BEFORE THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METROORDINANCE NO. 86-206CODE CHAPTER 3.02, AMENDING THE)REGIONAL WASTE MANAGEMENT PLAN,)AND SUBMITTING THE PLAN FOR)RECERTIFICATION)

WHEREAS, Metro Code Section 3.02.009(a) and (b) set forth criteria for the continuing planning process to implement the Regional Waste Treatment Management Plan and for amending support documents, which criteria have been met as set out in Exhibit C attached hereto; and

WHEREAS, Metro Code Chapter 3.02 has not been amended recently to clearly designate the current split of responsibilities between the Oregon Department of Environmental Quality, Metro, and local agencies and miscellaneous procedural changes as set out in Exhibit B attached; now, therefore,

BE IT ORDAINED AS FOLLOWS:

Section 1. Chapter 3.02 of the Code of the Metropolitan Service District is amended as shown in Chapter I of Exhibit A, which is hereby made a part of this Ordinance.

Section 2. The Regional Waste Treatment Management Plan, adopted by Metro's Code Section 3.02.002, is amended to incorporate those changes shown in Chapters II and III of Exhibit A, which is hereby made a part of this Ordinance.

Section 3. The Council of the Metropolitan Service District hereby orders the Plan, as amended, be submitted to the

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Oregon Department of Environmental Quality and, in turn, to the U.S. Environmental Protection Agency for recertification.

ADOPTED by the Council of the Metropolitan Service District this 28th day of Ulg. <u>,</u> 1986.

Richard Waker, Presiding Officer

ATTEST: Clerk of the Council

NM/gl 6000C/471-2 08/01/86

STAFF REPORT

Agenda Item No. 7.3

Meeting Date Aug. 28, 1986

CONSIDERATION OF ORDINANCE NO. 86-206 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 3.02, AMENDING THE REGIONAL WASTE TREATMENT MANAGEMENT PLAN, AND SUBMITTING THE PLAN FOR RECERTIFICATION

Date: August 1, 1986 Presented by: Neil McFarlane

FACTUAL BACKGROUND AND ANALYSIS

The Regional Waste Treatment Mamagement Plan is required under the Clean Water Act of 1977 (P.L. 95-217), and was first adopted by the Metro Council in 1980. The plan was last amended in October of 1984.

An ongoing requirement of the Act is that the plan be maintained as an accurate statement of the region's water quality management problems and the short- and long-term solutions to those problems. The plan is required for the allocation of federal funds for such things as sewers and sewage treatment plants.

To assist in the maintenance of the plan, the Council maintains an advisory body on water quality management issues called the Water Resources Policy Alternatives Committee (WRPAC). The WRPAC is composed of individuals representing the region's cities, the three counties, sanitary districts, as well as soil and water conservation districts.

On July 18, WRPAC held its annual meeting to review the Regional Plan (attached as Exhibit A). The conclusion of that review was:

- As a result of a FY 85-86 IRC project, the plan text and adopting ordinance were reviewed. Based on this review, a number of "housekeeping" changes were recommended in both the plan text and the Section of the Metro Code chapter which implements the plan. The intent of the changes were to create consistency with current state regulations and procedures. These amendments are shown in Exhibit A Chapters I (Metro Code) and II (plan text). The justification for the amendments is outlined in Exhibit B.
- In April of 1986, the Enivronmental Quality Commission issued its Findings and Order concerning specific areas in Mid-Multnomah County. Jurisdictions in the area are now under a DEQ order to implement the program for developing sewers in the area outlined in the Mid-Multnomah County Sewer Implementation

<u>Plan</u>. These Regional Plan amendments respond to the significant amount of new information and agreements on the custody of portions of the waste treatment system by adopting the Sewer Implementation Plan and the DEQ Order as Regional Plan support documents, shown in Exhibit A Chapter II (plan text). The justification for this amendment is outlined in Exhibit C.

- No changes in map boundaries are recommended at this time, however, a footnote is to be added to the delineation of boundaries in the Mid-Multnomah County area noting that specific facilities plans being developed by the Cities of Portland and Gresham may result in relatively minor boundary modifications. At the conclusion of the facilities studies, the Regional Plan could be amended to remove all study area designations and to formalize any boundary changes.

WRPAC recommended to the Metro Council that the package of amendments be approved, and that the amended plan be forwarded to the Department of Environmental Quality and the Environmental Protection Agency for recertification.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends the Council adopt Ordinance No. 86-206.

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NOTE: Due to the length of the document, the Draft "Regional Waste Regional Waste Treatment Management Plan," dated April 1986, was not included in this agenda. If you would like a copy of the Plan, contact Marie Nelson, 221-1646, ext. 206.

EXHIBIT B

FINDINGS FOR THE ADOPTION OF AN AMENDED CHAPTER 3.02 OF THE METRO CODE

- 1. Changes in the Metro Code text are necessary to have the Regional Waste Treatment Management Plan become a stand-alone document rather than as one element of a more comprehensive regional plan once envisioned.
- Section 3.02.007 is being removed in recognition of DEQ's strong continuing role in maintaining a Statewide Capital Improvements and Needs List, and an associated lack of need for Metro involvement in this area.
- 3. Section 3.02.009(a)(2) is being removed, being viewed as an extra step ordinarily covered by the requirement for two readings for adoption of an ordinance amending the plan. Section 3.02.009(a)(3) is being amended so that general rules for Council adoption will control Council action on the "208" Plan rather than special rules for the adoption of functional plans -- which have never been adopted.

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EXHIBIT C FINDINGS FOR THE ADOPTION OF AN AMENDED WASTE TREATMENT MANAGEMENT PLAN TEXT AND MAPS

Mid-Multnomah County Area:

In accordance with Metro Code 3.02.009 (Continuing Planning Process), the basis for the changes affecting the Mid-Multnomah County area are:

(1) New Information: <u>The Mid-Multnomah County Sewer</u> <u>Implementation</u> Plan defines new relationships and responsibilities between Multnomah County and the Cities of Portland and Gresham which result in changes in the custody, maintenance and/or distribution of portions of the Waste Treatment System. These plan amendments are intended to create consistency between the governmental policies of Gresham, Portland, the Department of Environmental Quality, and the Regional Plan.

Other circumstances affecting the Regional Plan, include the Environmental Quality Commission findings of a threat to drinking water, as documented in the <u>Findings and Order</u> adopted April 25, 1986.

The EQC's Findings and Order, and the Mid-Multnomah County Sewer Implementation Plan are the basis for the Regional Plan amendments.

In addition, changes in custody of facilities result in changes to the Management Agency Classifications in the plan concerning: (1) the Mid-Multnomah County area; (2) the establishment of the Tri Cities Service District in Clackamas County; and (3) other changes to create consistency between past amendments and Management Agency Classifications.

- (2) Metro Council review and release of Regional Plan changes for public comment: This will be accomplished by the Metro Council's first reading of the Ordinance adopting this revised plan.
- (3) Adequate public review and comment on the change: The <u>Findings and Order</u> attached note the public hearings and notification conducted by the Department of Environmental Quality which represent an adequate basis for this Regional Plan amendment.

Support Documents are amended to include the <u>Mid-Multnomah County</u> <u>Sewer Implementation Plan</u>, and the <u>Findings and Order</u> of the Environmental Quality Commission as ordered on April 25, 1986. As required by Metro Code 3.02.009(b)(A) through (G), the following information is referenced as a basis for amending the support documents:

- (A) Reasons for proposed action: The Environmental Quality Commission has found that a threat to drinking water exists.
- (B) Basis of Data: Technical studies conducted for the Mid-Multnomah County Sewer Implementation Plan.
- (C) Method of Obtaining Data: Technical studies as defined in the Mid-Multnomah County Sewer Implementation Plan and the EQC's Finding and Order.
- (D) Period in which the Data was Obtained: Primarily in 1985. Sewer Implementation Plan is dated September, 1985.
- (E) Source of the Data: As defined in the Sewer Implementation Plan and the EQC's Findings and Order.
- (F) Alterations Considered: As defined in the Sewer Implementation Plan.
- (G) Advantages and Disadvantages: The advantages relate to removing a threat to drinking water; the disadvantages relate to cost to individuals for implementing sewer service, all as discussed in the Sewer Implementation Plan.

Plan Procedural Changes

Other changes in the Plan are intended to bring the Plan into conformance with Intergovernmental Project Review requirements (rather than A-95), and with current divisions of responsibilities between the Department of Environmental Quality, Metro, and local agencies. These procedural changes recognize that Metro's role in water quality planning is limited to one of coordinating the efforts of local agencies.

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REGIONAL WASTE TREATMENT MANAGEMENT PLAN

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Revised April 1986

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Adoption & Implementation Ordinance

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PROPOSED CHANGES TO METRO CODE

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CHAPTER 3.02

WASTE TREATMENT MANAGEMENT PLAN

SECTIONS:

3.02.001	Authority and Purpose
3.02.002	Adoption
3.02.003	Conformity to the Public Facilities Element
3.02.004	Review of Violations of the Waste Treatment Management Component
3.02.005	Change of Waste Treatment Management Component Study Areas
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3.02.007	[Capital Improvement Programs and Needs List]
3.02.008	Project Prioritization
3.02.009	Continuing Planning Process
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3.02.001 Authority and Purpose:

(a) This chapter is adopted pursuant to 268.390(1)(b) and 268.390(2) for the purpose of adopting and implementing the Regional Waste Treatment Management Plan, hereinafter referred to as the "Regional Plan." The Regional Plan shall include the Regional Waste Treatment Management Plan Text, <u>Sewerage Transmission and Treatment</u> [System] Service Areas Map and Collection System Service Areas Map. (Amended by Ordinance No. 84-184)

(b) These rules shall become effective forty-five (45) days after the date of adoption. As a result of Metro's continuing "208" Water Quality Program, the Council hereby designates water quality and waste treatment management as an activity having significant impact upon the orderly and responsible development of the region. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 1; amended by Ordinance No. 84-184, Sec. 1)

<u>3.02.002</u> Adoption: The Regional Waste Treatment Management Plan, dated [October, 1980,] <u>June 1986</u> copies of which are on file at Metro offices, is adopted and shall be implemented as required by this chapter. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 2; Ordinance No. 86-___)

3.02.003 Conformity to the [Public Facilities Element] Regional Plan:

(a) Management agencies shall not take any land use related action or any action related to development or provision of public facilities or services which are not in conformance with the Regional Plan.

(b) For purposes of this chapter "management agencies" shall mean all cities, counties and special districts involved with the treatment of liquid wastes within the Metro jurisdiction. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 3)

3.02.004 Review of Violations of the Regional Plan:

 (a) Any member management agency, interested person or group may petition the Council for review of any action, referred to in 3.02.03 of this chapter, by any management agency within thirty (30) days after the date of such action.

(b) Petitions filed pursuant to this section must allege and show that the subject action is of substantial regional significance and that the action violates the Regional Plan.

