



# AGENDA

**Thursday, December 6, 2012 - 10:00 AM**  
**Board of County Commissioners Business Meeting**

Beginning Board Order No. 2012-110

**I. CALL TO ORDER**

- Roll Call
- Pledge of Allegiance
- Approval of Order of Agenda

**II. PUBLIC HEARINGS** *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

1. Reading and Adoption of a Board Order No. \_\_\_\_\_ Amending Local Contract Review Board Rules, County Code Appendix "C" (Dave Anderson, County Counsel)
2. Second Reading of Ordinance No. 12-2012 Amending and Restating the Rules & Regulations of Clackamas County Service District No. 1 (Chris Storey, County Counsel)
3. Approval of the Formation of the Government Camp Road District (Chris Storey, County Counsel)

**III. DISCUSSION ITEM** *(The following items will be individually presented by County staff or other appropriate individuals. Citizens who want to comment on a discussion item may do so when called on by the Chair.)*

**WATER ENVIRONMENT SERVICES**

1. Approval of an Agreement between Clackamas County Service District No. 1 and the City of Milwaukie Regarding Long-Term Wastewater Service (Chris Storey, County Counsel)

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**IV. CONSENT AGENDA** *(The following items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Study Session. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

**A. Health, Housing & Human Services**

1. Approval to Apply for a Grant for Oregon Department of Transportation Funding to Purchase Two Buses for the Mountain Express Bus Services - ss

**B. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC

**C. Public and Government Affairs**

1. Approval of a Contract between Clackamas County and Friends of Willamette Falls Media Center – CABLE

**V. LIBRARY DISTRICT OF CLACKAMAS COUNTY**

1. Resolution No. \_\_\_\_\_ Approval of a Supplemental Budget (less than ten percent) for Fiscal Year 2012-2013

**VI. NORTH CLACKAMAS PARKS AND RECREATION DISTRICT**

1. Resolution No. \_\_\_\_\_ Authorizing Execution of a Lease Agreement for the Relocation of the North Clackamas Parks and Recreation District Maintenance and Natural Resources Facility

**VII. CITIZEN COMMUNICATION** *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the hearing. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

**VIII. COUNTY ADMINISTRATOR UPDATE**

**IX. COMMISSIONERS COMMUNICATION**

**NOTE: Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove by the following Saturday. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.**

<http://www.clackamas.us/bcc/business.html>



MARC GONZALES  
DIRECTOR

DEPARTMENT OF FINANCE

PUBLIC SERVICES BUILDING  
2051 KAEN ROAD | OREGON CITY, OR 97045

December 6, 2012

Board of County Commissioners  
Clackamas County

Members of the Board:

**Reading and Adoption of a Board Order Amending Local  
Contract Review Board Rules (County Code Appendix "C")**

Attached is a proposed amendment to Appendix C of the County Code, which contains the Local Contract Review Board Rules (LCRB Rules). These are the public contracting rules which the County adopts.

Changes to the LCRB Rules are adopted by Board Order upon a single reading, which may be a reading by title only.

During the approaching holiday season the Board of County Commissioners will not be holding regular meetings. In the absence of the regular Board meetings, we request that the County Administrator be given authority to sign all contracts and contract amendments that would otherwise be signed by the Board. Delegation of the Board's contract signing authority to the County Administrator will allow for continuation of regular business matters without delay. The time period for this delegation of authority would be from December 20, 2012 to January 7, 2013. The County Administrator will report to the Board of County Commissioners in January, 2013 regarding contracts signed by the County Administrator during this time period.

**RECOMMENDATION**

Staff respectfully recommends that the Board conduct a single reading, by title only, and then approve the Board Order amending the Local Contract Review Board Rules for the specific time period mentioned above. Thank you.

Sincerely,

Marc Gonzales  
Finance Director

For information on this issue please contact Lane Miller, Purchasing Manager, at 503-742-5442

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of amending  
Local Contract Review Board Rules,  
Appendix C of the Clackamas County Code



ORDER NO.

