

ORDINANCE NO. 689

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 8, ENVIRONMENT AND INDUSTRIAL PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN TO CORRECT SCRIVNER ERRORS AND MAKE OTHER MINOR MODIFICATIONS

WHEREAS, Chapter 8 was last modified via Ordinance 664 in May 2009; and

WHEREAS, portions of Chapter 8, Environment needs be revised to correct scrivener errors related to language clarifications and standards updates; and

WHEREAS, language from Ordinance 550 related to continuous pH monitoring and dry cleaning machine wastewater was erroneously left out of previous code updates; and

WHEREAS, modifications to staff assignments in the Enforcement Response Matrix are needed; and WHEREAS, the City has coordinated with Oregon DEQ, the proposed modifications to the pretreatment program section of the Chapter 8, Environment and the Enforcement Response Plan; and

WHEREAS, the DEQ has agreed with the modifications; and,

WHEREAS, the city council has conducted a properly noticed public hearing on the proposed changes, and based upon the staff report in the matter and the entire record of the hearing, concludes the code amendments comport with law and are otherwise in the public interest;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Chapter 8, Environment of the Wilsonville Code is modified as follows:

ENVIRONMENT

GENERAL PROVISIONS

8.006 Definitions. For the purpose of this Chapter, the following terms, words, phrases and their derivations shall have the meaning given herein, unless the context specifically indicates otherwise:

(6) **Building Drain.** Shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the exterior walls of the buildings and which conveys it to the building sewer, which begins two (2) feet (.6 meters) outside of the building exterior wall.

(70) Storm Drain. (Sometimes termed “storm sewer”). Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waters.

WATER CONSERVATION

8.116 Standards – Vehicle wash Installations.

(1) Vehicle wash shall be covered

(2) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

(3) Vehicle wash installations shall be equipped with a water recycling system approved by the Director. . Best available technology shall be utilized for the pretreatment system of any drainage to the sanitary sewer system.

(4) No coin operated vehicle wash shall be installed or used until plans have been submitted to and approved by the City. The plans shall show the method of connections to an approved pretreatment system before discharging into the sanitary sewer system, disposal of rain or surface water and the protection of the potable water system. No rain or surface water shall be conveyed to or through the sanitary sewer system.

(5) Any water connective device or appliance requiring a continuous flow of five GPM or more and not previously listed in this section shall be equipped with an approved water recycling system..

8.118 Standards – General.

(1) In all new construction and in all repair and/or replacement of fixtures or trim, only fixtures or trim not exceeding the following flow rates and/or water usage shall be installed. These rates are based on a pressure at the fixture of 40 to 50 PSI.

Water closets, tank type	–	1.6 gallons per flush.
Water closets, flush-o-meter type	-	1.6 gallons per flush
Urinals, tank type	-	1.0 gallons per flush
Shower heads	-	2.5 GPM
Lavatory, sink faucets	-	2.5 GPM
Metered faucets	-	0.25 gallons per use

(2) Faucets on lavatories located in restrooms intended for the transient public in service stations, park toilet rooms, train stations and similar facilities shall be metering or self-closing..

8.120 Section Not Used

PUBLIC SEWER USE

8.204 Private Sewage Disposal.

(4) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 8.202(4), a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools and similar disposal facilities shall be removed or opened and filled with sand or gravel in accordance with the Oregon Plumbing Specialty Code.

8.206 Buildings Sewers and Connections.

(6) The size, slope, alignment, construction material of a building sewer, and the methods to be used excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Oregon Structural Specialty Code and the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

8.210 Public Sewers – Construction

(7) Vehicle maintenance installations shall be covered and equipped with oil/water separation and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(8) Vehicle fueling installations shall be covered and equipped with oil/water separation and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(9) Outside storage areas for grease, oil, waste products, recycling, garage, and other sources of contaminants shall have a covered enclosure adequately sized to allow all containers to be accessible. No drainage is allowed to enter the storm sewer system.

