

City of Wilsonville

City Council Meeting

August 20, 2018



AGENDA

**WILSONVILLE CITY COUNCIL MEETING
AUGUST 20, 2018
7:00 P.M.**

**CITY HALL
29799 SW TOWN CENTER LOOP
WILSONVILLE, OREGON**

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Kristin Akervall
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

To protect and enhance Wilsonville's livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

5:00 P.M. EXECUTIVE SESSION [30 min.]

- A. Pursuant to: ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(h) Legal Counsel / Litigation

5:30 P.M. REVIEW OF AGENDA [5 min.]

5:35 P.M. COUNCILORS' CONCERNS [5 min.]

5:40 P.M. PRE-COUNCIL WORK SESSION

- A. Wilsonville Town Center Plan (Bateschell) [30 min.]
- B. Chapter 8 Updates (Guile-Hinman/Rappold) [20 min.]
- C. Street Maintenance Professional Services Agreement (Huffman) [5 min.]

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6:35 P.M. ADJOURN

CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, August 20, 2018 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on Tuesday, August 7, 2018. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered there with except where a time limit for filing has been fixed.

7:00 P.M. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:05 P.M. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

7:10 P.M. MAYOR'S BUSINESS

- A. Reaffirmation of Sister City Relationship

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7:20 P.M. COUNCILOR COMMENTS

- A. Council President Starr
- B. Councilor Stevens
- C. Councilor Lehan
- D. Councilor Akervall

7:25 P.M. CONSENT AGENDA

- A. **Resolution No. 2705**

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A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Kittelson & Associates, Inc. For Design And Construction Engineering Services For The 2018 Street Maintenance Of Wilsonville Road And Boones Ferry Road (Capital Improvement Project #4104 And #4118).

7:30 P.M. PUBLIC HEARING

- A. **Resolution No. 2702** - *Staff is requesting the public hearing be continued to November 5, 2018.* Page 93
Boones Ferry Park Master Plan
- B. **Ordinance No. 818** - *Staff is requesting the public hearing be continued to September 6, 2018.* Page 128
An Ordinance Of The City Of Wilsonville Repealing And Replacing Chapter 8 – Environment Of The Wilsonville Code And To Repeal Ordinance No. 482.

7:35 P.M. CITY MANAGER'S BUSINESS

7:40 P.M. LEGAL BUSINESS

7:45 P.M. ADJOURN

INFORMATION ITEMS – No Council Action Necessary.

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TREE PLANTING CEREMONY TO FOLLOW

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting: Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503) 570-1506 or cityrecorder@ci.wilsonville.or.us.



**CITY COUNCIL WORK SESSION
STAFF REPORT**

<p>Meeting Date: August 20, 2018</p>	<p>Subject: Wilsonville Town Center Plan</p> <p>Staff Member: Miranda Bateschell, Planning Manager</p> <p>Department: Community Development</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing Date:</p> <p><input type="checkbox"/> Ordinance 1st Reading Date:</p> <p><input type="checkbox"/> Ordinance 2nd Reading Date:</p> <p><input type="checkbox"/> Resolution</p> <p><input checked="" type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comments:</p>	
<p>Staff Recommendation: N/A</p>		
<p>Recommended Language for Motion: N/A</p>		
<p>Project / Issue Relates To:</p>		
<p><input checked="" type="checkbox"/> Council Goals/Priorities Town Center</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Gain an understanding of the public feedback received on the Draft Community Design Concept and refinements being made for the draft Wilsonville Town Center Plan, and provide ideas and desired outcomes for implementation strategies.

EXECUTIVE SUMMARY:

The Wilsonville Town Center Plan will create a community-driven vision for Town Center and through strategic actions (new projects, policies, programs or partnerships) will guide future development in Town Center that advances the vision. In the first phase of the project, existing conditions, opportunities and constraints were identified, and the community established a vision

and set of goals for future Town Center. Community events and public input on town center design options during the second phase of the project culminated in the creation of the draft Community Design Concept for Town Center: the community's priorities for land use and activity centers, open space, and connectivity in Wilsonville Town Center. During the first half of 2018, the project team conducted additional outreach in order to obtain more community input on the Draft Community Design Concept and to learn what people liked about the Design Concept and what still needed work.

Input received on the Community Design Concept showed vast support for the overall concept and its individual elements. It also highlighted details that needed refining and ideas for future implementation actions for the draft plan. Major outreach events included an online survey and two open houses (summaries included, Attachment A). Other activities included resident, neighbor, and business roundtables, a webinar with the Chamber, property owner interviews, an OIT open house, and a semester long project with Meridian Creek Middle School (summaries of all events can be found in the Phase 2 Public Comment Summary on the Town Center website: <http://www.wilsonvilletowncenter.com/document-library/>).

Overall, the community members who engaged in the process support the main street district, green links and multimodal transportation facilities, mixed uses, retaining local businesses, bike/pedestrian bridge, more activated public spaces, and amenities for year-round pedestrian access. There is also strong support for the bike/pedestrian bridge connection, but there were some questions about the design of the landing location as a park. The community voiced support in making it a community gathering space, while also creating a gateway or promenade that brings people into the heart of Town Center.

There were also concerns about how the modified Town Center Loop West and increased development density could impact traffic congestion and local access to businesses. People are interested in consolidated parking but are also concerned about the need for parking with residential development. There is also a strong desire for improving transit services and providing more housing in Town Center.

Based on the input from stakeholders and community members, the project team updated maps for the open space concept, proposed street network and land use, as well as drafted cross-sections for the various proposed street types (and locations) in Town Center (Attachment B). The presentation at Council will focus on the refinements to the Community's Design Concept.

In June, the Town Center Task Force discussed these updates as well as the goal of harmonious design and major design elements that relate to achieving the public realm, land uses, and activities the community desires. On August 8, the Planning Commission discussed these recommendations and additional draft design and development elements.

These design elements included: (1) building frontage; (2) parking configurations; (3) consolidation of drive-ways; (4) building setbacks for activated public spaces; (5) parklets; (6) weather coverage; (7) mix of different materials such as brick, metal, glass, and wood; (8) architectural features that articulate the building façade; (9) setbacks on the third story; (10) percentage of glass glazing; (11) and the range of intersection densities and block sizes that many American cities have adopted.

Next steps in the process include integrating the feedback from the Council and Planning Commission; updating the draft code and design guidelines; refining the plan based on final traffic and feasibility analysis; and developing implementation strategies including funding, programs, and public infrastructure projects. The project team is interested in Council's ideas and desired outcomes for implementation strategies.

BACKGROUND:

In 2014, City Council adopted Wilsonville's Urban Renewal Strategy and Tourism Development Strategy, both of which identified a Town Center Redevelopment Plan as a priority action item. City Council then established starting the Town Center Plan as a 2015-2017 Council Priority Goal. Staff applied for and was granted a Metro Community Planning and Development Grant to complete the Plan. In 2016, Council approved the Inter-Governmental Agreement between Metro and the City of Wilsonville, which outlined the major milestones, deliverables, and funding conditions, setting the framework for the Scope of Work with MIG, Inc.

The project team began work on the Project with a Town Center tour in October 2016, and kicked-off the Project with the community in February 2017. With over 50 public events, public input has driven the development of the draft Town Center Plan that is before the Council.

EXPECTED RESULTS:

The Project team will use feedback received at the meeting to refine the draft Town Center Plan and to provide direction for discussions with the Task Force, technical partners, and Planning Commission around regulatory, funding, infrastructure, and program implementation strategies.

TIMELINE:

After the work session, the Project team will continue working on and refining the Town Center Plan in preparation for further discussions with the Task Force, technical partners team, and Planning Commission this fall, with a Council work session to follow in late fall focusing on the draft Plan materials. The Plan and its components is anticipated to be before the Council for adoption in early 2019.

CURRENT YEAR BUDGET IMPACTS:

The budget for this project in FY 2017-18 was approximately \$420,000, of which approximately \$273,000 has been spent. The remaining \$150,000 balance from FY 2017-18 will be combined with the FY 2018-19 budget of \$119,000, for total resources of \$269,000, to apply to the project this year. Approximately 60% of the costs for this work is funded by a Metro Community Planning and Development grant, the rest is funded from the Year 2000 Urban Renewal District.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 8/8/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 8/8/2018

COMMUNITY INVOLVEMENT PROCESS:

There are multiple opportunities to participate in the Project outlined in a Public Engagement and Communication Plan for the Town Center Plan, including an advisory task force, community design workshops, focus groups, pop-up neighborhood events and idea centers, and in-person and

online surveys. The engagement plan is designed to reach as broad an audience as possible and to gather the variety of perspectives in the community. It also includes targeted outreach to specific stakeholders more impacted by activity in the Town Center.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

As a result of this Project, the City anticipates specific actions to occur that will help the Town Center become a more vibrant, pedestrian and transit-supportive mixed-use district that integrates the urban and natural environments, creating an attractive and accessible place for visitors and residents of all ages to shop, eat, live, work, learn, and play. These actions will help remove barriers and encourage private investment in the Wilsonville Town Center. Benefits to the community also include identifying tools to maintain and strengthen businesses in the Town Center, improving access to and within the area, and making the Town Center a place where people want to spend time and support businesses.

ALTERNATIVES:

There are many alternatives for drafting implementation strategies in the Plan for which the Council may provide feedback.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Summaries from the draft Community Design Concept Open Houses and Online Survey
- B. Draft Town Center Plan Maps and Cross-sections



WILSONVILLE TOWN CENTER PLAN

February 8, 2018 Community Design Concept Open House Meeting Summary

Overview

On February 8, 2018 the City hosted an Open House to provide community members an opportunity to review the Draft Town Center Community Design Concept. The format of the event was unstructured to allow community members to learn about the Draft Community Design Concept and provide input at their own pace. Display boards provided project background and introduced the building blocks of the Draft Community Concept. The building blocks include: land use, parks and open spaces, and a multimodal transportation network. A video showed the process of creating the Community Design Concept and the key elements included in the concept. Project staff were available to answer questions and discuss feedback from attendees.

Meeting participants were encouraged to provide written feedback on post-it notes and stick the post-its to table-top activity boards of the Draft Community Concept (see image below). Project Team members discussed questions and input and took notes of discussions. Community members' post-it notes and Project Team notes are summarized below.

Table-top activity board

DRAFT COMMUNITY DESIGN CONCEPT

BUILDING BLOCKS

Land use, transportation, and open/green spaces are the major building blocks of a built environment. Please review the main features of each building block (map on the left) and provide your input. Use sticky notes to write your comments below and on the map.

LAND USE
Here are four distinct uses with potential land uses and building heights. Do you like these proposed land uses for Town Center?
[Sticky note]

PARKS AND OPEN SPACES
New plazas, greenways, and small open spaces would provide important connections between key destinations, provide more tree cover and greenery, and add more places for gathering, socializing and play. Do you like the proposed parks system for Town Center?
[Sticky note]

MULTIMODAL NETWORK
The proposed multimodal network includes new, enhanced, and existing connections that are to be, improved, or enhanced, or connections to be added. Do you think these are the right connections (would you add others)?
[Sticky note]

Summary of Input

Open House participants reiterated the community's vision for a healthy, accessible and activated Town Center. Community members are seeking a walkable environment that is pleasant and engaging; a mix of transportation modes that move more slowly and more safely and provide increased accessibility, which will be good for business; and new and existing businesses that are community-oriented and bring people together. The input is summarized below by the three building blocks that form the Town Center Concept.

LAND USE

Site-specific ideas and feedback are summarized and organized by land use element below. General feedback related to the proposed land uses for Town Center included:

- Support for mixed uses in Town Center to make it more vibrant;
- Desire for a strategy for maintaining and attracting small local businesses.
- Mixed interest in different housing options in Town Center: many community members supported housing opportunities, while one participant suggested that there should not be residential development in Town Center.

Main Street: Open House participants were supportive of and excited about the Main Street concept. There is a desire for local retail and dining on the first floor with residential above. There was a suggestion that the southern part of the new main street be developed as part of Phase 1, with the north section to follow in subsequent phases. The Phase 1 development should be high quality; it will set a tone for future development. One suggestion recommended shifting the southern part of the main street so it is centered on Town Center Park.

Moderate activity southwest quadrant: Community members are interested in retaining the small businesses in this area of Town Center and there are concerns about gentrification. It was suggested that the building density and height in the southwest corner of Town Center should reflect what is there today. There was also a suggestion that the south side of Wilsonville Road or near Boones Ferry Road might be better locations for small business incubators.

Moderate activity northeast quadrant: Clackamas Community College provides an opportunity to develop Town Center as a hub for education, job training, and innovation.

High activity northwest quadrant: Participants generally supported taller buildings placed in this area adjacent and serving as a buffer to I-5. Many felt mixed-use office spaces was a good fit there. One participant suggested that Les Schwab move to provide more space for Family Fun Center.

Light activity in the southeast quadrant: There were no suggested changes to the proposed building uses or densities in this area.

MULTIMODAL NETWORK

Open House participants highlighted potential multimodal connections that are important for a future multimodal network, including:

- Creating connections between Town Center Park and the main street.
- A desire for diagonal bicycle/pedestrian connections across Town Center.
- Connecting businesses south of Wilsonville Road with Town Center businesses.
- Routing the bike trail behind the Korean war memorial.

Participants were supportive of the concept to create a pedestrian boulevard/greenway along Park Place. They suggested closing the intersection at Park Place and Town Center Loop West to vehicle traffic, limiting vehicle traffic on Parkway, or having other pathways so there is less traffic next to outdoor dining and safety concerns with children.

There is a desire for more frequent transit and innovative approaches to public transit.

Participants expressed support and excitement for the pedestrian / bicycle bridge over I-5 and a future bridge landing park.

While participants are interested in consolidated parking (near Goodwill or on the vacant parcel adjacent to Town Center Park, as possible locations) they also wanted to ensure that future residential development is served by adequate parking and that there is some parking near businesses for people who may not be able to walk far. One participant noted that current parking standards are not adequate for multi-family residential.

One participant suggested adding another westbound vehicle travel lane on Wilsonville Road in order to solve congestion at Wilsonville Road and Town Center Loop West.

Some feedback was specific to certain proposed elements in the multi-modal network and are summarized as such below.

Pedestrian and Bicycle Facilities: There were a variety of suggestions for new and enhanced pedestrian and bicycle connections including:

- Public restrooms for people spending time in Town Center, especially bicyclists and pedestrians.
- Pedestrian-only zones such as festival streets. Perhaps the main street could be closed off to vehicular traffic on occasion.
- An opportunity to link the pedestrian bridge with a taller building via an elevator.

Multimodal Crossings: Several participants had concerns that new and enhanced intersections would interrupt traffic and cause congestion. One person suggested that there should be a single pedestrian crossing signal at the Wilsonville Rd and Town Center Loop W. intersection. Others supported the idea of consolidating pedestrian crossings not by location, but by signal, so all pedestrians cross at the same time and reduce delays on vehicle signals. The I-5 intersection on Wilsonville Road is the primary pedestrian concern.

PARKS AND OPEN SPACES

Participants vocalized support of the Emerald Chain concept and commented that the green spaces and walkways feel inviting. Community members appreciate the tree canopy, and one person suggested that tree locations be carefully considered so as not to block the visibility of signs and businesses. Participants were enthusiastic about the proposed treatment for Park Place to create a green promenade with restaurants and outdoor seating.

Participants had questions and ideas for a couple of specific types of parks/open spaces and amenities, including:

- A walking path for faster, more convenient/complete recreational walking.
- Smaller natural gathering places with wood benches that support impromptu community uses such as music or dance performances or outdoor exercise like yoga or Tai Chi.
- Interpretive signage or kiosks along walkways.

Open House participants had suggestions for the City's property across from City Hall, including:

- Use city-owned property to catalyze development and show different types of development than what's currently in Town Center. One participant suggested that this land could be a flexible area for festivals, carts, or markets.
- Is a park the best use of this property? The proposed skate park should be shown farther west, abutting the Town Center Park.

Activating Public Spaces

Open House participants provided a range of ideas related to activating public spaces, including:

- Community art activities and installations.
- Incorporating the arts into Town Center, including an arts center and/arts museum.
- Interactive opportunities along pathways.
- The lobby of the community college was suggested as a gathering place for art viewing and socializing.
- Participants reiterated the need for year-round activities.

Please see attached images to view the feedback received via the table-top activity boards.



DRAFT COMMUNITY DESIGN CONCEPT

WILSONVILLE TOWN CENTER PLAN

Community Design Concept Open House
 Planning & Strategic Services | COMMUNITY DESIGN

The proposed Community Design Concept represents the community's vision for Town Center. It is a preliminary concept and subject to change. Community Design will continue to work with you to refine the plan. Your input is critical to the success of this project. Please provide your feedback by the end of the open house.

- How do you feel about the proposed design?
- Are there any concerns or suggestions?
- How do you feel about the proposed design?

Like how it looks - think it would be nice to visit
 in favor of more downtown - making it more vibrant
 - walkable to services/retail
 - walkable to services, not adequate for MFR

Parking standards not adequate for MFR
 more green space to make more vibrant
 more green space to make more vibrant
 less pollution

018

Land use, transportation, and... the major building blocks of a built environment... features of each building block (map on the left) and... Use sticky notes to write your comments... and on the map.

LAND USE

There are four distinct areas with potential land uses and building heights. Do you like these proposed land uses for Town Center?

A pedestrian only zone might be nice or an area that could be closed off at times. Along Main Street

no residential in TC.

ked use buildings with active es, generally 3 to 4 stories)
mix of office, entertainment, : uses, generally 3 to 5 stories)
ity (mix of residential, retail, generally 2 to 4 stories)
mix of townhomes, small-scale sinesses, generally 2 to 3 stories)

PARKS AND OPEN SPACES

New plazas, greenways, and small open spaces would provide important connections between key destinations, provide more tree cover and greenery, and add more spaces for gathering, socializing and play. Do you like the proposed parks system for Town Center?

I like having trees but make sure they don't impact visibility, esp. signs + businesses

OPEN SPACE SYSTEM

AL STREET NETWORK

t Network
timodal Street Network
le/Pedestrian Trail
ycle/Pedestrian Trail
le Lane
ycle Lane
ycle/Pedestrian Crossing
n

MULTIMODAL NETWORK

The proposed multimodal network creates a more walkable street grid that incorporates transit service, on-street improvements for bicycles and pedestrians, and connections to off-street trails. Do you think these are the right connections (would you add others)?

Bus not very regular
Need more frequency

018

BUILDING BLOCKS

Land use, transportation, and open/green spaces are the major building blocks of a built environment. Please review the main features of each building block (map on the left) and provide your input. Use sticky notes to write your comments below and on the map.

LAND USE

There are four distinct areas with potential land uses and building heights. Do you like these proposed land uses for Town Center?



NEED
ADEQUATE
PARKING
FOR
RESIDENTIAL

Why are we only city into a public Arts Center

More bike lanes & crossings

se buildings with active (generally 3 to 4 stories)

office, entertainment, (generally 3 to 5 stories)

of residential, retail, (generally 2 to 4 stories)

ownhomes, small-scale (generally 2 to 3 stories)

PARKS AND OPEN SPACES

New plazas, greenways, and small open spaces would provide important connections between key destinations, provide more tree cover and greenery, and add more spaces for gathering, socializing and play.

Do you like the proposed parks system for Town Center?



SPACE SYSTEM

STREET NETWORK

Street Network

Trail

Trail

MULTIMODAL NETWORK

The proposed multimodal network creates a more walkable street grid that incorporates transit service, on-street improvements for bicycles and pedestrians, and connections to off-street trails.

Do you think these are the right connections (would you add others)?

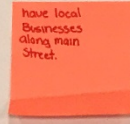


an Crossing

Land use, transportation, and open/green spaces are the major building blocks of a built environment. Please review the main features of each building block (**map on the left**) and provide your input. **Use sticky notes to write your comments below and on the map.**

LAND USE

There are four distinct areas with potential land uses and building heights. **Do you like these proposed land uses for Town Center?**



Buildings with active
generally 3 to 4 stories)

re, entertainment,
generally 3 to 5 stories)

f residential, retail,
2 to 4 stories)

phomes, small-scale
generally 2 to 3 stories)

SPACE SYSTEM

PARKS AND OPEN SPACES

New plazas, greenways, and small open spaces would provide important connections between key destinations, provide more tree cover and greenery, and add more spaces for gathering, socializing and play.

Do you like the proposed parks system for Town Center?



