

RESOLUTION NO. 1051

A RESOLUTION AUTHORIZING EXECUTION BY CITY MANAGER OF DEQ STIPULATION AND FINAL ORDER REGARDING ADJUSTING CHLORINE LIMIT AT CITY OF WILSONVILLE'S SEWER TREATMENT PLANT.

WHEREAS, DEQ has requested the City enter into the Stipulation and Final Order (SFO), marked as Exhibit A, attached hereto and incorporated by reference herein, and has worked with City staff to establish a time frame for the City to meet DEQ's recently established standards for chlorine discharge, and the City's Public Works Director is of the opinion that the time frame authorized in the SFO is in keeping with the City's planned upgrading of the City's sewer plant facilities in this regard and the City should be able to meet said time frame;

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

1. The City Manager is authorized on behalf of the City of Wilsonville to enter into DEQ's Stipulation and Final Order regarding chlorine discharge into the Willamette River as set forth in Exhibit A.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 20th day of September, 1993, and filed with the Wilsonville City Recorder this same date.


GERALD A. KRUMMEL, Mayor

ATTEST:


VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Hawkins	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>



City of
WILSONVILLE
in OREGON

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Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

TO: MIKE KOHLHOFF, CITY ATTORNEY
FROM: STEVE STARNER, PUBLIC WORKS DIRECTOR
DATE: SEPTEMBER 17, 1993
SUBJECT: PROPOSED DEQ STIPULATION AND FINAL ORDER (SFO) -
TOTAL RESIDUAL CHLORINE LIMITATION

The discharge permit for the City's wastewater treatment plant expired in April, 1993. City staff and DEQ have been working towards the completion of a new discharge permit since September 21, 1992. One component of the permit review included a bioassay and mixing zone analysis of the treatment plant effluent. Although the effluent was not found to be ammonia toxic for test organisms (water flea, flathead minnow and algae) under laboratory conditions, the measured chlorine residual level exceeded the EPA Quality Criteria for Water which was adopted in 1986.

While working with DEQ on the language for a SFO specific, the following issues to chlorine effluent were raised:

1. How was the monthly average chlorine residual level of 0.6 mg/l established?

According to the 1986 EPA Quality Criteria for water, chlorine concentrations between 0.011 mg/l and 0.019 mg/l may result in chronic and acute toxicity in fresh waters. However, based on the results on an in-stream (Willamette River) study performed by DEQ on March 3, 1993, the treatment plant outfall and mixing zone rapidly dispersed the effluent chlorine concentrations and resulted in a computer modeled water quality base for a chlorine limit of 0.04 mg/l on a monthly average.

The current sewage treatment process in Wilsonville requires residual chlorine in order to comply with disinfection standards for effluent disposal. As a guide for daily operations, chlorine residual levels, all consistently reduced to the maximum extent practicable. (Coliform bacteria in the treated effluent must not exceed 200 colonies per 100 ml on a monthly average). While researching monitoring reports over the last twelve months, the effluents carried an average monthly chlorine residual of .034 mg/l. However, there were two months where the average residual reached 0.53 mg/l. Therefore, the average monthly limit for residual chlorine has been established at 0.60 mg/l in the SFO.

2. Will the new SFO be in conflict with the SFO which was executed in September, 1992?

The 1992 SFO was specific to the adoption and implementation of a local industrial pretreatment program. To date, DEQ has not reviewed or commented on the City's adopted pretreatment program. However, the City's program has been implemented and nine local industries have been tested and monitored for wastewater discharges.

The new SFO is intended only to acknowledge that current technology used in the Wilsonville wastewater treatment process is based on chlorine residual for effluent disinfection and that the City must modify the wastewater treatment process before July, 1997, in order to reduce (or eliminate) reliance on chlorine for disinfection.

3. What is the plan for complying with the July, 1997, deadline?

In October, 1993, the CH2M Hill Wastewater Treatment Plant Capacity Study will be presented for adoption. The 1993-1994 budget includes \$70,000 to proceed with the engineering design of a wastewater treatment plant modification based on the CH2M Hill analysis. The design modification will include provisions for alternative disinfection. The SFO requires that the design be submitted to DEQ before July, 1996.

It is anticipated that at an estimated cost of \$175,000 - \$210,000, the disinfection portion of the treatment process modification would be funded, constructed and fully operational prior to July, 1997. Ideally, the disinfection facility could be included with construction of the treatment process modification. However, the scale of the project may necessitate that the disinfection modification move forward independently.

ss/vr

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY,)	STIPULATION AND
OF THE STATE OF OREGON,)	FINAL ORDER
)	No. WQMW-NWR-93-101
)	MULTNOMAH COUNTY
Department,)	
)	
v.)	
)	
CITY OF WILSONVILLE,)	
)	
Respondent.)	
)	

WHEREAS:

1. On _____, the Department of Environmental Quality (Department or DEQ) issued National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit Number _____ (Permit) to the City of Wilsonville (Respondent), pursuant to Oregon Revised Statutes (ORS) 468B.050 and the Federal Water Pollution Control Act Amendments of 1972, P.L..92-500 as amended. The Permit authorizes the Respondent to construct, install, modify or operate wastewater treatment control and disposal facilities (facilities) and discharge adequately treated wastewaters into the Willamette River, waters of the state, in conformance with the requirements, limitations and conditions set forth in the Permit.

2. The Respondent operates a sewage treatment facility that uses chlorine as a disinfecting agent for the treated effluent prior to discharging to public waters.

