

**OAK LODGE SANITARY DISTRICT**

**RULES AND REGULATIONS  
FOR  
SURFACE WATER MANAGEMENT**



Adopted May 1993  
Adopted May, 1993  
Revised January 1995  
Revised July 2000

**14611 SE River Road, Milwaukie, Oregon 97267-1198**

**RULES & REGULATIONS FOR SURFACE WATER MANAGEMENT  
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**SECTION 1**

**DECLARATION OF POLICY{TC "DECLARATION OF POLICY"}\L 2}**

**1.01 PURPOSE AND OBJECTIVES{TC "1.01 PURPOSE AND OBJECTIVES" \L 2}**

The Oak Lodge Sanitary District situated in Clackamas County, Oregon was organized pursuant to Chapter 450, Oregon Revised Statutes, for the purpose of providing sanitary sewer service and surface water quality and quantity management programs. This latter function is to be provided through nonstructural controls and capital improvement projects. Nonstructural controls include maintenance of surface water facilities, public education, water quality monitoring, implementation of intergovernmental agreements to provide for regional coordination, and preparation of water quality and quantity control ordinances and regulations. The objectives of this ordinance are: (a) to prevent or minimize the introduction of pollutants to surface waters; (b) to meet Federal National Pollutant Discharge Elimination System (NPDES) permit requirements; (c) to establish policies which prevent future pollution through implementation of Best Management Practices (BMP); (d) to provide for the equitable distribution of the costs of the surface water management program; and (e) to better manage and control storm water flows within the District.

The rules and regulations hereinafter set forth shall be applicable to all areas within Oak Lodge Sanitary District.

**1.02 ADOPTION OF NEW OR AMENDED RULES AND REGULATIONS{TC "1.02 ADOPTION OF NEW OR AMENDED RULES AND REGULATIONS" \L 2}**

The Board of Directors of Oak Lodge Sanitary District may promulgate new or amended rules pertaining to these rules or regulations in accordance with ORS Chapters 198 and 450.

**SECTION 2**  
**DEFINITIONS{TC "DEFINITIONS"}**

**2.01 WORDS AND TERMS{TC "2.01 WORDS AND TERMS" \L 2}**

Unless the context specifically indicates otherwise, the following words and terms, as used in this Ordinance, shall have the meanings hereinafter designated:

- (1) **AASHTO.** Standards adopted by the American Association of State Highway and Transportation Officials.
- (2) **ANSI.** Standards adopted by the American National Standard Institute.
- (3) **ASTM.** Standards adopted by the American Society of Testing and Materials.
- (4) **AWWA.** Standards adopted by the American Water Works Association.
- (5) **Board.** The Board of Directors of Oak Lodge Sanitary District.
- (6) **Business Customer.** A person who resides or conducts business or other activities on a business parcel. Mere ownership and activities which are necessary to prevent or abate nuisance conditions or to avoid deterioration of a business parcel shall not constitute "residing" or "conducting business or other activities."
- (7) **Business Parcel.** A parcel of land which is not a single family parcel.
- (8) **Constructed Wetlands.** Constructed Wetlands are those areas developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and/or separated from existing or other created wetlands. This separation shall preclude a free and open hydraulic connection to such other wetlands.
- (9) **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.
- (10) **County.** Clackamas County, Oregon
- (11) **Created Wetlands.** Created Wetlands are those wetlands developed in an area previously identified as a non-wetland to replace or mitigate wetland destruction or displacement.
- (12) **Customer.** A single family customer or a business center.
- (13) **Customer Charge.** The periodic charges applied to all customers of the District's Surface Water Management system for the cost of planning, program development, public education, operation, maintenance, and replacement; including any other costs, such as but not limited to, debt service, capital improvements, administration, etc.

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- (14) **Discharge.** Any addition of water, storm water, 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.
- (15) **District.** Oak Lodge Sanitary District.
- (16) **Dwelling Unit.** A living unit with kitchen facilities including those in multiple dwellings, apartments, hotels, motels, mobile homes, or trailers.
- (17) **Easement.** Any easement other than a public right-of-way in which the District has the right to construct and maintain facilities.
- (18) **Engineer.** A registered professional engineer licensed to practice in the State of Oregon.
- (19) **Equivalent Service Unit (ESU).** A configuration of development, or impervious surface on a parcel, estimated to contribute an amount of runoff to the District's storm water system which is approximately equal to that created by the average single family residential parcel. One ESU is equal to 2,500 square feet of impervious surface area.
- (20) **Erosion.** Erosion is the movement of soil particles resulting from the flow or pressure from storm water, irrigation water, other water, or wind.
- (21) **Erosion Control Plan.** A plan containing a list of best management practices to be applied during construction to control and limit soil erosion.
- (22) **Excessive Sediments.** The detachment and movement of soil, rock fragments, mulch and fill as a result of development activities that cause or contribute to, or measurable degradation of surface water quality.
- (23) **Existing Wetlands.** Existing Wetlands are those identified and delineated by the requirements set forth in the Federal Manual for Identifying the Delineating Jurisdictional Wetlands, January 1989, or as amended.
- (24) **FEMA.** Federal Emergency Management Agency.
- (25) **General Manager.** The chief executive officer of the District or any other person authorized to represent the General Manager on behalf of the District.
- (26) **Government Agency.** Any municipal or quasi-municipal jurisdiction, state or federal agency.
- (27) **Grab Sample.** A sample which is taken from a surface flow, such as a stream, wetland or drainage way, on a one time basis without consideration of time.
- (28) **Hearings Officer.** Officer for hearings of administrative actions appointed by the General Manager or the Board of Directors.
- (29) **Highly Erodible.** Soils with erosion factors (K) greater than 0.25, as listed

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in the Soil Survey of Clackamas County Area, Oregon, developed by the Soil Conservation Service.