NETWORK

et Network

n Trail

ian Trail

MULTIMODAL NETWORK

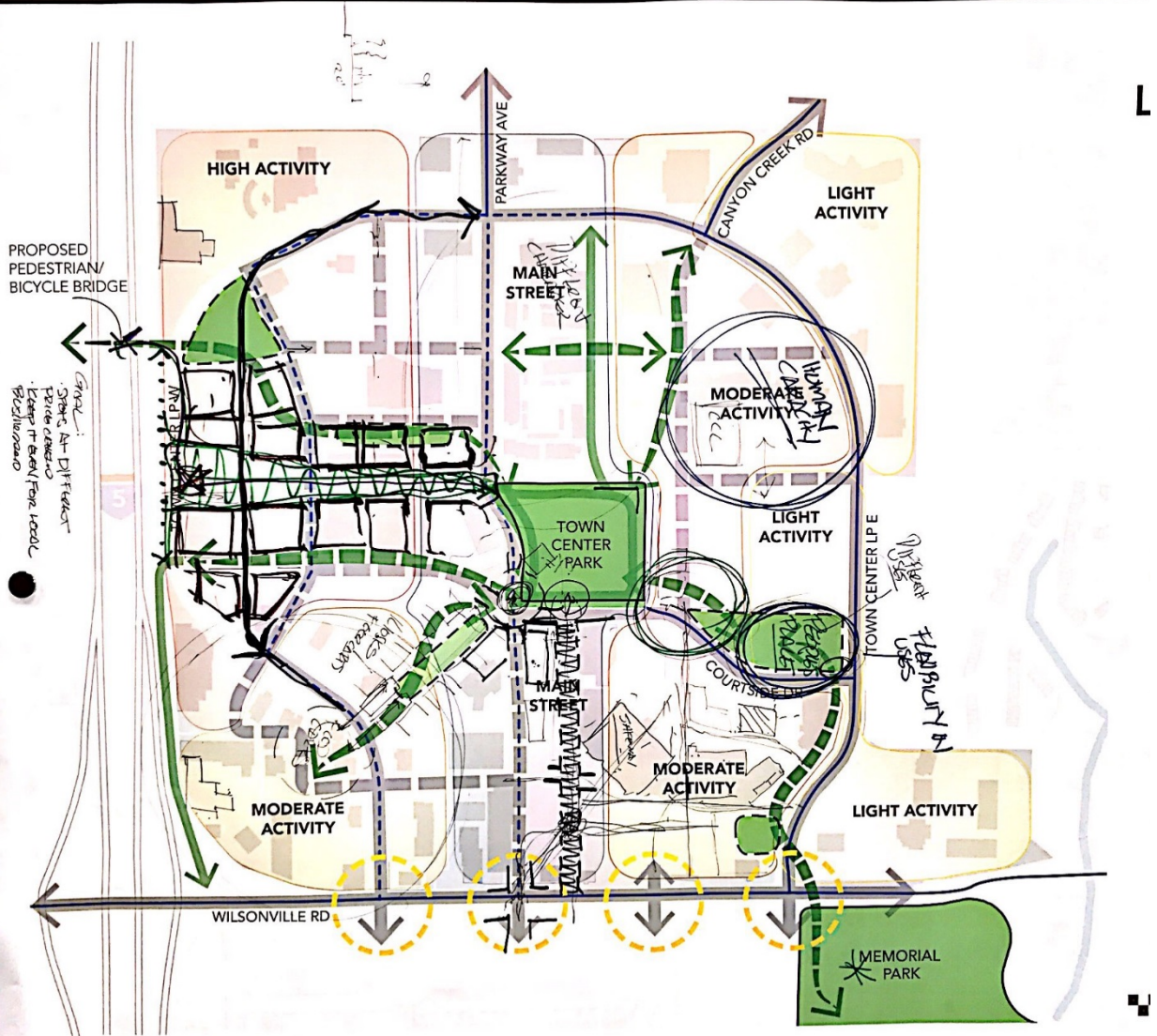
The proposed multimodal network creates a more walkable street grid that incorporates transit service, on-street improvements for bicycles and pedestrians, and connections to off-street trails.

Do you think these are the right connections (would you add others)?



ian Crossing

TOWN CENTER PLAN OPEN HOUSE // Fe



DRAFT COMMUNITY DESIGN CONCEPT



LATINO FAMILY NIGHT - MARCH 1, 2018
SUMMARY & MATERIALS



WILSONVILLE TOWN CENTER PLAN

Town Center Latino Family Night Summary

Date: March 1, 2018

Time: 6:00 PM – 8:00 PM

Location: Wood Middle School

Summary of Event

City staff partnered with Wood Middle School to engage with Spanish-speaking community members about the Town Center Plan. The school dedicated one of their regularly scheduled Latino Family Nights to an Open House about the Town Center Draft Community Design Concept (Community Concept). The purpose of the event was to provide Spanish-speaking community members with an opportunity to learn about the Community Concept, ask questions, and provide ideas and feedback in Spanish.

Wood Middle School staff invited Latino parents and students from all Wilsonville schools to attend the event. Students in the Wood Middle School Spanish Club volunteered to assist in facilitating small group discussions. City staff met with the students in advance of the event to brief them on the Town Center Plan project, the purpose of the event, and how to help communicate the ideas of the Community Concept and record participants' discussions.

The event began at 6:00 pm with time to socialize, meet City staff, and eat dinner, which was catered by San Francisco Tienda Mexicana, a local business in Town Center. Each attendee received a paper copy of the Draft Community Design Concept online survey (translated into Spanish) and general comment cards, which they were encouraged to fill out. Participants who returned a completed survey received a raffle ticket.

Around 6:30 pm, Wood Middle School staff gave a presentation in Spanish that included a summary of community input and an overview of the Community Concept. City staff responded to participant questions, assisted by a professional interpreter. Following the presentations, participants were encouraged to participate in small group discussions focused on the three building blocks of the Community Concept: Open Space, Land Use and Multimodal Network. The small group discussions were staffed by project team members and Spanish Club students, to learn more about the different elements of the Community Concept and contribute their ideas.

MATERIALS

1. Name tags
2. Vision & Goals Board
3. Building Blocks and Community Design Concept Maps
4. Design Concept Survey
5. Draft Community Design Concept and Design Inspiration Handout

Summary of Input Received

This section summarizes input received from Latino Family Night participants. Overall, participants supported the Town Center Draft Community Design Concept and hope to see improvements in the near term. Safety, walkability, and transit were among the most common concerns. Most people want the parks, streets and crosswalks in Town Center to be safer for pedestrians and kids. Participants are interested in having more retail businesses, restaurants, and increased mixed-use in Town Center.

Open Space

Participants voiced concerns about safety at the parks, especially at night. Many people shared that there is no activity in the parks in the evenings and in the winter. Participants expressed a desire for:

- More lighting in the parks
- A public pool
- More active parks
- Activities for children
- Activities during winter

Land Use

Participants generally want to see buildings with more than one story and more locally-owned restaurants and stores, including more international and ethnically diverse options. There is also significant interest in a community center that provides activities for youth. The most frequently discussed land use elements included:

- More than 1-story buildings
- More local stores and restaurants
- Community activity center

Multimodal Network

Most people who attended the event said they want improved safety for pedestrians, especially at crosswalks. They like the design concept for the future streets but shared concerns for more immediate problems like poorly lit bus stops, limited transit options, and not enough street lighting. There is some concern about increased traffic with new development. Participants commented that there is a need for:

- More street lights for people walking
- Well-lit bus stops

- More sheltered bus stops
- More bus lines and services



LATINO FAMILY NIGHT - MARCH 1, 2018
EXHIBITS



VISIÓN Y METAS CENTRO DE LA CIUDAD DE WILSONVILLE

VISIÓN PARA EL FUTURO

El centro de la ciudad es un destino dinámico y transitable que inspira a la población a integrarse y socializar, ir de compras, residir y trabajar. El centro de la ciudad es el corazón de Wilsonville.

Alberga parques activos, espacios cívicos y atracciones que proporcionan experiencias fascinantes todo el año. Los residentes y los visitantes de Wilsonville llegan al centro de la ciudad para ir de compras y disfrutar de las opciones gastronómicas, culturales y de entretenimiento.

El borrador de la visión y las metas se elaboró con las numerosas opiniones de residentes, dueños de propiedades y de negocios, estudiantes y grupos comunitarios, y con los comentarios del grupo de trabajo del proyecto, de la Comisión de Planificación y del Consejo Municipal.

METAS IMPULSADAS POR LA COMUNIDAD

GESTIÓN AMBIENTAL



Integrar la naturaleza en el diseño y la función de la infraestructura y la urbanización en el centro de la ciudad para proteger los recursos naturales de Wilsonville.

DISEÑO ARMONIOSO



Crear estándares de diseño urbano orientados a los peatones para el diseño de calles y edificios, al igual que una variedad de planificaciones urbanas y tipos de edificios de calidad.

USOS MIXTOS



La urbanización proporciona planificaciones urbanas interconectadas que combinan juego y recreación, con una variedad de comercios minoristas, servicios, opciones gastronómicas y de entretenimiento, y más oportunidades de usos residenciales y de empleo.

LUGARES DE REUNIÓN PARA LA COMUNIDAD



Proporcionar espacios dinámicos, variados e inclusivos que unan a la población con actividades y eventos para contar con diversión, cultura y vida social todo el año.

PROSPERIDAD ECONÓMICA



Crear oportunidades para respaldar y desarrollar los negocios existentes y atraer nuevos negocios que proporcionen una diversa variedad de comercios minoristas locales y regionales, opciones de entretenimiento y actividades comerciales.

ACCESO SEGURO Y CONECTIVIDAD



Proporcionar infraestructura de transporte diseñada para crear un entorno seguro y accesible para todos los modos de desplazamiento en el centro de la ciudad, promover el acceso multimodal entre los edificios y las planificaciones urbanas en el centro de la ciudad, conectar los vecindarios circundantes y brindar accesibilidad local y regional.



TOWN CENTER PLAN OPEN HOUSE // 1 de Marzo de 2018



LEYENDA

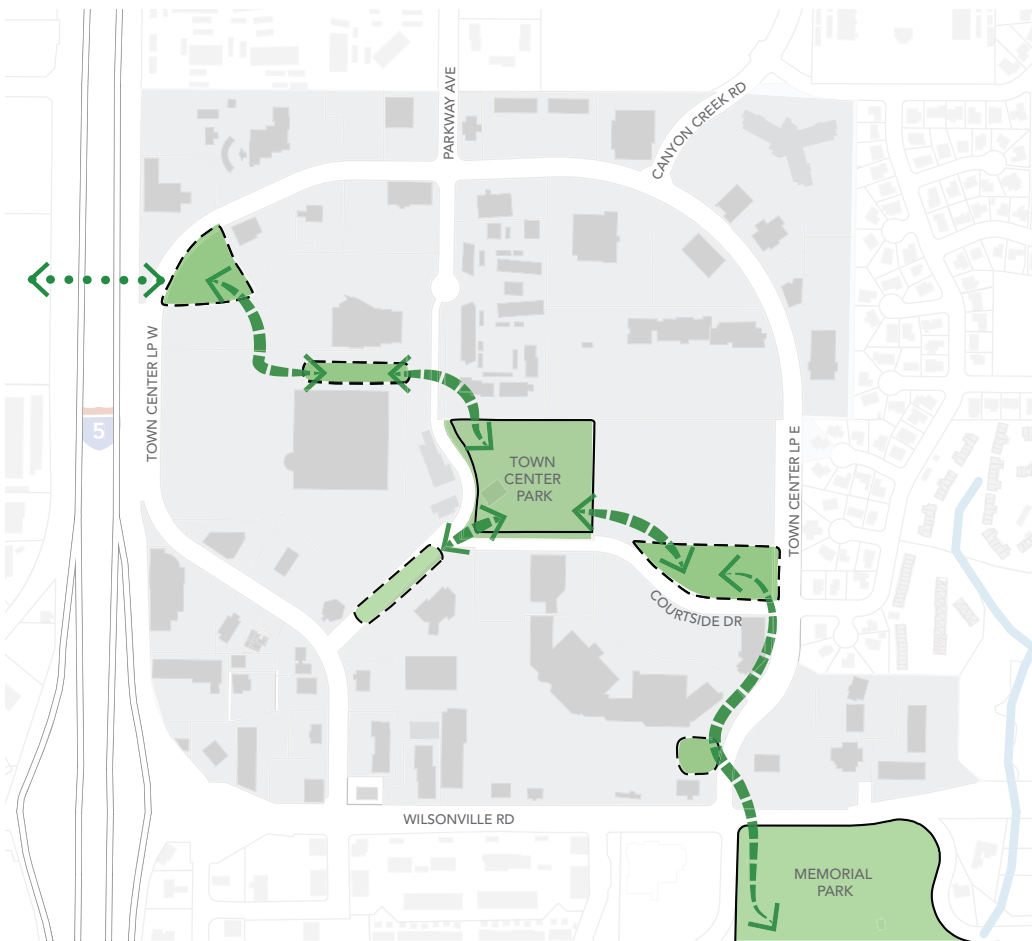
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- Parcela
- Carretera
- Parque existente
- Corriente/Arroyo
- Red de calles existente
- Red multimodal de calles propuesta
- Sendero para peatones/bicicletas existente
- Sendero para peatones/bicicletas propuesto
- Carril para bicicletas existente
- Carril para bicicletas propuesto
- Cruce optimizado para peatones/bicicletas en la intersección



**BORRADOR DEL CONCEPTO DE DISEÑO DE LA COMUNIDAD:
RED MULTIMODAL DE CALLES PROPUESTA**



TOWN CENTER PLAN OPEN HOUSE // 1 de Marzo de 2018



LEYENDA

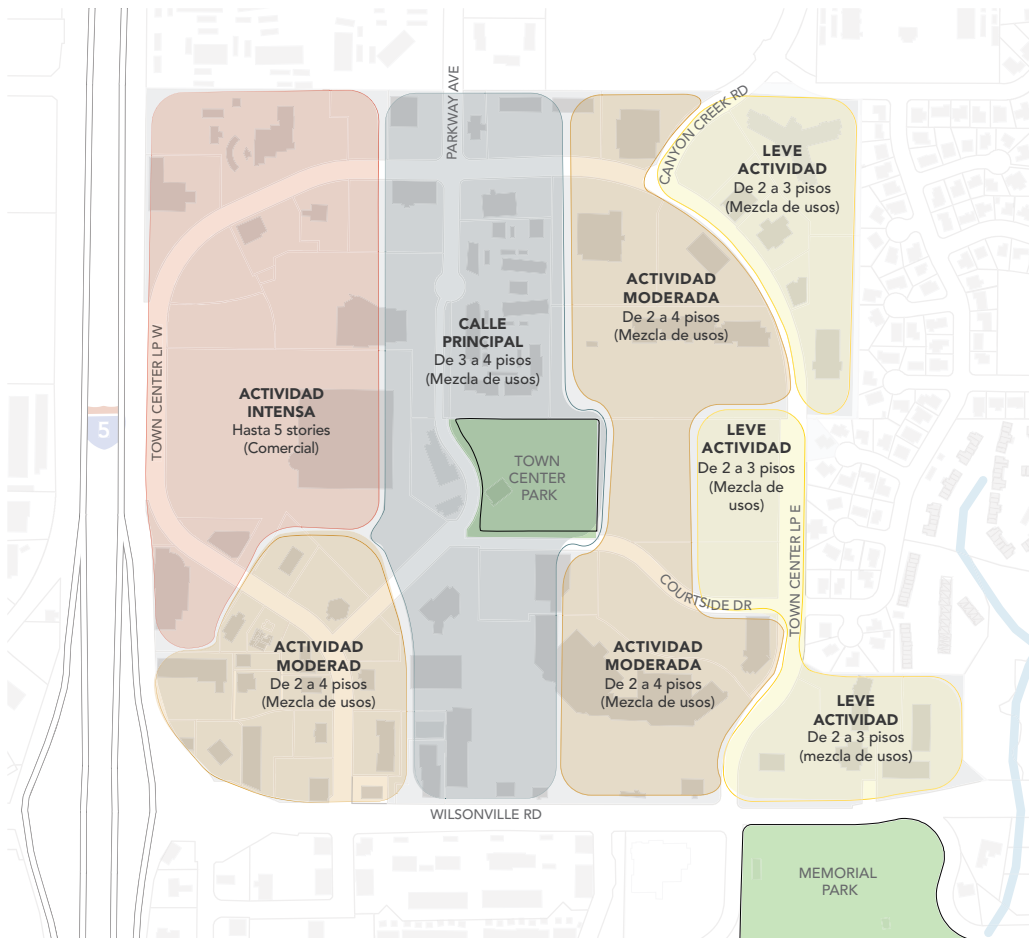
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 - Parcela
 - Carretera
 - Corriente/Arroyo
 - Red de calles existente
 - Red multimodal de calles propuesta
- SISTEMA DE PARQUES**
- Parque existente
 - Parque propuesto
 - The Emerald Chain - Parques conectados
 - Puente para peatones/bicicletas propuesto



BORRADOR DEL CONCEPTO DE DISEÑO DE LA COMUNIDAD: PARQUES Y SISTEMA DE ESPACIOS ABIERTOS



TOWN CENTER PLAN OPEN HOUSE // 1 de Marzo de 2018



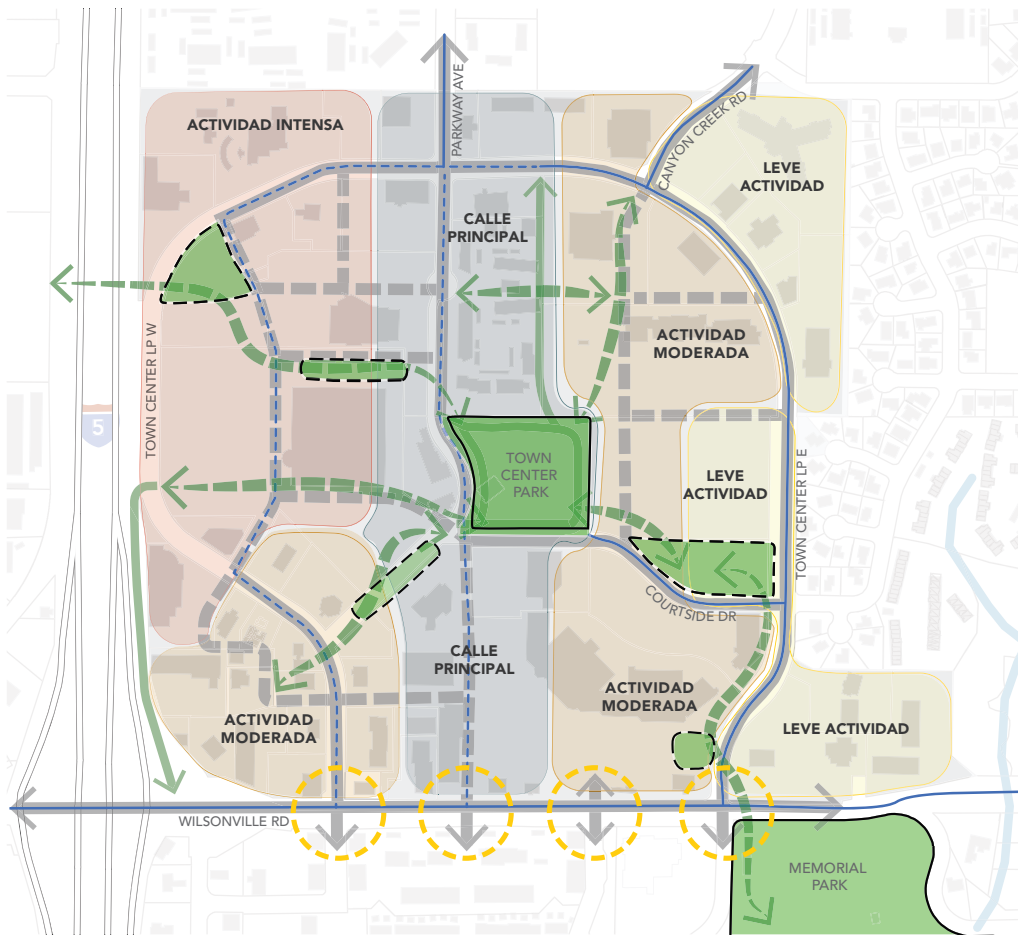
LEYENDA

- Superficie construida
- Parcela
- Carretera
- Parque existente
- PLANIFICACIÓN URBANA**
- Calle principal (edificios de uso mixto con usos activos en la planta baja, generalmente de 3 a 4 pisos)
- Actividad intensa (mezcla de usos cívicos, de hotelería, de entretenimiento, de oficina, generalmente de 3 a 5 pisos)
- Actividad moderada (mezcla de usos de residencial, de comercio minorista, de oficinas, de servicios, generalmente de 2 a 4 pisos)
- Actividad leve (mezcla de casas adosadas, empresas comerciales a pequeña escala, generalmente de 2 a 3 pisos)

BORRADOR DEL CONCEPTO DE DISEÑO DE LA COMUNIDAD: PLANIFICACIÓN URBANA PROPUESTA



TOWN CENTER PLAN OPEN HOUSE // 1 de Marzo de 2018



LEYENDA

- Superficie construida
- Parcela
- Carretera
- PLANIFICACIÓN URBANA**
- Calle principal (edificios de uso mixto con usos activos en la planta baja, generalmente de 3 a 4 pisos)
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- Actividad leve (mezcla de casas adosadas, empresas comerciales a pequeña escala, generalmente de 2 a 3 pisos)
- PLANIFICACIÓN URBANA**
- Parque existente
- Parque propuesto
- PLANIFICACIÓN URBANA**
- Red de calles existente
- Red multimodal de calles propuesta
- Sendero para peatones/bicicletas existente
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- Carril para bicicletas propuesto
- Cruce optimizado para peatones/bicicletas en la intersección



BORRADOR DEL CONCEPTO DE DISEÑO DE LA COMUNIDAD



WILSONVILLE TOWN CENTER PLAN

ENCUESTA: BORRADOR DEL CONCEPTO DE DISEÑO DE LA COMUNIDAD

Esta encuesta también se encuentra disponible en inglés en Internet, en: <http://bit.ly/towncenterconcept>

INTRODUCTION

La planificación urbana, el transporte y los espacios abiertos son los principales componentes de un entorno edificado. Durante el último año, los integrantes de la comunidad de Wilsonville compartieron sus ideas y preferencias respecto de cómo deben verse en el futuro dichos componentes en el centro de la ciudad. Se combinaron las ideas de la comunidad para elaborar el Borrador del concepto de diseño de la comunidad.

Ahora, necesitamos su ayuda para refinar el concepto de diseño y asegurarnos de que respalde la visión de la comunidad del futuro del centro de la ciudad.

En las siguientes páginas de esta encuesta, revise las características principales de cada componente e indique si considera que el enfoque propuesto es una buena guía para el centro de la ciudad.

Si desea ampliar sus respuestas, use la tarjeta de comentarios proporcionada.