3. Chlorine is a toxic substance that can be harmful to aquatic organisms. Discharges of any substance, including chlorine, that

1 causes water quality stream standards violations outside of a
2 designated mixing zone are prohibited by Oregon Administrative Rule
3 (OAR) 340-41-445(2).

4 4. The Department and Respondent recognize that the Respondent
5 may not be able to achieve compliance with the water quality
6 standards for chlorine without making necessary improvements to
7 Respondent's facilities.

8 5. The Department and Respondent recognize that the Commission
9 has the power to impose a civil penalty and to issue an abatement
10 order for violations of conditions of the Permit. Therefore,
11 pursuant to ORS 183.415(5), the Department and Respondent wish to
12 limit and resolve the future violations referred to in Paragraph 4 in
13 advance by this Stipulation and Final Order (SFO).

14 6. This SFO is not intended to limit, in any way, the
15 Department's right to proceed against Respondent in any forum for any
16 past or future violations not expressly settled herein.

17 NOW THEREFORE, it is stipulated and agreed that:

18 7. The Environmental Quality Commission hereby issues a final
19 order:

20 a. Requiring Respondent to comply with the following
21 schedule:

22 (1) By June 1, 1996, the Respondent shall submit
23 engineering plans and specifications for providing
24 wastewater control facilities as needed to assure that
25 Respondent can continuously comply with the waste discharge
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1 limitations in the permit for chlorine.

2 (2) By June 1, 1998, Respondent shall have wastewater
3 control facilities in operation to comply with the waste
4 discharge limitations in the permit for chlorine.

5 b. Requiring Respondent to meet the following interim
6 requirements which are effective from the Permit issuance date
7 through June 1, 1998:

8 (1) The chlorine residual concentration shall not exceed 0.6
9 mg/l monthly average.

10 c. Requiring Respondent, upon receipt of a written Penalty
11 Demand notice from the Department, to pay civil penalties of two
12 hundred and fifty dollars (\$250) for each violation for each day
13 of each violation of any condition or requirement of this SFO.

14 8. If any event occurs that is beyond Respondent's
15 reasonable control and that causes or may cause a delay or deviation
16 in performance of the requirements of this SFO, Respondent shall
17 immediately notify the Department verbally of the cause of delay or
18 deviation and its anticipated duration, the measures that have been
19 or will be taken to prevent or minimize the delay or deviation, and
20 the timetable by which Respondent proposes to carry out such
21 measures. Respondent shall confirm in writing this information
22 within five (5) working days of the onset of the event. It is
23 Respondent's responsibility in the written notification to
24 demonstrate to the Department's satisfaction that the delay or
25 deviation has been or will be caused by circumstances beyond the

1 control and despite due diligence of Respondent. If Respondent so
2 demonstrates, the Department shall extend times of performance of
3 related activities under this SFO as appropriate. Circumstances or
4 events beyond Respondent's control include, but are not limited to,
5 acts of nature, unforeseen strikes, work stoppages, fires, explosion,
6 riot, sabotage, or war. Increased cost of performance or
7 consultant's failure to provide timely reports may not be considered
8 circumstances beyond Respondent's control.

9 9. Respondent and the Department hereby waive any and all of
10 their rights to any and all notices, hearing, judicial review, and to
11 service of a copy of this SFO. The Department reserves the right to
12 enforce this SFO through appropriate administrative and judicial
13 proceedings.

14 10. Regarding the schedule set forth in Paragraph 7.a above,
15 Respondent acknowledges that Respondent is responsible for complying
16 with that schedule regardless of the availability of any federal or
17 state grant monies.

18 11. The terms of this SFO may be amended by the mutual agreement
19 of the Department and Respondent.

20 12. Respondent acknowledges that it has actual notice of the
21 contents and requirements of the SFO and that failure to fulfill any
22 of the requirements hereof would constitute a violation of this SFO
23 and subject Respondent to payment of civil penalties pursuant to
24 Paragraph 7.c above.

25 13. Any stipulated civil penalty imposed pursuant to Paragraph
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1 7.c shall be due upon written demand. Stipulated civil penalties
2 shall be paid by check or money order made payable to the "State
3 Treasurer, State of Oregon" and sent to: Business Office, Department
4 of Environmental Quality, 811 S.W. Sixth Avenue, Portland, OR 97204.
5 Within 21 days of receipt of a "Demand for Payment of Stipulated
6 Civil Penalty" Notice from the Department, Respondent may request a
7 hearing to contest the Demand Notice. At any such hearing, the issue
8 shall be limited to Respondent's compliance or non-compliance with
9 this SFO. The amount of each stipulated civil penalty for each
10 violation and/or day of violation is established in advance by this
11 SFO and shall not be a contestable issue.

12 14. Providing Respondent has paid in full all stipulated civil
13 penalties pursuant to Paragraph 13 above, this SFO shall terminate 60
14 days after Respondent demonstrates full compliance with the
15 requirements of the schedule set forth in Paragraph 7.a above.
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RESPONDENT

Date

(Name)

(Title)

DEPARTMENT OF ENVIRONMENTAL QUALITY

Date

Fred Hansen, Director

FINAL ORDER

IT IS SO ORDERED:

ENVIRONMENTAL QUALITY COMMISSION

Date

Fred Hansen, Director

Department of Environmental Quality
Pursuant to OAR 340-11-136(1)