This matter coming regularly before the Board of County Commissioners, and it appearing that;

WHEREAS, on June 7, 2012, the Board of County Commissioners adopted Board Order No. 2012-41 which amended the Local Contract Review Board Rules, incorporated into the County Code as Appendix C; and

WHEREAS, it is now necessary to temporarily amend those rules to provide additional authority to the County Administrator to sign contracts, during a period of time when the Board will not have regularly scheduled meetings;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

Section 1: Section C-050-0100 (2) (c) of Appendix C is hereby amended to read as follows:

C-050-0100 Delegation of Authority to sign Contracts and Amendments

(2) Authority to Sign Contracts and Contract and Amendments.

(c) For the time period of December 20, 2012 through January 7, 2013, the Board of County Commissioners delegates authority to the County Administrator to sign all Contracts or Contract amendments. The County Administrator will report to the Board of County Commissioners in January, 2013, regarding contracts signed by the County Administrator during this time period.

DATED this 6<sup>th</sup> day of December, 2012.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



WATER  
ENVIRONMENT  
SERVICES

Beyond clean water.

Water Quality Protection  
Surface Water Management  
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.  
Director

December 6, 2012

Board of County Commissioners  
Clackamas County  
Sitting as the Governing Body of  
Clackamas County Service District No. 1

Members of the Board:

A SECOND READING OF AN ORDINANCE AMENDING AND RESTATING THE RULES  
AND REGULATIONS OF  
CLACKAMAS COUNTY SERVICE DISTRICT NO. 1

Clackamas County Service District No. 1 ("District") provides surface water management and wastewater treatment services to northern unincorporated Clackamas County and the cities of Happy Valley, the Carver area of Damascus, and wholesale wastewater treatment only via contract for the cities of Milwaukie and Johnson City pursuant to a Clean Water Act permit issued by the Environmental Protection Agency and their delegee the Oregon Department of Environmental Quality ("DEQ").

Currently District's sanitary rules and surface water rules are contained in separate documents that are not consistent in the manner in which contract protests, appeals of SDC charges, and similar mechanistic processes are handled within the District. Staff has found the current rules to be increasingly inflexible when trying to work with new development and environmental standards. In particular, many of the technical requirements of the District are contained in the Rules, setting by ordinance such issues as the proper size and type of materials allowed for construction of new sewer pipe.

Staff raised the idea of revising the rules in a study session on October 6, 2009, focusing on merging the two sets of rules into one and removing technical requirements from the realm of ordinance and delegating the technical details to a separate design document that would be managed by the director of WES according to best practices in the industry. The Board accepted the recommended action and directed staff to move forward, including the proposed path of meeting with stakeholder groups including the homebuilders association and local watershed councils for discussion regarding any potential impacts of the process on issues of concern to them. Staff held those discussions and reported back to the Board on March 15, 2011 and requested authorization to move forward with the changes. The Board agreed and staff has worked with the stakeholders in creating the proposed new rules.

Attached is the proposed Amended and Restated Rules and Regulations of CCSD#1 (the "Revised Rules"). The rules now combine the sewer and surface water requirements into one document for clarity and transparency. As part of the project, staff has attempted to avoid policy

changes unrelated to the goal of streamlining the document and harmonizing certain provisions. The draft includes the following changes:

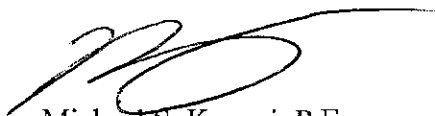
- The industrial pre-treatment (“IPT”) sections of the Revised Rules have been updated per requirements issued by DEQ, much the same as was done with the Tri-City Service District Rules. The overall impact of the amendments would be to add flexibility in considering the manner in which the District can have businesses comply with industrial pretreatment requirements, and incorporating the concept of “best management practices” adaptability into IPT.
- All references to specific design criteria or particular technology requirements have been removed to a design guide document and the Revised Rules now allow the Director to promulgate those design requirements rather than having them to be set by ordinance.
- Consistent with changes made for the DTD Director, the WES Director would now have the authority to accept right of way or other easements and service connection mortgage liens on behalf of the District, instead of those items being part of the BCC business meeting docket.
- The provisions regarding appeal process for contract awarding and SDC charges and assessments were harmonized with each other and to match best industry practice.
- The Revised Rules now allow for billing owners of real property rather than renters to better align collection and payment practices.

