

REGIONAL I/I CONTROL PROGRAM
RECORD OF REVISIONS MADE TO POLICIES FOR I/I REDUCTION PROJECTS

APPENDIX B

The table below documents the revisions to the Policies that the Earth Tech consultant team proposed after the pilot projects were completed, and the comments and decisions made by the E&P Subcommittee. Specifically, the table presents:

First column: Original, MWPAAC-accepted working draft Policies (October 21, 2002);

Second column: Lessons learned from the pilot projects and revisions to the working draft Policies proposed by the Earth Tech consultant team, with input from King County;

Third column: Revised draft Policies that the Earth Tech consultant team, with input from King County, proposed to the E&P Subcommittee (2004); and

Fourth column: Comments and decisions made by the E&P Subcommittee about the proposed revised draft Policies (2004).

Regional I/I Control Program

Proposed and Adopted Revisions to Policies that Support Standards & Procedures

Original Working Draft Policies (October 21, 2002)	◇ Pilot Project Lessons Learned Related to Policies that Support the Standards and Procedures ◇ Editing and Policy Combinations	Revised Draft Policies Proposed to the E & P Subcommittee	E & P Subcommittee Input and Decision
<u>Policy #1</u> Public funding may be made available for all phases of I/I mitigation work on all privately owned property including residential, commercial and industrial land uses. Funded work could include scope of work elements such as: permits, investigation, inspection and	<ul style="list-style-type: none"> • The pilot projects used public funding on private property for all aspects of I/I reduction projects. • Assumes that actual I/I Control Program will be legally allowed to provide public funding on private property. 	<u>Proposed Policy #1</u> Public funding should be made available for all phases of I/I mitigation work on all privately owned property including residential, commercial and industrial land uses. Funded work should include scope of work elements such as: permits, investigation, inspection and	General Policy Comment: Clarify when/how these policies will go into effect. Change first sentence to: “Public funding should be considered for all phases of I/I mitigation work on privately owned property.”

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<p>testing, any modifications to the side sewer connections and laterals, connections to public systems, restoration of disturbed areas (including landscaping, sidewalks, driveways, and rights-of-way) and post-rehabilitation testing and enforcement. Environmentally infeasible &/or prohibitively expensive modifications would be considered for variances/waivers.</p>		<p>testing, any modifications to the side sewer connections and laterals, connections to public systems, restoration of disturbed areas (including landscaping, sidewalks, driveways, and rights-of-way) and post-rehabilitation testing and enforcement. Environmentally infeasible &/or prohibitively expensive modifications should be considered for variances/waivers.</p>	
<p><u>Policy #2</u> King County would create and promote regional educational programs to catch the attention of the general public, to introduce the public to I/I as an issue and to explain the potential benefits from I/I mitigation efforts.</p>	<ul style="list-style-type: none"> King County produced materials related to the I/I Program for use with the pilot projects (see Attachment A for example used on pilot project). 	<p>Combine into Proposed Policy #2 (see below)</p>	
<p><u>Policy #3</u> King County would provide to the Local Agencies educational and informational materials pertaining to Regional I/I Control that could be modified and used by each local jurisdiction to meet their local needs.</p>	<ul style="list-style-type: none"> Some of the materials produced by King County were modified by the Local Agency, usually with an additional logo (See Attachment A for example used on pilot project). 	<p>Combine into Proposed Policy #2 (see below)</p>	
<p><u>Policy #4</u> King County would establish a</p>	<ul style="list-style-type: none"> The County has been functioning in this role since 	<p>Combine into Proposed Policy #2 (see below)</p>	

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central clearinghouse to respond to queries about policies and other general issues regarding the Regional I/I Program.	this draft policy was developed including inquiries from agencies, from individuals, as well as from national information requests.		
Combine old Policies 2, 3 and 4		<p>Recommend combining Policies 2, 3 and 4 into one policy</p> <p><u>Proposed Policy #2</u></p> <p>King County shall create and promote regional educational programs to introduce the general public to I/I as an issue, to explain the potential benefits from I/I mitigation efforts, and to inform the public of their responsibilities related to the I/I problem. Educational/informational materials shall be designed such that each local jurisdiction will be able to modify them to meet their local needs. Additionally, King County shall function as a central clearinghouse in responding to inquiries about the Regional I/I Control Program.</p>	<p>1st sentence: “King County in conjunction with the Local Agencies shall...”</p> <p>NOTE: Public’s “responsibilities” must be related only to existing laws, not to any additional I/I reduction/control activities.</p>
<p><u>Policy #5</u></p> <p>For the community involvement elements of each specific I/I control project, the Local Agency would take on the primary</p>	<ul style="list-style-type: none"> • For the pilot projects in which King County was the Lead Agency, Local Agencies wanted King County to be the responder to public questions and concerns. 	Combine into Proposed Policy #3 (see below)	