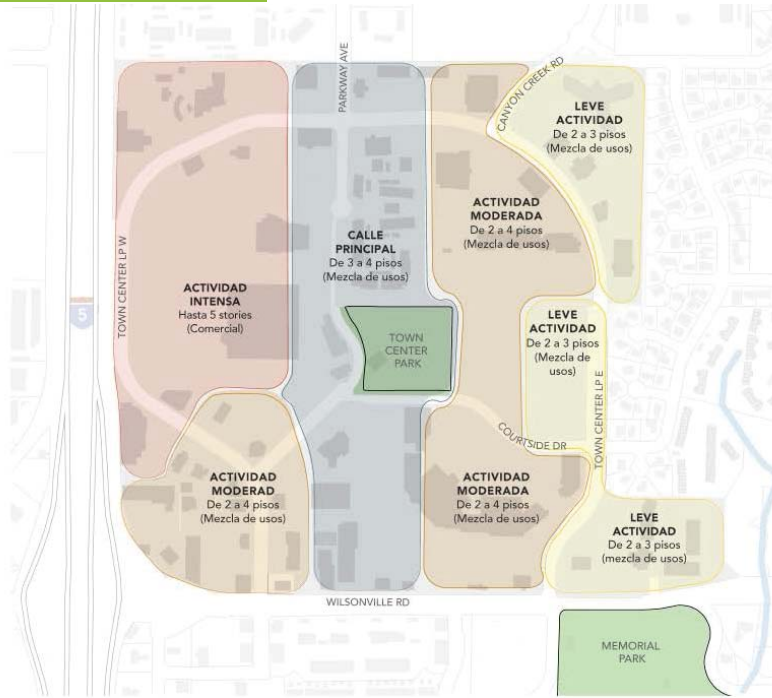
VISIÓN PARA EL FUTURO:

El centro de la ciudad es un destino dinámico y transitable que inspira a la población a integrarse y socializar, ir de compras, residir y trabajar. El centro de la ciudad es el corazón de Wilsonville. Alberga parques activos, espacios cívicos y atracciones que proporcionan experiencias fascinantes todo el año. Los residentes y los visitantes de Wilsonville llegan al centro de la ciudad para ir de compras y disfrutar de las opciones gastronómicas, culturales y de entretenimiento.



<p>Parque propuesto en la base del futuro puente para bicicletas/peatones:</p> <p>Un puente para bicicletas/peatones planificado sobre la carretera interestatal 5 (I-5) conectará el centro de la ciudad con el lado oeste de Wilsonville y la estación de tránsito central SMART. Un nuevo parque en la base del puente podría servir como vía de acceso y espacio público en el extremo norte del centro de la ciudad.</p>			<p>¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?</p> <p><input type="checkbox"/> Estoy de acuerdo</p> <p><input type="checkbox"/> No estoy de acuerdo</p> <p><input type="checkbox"/> No estoy seguro</p>
<p>Corredores verdes propuestos:</p> <p>Las plazas, las áreas verdes y los pequeños espacios abiertos nuevos proporcionarían conexiones entre los parques más grandes del centro de la ciudad y añadirían cubierta arbórea y vegetación, como también más espacios para reunirse, socializar y jugar.</p>			<p>¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?</p> <p><input type="checkbox"/> Estoy de acuerdo</p> <p><input type="checkbox"/> No estoy de acuerdo</p> <p><input type="checkbox"/> No estoy seguro</p>

PLANIFICACIÓN URBANA



LEYENDA

- Superficie construida
- Parcela
- Carretera
- Parque existente
- PLANIFICACIÓN URBANA**
- Calle principal (edificios de uso mixto con usos activos en la planta baja, generalmente de 3 a 4 pisos)
- Actividad intensa (mezcla de usos cívicos, de hotelería, de entretenimiento, de oficina, generalmente de 3 a 5 pisos)
- Actividad moderada (mezcla de usos de residencial, de comercio minorista, de oficinas, de servicios, generalmente de 2 a 4 pisos)
- Actividad leve (mezcla de casas adosadas, empresas comerciales a pequeña escala, generalmente de 2 a 3 pisos)



**BORRADOR DEL CONCEPTO DE DISEÑO DE LA COMUNIDAD:
PLANIFICACIÓN URBANA PROPUESTA**

Distrito de la calle principal:

Parkway Avenue se extendería hacia el sur, más allá del centro de la ciudad, para conectar con Wilsonville Road. Parkway se convertiría en una calle principal transitable y atractiva con una mezcla de edificios de 3 a 4 pisos que atravesarían el corazón del centro de la ciudad.



¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?

- Estoy de acuerdo
- No estoy de acuerdo
- No estoy seguro

Zona de actividad intensa:

Los edificios más altos, de hasta 5 pisos, a lo largo de la I-5 y cerca de la base del futuro puente para peatones, mejorarían la visibilidad del centro de la ciudad, ayudaría a crear el sentido de lugar y respaldaría el aumento de la actividad económica que desean los integrantes de la comunidad. Los usos de los edificios podrían incluir más oportunidades de empleo, entretenimiento y servicios de hotelería. Según la propuesta, los usos residenciales en esta área quedarían limitados y no se permitirían en la zona contigua a la I-5.



¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?

- Estoy de acuerdo
- No estoy de acuerdo
- No estoy seguro

Áreas de actividad moderada:

Una variedad de edificios de 2 a 4 pisos, en su mayoría, a lo largo del centro de la ciudad proporcionaría la mezcla de usos de oficina, comerciales y residenciales que la comunidad desea en el centro de la ciudad. La actividad moderada cerca de Wilsonville Road estaría centrada en el comercio, mientras que las áreas cercanas al parque del centro de la ciudad incluirían más edificios residenciales y de uso mixto.



¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?

- Estoy de acuerdo
- No estoy de acuerdo
- No estoy seguro

Zona de actividad leve:

La urbanización sería menos intensa, ya que esta zona se encuentra próxima al lado este de la carretera de circunvalación del centro de la ciudad y los vecindarios adyacentes. La urbanización de actividad leve incluiría construcción de uso mixto y residencial de 1 a 3 pisos, con empresas comerciales que prestan servicios al vecindario.



¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?

- Estoy de acuerdo
- No estoy de acuerdo
- No estoy seguro

RED MULTIMODAL DE CALLES



LEYENDA

- Superficie construida
- Parcela
- Carretera
- Parque existente
- Corriente/Arroyo
- Red de calles existente
- Red multimodal de calles propuesta
- Sendero para peatones/bicicletas existente
- Sendero para peatones/bicicletas propuesto
- Carril para bicicletas existente
- Carril para bicicletas propuesto
- Cruce optimizado para peatones/bicicletas en la intersección

**BORRADOR DEL CONCEPTO DE DISEÑO DE LA COMUNIDAD:
RED MULTIMODAL DE CALLES PROPUESTA**

Red multimodal de calles propuesta:

Las nuevas calles en el centro de la ciudad, que presentarían aceras amplias con asientos y paisajismo, estacionamiento en la vía pública en muchas calles y carriles de circulación más estrechos para vehículos que reducen la velocidad del tráfico y facilitan el cruce de peatones y de ciclistas, proporcionarían conexiones más seguras para todos los viajeros. Se espera que el servicio de tránsito y los carriles adicionales para bicicletas, las calles locales y los caminos para tráfico no motorizado en la carretera de circunvalación del centro de la ciudad mejoren las conexiones en el centro de la ciudad y hacia las áreas circundantes.



¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?

- Estoy de acuerdo
- No estoy de acuerdo
- No estoy seguro

Cruces optimizados para peatones y bicicletas:

Los cruces bien diseñados a lo largo de Wilsonville Road crearían conexiones seguras para peatones y bicicletas entre el centro de la ciudad y la biblioteca, los hogares, los negocios y los espacios abiertos situados en el lado sur de Wilsonville Road.



¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?

- Estoy de acuerdo
- No estoy de acuerdo
- No estoy seguro

Calle principal:

Parkway Avenue se transformaría en la calle principal del centro de la ciudad y se extendería desde Wilsonville Road hasta la carretera de circunvalación del centro de la ciudad. La calle incluiría estacionamiento en la vía pública, aceras amplias con paisajismo y atracciones para los peatones. La reducción de las velocidades de los vehículos y los carriles de circulación estrechos aumentarían la seguridad de los peatones, a la vez que se seguiría proporcionando acceso vehicular para los residentes y negocios locales. El estacionamiento fuera de la vía pública se ubicaría detrás de los edificios.



¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?

- Estoy de acuerdo
- No estoy de acuerdo
- No estoy seguro

Lado oeste modificado de la carretera de circunvalación del centro de la ciudad:

Se reubicaría el lado oeste de la carretera de circunvalación del centro de la ciudad para aumentar el potencial de urbanización en la parte oeste del centro de la ciudad. El lado oeste de la carretera de circunvalación del centro de la ciudad proporcionaría conectividad norte/sur para todos los modos de transporte. La circulación de tráfico se distribuiría de manera más uniforme entre el lado oeste de la carretera de circunvalación del centro de la ciudad, Parkway Avenue y el lado este de la carretera de circunvalación del centro de la ciudad, lo que ayudaría a aliviar las congestiones de tráfico en la intersección de Wilsonville Road y el lado oeste de la carretera de circunvalación del centro de la ciudad (véase supra mapa).

¿Está de acuerdo en que esta es una buena guía para el centro de la ciudad?

- Estoy de acuerdo
- No estoy de acuerdo
- No estoy seguro

BORRADOR DEL CONCEPTO DE DISEÑO DE LA COMUNIDAD

Use la tarjeta de comentarios proporcionada a indique si considera que el enfoque propuesto es una buena guía para el centro de la ciudad.



Muchas gracias por participar en esta encuesta. Sus opiniones, junto con los comentarios de los demás integrantes de la comunidad, se usarán para refinar el Concepto del centro de la ciudad y para informar las políticas incluidas en el Plan del centro de la ciudad.

Antes de irse, entregue la encuesta completa y las tarjetas de comentarios a uno de los integrantes del personal del equipo del proyecto o déjelos en el buzón de encuestas.

Esta sección de la encuesta es opcional. Sus respuestas nos permitirán asegurarnos de que estemos logrando una amplia muestra representativa de la comunidad de Wilsonville.

¿Cómo se identifica más con el centro de la ciudad? (Seleccione todas las opciones que correspondan).

- Residente de Wilsonville
- Residente o vecino del centro de la ciudad
- Estudiante en Wilsonville
- Trabajo en Wilsonville
- Trabajo en el centro de la ciudad
- Dueño de propiedad en el centro de la ciudad
- Dueño de negocio en el centro de la ciudad
- Director comercial en el centro de la ciudad
- Otro

¿Qué edad tiene? Elija solo una de las siguientes opciones:

- Menor de 18 años
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- Mayor de 75 años
- Prefiero no responder

La mayoría de las personas se perciben a sí mismas como integrantes de un grupo étnico o racial particular. ¿Cómo se identifica a sí mismo? (Elija todas las opciones que correspondan).

- Afroestadounidense/negro
- Asiático o estadounidense de origen asiático
- Raza caucásica/blanco
- Hispano/latino
- Multirracial
- Indígena estadounidense
- Si prefiere autodefinirse, hágalo aquí:

Indique su sexo. (Elija todas las opciones que correspondan).

- Femenino
- Masculino
- Transgénero
- Prefiero no responder
- Si prefiere autodefinirse, hágalo aquí:

¿Cuáles son sus ingresos del grupo familiar? Elija solo una de las siguientes opciones:

- Menos de \$25,000
- Entre \$25,000 y \$49,999
- Entre \$50,000 y \$74,999
- Entre \$75,000 y \$99,999
- Entre \$100,000 y \$149,999
- \$150,000 o más
- Otro

Esta encuesta también se encuentra disponible en inglés en Internet, en: <http://bit.ly/towncenterconcept>



TOWN CENTER PLAN OPEN HOUSE // 1 de Marzo de 2018

CALLE PRINCIPAL



ACTIVIDAD INTENSA



ACTIVIDAD MODERAD



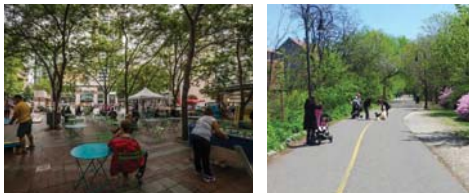
LEVE ACTIVIDAD



PARQUE PROPUESTO EN LA BASE DEL FUTURO PUENTE PARA BICICLETAS/PEATONES



CORREDORES VERDES PROPUESTOS



RED MULTIMODAL DE CALLES PROPUESTA



CRUCES OPTIMIZADOS PARA PEATONES Y BICICLETAS



CALLE PRINCIPAL



PLANIFICACIÓN URBANA

PARQUES Y ESPACIOS ABIERTOS

RED MULTIMODAL

INSPIRACIÓN DE DISEÑO

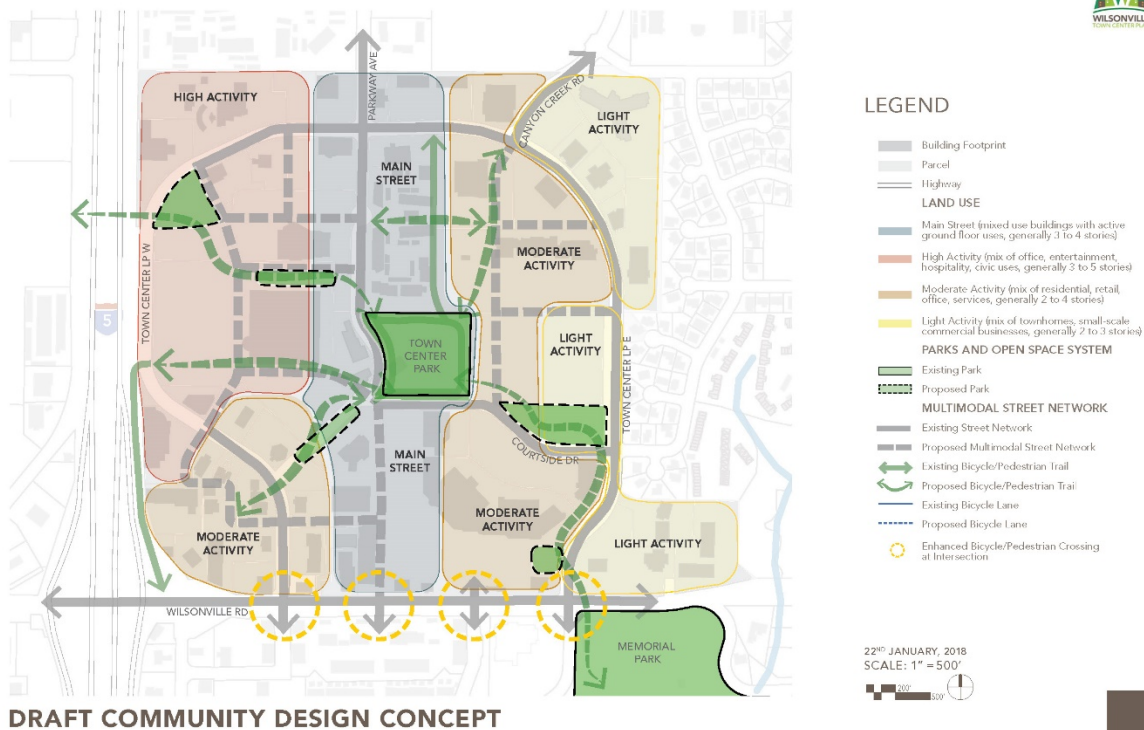


WILSONVILLE TOWN CENTER PLAN

City of Wilsonville Town Center Plan Town Center Community Design Concept Survey Summary April 2018

Introduction

The City of Wilsonville is developing the Town Center Plan (the Plan) to create a cohesive, unified district that enhances existing assets in the area and sets the stage for new development. Over the last year, the Wilsonville Community provided their ideas and feedback about the future of Town Center in a variety of forms and venues (e.g. workshops, meetings, online and in person surveys). Based on the community input and technical analysis, the project team created a Draft Community Design Concept (the Draft Concept) for Town Center.



The Draft Concept captures a long-term vision; it is not proposing any buildings move or change in the near-term. Instead, when a land owner wants to redevelop, the Town Center Plan will guide what that redevelopment should look like and how it can support the community's vision for Town Center.

The project team conducted an online survey focused on the Draft Concept and its various elements. The survey ran from January 24, 2018 – March 7, 2018 and was promoted through the project website, media outreach, social media, and various community events. The survey was structured to solicit input, highlight necessary refinements to the Draft Concept, and make sure it reflects the community's vision for Town Center.¹

The survey included maps and real-world examples illustrating the Draft Concept. The Draft Concept is a composite of three major building blocks of a built environment:

1. Land use
2. Transportation
3. Open/green spaces

Within each building block, there are several key elements. Each key element was displayed on a map and illustrated with sample images that showed examples of the element. Survey participants were asked to indicate if they thought each proposed key element was a good direction for Town Center, selecting from one of three answer choices: 1) I agree; 2) I do not agree; and 3) I am not sure. A follow up question invited survey respondents to explain their answer choice.

Online Design Survey Results

Around 460 people visited the survey website. Out of these 460 people, 206 people completed the questionnaire. The number of people who responded to each question varies. This document summarizes the community's input to the design survey, including each individual question's response rate and results. For all questions, the percentages for answers are calculated based on the total number of respondents who answered that particular question. A summary of the comments received from participants to all open-ended questions can be found in Appendix A.

Overall, there is support for the Draft Concept. At least 70% of the respondents indicated they agreed with the proposed direction for all building blocks and their associated elements (see figures below). More detailed responses, including the number of people who disagreed and were not sure about the building blocks and their associated elements, are included in the following sections of this results summary.

¹ *Vision: Town Center is a vibrant, walkable destination that inspires people to come together and socialize, shop, live, and work. Town Center is the heart of Wilsonville. It is home to active parks, civic spaces, and amenities that provide year-round, compelling experiences. Wilsonville residents and visitors come to Town Center for shopping, dining, culture, and entertainment.*

Figure 1: Respondents who agree with the four proposed land use elements

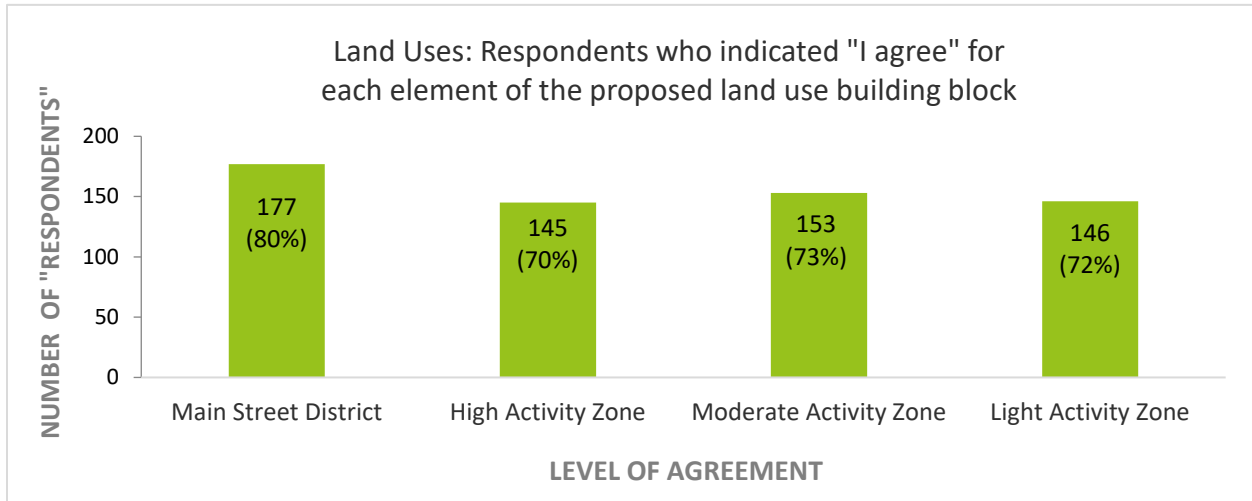


Figure 2: Respondents who agree with the proposed park and open space elements

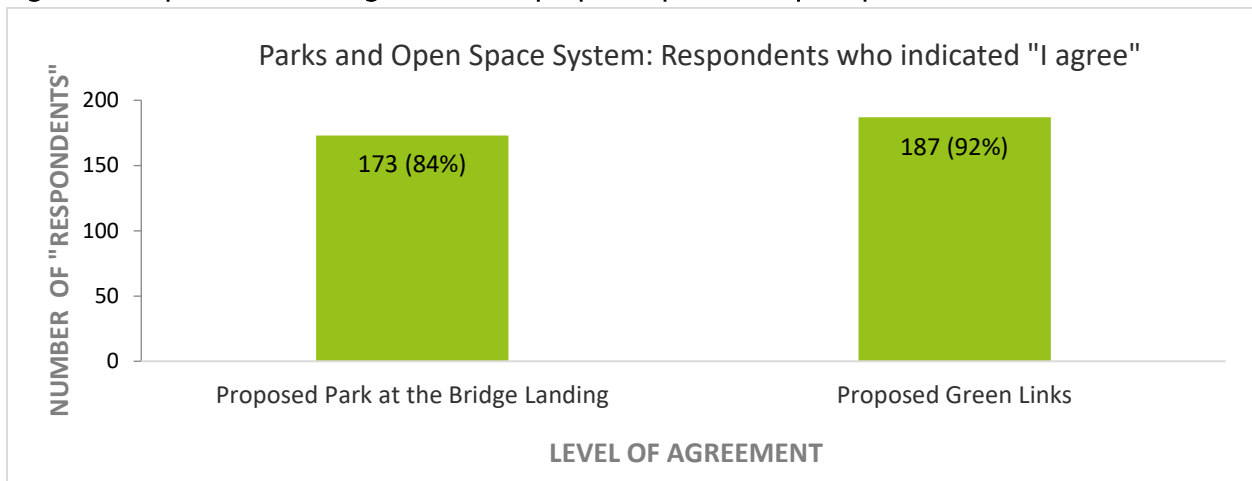
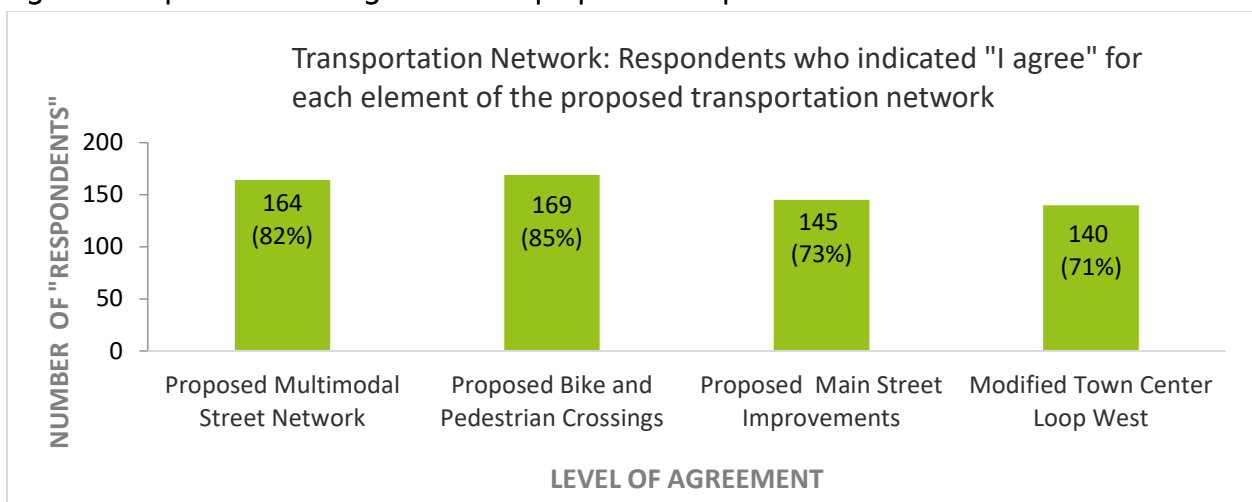


Figure 3: Respondents who agree with the proposed transportation network elements



The results of responses for each of the building block key elements is summarized below. Appendix B is attached with the survey, which includes maps for each of the buildings blocks and precedent images for each of the key elements of those building blocks.