INDUSTRIAL WASTEWATER REGULATIONS

8.302 General Sewer Use Requirements

(1) Prohibited Discharge Standards

(b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

4) Waste streams having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the POTW, City personnel or equipment. **In cases where pH is continuously monitored, a violation is deemed to have occurred if the pH falls outside the 5.5 to 10.0 range more than 60 minutes in any one calendar day beginning at midnight and/or more than seven hours 26 minutes in any one calendar month, except that any discharge below 5.0 or above 11.0 is a violation**

21) Any wastewater from dry cleaning machines

22) Wastewater discharging from Dental facilities which contain mercury shall be provided with an approved amalgam separator.

23) Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the POTW.

Section 2. Industrial Pretreatment Program Enforcement Response Plan. Pursuant to W.C. 8.602 (1) (a), the council hereby adopts the Enforcement Response Plan as modified and attached hereto as Exhibit A.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 3rd day of January 2011, and scheduled for second reading on 20th day of January 2011, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 20th day of January 2011, by the following votes:

YEAS: -5- NAYS: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of January 2011.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Hurst	Yes
Councilor Núñez	Yes
Councilor Goddard	Yes
Councilor Starr	Yes

Attachments:

Exhibit A. Enforcement Response Plan

CITY OF WILSONVILLE, OREGON

Industrial Pretreatment Program Enforcement Response Plan

SECTION IX. ENFORCEMENT RESPONSE MATRIX

A. Definitions

AF	Administrative Fee
CA	City Attorney
CC	City Council of the City of Wilsonville
CDO	Cease and Desist Order. Unilateral order to require immediate IU compliance
CM	Compliance Meeting
CO-1	Consent Order. Voluntary compliance agreement, including specified timeframe
CO-2	Compliance Order. Unilateral order to require IU compliance within specified timeframe
ES	Emergency Suspension of IU discharge and discharge permit
ESM	Environmental Services Manager
IU	Industrial User
Level III	When IU does not comply with CO-1 and CO-2, and AF has not been effective in bringing the IU into compliance, this level of enforcement requires the consultation of the CA to determine appropriate legal action which may include: injunctive relief, civil penalties, criminal prosecution
NOV	Notice of Violation
PC	Pretreatment Coordinator
PWD	Public Works Director
SNC	Significant Noncompliance
SCO	Show Cause Order requiring IU to appear and demonstrate why the City should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
TP	Termination of Permit

ENFORCEMENT RESPONSE MATRIX

Noncompliance	<i>Nature Of</i> Violation	Violation Level	Enforcement Responses	<i>Staff</i>
I. Unauthorized Discharge (No Discharge Permit)				
A. Discharge without a Permit	IU unaware of requirement, no harm to POTW or Environment	I	Phone Call & NOV with Permit Application Form	PC
	IU unaware of requirement, Harm to POTW or Environment	II	CO-2 with AF	PWD
	Recurring Un-permitted Discharge	III	SCO	CA, CC
B. Discharge without a Permit Failure to Renew Existing Permit	IU did not submit permit renewal application within 90 days of permit expiration date	I	Phone Call & NOV with Permit Application Form	PC
	IU did not submit permit renewal application follow NOV and permit application, exceeded 45 days beyond submittal due date.	II	CO-2 with AF	PWD
	IU did not submit permit renewal application follow NOV and permit application, exceeded 60 days beyond submittal due date.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	<i>Nature Of</i> Violation	Violation Level	Enforcement Responses	<i>Staff</i>
II. Discharge Limit Violation				
A. Reported Limit Violation	Sample results exceed numerical permit limit but does not exceed Technical Review Criteria for severity.	I	Phone Call &/or NOV	PC
	Four (4) violations for same pollutant with three (3) consecutive months	I	CM and CO-1	PWD
	Sample results exceed numerical permit limit (chronic violation) and exceeds the Technical Review Criteria (TRC)	II	CO-2 and AF pending severity of violation with adverse impact to POTW	PC, PWD,
	Recurring Violations resulting in SNC (Significant Noncompliance)	II	CDO with AF	PWD CA,
	Discharge limit violation which causes POTW interference, pass-through or health hazard.	II	CDO with AF	PWD, CA,
	Any discharge causing endangerment to the public or the environment	III	ES and SCO	PWD, CA, CC

