



## Section 4

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# Regulations and Policies

### 4.1 Introduction

This WCSMP has been created in compliance with following federal, state, and local requirements.

### 4.2 Federal Statutes, Regulations, and Permits

#### 4.2.1 NPDES Permit

The Clean Water Act (CWA) is the principal federal law in the United States governing water pollution and provides the basis for the U.S. Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) permit program, which regulates discharge pollutants from point sources to waters of the United States. NPDES permits establish maximum pollutant concentrations and loads allowed to be discharged to a receiving stream. Other regulations that can also apply to the NPDES program include Safe Drinking Water Act, Endangered Species Act, National Environmental Policy Act, National Historic Preservation Act, Coastal Zone Management Act, Wild and Scenic Rivers Act, Fish and Wildlife Coordination Act, and Essential Fish Habitat Provisions. The Oregon Department of Environmental Quality (DEQ) administers the state's NPDES permit program on behalf of the federal government.

The City's NPDES permit for operation of the sanitary sewer collection and treatment systems expires July of each year. The City is required, through the permit, to prevent Sanitary Sewer Overflows (SSO) where wastewater is released to the surface, inside a building or into a stream. All SSOs are considered violations by the EPA, and the City is subject to legal enforcement actions, typically fines and penalties, due to any SSO. Oregon DEQ provides SSO enforcement.

Since not all SSOs are equally injurious to public health, DEQ has discretion in how it addresses enforcement for SSOs. Historically, DEQ has not pursued enforcement where SSOs were caused by significant storm events larger than the sewer system was designed to handle. Oregon Administrative Rules (OAR) 340-41-0009 define these significant events as a wet-weather storm event greater than the one-in-five-year 24-hour duration storm, and a dry-weather storm event greater than the one-in-ten-year 24-hour duration storm. Hence, these storms are used in the planning and analysis of the City's sewer collection system to determine whether an SSO will result under those storm conditions.

## 4.2.2 National Pretreatment Program

The National Pretreatment Program is charged with controlling toxic, conventional, and non-conventional pollutants from non-domestic sources that discharge into sewer systems, as described in CWA Section 307(a). This program requires all large, publicly owned treatment works (POTW) that have a designed treatment capacity of more than 5 MGD to establish local pretreatment programs.

Local programs must enforce all national pretreatment standards and requirements, in addition to any more stringent local requirements necessary to protect site-specific conditions at the POTW. Because POTWs are not generally designed to treat most toxic or non-conventional pollutants present in industrial waste, the National Pretreatment Program protects the POTW and the environment from adverse impacts that may occur when hazardous or toxic wastes are discharged into a sanitary sewer system. This is achieved mainly by regulating nondomestic (industrial) users of POTWs that discharge toxic wastes or unusually strong conventional wastes.

The Gresham Revised Code Article 4.45 authorizes an Industrial Pretreatment Program. The primary objective of the program is to prevent harmful discharges into the wastewater collection system that could degrade the quality of municipal digested biosolids, negatively affect the sewer system, or pass through the treatment process into the Columbia River. Industrial pretreatment facilities are required as necessary to achieve compliance with the wastewater discharge standards.

## 4.3 Oregon Statutes, Regulations, and Permits

### 4.3.1 Oregon Administrative Rule, Chapter 660

Oregon requires its cities and counties to adopt public facility plans for any UGB areas with a population greater than 2,500. A public facility plan (PFP) helps assure that development within the UGB is guided and supported by the types and levels of urban facilities and services appropriate for the needs and requirements of the areas to be served, and that those facilities and services are provided in a timely, orderly, and efficient arrangement, as required by Goal 11 and its implementing administrative rule at OAR 660-011. This WCSMP has been developed in conformance with this rule and will act as a supporting document for the City's Comprehensive Plan.

### 4.3.2 Oregon Administrative Rule, Chapter 340

This rule authorizes the actions of the Oregon DEQ. Total Maximum Daily Loads (TMDLs) are established under Division 42 of this rule, which prohibits such activities as discharging waste from industrial and commercial activities without a permit. This WCSMP planning document provides supporting information for the City to renew its NPDES permit with the DEQ.

### 4.3.3 Oregon Revised Statute, Chapter 224

This statute governs the City's wastewater system management. The operational aspects of the system are defined herein, including the authority of the City to charge for provision or service and obtain debt obligations for construction of sewer systems.

### 4.3.4 Oregon Revised Statute, Chapter 223

This statute allows the City to recover the costs of a new development's share of the system capacity by collecting SDCs. Under this statute, new developments must pay a proportional share of expenses to meet the increased demands that they place on the system. SDC fees can be imposed to offset the expense of any system accommodations made necessary by the new development.