Building Block 1: Land Uses

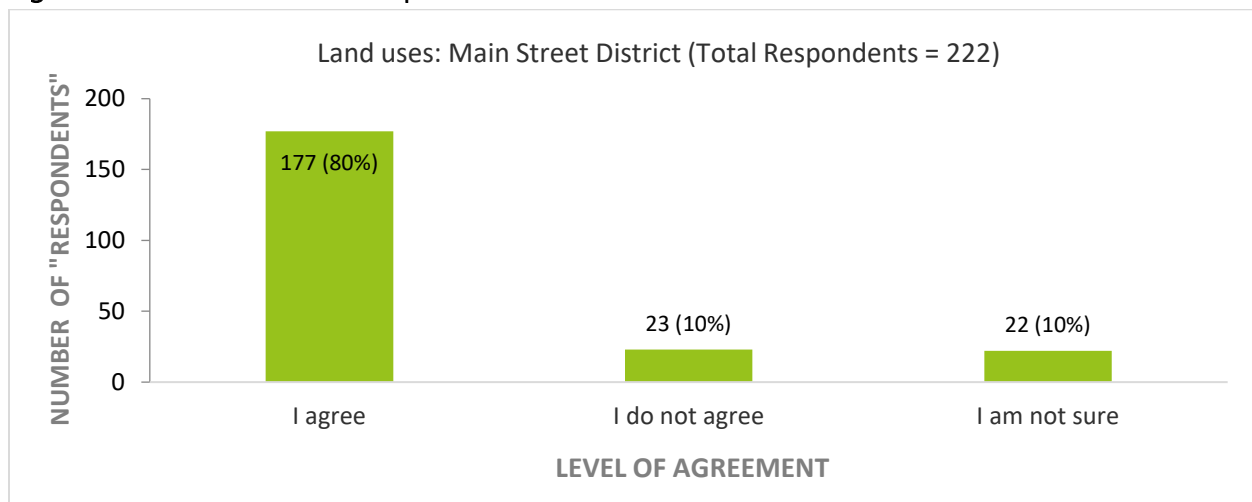
The survey asked participants to respond to four elements of the proposed land use plan:

- Main street
- High activity
- Moderate activity
- Light activity

Main Street District

The survey described the “Main Street” District as a walkable and lively main street with a mix of active uses and mostly 3-4 story buildings. Figure 4 shows the number of respondents who replied, “I agree,” “I do not agree,” or “I am not sure” whether the Main Street Land Use is a good direction for the Town Center. Out of 222 respondents who answered this question, a majority of them agreed with the concept.

Figure 4: Main Street District responses



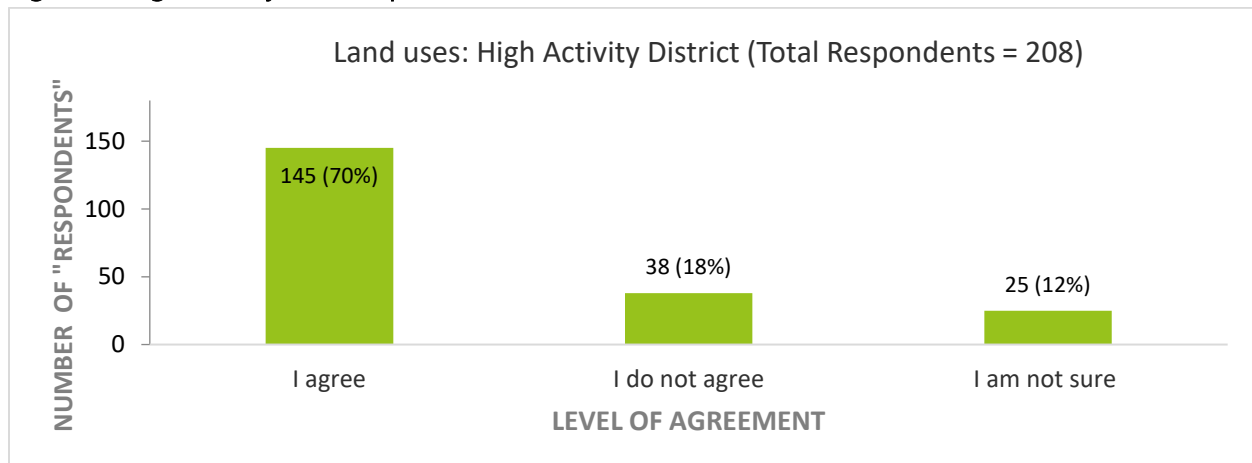
High Activity

The survey described the “High Activity” area as allowing taller buildings (up to 5 stories) along I-5 and near the future pedestrian bridge landing. The taller buildings would improve Town Center’s visibility, help create a sense of place, and support the increased level of activity and economic vibrancy desired by community members in this area, including additional employment opportunities, entertainment, and hospitality services. As proposed, residential uses in this area would be limited and not allowed adjacent to I-5.

Figure 5 shows the number of respondents who replied, “I agree,” “I do not agree,” or “I am not sure” that the High Activity Land Use is a good direction for the Town Center. Out of 208 respondents who answered this question, the majority (145 respondents) of them agreed with the concept for the High Activity area.

Respondents could also provide an explanation (open-ended answer) describing why they chose to agree, disagree or were not sure. Around 100 comments were received. While most respondents supported this concept, with several comments that the taller buildings will act as buffers and provide good locations for additional businesses in Town Center, there were about 20 comments expressing concerns, including increased traffic and the proposed 5-stories being too tall.

Figure 5: High Activity Area responses

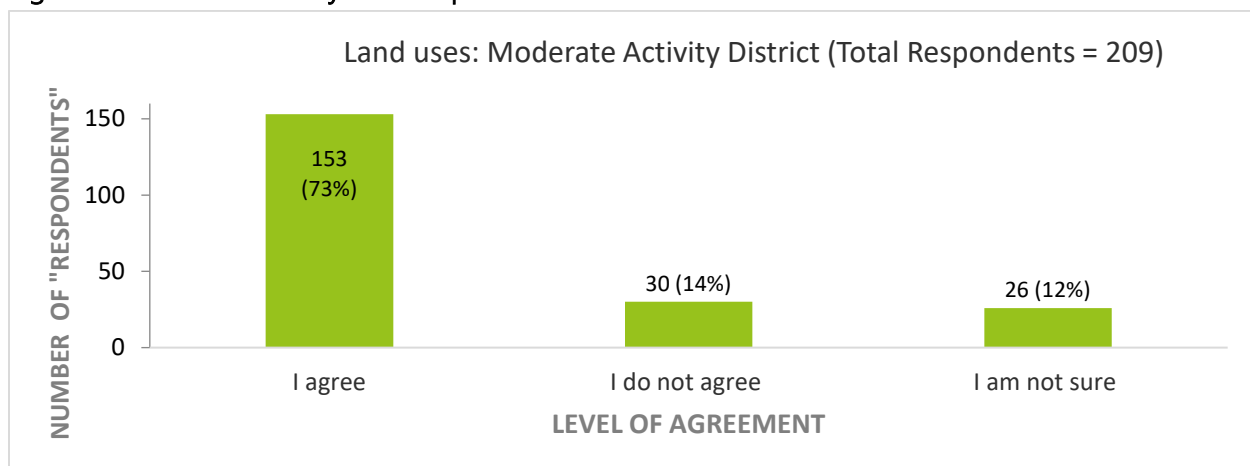


Moderate Activity

The survey described the Moderate Activity areas as mostly 2-4 story buildings with a mix of residential, commercial and office uses. Moderate activity near Wilsonville Road would be commercially focused while the areas near Town Center Park would include more residential and mixed-use buildings.

Figure 6 shows the number of respondents who replied, "I agree," "I do not agree," or "I am not sure" that the Moderate Activity Land Use is a good direction for the Town Center. Out of 209 respondents who answered this question, the majority (153 respondents) of them agreed with the concept for the Moderate Activity areas. Respondents could also provide an explanation (open-ended answer) about why they chose to agree, disagree or were not sure. The most common concern expressed in the comments was about increased traffic. Comments included support for and disagreement with allowing additional residential development in Town Center.

Figure 6: Moderate Activity Area responses

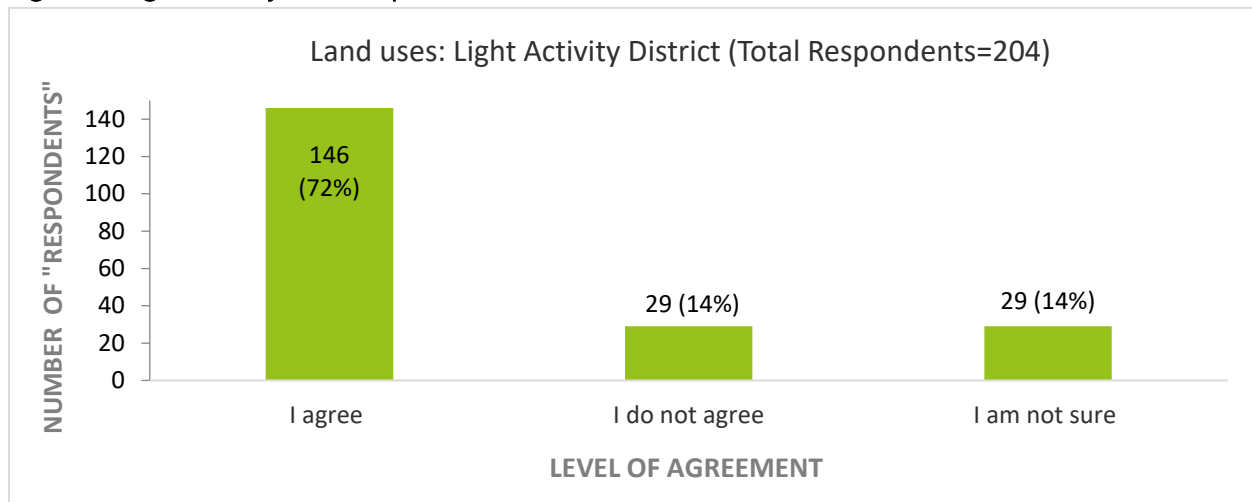


Light Activity

The survey described "Light Activity" as areas with light activity development that would include 1-3 story residential and mixed-use development, with neighborhood-serving commercial businesses.

Figure 7 below shows the number of respondents who replied, "I agree," "I do not agree," or "I am not sure" that this is a good direction for the Town Center. Out of 204 respondents who answered this question, a majority (146 respondents) of them agreed with the concept. Respondents could also provide an explanation (open-ended answer) on why they chose to agree, disagree or were not sure. There were a range of comments, with topics ranging from supporting affordable housing to not wanting residential developed in Town Center. There were no prominent themes in the comments about the Light Activity area.

Figure 7: Light Activity Area responses



Building Block 2: Parks and Open Space System

The survey asked participants to respond to two elements of the proposed open space system:

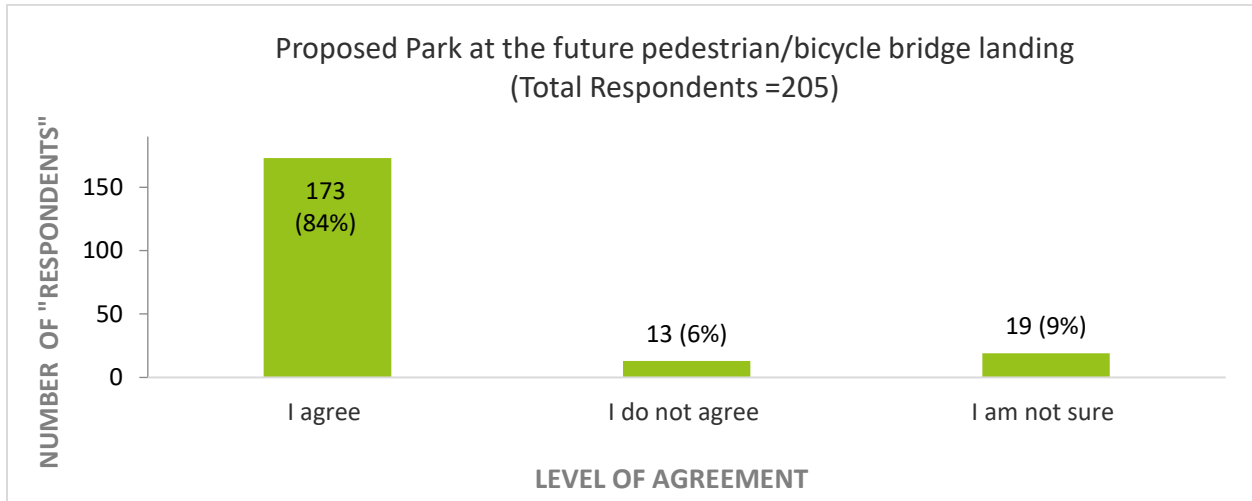
- A park/plaza at the landing of the proposed pedestrian/bicycle bridge over I-5.
- A series of green links - plazas, greenways, and small open spaces - between future and existing parks such as Town Center Park, Memorial Park and Murase Plaza (the "Emerald Chain" concept). The green spaces would provide new social and recreational spaces while expanding green space in Town Center.

Park/Plaza

The survey described the proposed park/plaza at the landing of the planned pedestrian/bicycle bridge across I-5 as an important arrival and destination point at the north end of the Town Center.

Figure 8 shows the number of respondents who replied, "I agree," "I do not agree" or "I am not sure" that the addition of this new park at the bridge landing is a good direction for the Town Center. Out of 205 respondents who answered this question, a majority of them (173 respondents) agreed with the addition. Respondents could also provide an explanation (open-ended answer) on why they chose to agree, disagree or were not sure. Almost all comments about the park/plaza were supportive. There were some concerns about how the park's proposed location next to the freeway would affect the park experience.

Figure 8: Park/Plaza at landing of the proposed pedestrian/bicycle bridge responses

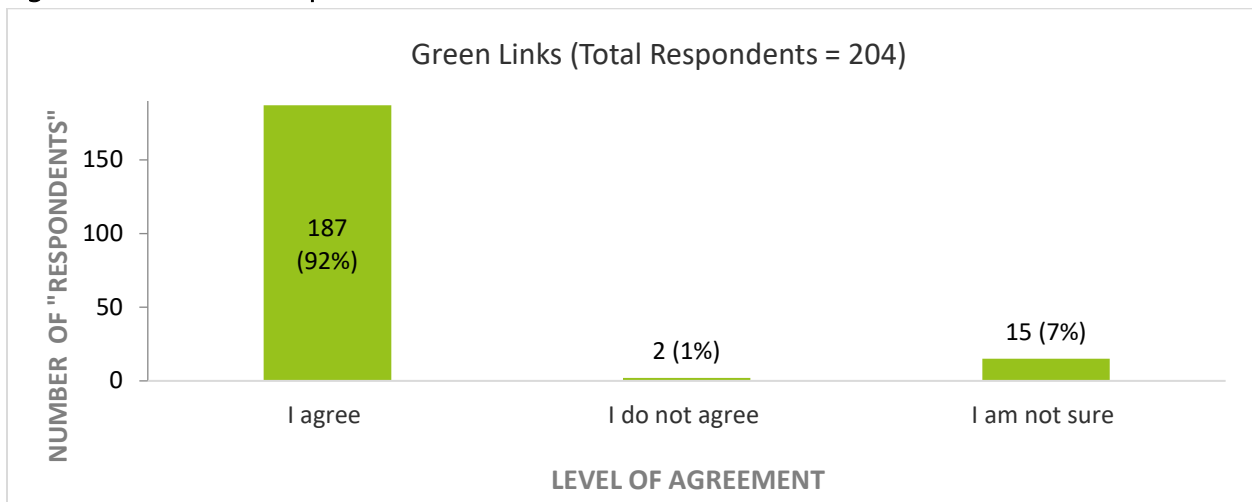


Green Links

The survey described the proposed plazas, greenways, and small open spaces in between the larger parks as providing important connections, more tree cover and greenery, and more spaces for gathering, socializing and play.

Figure 9 shows the number of respondents who replied, “I agree,” “I do not agree,” or “I am not sure” that the Green Links / Emerald Chain concept is a good direction for the Town Center. Out of 204 respondents who answered this question, a majority of them (187 respondents) agreed with the addition. Respondents who commented were generally enthusiastic about more bicycle and pedestrian access and more green spaces.

Figure 9: Green Links responses



Building Block 3: Multimodal Street Network

The survey included a map to illustrate the proposed street network concept that includes the following features:

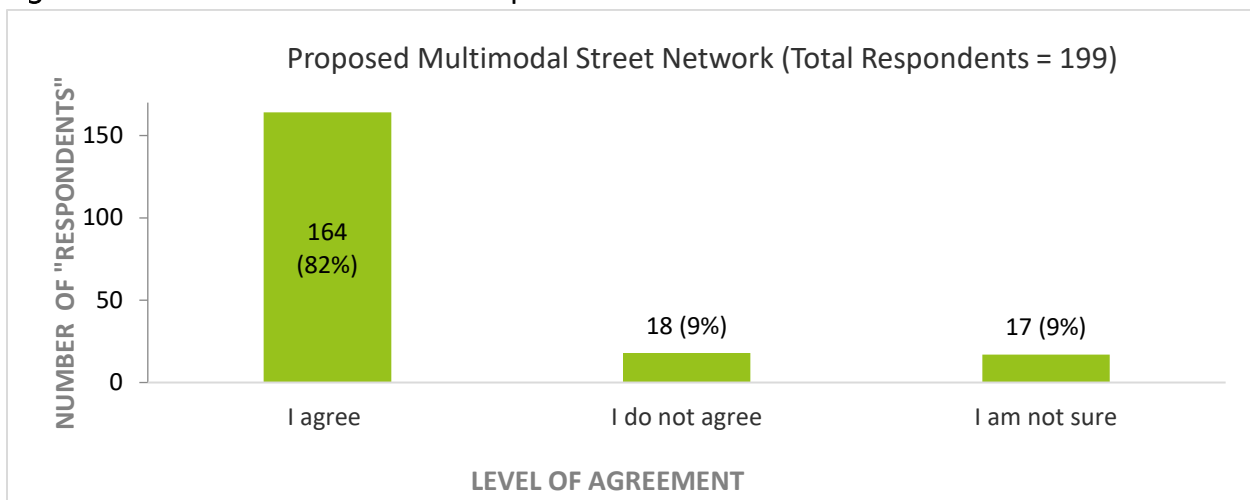
- Multimodal Street Network
- Enhanced Bicycle and Pedestrian Crossings
- Main Street
- Modified Loop West

Proposed Multimodal Street Network

The survey described the multimodal network as including streets that would provide safer connections within Town Center for all travelers, featuring wide sidewalks with seating and landscaping, on-street parking on many streets, and narrower vehicle travel lanes that slow traffic and make it easier for pedestrians and bicyclists to cross. Transit service and additional bike lanes, local roads and non-motorized paths inside Town Center Loop are expected to play an important role in improving connections within Town Center and to surrounding areas.

Figure 10 shows the number of respondents who replied, "I agree," "I do not agree," or "I am not sure" that the multimodal street network is a good direction for the Town Center. Out of 199 respondents who answered this question, a majority of them (164 respondents) agreed with the concept. Respondents could also provide an explanation (open-ended answer) on why they chose to agree, disagree or were not sure. Comments included enthusiasm for more biking and walking opportunities as well as concerns about increased traffic.

Figure 10: Multimodal Street Network responses

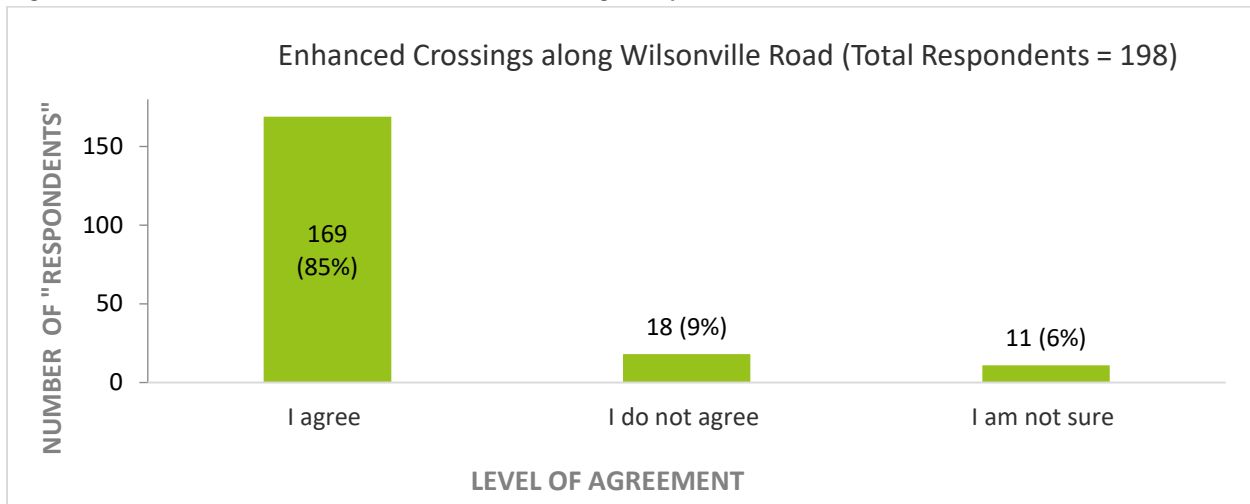


Enhanced Bike and Pedestrian Crossings

The survey described improved crossings along Wilsonville Road that would create safe bicycle and pedestrian connections between Town Center and the library, homes, businesses, and open spaces found on the south side of Wilsonville Road.