The proposed amendments are mandatory and failure to adopt them could result in the District being fined by DEQ for permit noncompliance. Attached is a memorandum that summarized the proposed changes and their impact. This ordinance has been reviewed and approved by County Counsel. The first reading of this proposed ordinance was held on November 21, 2012.

#### **RECOMMENDATION**

Staff respectfully recommends the Board of County Commissioners sitting as the Clackamas County Service District No. 1 Board read the proposed Ordinance by title only and vote to approve adoption of the Ordinance.

Sincerely,



Michael S. Kuenzi, P.E.  
Director

For information on this issue or copies of attachments please contact Chris Storey at 503.742.4623

# CLACKAMAS COUNTY SERVICE DISTRICT NO. 1

## ORDINANCE No. 12-2012

### **An Ordinance Amending and Restating the Rules and Regulations for Clackamas County Service District No. 1**

WHEREAS, Clackamas County Service District No. 1 ("District") provides wastewater treatment and surface water management services to its customers; and

WHEREAS, the Board of County Commissioners ("Board"), acting as the governing body of the District, desires to amend and restate the District's rules and regulations (the "Rules") to harmonize procedures, clarify roles, and create flexibility to determine development requirements consistent with best management practices in the industry; and

WHEREAS, the Board is desirous to create this flexibility by delegating technical design requirements to the Director of the District to allow for low impact development;

NOW, THEREFORE, the Board hereby adopts the ordinance attached hereto as Exhibit A as the Rules and Regulations of the District.

Adopted this 6<sup>th</sup> day of December, 2012

### **CLACKAMAS COUNTY BOARD OF COMMISSIONERS**

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Chair

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Recording Secretary

Exhibit A

CLACKAMAS COUNTY SERVICE DISTRICT NO. 1

RULES AND REGULATIONS  
For  
SANITARY SEWER AND  
SURFACE WATER MANAGEMENT

JANUARY 2013





CLACKAMAS COUNTY SERVICE DISTRICT NO. 1  
 RULES AND REGULATIONS for Sanitary Sewer and Surface Water Management

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# ARTICLE I

## SECTION 1 DECLARATION OF POLICY

### 1.1 PURPOSE AND OBJECTIVES

Clackamas County Service District No. 1 (the "District"), Clackamas County, Oregon, was organized pursuant to Oregon Revised Statutes Chapter 451 for the purpose of providing sewerage, surface water, and stormwater management, including all facilities necessary for collecting, pumping, treating and disposing of sanitary or storm sewage within its boundaries. It is further declared to be the policy of the District to provide and offer sewage disposal service for such incorporated or other areas adjacent to the District as may, in the judgment of the District, be feasibly and appropriately served upon such terms, conditions, and rates as the District shall, from time to time in its sole and absolute discretion, determine. The objectives of these Rules and Regulations ("Rules and Regulations") are: (a) to advance public health and welfare; (b) to prevent the introduction of pollutants that will interfere with the operation of the sewage system, contaminate the resulting biosolids, or pollute surface or storm waters; (c) to prevent the introduction of pollutants that could enter the surface waters or pass through the sewage system into receiving waters or the atmosphere or otherwise be incompatible with the system; (d) to protect City and District personnel who may come into contact with sewage, biosolids and effluent in the course of their employment, as well as protecting the general public; (e) to ensure that the District complies with its National Pollutant Discharge Elimination System (NPDES) permit conditions and requirements, biosolids use and disposal requirements and other applicable Federal and State laws; (f) to improve the opportunity to recycle and reclaim wastewaters and sludges from the system; (g) to provide for the equitable distribution of the costs of the sewage system and the surface water management program; (h) to establish policies that prevent future pollution and erosion through implementation of Best Management Practices; and (i) to better manage and control surface water in the District.

### 1.2 ADOPTION OF NEW OR AMENDED RULES AND REGULATIONS

Upon the recommendation of the Director, or on its own motion, the Board of County Commissioners of Clackamas County, Oregon, acting as the governing body of the District, may promulgate new or amended rules pertaining to these Rules or Regulations. Except as specifically provided in these Rules and Regulations, any new or amended rule(s) will be adopted pursuant to ORS 198.510 through 198.600 and ORS 451.

