

**ROGUE VALLEY SEWER SERVICES
JACKSON COUNTY, OREGON**

**ORDINANCE NO. 22-01
AN ORDINANCE TO AMEND TITLE 4 OF THE
ROGUE VALLEY SEWER SERVICES CODE**

WHEREAS, Rogue Valley Sewer Services first codified its major resolutions and ordinances in 2005, and

WHEREAS, the code has been amended by ordinance from time to time, and

WHEREAS, Title 4 of the Code addresses stormwater quality management, and

WHEREAS, the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Phase 2 permit was reissued in March 2021 and requires updates to ordinances pertaining to stormwater management,

NOW BE IT ORDAINED that Title 4 of the Rogue Valley Sewer Services Code are hereby repealed and replaced in their entirety by new Title 4, attached and made a part of this ordinance.

BE IT FURTHER ORDAINED, that the Ordinances and Resolutions set forth in the code are an attempt to incorporate all prior ordinances in a more organized manner.

To the extent that any prior ordinances or resolutions which are now in effect, and have in whole or in part, been inadvertently excluded from the code, said ordinances or resolutions or portions of such not included shall remain valid and enforceable and shall not be repealed by implication.

AND, BE IT FURTHER ORDAINED that future changes to the Rogue Valley Sewer Services Code may be made by ordinance of the Board.

ADOPTED BY THE Board of Directors of Rogue Valley Sewer Services at its Regular Meeting held March 16th, 2022.

ROGUE VALLEY SEWER SERVICES



Kay Harrison, Chair
Board of Directors

COUNTERSIGNED:



Carl Tappert, Manager

First Reading: February 16th, 2022
Second Reading and Public Hearing: March 16th, 2022
Effective Date: April 20th, 2022

Title 4
STORMWATER MANAGEMENT

Chapters:

4.05 Stormwater Administration

4.10 Discharges, Enforcement and Penalties

4.15 Stormwater Management During Development and Redevelopment

Chapter 4.05 Stormwater Administration

Sections

4.05.010 Purpose.

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4.05.010 Annual Report to storm sewer utility customers.

4.05.010 Purpose.

- 1) General. The district finds and declares:
 - a) That absent effective maintenance, operation, regulation, and control, existing stormwater drainage conditions in many areas within the district constitute a potential hazard to the health, safety and general welfare of the district.
 - b) That these areas are the ones included in the Oregon Department of Environmental Quality's (DEQ) National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase 2 permits which are within those jurisdictions contracting with RVSS for stormwater quality management, known as RVSS Phase 2 communities.
 - c) The district's board further finds that natural and manmade storm sewer facilities and conveyances constitute a storm sewer system and that effective improvement, regulation, and control of stormwater through formation, by the district, of a stormwater management program is warranted.
- 2) Establish Minimum Stormwater Requirements. The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the health, safety, and general welfare of the public residing in watersheds within this jurisdiction. This chapter seeks to meet that purpose through the following objectives:
 - a) Minimize increases in stormwater runoff and prevent the discharge of non-stormwater discharges into the storm sewer system, except those non-stormwater discharges that do not degrade water quality as determined by the manager, or designee, and are specifically allowed by this chapter.
 - b) Minimize the discharge of specific pollutants into streams identified as water quality impaired on DEQ's 303(d) list or that have an established total maximum daily load (TMDL) for sediment or turbidity.
- 3) Applicability. This chapter shall be applicable to the geographic area served by the regulated MS4 that is located fully, or partially, within an Urbanized Area in the State of Oregon as defined by a Decennial Census conducted by the U.S. Census Bureau¹. Boundaries may be updated by the US Environmental Protection Agency following a decennial census and provided to DEQ. RVSS will update its MS4 boundary upon notification from DEQ. The following activities are exempt from the requirements of this chapter:
 - a) Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan approved by the Oregon Department of Agriculture.
- 4) Compatibility with Other Permit and Ordinance Requirements. This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other

¹ NPDES MS4 Phase II Permit, 2021

ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for health, safety, and general welfare of the public or the environment shall be considered to take precedence.

4.05.020 Definitions.

“Board” means Rogue Valley Sewer Services district board.

“Common Plan of Development or Sale” is a plan to subdivide a parcel of land into separate parts for separate sale. This can be for residential, commercial, or industrial development. A construction activity is part of a larger common plan of development if it is completed in one or more of the following ways: in separate stages, in separate phases, and/or in combination with other construction activities².

