

ORDINANCE NO. 406

AN ORDINANCE AMENDING ORDINANCE NO. 405 (WHICH AMENDS CHAPTER 8 OF THE WILSONVILLE CODE) BY ADDING NEW SECTIONS 8.116(2)(b) AND 8.130(6)(e)&(f) AND RENUMBERING THE REMAINING SUBPARAGRAPHS IN SECTION 8.130(6) AND DECLARING AN EMERGENCY.

WHEREAS, the City Council enacted Ordinance No. 405 omitting proposed Section 8.116(2)(b) re flow equalization and Section 8.130(6)(e) re periodic fines with directions that staff work with representatives giving testimony for significant industrial users in opposition to the proposed language and return to Council with further proposed language; and

WHEREAS, staff has implemented Council's direction and proposes the following amending language as set forth in the body of the ordinance below;

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

1. Section 8.116(2), "Additional Pretreatment Measures," shall be amended by adding a new subparagraph (b) as follows:

"(b) Based on the hydraulic profile of the POTW and/or the local limits analysis of POTW design capacity and after notifying an industrial user of pretreatment requirements (40 CFR 403.8(f)(2)(iii)), the Director may require an industrial user to install and maintain on the discharger's property and at the discharger's expense, a suitable flow control system to insure equalization of flow by regulating the discharge of wastewater during a twenty-four (24) hour period or a waste management system to insure against a pass through by the POTW. A wastewater permit may be issued for a flow equalization system or for a waste management system or for a combination of both. Pursuant to Section 8.120(3) of this Chapter, industrial users may appeal the terms of a discharge permit within ten days of final issuance."

2. Section 8.130(6), "Administrative Fines," shall be amended by adding new subparagraphs (e) and (f) as follows:

"(e) Except as set forth in (a) through (d), a violation which recurs periodically after notice to correct, the Director may impose a fine as follows: first recurrence after thirty (30) days from the time to correct, up to \$300; the second recurrence after sixty (60) days from time to correct, up to \$600; the third recurrence after ninety (90) days from time to correct, up to \$1,200; and the fourth or more recurrence after one hundred twenty (120) days from time to correct, up to \$2,400 for each such recurrence.

"(f) Subparagraphs 8.130 (6)(a)-(e) shall not apply to pH violations. Specific criteria for determining violations and noncompliance for pH excursions by industrial users required to use a continuous monitoring and recording device shall be set forth as follows:

- "(1) Daily violation: Excursions beyond the allowable discharge range (5.5 to 10.0) exceeding a total of 60 minutes during any 24 hour period;
- "(2) Monthly violation: Cumulative excursions beyond the allowable discharge range (5.5 to 10.0) exceeding seven hours and 26 minutes during any one calendar month (for calculation purposes, a calendar month shall be defined to be 720 hours);
- "(3) Violation penalties for pH excursions shall be assessed as follows: first offense, written notice; second offense, \$50.00 per percentage point (or fraction thereof) of total time spent beyond the allowable discharge range (5.5 to 10.0); third offense, \$75.00 per percentage point (or fraction thereof) of total time spent beyond the allowable discharge range (5.5 to 10.0); fourth offense, \$100.00 per percentage point (or fraction thereof) of total time spent beyond the allowable discharge range (5.5 to 10.0); fifth offense, \$150.00 per percentage point (or fraction thereof) of total time spent beyond the allowable discharge range (5.5 to 10.0). The method of computing the fines applicable to Section 8.130(6)(f)(1), (2) is set forth in the following pH Excursion Fine Schedule:

pH EXCURSION FINE SCHEDULE

Daily Violation

	<u>No. Minutes</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>	<u>4th Offense</u>	<u>5th Offense</u>
1	61-74	Written Notice	\$ 50.00	\$ 75.00	\$ 100.00	\$ 150.00
2	75-88	"	100.00	150.00	200.00	300.00
3	89-103	"	150.00	225.00	300.00	450.00
4	104-117	"	200.00	300.00	400.00	600.00
5	118-132	"	250.00	375.00	500.00	750.00
	Etc.	Etc.	Etc.	Etc.	Etc.	Etc.