Figure 11 shows the number of respondents who replied, "I agree," "I do not agree," or "I am not sure" to that the addition of enhanced crossings along Wilsonville Road was a good direction for Town Center. Out of 198 respondents who answered this question, a majority of them (169 respondents) agreed with the concept. Respondents could also provide an explanation (open-ended answer) on why they chose to agree, disagree or were not sure. The comments included support for safer crossings as well as some concerns about bicycle-car conflicts and the potential for enhanced crossings to slow down traffic too much.

Figure 11: Enhanced Bike and Pedestrian Crossings responses



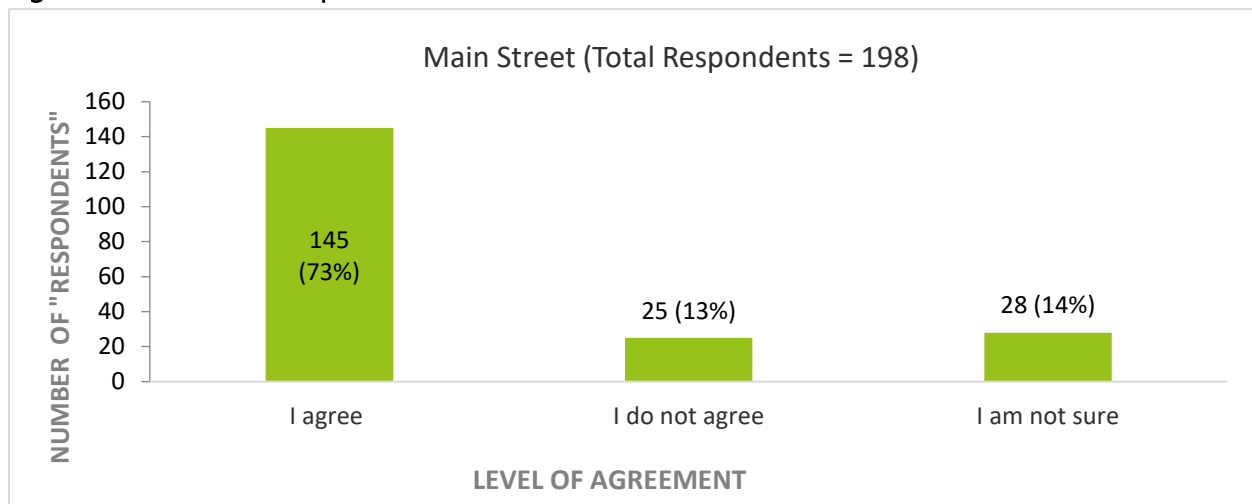
Main Street

The survey described a Main Street that would convert Parkway Avenue into Town Center's Main Street, connecting from Wilsonville Road to Town Center Loop. Parkway Avenue would be designed to include on-street parking, wide sidewalks with landscaping and pedestrian amenities. Slow vehicle speeds and narrow travel lanes increase pedestrian safety while still providing vehicle access for local businesses and residents. Off street parking would be provided behind buildings.

Figure 12 shows the number of respondents who replied, "I agree," "I do not agree," or "I am not sure" that transforming Parkway Avenue into Town Center's Main Street was a good direction for Town Center. Out of 198 respondents who answered this question, a majority (145 respondents) agreed with the concept. Respondents could also provide an explanation (open-ended answer) on

why they chose to agree, disagree or were not sure. About 1/3 of the 50 comments were related to the configuration or quantity of parking. There were also several comments related to people's desire for street trees. Some people were concerned that the main street would not accommodate cars, while others were concerned that there was too much car access and thought the street should focus more on pedestrians and bicycles.

Figure 12: Main Street responses

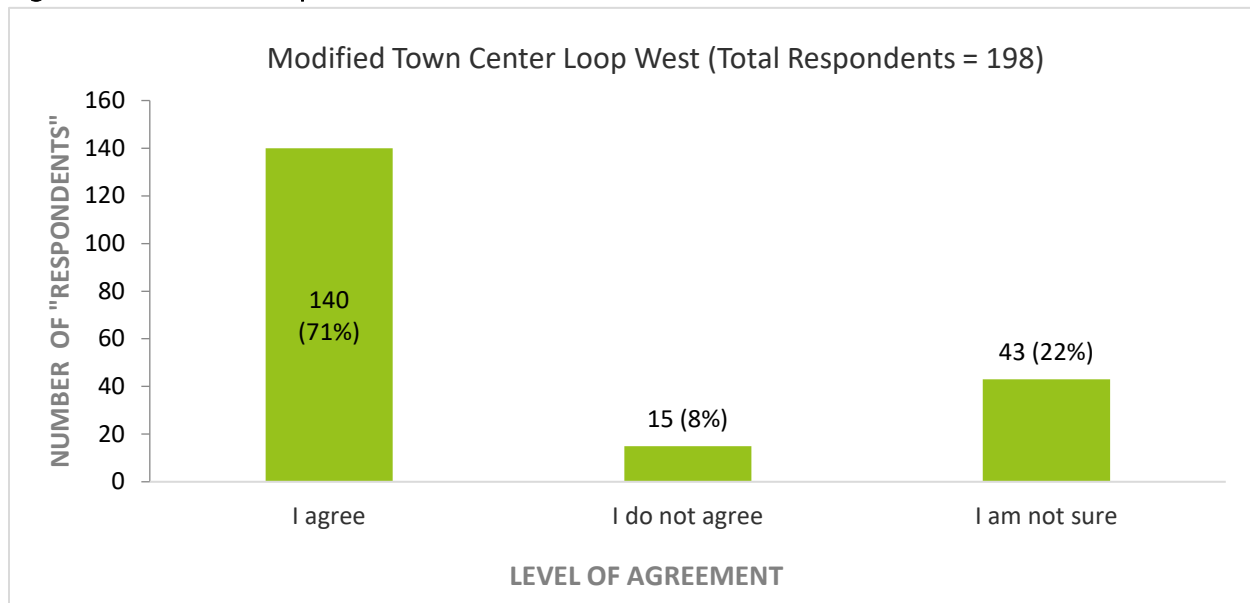


Modified Town Center Loop West

The survey described the community's ideas about relocating Town Center Loop West to increase development potential in the western portion of Town Center. Town Center Loop West would still provide north/south connectivity for all modes of travel, although traffic circulation would be distributed more evenly between Town Center Loop West, Parkway Avenue, and Town Center Loop East helping ease congestion issues at the Wilsonville Road and Town Center Loop West intersection.

Figure 13 below shows the number of respondents who replied, "I agree," "I do not agree," or "I am not sure" that relocating Town Center Loop West was a good direction for Town Center. Out of 198 respondents who answered this question, a majority (140 respondents) agreed with the concept. Respondents could also provide an explanation (open-ended answer) on why they chose to agree, disagree or were not sure. The comments indicated there was some confusion about the modified loop and included concerns about congestion.

Figure 13: Modified Loop West



Draft Community Design Concept

The survey included a final opportunity to comment on the Draft Community Design Concept for Town Center and included a map that combined the three building blocks (land use, parks and open space system and multimodal street network). Respondents were invited to provide open-ended comments about the Draft Concept.

The word cloud on page 13 (Figure 14) is a pictorial representation of the themes that emerged from all the open-ended responses. Word clouds are graphics that display words in sizes that are proportionate to the number of times the word appeared in the open-ended responses (i.e. the more frequently a word was used by respondents, the larger it is in the word cloud).

Figure 14: Word Cloud showing comments on the Draft Concept map



Seventy-three survey respondents commented on the Draft Concept map. Out of 73 respondents, 40% (30 comments) of the comments were supportive of the Draft Concept. Other comments were a mix of suggestions for specific amenities, questions and comments about timing and cost. Concerns were primarily related to the potential for increased traffic, increased parking needs created by adding residential, and tall buildings creating a big city feel. The 5 most frequently mentioned words include: traffic (276), businesses (213), parking (244), buildings (186) and development (130). A summary of all open-ended responses can be found in Appendix A.

Demographics

Survey respondents were invited to participate in an optional section of the survey in which they could share their demographic information. This information helps the project team understand who within the Wilsonville community has provided input relative to the Wilsonville population.

Figure 15: Identification with Town Center

(Total responses= 452, respondents could select all answers that applied)

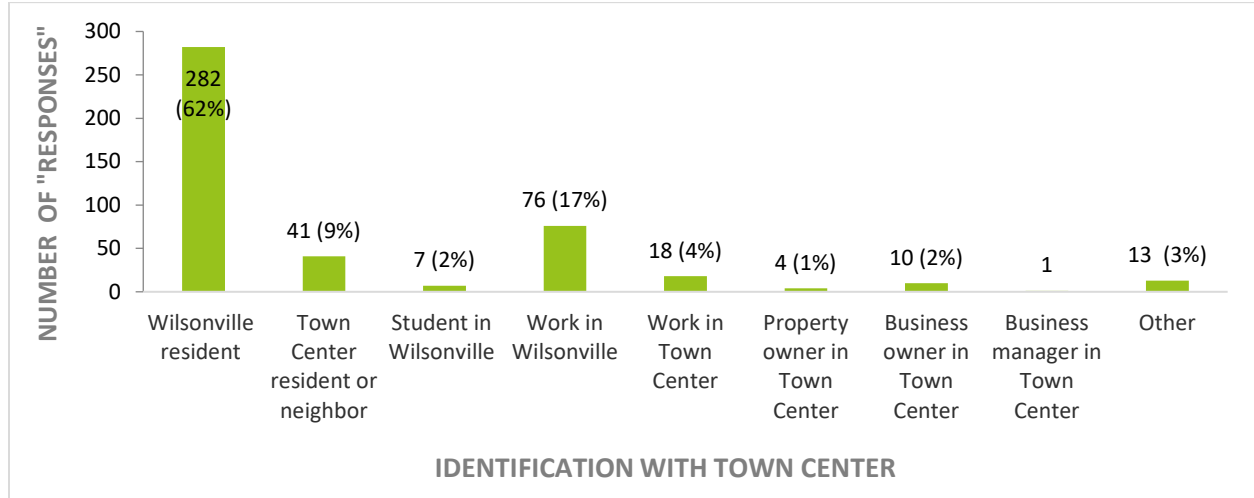


Figure 16: Age of Respondents (Total respondents = 201)

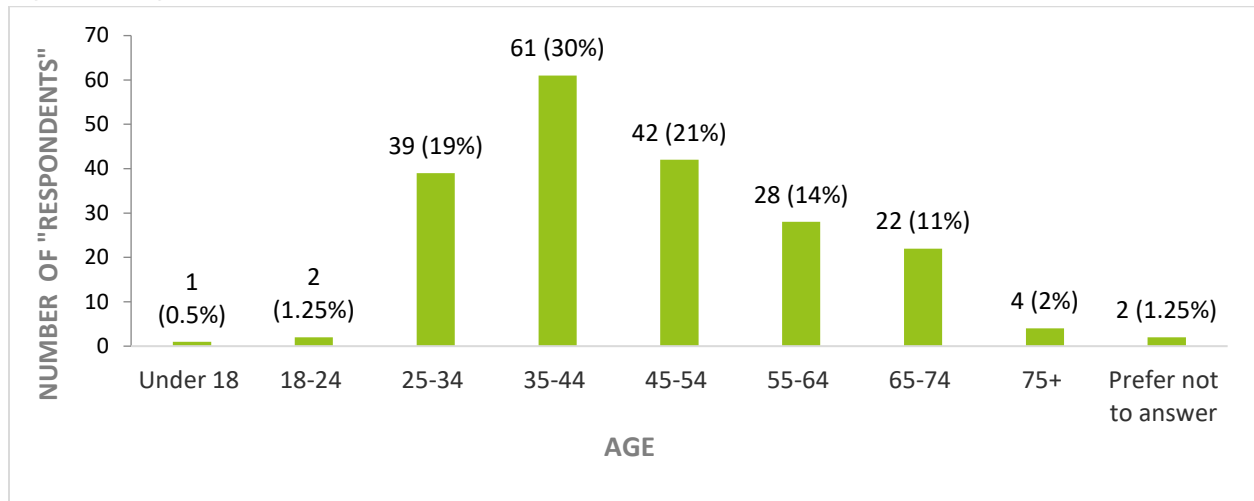
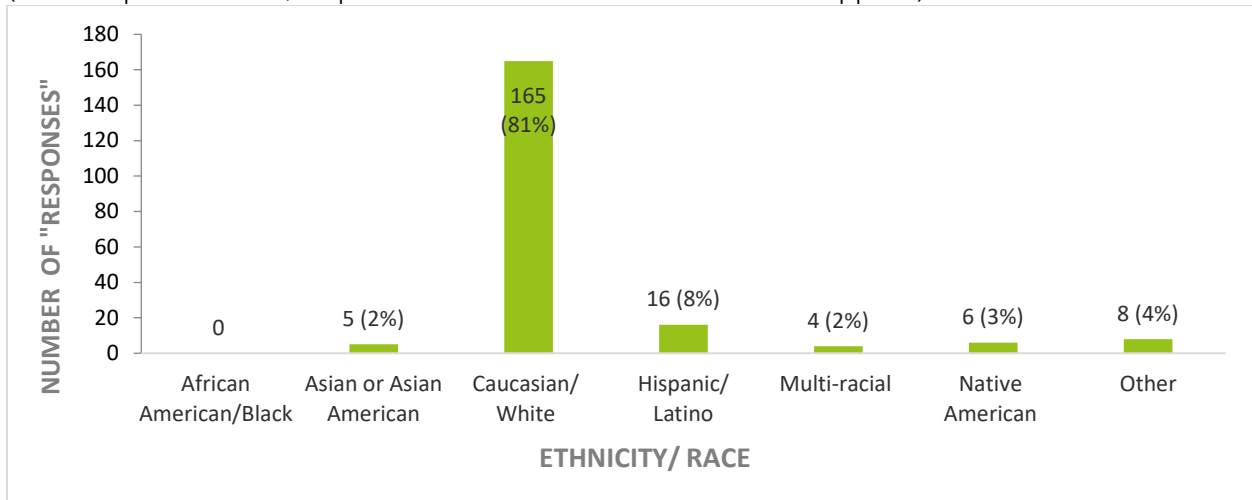


Figure 17: Ethnicity or Race

(Total responses= 204, respondents could select all answers that applied)



Survey respondents self-identified their race/ethnicity in similar proportions to the broader Wilsonville population. However, among survey respondents, there was slightly less representation from people who selected multiple races/ethnicities than the overall Wilsonville population.

Racial Demographics across Local Geographies

Race	Survey Respondents	Wilsonville	Oregon
White	81%	85%	83%
African American	0	<1%	2%
American Indian/Alaska Native	3%	1%	1%
Asian	2%	4%	4%
Multiracial	2%	4%	4%
Other	4%	5%	6%
Hispanic or Latino	8%	12%	12%

Figure 18: Gender (Total responses= 202, respondents could select all answers that applied)

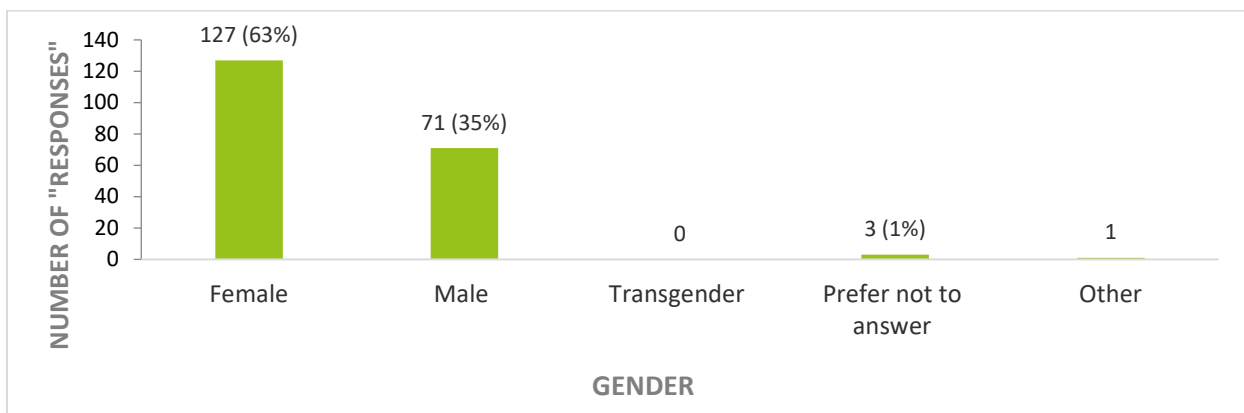
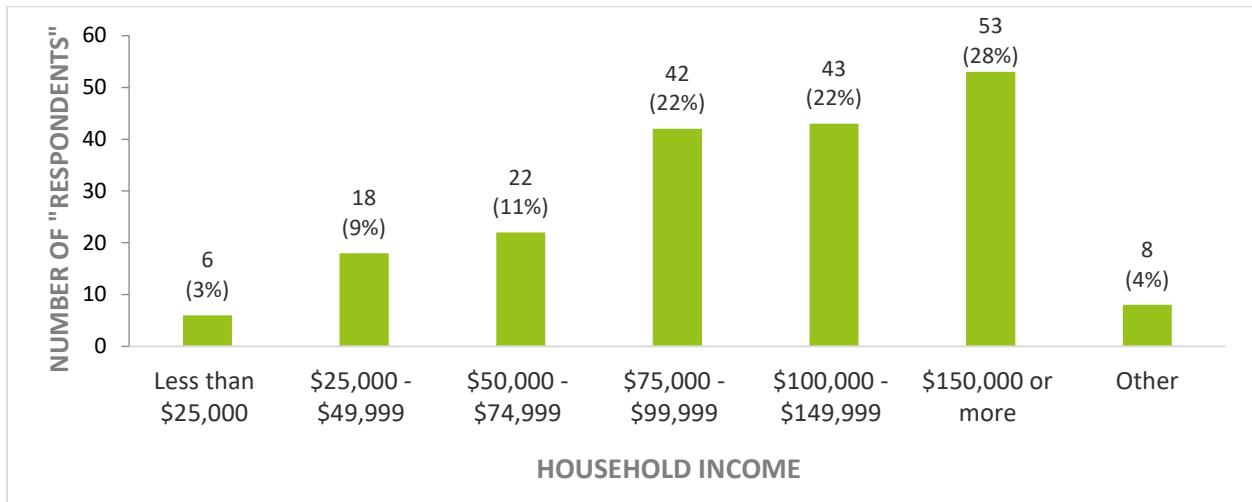


Figure 19: Household Income (Total respondents = 192)



Key Economic Indicators across Local Geographies

Income	Survey Respondents	Wilsonville	Oregon
Median Household Income		\$56,181	\$52,196
Incomes above \$150k	28%	10.1%	8.1%
Incomes below \$25k	3%	19.7%	23.1%

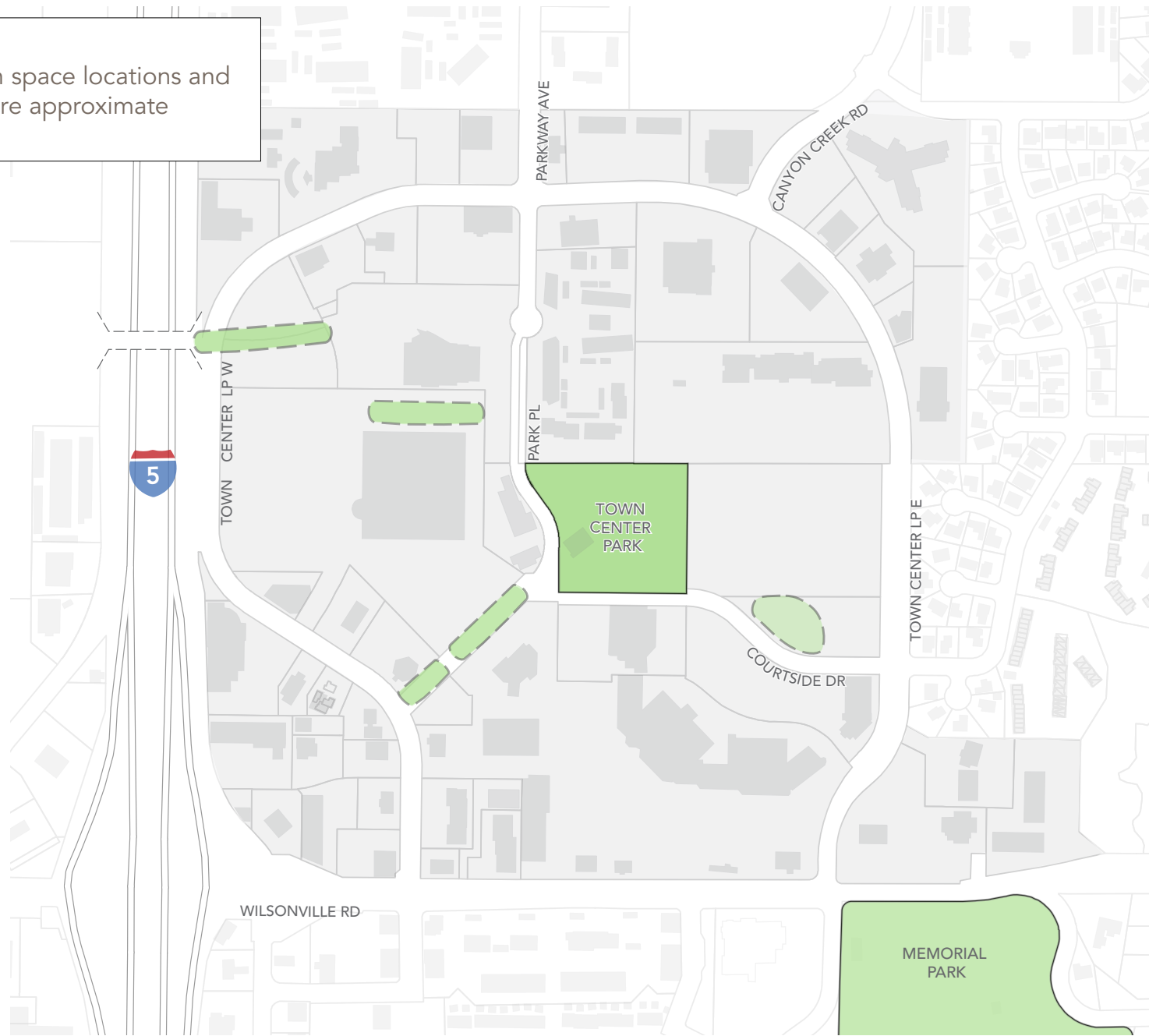
Survey respondents tended to be higher income. The median household income in Wilsonville is \$56,181. Ten percent of Wilsonville residents have incomes higher than \$150,000, compared to 28% of survey respondents who have incomes higher than \$150,000.