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oversight responsibility. If King County were the project's manager, specific roles and responsibilities would be established in an Appendix to the pertinent Intergovernmental Agreement.			
<u>Policy #6</u> For specific projects, each Local Agency would respond to individual's concerns even if the project were being managed by King County. The specific parameters for communication and coordination between the County and the Local Agency would be documented in the pertinent Interlocal Governmental Agreement.	<ul style="list-style-type: none"> • For the pilot projects in which King County was the Lead Agency, Local Agencies wanted King County to be the responder to public questions and concerns. 	Combine into Proposed Policy #3 (see below)	
Combine old Policies 5 and 6	<ul style="list-style-type: none"> • The pilot projects showed that community education and involvement are necessary components of I/I reduction projects. A plan for appropriate public education and involvement should be considered in the project planning stages. 	Recommend combining Policies 5 and 6 into one policy <u>Proposed Policy #3</u> For each specific I/I reduction project being led by a Local Agency, the Local Agency shall be responsible for community education/involvement. If King County is the Lead Agency, the County shall be responsible for community	Add "unless otherwise specified or negotiated in the IGA..." at the beginning of each sentence.

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		education/involvement.	
<p><u>Policy #7</u> <u>Code Compliance Investigation.</u> If permitted by law, districts and cities would grant representative(s) of their utility the authority to enter all premises, including buildings and structures, to which sewer service is provided.</p>	<ul style="list-style-type: none"> • In the pilot projects, access to private property was important for both private property facility rehabilitation and for work on public sewers on private property that needed construction easements. • Such access is paralleled by power companies, gas companies, and other utility services that need access to private property to provide a particular service. 	Combine into Proposed Policy #4 (see below)	
<p><u>Policy #8</u> <u>Code Enforcement.</u> Local Agencies would pass an ordinance granting authority for physical action to be taken by the Agencies' representative(s) on private property – which may range from a right of entry agreement, a temporary use or construction easement, to a variety of legal notices and sanctions.</p>	<ul style="list-style-type: none"> • In the pilot projects, access to private property was important for both private property facility rehabilitation and for work on public sewers on private property that needed construction easements. • Such access is paralleled by power companies, gas companies, and other utility services that need access to private property to provide a particular service. 	Combine into Proposed Policy #4 (see below)	
<p><u>Policy #9</u> <u>Code Enforcement.</u> King County</p>	<ul style="list-style-type: none"> • In the pilot projects, access to private property was important for both private property 	Combine into Proposed Policy #4 (see below)	

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<p>would pass an ordinance granting authority for physical action to be taken by King County and the Local Agencies' representative(s) on private property. Action may range from a right of entry agreement, a temporary use or construction easement, to a variety of legal notices and sanctions.</p>	<p>facility rehabilitation and for work on public sewers on private property that needed construction easements.</p> <ul style="list-style-type: none"> • Such access is paralleled by power companies, gas companies, and other utility services that need access to private property to provide a particular service. • On projects where King County was the lead, the King County also needed to obtain access to private property. 		
<p>Combine old Policies 7,8,9,11, and 15</p>	<ul style="list-style-type: none"> • This new policy combines several old overlapping policies and focuses the issue of access on reduction and control needs and activities related to I/I. 	<p>Recommend combining Policies 7, 8, 9, 11, and 15 into one policy</p> <p><u>Proposed Policy #4</u></p> <p>Both the Local Agency and King County shall pass the necessary ordinances and develop the appropriate access agreements that allow each agency to gain access to private property, such as a right of entry or a construction and inspection easement. These agreements will allow certain actions related to I/I reduction and control, such as conducting a side sewer and/or lateral inspection; construction rehabilitation; or conducting code enforcement</p>	<p>Drop “and King County” from 1st sentence.</p> <p>Change “ordinances” to “ordinances/resolutions”</p> <p>Change “allow each agency to gain access” to “allow each agency or its agents to gain access”</p>