Monthly Violation

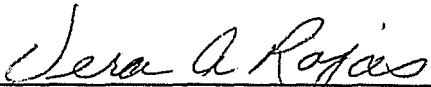
	<u>No. Hours</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>	<u>4th Offense</u>	<u>5th Offense</u>
1	7.44- 8.43	Written Notice	\$50.00	\$ 75.00	\$ 100.00	\$ 150.00
2	8.44- 9.43	"	100.00	150.00	200.00	300.00
3	9.44-10.43	"	150.00	225.00	300.00	450.00
4	10.44-11.43	"	200.00	300.00	400.00	600.00
5	11.44-12.43	"	300.00	375.00	500.00	750.00
	Etc.	Etc.	Etc.	Etc.	Etc.	Etc.

"Where an industry evaluates compliance with pH limits using grab sampling techniques, any excursion detected during a 24 hour period shall be considered a violation."

3. Section 8.130(6) shall be further amended by conforming the alphabetical listing of the subparagraphs in Section 8.130(6) upon adding the new subparagraphs (e) and (f) as set forth above.

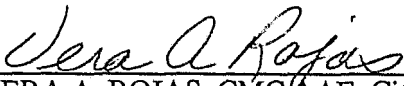
4. E.P.A. and D.E.Q. regulations require immediate adoption of pretreatment authority in the interest of public health, welfare, and safety, therefore an emergency is declared and this ordinance shall take effect upon final adoption.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 8th day of September 1992, and scheduled for the second reading at a regular meeting of the Council on the 21st day of September, 1992, at which time the Ordinance was continued to October 5, 1992, commencing at the hour of 7:00 P.M. at the Wilsonville Community Development Department office.


VERA A. ROJAS, CMC/AAE City Recorder

ENACTED by the City Council on the 5th day of October, 1992, by the following votes:

YEAS: 4 NAYS: 0


VERA A. ROJAS, CMC/AAE, City Recorder

DATED and signed by the Mayor this 8th day of October, 1992.


GERALD A. KRUMMEL, Mayor

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Council President Chandler	<u>EXCUSED</u>
Councilor Carter	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>

pH EXCURSION FINE SCHEDULE

Daily Violation

	<u>No. Minutes</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>	<u>4th Offense</u>	<u>5th Offense</u>
1	61-74	Written Notice	\$50.00	\$75.00	\$100.00	\$150.00
2	75-88	"	\$100.00	\$150.00	\$200.00	\$300.00
3	89-103	"	\$150.00	\$225.00	\$300.00	\$450.00
4	104-117	"	\$200.00	\$300.00	\$400.00	\$600.00
5	118-132	"	\$250.00	\$375.00	\$500.00	\$750.00
6	133-146	"	\$300.00	\$450.00	\$600.00	\$900.00
7	147-160	"	\$350.00	\$525.00	\$700.00	\$1,050.00
8	Etc.	Etc.	Etc.	Etc.	Etc.	Etc.

Monthly Violation

	<u>No. Hours</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>	<u>4th Offense</u>	<u>5th Offense</u>
1	7.44-8.43	Written Notice	\$50.00	\$75.00	\$100.00	\$150.00
2	8.44-9.43	"	\$100.00	\$150.00	\$200.00	\$300.00
3	9.44-10.43	"	\$150.00	\$225.00	\$300.00	\$450.00
4	10.44-11.43	"	\$200.00	\$300.00	\$400.00	\$600.00
5	11.44-12.43	"	\$250.00	\$375.00	\$500.00	\$750.00
6	12.44-13.43	"	\$300.00	\$450.00	\$600.00	\$900.00
7	13.44-14.43	"	\$350.00	\$525.00	\$700.00	\$1,050.00
8	Etc.	Etc.	Etc.	Etc.	Etc.	Etc.