### 1.3 DELEGATION OF AUTHORITY TO THE DIRECTOR

A. Easements. The Director of the District shall have the authority to accept, reject or release easements for the purposes as set forth below in subsections 1, 2, 3 and 4; and as the Board may further determine by resolution and order.

1. The Board grants the Director authority to govern easements for the District as shown by one or more of the following examples:

a. Assessment District;

- b. Local Improvement District;
  - c. Capital Improvement Project;
  - d. Existing easements recorded by instrument or plat;
  - e. Proposed easement to be recorded by instrument or plat; and
  - f. Quit claim of an existing easement.
2. All documents accepted pursuant to this section and submitted for recording shall show evidence of approval by Districts legal counsel and the signature and title of the person accepting the document on behalf of the District.
  3. The Director, in instances when the Director is not present, shall have the power to delegate the authority under this section by a written statement to his or her designee declaring the delegation, the individual designated, and the duration of the designation.
  4. The authority granted in this section shall be in addition to other authority that may be provided to District officers and employees to acquire interests in real property on behalf of the District. Nothing in this section shall be deemed to grant any employee or individual the authority to acquire or accept an interest in real property on behalf of the District except as specifically provided herein, or upon the direction or approval by the Board.
- B. Standards. The Director shall have the authority to promulgate such technical standards and requirements necessary to implement the purpose and intent of these Rules and Regulations, including but not limited to pipe type, size, connection requirements, elevation, grade, materials, and any other good and necessary item. Such standards shall be contained in one or more documents that are publicly available and the District shall provide 30 days public notice on its website of any potential change to such standards or requirements.
- C. No other provision of the District Rules and Regulations shall be affected by the provisions of this Section 1.3. A determination by a court of competent jurisdiction that any section, clause, phrase, or word of this Ordinance or its application is invalid or unenforceable for any reason shall not affect the validity of the remainder of this Ordinance or its application, and all portions not so stricken shall continue in full force and effect.

## SECTION 2 DEFINITIONS

### 2.1 WORDS AND TERMS

Unless the context specifically indicates otherwise, the following words and terms, as used in

these Rules and Regulations, shall have the meanings hereinafter designated:

- 2.1.1 Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- 2.1.2 Advanced Sedimentation and/or Filtration Process. Any process that, through correct application/implementation, brings effluent discharge from the site into compliance with local, state and federal requirements. Polymers and electrolytic processes are two possible examples.
- 2.1.3 Applicable Pretreatment Standards. Local, state, and federal standards, whichever are more stringent and apply to the Industrial User.
- 2.1.4 Best Management Practices or BMPs. Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- 2.1.5 Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five (5) days at a temperature of twenty degrees centigrade (20°C), expressed in milligrams per liter or parts per million. Laboratory determinations shall be made in accordance with the applicable techniques prescribed in 40 CFR Part 136.
- 2.1.6 Biosolids. Domestic wastewater treatment facility solids that have undergone adequate treatment to permit land application, recycling or other beneficial use.
- 2.1.7 Board. The Board of County Commissioners of Clackamas County, acting as the governing body of the Clackamas County Service District No. 1.
- 2.1.8 Bond. As required by the District, a surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to and required by the District to guarantee that work is completed in compliance with all requirements of the District Regulations and Specifications and for a maintenance period specified in the Standards.
- 2.1.9 Buffer/Undisturbed Buffer. The zone contiguous with a sensitive area that is required for the continued maintenance, function, and structural stability of the sensitive area. The critical functions of a riparian buffer (those associated with an aquatic system) include shading, input of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, interception of fine sediments, overflow during high water events, protection from disturbance by humans and domestic animals, maintenance of wildlife habitat, and room for variation of aquatic system boundaries over time due to hydrologic or climatic effects. The critical functions of terrestrial buffers include protection of slope stability, attenuation of surface water flows from surface water runoff and precipitation, and erosion control.

