

ORDINANCE NO. 446

AN ORDINANCE AMENDING SECTIONS 8.114(9), 8.114(10), 8.118(5), 8.120(2), 8.130(1), 8.130(8) AND 8.136(2) OF THE WILSONVILLE CODE, WHICH SECTIONS ARE PART OF WHAT IS COMMONLY REFERRED TO AS THE CITY'S SEWER USE CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the Department of Environmental Quality ("DEQ"), has not approved the City of Wilsonville's sewer use code, Wilsonville Code, Sections 8.100 to 8.152, enacted by Ordinance No. 439, "AN ORDINANCE SETTING FORTH THE REQUIRED USE OF PUBLIC SEWERS; THE REGULATION OF THE BUILDING AND CONNECTION TO PUBLIC SEWER FACILITIES; REQUIREMENTS FOR INDIRECT DISCHARGES OF POLLUTANTS FROM NON-DOMESTIC SOURCES INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM FOR THE CITY OF WILSONVILLE; REPEALING ORDINANCE NO. 405 AND SECTIONS 8.100 TO 8.171 OF THE WILSONVILLE CODE, AND DECLARING AN EMERGENCY"; and

WHEREAS, the DEQ has presented to the City of Wilsonville a listing of its reasons for not approving Ordinance No. 439, in its Pretreatment Program Review City of Wilsonville, Oregon, dated April 6, 1995, p. 20-22. Staff has reviewed the reasons addressed by DEQ with DEQ. The first reason is that by failure to define POTW (publicly owned sewer treatment works) the pretreatment requirements did not apply specifically to the City of Wilsonville. However, in §8.104(32) Municipal Wastewater System or Systems, the following definition is stated at page 6 of Ordinance 405; "A 'treatment works' is defined in section 212 of the Act, (33 U.S.C. 1292) which is owned by the State or municipality. The City's wastewater system is a publicly owned treatment works (POTW). This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial waste and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having responsibility for the operation and maintenance of the system." Staff has brought this fact to DEQ's attention and DEQ has withdrawn this as a reason to disqualify the sewer use ordinance; and

WHEREAS, staff recommends the following changes in concurrence with the DEQ report of April 6, 1995:

- (1) In Section 8.114(9), amend the reference to Section 8.116(5) to read Section 8.114(5).

- (2) In Section 8.114(10) amend the reference that industrial users may request variances from categorical pretreatment standards from "US EPA" to "the Department of Environmental Quality as the delegated Approval Authority for the State of Oregon."
- (3) In Section 8.118(5), amend the paragraph by adding the following sentence at the end of the paragraph: "Any contract with an extra jurisdictional industrial user or agreement with a neighboring jurisdiction involving an extra jurisdictional industrial user is subject to review and approval by DEQ."
- (4) In Section 8.120(2), amend the term "...pass through of interference" to read "...pass through or interference".
- (5) In Section 8.130(1) amend by adding a period after the word "below" and delete the phrase "in addition to those developed by the City."
- (6) In Section 8.130(8)(b), amend by correcting the reference to Section 8.130(3) to Section 8.130(4).
- (7) In Section 8.136(2), amend the first sentence by deleting that part of the sentence to the colon after the word "either" and replacing the deletion so it reads as follows: "An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibition in Section 8.114(5)(a) and the specific prohibitions in Section 8.114(5)(a) (2), (3), (5), (9) and (11) above if it can prove that it did not know or have reason to know that its discharge alone or in conjunction with other discharges, would cause pass through or interference and that either: * * * *".

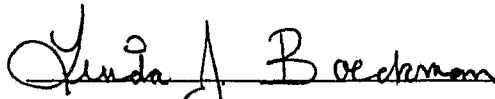
NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. The staff recommendations recited above for amending Sections 8.114(9), 8.114(10), 8.118(5), 8.120(2), 8.130(1), 8.130(8) and 8.136(2) of the Wilsonville Code, which sections are part of what is commonly referred to as the City's sewer use code, are hereby adopted and approved and the aforementioned sections shall be amended as recited.

2. The City Recorder shall cause the amendments to be made to the Code and copies of the replacement sections shall be distributed to staff forthwith.

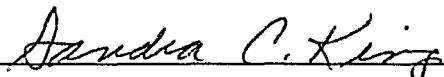
3. The City of Wilsonville is mandated by Addendum No. 2 to Stipulated and Final Order No. WQMW-NWR-92-215 to conform its regulations to Federal and State laws in the interest of public health and safety by September 1, 1995; time is of the essence for compliance as a \$500 a day fine for non-compliance is ordered. Therefore, an emergency is declared and this Ordinance shall take full force and effect immediately following its enactment.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 17th day of July, 1995, and scheduled for a second reading at a regular meeting of the Council on the 7th day of August, 1995, commencing at the hour of 7:00 p.m. at the Community Development Hearings Room.


LINDA J. BOECKMAN, Deputy City Recorder

ENACTED by the Wilsonville City Council at a regular meeting thereof this 7th day of August, 1995, by the following votes:

YEAS: 5 NAYS: 0


SANDRA C. KING, City Recorder

DATED and signed by the Mayor this 7 day of August, 1995.


GERALD A. KRUMMEL, Mayor

SUMMARY OF VOTES:

Mayor Krummel	<u>Yes</u>
Councilor Leahy	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Leo	<u>Yes</u>
Councilor Hawkins	<u>Yes</u>