B. pH Limit Violations – Grab Sampling	Any excursion detected during a 24-hour period.	I	Phone call & NOV,	PC
	Four (4) violations within 3 consecutive months	I	CM & CO-1	PC
	pH violations resulting in Significant Noncompliance	II	CDO with possible AF	PWD, CA,
C. pH Limit Violation – continuous	Excursion exceeding 60 min in 24 hour period (Level 1) except that per 40 CFR 403.5(b)(2) any discharge below 5.0 is a violation. Excursions above 11.0 is also a violation..	I	Phone & NOV. **4 excursions in one quarter:CM & CO-1	PC
	Excursions exceeding seven hours and 26 minutes during a calendar month. (Level I)	I	Phone call & NOV **4 excursions in one Quarter: CM & CO-1	PC
	Daily or monthly violations occurring during 66% or more of a six month period. (Level II)	II	CO-2 with AF	PWD
D. pH Limit Violation – resulting in harm to POTW or environment	pH violations resulting harm to POTW or environment are considered Significant Noncompliance	II	If reported IU, CO-2 with possible AF If not reported by IU, CDO with AF	PWD, CA,

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	<i>Nature Of</i> Violation	Violation Level	Enforcement Responses	<i>Staff</i>
II. Discharge Limit Violation (continued)				
E. Spill or Sludge Discharge resulting in mass loading violations	Reported by IU: No damage to POTW, Isolated Occurrence.	I	Phone call & NOV.	PC
	Second occurrence within 6 month period.	I	CM, CO-1	PC
	Reported by IU. Resulting in pass-through interference, or damage to POTW. Isolated occurrence.	II	CO-2 with possible AF	PWD
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
	Not Reported by IU. No damage to POTW	I	CM and CO-1	PC
	Second occurrence within 6 month period.	II	CO-1 with possible AF	PC, PWD
	Not Reported by IU. Resulting in interference, pass-through or damage	II	CDO with AF	PWD, CA,
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
III Monitoring and Reporting Violations				
A. Reporting Violations	Report is improperly signed or certified.	I	Phone call & NOV	PC
	Second occurrence within 6 month period	II	CM & CO-1	PC
	Scheduled reports late, 45 days or less, isolated incident	I	Phone call & NOV	PC
	Scheduled reports late more than 45 days.	II	CO-2 with AF	PWD
	Failure to Submit Reports; or reports	II	CDO with possible AF	PWD, CA

	are always late.			
	Incomplete Reports	I	Phone Call &/or NOV second incident CM and CO-1	PC
	Failure to Accurately Report noncompliance	II	CO-2 with AF	PWD, CA,
	Scheduled reports late more than 60 days	III	SCO	PWD, CA, CC

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	<i>Nature Of</i> Violation	Violation Level	Enforcement Responses	<i>Staff</i>
III Monitoring and Reporting Violations (continued)				
A. Reporting Violations (continued)	Report Falsification	III	Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Monitoring Violations	Failure to monitor all pollutants as specified by discharge permit	I	Phone Call &/or NOV	PC
	Second occurrence within 6 month period	II	CO-1 with a possible AF	PWD, PC
	Improper sampling with evidence of intent	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
	Failure to install monitoring equipment. Delay of 30 days or less, with good cause	I	Phone Call &/or CO-1	PC
	Failure to install monitoring equipment. Delay of more than 30 days.	II	CM and CO-2 with possible AF	PWD
	Pretreatment Equipment and Monitoring Equipment no maintained or out of service, evidence of neglect.	II	CO-2 with possible AF	PWD
C. Compliance Schedule in Discharge Permit	Milestone Date missed by 30 days or less	I	Phone Call &/or NOV	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (good cause for delay)	I	CM & CO-1	PC

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	<i>Nature Of</i> Violation	Violation Level	Enforcement Responses	<i>Staff</i>
III Monitoring and Reporting Violations (continued)				
C. Compliance Schedule in Discharge Permit (Continued)	Milestone date missed by more than 30 days or delay will affect other compliance dates (without good cause for delay).	II	CO-2 with possible AF	PWD
	Violation of Compliance Schedules issued to enforcement discharge permit compliance schedule.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
IV. Other Violations				
A. Waste Streams are Diluted in lieu of Pretreatment	Initial Violation	II	CDO with possible AF	PWD, CA
	Recurring Violations	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Failure to meet compliance date for starting construction or attaining final compliance.	No Harm to POTW or environment. Delay, with good cause, less than 90 days.	I	CM and CO-1	PC
	Delay exceeds 90 days	II	CO-2 with possible AF	PWD
C. Failure to Properly Operate and Maintain a Pretreatment Facility	Evidence of neglect of intent	II	CO-2 with possible AF	PWD