“Construction Activity” including but not limited to; clearing, grading, excavating, grubbing, stumping, demolition, and land disturbance activities. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility as defined in 40CFR 122.26(b)(15)².

“County” means Jackson County.

“Customer” or “person” means any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the state or its departments, institutions, bureaus, agencies; county; district; political subdivision; or any other governmental or legal entity recognized by law.

“Declaration of Covenants” means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management facilities.

“Developed parcel” means any parcel whose surface has been altered by grading, filling, or construction of any improvement.

“District” means Rogue Valley Sewer Services, a Sanitary Authority formed under the provisions of ORS 450.705 through 450.980

“Erosion” is the process of carrying away soil particles by the action of water, wind or other process².

“Erosion and sediment control plan (ESCP)” is a site specific plan designed to describe the control of soil, raw materials, or other substances to prevent pollutants in stormwater runoff. For the purposes of the MS4 permit, an ESCP means a document that identifies potential sources of pollution, describes practices to reduce pollutants in stormwater discharges from the site, and identifies procedures or controls that the operator will implement to reduce impacts to water quality and comply with applicable permit requirements³.

² NPDES Construction Stormwater Discharge Permit, 2020

³ NPDES MS4 Phase II Permit, 2021

“Equivalent residential unit (ERU)” is equal to 3,000 square feet of impervious surface area. This is based on an average single-family residential parcel, which has an impervious surface area of 3,000 square feet.

“Illicit connection” includes, but is not limited to, pipes, drains, open channels, or other conveyances that have the potential to result in an illicit discharge⁴.

“Illicit discharge” is any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater except as permitted by an NPDES permit or other state or federal permit, or otherwise authorized by DEQ⁴.

“Impervious surface” means a surface that prohibits or limits water from soaking into the ground. Types of impervious surfaces include rooftops, traditional asphalt and concrete parking lots, driveways, roads, gravel lots and roads; and heavily compacted earthen materials, sidewalks, and pedestrian plazas. Gravel surfaces used for vehicular traffic are considered impervious.

“Mitigation” means on-site facilities, or practices, which reduce stormwater quantity or improve stormwater quality.

“Municipal Separate Storm Sewer System (MS4)” is defined in 40 CFR §122.26(b) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, ...county...district, ...or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district,...; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works as defined at 40 CFR §122.2⁴.

“MS4 Permit” refers to the NPDES MS4 Phase II General Permit issued by the Oregon Department of Environmental Quality (DEQ).

“National Pollutant Discharge Elimination System (NPDES)” is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of Clean Water Act [40 CFR § 122.2]⁴.

“Parcel” means the smallest separately segregated unit of land having an owner. A parcel has boundaries and surface area, and is documented with a property number by the county.

“Permit registrant” means the person that submits an application for an MS4 or Erosion and Sediment Control Permit.

⁴ NPDES MS4 Phase II Permit, 2021

“RVSS Phase 2 Communities” means communities with which RVSS has established Intergovernmental Agreements to manage stormwater quality under the MS4 Permit.

“Single-family residential parcel” means any parcel of land containing a single-family unit.

“Stormwater Management Program (SWMP)” refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of the MS4 permit, the SWMP consists of the actions and activities conducted by the permit registrant as required by the permit⁵.

“Stormwater quality management area” means the urbanized area as determined by the United States Environmental Protection Agency, based on the most recent federal census data.

“Stormwater utility program” or “program” means the program created by this chapter, which provides for the operation, maintenance, regulation and improvement of the stormwater system facilities within Rogue Valley Sewer Services district, as well as implementation of the SWMP.

“Undeveloped parcel” means any parcel that has no impervious surface.

“Waters of the State” means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the State, or within its jurisdiction⁵.

“White City industrial storm drainage area” means that area of White City that is under RVSS jurisdiction for storm drainage. This is the industrial portion of White City, generally bounded by Highway 62, Avenue A, Table Rock Road, and Avenue H. [Ord. 06-03, 2006; Ord. 04-08 § 1(2), 2004.]

