connecting to the Webex.
- **The meeting will begin at 5:30 pm.** Please plan to establish your connection to the meeting 10-15 minutes before the start time to allow the meeting to begin promptly.
- Dinner will not be provided.

The CWAC meeting packet will be mailed to Commission members on Monday, May 4, and posted to the [CWAC section](#) of the Clean Water Services' website.

Please call or send an email to Stephanie Morrison (morrison@cleanwaterservices.org; 503.681.5143) by May 8 to advise about your availability for this meeting.

Enclosures in this packet include:

- May 13 Meeting Agenda
- March 11 Meeting Notes

Clean Water Services Advisory Commission

May 13, 2020

AGENDA

5:30 p.m. Welcome & Introductions

5:35 p.m. Review/Approval of Meeting Notes of March 11, 2020

5:40 p.m. Tracking the coronavirus in sewage

Scientists have long known that our wastewater tells a story about our health and how we live. Viruses, bacteria, pharmaceuticals and drugs are excreted from our bodies and can be tracked in wastewater. CWS is involved in two research projects to track evidence of the coronavirus in wastewater entering the District's four water resource recovery facilities. At a time when coronavirus testing is limited, these data can provide more ways for public health officials to track the virus; monitor the effectiveness of public health strategies; and provide an early warning on the presence of the virus in a community.

- Dr. Ken Williamson, Research & Innovation Director

Requested action: *Informational*

6:05 p.m. Pretreatment Ordinance Charge

In a follow-up to the March presentation regarding the CWS pretreatment ordinance, staff appeared before the CWS Board of Directors on March 31 and received a charge to work with CWAC for the public input process on a proposed update to the ordinance.

- Bob Baumgartner, Regulatory Affairs Director
- Joy Ramirez, Environmental Services Supervisor

Requested action: *Provide guidance on proposed public process*

6:45 p.m. Invitation for public comment

6:50 p.m. Announcements

Reminder: The Budget Committee Meeting is scheduled for June 5, 2020

7:00 p.m. Adjourn

Next Meeting: June 10, 2020

Clean Water Services Clean Water Advisory Commission

March 11, 2020

Meeting Notes

Attendance

Attending the meeting from CWAC:

- Tony Weller (Homebuilder-Developer), Commission Chair
- Mike McKillip (District 3/Rogers), Commission Vice Chair
- Molly Brown (District 2/Treece)
- Nafisa Fai (District 1/Schouten)
- Art Larrance (At-Large/Harrington)
- Terry Song (Business)
- Matt Wellner (Homebuilder-Developer)
- David Waffle (Cities/nonvoting)
- Diane Taniguchi-Dennis
(Clean Water Services Chief Executive Officer (nonvoting))

Absent:

- John Jackson (Agriculture)
- Stu Peterson (Business)
- Andy Duyck (District 4/Willey)
- Lori Hennings (Environmental)

Attending the meeting from Clean Water Services:

- Mark Jockers, Government & Public Affairs Director
- Gerald Linder, General Counsel
- Chris Faulkner, Water Resources Program Manager
- Bob Baumgartner, Regulatory Affairs Director
- Joy Ramirez, Environmental Services Supervisor
- Nora Curtis, Utility Operations & Services Managing Director
- Damon Reische, Planning & Development Services Division Manager
- Chris White, Public Involvement Coordinator
- Janelle St. Pierre, Water Resources Program Manager
- Stephanie Morrison, Office Manager
- Jody Newcomer, Technical Editor & Communications Specialist

Attending the meeting from the public:

- Dale Feik
- Mark Boguslawski, Project Engineer, City of Beaverton

1. Call to Order

Tony Weller called the meeting to order at 6:32 pm in the Tualatin Room at the Clean Water Services (CWS) Administration Building Complex in Hillsboro, Oregon.

2. Review/Approval of Meeting Notes

There were no comments regarding the notes from the meeting on January 8, 2020. The notes were approved.

3. Subbasin planning implementation and prioritization

- Chris Faulkner, Water Resources Program manager

Mr. Faulkner updated CWAC members on the prioritization method for subbasin planning. CWS staff is developing a framework for areas in the subbasin not already covered by a planning process. Expansion areas and urban reserves have processes in place. CWS is focusing on the other areas — those that are unspoken for — and divided the service area into approximately 35 planning basins.

