

ORDINANCE NO. 753

AN ORDINANCE CLARIFYING THE REMEDIES AND FEES FOR INDUSTRIAL AND CATEGORICAL USERS OF THE SANITARY SEWER SYSTEM AND AMENDING CHAPTER 12.07 OF THE TROUTDALE MUNICIPAL CODE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Chapter 12.07 of the Troutdale Municipal Code pertains to industrial and categorical users that discharge wastewater into the City's sanitary sewer system.
2. Historically there have been very few industrial users that are subject to the provisions in Chapter 12.07 and no "categorical users" that have triggered the requirement that the City develop and implement a pretreatment program. Categorical users are industrial users of the City's sanitary sewer system that are subject to one of EPA's categorical pretreatment standards.
3. DEQ, with pressure from EPA, notified the City that it must either disconnect a categorical user that is discharging wastewater into the City's sanitary sewer system or adopt and implement a pretreatment program that complies with state and federal regulations.
4. The cost to develop a pretreatment program should be paid by the industrial user that benefits from the program. In addition, industrial users should pay a proportionate share of the costs to implement and maintain the program.
5. If industrial users fail to pay fees or to comply with the requirements in Chapter 12.07, the Director of Public Works should have a range of enforcement tools to secure compliance, and the discretion to determine which enforcement tool will be used.
6. There are provisions in Chapter 12.03 of the Troutdale Municipal Code pertaining to termination of water service. There are not similar provisions in the Troutdale Municipal Code for the termination of sanitary sewer service. The City desires to provide for the termination of sanitary sewer service in a manner that is similar to the existing procedure for terminating water service.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The following Sections of Chapter 12.07 of the Troutdale Municipal Code are amended to read as follows:

12.07.470 Violations.

- A. Any industrial user that violates any of the provisions in this chapter shall be subject to an enforcement action using any of the remedies and sanctions that are authorized in this chapter or state law. The Director shall determine which enforcement action to take to address the violation.
- B. When the Director finds that an industrial user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that industrial user a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the industrial user to the Director. Submission of this plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

12.07.515 Termination of Sanitary Sewer Service

- A. The public works director may terminate sanitary sewer service in accordance with subsection B of this section under any of the following circumstances:
 - 1. When the utility bill for the sanitary sewer service is delinquent as defined in Section 12.04.060 (C).
 - 2. When the sanitary sewer service requires a discharge permit in accordance with Chapter 12.07 and such permit is not obtained.
 - 3. When the sanitary sewer service is not operated in accordance with federal and state regulations and the terms and conditions of Chapter 12.04, 12.07 or other applicable local requirements, including the requirements of a wastewater discharge permit.
 - 4. When the facility served by the sanitary sewer service is occupied prior to a Certificate of Occupancy being issued.
 - 5. When the facility served by the sanitary sewer service does not comply with the provisions of the City of Troutdale "Construction Standards for Public Works Facilities".
 - 6. When the facility served by the sanitary sewer service does not comply with a condition of approval as issued by the City Council, Planning Commission, or Site and Design Review Committee.
 - 7. When the facility served by the sanitary sewer service is improperly connected to a City utility system or is connected without obtaining the required approvals or without paying the required fees and charges.

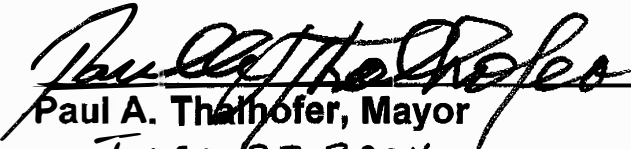
8. When an account receiving sanitary sewer service is terminated and a new account is not established.
- B. Sanitary sewer service may be terminated after providing the account holder with a fifteen-day written notice explaining the reason for the termination. An account holder who believes the termination notice is in error may submit a written appeal to the City Administrator at least five days prior to the noticed termination date. The appeal must clearly state the location of the sanitary sewer service, the alleged reason sanitary sewer service is being terminated, and why the reason for termination is in error. The City Administrator shall issue a written decision within five days after receipt of the appeal or, if a more thorough investigation is warranted or a policy issue must be referred to the City Council, suspend the termination action until a decision is rendered. If sanitary sewer service is terminated, it shall not be resumed until the reason for termination is cured and any applicable administrative fees are paid.

12.07.600 Wastewater Discharge Fees

- A. There is established a wastewater discharge pretreatment program development fee to be paid by an industrial user creating the need for a pretreatment program. The council shall establish the amount of the fee by resolution and may, from time to time, change the fee amount. The fee that is established by council resolution will be based on the actual cost the City incurs to develop a pretreatment program, including the establishment of local limits.
- B. There is established a wastewater discharge permit fee and a wastewater discharge permit application fee, to be paid by each industrial user that is required to obtain a permit under this chapter. The council shall establish the amount of the fees by resolution, and may, from time to time, change the fee amounts.
 1. The application fee that is established by council resolution will be based on the actual costs the City incurs for processing applications, writing permits, and processing appeals.
 2. The permit fee that is established by council resolution will be based on the actual costs the City incurs to implement and maintain a pretreatment program; develop report formats; monitor inspections; perform surveillance; sample and analyze discharge; review reports from industrial users; investigate complaints; review and respond to accidental discharge procedures and construction; enforce compliance with the provisions in this chapter; and for any other costs the City may incur for activities associated with the provisions in this chapter.
- C. The wastewater discharge pretreatment program development fee, the application fee, and the permit fee imposed in this chapter are separate from all other fees, fines and penalties that are chargeable by the City.

Section 2. The provisions in this ordinance shall apply to existing industrial users that are discharging wastewater into the City's sanitary sewer system and to any pending actions that are intended to secure compliance with the provisions in this ordinance.

YEAS: 7
NAYS: 0
ABSTAINED: 0



Paul A. Thalhofer, Mayor
June 23, 2004

Date



Debbie Stickney, City Recorder

Adopted: June 22, 2004