

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Study Session Worksheet

Presentation Date: October 6, 2009 Time: 10:00 AM Length: 30 minutes

Presentation Title: CCSD#1 Rules and Regulations Update

Department: Water Environment Services

Presenters: Mike Kuenzi, Chris Storey, Mona LaPierre

### ISSUE & BACKGROUND

The Clackamas County Service District No. 1 sanitary sewer and surface water management Rules and Regulations, Administrative Procedures, and design standards and specifications are contained in five separate documents. The Rules and Regulations ("Rules"), which are analogues to the County code, state the District's policies and rules that users (development community, industrial, commercial and residential users) must follow. The Rules for sanitary sewer contain, among other provisions, technical standards for sewer construction which fall out of date as new products and construction methods are developed. The Rules for surface water management face similar issues.

Staff received initial Board authorization at an April 27, 2007 study session to explore merging these disparate Rules into a single document to improve customer service and transparency. Historically, the CCSD#1 Rules have been modified by Board Order on a limited basis. The Board approved the intent of the Rule change; staff actually wrote the language of the Rule change.

Staff has met with the District stakeholders and designed a two-step process to implement the initial direction of the Board. The first step is the revision of the District's Rules. The proposed new Rules would be a combination of both the sanitary and surface water rules. The document would eliminate overlapping or inconsistent provisions, remove technical provisions to a secondary document, and adopting certain updated regulatory language as required by the Oregon Department of Environment Quality regarding the Industrial Pretreatment Program.

The second step is to adopt and publish various secondary documents such as a sanitary sewer design manual that has been created to assist engineers and developers through the design process. This process was recommended as part of the Watershed Action Plan developed for the storm water program in conjunction with citizen advisory groups. The intent is to remove the technical design standards from the Rules themselves but include them in a document authorized by the Rules. This would allow for the standards to be updated by action of the Director as new materials and construction methods develop, including best practices for low-impact development ("LID"). This change would allow designers and contractors to have one, up-to-date set of requirements for all the types of facilities they are required to build and allow staff to implement LID practices as new methods are developed without requiring formal Rule amendments. Staff has been working with representatives from the homebuilders, contractors, representatives from the Cities of Happy Valley and Damascus, and citizen advisory groups regarding the design standards. This would take place in the spring of next year, after any revision of the Rules.

Staff is not proposing any policy changes in the Rules at this time except as mandated by state law.

The following goals have shaped this process:

1. No new Rules or Policy changes will be proposed or considered in the initial review.
2. Technical requirements will be placed in a technical design requirements document that is adopted and updated by the Director or designee after an appropriate comment period.
3. Common processes for stormwater and sewer service will be combined for consistency where appropriate.
4. The Rules will be reviewed for customer service as well as technical accuracy.

The final draft Rules and Regulations and Design documents will then be published on the WES website for a specified period of time for all users to review and comment. Any comments received will be compiled and responses provided with the final Rules and Regulations when submitted to the Board for public hearings and adoption.

### **OPTIONS AVAILABLE**

1. Water Environment Services staff could prepare a draft Rules and Regulations document for public review with the goals of:
  - Combining common processes for stormwater and sewer service for consistency where appropriate.
  - Placing technical requirements in a design requirements document that is updated by the Director or designee as needed changes occur.
  - Making needed regulatory and administrative updates.
2. WES staff could make needed legal changes only at this time and commence a process for public review of the proposed changes while maintaining separate documents.
3. No changes can be made the rules and regulations except regarding industrial pretreatment as required by DEQ, and no further process.

### **RECOMMENDATIONS**

Staff respectfully recommends that the Board authorize staff to prepare a draft Rules and Regulations document for CCSD#1's Sanitary Sewer and Surface Water Management programs that would:

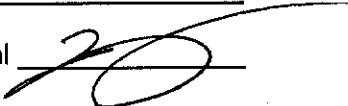
- Combine common processes for surface water management and sanitary sewer service for consistency where appropriate.
- Place technical requirements in a design requirements document that is updated by the Director or designee as needed changes occur.
- Make needed housekeeping and administrative updates.
- Implement a process for public review of the proposed draft Rules and Regulations and Design documents.

**QUESTION(S) PRESENTED FOR CONSIDERATION**

Should WES staff proceed with the revisions and consolidate the Rules and Regulations for Sanitary Sewer and Surface Water Management for Clackamas County Service District No. 1 into one document?

**SCHEDULE FOR STUDY SESSION**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval  \_\_\_\_\_

County Administrator Approval \_\_\_\_\_