- (30) **Illicit Discharge.** Any discharge to the public or natural storm water conveyance system that is not composed entirely of storm water, except discharges governed by and in compliance with an NPDES permit.
- (31) **Impervious Surface.** That hard 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 and may additionally, without mitigation measures, changes the water quality of flow from that present under natural conditions. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, oiled, macadam, or trafficked gravel, or other surfaces which similarly impede the natural infiltration or increased runoff of surface water.
- (32) **In Lieu Fee.** A fee collected by a jurisdiction in lieu of requiring construction of on-site storm water control facilities.
- (33) **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 Oregon State Department of Environmental Quality or the United States Environmental Protection Agency, exclusive of domestic sewage.
- (34) **Inspector.** A person designated by the District to inspect construction sites and activities affecting surface water.
- (35) **Installer.** Either the owner of the property in the District or a contractor doing work in connection with the installation of a facility under a proper permit from the District.
- (36) **Land Development.** Any human induced change to improved or unimproved real estate, including but not limited to construction, installation or expansion of a building or other structure, land division, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or cleaning.
- (37) **May.** The word "may" is permissive.
- (38) **National Pollution Discharge Elimination System, or NPDES Permit.** A permit issued pursuant to Chapter 402 of the Act (40 CFR 122, 123, 124, and 504).
- (39) **Open Spaces.** Natural areas indicted as Open Space on the Clackamas County Comprehensive Plan, Northwest Urban Area Map, or when one or more of the following open space resources is present:
  - a. Bodies of water, such as rivers, lakes or lagoons
  - b. 100 year floodplains
  - c. Land within one hundred (100) feet of mean low water of all major rivers and fifty (50) feet of other perennial streams

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- d. Willamette River Greenway
  - e. Wetlands, including recharge areas
  - f. Distinctive urban forests
  - g. Hillside of more than twenty (20) percent slope
  - h. Areas of confirmed land movement hazard
  - I. Areas of severe erosion or unstable soil
  - j. Areas of high visual sensitivity
  - k. Significant Natural Areas
  - l. Other distinctive or unique natural areas, or areas of serious natural hazard
- (40) **"Or Equal," "Or Approved Equal," "Or Equivalent"**. These terms indicate that the "equal" product is the same or better than the product or standard named or prescribed in function, performance, reliability, quality, and general configuration. Determination of the quality in reference to the project design requirements will be made by the District. Contractor shall not use such "equal" products without prior written approval of the District.
- (41) **This Ordinance**. Ordinance No. 1001, any and all rules and orders adopted pursuant hereto, and any and all amendments to the Ordinance or any such rules or amendments.
- (42) **Permit**. Any authorization required pursuant to this or any other regulation of the District.
- (43) **Permittee**. The person in whose name a permit has been issued by the District.
- (44) **Person**. Any individual, firm, company, or corporation, partnership or association, entity, public corporation, political subdivision, city, county, district, the State of Oregon, the United States of America trust or any department or agency thereof.
- (45) **Plans**. The drawings and designs which specify construction details as prepared by the Engineer.
- (46) **Pollutant**. Any of the following, but not restricted to: oil, grease, dredged soil spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, cellar dirt and untreated industrial, municipal and agricultural discharges into water.
- (47) **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 discharging to Waters of the State.
- (48) **Private Storm System**. That portion of the storm system owned and maintained by an entity other than the District.
- (49) **Process Waste Water**. Any water which, during manufacturing or

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processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

- (50) **Property (or the site).** The property or the site shall mean the subject real property.

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- (51) **Public/District' Storm System.** The storm collection system owned by or under the jurisdiction of and maintained by the District or the District's delegate.
- (52) **Public Right-of-Way.** Any public highway, road, street, avenue, alleyway, public place, public easement, or public right-of-way.
- (53) **Public Works Project.** Any land development conducted or financed by a local, state, or federal government body.
- (54) **Sensitive Areas.**
- a. Existing or created wetlands.
  - b. Rivers, streams, and creeks carrying flows from 100 acres or more.
  - c. Impoundments (lakes and ponds) with average water in the summer of one acre-foot or more, or with depth of three feet or more.
- Sensitive areas shall not include a constructed wetland, an undisturbed corridor (a 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.
- (55) **Service Area.** The area within the boundaries of the district, as may be amended by annexation or other boundary change.
- (56) **Shall.** The word "shall" is mandatory.
- (57) **Significant Materials.** Includes but is not limited to: raw materials; fuel; materials such as solvents, detergents and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances defined under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 1313 of Title 3 of SARA, fertilizers; pesticides, herbicides and fungicides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
- (58) **Single Family Customer.** A person who resides or conducts business or other activities on a single family parcel. Mere ownership and activities which are necessary to prevent or abate nuisances at or to avoid deterioration of a single family parcel shall not constitute "residing" or "conducting business or other activities."
- (59) **Single Family Parcel.** A parcel of land with one single family residence located on it, which is primarily for single family residence purposes.
- (60) **Standard Methods.** The examination and analytical procedures set forth in the most recent edition of **Standard Methods for the Examination of Water and Wastewater**, published by the American Public Health Association, the American Water works Association, and the Water Environment Federation.
- (61) **Storm Sewer.** A pipe or any method of conveyance, artificial or natural, designed to carry only storm waters, surface runoff, street washwaters, or drainage.
- (62) **Storm Water.** Waters on the surface of the ground or underground resulting from precipitation.

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- (63) **Storm Water Quality Control Facility.** Storm Water Quality Control Facility refers to any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvement. It may also include, but is not limited to, existing features such as constructed wetlands, water quality swales, and ponds which are maintained as storm water quality control facilities.
- (64) **Undeveloped Land.** Land left in its natural state, free from any structures, roadways, placement of impervious materials or any other man created alteration.
- (65) **Useful Life.** The period during which a specific facility operates.
- (66) **User Charge.** The periodic charges applied to all customers of the District's Surface Water Management system for the cost of construction, operation, maintenance, repair and replacement; including any other costs, such as, but not limited to, debt service, capital improvements, administration, etc.
- (67) **Visible or Measurable Erosion.** Visible or measurable erosion includes, but is not limited to:
- a. Deposits of mud, dirt, sediment or similar material exceeding 1/2 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 or erosion.
  - b. Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on 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 leaves the property.
- (68) **Water Quality Swale.** Water Quality Swale is a vegetated natural depression, wide shallow ditch, or constructed facility used to temporarily store, route, or filter runoff for the purpose of improving water quality.
- (69) **Water Quality Standards.** The Federal Clean Water Act, the Code of Federal Regulations, ORS Chapter 468 and Oregon Administrative Rules 340-41-455 through 340-41-470 specifically related to the Willamette River Basin as set forth by NPDES permit.
- (70) **Waters of the State.** All streams, lakes ponds, marshes, wetlands, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.
- (71) **Work.** All labor necessary to produce the construction required by the approved construction plans, and all materials, equipment, and services incorporated to complete construction.

