

## 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 No. 17-5 )  
RESOLUTION AND ORDER  
NO. CWS 19-5

8           The above-entitled matter came before the Board of Directors of Clean Water Services  
9           (Board) at its regular meeting of April 2, 2019; and

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

19 It appearing to the Board that the District is responsible for sanitary sewer service and  
20 storm and surface water management throughout urban Washington County pursuant to Oregon  
21 Revised 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 March 28, 2017, adopted District Resolution  
7    and Order No. 17-5, which repealed Resolution and Order No. 07-20 as amended by Resolution  
8    and Order No. 08-28 and Resolution and Order No. 09-25 and adopted revisions to the Design and  
9    Construction Standards pertaining to the sanitary sewerage and storm and surface water  
10   management systems, including regulations for erosion control and protection of water quality  
11   sensitive areas, pursuant to Ordinance 27; and

12       It appearing to the Board that the Board, on November 27, 2018, adopted District  
13   Resolution and Order No. 18-28 which adopted the Implementation Policy for future revisions to  
14   Clean Water Services Design and Construction Standards Pertaining to Runoff Treatment and  
15   Control; and

16       It appearing to the Board that the existing rules and regulations of the District contained in  
17   Resolution and Order No. 17-5 are in need of revision to maintain compliance with requirements  
18   in the District's NPDES permit to incorporate development standards to address  
19   hydromodification; and

20       It appearing to the Board that the revised Design and Construction Standards serve to  
21   reduce the adverse effects to water quality and quantity of any construction or site alteration and  
22   will further safeguard the public health and safety and the operations of the District's sanitary and  
23   storm 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  
26   comply with title 3 of Metro's Urban Growth Management Functional Plan, and to further efforts

1 to 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  
5 and 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 are available on the District website and a copy of the proposed changes were made available at  
8 the Clerk's desk; and

9 It appearing to the Board that it has conducted a public hearing regarding the adoption of  
10 these Standards on March 26, 2019 in accordance with District Ordinance No. 27, Section 8 and  
11 that public notice was given as required and interested persons were given an opportunity to  
12 appear and be heard; and

13 It appearing to the Board that after receiving public testimony the Board continued the  
14 public hearing to April 2, 2019 and directed staff to make certain changes; and

15 It appearing to the Board that District posted the Standards with directed changes on the  
16 District website and gave a copy to the Clerk's desk on March 27, 2019; and

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

25 RESOLVED AND ORDERED that the Standards are hereby adopted; and it is further  
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1           RESOLVED AND ORDERED that the District or its designee shall review all development  
2   plans and site assessments required by these Standards and specify in a certification letter to the  
3   city or county responsible for land use review of the proposed development what conditions must  
4   be met by the application in order for the District or its designee to issue a stormwater connection  
5   permit pursuant to District Ordinance No. 27 and these Standards; and it is further

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

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

13          RESOLVED AND ORDERED that the Chief Executive Officer is hereby authorized and  
14   directed to take such steps as are necessary to finalize the Standards, including but not limited to  
15   correcting typographical and formatting errors, removing "Reader Notes," and removing underline  
16   and strike-outs to produce a final version that can be published and available to the public. These  
17   changes shall not affect the substance of the Standards; and it is further

18          RESOLVED AND ORDERED that Resolution and Order No. 17-5 is hereby repealed, provided  
19   however that all permits issued, enforcement and other actions taken pursuant to said Resolution  
20   and Order prior to the effective date of this resolution or after the effective date of this resolution  
21   pursuant to Resolution and Order No. 18-28 shall remain in full force and effect or be able to be  
22   issued and enforced; and it is further

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1       RESOLVED AND ORDERED that this Resolution and Order shall take effect on April 22, 2019  
2    for all development and permit applications pursuant to Resolution and Order 18-28, unless  
3    specifically requested by applicants for development and construction permits with applications  
4    currently in process. More specifically:

- New land use and building permit applications accepted by the land use authority on or after April 22, 2019 must be accompanied by a Clean Water Services Service Provider Letter dated on or after April 22, 2019 or one dated before April 22, 2019 which specifically references compliance with this Resolution and Order.
- Modifications to Service Provider Letters for land use or building permit applications that were accepted by the land use authority before April 22, 2019 will be reviewed and processed for compliance with the rules under which the Service Provider Letter was originally issued.

13 DATED this 2nd day of April, 2019.

## CLEAN WATER SERVICES By its Board of Directors

16	AYE	NAY	ABSENT	
17	HARRINGTON	✓	—	—
18	SCHOUTEN	✓	—	—
19	TREECE	✓	—	—
20	ROGERS	✓	—	—
	WILLEY	✓	—	—