4.05.030 Stormwater utility program.

There is hereby created and established a stormwater utility program and a stormwater quality fund and a service charge rate structure. The district will have regulatory authority and responsibility for planning, design, construction, maintenance, administration and operation of district storm sewer conveyances and facilities, as well as responsibility for stormwater quality management covered by the Intergovernmental Agreements with the RVSS Phase 2 Communities. [Ord. 06-03, 2006; Ord. 04-08 § 1(3), 2004.]

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4.05.040 Reserved

4.05.050 Utility administration.

The stormwater utility program and the stormwater quality fund shall be administered by the RVSS

⁵ NPDES MS4 Phase II Permit, 2021

manager or designee. [Ord. 06-03, 2006; Ord. 04-08 § 1(5), 2004.]

4.05.060 Reserved

4.05.070 System of rates and charges.

A. Service Fees Imposed. The district will impose stormwater quality fund rates and charges on each parcel of real property within the RVSS MS4 Boundary except publicly owned streets. However, any property determined by the RVSS manager or designee to be more costly in time and/or money to bill than would be justified will be temporarily exempt. The charges shall fund the administration, planning, design, construction, water quality management, operation, maintenance, and repair of existing and future stormwater facilities, as well as development and implementation of the SWMP.

B. Methods of Determining Contribution of Stormwater.

- 1) Contributions of stormwater from nonresidential parcels, and residential parcels larger than duplexes, will be determined by measuring the amount of impervious surface.
- 2) Contributions of stormwater from residential parcels with one or two dwelling units will be set at one ERU.

C. Method of Determining Service Fee Rates. Stormwater service fees shall be applied to each parcel of real property within the district, unless temporarily exempt, except government-owned streets. Service fees shall be differentiated according to the following classifications:

- 1) Residential Parcels. Single-family residential and duplex units located on one taxlot, and not part of a larger common plan of development, shall constitute one ERU.
- 2) Undeveloped Parcels. Undeveloped parcels shall be considered temporarily exempt and have no charges applied.
- 3) Other Parcels. Charges for all other parcels shall be computed by multiplying the total ERUs for a parcel by the monthly rate. Total ERUs are calculated by dividing total square feet of impervious surface by 3,000 square feet (one ERU).
- 4) Credits for on-site mitigation shall be determined in accordance with the Rogue Valley Stormwater Quality Design Manual. [Ord. 06-03, 2006; Ord. 04-08 § 1(7), 2004.]

4.05.080 Billing and collection.

- 1) Utility Enterprise Fund. This chapter creates the stormwater quality fund. All revenues received from stormwater user fees shall be placed in the enterprise fund as a designated fund, to be left separate and apart from all other district funds. The collection, accounting, and expenditure of all stormwater quality funds shall be in accordance with Oregon law.
- 2) Billing. The district shall bill, or cause to be billed, property owners for stormwater utility services. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the district, and may be collected in accordance with RVSSC 8.50.030. In addition, the RVSS manager, or designee, is authorized to make such collections in accordance with ORS

450.880 and 454.225. [Ord. 06-03, 2006; Ord. 04-08 § 1(8), 2004.]

4.05.090 Appeal of charges.

- 1) Any nonresidential customer who disagrees with the stormwater rate structure's application to their property may apply to the manager, or designee, for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the manager, or designee, no later than 30 days after receipt of billing. The manager, or designee, shall review the request and basis for use charges to determine whether an error was made in the calculation or application of the fee. The manager, or designee, may approve an adjustment to the fee.
- 2) An appeal of the manager's, or designee's, decision may be brought before the Board within 30 days after the date of the manager's, or designee's, decision. The appeal must be in writing and address the decision that is appealed and state the reasons why the decision should be modified or reversed. Following receipt of an appeal, the Board shall set the matter for a hearing within a reasonable amount of time. The decision of the Board shall be final and conclusive.
- 3) If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted. [Ord. 06-03, 2006; Ord. 04-08 § 1(9), 2004.]