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### **2.02 PRONOUNS{TC "2.02 PRONOUNS" \L 2}**

Pronouns indicating number or gender in this Ordinance are interchangeable and shall be interpreted to give effect to the requirements and intent of this Ordinance.

**SECTION 3**

**DISCHARGE REGULATIONS{TC "DISCHARGE REGULATIONS"}**

**3.01 FEDERAL DISCHARGE PROHIBITIONS{TC "3.01 FEDERAL DISCHARGE PROHIBITIONS" \L 2}**

**3.01.1 Discharge to Sanitary Sewer System{tc "3.01.1 Discharge to Sanitary Sewer System" \I 3}**

No person shall discharge or contribute to the discharge of any storm water or other unpolluted water into the District's sanitary sewerage system.

**3.01.2 Discharge to Public Storm Water System{tc "3.01.2 Discharge to Public Storm Water System" \I 3}**

No person shall discharge or cause to be discharged, directly or indirectly, to the public storm system any quantity of storm water or any pollutant, substance or storm water that will violate the discharger's permit, if one is issued, the District's NPDES permit, this Ordinance or any water quality standard. Prohibited activities include, but are not limited to, the following:

- (1) Introduction of pollutants or waters to the public storm water system containing pollutant loadings or concentrations at levels equal to or in excess of those necessary to protect waters of the State.
- (2) Failure to abide by the terms of any NPDES permit, statute, administrative rule, ordinance, stipulated and final order or decree or other permit or contract.
- (3) Discharges of non-storm water or spills or dumping of materials other than storm water in to public storm system unless pursuant to a permit and in compliance therewith.
- (4) Illegal or unpermitted connections or methods of conveyance to the public storm water system.
- (5) Any discharge that will violate water quality standards.

**3.02 (RESERVED){TC "3.02 (RESERVED)" \L 2}**

**3.03 PRETREATMENT{TC "3.03 PRETREATMENT" \L 2}**

**3.03.1 Pretreatment Facilities{tc "3.03.1 Pretreatment Facilities" \l 3}**

If it is determined by the District that pretreatment facilities are necessary to comply with water quality standards, the District may require that such facilities be constructed or modifications or changes made within the shortest reasonable time, taking into consideration the construction time, impact of the surface water on the District's system, economic impact on the facility and any other appropriate factor. All such facilities shall be constructed and operated under a permit issued by the District.

**3.03.2 Plans, Specifications and Construction{tc "3.03.2 Plans, Specifications and Construction" \l 3}**

Plans, specifications and other information relating to the construction or installation of pretreatment facilities required by the District under this Ordinance shall be submitted to the District. No construction or installation thereof shall commence until written approval of plans and specifications by the District is obtained. No person, by virtue of such approval, shall be relieved of compliance with other laws of any applicable jurisdiction relating to construction and to permits. Every facility for the pretreatment and handling of surface water from industrial activity sites shall be constructed in accordance with approved plans and specifications and shall be installed and maintained at the expense of the property owner discharging the surface water.

**3.03.3 Sampling and Monitoring Facility{tc "3.03.3 Sampling and Monitoring Facility" \l 3}**

Any person constructing a pretreatment facility as required by the District shall also install and maintain at its expense a suitable sampling access point for checking and investigating the discharge from the pretreatment facility to the public storm system. The sampling point shall be in accordance with specifications approved by the District.

**3.04 REPORTING REQUIREMENTS{TC "3.04 REPORTING REQUIREMENTS" \L 2}**

From the date of issuance of the permit the permit holder shall issue a compliance report every 180 days indicating the nature and concentration of all pollutants in the surface water and the quantity of surface water discharge. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and if not, what additional operation, maintenance or pretreatment techniques or facilities are necessary to bring to being the user into compliance with the applicable standard. The statement shall be signed by an authorized representative of the user and certified to it by a qualified professional engineer. If additional pretreatment facilities or operation and maintenance is

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necessary, a schedule must be submitted. The schedule shall contain increments of progress in the form of dates for commencement and completion of major events leading to the construction and operation of additional pretreatment or operation and maintenance. No increment of progress shall exceed nine (9) months. The industrial user shall submit a progress report to the District including, at a minimum, whether it complied with the increment of progress to meet on such a date and if not, the date on which it expects to comply with the increment of progress, the reason for delay and the steps being taken to return the construction to the schedule established. This progress report shall be submitted no later than fourteen (14) days following each date in the schedule and the final date of compliance.

### **3.05 INSPECTION AND SAMPLING**

#### **3.05.1 Inspection**

Authorized District representatives may inspect the monitoring facilities of any permittee to determine the compliance with the requirements of the Ordinance. The discharger shall allow the District or its authorized representatives to enter upon the premises at all reasonable hours for the purpose of inspection, sampling or records examination. The District shall also have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance, monitoring and/or metering operations. The right of entry includes but is not limited to access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting or otherwise handling surface water and storing records, reports, or other documents related thereto.

#### **3.05.2 Sampling**

Samples of surface water being discharged into the public surface system shall be representative of the user and shall be taken after treatment, if any, and before dilution by other water. The sampling method shall be one approved by the District and one in accordance with good engineering practices. All sample analysis shall be performed in accordance with the procedures set forth in 40 CFR Part 136 and any amendments thereto.

**SECTION 4**

**ENVIRONMENTAL PROTECTION AND EROSION CONTROL RULES{TC "ENVIRONMENTAL PROTECTION AND EROSION CONTROL RULES" }**

**4.01 GENERAL POLICY{TC "4.01 GENERAL POLICY" \L 2}**

The policies of this Section shall apply during construction and until permanent measures are in place following construction as described herein, unless otherwise noted.