(c) Upon receipt of a petition for review, the Council shall decide, without hearing, whether the petition alleges a violation of the Regional Plan and whether such violation is of substantial regional significance and, if so, shall accept the petition for review. The Council shall reach a decision about whether to accept the petition within thirty (30) days of the filing of such petition. If the Council decides not to accept the petition, it shall notify the petitioner in writing of the reasons for rejecting said petition. If the Council decides to accept the petition, it shall schedule a hearing to be held within thirty (30) days of its decision. A hearing on the petition shall be conducted in accordance with applicable procedural rules. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 4)

3.02.005 Regional Plan Amendments:

(a) Revisions in the Regional Plan shall be in accordance with procedural rules adopted by the Council pertaining to review and amendment of functional plans.

(b) Mistakes discovered in the Regional Plan may be corrected administratively without petition, notice or hearing. Such corrections may be made by order of the Council upon determination of the existence of a mistake and of the nature of the correction to be made. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 5)

3.02.006 Study Areas:

(a) Treatment System Study Areas.

(1) Certain areas [are] <u>may be</u> designated on the Treatment System Service Area Map as "Treatment System Study Areas." Such designations are temporary and indicate areas requiring designation of that land to which each management agency intends to provide wastewater treatment services, as identified in an acceptable Facilities Plan.

(2) Wastewater treatment facilities within Treatment System Study Areas shall be allowed only if:

(A) Required to alleviate a public health hazard or water pollution problem in an area officially designated by the appropriate state agency;

(B) Needed for parks or recreation lands which are consistent with the protection of natural resources or for housing necessary for the conduct of resourcerelated activities; or

(C) Facilities have received state approval of a Step 1 Facilities Plan, as defined by the U. S. Environmental Protection Agency regulations (Section 201, PL 92-500), prior to the effective date of this chapter.

(3) Facilities planning for a designated Treatment System Study Area shall include investigation of the regional alternative recommended in the support documents accepted by the Regional Plan. Such investigations shall be conducted in accordance with Article V, Section 1,
(A) (2) (a) (iv) of the Regional Plan Text.

(4). No federal or state grants or loans for design or construction of any major expansion or modification of treatment facilities shall be made available to or used by agencies serving designated Treatment System Study Areas until such time as a state approved Facilities Plan has been completed.

(5) Upon completion of a Facilities Plan and acknowledgment by Metro of compliance with the Regional Plan, a Treatment System Study Area shall become a designated Treatment System Service Area and shall be eligible to apply for Step 2 and Step 3 construction grants. The Treatment System Service Area shall be incorporated by amendment into the Regional Plan and all appropriate support documents pursuant to Section 3.02.009 of this chapter. (b) Collection System Study Areas:

(1) Certain areas are designated on the Collection System Service Area Map as 'Collection System Study Areas.' Such designations are temporary and exist only until such time as each member and special district designates that land to which it intends to provide sewage collection services. At the time of designation, Collection System Study Areas shall become designated Collection System Service Areas. The Regional Plan and the appropriate support documents shall be amended to incorporate the Collection System Service Area pursuant to Section 3.02.009 of this chapter.

(2) Designation as a Collection System Study Area shall not be construed to interfere with any grants or loans for facility planning, design or construction. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 6)

3.02.007 [Capital Improvement Programs and Needs List:

[(a) For the purpose of implementing Article I, Section 3(A) of the Regional Plan, all designated management agencies shall submit to Metro no later than March 30 annually a five-year Capital Improvement Program and a 20-year needs list by five-year increments.

[(b) Projects to be included on the five-year Capital Improvement Program and the 20-year needs list shall meet one or more of the following criteria:

[(1) Projects which are grant eligible under EPA "201" facilities planning guidelines pursuant to federal regulations 40 CFR 35.900-35.960;

[(2) Projects for which a management agency intends to apply for state or federal funds; or

[(3) Projects submitted for information purposes by the management agency.

[(c) Projects submitted in either the five-year Capital Improvement Program or the 20-year needs list shall be accompanied by the following information:

[(1) Project description;

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- [(2) Estimated completion date;
- [(3) Project cost and proposed funding source;
- [(4) Population serviced by project; and

[(5) Waste flows projected for the project.

[(d) Amendments and/or additions to the Capital Improvement Program and related 20-year needs list may be requested by the designated management agency from Metro. Such requests must be submitted in writing and include information as noted in Section 3.02.007(c). Amendments or additions may be summarily approved if in compliance with Section 3.02.007(b) of this chapter. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 7)]

3.02.008 Project Prioritization: Metro shall review each publication of the DEQ grant priorities list and shall have the opportunity to comment thereon. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 8)

3.02.009 Continuing Planning Process:

(a) For the purpose of implementing Article V, Section 1(A) (2) (b) (i) of the Regional Plan, the continuing planning process shall follow, but not be limited to, the procedure shown below.

(1) Evaluation of new information with respect to its impact on the Regional Plan. Regional Plan changes shall be based upon:

 (A) Changes in custody, maintenance and/or distribution of any portion of the Waste Treatment Component;

(B) Changes in population forecasts and/or wasteload projections;

(C) Changes in state goals or regional goals or objectives;

(D) Changes in existing treatment requirements;

(E) Implementation of new technology or completion of additional study efforts; development of more energy-efficient wastewater treatment facilities; or

(F) Other circumstances which because of the impact on water quality are deemed to effect the Waste Treatment Component.

[(2) Metro Council review and release of Regional Plan changes for public comment.

[(3) Adequate public review and comment on the change.]

[(4)] (3) Adoption of Regional Plan [Component] change by Metro Council in accordance with the rules for the adoption of functional plans or plan amendments.

[(5)] (4) Submittal of change to DEQ for approval and state certification.

[(6)] (5) EPA approval of change.

(b) For the purpose of amending support documents referenced in Article I, Section 3(F) of the Regional Plan, the process shall be as shown below:

(1) Any proposed change to the support documents shall be presented to the Metro Council with the following information:

- (A) Reasons for proposed action;
- (B) Basis of data;
- (C) Method of obtaining data;
- (D) Period in which the data was obtained;
- (E) Source of the data;
- (F) Alternatives considered; and
- (G) Advantages and disadvantages of the proposed action.

(2) Following approval by the Metro Council, amendments to the support documents shall be attached to appropriate documents with the following information:

(A) Approved change and replacement text for the document;

- (B) Specific location of change within the document;
- (C) Reasons for the change; and

(D) Date of Council action approving the change. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 9)

<u>3.02.010</u> Application of Ordinance: This chapter shall apply to all portions of Clackamas, Washington and Multnomah Counties within the jurisdiction of Metro. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 10)

3.02.011 Severability:

(a) The sections of this chapter shall be severable, and any action or judgment by any state agency or court of competent jurisdiction invalidating any section of this chapter shall not affect the validity of any other section.

(b) The sections of the Regional Plan shall also be severable and shall be subject to the provisions of subsection (a) of this section. (c) For purposes of this section, the maps included in the Regional Plan shall be considered as severable sections, and any section or portion of the maps which may be invalidated as in subsection (a) above shall not affect the validity of any other section or portion of the maps. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 11)

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REGIONAL WASTE TREATMENT MANAGEMENT PLAN



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REGIONAL WASTE TREATMENT MANAGEMENT PLAN

TEXT

ARTICLE I. INTENT AND POLICIES

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SECTION 1. INTENT: The Regional Waste Treatment Management Plan is intended to:

(A) Address and implement portions of ORS 268.390 Planning for Activities and areas with Metropolitan impact; Review of local plans; urban growth boundary. A district council shall:

(1) Define and apply a planning procedure which identifies and designates areas and activities having significant impact upon the orderly and responsible development of the Metropolitan area, including, but not limited to, impact on:

• • • (b) Water quality • • •

(2) Prepare and adopt functional plans for those areas designated under Subsection (1) of this section to control metropolitan area impact on air and water quality. . . .

(B) Address portions of State Planning Goals #6 (Air, Water and Land Quality) and #11 (Public Facilities and Services).

(C) Establish a structure within which staging of regional wastewater management facilities for a minimum of twenty (20) years can be accomplished by local jurisdictions in conformance with the State Planning Goals.

(D) Provide a means for coordination of this Plan with regional and local jurisdiction plans.

(E) <u>Allow</u>establishment of a priority setting structure for water quality needs within the Metro region.

[(F) Establish an interim structure for wastewater management services until implementation of the Housing/Development Strategy is complete, at which time appropriate changes will be made in this Plan, if necessary. Changes may include, but not be limited to, boundary delineations for management agencies.]

SECTION 2. ASSUMPTIONS: The Regional Waste Treatment Management Plan is based upon the following assumptions:

(A) Publicly owned wastewater management facilities will serve only those geographical areas as [deemed appropriate in the adopted Land Use Framework Element and Urban Growth Boundary Policies] defined in the maps included as Part III of this plan.

(B) All wastewater facilities will be designed and operated in conformance with regional, state and federal water quality standards and regulations, and with due consideration for the groundwater resources of the area.

(C) Identification of a local jurisdiction's responsibility to provide wastewater management facilities in a geographical area will not be construed as a requirement to provide immediate public services.

(D) Any land use related action or any action related to development or provision of a public facility or service may be reviewed by the Metro Council for consistency with [this Element of the Regional] <u>this</u> Plan. The Metro Council will accept for review only actions which are of regional significance or which concern areas or activities of significant regional impact.

(E) The control of waste and process discharges from privately owned industrial wastewater facilities not discharging to a public sewer is the responsibility of the State of Oregon.

(F) Because the need for wastewater treatment facilities is based on population, employment and waste load projections which cannot be estimated with certainty, use of such projections must be limited to a best effort evaluation. To ensure that these projections are sufficiently reliable, a monitoring process will be established to regularly compare the projected values with both actual values and new projections as they are produced by Metro studies. The projections are subject to revision to achieve consistency with actual conditions and new adopted projections in accordance with the Rules, Section 9, Continuing Planning Process.

SECTION 3. POLICIES AND PROCEDURES: The Regional Waste Treatment Management Plan, includes the following policies and procedures:

[(A) An annual Capital Improvement Program for the Metropolitan Service District shall be compiled for use by local jurisdictions in planning and coordination of local wastewater treatment facilities.]

[(B)] (A) The Regional Waste Treatment Management Plan will be reviewed and updated annually. The timing, schedule and submission of this review and update shall be in compliance with the "recertification" procedures established by the Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency (Amendment No. 15, Ordinance No. 84-184) [and submitted to the Governor for certification no later than the 1st of October each year.]

[(C)] <u>(B)</u> Projects receiving review under [A-95 OMB circular] Executive Order No. 12372 shall be given positive comment only if in conformance with this Plan.

[(D)] (C) Treatment plants shall be programmed for modification only when one or more of the following conditions will exist:

- (1) Dry weather flow exceeds plant capacity;
- (2) Life of plant is reached;
- (3) Wet weather flow exceeds plant capacity and I/I study results indicate wet weather flow should be treated;
- (4) Organic loadings reach critical stage in plant
 operation as determined by the Oregon Department of
 Environmental Quality;
- (5) Facility Plan underway at the time of adoption of Part I of this Element;
- (6) Metro Council determines modification to be necessary.
- (7) Effluent flows result in an adverse effect on groundwater resources; or
- (8) New treatment standards are adopted.