Mr. Faulkner outlined the data being proposed for the process and the justification:

1. Hydromodification risk level
 - Threat to stream conditions due to hydromodification
2. Potential units
 - Future impervious cover
3. Existing impervious cover
 - Shows current stream stressors and the effects on water quality, habitat impacts, etc.
4. Rate of development
 - How potentially imminent is new impervious cover?

A waterway can be stressed by factors such as erosion or increased temperature. Factors such as development, an increase in impervious surface or additional runoff can cause biological stressors that can impair or threaten a waterway. A stream can be modified, which is an approach that is considered.

CWS is using the data from Metro — the buildable lands inventory — that was used last summer. Staff will filter data for each planning basin, divide results into quintiles, then score each quintile from 1 (low priority) to 5 (high priority).

In the initial stage of development, CWS is keeping the process as simple as possible. None of the data columns is weighted; some geographic factors are combined. The next steps will be more detailed.

CWS can plot hydromodification risk scores against land-use threat scores and use the total score to sequence planning and conduct second-tier analysis. The next level of analysis will include reviewing spatial components, such as a heat map.

There's an opportunity to use this process not only for planning, but also for retrofit projects or stream enhancements.

CWAC members suggested other data to consider in the assessment.

Mr. Weller suggested thinking about how parcel size relates to development opportunity. Small parcel sizes are difficult to consolidate, making the ability to manage stormwater as a single unit more difficult.

Ms. Taniguchi-Dennis suggested assessing the rate of the creation of impervious surface rather than the rate of development. She also suggested considering the runoff characteristics, such as clay soil, of a particular watershed. Impervious surface and runoff characteristics lead to hydromodification and hydromodification risk. Is there an upper limit to the rate of impervious that can be created in a stream?

Mr. Weller said the potential for additional impervious area is more important than unit count. More density leads to more impervious area. You could classify each land use to the amount of impervious area it creates, then calculate potential for additional impervious area in a basis.

The strategies are to offset impervious areas, or modify streams to handle additional runoff.

Next up for CWAC: Endorse prioritization method, consider criteria for fee-in-lieu expenditures, program implementation policy guidance as needed.

Next up for CWS: Proceed with prioritization, draft criteria with project examples.

QUESTIONS, COMMENTS

Questions about the model

Q: Where does commercial/industrial fit in?

A: It will be considered later in the process. The focus so far has been on residential development. Commercial or industrial sites can handle more hydromodification controls onsite.

Q: Have you used another organization or region as the basis for the model? Or is this all new thinking? Are other jurisdictions asking the same questions?

A: We haven't looked at watersheds systematically through a hydromodification lens, but we are using data from other sources. There aren't a lot of examples of this kind of approach that uses a land-use component.

Q: Will CWAC have the opportunity to review refinements to the prioritization process?

A: Yes.

Questions about fee-in-lieu

Q: How will fee-in-lieu expenditures be used?

A: We're working through that, but focusing on programmatic uses such as depave projects or outreach materials.

Q: Will draft criteria will include financial estimates from fee-in-lieu revenue?

A: Yes

Comment about vocabulary

- Use of the word “threat” related to development is too negative.

Public comment

Dale Feik asked if federal money is available to construct settling ponds. It is not. Mr. Feik asked staff to be conservative when determining depths of settling ponds.

4. Pretreatment ordinance update

- Bob Baumgartner, Regulatory Affairs Director
- Joy Ramirez, Environmental Services Supervisor

Environmental Services specialists are involved in complaint response; pollution prevention; the fats, oil and grease program; industrial stormwater; and the pretreatment program, which has federal, state and local components. The goals of the pretreatment program are protecting worker safety, public health, the environment, infrastructure and beneficial reuse.

CWS specialists implement state and federal programs and local initiatives. CWS must conduct and enforce its pretreatment program as approved by the Oregon Department of Environmental Quality and comply with the general pretreatment regulations (40 CFR 403). The federal government established responsibilities for federal, state and local government; industry and the public to implement national pretreatment standards to control pollutants, which could pass through the treatment facilities, interfere or contaminate sewage sludge at a POTW. DEQ and the Environmental Protection Agency oversee CWS work and conduct audits. An audit is scheduled in April.