EXISTING CONDITIONS

City of Wilsonville Town Center Plan

*Open space locations and sizes are approximate



LEGEND

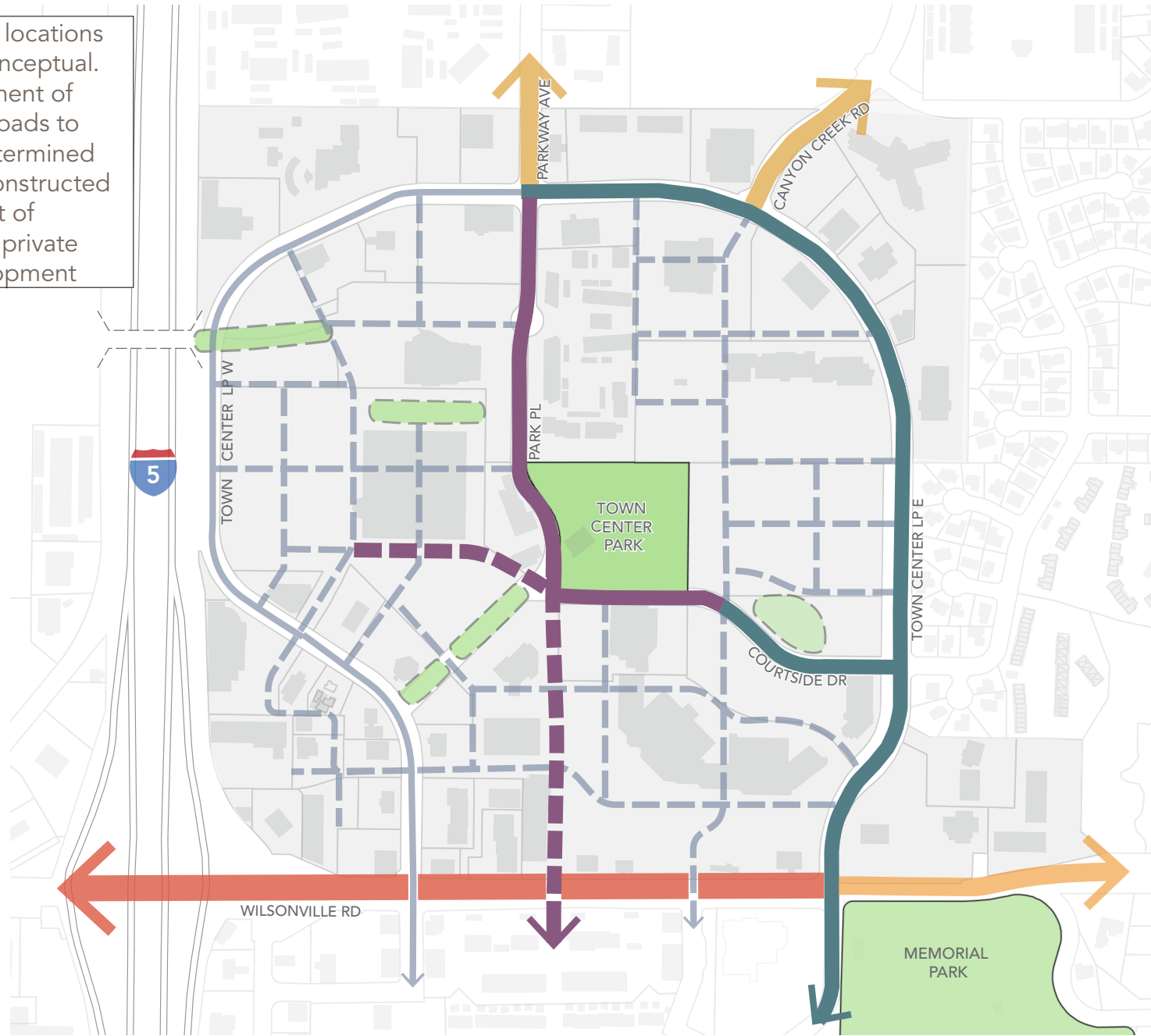
- Building Footprint
- Parcel
- Highway
- Proposed Pedestrian Bridge
- OPEN SPACE NETWORK**
- Existing Open Space
- Proposed Open Space



CONCEPTUAL OPEN SPACE NETWORK

City of Wilsonville Town Center Plan

*Road locations are conceptual. Alignment of local roads to be determined and constructed as part of future private development



LEGEND

- Building Footprint
- Parcel
- Highway
- Proposed Pedestrian Bridge
- Existing Street
- Conceptual Street Locations

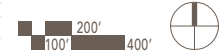
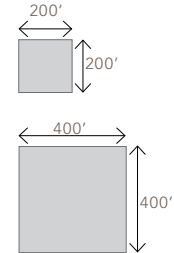
OPEN SPACE NETWORK

- Existing Open Space
- Proposed Open Space

STREET HIERARCHY*

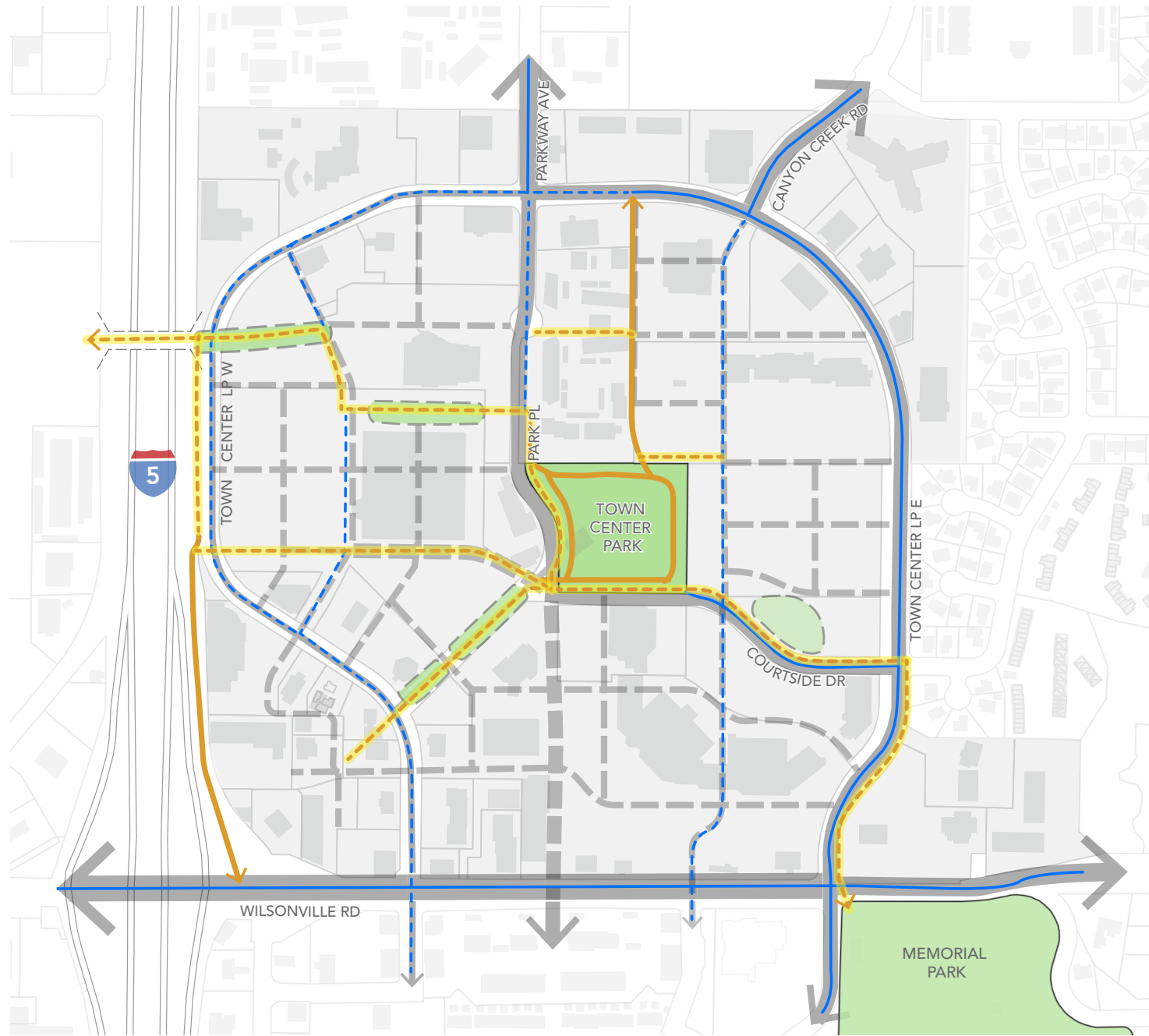
- Local
- Main Street
- Collector
- Minor Arterial
- Major Arterial

BLOCK SIZE



PROPOSED STREET NETWORK

City of Wilsonville Town Center Plan



LEGEND

- Building Footprint
- Parcel
- Highway
- Proposed Pedestrian Bridge
- Conceptual Street Network

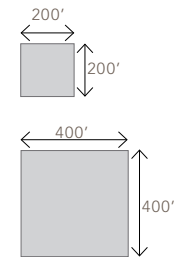
OPEN SPACE NETWORK

- Existing Open Space
- Proposed Open Space

PEDESTRIAN/BIKE SYSTEM

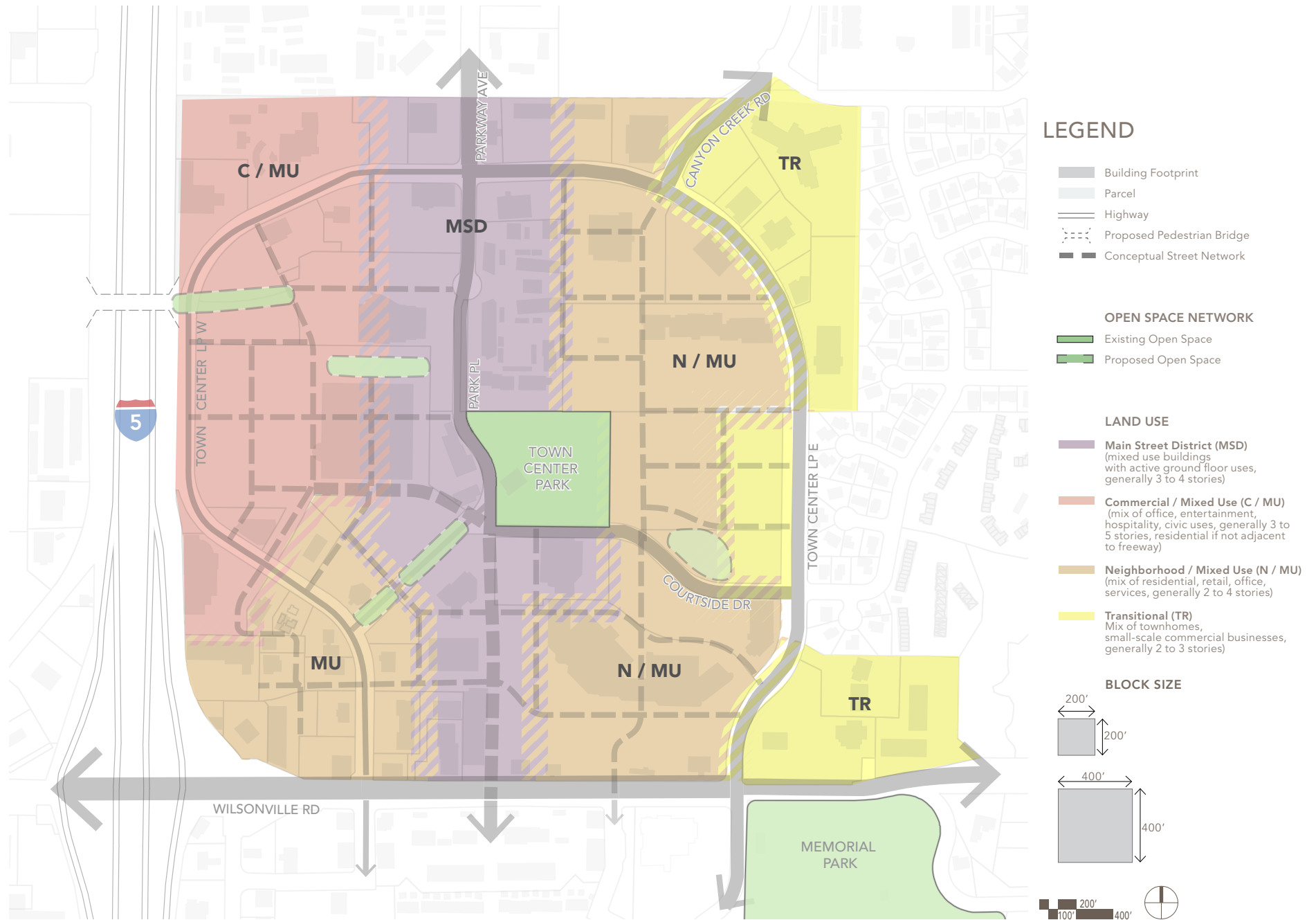
- Existing Multi-use Path
- Proposed Multi-use Path
- Existing On-Street Bike Facility
- Proposed On-Street Bike Facility

BLOCK SIZE



PROPOSED MULTI-MODAL NETWORK

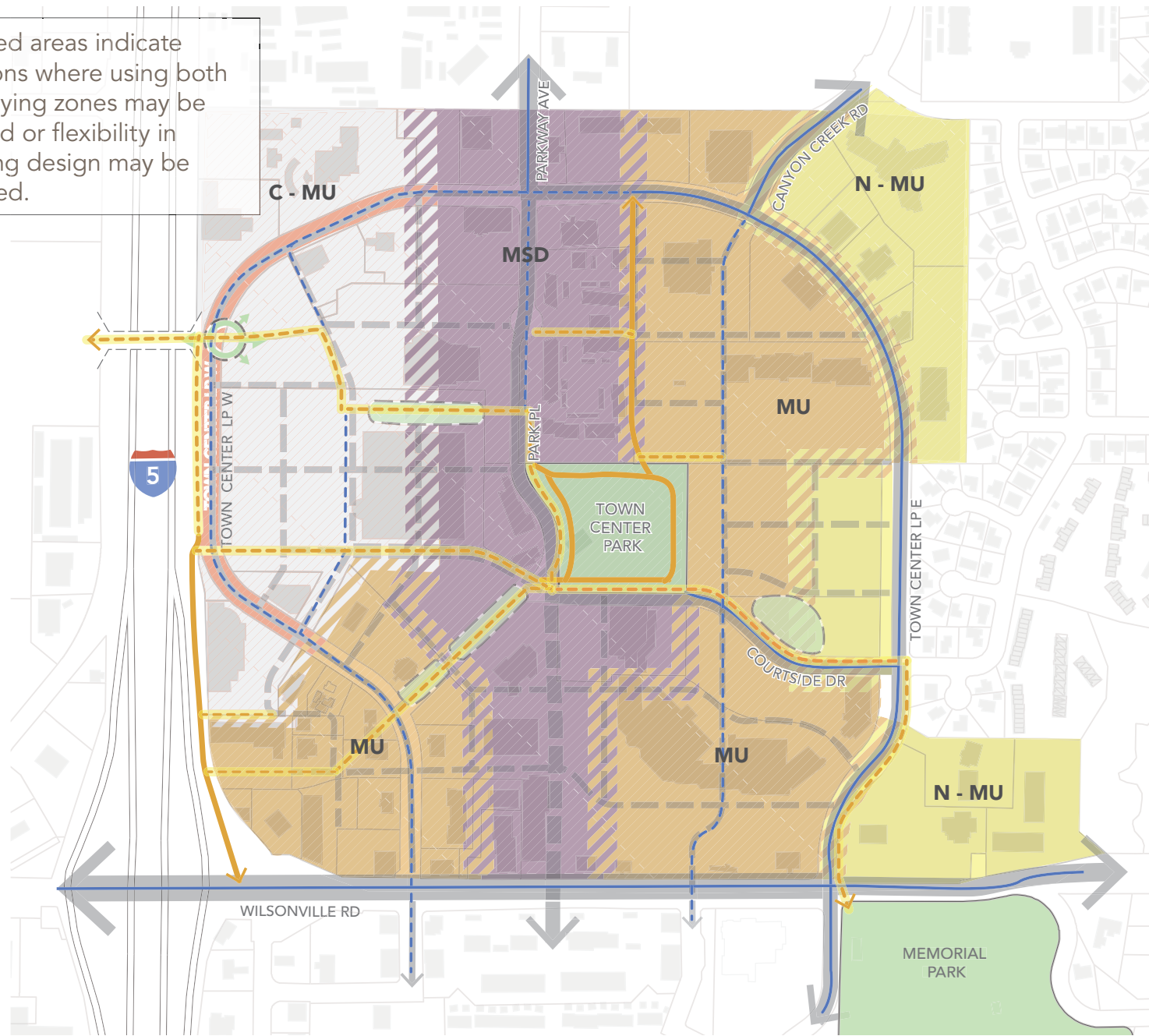
City of Wilsonville Town Center Plan



PROPOSED LAND USE

City of Wilsonville Town Center Plan

Hatched areas indicate locations where using both underlying zones may be allowed or flexibility in building design may be required.



LEGEND

- Building Footprint
 - Parcel
 - Highway
 - Proposed Pedestrian Bridge
 - Proposed Street Network
- OPEN SPACE NETWORK**
- Existing Open Space
 - Proposed Open Space
 - Proposed Gateway/Landing
- PEDESTRIAN/BIKE SYSTEM**
- Existing Multi-use Path
 - Proposed Multi-use Path
 - Existing On-Street Bike Facility
 - Proposed On-Street Bike Facility
- LAND USE**
- Main Street District (MSD)**
(mixed use buildings with active ground floor uses, generally 3 to 4 stories)
 - Commercial - Mixed Use (C - MU)**
(mix of office, entertainment, hospitality, civic uses, generally 3 to 5 stories, residential if not adjacent to freeway)
 - Mixed Use (MU)**
(mix of residential, retail, office, services, generally 2 to 4 stories)
 - Neighborhood - Mixed Use (N-MU)**
Mix of townhomes, small-scale commercial businesses, generally 2 to 3 stories)
- BLOCK SIZE**
-
- 200' 200' 400' 400'
-
- 100' 200' 400'

PROPOSED PLAN

City of Wilsonville Town Center Plan



PROPOSED STREET SECTION LOCATIONS

City of Wilsonville Town Center Plan

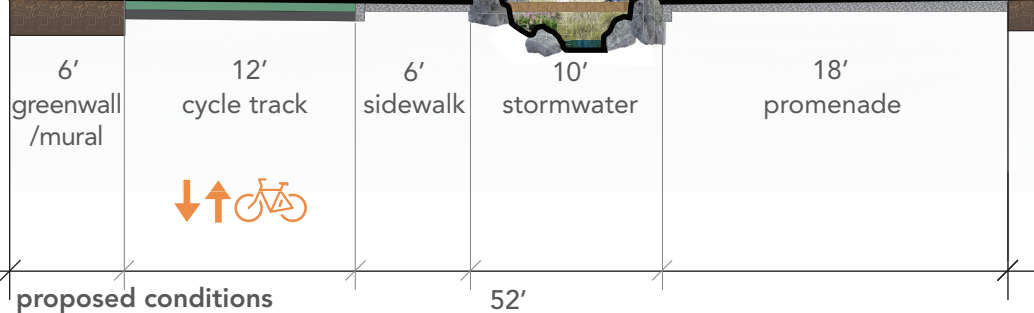


1" = 10'