[(E)] (D) Operating agencies, so designated by Part I of this Plan shall conduct or provide such services as are mutually agreed upon with all management agencies which provide services to the same geographical area.

[(F)] (E) The Regional Waste Treatment Management Plan is based on a large body of information, including technical data,

observations, findings, analysis and conclusions, which is documented in the following reports:

- (1) Volume 1--Proposed Plan.
- (2) Volume 2--Planning Process.
- (3) Technical Supplement 1--Planning Constraints.
- (4) Technical Supplement 2--Water Quality Aspects of Combined Sewer Overflows, Portland, Oregon.
- (5) Technical Supplement 3--Water Quality Aspects of Urban Stormwater Runoff, Portland, Oregon.
- (6) Technical Supplement 4--Analysis of Urban Stormwater Quality from Seven Basins Near Portland, Oregon.
- (7) Technical Supplement 5--Oxygen Demands in the Willamette.
- (8) Technical Supplement 6--Improved Water Quality in the Tualatin River, Oregon, Summer 1976.
- (9) Technical Supplement 7--Characterization of SewageWaste for Land Disposal Near Portland, Oregon.
- (10) Technical Supplement 8--Sludge Management Study.
- (11) Technical Supplement 9--Sewage Treatment Through Land Application of Effluents in the Tualatin River Basin and Supplemental Report, Land Application of Sewage Effluents Clackamas and Multnomah Counties.* *Portland-Vancouver Metropolitan Area Water Resources Study, U. S. Army Corps of Engineers, 1979.
- (12) Technical Supplement 10--Institutional, Financial and Regulatory Aspects.
- (13) Technical Supplement 11--Public Involvement.

- (14) Technical Supplement 12--Continuing Planning Process.
- (15) Technical Supplement 13--Storm Water Management Design Manual.
- (16) City of Gresham Sewerage System Master Plan, December 1980, Brown and Caldwell. (Amendment No. 14, Ordinance No. 84-184)
- (17) Sewerage System Facility Plan for the I-205 Corridor and the Johnson Creek Basin, City of Portland, Oregon, Bureau of Environmental Services, June 1984. (Amendment No. 14, Ordinance No. 84-184)
- (18) Sewerage Master Plan Update, Central County Service District No. 3, Multnomah County, Oregon, Kramer, Chin & Mayo, Inc., July 1983. (Amendment No. 14, Ordinance No. 84-184)

This support documentation shall be used as a standard of comparison by any person or organization proposing any facilities plan or action related to the provision of public facilities and services.

[(G)] (F) Metro shall review state approved facilities plans for compliance with the Regional Plan. Upon acknowledgment of compliance, the approved facilities plan shall be incorporated by amendment to The Regional Plan and all appropriate support documents pursuant to Section 9 of the Adoption and Implementation Ordinance.

ARTICLE II. BOUNDARY AND ALIGNMENT INTERPRETATION

SECTION 1. Boundaries and alignments appearing on maps contained in the Regional Waste Treatment Management Plan are of two types with respect to the level of specificity. They are:

(A) Type 1. Boundaries and alignments fully specified along identified geographic features such as rivers and roads or other described or legal limits such as section lines and district boundaries. Such boundaries and alignments appear on the Waste Treatment Management Maps as solid lines. Unless otherwise specified, where a Type 1 line is located along a geographic feature such as a road or river, the line shall be the center of that feature.

(B) Type 2. Boundaries and alignments not fully specified and not following identified geographic features. Such lines will be specified by local jurisdiction plans. Such lines appear on the Waste Treatment Management Maps as broken lines.

ARTICLE III. DEFINITIONS

Terms used in this text employ the same definitions as those contained in the CRAG Goals and Objectives unless otherwise defined herewithin:

(A) Collection System. A network of sewer pipes for the purpose of collecting wastewater from individual sources.

(B) Combined Sewer. A sewer which carries both sewage and stormwater runoff.

(C) Effluent. The liquid that comes out of a treatment plant after completion of the treatment process.

(D) Facilities Plan. Any site-specific plan for wastewater treatment facilities. Said Plan shall be equivalent to those prepared in accordance with Section 201 of PL 92-500.

(E) Interceptor. A major sewerage pipeline with the purpose of transporting waste from a collection system to the treatment facility, also a transmission line.

(F) Land Application. The discharge of wastewater or effluent onto the ground for treatment or reuse, including irrigation by sprinkler and other methods.

(G) Pollution. Such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such radioactive or other substance into any waters of the state which either by itself or in connection with any other substance present, will or can reasonably be expected to create a public nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to

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domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

(H) Sanitary Sewers. Sanitary sewers are pipes that carry only domestic or sanitary sewers.

(I) Sewage. Refuse liquid or waste normally carried off by combined or sanitary sewers.

(J) Sewers. A system of pipes that collect and deliver wastewater to treatment plants or receiving streams.

(K) Sludge. The solid matter that settles to the bottom, floats, or becomes suspended in sedimentation tanks of a wastewater treatment facility.

(L) Step 2 Construction Grant. Money for preparation of construction drawings and specifications of major wastewater treatment facilities pursuant to PL 92-500, Section 201.

(M) Step 3 Construction Grant. Money for fabrication and building of major wastewater treatment facilities pursuant to PL 92-500, Section 201.

(N) Treatment Plant. Any devices and/or systems used in storage, treatment, recycling and/or reclamation of municipal sewage or industrial wastewater.

(O) Wastewater. The flow of used water (see "Sewage").

(P) Wastewater Treatment Facility. Any treatment plants, intercepting sewers, outfall sewers, pumping, power and other equipment and their appurtenances; any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treament; or, any

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other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including stormwater runoff, or industrial waste, waste in combined stormwater and sanitary sewer systems.

ARTICLE IV. AREAS OF RESPONSIBILITY

SECTION 1. TREATMENT [SYSTEM] AND TRANSMISSION SERVICE AREAS

(A) General. Geographical areas provided service by sewage treatment plants within the Metro region are designated on the <u>Sewerage</u> Treatment [System] <u>and Transmission</u> Service Area Map, incorporated by reference herein. <u>(Amendment No. 12)</u>

(B) Policies. All planning and/or provision of service by each treatment plant must be consistent with the <u>Sewerage</u> Treatment [System] <u>and Transmission</u> Service Area Map. (Amendment No. 12)

SECTION 2. COLLECTION SYSTEM SERVICE AREAS

(A) General. Geographical areas provided service by wastewater collection facilities of local agencies within the Metro region are designated on the Collection System Service Areas Map, and incorporated by reference herein.

(B) Policies. All local sewage collection planning and/or provision of service must be consistent with the Collection System Service Areas Map.

ARTICLE V. IMPLEMENTING AGENCIES

SECTION 1. MANAGEMENT AGENCIES

- (A) Designated management agencies shall include the following:
 - (1) Operating agency, with the following authorities or responsibilities:
 - (a) Coordination with Metro during formulation, review and update of the Regional Waste Treatment Management Plan;
 - (b) Conducting facilities planning consistent with the terms and conditions of this Plan;
 - (c) Constructing, operating and maintaining waste treatment facilities as provided in this Plan, including its capital improvement program;
 - (d) Entering into any necessary cooperative arrangements for sewage treatment or sludge management to implement this Plan;
 - (e) Financing capital expenditures for waste treatment;
 - (f) Developing and implementing a system of just and equitable rates and charges pursuant to federal and state law;
 - (g) Implementing recommended systems development charges or connection fee policies, if any; and
 - (h) Enacting, enforcing, or administering regulations or ordinances to implement non-structural controls.

- (2) Planning agency: For the purposes of this section, planning shall be defined to include regional planning and comprehensive land use planning. Agencies and their intended planning functions are as follows:
 - (a) Local Management Agencies: Local management agencies, as defined in Article V, shall have responsibility for waste treatment management planning within the Metro region as follows:
 - (i) Coordination with Metro to ensure that facilities planning and management activies conform to The Waste Treatment Management Plan;
 - (ii) Coordination with Metro and DEQ in the grant application, capital improvement programming, project prioritization and continuing planning process;
 - (iii) Preparation of master plans, capital improvement programs and project priorities lists; and
 - (iv) Participation in a planning consortium to conduct 201 Step 1 facility planning for plant expansions within a designated Treatment System Study Area. Agencies affected by a proposed regional alternative shall form a consortium, deliberate and designate a lead agency to undertake an

investigation of the regional alternative in light of any proposed non-regional plant expansion. Any such agency shall notify Metro of its intent to form a consortium. If, after 90 days of such notification a consortium has not been formed and a lead agency has not been designated, Metro shall assume the lead agency role, or designate a lead agency. If, by mutual agreement of the affected local jurisdictions and Metro, an extension of time is necessary, the 90-day time limit may be extended.

- (b) Metropolitan Service District (Metro): Metro shall be designated as the planning agency for areawide waste treatment management planning, within its boundaries* with responsibility for:
 - (i) Operating the continuing planning process or the process by which the Regional Waste Treatment Management Plan will be kept responsive to changing information, technology and economic conditions;
 (ii) Maintaining coordination between:
 - (aa) All appropriate state agencies, including DEQ, on matters such as

^{*}The Department of Environmental Quality shall assume responsibility for those portions of the CRAG "208" Study Area outside the boundaries of the Metropolitan Service District.

discharge permits, water quality standards and grant evaluation procedures; and the Water Resources Department, on matters such as contemplated needs and uses of water for pollution abatement;

- (bb) All Metro Region Governmental jurisdictions on matters such as review of local agency grant applications and local agency plans for conformance to the Waste Treatment Management Component:
- (iii) Designation of management agencies as required;
 - (iv) Carrying out or contracting for studies to identify water quality problems and recommended means of control;
 - (v) Receiving grants and other revenues for planning purposes;
 - (vi) Metro shall be responsible for comprehensive land use planning including waste treatment management planning under ORS 197; and
- (vii) Metro shall have responsibility for developing and implementing plans for processing, treatment and disposal of solid waste within MSD boundaries.

- (c) Department of Environmental Quality (DEQ) shall have responsibility for waste treatment management planning within the Metro region in the following areas:
 - (i) Coordination with Metro to ensure that
 [this Element] The Regional Waste Treatment
 Management Plan is in conformance with the
 Statewide (303e) Plan.
 - (ii) Coordination with Metro and local agencies to set grant and capital improvement priorities and administer grant programs.
 - (iii) Determination of statewide standards and regulations applicable to the Metro region.

(iv) Other areas as prescribed by state law.

- (d) Water Resources Department (WRD); WRD shall have responsibility for determination of statewide water resources policies applicable to the METRO region.
- (3) Regulatory agency: For the purposes of this section, regulation shall mean to identify problems and to develop and enforce consistent solutions to those problems. Agencies and their regulatory responsibilities for Regional Waste Treatment Management Plan are as follows:
 - (a) Local Agencies: Regulation of waste treatment management through the enforcement of building code provisions, construction practices, sewer

use regulations, zoning ordinances, land use plans, pretreatment requirement (where appropriate), grant and loan conditions (where appropriate), and all other local regulations affecting water quality.