Environmental Services specialists implement the pretreatment program on several levels. They focus on industrial sources and work with industries to ensure the required pretreatment systems are in compliance with federally mandated programs. They also provide oversight to industries that are not required to be in the federal program, but are required to meet provisions of the local sewer use ordinance. The local program also provides a method for cost recovery.

Seven Environmental Services specialists oversee program compliance for more than 500 industries in the CWS service district. They also manage the federal pretreatment program and the stormwater program. Pretreatment permits fall into three classifications:

- A Significant Industrial User is any industry that discharges more than 25,000 gallons a day for a monthly average – even if it's clean water. The permit is about managing flow.
- Categorical Industrial Users are designated because of what they make. The category includes metal finishers, metal plating, semiconductors and more. The processes have known chemicals of concern that CWS monitors. These industries have federally-required restrictions.
- Local Nonsignificant Users are industries that discharge more than residents do at home, but not as much as an SIU.

Forty-four industries are under the federal program; the remaining industries are under local programs.

Permittees are assigned local limits for various constituents, which are listed in the permit. The federal program is prescriptive for many pollutants; local programs are specific to CWS. Local limits are developed for federal permits based on the ability of CWS facilities to treat wastewater and remove chemicals. Specialists conduct compliance monitoring and inspections; industries also do self-monitoring.

CWS is required by permit to have authority and implement an enforcement program with processes and penalties that provide a deterrent. CWS specialists provide technical assistance,

education, and, if necessary, warnings. There's also a formal enforcement process that includes penalties, orders and termination of services.

There is an appeals process to the formal enforcement, and CWAC has a role. An industry can appeal to the Environmental Services supervisor and continue up the chain to the Regulatory Affairs director, the CEO or delegate, the Board of Directors or hearings officer, CWAC and finally, again, to the Board. CWS wants to streamline the process.

Environmental Services also recognizes industries in the pretreatment program that maintain perfect compliance in a year. Industries take the recognition seriously and the program has been very successful. The award is open to any industry that reports to CWS and submits a monthly self-monitoring report. A violation can be minor, such as missing a filing deadline. This year about 50 percent of industries have perfect compliance.

What's next?

- Complete a comprehensive program review. Update the program manual to ensure continued program compliance and update procedures to help CWS protect its treatment facilities from emerging chemicals of concern. Improve permitting and inspection procedures to focus on outcomes.
- Review the process to generate Resolution and Orders. Where possible, consolidate regulations into a single ordinance that's clear and transparent.
- Update Ordinance 27 so the enforcement process is clear for staff and customers.
- Update the Board on March 31, 2020, and ask it to charge CWAC to assist on the ordinance update with the public involvement process and make recommendations. Any updates have to be approved by DEQ. The goal is to include in the next permit application, which is due in December.

QUESTIONS, COMMENTS

Questions about local limits

Q: Are the industrial pretreatment requirements at CWS facilities different from the City of Portland or Beaverton or Clackamas?

A: Yes and no. Some of the federal requirements are the same. However, many requirements are specific to the plants. CWS has very good treatment resulting in high removal rates. We also have very strict effluent limits. We have strict limits because we have large facilities that discharge into a small river. CWS staff makes sure what gets discharged to us doesn't cause inhibition in our plants that could compromise the treatment process. Because different facilities have different levels of treatment, many requirements vary by the plant

Q: Do you anticipate a scenario telling an industry it can't discharge?

A: It's possible, but it's more likely CWS would work with an industry to get to an acceptable level of discharge.

Q: Do the CWS treatment plants have different limits?

A: Each plant performance is different and the sensitivities are different. Each facility has a suite of limits for a suite of chemicals; Forest Grove has a set of limits for winter and a set for summer when the Natural Treatment System is in use. Historically, we have applied the most restrictive limits to all of the plants. However, how to equitably apply limits will be an interesting policy issues.

Public comment

Mr. Feik said he appreciates openness and transparency from Mr. Baumgartner and Ms. Ramirez regarding PFAS and thanked them for sharing data.

5. Announcements

- CWS activated a limited Emergency Operations Center to coordinate strategy, operations, resources and communications related to the coronavirus disease 2019.
- CWS started recruitment for the open environmental position.
- The next meeting is April 8, 2020.
- The budget committee meeting is May 8, 2020. Budget documents will be delivered April 24. Submit questions to budget team in advance.