4.05.010 Annual report to storm sewer utility customers.

- 1) The manager or designee shall prepare an annual report, on a fiscal year basis, on the stormwater quality fund which, if acceptable, shall be approved by the district's board. This report shall summarize the financial activities of the utility and the major areas of expenditure, field activities, accomplishments, and the upcoming year's priorities. [Ord. 06-03, 2006; Ord. 04-08 § 1(14), 2004. Formerly 4.05.140]

Chapter 4.10 Discharges, Enforcement and Penalties

Sections

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|-----------------|--|
| <u>4.10.100</u> | <u>Water quality in storm sewers.</u> |
| <u>4.10.110</u> | <u>Enforcement and penalties.</u> |
| <u>4.10.120</u> | <u>Enforcement and penalties by DEQ.</u> |

4.10.100 Water quality in storm sewers.

- 1) General. The only substances allowed to be discharged into the public storm sewer are stormwater, surface drainage, subsurface drainage, ground water, cooling water or non-polluted water described in subsection (C)(2) of this section. Such water may be discharged only into storm sewer facilities which have adequate capacity for the accommodation of such water. Such discharged water shall comply with the Rogue Valley Stormwater Quality Design Manual requirements.
- 2) Obstruction.
 - a) It is unlawful for any person to obstruct or contribute to the obstruction of the flow of stormwater runoff or non-stormwater runoff into any sump, retention basin, storm drain, curb and gutter, drain inlet, ditch, creek, or other associated structural controls that convey stormwater and/or non-stormwater runoff, unless the obstruction is authorized by the

manager, or designee, and granted with the issuance of a permit signed by the manager, or designee.

- b) It is unlawful for a person to cover over any drain inlet for any reason or purpose, unless the obstruction is authorized and granted with the issuance of a permit signed by the manager, or designee. Installation of temporary sediment and/or erosion control measures are authorized, provided they are adequately maintained and do not cause flooding.
- c) Private Storm Sewer Assets. Every person owning property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- d) Subsections (2)(a) and (b) of this section shall not apply during clean-up periods established by the district, provided the materials are placed according to any directions from the district and do not obstruct stormwater facilities.

C. Discharge.

- 1) Prohibition of Illicit Discharges. No person shall throw, dump, drain, or otherwise discharge, cause, or allow others under its control to throw, dump, drain, or otherwise discharge into the public storm sewer system any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct, or continuance of any illegal discharge into the storm sewer system is prohibited. If any discharge is determined by the manager, or designee, to cause, or threaten to cause, a condition of pollution, contamination or nuisance, the discharge shall be stopped, treated and cleaned up to the maximum extent practicable by the person responsible for the discharge.
- 2) Allowable Non-Stormwater Discharges. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Oregon DEQ; provided, that the discharger is in full compliance with the requirements of the permit, waiver, or order and other applicable laws and regulations. The following discharges are allowed provided they do not, as determined by the manager, or designee, cause or threaten to cause a condition of pollution, contamination or nuisance⁶:
 - (A) Uncontaminated water line flushing.
 - (B) Landscape irrigation. For permit registrant owned or operated areas landscape irrigation will be considered allowable only if pesticides and fertilizers are applied in accordance with the manufacturer's instructions.
 - (C) Diverted stream flows.
 - (D) Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers.
 - (E) Rising groundwater.
 - (F) Uncontaminated pumped ground water.
 - (G) Potable water sources (including potable groundwater monitoring wells and draining and flushing of municipal potable water storage reservoirs).
 - (H) Start-up flushing of groundwater wells.

⁶ NPDES MS4 Phase II Permit, 2021

- (I) Foundation, footing and crawlspace drains (where flows are not contaminated [i.e., process materials or other pollutant]).
- (J) Uncontaminated air conditioning or compressor condensate.
- (K) Irrigation water.
- (L) Springs.
- (M) Lawn watering.
- (N) Individual residential car washing.
- (O) Charity car washing (provided that chemicals, soaps, detergents, steam or heated water are not used. Washing is restricted to the outside of the vehicle, no engines, transmissions or undercarriages).
- (P) Flows from riparian habitats and wetlands.
- (Q) Dechlorinated swimming pool discharges including hot tubs (heated water must be cooled for at least 12 hours prior to discharge).
- (R) Fire hydrant flushing.
- (S) Street and pavement washwaters (provided that chemicals, soaps, detergents, steam or heated water are not used).
- (T) Routine external building wash-down (provided that chemicals, soaps, detergents, steam or heated water are not used).
- (U) Water associated with dye testing activity.
- (V) Discharges of treated water from investigation, removal and remedial actions selected or approved by DEQ pursuant to Oregon Revised Statutes (ORS) Chapter 465.

3) Prohibition of Illicit Connection.