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	<i>Nature Of</i> Violation	Violation Level	Enforcement Responses	<i>Staff</i>
V. Violations Detected During Site Visit				
A. Entry Denied by the IU	Entry consent or copies of records denied.	II	Obtain warrant and return to IU for site visit. Follow up with SCO for TP	PC PWD, CA, CC
B. Illegal Discharge	No Harm to POTW or environment	I	CM and CO-1	PC
	Discharge causes harm or there is evidence of willful intent or neglect.	II	CDO with possible AF	PWD
	Recurring with evidence of willful intent or neglect.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
C. Improper Sampling	Unintentional sampling at incorrect location	I	Phone Call &/or NOV	PC
	Reoccurring unintentional sampling and incorrect location	II	Phone Call &/or NOV	PC
	Reoccurring unintentional using incorrect techniques	II	Phone Call &/or NOV	PC
	Unintentionally using incorrect sample collection techniques	I	Phone Call &/or NOV	PC
D. Inadequate Record Keeping	Inspection finds records incomplete or missing	I	NOV possible CO-1	PC
	Recurrence of records incomplete or missing.	II	CO-2 with possible AF	PWD
E. Failure to report additional monitoring	Inspection finds additional monitoring data	I	NOV with possible CO-1	PC
	Recurrence of failure to report additional monitoring data.	II	CO-2 with possible AF	PWD



CITY COUNCIL MEETING REQUEST FOR ACTION

Revisions City Code Chapter 8, Environment

Meeting Date: January 3, 2011
Report Date: December 22, 2010
Source of Item: Public Works

Contact: Delora Kerber
Contact Telephone Number: 503-570-1542
Contact E-Mail: kerber@ci.wilsonville.or.us

ISSUE STATEMENT

Portions of Chapter 8, Environment of the City Code should be revised to correct scrivener errors related to language clarifications, standards updates, as well for the inclusion of information that was erroneous left out of previous code updates and modifications to staff assignment for the Enforcement Response Matrix.

BACKGROUND

In August of 2008, Chapter 8, Environment, was amended in association with Industrial Wastewater Pretreatment Streamlining Rules mandated by the Environmental Protection Agency. In May 2009, Chapter 8 was further modified by Ordinance 664 with the addition of sections related to Business Recycling Requirements.

Since the last update it was discovered that language approved by a previous ordinance (ORD 555) relating to the allowance of pH excursions and discharging wastewater from dry cleaning machines into the sewer were inadvertently left out of the revisions done in 2008.

It was also determined that the Enforcement Response Matrix needed some corrections to better reflect proper staff assignments and to include the same pH language that inadvertently had been left out of Chapter 8, Environment.

Other proposed modifications to Chapter 8, Environment are to address updated language and standards.

RELATED POLICIES

The reintroduction of language from ORD 550 into Chapter 8, Environment related to pH and dry cleaning equipment along with the requested modifications of the Enforcement Matrix are necessary so that the City's Industrial Pretreatment Program can continue to be legally defensible and accurate in regards to approved DEQ regulations.

In October, the City of Wilsonville submitted the revisions to Chapter 8, Environment Sections 8.302 (b) 4 and 8.302 (b) 21 and Enforcement Response Plan Matrix with the proposed minor modifications to DEQ for approval and DEQ tentatively approved these changes.

BUDGET CONSIDERATIONS

There are no budget impacts to the City related to the proposed modifications.

STAFF'S RECOMMENDATION

It is recommended that the City Council accepted the proposed revisions to City Code Chapter 8, Environment and the Industrial Pretreatment Program Enforcement Response Plan.

SUGGESTED MOTION

Move to approve Ordinance 689 of the City of Wilsonville amending Wilsonville Code Chapter 8, Environment and Industrial Pretreatment Program Enforcement Response Plan to correct scrivener errors and make other minor modifications.

ATTACHMENTS

A. Ordinance 689 of the City of Wilsonville amending Wilsonville Code Chapter 8, Environment to correct scrivener errors and make other minor modifications.