6. Adjournment

Mr. Weller adjourned the meeting at 7:45 pm.

(Meeting notes compiled by Jody Newcomer.)

Sub-Basin Planning Implementation & Prioritization

Chris Faulkner, Water Resources Program Manager

CWAC
March 11, 2020

CleanWater Services



Presentation Agenda

- Charge & Current Focus
- Prioritization Framework
- Geography
- Proposed Data
- Draft Methodology
- Next Steps



Charge & Current Focus

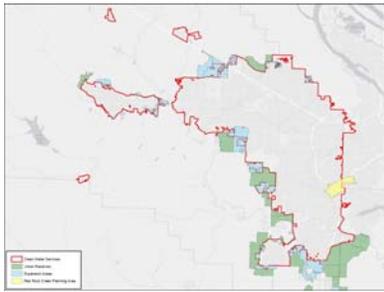
- Provide input on prioritization method for sub-basin planning
- Hydromodification Fee-in-Lieu (FIL) program
- Provide input on potential policy issues around implementation

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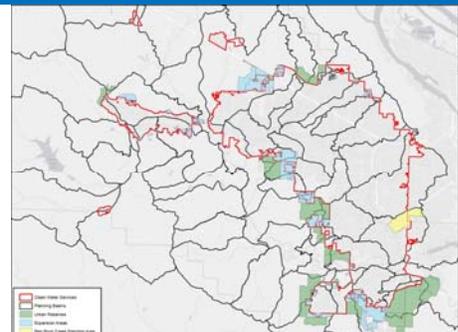
Prioritization Framework

- Excludes established priority areas
 - Expansion / Greenfield
 - Co-Implementer Redevelopment / Infill
- Identifies potential CWS initiated planning
- Keep it simple



Geography

- Approx. 35 CWS Planning Basins



Proposed Data

- Hydromodification Risk Level
- Potential Units
 - Single Family (1:1)
 - Multifamily (XX units:1 building)
- Existing Impervious Cover (%)
- Rate of Development

Land-Use Threats

Proposed Data – Why These

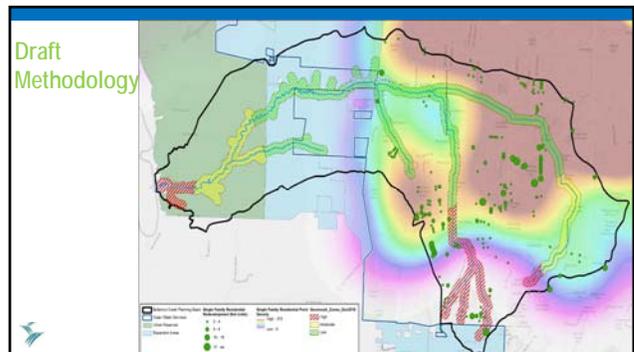
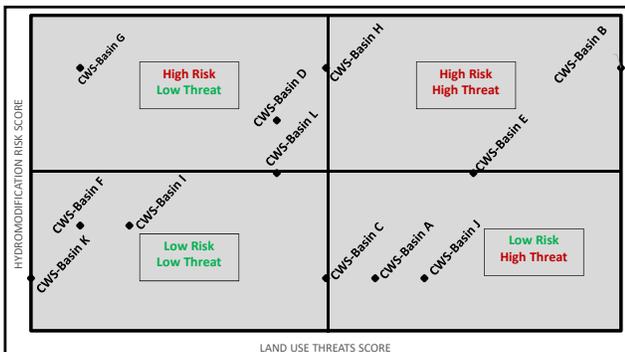
- Hydromodification Risk Level
 - Threat to stream conditions due to hydromod
- Potential Units
 - Future impervious cover
- Existing Impervious Cover (%)
 - Shows current stream stressors
 - Affects for water quality, habitat impacts, etc.
- Rate of Development
 - How potentially imminent is new impervious cover?