- (b) Metropolitan Service District (Metro): Metro shall perform the following regulatory functions in the area of waste treatment management:
 - (i) Develop, enforce and implement the RegionalWaste Treatment Management Plan by means of:(aa) Review and coordination of grants and

loans for waste treatment facilities.

- [(bb) Conduct or contract for studies on non-point source controls and septic tank maintenance with recommended improvements being incorporated in the Plan.]
- [(cc)] (bb) Coordination with local and state agencies.
- (ii) Ensure conformance of local wastewater planning to The Regional Waste Treatment Management Plan:
- (iii) Regulation of all solid waste disposal and other functions as may be assumed by the Metro Council within Metro Region.

- (c) Department of Environmental Quality (DEQ): Regulatory functions of DEQ for waste treatment management in the Metro region are as follows:
 - (i) Develop and monitor water quality standards consistent with state and federal regulations.
 - (ii) Control of the location, construction, modification and operation of discharging facilities through the discharge permit process and through administration of the State's water quality laws.
 - (iii) Review and approval of grants and loans for waste treatment facilities.
 - (iv) Other functions as provided by state law.
- (d) Department of Agriculture (DA): The application of pesticides is within the regulatory powers of the DA pursuant to/ ORS 634.
- (e) Department of Forestry (DF): The DF shall be responsible for the enforcement of the Forest Practices Act, ORS 527.
- (f) Portland Metropolitan Area Local Government Boundary Commission (LGBC) or its successor organization: The LGBC is responsible for regulating sewer extension policies outside local jurisdictional boundaries within the Metro region and for formation of new governmental entities.

V-7

(g) Water Resources Department (WRD): WRD shall control the quantity of water available for all beneficial uses including pollution abatement through administration of the state's water resources law (ORS Ch. 536 and 537).

(B) Designated management agencies and their classifications are listed below. Some designations are subject to resolution of Study Areas.

NM/srs 0141B/159 04/28/86

MANAGEMENT AGENCY CLASSIFICATIONS

Management Agency	Operating*	Planning	Regulatory
Beaverton	С	x	X
Cornelius	Č	x	x
Durham	—	x	••
Fairview	C	X	X
Forest Grove	C C C	X	x
Gladstone	e C	x	X
Gresham	T,Č	X	X
Happy Valley	[T,]C	X	X
Hillsboro		X	X
Johnson City	C C	X	X
King City	C		
	C	X	X
Lake Oswego	T,C	x	X
Maywood Park	[T,]C	X	X
Milwaukie	C	X	X
Oregon City	[T,]C	X	X
Portland	T,C	х	X
Rivergrove	C C C	Х	Х
Sherwood	C	Х	Х
Tigard		X	X
Troutdale	T,C	X	X
Tualatin	C	X	X
West Linn	[T,]C	X	X
Wilsonville	T,C	X	X
Wood Village	C	X	Х
Clackamas County	[T,]C	Х	Х
Multnomah County	[T,C]	Х	X
Washington County	[T,C]	x	X
Central Multnomah			
County S.D. #3 (Inverness) T,C	х	X
Clackamas County S.D. #1	T,C	x	x
Dunthorpe-Riverdale		**	25
County S.D.	С	X	X
Highlands County S.D	Č		X
Tri-City Service District	<u>T,C</u>	Y	л У
West Hills S.D. #2		X X X	$\frac{X}{X}$
Oak Lodge Sanitary	C	Λ	Λ
District	T,C	v	v
		X	X
Unified Sewerage Agency	T,C	X	X
Metro	Solid Waste	X	X
	Facilities Only		·
State DEQ	NA	X	X
State Water Resources			•-
Department	NA	X	X
Department of			
Agriculture	NA	NA	Х
•			

*T = Treatment and/or Transmission System Operation C = Collection System Operation NA = Not Applicable

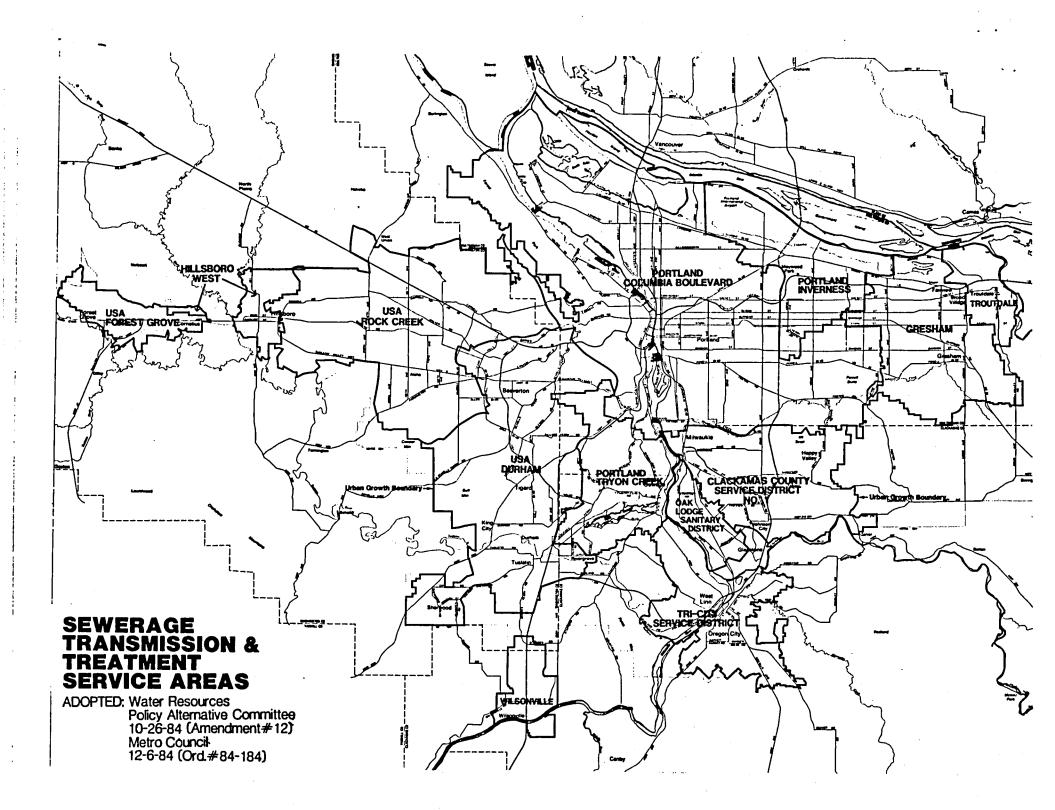
Management Agency	Operating*	Planning	Regulatory		
Department of					
Forestry	NA	NA	Х		
Portland Metropolitan					
Area Local Government					
Boundary Commission	NA	NA	Х		
	• • • • ·				
tm - Mrostmont and/or Mrsnamiggion Sugtom Onerstion					

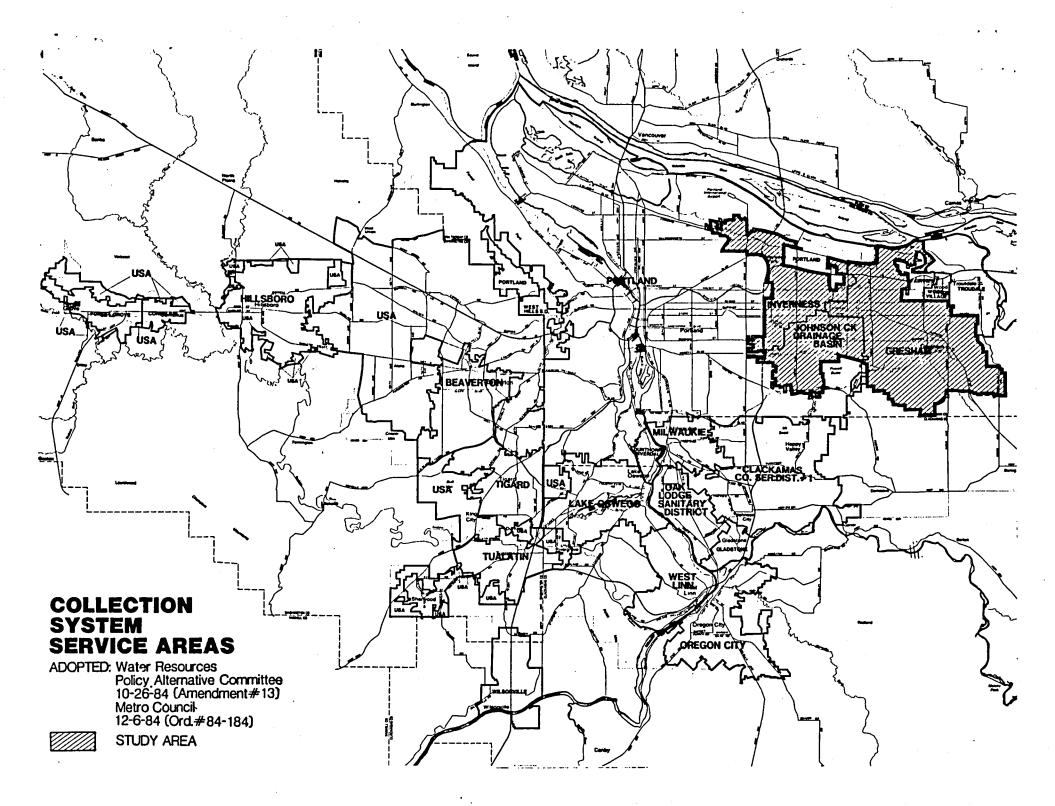
*T = Treatment and/or Transmission System Operation C = Collection System Operation NA = Not Applicable

SECTION 2. NON-DESIGNATED AGENCIES: Agencies not designated as management agencies are not eligible for federal water pollution control grants except as may be provided elsewhere in this Plan.

NM/srs 0141B/159 04/28/86

III. Maps





Amendments to Support Documents

IV.

ADOPTED AMENDMENTS TO SUPPORT DOCUMENTS

On the following pages are a number of revisions and amendments to Volume I, Proposed Plan.

The revisions and amendments are published exactly as adopted, including the amendment or revision date. Text deleted is crossed out with hyphens. Text added is underlined. These notations will be carried forward in any further publications of the Support Documents (but not in the Text, Maps or Rules of the Regional Plan).

Page numbers shown on the following sheets are from <u>Volume I</u>, <u>Proposed Plan</u>.

Amendment No. 1: (General Amendment) Adopted October 2, 1980

In any Support Document referenced herein the use of MSD, CRAG and Member Jurisdictions shall be interpreted as follows:

- CRAG read as Metro
- MSD read as Metro
- Member Jurisdiction read as Management Agency

Amendment No. 2: (Pg. 1-4)

Adopted October 2, 1980

The methodologies used to derive these projections are presented in Technical Supplement 1, as follows:

- Appendix A. Population Projection Methodology

achieve consistency with new adopted projections.