- 2.1.10 Building. Any structure containing sanitary facilities.
- 2.1.11 Building Drain. That part of the Districts sewerage system piping that receives the discharge from the drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.
- 2.1.12 Building Sewer. The extension from the building drain to the service connection.
- 2.1.13 Capital Improvement(s). Facilities or assets used for the purpose of providing sanitary sewerage collection, transmission, treatment and/or disposal.
- 2.1.14 Categorical Pretreatment Standards. National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties that may be discharged or introduced into a public sewer system by specific industrial categories. These standards are promulgated pursuant to Section 307(b) and (c) of the Clean Water Act.
- 2.1.15 Civil Penalty. A civil penalty is a monetary sanction for violation of the District's Rules and Regulations, levied pursuant to Section 8 below, whereby the District may impose a fine or penalty for violation of these Rules and Regulations, as well as recover all costs incurred, which are attributable to or associated with the violations, including but not limited to the costs of administration, investigation, sampling and monitoring, legal and enforcement activities, damages to the storm sewer system, and contracts or health studies necessitated by the violation.
- 2.1.16 COE. U.S. Army Corps of Engineers.
- 2.1.17 Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- 2.1.18 Combined Sewer System. A conduit or system of conduits in which both sewage and stormwater are transported.
- 2.1.19 Composite Sample. A series of samples mixed together so as to approximate the average strength of discharge to the sewer. A composite sample is collected over a period of time greater than 15 minutes, formed by an appropriate number of discrete samples that are: (a) collected at equal intervals and combined in proportion to wastewater flow; (b) are equal volumes taken at varying time intervals in proportion to the wastewater flow; or (c) equal volumes taken at equal time intervals.
- 2.1.20 Contractor. A person duly licensed or approved by the State of Oregon and District to perform the type of work to be done under a permit or contract issued by the District.
- 2.1.21 County. Clackamas County, Oregon.
- 2.1.22 Day. A continuous twenty-four (24) hour period from 12:01 a.m. to 12:00 p.m.

- 2.1.23 DEQ. The State of Oregon Department of Environmental Quality or successor state organization.
- 2.1.24 Detention. The release of surface water runoff from a site at a slower rate than it is collected by the drainage system, the difference being held in temporary storage.
- 2.1.25 Development. All human-induced changes to improved or unimproved real property.
- 2.1.26 Discharge. Any addition of water, stormwater, wastewater, process water or any pollutant or combination of pollutants to waters of the State, directly or indirectly, by actions of dumping, spilling, disposing or physically connecting to the public storm system or natural drainage conveyance.
- 2.1.27 Director. The Director of Water Environment Services, a Department of Clackamas County, Oregon.
- 2.1.28 Discharger or User. Any person who causes wastes or sewage to enter directly or indirectly to the District sewerage system.
- 2.1.29 District. Clackamas County Service District No. 1.
- 2.1.30 District Regulation. The adopted rules, regulations, standards, principles and policies established by the District.
- 2.1.31 District System. Any sanitary or stormwater conveyance, treatment or pumping facilities that are owned, operated and maintained by the District.
- 2.1.32 Domestic Sewage. Sewage 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.
- 2.1.33 Drainageway. A channel such as an open ditch that carries surface water.
- 2.1.34 Drywell. An approved receptacle used to receive storm, surface and other water, the sides and bottom being porous, permitting the contents to seep into the ground. A drywell must conform to the District's current standards.
- 2.1.35 DSL. Oregon Department of State Lands or successor state organization.
- 2.1.36 Dwelling Unit. A living unit with kitchen facilities including those in multiple dwellings, apartments, hotels, motels, mobile homes, or trailers.
- 2.1.37 Easement. The legal right to use a described piece of land for a particular purpose. It does not include fee ownership, but may restrict the owner's use of the land. Easements granted must be legally recorded with the County Clerk and Recorder.
- 2.1.38 Easement - Sewer. Any easement in which the District has the right to construct and

maintain a public sewer.