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		activities.	
<p><u>Policy #10</u> To ensure region-wide consistency, King County would provide training to agency representatives. The training material would include a checklist of guidelines for best practices and the adopted Regional I/I Control Standards, Guidelines & Policies. The agency representatives would have the responsibility of enforcing the Regional I/I Control Standards and Guidelines.</p>	<ul style="list-style-type: none"> • An inspection training course was conducted early on in the pilot projects that was very helpful in forging common understandings and assuring shared technical knowledge among all involved in the projects. • The term “Guidelines” has been replaced with “Procedures.” 	<p><u>Proposed Policy #5</u> To ensure region-wide consistency, King County shall provide I/I Standards, Procedures and inspection training opportunities to agency representatives. The training material will include a checklist of guidelines for best practices and the adopted Regional I/I Control Standards, Procedures & Policies. The agency representatives shall then have the responsibility of enforcing the Regional I/I Control Standards, Procedures & Policies.</p>	<p>Change “To ensure region-wide consistency, King County shall...” to “To promote region-wide consistency, King County in conjunction with the Local Agencies shall provide training opportunities on the I/I Control Program to agency representatives.”</p> <p>Drop last sentence.</p>
<p><u>Policy #11</u> Inspections, investigation or testing would include both the storm water/sanitary sewer drainage system on privately owned property and the connection with the public system. Based upon the programmatic approach selected by King County &/or the Local Agency, the inspection, investigation &/or testing activity could result in the Local Agency taking immediate action or selecting other methods for</p>	<ul style="list-style-type: none"> • In the pilot projects, access to private property for both private property facility rehabilitation and for work on public sewers located on private property that needed construction easements was important. • Such access is paralleled by power companies, gas companies, and other utility services that need access to private property to provide a particular service. 	<p>Combine into New Policy #4 (see above)</p>	

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controlling I/I.	<ul style="list-style-type: none"> • The access was necessary for investigating and addressing storm water facilities that were located on private property. 		
<p><u>Policy #12</u> If public funds were supporting any portion of the I/I control work on privately owned property, then the responsible jurisdiction (Local Agency, including King County acting as a Local Agency, District or Associated Agency) would establish a process to manage and limit their liability. The potential site and in-ground liability issues should be a part of the I/I planning and design process, including an up-front agreement on when the jurisdiction's liability will end.</p>	<ul style="list-style-type: none"> • There were several examples in the pilot projects where liability concerns led to changes in plans. For example, in one case water removed from a sanitary sewer might have caused slope instability problems, so the excess water was not removed. • Another example included avoiding work where a deck, slab, sidewalk, or driveway would be disturbed. • The start time of liability seemed to be most appropriate when the contractor started work on the specific private property. • Assurance is needed that completed facilities will continue to function as intended for a reasonable period of time. 	<p><u>Proposed Policy #6</u> If public resources support any portion of the I/I reduction work on privately owned property, then the Lead Agency shall establish a process to manage and limit its liability. The potential site and in-ground liability issues shall be a part of the I/I planning and design process, including an up-front agreement on when the jurisdiction's liability will begin and end. If King County is the Lead Agency, a liability beginning and ending point will be established with the Local Agency and the private property owner.</p>	Accepted.
Combine old Policies 17 and 21	<ul style="list-style-type: none"> • The pilots indicated that it is important that the contract include contractor requirements 	<p>Recommend combining Policies 17 and 21 into one policy <u>Proposed Policy # 7</u></p>	1st sentence: Change "...for any I/I reduction project..." to "...for publicly funded I/I reduction

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	to ensure long-term reliability of rehabilitated facilities.	The Lead Agency shall be responsible for ensuring that, for any I/I reduction project, the construction contract includes appropriate bonding, licensing, insurance, and warranty provisions to ensure satisfactory completion of the project and warranty of the project for a sufficient amount of time (recommended minimum 12 months). For private property installation or rehabilitation, the Local Agency shall be responsible for ensuring the private property owner will have a sufficient warranty.	projects...” Delete last sentence.
<p><u>Policy #13</u> If the consequence of I/I control work on a privately-owned property or public system results in the diversion of storm water drainage, and there exists a public storm water management system, then the I/I work would involve meeting the provisions of the controlling jurisdiction’s current “storm water drainage” ordinance. Jurisdictional approval must be obtained; infeasible &/or prohibitively expensive modifications would be</p>	<ul style="list-style-type: none"> • Examples of a variance/waiver of this policy did occur in the Lake Forest Park and Ronald pilot projects and related to driveway drains and sump pumps. 	<p><u>Proposed Policy #8</u> Where I/I work on private or public property results in the diversion of storm water drainage, and there exists a storm water system, then the I/I work shall involve meeting the provisions of the controlling jurisdiction’s current “storm water drainage” ordinances. Jurisdictional approval must be obtained; infeasible &/or prohibitively expensive modifications should be considered for variances/waivers.</p>	<p><i>End after “Jurisdictional approval must be obtained” and create new policy to deal with “...infeasible and/or prohibitively expensive...”</i></p>