- Appendix B. Point Source Waste Flow Projection Methodology - Appendix C. Sludge Volume Projection Methodology

Other elements of <u>CRAG's</u> Metro's Regional Transportation Plan will involve projecting population and employment. It is intended that the Regional Waste Treatment Management <u>Component</u> Plan be reviewed against these new projections as they are developed. The Regional Waste Treatment Management <u>Component</u> Plan is subject to amendment to

Amendment No. 3: (Pg. 2-11)

Adopted October 2, 1980

Net energy consumption for the proposed plan is exceeded by only one of the eight alternatives considered. The reason for such high energy consumption is the assumption of continued use of heat treatment at Gresham for processing sludge into a form suitable for land application. Future 201 facilities planning for the Gresham treatment plant may result in abandoning heat treatment in favor of digestion. Such a change would significantly lower the net energy consumption of the proposed plan. The proposed plan faces a potentially major problem: achieving cooperation and agreement among the Inverness (Multnomah County), Troutdale and Gresham sewerage agencies. Specifically, a difficulty may arise initially regarding abandoning the Inverness and Troutdale plants, and subsequently, regarding management and financing of the regionalized wastewater treatment facilities. A possible interim step to meet treatment needs would be the construction of the pump station and force main from Troutdale to Gresham to handle Troutdale's expected overflow. After this, financial details can be settled, the regional plant at Gresham can be built, and the Troutdale plant can be abandoned.

Interim expansions of the Troutdale and Gresham plants of 1.6 MGD and 6 MGD respectively as well as the interim expansion to the Inverness Plant planned by Multnomah County are recommended to insure continuity of sewerage service in those communities until more detailed engineering studies of the regional treatment alternative can be performed.

Amendment No. 4: (Pg. 2-17)

Adopted: October 2, 1980

Interceptor System (Reference to Figure 2-12 changed to 2-14)

Figure $2-\frac{12}{14}$ shows the existing collection system and interceptors proposed for Hillsboro-East and -West and a proposed force main from North Plains.

Hillsboro's existing collection system is quite old in central areas of the City. Average wet weather flows frequently exceed twice the average dry weather flow. Figure 2-1214 shows how the northern area in the Urban Growth Boundary in the Hillsboro-West service area will be served by interceptor extensions previously planned by the City, and by additional extensions proposed in this study. For purposes of computing present worth costs, all new interceptors will be built in 1980.

The Hillsboro-East service area's existing interceptor system is also shown in figure $2-\frac{12}{14}$. No additional interceptors are needed to collect flows to the year 2000. Repair or replacement of some existing interceptors may be needed, particularly to control infiltration/inflow that should be considered in facilities planning for the City.

North Plains is not sewered at present. Figure $2-\frac{12}{14}$ shows how the North Plains area will be served by an interceptor system.

Amendment No. 5: (PG. 2-19A + 2-19B) Adopted October 2, 1980

LAND TREATMENT

In land application, the effluent from treatment plants represents a potential resource, rather than a waste to be disposed of. While the sludge is generally incinerated, used in landfill or as fertilizer, the effluent stream is conventionally discharged to a nearby stream such as the Tualatin River. The remaining nutrients, solids, oxygen demanding toxic and pathogenic constituents in the effluent add to the pollution of the stream from natural sources from overland runoff and agricultural chemicals. Conditions are aggravated during the summer because of high water temperatures and low stream flow due to irrigation water withdrawals and a low stream recharge from groundwater, rather than from snow melt.

Elimination of all pollutant discharges into the nation's waters is a goal established by federal law. Technical alternatives to attain this goal are either advanced waste treatment facilities or land application of effluent. Advanced treatment normally requires large amounts of chemicals and energy and generates substantial amounts of chemical waste sludge which requires ultimate disposal.

Health and aesthetic considerations in regard to crop production, potential groundwater contamination and pathogens are major concerns in land application. However, intensive research over the past few years indicates that proper land application techniques, site selection and monitoring can prevent adverse effects. Most heavy metals are removed by absorption or precipitation in insoluble form within the first few feet of the soil. Removal efficiencies for nitrogen and coliform bacteria, after effluent passage through approximately five feet of soil are generally adequate to meet public health criteria for drinking water. Indications are that the quality of land renovated wastewater is nearly the same regardless of whether raw, primary or secondary effluence is applied.

The following summarizes the conclusions of this study in regard to land treatment technology and its application in Tualatin basin:

- Land application keeps nutrients and pollutants out of the rivers and assists in the goal of zero pollutant discharge.
- Land application makes sewage treatment more reliable since effluents of widely varying quality are purified to high degree.
- Irrigation of farm crops appears to be the most suitable land application method in the Tualatin basin and probably in other areas of the CRAG Metro region.
- Nutrients and water of the effluent would be recycled into plant tissue and produce higher crop yields.

Effluent should be collected only during the irrigation season, which coincides approximately with the low stream flow period, in order to reduce the necessary storage capacity. Public health concerns are related to potential transmission of pathogens to animal and man, to potential pollution of groundwater and to the quality of crops.

Proper techniques can prevent health hazards. Public perceptions in regard to sewage effluent could be an essential factor.

<u>Irrigation on agency-owned land would simplify</u> <u>operations. However, irrigation on private farm land</u> <u>would require less capital expenditure, the land would</u> <u>remain on the county tax roll and opposition to government</u> <u>competition with private farming would be avoided.</u> <u>Irrigation on private farms appears to be the better plan.</u>

Revenue from the sale of effluent could reduce the cost of the system. There appears to be a good demand for supplemental irrigation water.

Most farm land in the Tualatin basin could be made irrigable for wastewater application by building tile underdrains.

Regulatory restrictions in regard to the type of crops raised with effluent irrigation could impede the acceptance of land application by private farmers.

Energy use for pumping can be considerable. The possibility of gravity flow must be investigated case-by-case. However, the use of energy and other natural resources is probably less for land application than for alternative tertiary treatment.

Forest irrigation and rapid infiltration ponds appear to be viable alternatives to crop irrigation in Multnomah and Clackamas Counties. The size of treatment plants in these counties, the type of solid and vegetable cover require that these alternatives be examined.

Recommendations: Actual detailed alternatives for the land application of effluents was initially done only for the treatment plants discharging into the Tualatin River in Washington County. This is where DEQ felt that the water quality problems were the most critical. However, based on the new completed 303e basin plan and results of the preliminary investigations in other areas of the CRAC-Metro region, land treatment in Clackamas and Multnomah Counties will be has been studied and the results incorporated into this plan as a portion of the continuing planning process an addition to Technical Supplement 9.

The following initial recommendations can be made:

As a result of this study the following Recommendations can be made:

1. Sewage effluent should be applied to land only during the growing season (May to October). Large storage capacities would be required to store effluent generated during the winter months when land application is not feasible.

2. For the land application system to work to the treatment agency's advantage, the agency should purchase the land.

3. Except in the Damascus/Boring and Happy Valley areas, spray irrigation should be the method of land application. Although overland flow application is technically feasible for these areas, institutional and regulatory constraints make land application infeasible. Other methods of wastewater treatment should be investigated for the Damascus/Boring and Happy Valley study areas, since it appears that DEQ discharge regulations will not be relaxed in the future and will become more restrictive. Alternatives which still remain for these communities include advanced (tertiary) waste treatment facility construction or connection to a nearby sewerage system.

4. Application rates for effluent application should be set to dispose of effluent at the maximum rate which the crops will tolerate without losses, and, preferably, to optimize crop yields at the same time.

5. Alternative plans for land application of wastewater effluents should employ features recommended in (1) through (4) above, and should be evaluated against alternative plans for advanced waste treatment in the Multnomah and Clackamas Counties expanded study area.

6. The Oregon State Department of Environmental Quality should examine and revise the guidelines on pre-treatment for sewage utilized in land application throughout the state.

7. The use of lagoons followed by dry weather (summer) land application and wet weather (winter) river discharge should be utilized in the smaller outlying communities. This would comply with DEQ's effluent limitations on many of the area's smaller streams and rivers, especially in Multnomah and Clackamas Counties.

8. Portions of the Sandy and Estacada land application sites are showing signs of imminent subdivision, although currently in agricultural use. This potential conflict in land use should be reviewed by Metro.

Amendment No. 6: (Pg 2-22)

Adopted October 2, 1980

Sludge Handling

(Deleted third sentence of first paragraph)

At both Wilsonville and Canby, aerobic sludge digestion facilities will be expanded as part of the independent wastewater treatment facilities expansions. Digested sludge will be trucked and applied to farmers' fields. The two jurisdictions should share the costs of sludge trucking equipment. Operation and maintenance costs of trucking equipment and costs associated with the management and monitoring the land application operation could also be shared. Sludge storage is available at the existing Canby humus ponds while storage at Wilsonville could be provided by reworking the existing drying beds into a lagoon.

Total capital expenditures for Wilsonville sludge handling are estimated to be \$238,000. The 5-year capital outlay for sludge handling at Wilsonville will be \$208,000. Capital expenditures for sludge handling at Canby total \$165,000, while the 5-year capital outlay will be \$30,000.

Advantages, Potential Problems and Variations

Independent operation of the treatment facilities and financing and operation of the proposed new facilities is the lowest-total-cost method for wastewater management in this region. It involves the simplest institutional form for management and financing, requiring virtually no change from the existing institutional arrangement.

Independent wastewater treatment at two plants has, for this region, a higher environmental compatibility than regionalization of treatment facilities at either of the treatment plants. Pipelines between the two communities will be needed for regionalization and will cause some disturbance to wildlife. Also, the proposed plan requires less energy in its operation than do alternative plans proposing greater regionalization.

This plan assumes that Barlow will be eventually served by Canby. Facilities planning should evaluate this assumption and possible alternative sewage disposal systems, such as septic tanks, for Barlow.