- 2.1.39 Engineer. A registered professional engineer licensed to practice by the State of Oregon.
- 2.1.40 EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- 2.1.41 Equivalent Dwelling Unit, or EDU. A unit of measurement of sewer usage that is assumed to be equivalent to the usage of an average dwelling unit. Equivalent Dwelling Unit has the following definition for the purposes listed below:
- (a) User Charge. A unit, based on water consumption and strength of sewage of a single dwelling unit, by which all users of the sanitary sewers may be measured.
  - (b) System Development Charge. A unit, based upon a single dwelling unit or its equivalent, for connecting to the District sewerage system.
- 2.1.42 Equivalent Service Unit (ESU). A configuration of development resulting in impervious surfaces on a parcel that contributes runoff to the stormwater system. One ESU is equal to 2,500 square feet of impervious surface area.
- The number of ESU's attributable to a user's area is calculated in whole units, with the minimum user's charge set at 1 ESU. For non-single family users with more than 1 ESU, the charge will be rounded to the nearest whole unit with a half value, or more, being rounded up.
- 2.1.43 Erosion. Erosion is the movement of soil particles resulting from the flow or pressure from water, wind, or earth movement.
- Visible or measurable erosion includes, but is not limited to:
- (a) Deposits of mud, dirt, sediment or similar material exceeding ½ cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping, discharge, or as a result of the action of erosion.
  - (b) Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of onsite erosion such as rivulets or bare soil slopes, where the flow of water is not filtered or captured on the site.
  - (c) Earth slides, mud flows, earth sloughing, or other earth movement which results in material leaving the property.
- 2.1.44 Erosion Control Plan. A plan containing a list of best management practices to be used during construction to control and limit soil erosion in accordance with the District's current erosion prevention manual.



- 2.1.45 FEMA. Federal Emergency Management Agency.
- 2.1.46 Fences. Structures which consist of concrete, brick, wood, plastic, or metal posts located in the ground, connected by wood, metal, or plastic, and capable of allowing passage of water.
- 2.1.47 Garbage. Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
- 2.1.48 Government Agency. Any municipal or quasi-municipal corporation, state or federal agency.
- 2.1.49 Grab Sample. A sample that is taken from a waste stream or surface flow on a onetime basis with no regard to the flow in the waste stream or surface flow and without consideration of time.
- 2.1.50 Hauled Waste. Any waste hauled or transported by any method that may include, but not be limited to, drop tanks, holding tanks, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
- 2.1.51 Hazardous Materials. Materials described as hazardous by the Department of Environmental Quality, including any toxic chemicals listed as toxic under Section 307(a) of the Clean Water Act or Section 313 of Title III of SARA.
- 2.1.52 Hearings Officer. Officer, appointed by the Director, for hearings of appeals of administrative actions.
- 2.1.53 Highly Erodible. Soils with erosion (K) factors greater than 0.25, as listed in the Soil Survey of Clackamas County Area, Oregon, developed by the Soil Conservation Service.
- 2.1.54 Illicit Discharge. Any discharge to the public or natural stormwater conveyance system that is not composed entirely of stormwater, except discharges governed by and in compliance with an NPDES permit.
- 2.1.55 Impervious Surface.  
That surface area which either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots, oiled macadam, gravel, or other surfaces which similarly resist infiltration or absorption of moisture.
- 2.1.56 Improvement Fee. A fee for costs associated with capital improvements to be constructed after the date these Rules and Regulations become effective.
- 2.1.57 Indirect Discharge. The discharge or the introduction of non-domestic pollutants or

industrial wastes into the sewerage system from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), including hauled tank wastes discharged into the sewerage system.