- a) The construction, use, maintenance or continued existence of illicit connections to the public storm sewer system is prohibited.
- b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- c) Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved location at the direction of RVSS.

4) Industrial Activity Discharges. Any person subject to an industrial activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required prior to RVSS allowing discharges into the storm sewer system.

5) Construction Activity Discharges. Any person subject to an RVSS construction permit or NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required prior to RVSS allowing discharges into the public storm sewer system.

6) Reportable Discharges including Spills. Under ORS 466.605 and OAR 340-142-0050, the person who spills a contaminant, and the person who owns or has authority over the contaminant, are responsible for reporting any spill and for containing and cleaning up any spill. Any spills exceeding the limits in OAR 340-142-0050 shall be reported within 48 hours, in accordance with the approved RVSS spill response plan.

4.10.110 Enforcement and penalties.

This chapter may be enforced through RVSSC Title 8, including, without limitation, Chapter 8.50 RVSSC or by filing civil actions in the district court as provided by law. The district has sole discretion to decide whether to file a civil or criminal case for a violation. The district may file both, or one or the other. The possibility of an administrative remedy pursuant to RVSSC Title 8 shall in no way interfere with the district's right to prosecute violations of this chapter as criminal offenses. The district may use any of the remedies available under the law in both civil and criminal prosecution. If the district chooses to file both civil and criminal charges for the same violation, no civil penalties may be assessed, but all other remedies are available. [Ord. 06-03, 2006; Ord. 04-08 § 1(13), 2004.]

4.10.120 Enforcement and penalties by DEQ.

Enforcement and penalties in RVSSC 4.05.110 are in addition to any enforcement action or penalties imposed by DEQ. Any monetary penalties imposed by DEQ on RVSS due to lack of compliance with this chapter by an owner or permit registrant will be passed on to the owner or permit registrant. [Ord. 06-03, 2006.]

Chapter 4.15 Stormwater Management during Development and Redevelopment

Sections:

4.15.010 Erosion Prevention and Sediment Control.

4.15.020 Rogue Valley Stormwater Quality Design Manual.

4.15.030 Inspection.

4.15.010 Erosion Prevention and Sediment Control Permits.

- 1) Applicability of EPSC Permit Types. Construction activities that disturb more than 7,000sf of land, or are part of a larger common plan of development or sale that will disturb 7,000sf or more, are required to obtain a permit through RVSS regulating this activity.
 - a) Construction activities that disturb five acres or more, or those that will disturb less than five acres but are part of a larger common plan of development that will disturb five acres or more, are required to obtain an NPDES 1200-C permit from RVSS, a DEQ agent.
 - b) Construction activities that disturb from one to five acres, or those that will disturb less than one acre but are part of a larger common plan of development that will disturb one acre or more, are required to obtain a 1200-CN and an RVSS Construction Permit, from RVSS.
 - c) Construction activities that disturb between 10,890 square feet and 1.0 acre, and are located in RVSS' MS4, but outside an incorporated city, are required to obtain a Storm Drain Protection Permit for Medium Sites (when adopted by resolution) from RVSS prior to ground disturbance.
 - d) Construction activities that disturb between 7,000 square feet and 1.0 acre, located in an incorporated City in RVSS' MS4, are required to obtain a Storm Drain Protection Permit for Medium Sites (when adopted by resolution) from RVSS prior to ground disturbance.
 - e) Construction activities that disturb less than 7,000 square feet must obtain a Storm Drain

Protection Permit for Small Sites and are required to meet all applicable provisions of this Title.

[Ord. 1003, 2010; Ord. 06-03, 2006.]

- 2) Requirements. Permits will be issued when the application requirements are met, as determined by RVSS.
 - a) Application requirements, forms, guidance documents and fee amounts are available from RVSS.
 - b) A site specific Erosion and Sediment Control Plan (ESCP) must be submitted to RVSS for review and approval for all projects obtaining Storm Drain Protection Permits for Medium sites, 1200-CN or 1200-C permits.
 - c) For sites obtaining Storm Drain Protection Permits for Medium sites, 1200-CN or 1200-C permits, the permit holder must schedule a pre-construction meeting with RVSS' inspector after installation of approved BMPs, but prior to additional land disturbance. The purpose of the meeting is to inspect installation of the approved BMPs.
 - d) The ESCP must be implemented throughout the duration of the project and updated as needed.