Staged development of treatment facilities may be to the advantage of either municipality and should be considered. Both communities should from time to time consider the economics of selling effluent for irrigation of local farms. This might offer some savings in the cost of operations and would lead to an improvement in Willamette River water quality, however small. Amendment No. 7: (Pg 2-30)

Adopted October 2, 1980

<u>Total Runoff</u>	l Average Overflow 1954 to 1959	2 Storm of <u>8/25/56</u>	Ratio _2/1
Total Overflows (ft ³)	694,000	4,061,000	5.85
Antecedent Dry Days ^a	2.45	76.9	31.26
Storm Duration (hr)	5.2	8.0	1.53
Sus-S (1b)	2,646	84,002	31.75
Set-S (1b)	2,278	74,067	32.51
BOD ₅ (1b)	670	14,357	21.42
N (1b)	34	412	12.11
P (1b)	24	234	9.75
Coliforms ^b (MPN/100 ml)	0.575 x 10 ⁶	1.238 x 10 ⁶	2.15

RECOMMENDATIONS

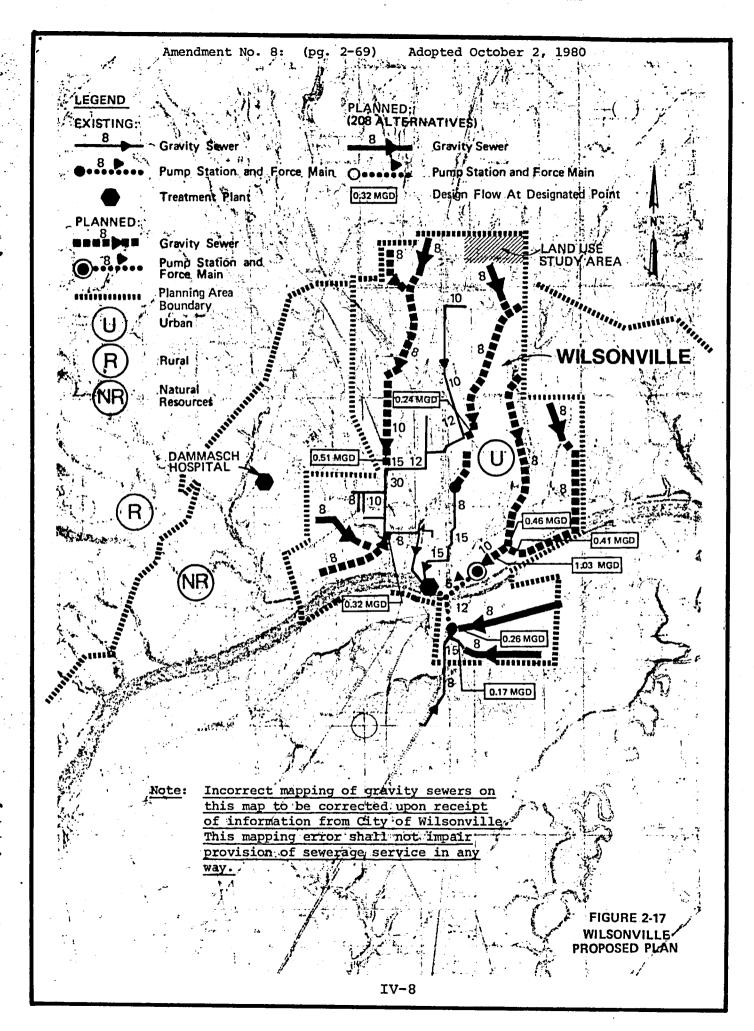
A complete plan for abatement of combined sewer overflows cannot begin until regulating bodies determine the effect of pollution from this source on receiving waters and issue standards of treatment or load limits. Recognizing that combined sewer overflows are a significant source of pollutants, however, and in light of DEQ's interim policy that pollution of nonpoint sources should not be allowed to increase, the following initial recommendations can be made:

> DEQ should remove the requirement to limit diversions to divert 3 times average dry weather (ADW) flow for individual basins in favor of a general standard for the whole system. This would allow the flexibility to capture and treat more flow from basins with higher pollutant loads (i.e., industrial and commercial areas) while diverting more than ADW flow from cleaner basins.

> -Development that would add to flows in sewerage subject to -everflow should not be allowed until a plan for reduction --of overflows is adopted.

^aDays of pollutant build-up not washed off by preceding storms. ^bAverage concentration for duration of the storm.

JL/hp 0141B/128



BEFORE THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

)

)

FOR THE PURPOSE OF CORRECTING THE REGIONAL WASTE TREATMENT MANAGEMENT PLAN AS AMENDED BY ORDINANCE NO. 84-184.

ORDER NO. 86-11

Certified A True Copy of the Original Thereof

WHEREAS, the Metropolitan Service District Code Section 3.02.005(b) sets forth that mistakes identified in the Regional Waste Treatment Management Plan may be corrected by Order of the Council; and

WHEREAS, This mistake appeared to be caused by a simple omission from a City of Portland contract which as set forth in Attachment "D" has since been corrected; and

WHEREAS, Metro's General Counsel has found that a correction of the plan rather than an amendment should be made for the reasons set forth in Attachment "A"; and

WHEREAS, Reasons for correcting this mistake are shown on Attachment A; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDERS:

The Regional Waste Treatment Management Plan, amended last by Metro Ordinance No. 84-184, is corrected by incorporating the maps shown on Exhibits B and C respectively, and hereby made a part of this Order, such that the boundary for the Tryon Creek Basin in the Lake Oswego area be amended to conform to Lake Oswego-Portland contract for operation of the Tryon Creek Plant.

ADOPTED by the Council of the Metropolitan Service District this 14th day of August . 1986.

Richard Waker, Presiding Officer

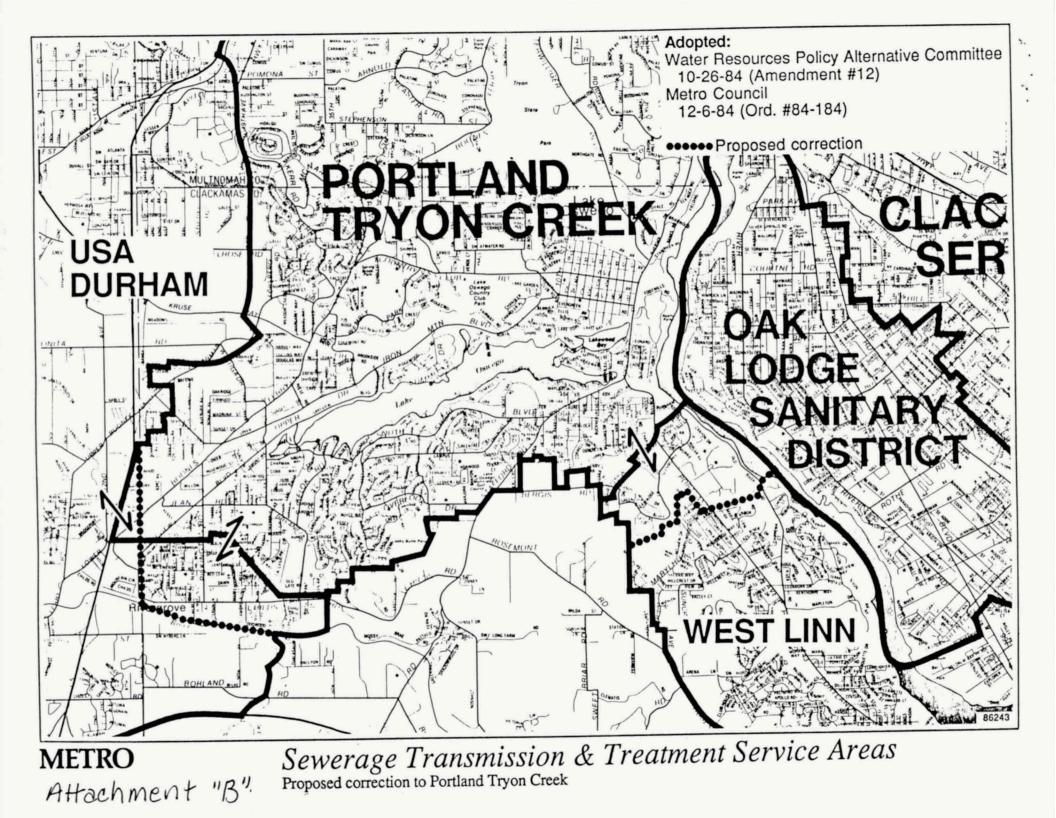
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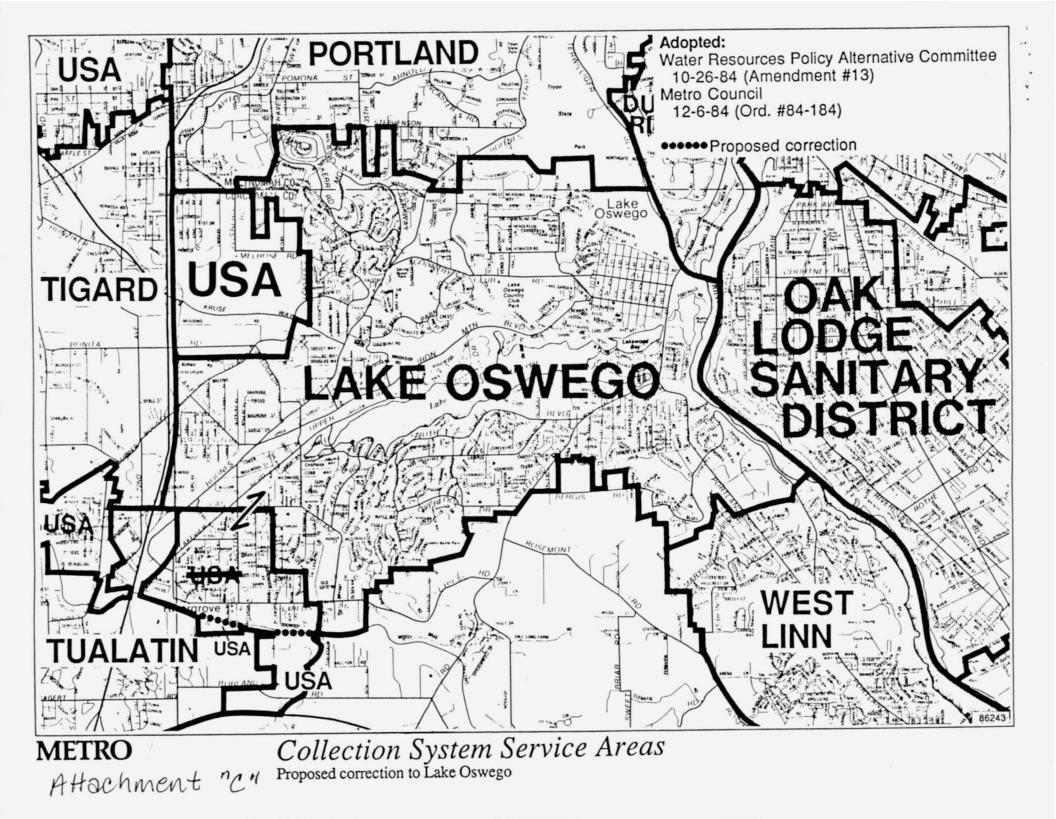
ATTACHMENT "A"

FINDINGS RELATED TO ORDER NO. 86-11 CORRECTING THE REGIONAL WASTE TREATMENT MANAGEMENT PLAN

- 1. Prior to the 1984 amendments to the plan, the subject area southwest of Lake Oswego was in the Portland/Tryon Creek Sewerage Treatment Area.
- 2. The 1984 amendments designated the subject area as being in the Unified Sewerage Agency (USA)/Durham Sewerage Treatment Area.
- 3. The 1984 amendments, findings supporting amendments, and Water Resources Policy Alternatives Committee (WRPAC) minutes where those amendments were reviewed make no reference to the change in designation for the subject area.
- 4. The City of Portland-City of Lake Oswego agreement concerning Wholesale Sewage Treatment (Contract #21764) was originally filed with the map of the Tryon Creek plant service area omitted. In its stead, staff apparently used a map illustrating the current system boundary as contained in a 1974 City report on infiltration in the basin.
- 5. On Decemeber 6, 1985, the Portland City Auditor filed the referenced map with the Agreement, thus correcting the omission.
- 6. The map omitted (Exhibit A to the Contract which is attached hereto) shows the boundaries of the Tryon Creek Treatment System Service Area as it was delineated in the original "208" Plan.
- 7. In the opinion of General Counsel this is at a minimum a type of scrivener's error. The rationale and legal basis for the amendment was incorrectly transferred onto a map because the wrong map was used to draw the change.
- 8. Pursuant to Code Section 3.02.005(b) mistakes can be corrected administratively by order of the Council.