PROMENADE (PROPOSED) (LOOKING EAST)

existing theater

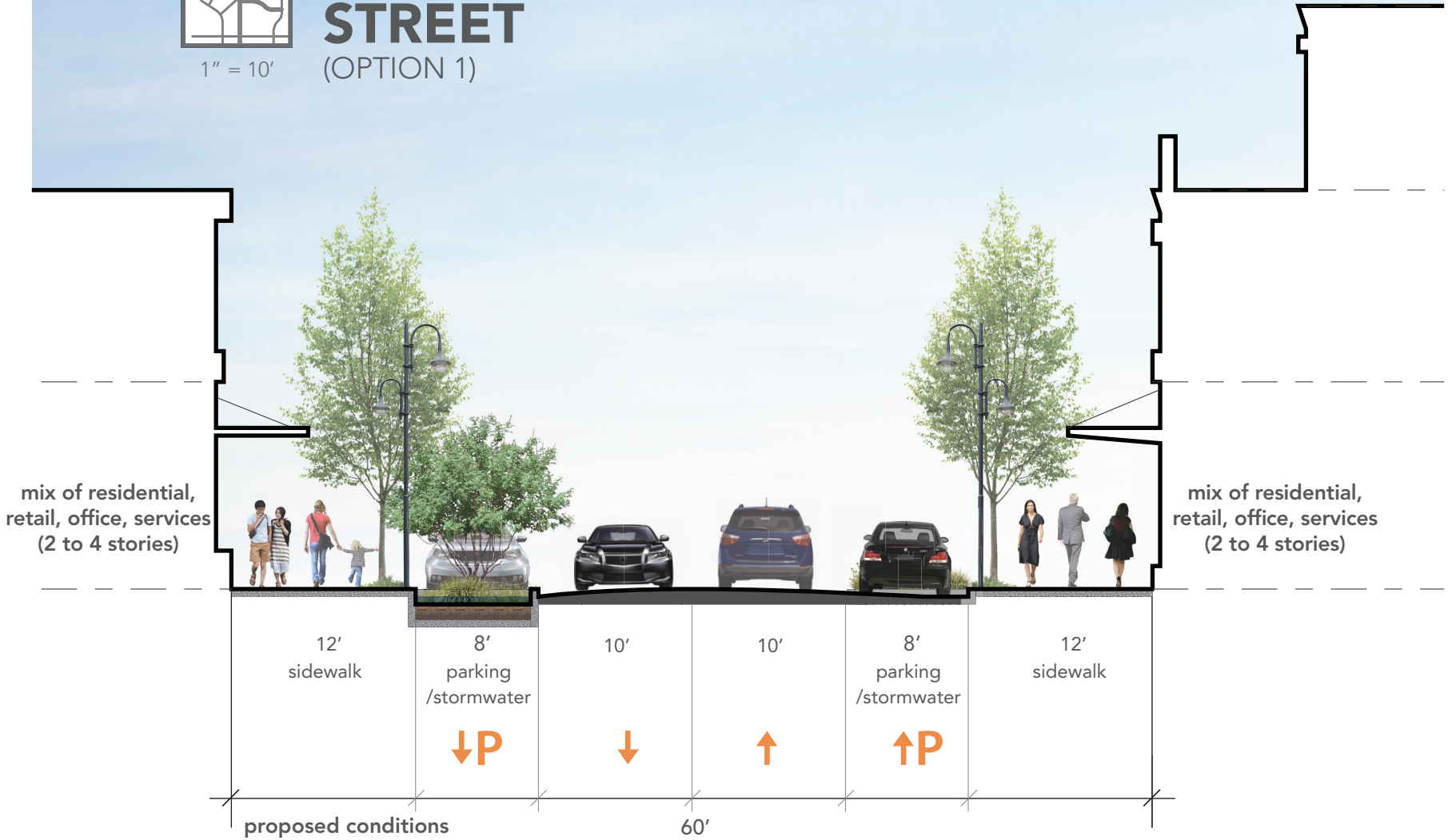
mix of office, entertainment, hospitality, residential and civic uses (3 to 5 stories)





LOCAL STREET (OPTION 1)

1" = 10'



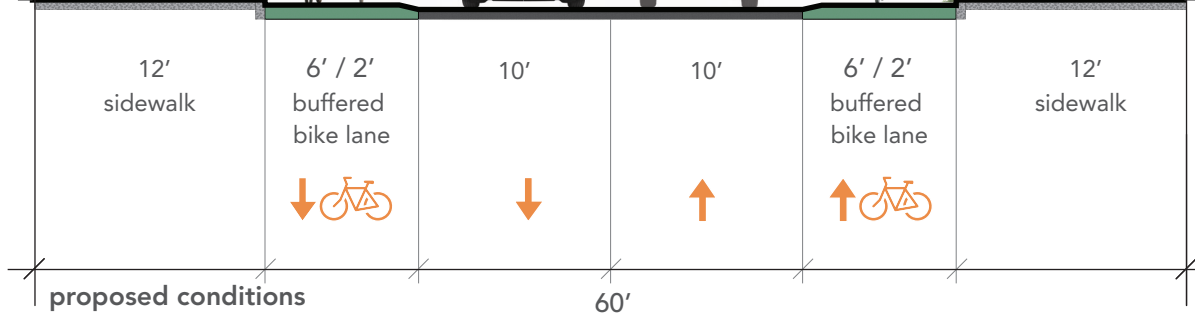


1" = 10'

LOCAL STREET (OPTION 2)

mix of residential,
retail, office, services
(2 to 4 stories)

mix of residential,
retail, office, services
(2 to 4 stories)





LOCAL STREET (OPTION 3)

1" = 10'

parking alternates sides to reduce speed and create space for variations in pedestrian amenities

mix of residential, retail, office, services (2 to 4 stories)

mix of residential, retail, office, services (2 to 4 stories)



12'
sidewalk

8'
parking
/stormwater

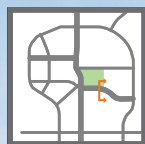
20'
Woonerf style
shared roadway

14'
sidewalk



proposed conditions

54'



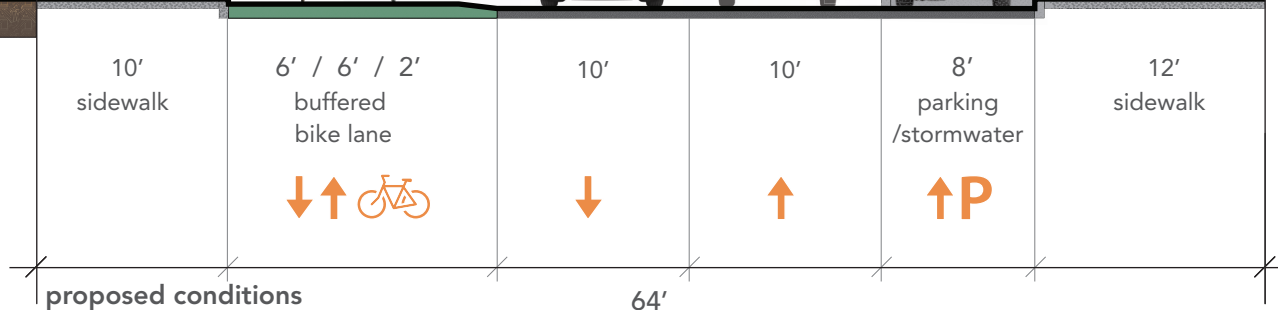
1" = 10'

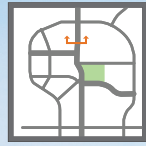
SW COURTSIDE DRIVE TYPICAL

(LOOKING EAST)

Town Center Park

mixed-use building with active ground floor uses (3 to 4 stories)





1" = 10'

PARK PLACE

(LOOKING NORTH)

mixed-use building with active ground floor uses (3-4 stories)

optional setback 20' max.



private

12' sidewalk

8' buffered bike lane

10'

10'

8' buffered bike lane

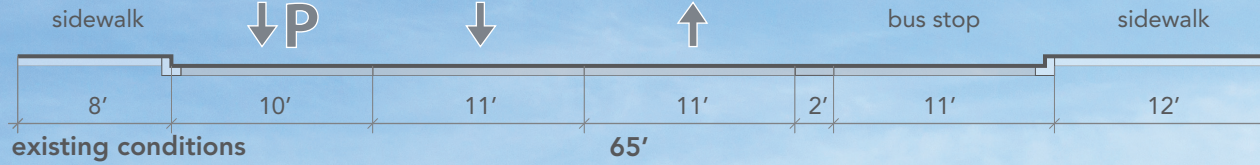
12' sidewalk

existing apartments



proposed conditions

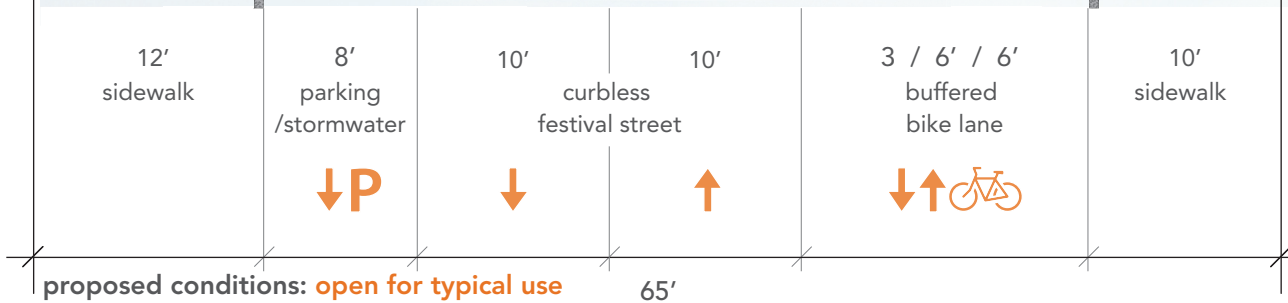
60'



1" = 10'

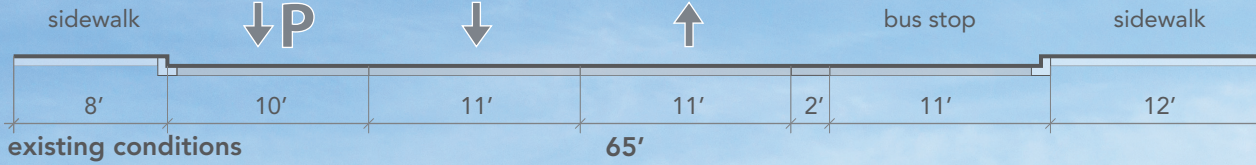
PARK PLACE AT TOWN CENTER PARK

(LOOKING NORTH)



proposed conditions: open for typical use

65'



1" = 10'

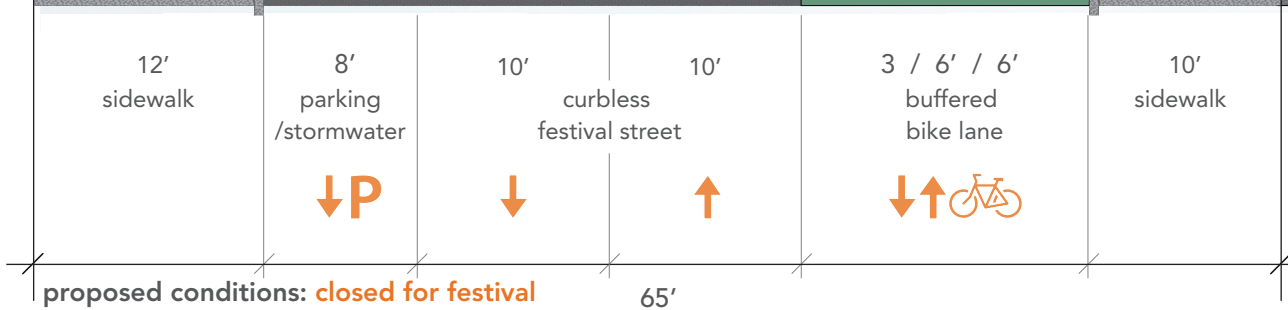
PARK PLACE AT TOWN CENTER PARK

(LOOKING NORTH)

mixed-use building with active ground floor uses (3 to 4 stories)



Town Center Park parking area



proposed conditions: closed for festival



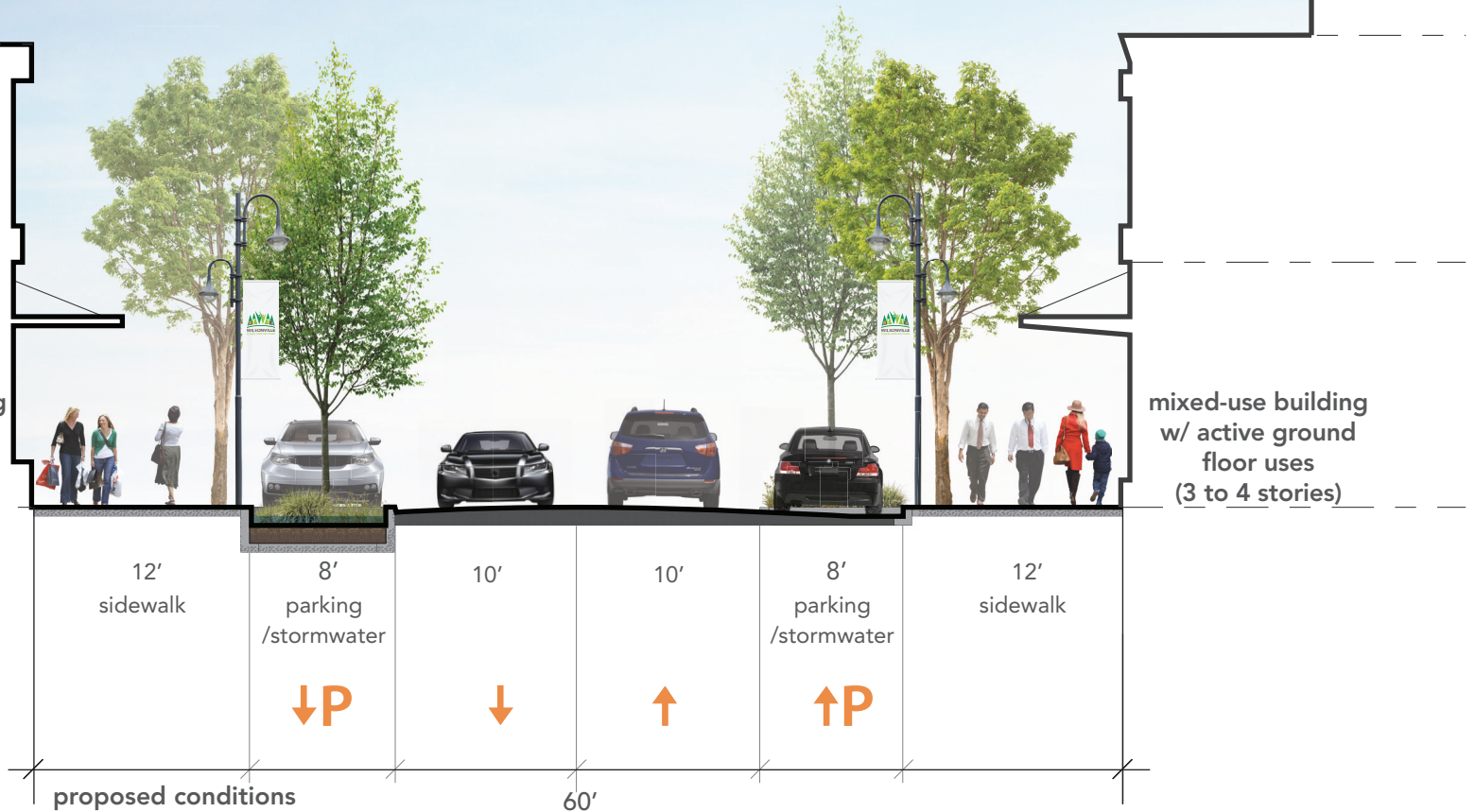
1" = 10'

PARK PLACE EXTENSION

(LOOKING NORTH)

mixed-use building
w/ active ground
floor uses
(3 to 4 stories)

mixed-use building
w/ active ground
floor uses
(3 to 4 stories)



Reaffirmation of Sister City Relationship

姉妹都市交流関係再確認書

Wilsonville, Oregon USA and Kitakata, Fukushima, Japan
アメリカ合衆国オレゴン州ウィルソンビル市と日本国福島県喜多方市

In October 1988, the cities of Wilsonville and Kitakata established a sister-city relationship "in order to deepen the understanding and friendship between the two cities through programs in such fields as education, culture and economy."

Over the past 30 years, intercultural exchanges between civic leaders, community members and students have facilitated greater appreciation, strong connections and many friendships between our cities.

As we commemorate the 30th anniversary, we reaffirm our shared commitment to continue to support, and promote this sister-city relationship.

Signed on the 20th day of August, 2018

Tim Knapp Mayor, City of Wilsonville

ウィルソンビル市長 ティム ナップ

Bev Schalk President, WSCA

ウィルソンビル姉妹都市協会 会長 ベブ シャーク

1988年10月、ウィルソンビル市と喜多方市は、教育、文化、経済の分野での交流事業を通じて、両市の理解と友好を深めるため、姉妹都市関係を結びました。

過去30年にわたり、両市関係者、地域社会の方々、学生たちによる異文化交流は、双方のより深い理解と強い絆、そして固い友好関係を促進してきました。

姉妹都市締結30周年を記念して、我々は今後も継続的な支援と両市のさらなる友好関係促進のため共同の誓約を再確認いたします。

2018年8月20日署名

Chuichi Endo Mayor, Kitakata City

喜多方市長 遠藤 忠一

Koichiro Karahashi President, AKIA

会津喜多方国際交流協会 会長 唐橋 幸市郎

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2018

Items known as of 08/15/18

August

DATE	DAY	TIME	EVENT	LOCATION
8/22	Wednesday	6:30 p.m.	Library Board Meeting	Library
8/27	Monday	6:30 p.m.	DRB Panel B	Council Chambers

September

DATE	DAY	TIME	EVENT	LOCATION
9/6	Thursday	7:00 p.m.	City Council Meeting	Council Chambers
9/10	Monday	6:30 p.m.	DRB Panel A	Council Chambers
9/12	Wednesday	1:00 p.m.	Wilsonville Community Seniors, Inc. Advisory Board	Community Center
9/12	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
9/17	Monday	7:00 p.m.	City Council Meeting	Council Chambers
9/24	Monday	6:30 p.m.	DRB Panel B	Council Chambers
9/26	Wednesday	6:30 p.m.	Library Board Meeting	Library

Community Events:

- 8/22** Community Block Party, 5:00 p.m. - 8:00 p.m. at Town Center Park
- 8/23** Wilsonville Farmers Market, 4:00 p.m. - 8:00 p.m., at Sofia Park
- 8/24** Movies in the Park, lawn opens at 8:15 p.m. at Memorial Park
- 8/28** History Pub, 6:30 p.m. - 8:00 p.m. at Wilsonville McMenamins' Old Church
- 8/30** Wilsonville Farmers Market, 4:00 p.m. - 8:00 p.m., at Sofia Park
- 9/3** City offices closed in observance of Labor Day.
- 9/5** SMART Walk at Lunch, noon - 12:30 p.m. at Edge Family Fitness
- 9/6** Wilsonville Farmers Market, 4:00 p.m. - 8:00 p.m., at Sofia Park
- 9/12** SMART Walk at Lunch, noon - 12:30 p.m. at Mentor Graphics
- 9/13** Wilsonville Farmers Market, 4:00 p.m. - 8:00 p.m., at Sofia Park
- 9/15** Metro Hazardous Waste Collection Day, 9:00 a.m. - 2:00 p.m. at Wilsonville City Hall
- 9/19** SMART Walk at Lunch, noon - 12:30 p.m. at Noodles and Company
- 9/26** SMART Walk at Lunch, noon - 12:30 p.m. at Prographics Services Inc.

All dates and times are tentative; check the City's online calendar for schedule changes at www.ci.wilsonville.or.us.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: August 20, 2018		Subject: Resolution No. 2705 Authorizing the City Manager to Execute the Professional Services Agreement with Kittelson and Associates, Inc. for Design and Construction Engineering Services for the 2018 Street Maintenance of Wilsonville Road and Boones Ferry Road (CIP #4014/4118). Staff Member: Dominique Huffman, P.E., Civil Engineer Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends that Council adopt the Consent Agenda.			
Recommended Language for Motion: I move to approve the Consent Agenda.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities Well-maintained Infrastructure	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Council to consider whether to approve the Professional Services Agreement with Kittelson and Associates, Inc. for \$185,415. Work includes Design and Construction Engineering Services for the 2018 Street Maintenance of Wilsonville Road and Boones Ferry Road (CIP #4014/4118).

EXECUTIVE SUMMARY:

Community Development Department Staff selected a qualified consulting firm, Kittelson and Associates, Inc. to design the street maintenance and pedestrian improvements as part of the 2018 Street Maintenance project. Kittelson and Associates, Inc. was selected from the Request for Proposals process in accordance with City and State procurement requirements for professional services over \$100,000. Kittelson and Associates, Inc. was the only responsive bidder.

Kittelson and Associates, Inc. will be responsible for delivering documents that can be used to bid the construction phase of this work and will provide engineering services for the construction of pavement rehabilitation and pedestrian improvements. The consultant scope of work is included with the Professional Services Agreement (Exhibit A to Resolution No. 2705).

Essential services to be provided by Kittelson and Associates, Inc. include the following:

- Final Design, Specifications and Contract Document for the street maintenance project
- Supporting surveying
- Pavement analysis to investigate and test pavement conditions
- ADA field assessment and reporting
- Bid Support for advertising the Construction Contract
- Construction Phase Support Services

The 2018 Street Maintenance project is part of the Annual Street Maintenance program and is identified in the adopted budget for FY 18/19). The Annual Street Maintenance program funds the planning, design and construction of needed street rehabilitation projects for the City’s streets. The 2018 Street Maintenance project focuses on two main roadways:

- Wilsonville Road - from Willamette Way West to Kinsman Road (approximately 1 mile)
- Boones Ferry Road - from Wilsonville Road to Boeckman Road (approximately 1 mile)

EXPECTED RESULTS:

Rehabilitation of Wilsonville Road and Boones Ferry Road will improve the smoothness of the roadway surfaces for drivers and will extend the serviceable life of these facilities. Pedestrian improvements on Wilsonville Road including curb ramp replacements and adjustments to pedestrian signals will improve the accessibility of City facilities.

TIMELINE:

Fall/Winter 2018: Design and Contract Documents
Winter/Spring 2019: Advertise/Award construction contract
Spring/Summer 2019: Construct street maintenance project

CURRENT YEAR BUDGET IMPACTS:

This work is budgeted for Fiscal Year 18/19 at \$2,397,000 for street maintenance (CIP #4014) and \$227,000 for signal improvements (CIP #4118). The Professional Services Agreement with

Kittelson and Associates includes \$185,415 for design and construction management of the project, which is within the authorized budget amount.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 8/13/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 8/13/2018

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Completion of this project will positively impact residents and commuters who travel on our roadways. Additionally the pedestrian improvements will increase the accessibility of Wilsonville Road for users of all abilities.