- 3) Transfer and Termination of Erosion Prevention and Sediment Control Permits.
 - a) Transfer Permit Registration. The owner or permit registrant may transfer responsibility for permit compliance to other entities subject to approval by RVSS. An owner or permit registrant must submit an approved transfer form to RVSS prior to transfer of permit responsibilities and liabilities. Once transferred, the new permit Registrant is legally liable for permit compliance. Transfer forms are available from RVSS.
 - b) Permit Termination. All Permit Registrants for sites obtaining Storm Drain Protection Permits for Medium sites, 1200-CN or 1200-C permits must formally terminate the permit.
 - i) Pass a final inspection with RVSS' inspector. The purpose of the final inspection is to evaluate whether the site has attained final stabilization.
 - ii) Submit a Notice of Termination form, which can be obtained from RVSS, to RVSS.
 - iii) Ensure all fees are paid.

4.15.020 Rogue Valley Stormwater Quality Design Manual.

- 1) Adoption. The Board shall adopt the Rogue Valley Stormwater Quality Design Manual (Design Manual) by resolution. [Ord. 06-01, 2006.]
- 2) Applicability. All new and redevelopment meeting the applicability criteria of the Design Manual must comply with the Design Manual's requirements.
- 3) Operation and Maintenance Manual. Stormwater management facilities shall have an enforceable operation and maintenance manual, as detailed in the Design Manual, to ensure the system functions as designed in perpetuity.
- 4) Failure to Maintain Stormwater Management Facilities.
 - a) Under nonemergency conditions, if the responsible party fails or refuses to meet the maintenance agreement, RVSS shall notify the party responsible for maintenance of the stormwater management facility in writing. Generally, upon receipt of that notice, the responsible person shall have 48 hours to maintain and/or repair the facility in an approved manner. If the conditions continue, RVSS, after reasonable notice, may conduct emergency measures in the event that the stormwater management facility becomes a danger to public

safety, health or general welfare. After proper notice, RVSS may assess the owner(s) of the facility a monetary penalty in accordance with Section 8.50.050 of this Code or the actual cost of maintenance or repair work, whichever is greater, and any penalties for violations to this chapter.

- b) Under emergency conditions, if time permits, RVSS will make every effort to contact the responsible party for emergency measures. If the emergency does not allow RVSS time to contact the responsible party, and/or they fail or refuse to conduct emergency measures immediately, RVSS may conduct emergency measures to prevent a danger to public safety, health or general welfare. RVSS may assess the owner(s) of the facility a monetary penalty in accordance with Section 8.50.050 of this Code or the actual cost of maintenance or repair work, whichever is greater, and any penalties for violations to this chapter (as allowed under RVSC 4.10.110).
- c) Maintenance and Repair. After emergency measures are taken by RVSS in either subsection 4) a) or b) of this section, the responsible party shall within 14 days provide RVSS with a new operations and maintenance plan detailing procedures to prevent any future emergency situations.

4.15.030 Inspection.

- 1) Inspection. RVSS will conduct inspections as needed to determine compliance with this Code.
- 2) Right of Entry. The permit registrant, or a property owner with a stormwater management facility, shall permit RVSS to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance.
- 3) Security. If there are security measures in force that require proper identification and clearance before entry into its premises, the property owner shall make the necessary arrangements to allow access for RVSS.
- 4) Access. Access to all parts of the premises shall be provided to RVSS for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an RVSS construction permit, NPDES permit to discharge stormwater, or for a stormwater management facility.
- 5) Easements. Any publicly maintained stormwater facility shall be protected by permanent easements granting RVSS full access inspect, operate, maintain, repair and rebuild the facility as needed. If the permanent stormwater facility will be maintained by RVSS, access must be provided through a Stormwater Quality Facility Easement. Easements will be recorded with the Jackson County Clerk's Office and remain in effect in perpetuity, unless vacated by the RVSS Board of Directors.
- 6) RVSS shall be allowed the use of facilities for inspection and monitoring. RVSS shall have the right to set up on any permitted facility such devices as are necessary in the opinion of RVSS to conduct monitoring and/or sampling of the facility's stormwater discharge.
- 7) Notice of Construction Commencement. The permit registrant, or contractor for stormwater

management facility construction, must notify RVSS at least two working days prior to the commencement of construction.