

**RESOLUTION NO. 930-R**

**AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AND THE CITY OF TROUTDALE FOR ISSUING PERMITS FOR CONSTRUCTION ACTIVITIES.**

**WHEREAS, The City of Troutdale was contacted by the Department of Environmental Quality of the State of Oregon concerning storm water construction activities permits, and**

**WHEREAS, A general permit for storm water run-off from construction sites was issued September 25, 1991 and the effective date for construction activities to be permitted is January 1, 1992, and**

**WHEREAS, Any construction activity that will start after January 1, 1992 which involves five or more acres of land disturbance must have a storm water discharge permit, provided storm water from the site can reach surface waters, and**

**WHEREAS, The City of Troutdale conducts a process of review for all non-single-family residential construction known as Site & Design Review, and**

**WHEREAS, A draft MOA was submitted by the DEQ authorizing or allowing the City of Troutdale to act as DEQ's enforcing agent in the issuance of storm water construction activities permits, and**

**WHEREAS, The MOA limits the liability of the planning agency acting as DEQ's agent, holding the City of Troutdale hold harmless in the event of violation of the permit or water quality standards caused by a permitted activity.**

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:**

The Mayor is authorized to enter into a Memorandum of Agreement between the Department of Environmental Quality (DEQ) in the City of Troutdale for the issuance of wastewater permits for construction activities.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE  
THIS 12<sup>th</sup>  
DAY OF November, 1991.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

Sam K. Cox  
Sam K. Cox, Mayor  
Dated: November 12, 1991

ATTEST:  
Valerie J. Raglione  
Valerie J. Raglione, CMC  
City Recorder  
D:\NOV91\DEQMOA

**MEMORANDUM OF AGREEMENT BETWEEN  
THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
AND  
THE CITY OF TROUTDALE  
FOR  
ISSUING STORM WATER DISCHARGE PERMITS FOR CONSTRUCTION ACTIVITIES**

**I. PURPOSE**

In accordance with ORS 190.110, this Memorandum of Agreement sets forth the roles and responsibilities of the Department of Environmental Quality (DEQ) and the City of Troutdale, in the issuance of NPDES storm water discharge permits for construction activities which disturb 5 acres or more of land, pursuant to modifications to 40 CFR Parts 122, 123, and 124, adopted by EPA on November 16, 1990.

**II. ROLES AND AUTHORITIES**

- A. WHEREAS, through Oregon Revised Statutes Chapter 468, the DEQ has been designated the state agency responsible for preventing water pollution in the state, and
- B. WHEREAS, the DEQ has authority from the Environmental Protection Agency to issue NPDES permits under Section 402 of the Clean Water Act, and
- C. WHEREAS, the DEQ has the authority to issue General Permits for like facilities, and
- D. WHEREAS, ORS 468.035 authorizes DEQ to advise, consult, and cooperate with other agencies of the state with respect to all matters pertaining to control of water pollution, and
- E. WHEREAS, the above listed planning agency has the responsibility and authority to issue construction permits for the development of land within its jurisdiction, and
- F. WHEREAS, the City of Troutdale has the existing administrative structure for delivering information to the affected community, and
- G. WHEREAS, the DEQ and the City of Troutdale desire to reduce the permitting burden to those regulated under the construction activities portion of the federal storm water control rules adopted November 16, 1990.

THEREFORE, through mutual agreement, the DEQ and the City of Troutdale have established the following responsibilities in order to implement the construction activities permit program through a coordinated and mutually acceptable approach.

### III. CITY OF TROUTDALE DESIGNATED RESPONSIBILITIES

The City of Troutdale has these responsibilities with regards to storm water control permit issuance and follow-up:

- A. Act as DEQ's agent in receiving the DEQ Registration Applications for General Permit 1200-C which is for the control of storm water associated with construction activities which will disturb 5 or more acres.
- B. Receive the DEQ established \$300.00 fee associated with the general permit applications.
- C. Distribute a copy of General Permit 1200-C to each applicant.
- D. Receive copies of erosion control plans prepared by permittees pursuant to the permit.
- E. Review erosion control plans for approval or rejection.
- F. Follow-up on complaints which might be received from the public concerning a permittee's possible failure to be in compliance with the permit.
- G. Respond to and resolve, where possible, all complaints associated with suspected violations of permits.
- H. Encourage voluntary compliance with the permit and its conditions.
- I. Refer to DEQ permittees found in violation of their permit when voluntary compliance has failed.
- J. Provide DEQ with a quarterly update on the status of construction activities permits and complaint investigations along with remitting a copy of each permit application received and an amount of \$30.00 from each permit application received.

### IV. DEQ RESPONSIBILITIES

The DEQ, through its regional offices and Water Quality Division, will provide the following support to the construction activities permit program:

- A. Provide advice, assistance, and program guidance relative to questions regarding interpretation of the federal rules regarding NPDES permits for construction activities.
- B. Inspect a random sampling of permitted activities to determine the degree of compliance and environmental benefit.
- C. Provide the City of Troutdale with the most up-to-date version of the general permit and registration application form.
- D. Take enforcement action on enforcement referrals from the City of Troutdale.
- E. Refer all water pollution complaints received on construction activities to the City of Troutdale for investigation and follow-up.

V. DEPARTMENT-CITY RELATIONSHIP

The City, when acting within the scope of its authority in distributing storm water permits under the terms of this agreement, shall be considered an agent of the Department for purposes of the Oregon Tort Claims Act.

VI. EFFECTIVE DATE

This Memorandum of Agreement is in effect upon all signatures and will remain in effect until terminated by either agency, upon 30 days notice, or until modified by mutual agreement.

STATE OF OREGON  
DEPARTMENT OF ENVIRONMENTAL  
QUALITY

Jeel Hansen  
Director

4/20/92  
Date

CITY OF TROUTDALE

Sam K. Cox  
Mayor

3/26/92  
Date