NM/gl 4603C/435-4





Attachment



CITY OF

BUREALI OF ENVIRONMENTAL SERVICES

Dick Bogle, Commissioner John Lang, Administrator 1120 S.W. 5th Ave. Portland, Oregon 97204-1972 (503) 796-7169

December 5, 1985

ÜÊC 6 1985

OFFICE OF THE CITY AUDITOR

T0:

Edna Cervera Council Division Manager

FROM:

Ron Houston Bureau of Environmental Services

SUBJECT:

Addition of Exhibit A (Map) to Contract #21764, authorized by Ordinance #156612

The City's copy of the Wholesale Sewage Treatment and Disposal Agreement with the City of Lake Oswego (Contract #21764), does not contain Exhibit A, a map of the service area of the Tryon Creek Wastewater Treatment Plant. The City of Lake Oswego's copy of the contract contains a map identical with the map enclosed herewith.

Please insert the enclosed map, marked as Exhibit A, in the original contract on file in your office. Copies of this map are being inserted in our copies of the contract.

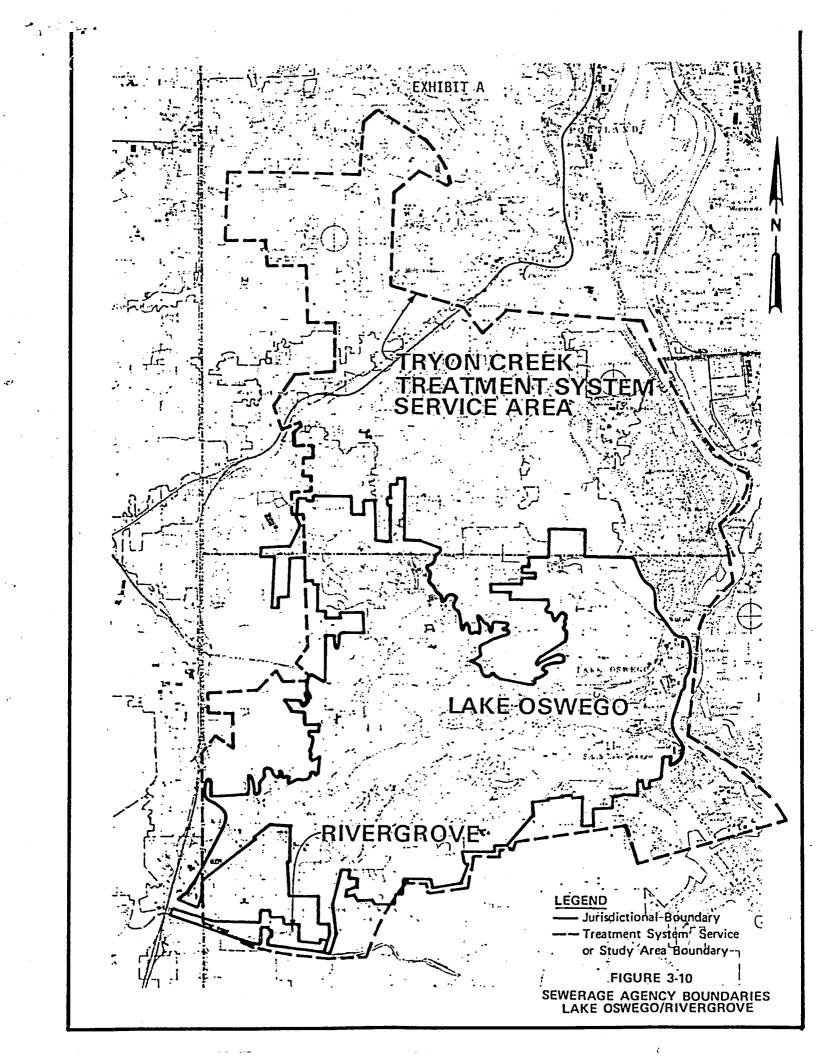
I have discussed this problem with Denise Francis, Deputy City Attorney, and she suggested that no Ordinance would be required to correct a simple omission. If you have any questions, please call me at 796-7121 or Ms. Francis at 248-4047.

RLH:al 54:rlh-cervera

Enc.



System Management Bob Rieck 796-7133 Wastewater Treatment Jack Irvin 285-0205 Solid Wäste Delyn Kies 796-7010



STAFF REPORT

Agenda Item No. 7.3

Meeting Date August 14, 1986

CONSIDERATION OF ORDER NO. 86-11 FOR THE PURPOSE OF CORRECTING THE REGIONAL WASTE TREATMENT MANAGEMENT PLAN

Date: July 31, 1986

Presented by: Eleanore Baxendale Neil McFarlane

FACTUAL BACKGROUND AND ANALYSIS

Amendment Nos. 12 and 13 to the Regional Waste Treatment Management Plan ("208" Plan) adopted on December 13, 1984, by Ordinance No. 84-184, included new maps identifying: (a) Sewerage Transmission and Treatment Service Areas (Amendment No. 12); and (b) Collection System Service Areas (Amendment No. 13). These maps were redrawn to incorporate a number of changes in mid-Multnomah County, Happy Valley, and in western Washington County.

The maps also included a change in the area southwest of the city of Lake Oswego, including the city of Rivergrove and its unincorporated environs, from the Portland/Tryon Creek service area to the Unified Sewerage Agency (USA)/Durham service area. No Findings specifically addressing this change accompanied the Ordinance adopting these amendments. The city of Lake Oswego, although a member of the Water Resources Policy Alternatives Committee, did not participate in the process resulting in this amendment. Since Metro's adoption of these redrawn maps, Lake Oswego has attempted to exercise jurisdiction over the services in the area at issue and discovered the "208" Plan had been amended.

In reviewing Ordinance No. 84-184, it became apparent from Exhibit A and the Findings in the staff report that the basis for amending the "208" Plan was Code Section 3.02.009(a) (l) (A), "changes in custody." The "208" Plan amendment was designed to be consistent with the (then) recently negotiated sewerage contracts between the cities of Portland and Lake Oswego. However, staff had been provided with inaccurate information on the nature of the change and, therefore, had shown as part of the map adjustments a boundary change which was inconsistent with the actual contract.

Subsequent investigation found the source of the discrepancy to be in the City of Portland's copy of its Agreement with Lake Oswego to accept and treat sewerage at the Tryon Creek plant. Until recently, Portland's copy of this Agreement omitted a map of the treatment area boundary. Because this map was missing, Metro staff apparently used a map of the current rather than planned Tryon Creek System Service Area as contained in a 1974 technical study of the basin entitled "Infiltration/Inflow Analysis." The omission of the map from the Portland-Lake Oswego agreement was corrected by the Portland City Auditor on December 6, 1985, as shown on Attachment "D."

In the opinion of Metro's General Counsel, this is at a minimum a type of scrivener's error. The rationale and legal basis for the amendment was incorrectly transferred onto a map because the wrong map was used to draw the change. Pursuant to Code Section 2.03.005(b), mistakes can be corrected administratively by order of the Council.

The Order attached would return the boundary in this area to the location it was prior to the 1984 amendment. The reasons for this are reiterated on Attachment "A" to Order No. 86-11. The corrected maps are shown as Attachments "B" and "C" to Order No. 86-11.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Order No. 86-11.

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- CONSENT AGENDA
 - Motion: Councilor Kirkpatrick moved to approved the Consent Agenda and Councilor DeJardin seconded the motion.

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- Vote: A vote on the motion resulted in:
- Ayes: Councilors Collier, DeJardin, Frewing, Gardner, Hansen, Kafoury, Kirkpatrick, Van Bergen and Waker
- Absent: Councilors Cooper, Kelley and Oleson

The motion carried, the following minutes and contracts were approved, and the following order was adopted:

- 7.1 Council meeting minutes of May 15, June 26, July 10 and July 22, 1986
- 7.2 Contract with Lindsay, Hart, Neil & Weigler for General Bond Counsel; and Contract with Stoel, Rives, Boley, Fraser & Wyse for Resource Recovery Bond Counsel
- 7.3 Order No. 86-11, for the Purpose of Correcting the Regional Waste Treatment Management Plan

NOTE: After discussion of Ordinance No. 86-206, a matter related to Order No. 86-11, Councilor Hansen requested the option be retained of reconsidering the Order at the August 28, 1986, Council meeting.

ORDERS AND ORDINANCES

Jill Hinckley, Land Use Coordinator, requested Item No. 8.2 be considered before Item No. 8.1 because the petitioner's representative was not yet present at the meeting.

8.2 Consideration of Ordinance No. 86-206, for the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Waste Treatment Management Plan, and Submitting the Plan for Recertification (First Reading and Public Hearing)

The Clerk read the Ordinance by title only.

Neil McFarlane, Public Facilities Analyst, presented staff's report. He explained the Ordinance provided for updates and "house cleaning" amendments to the Regional Waste Treatment Management Plan, or the "208" Plan, which was originally adopted in 1979. The revisions contained in the proposed Ordinance would allow the Plan to be consistent with revised state and federal requirements. One

amendment added resource documents to the mid-Multnomah County area but no major amendments had been proposed for that area, he reported.

<u>Motion</u>: Councilor Frewing, seconded by Councilor Kirkpatrick, moved the Ordinance be adopted.

Presiding Officer Waker opened the public hearing on the Ordinance.

<u>W. Ray Dean</u>, Vice President, Rosewood Action Group, 18951 S.W. Indian Springs Circle, Lake Oswego. Mr. Dean reviewed his interest in the 208 Plan and criticized actions taken by the city of Lake Oswego in the absence of clear, concise staff work. He explained an annexation was proposed by a minority of people in his neighborhood to finance the addition of sewer mains. Those mains, he said, would make in possible for some 37.5 acres of undeveloped land to be provided services for which others had paid.

Mr. Dean said the Council was being asked to decide which sewerage district would serve the public's needs. His neighborhood had been subject to several changes in sewer districts and those changes had been brought about by arbitrary decisions or scrivnor's errors, he explained. He thought the need for a sewer district had not been clearly demonstrated and he urged the Council not to take any action until all facts were presented in an orderly manner.

In response to the Presiding Officer's questions, Mr. McFarlane explained Mr. Dean's comments were related to Order No. 86-11 which had just been adopted as part of the Consent Agenda. The maps attached to that staff report (Attachments B and C) depicted the proper sewer districts, he said. He further explained that sewer district boundaries were formalized as part of the 1984 amendments to the Waste Treatment Management Plan. Before that time, the area was included in the Tryon Creek service area and was not included in the USA District. Staff had received a letter from the USA District declaring their disinterest in serving that area. A similar letter had been received from the city of Tualatin. Therefore, the city of Lake Oswego was the only jurisdiction capable of and interested in providing sewer service to the area.