**4.01.1 General Statement of Policy{tc "4.01.1 General Statement of Policy" \l 3}**

It is the policy of the District to require temporary and permanent measures for all construction projects to lessen the adverse effects of site alteration on the environment. The owner or his/her agent, contractor, or employee, shall properly install, operate and maintain both temporary and permanent works as provided in this section or in an approved plan, to protect the environment during the term and life of the project. In addition, these erosion control rules apply to all parcels within the District boundary, regardless of whether that parcel is involved in a construction or development activity.

Nothing in this section shall relieve any person from the obligation to comply with the regulations or permits of any federal, state, or local authority.

**4.01.2 Maintenance{tc "4.01.2 Maintenance" \l 3}**

Maintenance of existing facilities shall be the responsibility of the owner, whether ownership is private or public. If adequate maintenance is not performed, the maintenance standards and schedule shall be reviewed and enforced by the District and the owner shall be responsible to the District for costs incurred.

**4.02 EROSION CONTROL{TC "4.02 EROSION CONTROL" \L 2}**

**4.02.1 Policy{tc "4.02.1 Policy" \l 3}**

It is the District's policy to eliminate or reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion to comply with water quality standards set forth in OAR 340-41-445 through 340-41-470. The provisions of Section 4.02 shall apply to all customers within the Boundary of the District.

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**4.02.2 Erosion Prohibited**

Visible or measurable erosion, during construction, which enters, or is likely to enter, the public storm and surface water system, is hereby prohibited and is a violation of these rules. The owner of the property, together with any person who causes such erosion, from which the erosion occurs shall be responsible.

**4.02.3 Erosion Control Plans and Permits**

- A. All construction activities disturbing five (5) or more acres of land shall obtain an NPDES surface water discharge permit for construction activities issued by District.
- B. A storm drainage and erosion control plan will be required for all residential, commercial, industrial and recreational developments. The plan shall contain at a minimum:
  - 1. The methods and/or facilities to be used to prevent erosion and pollution created from the development both during and after construction. Site specific considerations may be incorporated. The plan shall be consistent with the specific drainage basin or subbasin plan.
  - 2. An analysis of source controls as an alternative method to control storm water runoff, such as detention and storage techniques.
  - 3. All erosion control plans shall meet requirements of the current Erosion/Sedimentation Control Plans, Technical Guidance Handbook for Clackamas County.
  - 4. Include information regarding adjacent Open Spaces.
  - 5. Include information describing historic localized flooding problems resulting from Surface Water runoff.
- C. The District may require that the applicant design and construct a detention and drainage system which will insure that offsite impacts caused by that development can be mitigated.
- D. Facilities developed on-site shall be constructed in a manner consistent with basin wide or subbasin drainage management plans.
- E. Site Plan. A site specific plan prepared by an Oregon registered professional engineer or soils engineer, shall be required when the site involves disturbance to an area that is:
  - 1. Greater than five (5) acres;
  - 2. Greater than one (1) acre and has slopes greater than 20

## Rules and Regulations

percent.

3. Greater than one (1) acre and contains highly erodible soils.
- F. Bond. Applicant shall submit a bond, cashier's check, or other acceptable financial security to secure performance of the obligation hereunder. Upon default, Oak Lodge Sanitary District may perform the work or remedy violations and draw upon the posted security instrument.

### **4.02.4 Maintenance{tc "4.02.4 Maintenance" \l 3}**

The applicant shall maintain the facilities and techniques contained in the approved Erosion Control Plan so as to continue to be effective during construction or other permitted activity. If the facilities and techniques approved in an Erosion Control Plan are not effective or sufficient as determined by District site inspection, the permittee shall submit a revised plan within three working days of written notification by the District. Upon approval of the revised plan by the District, the permittee shall immediately implement the additional facilities and techniques of the revised plan. In cases where erosion is occurring, the District may require the applicant to install interim control measures prior to submittal of the revised Erosion Control Plan.

### **4.02.5 Inspection{tc "4.02.5 Inspection" \l 3}**

The erosion control measures shall be installed and inspected prior to the start of any excavation work.

### **4.02.6 Physical Erosion{tc "4.02.6 Physical Erosion" \l 3}**

No person shall drag, drop, track, or otherwise place or deposit, or permit to be deposited, mud, dirt, rock or other such debris upon a public street or into any part of the public storm and surface water system, or any part of a private storm and surface water system which drains or connects to the public storm and surface water system. Any such deposit or material shall be immediately removed using hand labor or mechanical means. No material shall be washed or flushed into any part of the storm and surface water system without erosion control measures installed to the satisfaction of the District, and any such action shall be an additional violation.

### **4.02.7 Permit Fee{tc "4.02.7 Permit Fee" \l 3}**

The District shall collect a fee for the review of plans, administration, enforcement, and field inspection(s) to carry out the rules contained herein. See Table 1.

## Rules and Regulations

### **4.03 AIR POLLUTION{TC "4.03 AIR POLLUTION" \L 2}**

#### **4.03.1 Dust{tc "4.03.1 Dust" \l 3}**

Dust and other particulate matters containing pollutants may settle on property and be carried to waters of the State through rainfall or other means.

Dust shall be minimized to the extent practicable, utilizing all measures necessary, including, but not limited to:

- A. Sprinkling haul and access roads and other exposed dust producing areas with water.
- B. Establishing temporary vegetative cover.
- C. Placing wood chips or other effective mulches on vehicle and pedestrian use areas.
- D. Maintaining the proper moisture condition on all fill surfaces.
- E. Prewetting cut and borrow area surfaces.
- F. Use of covered haul equipment.

### **4.04 MAINTAINING WATER QUALITY{TC "4.04 MAINTAINING WATER QUALITY" \L 2}**

#### **4.04.1 Construction{tc "4.04.1 Construction" \l 3}**

Construction between stream banks of new facilities shall be kept at a minimum.

#### **4.04.2 Common Pollutants{tc "4.04.2 Common Pollutants" \l 3}**

Pollutants such as fuels, lubricants, bitumens, raw sewage, and other harmful materials shall not be discharged into or near rivers, streams, or impoundments.

#### **4.04.3 Use of Surface Water{tc "4.04.3 Use of Surface Water" \l 3}**

The use of water from a stream or impoundment shall not result in altering the temperature of the water body in violation of Oregon Administrative Rules.

## Rules and Regulations

### **4.04.4 Sediments**

All sediment laden water from construction operations shall be either routed through sedimentation basins, filtered, or otherwise treated to remove the sediment load prior to discharging into the surface water system.

