Appendix C – Code Change Ordinance

ORDINANCE No. 180037

Clarify description of elements for sewer protection, enforcement authority and activity to maintain sanitary and stormwater conveyance systems (Ordinance; amend Code Chapter 17.34, 17.38 and 17.39)"

The City of Portland ordains:

Section 1. The Council finds:

1. The City currently complies with a number of federal mandates; such as the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, and the Superfund program; that rely on controlling City system discharges to local waterways and groundwater resources.

2. The City's Bureau of Environmental Services (BES) is charged with maintaining the City's sanitary and stormwater conveyance systems in compliance with these regulations.

3. BES implements a variety of pollution prevention, flow control, and discharge treatment activities to improve watershed health and comply with these overlapping federal mandates. These efforts are best described in the City's Watershed Management Plans that are an integral component of he City's River Renaissance effort.

4. BES has implemented and will continue to implement a variety of educational and technical assistance programs for persons and businesses that have discharges to the City sewer systems. These assistance and education efforts have previously resolved the vast majority of discharge violations.

5. The City desires to create equity among businesses between those using proper environmental precautions and management procedures and those businesses that are unaware or knowingly evade or violate City, state and federal discharge regulations.

6. The City needs to update Chapters 17.34, 17.38, and 17.39 to clarify existing language, reorganize code sections for clarity and further detail the types of enforcement tools available to resolve discharge violations.

7. Changes made to Chapter 17.38 reflect the latest modifications made to support implementation of the 2004 revision of the City's Stormwater Management Manual.

8. Changes to chapter 17.39 more fully describe all the elements of the City's stormwater drainage system that are managed through the City's Stormwater utility.

9. BES has also modified its administrative rules to support these code changes. The existing administrative rules to protect the sanitary and combined sewer systems (Chapter 17.34) have been slightly modified and a new set of administrative rules has

been created to describe BES procedures for protecting the City's stormwater system (Chapters 17.38 and 17.39).

10. BES has provided ample review of these materials for City staff and the public, including targeted contact efforts with business sectors most likely to be affected by the regulations.

11. BES intends to allow a three-month grace period before initializing any of the enforcement provisions to their full extent in order to allow for time to provide additional notice and education to potential violators.

12. The effect of these code changes can be managed within the Bureau's current staff and budgeted resources.

NOW, THEREFORE, the council directs:

a. That City Code Chapters 17.34, 17.38 and 17.39 be amended as per Exhibit A.

b. That BES will revisit these regulations and report back to Council within a five-year period on the performance of these code and rules changes at prohibiting discharges.

Passed by the Council,
Mayor Tom Potter

Gary Blackmer
Auditor of the City of Portland
By

Deputy

[submitter] Dawn Hottenroth
[date prepared] March 1, 2006
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