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considered for variances/waivers.			
<p><u>Policy #14</u> If the consequence of I/I control work on private residential property results in the diversion of storm water drainage (e.g., removal of illicit connections), and a public storm water management system does not exist, then the private property owner bears the responsibility for discharging the storm water drainage to an appropriate location. Modifications that are deemed to be infeasible &/or prohibitively expensive (for the property owner) would be considered for variances/waivers.</p>	<ul style="list-style-type: none"> • Homeowner responsibility for handling storm drainage was used on the pilots and found to be acceptable. 	<p><u>Proposed Policy #9</u> Where I/I work on private property results in the diversion of storm water and an adequate storm water system does not exist, then the private property owner bears responsibility for discharging the storm water drainage to an appropriate location.</p> <p>Where I/I work on public property results in the diversion of storm water and an adequate storm water system does not exist, the Local Agency or Associated Agency bears the responsibility for discharging the storm water drainage to an appropriate location.</p> <p>Modifications that are deemed to be infeasible &/or prohibitively expensive should be considered for variances/waivers.</p>	<p><i>End after “Jurisdictional approval must be obtained” and create new policy to deal with “...infeasible and/or prohibitively expensive...”</i></p>
<p><u>Policy #15</u> Local Agencies would be responsible for obtaining legal access to private property; this can be through several different legal</p>	<ul style="list-style-type: none"> • Access to private property was needed for the pilot projects for both private property facility rehabilitation and for work on public sewers on private 	<p>Combine into Proposed Policy #4 (see above)</p>	

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instruments, including legally adopted procedures or through easements and specific agreements with homeowners.	<p>property that needed construction easements.</p> <ul style="list-style-type: none"> • Such access needs related to sewerage service are similar to power companies, gas companies, and other utility services that need access to private property to provide that particular service. 		
<p><u>Policy #16</u> The Local Agency, Associate Agency or the Agency acting as the project manager would establish a “restoration to prior condition” standard for private property before initiating any I/I work (including landscaping, sidewalks, driveways, and rights-of-way).</p>	<ul style="list-style-type: none"> • From the pilot projects it was learned that there can be problems in restoring certain types of plants/vegetation. • The pilots were careful and selective in where they disturbed private property so that “valuable” or “important” vegetation would be avoided. • One thought was that any disturbed vegetation would be replaced with a specific size or gallon of a same or similar plant. • An additional thought was that since the private property owner was getting a free side sewer replacement, they would have to restore the site and the project would only restore the original grade. 	<p><u>Proposed Policy #10 (if confirmed by legal counsel)</u> The Lead Agency shall establish a standard for property restoration before initiating any I/I work (including landscaping, sidewalks, driveways, and rights-of-way).</p> <p>Options include:</p> <p>1 – “restoration to pre-construction condition”</p> <p>2 – “restoration as near as possible to pre-construction condition”</p> <p>3 – “restoration to original grade only”</p>	<ul style="list-style-type: none"> • Drop “and rights-of-way” and add sentence: “Public property restoration is governed by Local Agency or Associated Agency codes or ordinances.” • Change to “options can include” • Drop #1, #3 • Change last option to “Basing value on restoration to as near as possible to pre-construction condition, consider up front property owner payment with signed waiver.”

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	<ul style="list-style-type: none"> • The pilot project experience included restoration to pre-construction condition, restoration to as near as possible to pre-construction condition. 		
<p><u>Policy #17</u> Local Agencies should be responsible for obtaining legal mechanisms to ensure that privately funded installation or rehabilitation of side sewers will result in facilities that continue to function correctly for a reasonable period of time.</p>	<ul style="list-style-type: none"> • An important component of reducing liability is for a Lead Agency to require appropriate contractor bonding, licensing, insurance, and warranties. 	Combine into Proposed Policy #7 (see above)	
<p><u>Policy #18</u> <u>Pre-qualification.</u> The public agency should establish a procedure whereby contractors are “pre-qualified” before bidding for work utilizing specialized technologies for sewer systems.</p>	<ul style="list-style-type: none"> • Pre-qualifying contractors has various liability and resource concerns. • Pilot project experience did show problems, however, if the contractor did not have certain minimum experience. 	Combine into Proposed Policy #11 (see below)	
<p><u>Policy #19</u> <u>Local Agency Minimum Qualifications.</u> Local Agencies should establish specific requirements for contractors that address experience, staff qualifications, references and</p>	<ul style="list-style-type: none"> • Duplicative with Policy # 18 	Combine into Proposed Policy #11 (see below)	