## **4.05 FISH AND WILDLIFE HABITAT**

### **4.05.1 Construction**

The construction shall be done in a manner to minimize adverse effects on wildlife and fishery resources.

### **4.05.2 Wildlife and Fish Protection Agency Requirements**

The requirements of local, state, and federal agencies charged with wildlife and fish protection shall be adhered to by the entire construction work force.

## **4.06 NATURAL VEGETATION**

### **4.06.1 Protection and Preservation**

As far as is practicable, natural vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage. Trees shall not be used as anchors for stabilizing working equipment.

### **4.06.2 Clearing and Grubbing**

During clearing operations, trees shall not be permitted to fall outside the work area. In areas designated for selective cutting or clearing, care in falling and removing trees and brush shall be taken to avoid injuring trees and shrubs to be left in place.

### **4.06.3 Restoration**

Where natural vegetation has been removed, or the original land contours disturbed, the site shall be revegetated as soon as practicable after construction has commenced, except where construction of sewers will be

## Rules and Regulations

followed by paving. The site shall be successfully revegetated as soon as possible.

### **4.07 PESTICIDES, FERTILIZERS**{TC "4.07 PESTICIDES, FERTILIZERS" \L 2}

#### **4.07.1 Use**{tc "4.07.1 Use" \l 3}

The use of pesticides, including insecticides, herbicides, defoliants, soil sterilants, and the use of fertilizers, must strictly adhere to federal, state, county, and local restrictions.

#### **4.07.2 Storage**{tc "4.07.2 Storage" \l 3}

All materials defined in Section 4.07.1 delivered to the job site shall be covered and protected from the weather. None of the materials shall be exposed during storage. Waste material, rinsing fluids, and other such material shall be disposed of in such manner that pollution of groundwater, surface water, or the air does not occur. In no case shall toxic materials be dumped into drainage ways.

### **4.08 CONTAMINATED SOILS**{TC "4.08 CONTAMINATED SOILS" \L 2}

In the event the construction process reveals soils contaminated with hazardous materials or chemicals, all parties shall stop work immediately, ensure no contaminated material is hauled from the site, remove work forces from the contaminated area, leaving all machinery and equipment, and secure the area from access by the public until such time as a mitigation team has evaluated the situation and identified an appropriate course of action. Contractor shall notify the District and an emergency response team (911) of the situation upon its discovery. No persons who may have come in contact with the contaminated material shall be allowed to leave the site until such time as the emergency response team releases them.

**SECTION 5**

**ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS{TC "ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS" }**

**5.01 GENERAL STANDARDS{TC "5.01 GENERAL STANDARDS" \L 2}**

**5.01.1 General Design{tc "5.01.1 General Design" \l 3}**

- A. All development shall be planned, designed, constructed and maintained to:
  - 1. Protect and preserve existing natural drainage channels to the maximum practicable extent.
  - 2. Protect development from flood hazards.
  - 3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons.
- B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the District may require the water course to be bridged or spanned.
- C. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the District, or other entity including a homeowners association if part of common area. This does not create a maintenance obligation by the District; any maintenance obligation must be specifically assumed.
- D. Channel obstructions are not allowed except as approved for the creation of hydropower facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.

**5.02 WATER QUANTITY STANDARDS{TC "5.02 WATER QUANTITY STANDARDS" \L 2}**

**5.02.1 On-site Detention Design Criteria{tc "5.02.1 On-site Detention Design Criteria" \l 3}**

Storm water quantity on-site detention facilities shall be designed to capture runoff so the runoff rates from the site after development do not exceed pre-development conditions, based upon a 25-year, 24 hour return storm.

Storm water quantity on-site detention facilities shall be designed such that the peak release rates will not exceed pre-development rates for the 2 through 25 year storm.

### **5.02.2 On-site Detention Design Method**

The procedure for determining the detention quantities is set forth in Chapter 4.4 Retention/Detention Facility Analysis and Design, King County, Washington, Surface Water Design Manual (ibid) except subchapters 4.4.5 Tanks, 4.4.6 Vaults and Figure 4.4.4G Permanent Surface Water Control Pond Sign. This reference shall be used for procedure only. Local rainfall data and information shall apply. The design criteria shall be as noted herein. Engineers desiring to utilize a procedure other than that set forth herein shall obtain District approval prior to submitting calculations utilizing the proposed procedure.

For single family and duplex residential subdivisions, storm water quantity detention facilities shall be sized for the impervious areas to be created by the subdivision, including all residences on individual lots at a rate of 2,500 square feet of impervious surface area per dwelling unit, plus all roads which are assessed a SWM monthly fee under District rules. Such facilities shall be constructed as a part of the subdivision public improvements. Construction of a single family or duplex residence on an existing lot of record is not required to construct storm water quantity detention facilities.

For all developments other than single family and duplex residential, such as multi-family, commercial, industrial, or other uses, the sizing of storm water quantity detention facilities shall be based on the impervious area to be created by the development, including structures and all roads and impervious areas which are charged a SWM monthly fee under District rules.

## **5.03 WATER QUALITY STANDARDS**

### **5.03.1 Study**

The District shall require the applicant to provide a study identifying areas on the parcel which are or may be sensitive areas when, in the opinion of the District:

- A. An area or areas on a parcel may be classified as a sensitive area;
- B. If the parcel has been included in an inventory of sensitive areas adopted by the District or County and more site specific identification of the boundaries are needed.

**5.03.2 Undisturbed Corridor Required**{tc "5.03.2 Undisturbed Corridor Required" \l 3}

New development or a division of land adjacent to sensitive areas shall preserve and maintain an undisturbed corridor for a buffer wide enough to protect the water quality functioning of the sensitive area. The undisturbed corridor is a facility required to prevent damage to the sensitive area caused by the development. The undisturbed corridor shall be a minimum of 25 feet wide, measured horizontally, from the defined boundaries of the sensitive area, unless otherwise approved by the District as meeting the following exception.

Where no reasonable and feasible option exists for encroaching within the minimum 25 foot undisturbed corridor, such as at a road crossing or where topography limits options, then a facility equivalent to the 25 foot corridor shall be provided.