## 4.4 Local Sewer Ordinances, Agreements, and Related Planning Policies

### 4.4.1 METRO 2040 Regional Framework Plan

The City's planning programs are required to support Metro's (formerly Metropolitan Service District) 2040 Regional Framework Plan, a document intended to direct and control the region's urban growth and development. This plan was adopted by METRO council in 1995. This WCSMP aids the City in meeting METRO's requirements for infrastructure planning before an area can be added to the official UGB.

### 4.4.2 Multnomah County

Multnomah County regulates the installation, repair and maintenance of on-site sewage disposal within the County's unincorporated and incorporated area. The program is administered through the City of Portland. Multnomah County does not have any specific regulation or rule that would apply towards the wastewater collection system within the City.

### 4.4.3 City of Gresham, Comprehensive Plan

The Gresham Comprehensive Plan is adopted by City Council as a statement of the land use planning process, goals, policies, implementation measures, and physical plans for the City's development.

### 4.4.4 City of Gresham, Stormwater Master Plan

The City's Stormwater Master Plan is in the process of being developed.

### 4.4.5 City of Gresham, Water System Master Plan (2012)

The City’s 2012 Water System Master Plan (WSMP), prepared by Murray, Smith & Associates, and adopted in July 2012, identifies water demands and system CIPs for the 20-year horizon, through year 2031.

## 4.5 Sewer Ordinances

### 4.5.1 City of Gresham Revised Code

Public services and policies of the wastewater system are defined in Chapters 4 and 11 of the Gresham Revised Code. Chapter 4 is the primary section of code addressing connection to and use of the City’s sanitary sewer system. The section includes provisions for extension of the wastewater conveyance system, associated charges for service, pretreatment requirements and customer maintenance responsibilities. Chapter 11 outlines the collection of funds to develop infrastructure.

Chapter 4, “WASTEWATER”, Articles 4.15, 4.20 and 4.40, together outline the requirements and responsibilities for construction of sewer connections. Buildings must connect to the sewer system under a City-issued permit at the cost of the building owner. Building owners are responsible for the costs to maintain the building sewer connection to the sewerage system. However, connections that contribute to infiltration and inflow are prohibited.

Chapter 4 prohibits the discharge of certain substances in section 4.40.040. Wastewater discharged to the sewer system is subject to limits on industrial pollutants specified in Article 4.45 “PRETREATMENT”. Article 4.45 authorizes the City to administer an industrial pretreatment program in compliance with the National Pretreatment Program requirements, including a pretreatment program manual, permitting, enforcement, and collection of fees to compensate for the costs of the program.

Chapter 11 of the Gresham Revised Code, “INFRASTRUCTURE”, provides for funding and development of sewer and other infrastructure services.

Article 11.05 “SYSTEM DEVELOPMENT CHARGES”, was enacted by Ordinance 1773 in 2017. The article describes provisions for use of and connection to the sewer system, collection of fees and expenditure of system development funds. The funds may only be used to increase system capacity needed for future users with projects included in the plan. Therefore, as part of the framework for collecting and investing system development charges, this CSMP serves to specify necessary increases in system capacity for future users.

### 4.5.2 City of Gresham Community Development Code

The City’s Community Development Code defines the land use and building codes. It is enacted to promote the general public welfare by ensuring procedural due process in the administration and

enforcing the City’s Comprehensive Plan, zoning districts, design review, land division, and development standards. Article 4 of the Development Code describes the characteristics of the land use districts used in allocating wastewater demands for this WCSMP.

### 4.5.3 City of Gresham Public Works Standards (2019)

The Public Works Standards (PWS) of the City relative to street, sanitary sewer, water main, and pipeline construction are in accordance with the “Standard Specifications for Public Works Construction,” as established by the Oregon Chapter of the American Public Works Association (APWA). These standards have been developed to set forth uniform material and workmanship criteria applicable to infrastructure under the City’s jurisdiction. They also streamline the administration and construction of public facilities in the City and help minimize maintenance for each facility.

Chapter 3 of the PWS specifies minimum design standards for sewer pipes and pump stations including minimum pipe cover, pipe materials, slope, minimum and maximum velocities, pump station capacity, controls, and piping. This chapter also specifies wastewater usage assumptions for the City’s land use designations. Maximum pipe depth is summarized by pipe material in Chapter 2 of the PWS. The design standards are applied to new infrastructure recommended by the WCSMP.

The PWS provides minimum design criteria for stormwater drainage system design, but stormwater management is outlined in a separate Stormwater Management Manual.