- 2.1.58 Industrial User. Any person who discharges industrial waste into the District sewerage system.
- 2.1.59 Industrial Waste. Any liquid, gaseous, radioactive or solid waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resources, or as defined by the DEQ or the EPA, exclusive of domestic sewage.
- 2.1.60 Infiltration System. A drainage facility designed to use the hydrologic process of surface and stormwater runoff soaking into the ground, commonly referred to as recharge, to dispose of surface and stormwater runoff.
- 2.1.61 In-Lieu of Fee. A fee paid to the District to cover on-site water quality or water quantity facilities from a site on which stormwater management is not practical.
- 2.1.62 In-Line Detention. Detention located in a stream channel, a drainageway, or in a regional or subregional piped system. In-line detention mixes flows to be detained with flows from other areas.
- 2.1.63 Inspector. A person designated by the District to inspect building sewers, construction sites, service connections, and other installations to be related to the District sewerage and/or surface water system.
- 2.1.64 Installer. Either the owner of the property being served or a contractor doing work in connection with the installation of a service connection or building sewer under a proper permit from the District.
- 2.1.65 Interference. A discharge which, alone or in conjunction with a discharge from other sources, inhibits or disrupts the public sewer system, treatment processes or operations, or its biosolids processes, biosolids use or disposal, or that contributes to a violation of any requirement of the District's NPDES Permit or other permit issued to the District.
- 2.1.66 Intermittent Stream. A stream with no visible surface flows for a period of 30 or more continuous days per year.
- 2.1.67 Local Collection Facilities. All sewerage facilities that are owned, operated and maintained by a City that collect and convey sewage to the District sewerage system.
- 2.1.68 Local Limit. Specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- 2.1.69 May. The word "may" is permissive.

- 2.1.70 Mean High Water Line. The bank of any river or stream established by the annual fluctuations of water generally indicated by physical characteristics, such as a line on the bank, changes in soil conditions or vegetation line.
- 2.1.71 Metro. The elected regional government that serves more than 1.3 million residents in Clackamas, Multnomah and Washington counties, and the 25 cities in the Portland, Oregon, metropolitan area.
- 2.1.72 Minor Modification. A slight change or alteration made to the Standards to improve something or make it more suitable and does not change the functionality, maintenance, or intent of the Standards.
- 2.1.73 Modification. A change or alteration made to the Standards to improve something or make it more suitable. A modification shall meet the intent of the Standards.
- 2.1.74 NPDES Permit. A National Pollution Discharge Elimination System permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).
- 2.1.75 New Source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced according to the deadlines and conditions of 40 CFR 403.3.
- 2.1.76 Open Spaces. Land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreational uses or scenic purposes.
- 2.1.77 Operation, Maintenance, and Replacement; or O, M, & R. Those functions that result in expenditures during the useful life of the treatment works, sewerage system, or stormwater system for materials, labor, utilities, administrative costs, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.
- 2.1.78 Owner. The owners of record title or the purchasers under a recorded sale agreement and other persons having an interest of record in the described real property.
- 2.1.79 Parcel of Land. A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and includes yards and other undeveloped areas required under the zoning, subdivision or other development ordinances.
- 2.1.80 Pass Through. A discharge that exits the POTW into State waters in quantities or concentration that alone or in conjunction with a discharge or discharges from other sources is a cause of a violation of any requirement of the District's NPDES permit (including an increase in the magnitude or duration of the violation) or any other permit issued to the District.
- 2.1.81 Perennial Stream. A permanently flowing (non-intermittent) stream.

- 2.1.82 Permit. Any authorization required pursuant to this or any other regulation of the District.
- 2.1.83 Permittee. The person to whom a building permit, development permit, waste discharge permit or any other permit described in this ordinance is issued.
- 2.1.84 Person. Any individual, public or private corporation, political subdivision, governmental agency or department, municipality, industry, partnership, association, firm, trust or any other legal entity.
- 2.1.85 pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in Standard Units (S.U.). pH shall be determined using one of the applicable procedures prescribed in 40 CFR Part 136.
- 2.1.86 Pollutant. Any of the following, including but not limited to: dredged soil spoil, solid waste, incinerator residue, sewage, garbage, sewage biosolids or sludge, munitions, chemical wastes, oil, grease, mining waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, heavy metals, asbestos, rock, sand, cellar dirt and untreated industrial, municipal and agricultural waste discharges into water.
- 2.1.87 Post-developed. Conditions after development.
- 2.1.88 Pre-developed. Conditions at the site immediately before application for development. Man-made site alterations or activities made without an approved development permit will not be considered as pre-developed conditions.
- 2.1.89 Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in water to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sewage system or the Waters of the State, as applicable. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR, Section 403.6(d).
- 2.1.90 Pretreatment Requirement. Any substantive or procedural pretreatment requirement other than Applicable Pretreatment Standard, imposed on an Industrial User.
- 2.1.91 Private Storm System. That portion of the storm system owned and/or maintained by any person or entity other than the District and is located outside the public right-of-way, except as otherwise approved by the District.
- 2.1.92 Properly Shredded Garbage. The wastes from foods that have been shredded to such a degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers with no particle greater than one-half inch (½") in any dimension.
- 2.1.93 Publicly Owned Treatment Works, or POTW. A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by a governmental entity. This

definition includes any public sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of these Rules and Regulations, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, users of the District's POTW.

