BEFORE THE BOARD OF DIRECTORS OF CLEAN WATER SERVICES

RESOLUTION AND ORDER

NO. **CWS 19-5**

In the Matter of Adopting Revisions to the Design and Construction Standards Pertaining to the Sanitary Sewerage and Storm and Surface Water Management Systems, Including Regulations for Erosion Control and Protection of Water Quality Sensitive Areas; Pursuant to Ordinance 27; Repealing Resolution and Order No. 17-5

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

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

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

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

It appearing to the Board that the Board, on March 28, 2017, adopted District Resolution and Order No. 17-5, which repealed Resolution and Order No. 07-20 as amended by Resolution and Order No. 08-28 and Resolution and Order No. 09-25 and adopted revisions to the Design and Construction Standards pertaining to the sanitary sewerage and storm and surface water management systems, including regulations for erosion control and protection of water quality sensitive areas, pursuant to Ordinance 27; and

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

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

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

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

It appearing to the Board that the revised Design and Construction Standards (Standards) are available on the District website and a copy of the proposed changes were made available at the Clerk’s desk; and

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

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

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

It appearing to this Board that after considering written and oral testimony it is appropriate to adopt the Standards and that such Standards are within the scope of District Ordinance No. 27 and are necessary to further the objectives of District Ordinance No. 27, which include:

- enhancement and maintenance of the water quality of the Tualatin River and its tributaries;
- compliance with state and federal permit and regulatory requirements; promotion of the health, safety, and welfare of the community; and furtherance of the objectives and purposes of the Federal Water Pollution Control Act 33 USC §§1251-1387; and the Board being fully advised in the premises; now, therefore it is

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

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

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

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

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

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

///

///

///

///

Page 4 of 5 – RESOLUTION AND ORDER

CLEAN WATER SERVICES
2550 S.W. Hillsboro Highway
Hillsboro, Oregon 97123-9379
Telephone (503) 681-3600 Fax (503) 681-3603
RESOLVED AND ORDERED that this Resolution and Order shall take effect on April 22, 2019 for all development and permit applications pursuant to Resolution and Order 18-28, unless specifically requested by applicants for development and construction permits with applications 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.

DATED this 2nd day of April, 2019.

CLEAN WATER SERVICES
By its Board of Directors

<table>
<thead>
<tr>
<th>AYE</th>
<th>NAY</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>HARRINGTON  ✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCHOOTEN  ✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TREECE  ✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROGERS  ✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WILLEY  ✔</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chair

Barbara Neftmanek
Recording Secretary

Page 5 of 5 – RESOLUTION AND ORDER