

ORDINANCE NO. 860

AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE CHAPTER 12.07 RELATING TO THE SANITARY SEWER PRETREATMENT PROGRAM PURSUANT TO FEDERAL AND STATE LAW

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City is required to meet federal and state law outlined in Code of Federal Regulations Part 403 and OAR 340-045-0063
2. The City is required to meet the Oregon Department of Environmental Quality corrective actions identified in its audit of the City's sanitary sewer pretreatment program.
3. The City determines an expanded pH range of received wastewater discharges grants more flexibility to industrial discharges without substantial negative impact to the City's POTW.

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

Section 1: Section 12.07040(B)(2) and (5) of the Troutdale Municipal Code are hereby amended to read as follows:

12.07.040 Prohibited Discharge Standards

- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
2. Wastewater having a pH less than 6.0 or more than 12.0 unless otherwise specified in a permit, control mechanism or similar authorization issued by the City. Wastewater which may cause corrosive structural damage to the POTW or city equipment; and/or endanger the health or safety of City personnel.
 5. Wastewater having a temperature greater than 76.5 degrees Fahrenheit (24.7 degrees Centigrade), unless in accordance with the City's thermal load policy, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade);

Section 2: Section 12.07.570(A)(C)(D) of the Troutdale Municipal Code are hereby created to read as follows:

12.07.570 Civil Penalties

- A. A user who 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 must be liable to the city for a civil penalty of not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties must accrue for each day during the period of the violation.
- C. In determining the amount of civil liability, the court must take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties must not be a bar against, or a prerequisite for, taking any other action against a user.


Section 3: Section 12.07.580(A)(B)(C) and (D) of the Troutdale Municipal Code are hereby created to read as follows:

- A. A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement must, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000) per violation, per day, or imprisonment for not more than one year, or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage must, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000), or be subject to imprisonment for not more than one year, or both. This penalty must be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter must, upon conviction, be punished by a fine of not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000) per violation, per day, or imprisonment for not more than one year, or both.
- D. In the event of a second conviction, a user must be punished by a fine of not less than three thousand dollars (\$3,000) or more than twenty-five thousand dollars

(\$25,000) per violation, per day, or imprisonment for not more than three years, or both.

Section 4: This ordinance shall become effective 30 calendar days form the date of adoption.

YEAS: 7
NAYS: 0
ABSTAINED: 0



Casey Ryan, Mayor
Date: September 9, 2020



Sarah Skroch, City Recorder
Adopted: September 8, 2020