- 2.1.94 Public Right-of-Way. Any public highway, road, street, avenue, alleyway, public place, public easement, or public right-of-way.
- 2.1.95 Public Sewer or Public Sewerage System. Any or any part of the facilities for collection, pumping, treating and disposing of sewage as acquired, constructed, donated, or used by the District within the boundaries of the District.
- 2.1.96 Public Stormwater System. Those portions of the stormwater system that are accepted for repair and maintenance responsibilities by the District. Natural waterways are defined under State and Federal regulations.
- 2.1.97 Qualified Public Improvements. A capital improvement that is: (a) required as a condition of development approval; (b) identified in the District's adopted Capital Improvement Plan pursuant to ORS 223 or the District's System Development Charge Project Plan adopted pursuant to Section 4.1.6 hereof; and (c) not located on or contiguous to a parcel of land that is the subject of the development approval.
- 2.1.98 Rational Method. A formula for estimating maximum discharge of runoff at a point, using flow (Q), runoff coefficient (C), rainfall intensity (I) for selected recurrence interval, and area (A), in the formula:  $Q=CIA$ .
- 2.1.99 Receiving Waters. Any body of water into which effluent from a sewage treatment plant or from a surface water outfall is discharged either directly or indirectly.
- 2.1.100 Recharge. The flow to ground water from the infiltration of surface and stormwater.
- 2.1.101 Redevelopment. On an existing developed site, the creation or addition of impervious surfaces, external structural development, including construction, installation, or expansion of a building or other structure, and/or replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities associated with structural or impervious redevelopment. (See Development.)
- 2.1.102 Reimbursement Fee. A cost associated with capital improvements constructed or under construction on the effective date of these Rules and Regulations.
- 2.1.103 Replacement. Any actions that result in expenditures for obtaining and installing equipment, accessories, or appurtenances that are necessary during the design or useful life, whichever is longer, of the treatment works or other facilities to maintain the capacity and performance for which such works were designed and constructed.

- 2.1.104 Retention. The process of collecting and holding surface water runoff with no surface outflow.
- 2.1.105 Rules and Regulations. These Rules and Regulations as adopted, and any and all rules and orders adopted pursuant hereto, and all amendments thereto.
- 2.1.106 Sanitary Sewer System. A conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- 2.1.107 Sensitive Areas. Sensitive Areas are:
- (a) Existing or created wetlands, including all mitigated wetlands; limits defined by wetlands reports approved by both the Division of State Lands and the District.
  - (b) Rivers, streams, sloughs, swamps, creeks; limits defined by the top of the bank or first break in slope measured upland from the mean high water line;
  - (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.
- Sensitive Areas shall not include a constructed wetland, an undisturbed buffer adjacent to a sensitive area, or a water feature, such as a lake, constructed during an earlier phase of a development for specific purposes not including water quality, such as recreation.
- 2.1.108 Service Area. An area served by the District sanitary sewer system or surface water management within the District boundaries or a defined geographic area that becomes a part of the District.
- 2.1.109 Service Connection. The portion of a private sewer that has been constructed from the public sewer to the edge of the public right-of-way or sewer easement, in which the public sewer is located.
- 2.1.110 Sewage. The water-carried human, animal, or vegetable wastes from residences, business buildings, institutions, and industrial establishments, together with groundwater infiltration and surface water as may be present. The admixture with sewage of industrial wastes or water shall be considered "sewage" within the meaning of this definition.
- 2.1.111 Sewage Disposal Agreement. An agreement between the District and any government agency or person providing for the delivery or receipt of sewage to or from the District sewerage system.
- 2.1.112 Sewage Treatment Plant. An arrangement of devices, structures, and equipment for treating sewage.
- 2.1.113 Sewer. A piped or open conveyance system designed and operated to convey either