Draft Methodology

- Compile data for each CWS Planning Basin
- Divide data results into Quintiles
- Score each quintile as 1 (low priority) – 5 (high priority)
- Plot Hydromod Risk Score (y) v. Land-Use Threat Totals (x)
- Sequence CWS Planning basins based on total score
- Conduct 2nd-Tier analysis

Draft Methodology

	Available Units	Existing Impervious	Rate of Development	Hydromod Risk	Total Score
CWS-Basin A	5	3	2	1	11
CWS-Basin B	5	5	5	5	20
CWS-Basin C	3	5	1	1	10
CWS-Basin D	5	1	2	4	12
CWS-Basin E	4	5	3	3	15
CWS-Basin F	2	1	1	2	6
CWS-Basin G	1	1	2	5	9
CWS-Basin H	5	3	1	5	14
CWS-Basin I	3	1	1	2	7
CWS-Basin J	5	4	2	1	12
CWS-Basin K	1	1	1	1	4
CWS-Basin L	2	2	4	3	11



Next Steps

CWAC	CWS Staff	Schedule
Endorse prioritization method	Proceed with prioritization	March- August
Consider criteria for FIL expenditures	Draft criteria with project examples	May
Program implementation policy guidance as needed		As needed



PRETREATMENT 101

CWAC
 Joy Ramirez, Environmental Services Supervisor
 Bob Baumgartner, Regulatory Affairs Director
 March 11, 2020




Environmental Services Program

- Complaint response
- Pollution prevention
- FOG (fats, oils, grease)
- Industrial stormwater
- Pretreatment program
 - Federal (40 CFR § 403)
 - Local



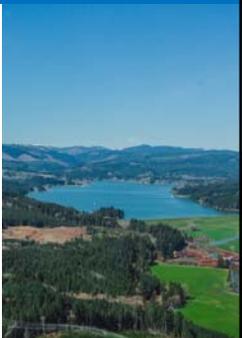
Pretreatment Program Goals

- Worker safety
- Public health
- Environment
- Infrastructure
- Beneficial reuse
 - Biosolids
 - Water



Pretreatment Program

- CWS role
- State role
- Federal role



Implementation

- Focus on industrial sources
- Federally mandated programs
 - Federal rules
 - State rules
- Local program
 - Cost recovery
 - Environmental oversight



Who We Are

- 7 Environmental Services Specialists
 - Avg. 73 Industries per Specialist
 - ✦ Pretreatment and stormwater permits
- Pretreatment permitted industries
 - 42: Significant Industrial User
 - ✦ 12: Categorical Industrial User
 - 26: Local Nonsignificant User

...and Washington County is GROWING



Who We Are

- 7 Environmental Services Specialists
 - Avg. 73 industries per Specialist
 - ✦ Pretreatment and stormwater permits
- Pretreatment permitted industries
 - Significant Industrial User
 - Categorical Industrial User
 - Local users

...and Washington County is GROWING



Major Activities

- Local limits
- Permitting – federal and local
- Compliance
 - Monitoring
 - Inspections
- Education
- Technical assistance
- Enforcement



Ensure Effectiveness

- Self-monitoring and reporting
- Technical assistance
- Education
- Warnings
- Formal enforcement
 - Penalties
 - Orders
 - Termination of services



Why Enforcement?

- Required by permit to have authority and implement enforcement program



Enforcement Actions

- Over the last 3 years
 - \$20,351 from enforcement
 - \$94,395 through penalties
- Common enforcements
 - Flow exceedances
 - Late reporting



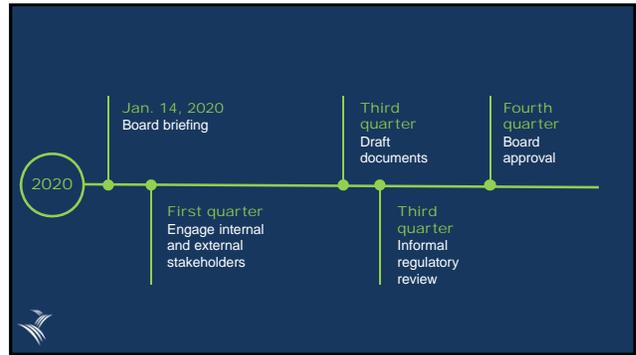
Positive Reinforcement

- Pretreatment awards
- Environmental Excellence award
- Collaboration



What's Next

- Complete program review
 - Update Environmental Services manual
 - Improve permitting process
- Implementation
 - Update Resolution and Order
- Enforcement
 - Update Ordinance 27



THANK YOU

CleanWater Services