**5.03.3 Design Standards for the Undisturbed Corridor**{tc "5.03.3 Design Standards for the Undisturbed Corridor" \l 3}

- A. A road crossing the undisturbed corridor to provide access to the sensitive area or across the sensitive area.
- B. Utility construction, providing the corridor is restored.
- C. A gravel walkway or bike path, not exceeding eight feet in width. If the walkway or bike path is paved, then the corridor must be widened by the width of the path. A paved or gravel path may not be constructed closer than ten feet from the boundary of the sensitive area, unless approved by the District.
- D. Measures to remove or abate hazards, nuisances, or fire and life safety violations.
- E. Homeowners are allowed to take measures to protect property from erosion, such as protecting river banks erom erosion, within limits allowed by State and Federal regulations.
- F. The undisturbed corridor shall be left in a natural state. Gardens, lawns, or other landscaping shall require a plan review by the District. The proposal shall include information to demonstrate that improvements and maintenance of improvements, will not be detrimental to water quality.
- G. The District may require that the corridor be fenced, signed, delineated, or otherwise physically set apart from parcels that will develop.

**5.03.4 Location of Undisturbed Corridor**{tc "5.03.4 Location of Undisturbed Corridor" \l 3}

## Rules and Regulations

In any residential development which creates multiple parcels or lots intended for separate ownership, such as a subdivision, the undisturbed corridor shall be contained in a tract, and shall not be a part of any parcel to be used for the construction of a dwelling unit.

The District may require an easement conveying storm and surface water management rights to the District and preventing the owner of the tract from activities and uses inconsistent with the purpose of the conveyance.

**SECTION 6**

**(RESERVED){TC "(RESERVED)"}**

**SECTION 7**

**RATES FOR SURFACE WATER MANAGEMENT SERVICES{TC "RATES FOR SURFACE WATER MANAGEMENT SERVICES"}**

**7.01 CUSTOMER CHARGES{TC "7.01 CUSTOMER CHARGES" \L 2}**

**Equivalent Residential Unit Rate Structure**

Except as specifically provided below, a monthly surface water management charge shall be paid by the customer from the effective date of this ordinance. The rate is set according to the surface water service area, as follows:

**7.01.1 Surface Water Service Area. {tc "7.01.1 Surface Water Service Area. " \l 3}**

There is hereby imposed a system rates for customers for surface water management services established by this ordinance. The rates are found to be reasonable and necessary to fund the current administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing surface water facilities; provided, however, that the District reserves the right to fix, alter, regulate and control the rates.

The District has determined through its review of hydrologic data and computer modeling of storm water quantity and quality events that impervious surface area is, without appropriate mitigation measures, the primary cause of a change in the quantity, quality and timing of the surface water leaving such sites and impacting waters of the state within the boundaries of the District. The following rates are hereby established for all customers within the District's service area.

**Rate Calculation:**

A monthly customer charge, in accordance with Table 2, shall be paid by each single family customer from the effective date of this ordinance to the District. All business customers shall pay for the total number of equivalent service units (ESUs) attributable to their sites. The total ESU's shall be calculated by dividing the total impervious area on the site by the average amount of impervious area for a single family residence within the service area. The resulting figure, when rounded to the nearest whole number, is multiplied by the equivalent service unit customer charge, listed in Table 2, to establish the monthly service fee.

**Measurement of Equivalent Service Units (ESUs):**

An Equivalent Service Unit (ESU) is a base unit of measure in the District's rate structure. An ESU represents the average amount of impervious area on a single family residential site within the service area. The number of ESUs attributable to a parcel are calculated in whole units, with the minimum charge set at one ESU.

## Rules and Regulations

For properties with more than one ESU, values will be rounded to the nearest whole unit(e.g. 3.4 = 3; 3.5 = 4).

The average impervious surface area for properties defined as single family residential is determined to be 2,500 square feet.

### **Mitigation Reduction Factor:**

The amount of surface water service for sites can be controlled through provision of detention and/or other storm water quantity or quality control mitigation facilities. The District shall determine the appropriate mitigation credit factor for customers who provide such mitigation in a manner consistent with the Administrative Procedures adopted by the District.

## **7.02 PAYMENT OF CUSTOMER CHARGES{TC "7.02 PAYMENT OF CUSTOMER CHARGES" \L 2}**

Customers will be billed in accordance with the following schedule:

### **Service Area:**

Single family customers will be billed on a two (2) month basis for services rendered, with payment due within fifteen (15) days of the billing date. Business customers will be billed on a monthly basis for services rendered, with payment due within fifteen (15) days of the billing date.

**SECTION 8**

**COLLECTION PROCEDURES{TC "COLLECTION PROCEDURES"}**

**8.01 DELINQUENT CHARGES{TC "8.01 DELINQUENT CHARGES" \L 2}**

All charges by the District shall be due within fifteen (15) days of billing. Thereafter a charge shall be considered delinquent. All delinquent charges shall bear interest at the interest rate set forth in Table 2 from the date of delinquency until paid. Failure to make payment when due shall give the District the right to undertake such collection action as it deems appropriate under the circumstances including, but not limited to, letters, telephone calls (reasonable as to time and place) or legal proceedings.

In addition, upon ten (10) days written notice, if feasible, the District may undertake those steps to construct or maintain on-site mitigation facilities or obtain cessation of customers impact upon the District's or public's surface water system and the charges therefore shall be owed by customer to the District. Any costs incurred by the District to construct or maintain facilities or to cease or mitigate the customer's impact on the surface water system, shall be charged at the District's usual labor and material rates. In addition to the amounts owed, the District shall also have the right to collect its reasonable costs and disbursements, at trial or on appeal.

**8.02 PAYMENT{TC "8.02 PAYMENT" \L 2}**

All customers residing or conducting business or other activities on a parcel shall be jointly and severally liable for payment of the surface water service charges imposed by these rules. However, payment of a surface water service charge by any customer with respect to a parcel shall discharge all other customers from liability for payment of that charge for that parcel, except that the party so paying may obtain reimbursement from the other parties for whom payment was made.