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bonding with an emphasis more on safety and restoration than on sewer system construction. An approved contractor with applicable insurance, bonds and licenses to work in the Associated Agency's right-of-way may be required.			
Combine old Policies 18 and 19	<ul style="list-style-type: none"> • Minimum contractor experience was important on successful pilot projects. 	<p>Recommend combining Policies 18 and 19 into one policy <u>Proposed Policy #11</u> The Lead Agency shall develop in the bid specifications specific minimum experience requirements for contractors to ensure that the contractor hired will have experience in the type of work they are to perform.</p>	Accepted.
<u>Policy #20</u> The Agency managing an I/I control project must obtain all applicable permits from the municipal jurisdiction. The project's costs would cover all costs per the jurisdiction's codes and permit conditions and, therefore, would be borne by the Agency funding the I/I control project.	<ul style="list-style-type: none"> • Pilot project experience showed that specific permits such as SEPA, HPA, 404, or other total project environmental permits should be obtained by the Lead Agency while permits such as building, utility, ROW are usually best to be obtained by the contractor. 	<u>Proposed Policy #12</u> The Lead Agency should obtain most applicable permits, including the SEPA, HPA, 404, or other State or Federally required permits. The contractor should obtain permits as detailed in the specifications such as the building, road or utility, ROW use, &/or clearing and grading permits. The permits required to be obtained by the contractor should be	<ul style="list-style-type: none"> • Change beginning to: "Local Agency should obtain all permits feasible, including..." • Drop last two sentences.

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		specifically listed in the bidding documents. The permit costs should be eligible for Regional I/I Control Program funding. Exceptions to this approach shall be specified in a particular IGA.	
	<ul style="list-style-type: none"> • The pilot projects showed that cooperative efforts between the Local Agency, the Associated Agency, and the County work best in obtaining permits. 	<u>Proposed Policy #13</u> For all permit needs, the jurisdictions including King County, the Local Agency, and the Associated Agency (if pertinent) will work cooperatively and collaboratively.	Accepted.
<u>Policy #21</u> Local Agencies should be responsible for obtaining the legal mechanisms to ensure that publicly funded installation or rehabilitation of public sewers will result in facilities that continue to function correctly for a reasonable period of time.	<ul style="list-style-type: none"> • There is no need in the Policies to separate policies into private or public categories, therefore this can be combined into one policy with private property. 	Combine into Proposed Policy #7 (see above)	
<u>Policy #22</u> <u>MWPAAC Sub-committee Review.</u> An “I/I Control Program” Subcommittee(s) would be formed. Representation, process and documentation protocols would be established. The Subcommittee(s) would	<ul style="list-style-type: none"> • Development of the Regional I/I Control Program has included active involvement of a MWPAAC Subcommittee in providing direction and input for the Program. • Such involvement should continue during Program 	Combine into Proposed Policy #14 (see below)	

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<p>consider proposal(s) and report to the full MWPAAC describing the revision to Standards, Guidelines &/or Policies as: (a) significant; (b) no effect on the consistency or effectiveness of the Program; &/or (c) an enhancement to the Program. The Subcommittee(s) would recommend whether or not a revision should be adopted as part of the Regional I/I Control Program.</p>	<p>implementation.</p> <ul style="list-style-type: none"> • The term “Guidelines” has been replaced by “Procedures.” 		
<p><u>Policy #23</u> MWPAAC members would consider the recommendations of the “I/I Control Program” Subcommittee then, per the method established in the By-Laws, the Committee would recommend to King County the adoption of specific changes to the Regional I/I Control Program's Standards, Guidelines and Policies.</p>	<ul style="list-style-type: none"> • MWPAAC was informed of Regional I/I Control Program components and active in decision-making. • This approach should continue with Program implementation. • The term “Guidelines” has been replaced by “Procedures.” 	<p>Combine into Proposed Policy #14 (see below)</p>	
		<p><u>Proposed Policy #14</u> MWPAAC shall review and make recommendations on proposed revisions to the Regional I/I</p>	<p>Accepted.</p>

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		Control Program Standards, Procedures, & Policies. MWPAAC shall recommend whether or not a revision should be adopted as part of the Regional I/I Control Program.	