Mr. McFarlane explained the USA designation was made in 1984 because Clackamas County, in planning for another area of Lake Oswego, had an agreement that USA would serve all areas the City could not serve. That agreement was interpreted to cover the unincorporated areas including the area in question. USA, however, did not agree with this intent.

Finally, Mr. McFarlane said some remedies could be made at a regional level but they would not address the problems discussed by

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Mr. Dean. Metro could designate a study area for collection systems but the "208" Plan required such studies only when more than one jurisdiction offered to provide services to a given area. In this case, he explained, only one jurisdiction had offered to provide services. He also explained the city of Lake Oswego was updating their sewage treatment master plan and were committed to determing which areas would be best served by various means of sewage treatment. That update would satisfy one of Mr. Dean's concerns, he said.

Responding to Councilor Collier's question, Mr. McFarlane suggested Mr. Dean work with the city of Lake Oswego in the update of the City's sewage master plan process. The City was the appropriate agency to address Mr. Dean's problems, he said. Mr. Dean explained that to suggest he go to the source of his problem to resolve the problem bordered on the ludicrous. His group had clearly demonstrated -- because the City had refused to poll citizen attitudes -of the 136 families in the area, 106 were strongly against the actions propoed by the city of Lake Oswego. The City's record would demonstrate that time after time the City had unanimously voted to ignore testimony and recommendations of citizens, he said. He requested the Council defer their decision until the city of Lake Oswego presented factual information to support their position. He said adoption of Order No. 86-11 was required in order for local jurisdictions to receive federal financial assistance.

A discussion followed regarding how the Council might assist Mr. Dean. Eleanore Baxendale, General Council, again explained what Mr. McFarlane had said: the Council was very limited in what it could do.

Sherry Patterson, President, Rosewood Action Group, 18926 S.W. Arrowood, Lake Oswego. Ms. Patterson presented a map which showed the boundaries of the neighborhood group, the city of Rivergrove, and the unincorporated area in question known as the Indian Creek/Indian Springs area where the map amendment was proposed. She explained in January and February of 1985 the city of Lake Oswego proposed a text and map amendment to their sewer plan. Litigation was pending regarding that case, she explained, and she requested the Council not take action on matters related to the 208 plan until the matter with the City was settled.

Ms. Patterson described in detail her frustration in dealing with the City and Metro due to lack of notification about public meetings. She indicated she had informed the Metro Council Clerk she wanted to speak on Order No. 86-11 before it was adopted and her request had been overlooked. She said she had requested specific information be included in the Council's agenda packet which was not included. Ms. Patterson then requested written notices be provided

to all concerned citizens in her area about the Water Resources Policy Alternatives Committee (WRPAC) meetings and that writen testimony she would submit be entered into the record for this meeting.

Councilor Hansen requested the Council retain the option to reconsider Agenda Item No. 7.3, Order No. 86-11, for the Purpose of Correcting the Regional Waste Treatment Management Plan, at the August 28, 1986, Council meeting.

Ms. Baxendale advised the requested corrections to the Waste Treatment Management Plan were mechanical in nature and to Ms. Patterson's concerns could be resolved by issueing a study on the area in question to determine how it would best be served.

Ms. Patterson explained she was requesting the Council separate the area in question from the 208 Plan.

<u>Connie Emmons</u>, 5101 S.W. Dawn, Lake Oswego, testified she agreed with the testimony of Ms. Patterson and Mr. Dean.

Jim Coleman, City of Lake Oswego Counsel, testified the Rosewood Action Group was frustrated because they were not familiar with the City's process and timelines. He said the Group had a fair chance to address the City Council. Mr. Coleman said the case had brought out a lot of incorrect statements. For example, he said, GI Joe's and the immediate area was not served by the city of Tualatin and The area was served by the city of Tualatin by contract with USA. the city of Lake Oswego. He also said there was no litigation on the case with LUBA as previously stated. Mr. Coleman requested the Council follow the advice of its counsel and correct the technical error to the Plan by adopting Order No. 86-11. He asked the Council not to initiate a study area because that kind of action could upset other plans. He said the city would soon fund a sewer study for the entire area and the problem would then be addressed. Finally, he said Ms. Patterson had been treated fairly and courteously by city staff and that Mr. Dean had overstated a lot of facts before the Metro Council.

In response to Councilor Kafoury's question, Mr. Coleman said the basis of the Rosewood Action Group's initial concern was that they did not want to be included in the sewer district or to be annexed to the City. They now realized they would have to become part of some sewer district but could not accept the city of Lake Oswego as the natural provider of that service. Mr. Coleman acknowledged sewers an extremely emotional and costly issue, but the City, not Metro, was the logical place for citizens to address their problems.

Mr. Dean took exception to Mr. Cole's statement that he had overstated several issues before the Metro Council.

Ms. Baxendale reminded the Council if they wished to reconsider Order No. 86-11, they had to give notice at this meeting of that intent.

After discusion on Councilor Kirkpatrick's suggestion that Metro direct the city of Lake Oswego to perform a study on the area, it was agreed staff would return to the August 28 meeting with a resolution for Council consideration which would addressing the need for the city of Lake Oswego to conduct a study of service requirement on the specific service area of concern. As noted earlier. Councilor Hansen requested the Council reserve the right to reconsider Order No. 86-11 at the August 28 meeting.

Presiding Officer Waker closed the public hearing and announced the second reading of the Ordinance No. 86-206 would occur August 28.

8.1 Consideration of Order No. 86-10, in the Matter of Contested Case No. 84-3, a Petition for an Urban Growth Boundary Locational Adjustment by Larry Burright, et al

Jill Hinckley, Land Use Coordinator, presented staff's report on the 39-acrea petition for an Urban Growth Boundary (UGB) adjustment in Clackamas County. The petition was made in part to grant permission to install urban services to a mobile home park on the northern portion of the property. Seventeen acres on the south portion of the property were currently vacant. Andrew Jordan, the hearings officer, recommended the petition be denied. Reasons for denial included the petitioner had not adequately explained why the undeveloped property was included in the petition. The petitioner filed exceptions to the hearings officers report which were presented to the Council at the July 24, 1986, Council meeting. At that meeting, the Council instructed Mr. Jordan to return with a written response to those exceptions.

Ms. Hinckley recommended the Council adopt the hearings officer's recommendations and an amendment regarding whether the UGB adjustment would facilitate needed development to adjacent urban land. She said Mr. Jordan had interpreted that standard to mean there would have to be a present need for a particular use on the adjacent land in order to have a positive finding. Staff's position, however, was the Council should examine the boundary from a 20-year perspective. If, at any time during that 20-year period approving the petition would make it easier for adjacent property to be developed, it would constitute a positive finding. In that one regard a small, positive benefit existed with the petition not

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drafted to address when topics could be suggested for consideration. He saw the Council's role as making an aggressive, annual search for functional planning areas and to learn issues of concern to constituents.

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Councilor Kafoury thought the annual process was too limiting. She did not think the proposed Ordinance as written precluded the Council from defining functional planning areas.

Councilor Kafoury suggested staff draft an amendment to more clearly define timing for inviting input into the functional planning process.

The Presiding Officer announced the Ordinance would be considered a second time at the meeting of September 11, 1986.

7.3 Consideration of Ordinance No. 86-206, for the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Waste Treatment Management Plan, and Submitting the Plan for Recertification (Second Reading)

Neil McFarlane, Public Facilities Analyst, reviewed information in staff's written report.

The Clerk read the Ordinance by title a second time.

Motion: Presiding Officer Waker noted the Ordinance was moved for adoption by Councilors Frewing and Kirkpatrick at the meeting of August 14, 1986.

Responding to Councilor Kelley's question, Mr. McFarlane explained the Ordinance would incorporate the city of Gresham and Portland studies as support documents to the "208" Plan. The Council was not approving those studies, he said, but was acknowledging the fact they existed.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilor Kafoury

The motion carried and the Ordinance was adopted.



METRO

2000 S.W. First Avenue Portland, OR 97201-5398 503/221-1646

September 5, 1986

Ms. Juanita Orr County Clerk Clackamas County Courthouse 8th and Main Oregon City, Oregon 97045

Metro Council **Richard Waker**

Presiding Officer District 2

Jim Gardner Deputy Presiding Officer District 3

Bob Oleson District 1

Corky Kirkpatrick District 4

Tom DeJardin

District 5 George Van Bergen District 6

Sharron Kelley District 7

John Frewing District 8

Hardy Myers District 9

Larry Cooper District 10

Marge Kafoury

District 11 Gary Hansen District 12

Executive Officer Rick Gustafson

Dear Ms. Orr:

Enclosed is a true copy of the following ordinance adopted by the Council of the Metropolitan Service District. Please file this document in the Metro ordinance file maintained by your county.

Ordinance No. 86-206, for the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Waste Management Plan, and Submitting the Plan for Recertification

Sincerely,

A. Marie Nelson Clerk of the Council

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Enclosure



METRO

2000 S.W. First Avenue Portland, OR 97201-5398 503/221-1646

September 5, 1986

Ms. Jane McGarvin Clerk of the Board Multnomah County Courthouse 1021 S.W. Fourth Avenue Portland, Oregon 97204

Dear Jane:

Enclosed is a true copy of the following ordinance adopted by the Metro Council. Please file this document in the Metro ordinance file maintained by your county.

Ordinance No. 86-206, for the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Waste Management Plan, and Submitting the Plan for Recertification

Sincerely,

A. Marie Nelson Clerk of the Council

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Enclosures

Metro Council Richard Waker Presiding Officer District 2

Jim Gardner Deputy Presiding Officer District 3 Bob Oleson District 1 Corky Kirkpatrick District 4 Tom DeJardin District 5 George Van Bergen District 6 Sharron Kelley District 7 John Frewing District 8 Hardy Myers District 9 Larry Cooper District 10 Marge Kafoury District 11 Gary Hansen District 12

Executive Officer Rick Gustafson



METRO

2000 S.W. First Avenue Portland, OR 97201-5398 503/221-1646

September 5, 1986

Mr. Charles D. Cameron County Administrator Washington County Courthouse 150 North First Avenue Hillsboro, Oregon 97123

Dear Mr. Cameron:

Enclosed is a true copy of the following ordinance adopted by the Countil of the Metropolitan Service District. Please file this document in the Metro ordinance file maintained by your county.

Ordinance No. 86-206, for the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Waste Management Plan, and Submitting the Plan for Recertification

Sincerely,

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A. Marie Nelson Clerk of the Council

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Enclosure

Metro Council Richard Waker Presiding Officer District 2 Jim Gardner Deputy Presiding Officer District 3

Bob Oleson District 1

Corky Kirkpatrick District 4 Tom DeJardin

District 5

George Van Bergen District 6

Sharron Kelley District 7

John Frewing District 8

District 8 Hardy Myers

District 9

Larry Cooper District 10

Marge Kafoury District 11

Gary Hansen District 12

Executive Officer Rick Gustafson

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