## SECTION 9

### ENFORCEMENT{TC "ENFORCEMENT"}

#### 9.01 VIOLATIONS AND CIVIL PENALTIES{TC "9.01 VIOLATIONS AND CIVIL PENALTIES" \L 2}

##### 9.01.1 Violation of These Rules and Regulations{tc "9.01.1 Violation of These Rules and Regulations" \l 3}

The District may impose civil penalties, including but not limited to fines, modification or revocation of permit and/or cessation of services, or seek an injunction or other relief provided by law when any customer or person violates any condition or provision of this ordinance or any rule adopted thereto or any final order entered with respect thereto. In addition, violation of these rules and regulations is a Class C misdemeanor.

##### 9.01.2 Procedure for Imposition of Civil Penalties{tc "9.01.2 Procedure for Imposition of Civil Penalties" \l 3}

###### Notice:{tc "Notice." \l 3}

Whenever the General Manager finds that any customer or person has violated this ordinance, the General Manager shall serve or cause to be served upon such customer or person written notice, either personally, by office, or substitute service as those terms are defined in the Oregon rules of Civil Procedure, or by certified or registered mail, return receipt requested, stating the nature of the alleged violation and the civil penalty contemplated under this ordinance. Within fifteen (15) days of the date of receipt of the notice, the customer or person shall respond in writing to the General Manager advising of its position with respect to the allegation. Thereafter, the parties may meet to ascertain the veracity of the allegation through testimony or otherwise and, where necessary, establish a plan for the satisfactory correction thereof.

###### Show Cause Hearing:{tc "Show Cause Hearing." \l 3}

When the violation alleged is not corrected within a reasonable time set by the General Manager, the General Manager may order any customer or person who causes or allows the violation alleged to continue to show cause before the Board, Hearings Officer, or other authorized representative or designee of the District why the proposed civil penalties should not be imposed. As used in this Subsection, a reasonable time shall be determined in good faith by the General Manager, taking into consideration all circumstances involved. A written notice shall be served on the customer or person by personal service, office or substitute service as those terms are defined in the Oregon Rules of Civil Procedure or by certified or registered mail, return receipt requested, specifying the time and place for a show cause hearing to be held by the District or its designee regarding the violation, the reasons why the enforcement action, including

## Rules and Regulations

any proposed civil penalty assessment is to be taken, and directing the customer or person to show cause why the proposed enforcement action should not be taken. The notice herein shall be served not less than ten (10) days before the hearing. Service may be made upon any agent, officer, or authorized representative of the customer or person. The hearing shall be conducted in accordance with ORS Chapter 183. The record of the hearing shall be considered by the District, which shall enter appropriate orders, including any civil penalty being imposed with respect to the alleged improper activities of the customer or person. Appeal of such orders may be taken by the customer or person as provided in the Appeal paragraph below.

### **Schedule of Civil Penalties:**{tc "Schedule of Civil Penalties." \ 3}

In addition to any liability, duty or other penalty provided by law, the District, its Hearings Officer or other authorized representative or designee, as the case may be, may assess in conjunction with the show cause proceeding described above, a civil penalty for any violation of this ordinance by service of a written notice of assessment of civil penalty upon the customer or person as provided in this Subsection. The amount of civil penalty shall not be less than \$100, nor more than the maximum amount assessable against the District by any governmental agency having jurisdiction over the District, or the actual cost to the District to construct or maintain facilities or gain compliance with these regulations. Each day of a continuing violation shall constitute a separate offense for purposes of the civil penalty assessable for the violation.

### **Appeal:**{tc "Appeal." \ 3}

The decision of the District shall be sent to the customer or person by certified mail, return receipt requested. This decision shall be final unless a notice of intent to file a writ of review in the Circuit Court from the customer or person is received by the District within ten (10) days after the decision of the District was sent to the customer or person. Upon filing of the notice of intent to seek writ of review in the Circuit Court, the customer or person shall comply with ORS Chapter 34 relating to writ of review procedures.

Every notice of intent to file a writ of review shall contain (a) a reference of the matter to be reviewed; (b) a statement of the interest of the appellant/customer or person; (c) the specific ground relied upon as to why the decision being appealed is improper or erroneous; and (d) the date of the decision of the initial action.

### **Enforcement of Civil Penalty:**{tc "Enforcement of Civil Penalty." \ 3}

Procedures for the enforcement of the civil penalty shall be as follows:

- (1) **Time Limit:** Any civil penalty imposed shall be a judgment and may be registered with the Court Clerk. The penalty shall be paid in full within fifteen (15) days of the date of decision is final. Payment shall be made either in cash or by certified check made payable to the District and submitted to the General Manager.
- (2) **Relief in Circuit Court:** If full payment is not made, the District

## Rules and Regulations

may take further action for collection. Alternatively, counsel for the District may, following the authorization of such action by the District, commence an action for appropriate legal and/or equitable relief in the Circuit Court. Notwithstanding the foregoing administrative hearing processes, nothing in the Subsection shall prohibit the District from commencing civil action in the Circuit Court for injunction or other relief or seeking imposition of civil penalties described above by the court. Further, as the violation of this ordinance is also a Class C misdemeanor, nothing in this Subsection shall prohibit the District from instituting criminal proceedings for a violation, either through the District attorney of Clackamas County or by the District's counsel.

### **9.02 EROSION CONTROL{TC "9.02 EROSION CONTROL" \L 2}**

#### **9.02.1 Erosion Control Violations{tc "9.02.1 Erosion Control Violations" \L 3}**

In addition to civil penalties described in Section 8.01, erosion control violations will be enforced during construction. Initial violations will result in a written description of requirements for repair of the problem and a 24 hour time period for compliance. If the repair is not performed, or violations continue, the inspector will issue a stop work order on the project, which will remain in effect until the violation is repaired to the requirements stated in these Rules and Regulation.

If the violation is not remedied or the person fails to diligently pursue appropriate remedies resulting in significant progress within 24 hours as determined by the District, the District may enter upon the property to abate the violation. Notwithstanding anything herein to the contrary, if the District has determined the violation to constitute an emergency or that other circumstances require immediate action, the District may take any and all reasonable and necessary action, with or without notice to the owner, to remedy the violation or problem. Any costs incurred by the District to remedy a violation shall be paid by the owner.

In the event the owner fails to correct a violation as required above, the District may impose charges including, but not limited to, additional daily inspection fees.

