

CHAPTER 3.02
WASTE WATER MANAGEMENT PLAN

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3.02.001 Authority and Purpose

This chapter is adopted pursuant to ORS 268.390(1)(b) and 268.390(2) for the purpose of adopting and implementing the Regional Waste Water Management Plan, hereinafter referred to as the "Regional Plan." The Regional Plan shall include the Regional Waste Water Management Plan Text, Sewerage Transmission and Treatment Service Areas Map and Collection System Service Areas Map.

These rules shall become effective 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 Ord. No. 80-102, Sec. 1; Ord. No. 84-184, Sec. 1; Ord. No. 86-206, Sec. 1; Ord. No. 88-275, Sec. 1; Ord. No. 02-972A, Sec. 1.]

3.02.002 Adoption

The Regional Waste Water Management Plan, as amended, 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 Ord. No. 80-102, Sec. 2; Ord. No. 84-184, Sec. 1; Ord. No. 86-206, Sec. 1; Ord. No. 87-229, Sec. 1; Ord. No. 88-275, Sec. 1.]

3.02.003 Conformity to the 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 Ord. No. 80-102, Sec. 3; Ord. No. 86-203, Sec. 1.]

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 Section 3.02.003 of this chapter, by any management agency within 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 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 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 Ord. No. 80-102, Sec. 4; Ord. No. 02-972A, Sec. 1.]

3.02.005 Regional Plan Amendments

- (a) Revisions in the Regional Plan shall be in accordance with procedural rules adopted by the Council.
- (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 Ord. No. 80-102, Sec. 5; Ord. No. 86-203, Sec. 1.]

3.02.006 Study Areas

- (a) Treatment System Study Areas:

- (1) Certain areas may be 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 resource-related 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 Ord. No. 80-102, Sec. 6, and Ord. No. 86-206, Sec. 1.]

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 Ord. No. 80-102, Sec. 8; Ord. No. 86-206, Sec. 1.]

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) Adequate public review and comment on the change.
 - (3) Adoption of Regional Plan change by Metro Council.
 - (4) Submittal of change to DEQ for approval and state certification.
 - (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. Ord. No. 80-102, Sec. 9; Ord. No. 86-206, Sec. 1.]

3.02.010 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 Ord. 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 Ord. No. 80-102, Sec. 11.]