### **9.03 ABATEMENT{TC "9.03 ABATEMENT" \L 2}**

Nothing herein shall prevent the District following seven (7) days written notice to the discharger, and dischargers failure to act, from entering upon the property and disconnecting, sealing, or otherwise abating any unauthorized connection to the storm water or system discharger violating any permit, this ordinance or water quality standards. As part of this power the District may perform tests upon the property to trace sources of water quantity or water quality violation.

**SECTION 10**

**APPEALS{TC "APPEALS"}**

**10.01 APPEALS{TC "10.01 APPEALS" \L 2}**

**Appeals to General Manager or his Designee:**

Any person aggrieved by ruling or interpretation of the provisions of this Ordinance may submit a written appeal to the General Manager. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the impact of the ruling on the appellant, together with any other reasons for the appeal.

**Decision of General Manager or Designee:**

The General Manager shall study the matter, hear testimony if deemed necessary, and issue written findings and reasons for such recommendations to the appellant, with copies to the Board, within thirty (30) days.

**Appeal to the Board or their Designee:**

If the appellant considers that his grievance has not been handled to his satisfaction, he may apply to the Board of the District for an independent review of his case within thirty (30) days from the date of the written decision by the General Manager. The governing body shall make an independent review of the case and shall hear testimony on the matter if it deems necessary, and shall within thirty (30) days from receipt of the application prepare a written decision on the matter which shall be sent to the applicant.

**Circuit Court Review:**

Decisions of the Board or their Designee shall be reviewable by the Circuit Court of the State of Oregon for Clackamas County, solely and exclusively under the provisions of ORS 34.010 to 34.100.

**SECTION 11**

**SUPPLEMENTARY RULES{TC "SUPPLEMENTARY RULES"}**

**11.01 COMPLIANCE WITH LAWS{TC "11.01 COMPLIANCE WITH LAWS"  
\\L 2}**

Conformance with this Ordinance shall in no way be a substitute for, or eliminate the necessity of, conforming with any and all federal, state and local laws, ordinances, rules and regulations which are now, or may in the future be, in effect.

Regulations and Rules as Contract: The terms and conditions contained in this Ordinance, and all resolutions and orders adopted pursuant hereto, shall constitute a contract between the District and all customers, contractors, and connectors to the system. The consideration for the conditions imposed upon such customers and connectors shall be the privilege of the use of, and/or connection to, the District's surface water system and programs.

No Property Interest Acquired: A customer or connector to the surface water system does not thereby acquire a vested property interest in continued use or connection to the system. Such use or connection is conditioned always upon such customer or connector complying with all applicable terms and conditions contained in this Ordinance, and all regulations and orders adopted pursuant hereto and, further, upon compliance with all federal, state or local requirements which are, or may hereafter be, imposed upon such customer or connector.

Nothing contained herein shall require the District to provide service or access to the system to such customer or connector when any federal, state, or local agency having jurisdiction over the District has imposed limitations upon such service or access, or when the District, in its discretion, has determined that the public interest requires any such limitation.

**11.02 CONFLICTS WITH EXISTING AND FUTURE REGULATORY{TC "11.02  
CONFLICTS WITH EXISTING AND FUTURE REGULATORY" \\L 2}  
REQUIREMENTS OF OTHER AGENCIES**

Any provision or limitations of this Ordinance and any regulation and order adopted pursuant hereto are suspended and supplemented by any applicable federal, state, or local requirements existing or adopted subsequent hereto which are more stringent than the provisions and limitations contained herein provided, always, that any provision of this Ordinance and resolution and order adopted pursuant hereto which are more stringent than any applicable federal, state or local requirement shall prevail and shall be the standard for compliance by the customers of any connectors to the District surface water system.

**11.03 ADMINISTRATION OF THIS ORDINANCE{TC "11.03 ADMINISTRATION OF THIS ORDINANCE" \L 2}**

The District, through its General Manager or other authorized designee or representative, shall have the authority to do all things necessary to administer the provisions of this Ordinance and any rules adopted pursuant thereto. The District may enter into such agreements pursuant to ORS 190.003, et seq as it deems necessary to carry out this Ordinance.

**11.04 SEVERABILITY{TC "11.04 SEVERABILITY" \L 2}**

If any section, subsection, provision, clause, or paragraph of this Ordinance or rules adopted pursuant hereto shall be adjudged or declared to be unconstitutional or invalid by any court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this Ordinance or such rules, and it is hereby declared that every other section, subsection, provision, clause, or paragraph is, and shall remain, irrespective of the validity of any other portion.

**11.05 EFFECTIVE DATE{TC "11.05 EFFECTIVE DATE" \L 2}**

The provision of this Ordinance and the rules herein adopted shall be in effect on the date of enactment.

**TABLE 1**

**SURFACE WATER MANAGEMENT FEES{TC "SURFACE WATER  
MANAGEMENT FEES"}**

PERMIT FEES{tc "PERMIT FEES" \1 2}

**Preliminary Plan Review for Erosion Control**

All Types of Construction or Development \$ 25.00  
(Fee credited to Complete Plan Review and Permit Fee when required)

**Complete Plan Review and Permit for Erosion Control (includes 2 Site Inspections)**

Single Family Residential	\$200.00
Multi-Family (Duplex and above) & commercial/Industrial	\$260.00 minimum
Additional charge per acre for sites over one (1) acre	\$ 65.00

**Plan Review for Site Changes to Water Quality or Quantity**

Water Quality	\$500.00
Water Quantity	\$500.00

**Fees for Additional Site Inspections**

All Types of Construction or Development \$ 45.00 per inspection

**TABLE 2**

**SURFACE WATER MANAGEMENT FEES{tc "SURFACE WATER  
MANAGEMENT FEES"}**

**MONTHLY SERVICE CHARGE{tc "MONTHLY SERVICE CHARGE" \ 2}**

Single Family	\$6.00 per month
Multi-Family (Duplex and above) & Commercial/industrial	$\$6.00 \times \frac{\text{Impervious Area in Square Feet}}{2,500 \text{ Square Feet}}$

**COLLECTION PROCEDURES{tc "COLLECTION PROCEDURES" \ 2}**

Interest for delinquent user charges: 1% per month on the unpaid balance.

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.End Table C.