ALTERNATIVES:

The design consultant, as part of the scope of work, will evaluate the structural condition of the roadway, assess and recommend rehabilitation methods to most effectively restore strength and smoothness to the roadway pavement while minimizing temporary construction impacts to roadway users.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 2705

RESOLUTION NO. 2705

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KITTELSON & ASSOCIATES, INC. FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE 2018 STREET MAINTENANCE OF WILSONVILLE ROAD AND BOONES FERRY ROAD (CAPITAL IMPROVEMENT PROJECT #4104 AND #4118).

WHEREAS, the City of Wilsonville (“City”) has planned and budgeted for annual street maintenance and associated pedestrian signal upgrades under CIP #4014 - Street Maintenance and CIP #4118 - Signal Improvements (“Projects”); and

WHEREAS, the City solicited Requests for Proposals (RFP) from qualified consulting firms in compliance with the City of Wilsonville Municipal Code and Oregon public contracting laws to assist the City with the foregoing Projects; and

WHEREAS, Kittelson & Associates, Inc. was the only responsive proposer and, after an internal review by a City selection committee, was selected as the most qualified consultant; and

WHEREAS, the Professional Services Agreement documents the consultant will be paid on a time and materials basis not to exceed ONE HUNDRED EIGHTY-FIVE THOUSAND FOUR HUNDRED FIFTEEN DOLLARS (\$185,415).

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

1. The procurement process for the Projects duly followed Oregon public contracting laws and the Wilsonville Municipal Code.
2. City Council authorizes the City Manager to execute a Professional Services Agreement in the amount of ONE HUNDRED EIGHTY-FIVE THOUSAND FOUR HUNDRED FIFTEEN DOLLARS (\$185,415) in substantially similar form to **Exhibit A** attached hereto.
2. This Resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of August 2018, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachments:

Exhibit A – PSA 2018 Street Maintenance (4104 & 4118)

**CITY OF WILSONVILLE
PROFESSIONAL SERVICES AGREEMENT
2018 STREET MAINTENANCE (#4014/#4118)**

This Professional Services Agreement (“Agreement”) is made and entered into on this ___ day of August 2018 (“Effective Date”) by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (hereinafter referred to as the “City”), and **Kittelson & Associates, Inc.** a(n) Oregon corporation (hereinafter referred to as “Consultant”).

RECITALS

WHEREAS, the City requires services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Consultant represents that Consultant is qualified to perform the services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such services as the City does hereinafter require.

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

Section 1. Term

The term of this Agreement shall be from the Effective Date until all services required to be performed hereunder (“Services”) are completed and accepted, or no later than June 30, 2019, whichever occurs first, unless earlier terminated in accordance herewith or an extension of time is agreed to, in writing, by the City.

Section 2. Consultant’s Services

2.1. Consultant shall diligently perform the engineering services according to the requirements identified in the Scope of Services, attached hereto as **Exhibit A** and incorporated by reference herein, for the 2018 Street Maintenance Project (“Project”).

2.2. All written documents, drawings, and plans submitted by Consultant in conjunction with the Services shall bear the signature, stamp, or initials of Consultant’s authorized Project Manager. Any documents submitted by Consultant which do not bear the signature, stamp, or initials of Consultant’s authorized Project Manager, will not be relied upon by the City. Interpretation of plans and answers to questions regarding the Services or Scope of Services given by Consultant’s Project Manager may be verbal or in writing, and may be relied upon by the City, whether given verbally or in writing. If requested by the City to be in writing, Consultant’s Project Manager will provide such written documentation.

2.3. Consultant will not be deemed to be in default by reason of delays in performance due to reasons beyond Consultant's reasonable control, including but not limited to strikes, lockouts, severe acts of nature, or other unavoidable delays or acts of third parties not under Consultant's direction and control ("Force Majeure"). In the case of the happening of any Force Majeure event, the time for completion of the Services will be extended accordingly and proportionately by the City, in writing. Lack of labor, supplies, materials, or the cost of any of the foregoing shall not be deemed a Force Majeure event.

2.4. The existence of this Agreement between the City and Consultant shall not be construed as the City's promise or assurance that Consultant will be retained for future services beyond the Scope of Services described herein.

2.5. Consultant shall maintain the confidentiality of any confidential information that is exempt from disclosure under state or federal law to which Consultant may have access by reason of this Agreement. Consultant warrants that Consultant's employees assigned to work on the Services provided in this Agreement shall be clearly instructed to maintain this confidentiality. All agreements with respect to confidentiality shall survive the termination or expiration of this Agreement.

Section 3. Compensation

3.1. Except as otherwise set forth in this **Section 3**, the City agrees to pay Consultant on a time and materials basis, guaranteed not to exceed ONE HUNDRED EIGHTY-FIVE THOUSAND FOUR HUNDRED FIFTEEN DOLLARS (\$185,415) for performance of the Services ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require an express written Addendum to be executed between the City and Consultant.

3.2. During the course of Consultant's performance, if the City, through its Project Manager, specifically requests Consultant to provide additional services that are beyond the Scope of Services described on **Exhibit A**, a written Addendum to this Agreement must be executed in compliance with the provisions of **Section 15**.

3.3. Except for amounts withheld by the City pursuant to this Agreement, Consultant will be paid for Services for which an itemized invoice is received by the City within thirty (30) days of receipt, unless the City disputes such invoice. In that instance, the undisputed portion of the invoice will be paid by the City within the above timeframe. The City will set forth its reasons for the disputed claim amount and make good faith efforts to resolve the invoice dispute with Consultant as promptly as is reasonably possible.

3.4. Consultant's Compensation Amount is all inclusive and includes, but is not limited to, all work-related costs, expenses, salaries or wages, plus fringe benefits and contributions, including payroll taxes, workers compensation insurance, liability insurance, profit, pension benefits and similar contributions and benefits, technology and/or software charges, licensing, trademark, and/or copyright costs, office expenses, travel expenses, mileage, and all other indirect and overhead charges.

Section 4. City's Rights and Responsibilities

4.1. The City will designate a Project Manager to facilitate day-to-day communication between Consultant and the City, including timely receipt and processing of invoices, requests for information, and general coordination of City staff to support the Project.

Section 5. City's Project Manager

The City's Project Manager is Dominique Huffman. The City shall give Consultant prompt written notice of any re-designation of its Project Manager.

Section 6. Consultant's Project Manager

Consultant's Project Manager is Jeff Whitman. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such re-designation. Recognizing the need for consistency and knowledge in the administration of the Project, Consultant's Project Manager will not be changed without the written consent of the City, which consent shall not be unreasonably withheld. In the event the City receives any communication from Consultant that is not from Consultant's designated Project Manager, the City may request verification by Consultant's Project Manager, which verification must be promptly furnished.

Section 7. Project Information

Except for confidential information designated by the City as information not to be shared, Consultant agrees to share Project information with, and to fully cooperate with, those corporations, firms, contractors, public utilities, governmental entities, and persons involved in or associated with the Project. No information, news, or press releases related to the Project, whether made to representatives of newspapers, magazines, or television and radio stations, shall be made without the written authorization of the City's Project Manager.

Section 8. Duty to Inform

If at any time during the performance of this Agreement or any future phase of this Agreement for which Consultant has been retained, Consultant becomes aware of actual or potential problems, faults, or defects in the Project or Scope of Services, or any portion thereof; or of any nonconformance with federal, state, or local laws, rules, or regulations; or if Consultant has any objection to any decision or order made by the City with respect to such laws, rules, or regulations, Consultant shall give prompt written notice thereof to the City's Project Manager. Any delay or failure on the part of the City to provide a written response to Consultant shall neither constitute agreement with nor acquiescence to Consultant's statement or claim, nor constitute a waiver of any of the City's rights.

Section 9. Subcontractors and Assignments

9.1. Unless expressly authorized in **Exhibit A** or **Section 10** of this Agreement, Consultant shall not subcontract with others for any of the Services prescribed herein. Consultant shall not assign any of Consultant's rights acquired hereunder without obtaining prior written approval from the City, which approval may be granted or denied in the City's sole discretion. Some Services may be performed by persons other than Consultant, provided Consultant advises the City of the names of such subcontractors and the work which they intend to perform, and the City specifically agrees in writing to such subcontracting. Consultant acknowledges such work will be provided to the City pursuant to a subcontract(s) between Consultant and subcontractor(s) and no privity of contract exists between the City and the subcontractor(s). Unless otherwise specifically provided by this Agreement, the City incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any attempted assignment of this Agreement without the written consent of the City shall be void. Except as otherwise specifically agreed, all costs for work performed by others on behalf of Consultant shall not be subject to additional reimbursement by the City.

9.2. The City shall have the right to enter into other agreements for the Project, to be coordinated with this Agreement. Consultant shall cooperate with the City and other firms, engineers or subcontractors on the Project so that all portions of the Project may be completed in the least possible time and within normal working hours. Consultant shall furnish other engineers, subcontractors and affected public utilities, whose designs are fitted into Consultant's design, detail drawings giving full information so that conflicts can be avoided.

Section 10. Consultant Is Independent Contractor

10.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 3** of this Agreement. Consultant will be solely responsible for determining the manner and means of accomplishing the end result of Consultant's Services. The City does not have the right to control or interfere with the manner or method of accomplishing said Services. The City, however, will have the right to specify and control the results of Consultant's Services so such Services meet the requirements of the Project.

10.2. Consultant may request that some consulting Services be performed on the Project by persons or firms other than Consultant, through a subcontract with Consultant. Consultant acknowledges that if such Services are provided to the City pursuant to a subcontract(s) between Consultant and those who provide such services, Consultant may not utilize any subcontractor(s), or in any way assign its responsibility under this Agreement, without first obtaining the express written consent of the City, which consent may be given or denied in the City's sole discretion. In all cases, processing and payment of billings from subcontractors is solely the responsibility of Consultant.

10.3. Consultant shall be responsible for, and defend, indemnify, and hold the City harmless against, any liability, cost, or damage arising out of Consultant's use of such subcontractor(s) and subcontractor's negligent acts, errors, or omissions. Unless otherwise

agreed to, in writing, by the City, Consultant shall require that all of Consultant's subcontractors also comply with, and be subject to, the provisions of this **Section 10** and meet the same insurance requirements of Consultant under this Agreement.

Section 11. Consultant Responsibilities

11.1. Consultant shall make prompt payment for any claims for labor, materials, or services furnished to Consultant by any person in connection with this Agreement, as such claims become due. Consultant shall not permit any liens or claims to be filed or prosecuted against the City on account of any labor or material furnished to or on behalf of Consultant. If Consultant fails, neglects, or refuses to make prompt payment of any such claim, the City may, but shall not be obligated to, pay such claim to the subcontractor furnishing the labor, materials, or services and offset the amount of the payment against funds due or to become due to Consultant under this Agreement. The City may also recover any such amounts directly from Consultant.

11.2. Consultant must comply with all applicable Oregon and federal wage and hour laws, including BOLI wage requirements, if applicable. Consultant shall make all required workers compensation and medical care payments on time. Consultant shall be fully responsible for payment of all employee withholdings required by law, including but not limited to taxes, including payroll, income, Social Security (FICA), and Medicaid. Consultant shall also be fully responsible for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges on account of any employees. Consultant shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. All costs incident to the hiring of assistants or employees shall be Consultant's responsibility. Consultant shall defend, indemnify, and hold the City harmless from claims for payment of all such expenses. Unless otherwise expressly set forth on **Exhibit A** as a reimbursable expense item not included in the Compensation Amount, specific costs associated with items set forth in this subsection shall be deemed as fully and conclusively included in the rate upon which Consultant's Compensation Amount is based.

11.3. No person shall be discriminated against by Consultant or any subcontractor in the performance of this Agreement on the basis of sex, gender, race, color, creed, religion, marital status, age, disability, sexual orientation, gender identity, or national origin. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Agreement, in whole or in part, by the City.

11.4. References to "subcontractor" mean a subcontractor at any tier.

Section 12. Indemnity and Insurance

12.1. Indemnification. Consultant acknowledges responsibility for liability arising out of the performance of this Agreement, and shall defend, indemnify, and hold the City harmless from any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Consultant's negligent acts, omissions, errors, or willful or reckless misconduct pursuant to this Agreement, or from Consultant's failure to perform its responsibilities as set forth in this Agreement. The review, approval, or acceptance

by the City, its Project Manager, or any City employee of documents or other work performed, prepared, or submitted by Consultant shall not be considered a negligent act, error, omission, or willful misconduct on the part of the City, and none of the foregoing shall relieve Consultant of its responsibility to perform in full conformity with the City's requirements, as set forth in this Agreement, and to indemnify the City as provided above and to reimburse the City for any and all costs and damages suffered by the City as a result of Consultant's negligent performance of this Agreement, failure of performance hereunder, violation of state or federal laws, or failure to adhere to the standards of performance and care described in **Subsection 12.2**. Consultant shall defend the City (using legal counsel reasonably acceptable to the City) against any claim that alleges negligent acts, omissions, errors, or willful or reckless misconduct by Consultant.

12.2. Standard of Care. In the performance of professional services, Consultant agrees to use at least that degree of care and skill exercised under similar circumstances by reputable members of Consultant's profession practicing in the Portland metropolitan area. Consultant will re-perform any Services not meeting this standard without additional compensation. Consultant's re-performance of any Services, even if done at the City's request, shall not be considered as a limitation or waiver by the City of any other remedies or claims it may have arising out of Consultant's failure to perform in accordance with the applicable standard of care of this Agreement and within the prescribed timeframe.

12.3. Insurance Requirements. Consultant shall maintain insurance coverage acceptable to the City in full force and effect throughout the term of this Agreement. Such insurance shall cover all risks arising directly or indirectly out of Consultant's activities or work hereunder. Any and all agents, contractors, or subcontractors with which Consultant contracts to work on the Services must have insurance that conforms to the insurance requirements in this Agreement. The amount of insurance carried is in no way a limitation on Consultant's liability hereunder. The policy or policies of insurance maintained by Consultant shall provide at least the following minimum limits and coverages at all times during performance under this Agreement:

12.3.1. Commercial General Liability Insurance. Consultant and all subcontractors shall obtain, at each of their own expense, and keep in effect during the term of this Agreement, comprehensive Commercial General Liability Insurance covering Bodily Injury and Property Damage, written on an "occurrence" form policy. This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement and shall be for the following minimum insurance coverage amounts: The coverage shall be in the amount of **\$2,000,000** for each occurrence and **\$3,000,000** general aggregate and shall include Products-Completed Operations Aggregate in the minimum amount of **\$2,000,000** per occurrence, Fire Damage (any one fire) in the minimum amount of **\$50,000**, and Medical Expense (any one person) in the minimum amount of **\$10,000**. All of the foregoing coverages must be carried and maintained at all times during this Agreement.

12.3.2. Professional Errors and Omissions Coverage. Consultant agrees to carry Professional Errors and Omissions Liability insurance on a policy form appropriate to the professionals providing the Services hereunder with a limit of no less than **\$2,000,000**

per claim. Consultant shall maintain this insurance for damages alleged to be as a result of errors, omissions, or negligent acts of Consultant. Such policy shall have a retroactive date effective before the commencement of any work by Consultant on the Services covered by this Agreement, and coverage will remain in force for a period of at least three (3) years thereafter.

12.3.3. Business Automobile Liability Insurance. If Consultant or any subcontractors will be using a motor vehicle in the performance of the Services herein, Consultant shall provide the City a certificate indicating that Consultant and its subcontractors have business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than **\$2,000,000**.

12.3.4. Workers Compensation Insurance. Consultant, its subcontractors, and all employers providing work, labor, or materials under this Agreement that are subject employers under the Oregon Workers Compensation Law shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers under ORS 656.126. Out-of-state employers must provide Oregon workers compensation coverage for their workers who work at a single location within Oregon for more than thirty (30) days in a calendar year. Consultants who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than **\$500,000** each accident.

12.3.5. Insurance Carrier Rating. Coverages provided by Consultant and its subcontractors must be underwritten by an insurance company deemed acceptable by the City, with an AM Best Rating of A or better. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

12.3.6. Additional Insured and Termination Endorsements. Additional Insured coverage under Consultant's Commercial General Liability, Automobile Liability, and Excess Liability Policies, as applicable, will be provided by endorsement. Additional insured coverage shall be for both ongoing operations via ISO Form CG 2010 or its equivalent, and products and completed operations via ISO Form CG 2037 or its equivalent. Coverage shall be Primary and Non-Contributory. Waiver of Subrogation endorsement via ISO Form CG 2404 or its equivalent shall be provided. The following is included as additional insured: "The City of Wilsonville, its elected and appointed officials, officers, agents, employees, and volunteers." An endorsement shall also be provided requiring the insurance carrier to give the City at least thirty (30) days' written notification of any termination or major modification of the insurance policies required hereunder. Consultant must be an additional insured on the insurance policies obtained by its subcontractors performing work on the Services contemplated under this Agreement.

12.3.7. Certificates of Insurance. As evidence of the insurance coverage required by this Agreement, Consultant shall furnish a Certificate of Insurance to the City. This

Agreement shall not be effective until the required certificates and the Additional Insured Endorsements have been received and approved by the City. Consultant agrees that it will not terminate or change its coverage during the term of this Agreement without giving the City at least thirty (30) days' prior advance notice and Consultant will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.

12.4. Primary Coverage. The coverage provided by these policies shall be primary, and any other insurance carried by the City is excess. Consultant shall be responsible for any deductible amounts payable under all policies of insurance. If insurance policies are "Claims Made" policies, Consultant will be required to maintain such policies in full force and effect throughout any warranty period.

Section 13. Early Termination; Default

13.1. This Agreement may be terminated prior to the expiration of the agreed upon terms:

13.1.1. By mutual written consent of the parties;

13.1.2. By the City, for any reason, and within its sole discretion, effective upon delivery of written notice to Consultant by mail or in person; or

13.1.3. By Consultant, effective upon seven (7) days' prior written notice in the event of substantial failure by the City to perform in accordance with the terms through no fault of Consultant, where such default is not cured within the seven (7) day period by the City. Withholding of disputed payment is not a default by the City.

13.2. If the City terminates this Agreement, in whole or in part, due to default or failure of Consultant to perform Services in accordance with the Agreement, the City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies the City may have, both at law and in equity, for breach of contract, Consultant shall be liable for all costs and damages incurred by the City as a result of the default by Consultant, including, but not limited to all costs incurred by the City in procuring services from others as needed to complete this Agreement. This Agreement shall be in full force to the extent not terminated by written notice from the City to Consultant. In the event of a default, the City will provide Consultant with written notice of the default and a period of ten (10) days to cure the default. If Consultant notifies the City that it wishes to cure the default but cannot, in good faith, do so within the ten (10) day cure period provided, then the City may elect, in its sole discretion, to extend the cure period to an agreed upon time period, or the City may elect to terminate this Agreement and seek remedies for the default, as provided above.

13.3. If the City terminates this Agreement for its own convenience not due to any default by Consultant, payment of Consultant shall be prorated to, and include the day of, termination and shall be in full satisfaction of all claims by Consultant against the City under this Agreement.

13.4. Termination under any provision of this section shall not affect any right, obligation, or liability of Consultant or the City that accrued prior to such termination. Consultant shall surrender to the City items of work or portions thereof, referred to in **Section 17**, for which Consultant has received payment or the City has made payment.

Section 14. Suspension of Services

The City may suspend, delay, or interrupt all or any part of the Services for such time as the City deems appropriate for its own convenience by giving written notice thereof to Consultant. An adjustment in the time of performance or method of compensation shall be allowed as a result of such delay or suspension unless the reason for the delay is within Consultant's control. The City shall not be responsible for Services performed by any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the Services and the suspension is not within Consultant's control, then the City shall extend the time of completion by the length of the delay.

Section 15. Modification/Addendum

Any modification of the provisions of this Agreement shall not be enforceable unless reduced to writing and signed by both the City and Consultant. A modification is a written document, contemporaneously executed by the City and Consultant, which increases or decreases the cost to the City over the agreed Compensation Amount in **Section 3** of this Agreement, or changes or modifies the Scope of Services or the time for performance. No modification shall be binding or effective until executed, in writing, by both Consultant and the City. In the event Consultant receives any communication of whatsoever nature from the City, which communication Consultant contends gives rise to any modification of this Agreement, Consultant shall, within five (5) days after receipt, make a written request for modification to the City's Project Manager in the form of an Addendum. Consultant's failure to submit such written request for modification in the form of an Addendum shall be the basis for refusal by the City to treat said communication as a basis for modification or to allow such modification. In connection with any modification to this Agreement affecting any change in price, Consultant shall submit a complete breakdown of labor, material, equipment, and other costs. If Consultant incurs additional costs or devotes additional time on Project tasks, the City shall be responsible for payment of only those additional costs for which it has agreed to pay under a signed Addendum. To be enforceable, the Addendum must describe with particularity the nature of the change, any delay in time the Addendum will cause, or any increase or decrease in the Compensation Amount. The Addendum must be signed and dated by both Consultant and the City before the Addendum may be implemented.

Section 16. Access to Records

The City shall have access, upon request, to such books, documents, receipts, papers, and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of four (4) years, unless within that time the City specifically requests an extension. This clause shall survive the expiration, completion, or termination of this Agreement.

Section 17. Property of the City

17.1. All documents, reports, and research gathered or prepared by Consultant under this Agreement, including but not limited to spreadsheets, charts, graphs, drawings, modeling, maps, data generation, papers, diaries, and inspection reports, shall be the exclusive property of the City and shall be delivered to the City prior to final payment. Any statutory or common law rights to such property held by Consultant as creator of such work shall be conveyed to the City upon request without additional compensation.

17.2. Consultant shall not be held liable for any damage, loss, increased expenses, or otherwise, caused by or attributed to the reuse by the City or its designees of all work performed by Consultant pursuant to this Agreement without the express written permission of Consultant.

Section 18. Notices

Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one party may indicate by written notice to the other party.

To City: City of Wilsonville
 Attn: Dominique Huffman
 29799 SW Town Center Loop East
 Wilsonville, OR 97070

To Consultant: Kittelson & Associates, Inc.
 Attn: Jeff Whitman
 851 SW 6th Avenue, Suite 600
 Portland, OR 97204

Section 19. Miscellaneous Provisions

19.1. Integration. This Agreement, including all exhibits attached hereto, contains the entire and integrated agreement between the parties and supersedes all prior written or oral discussions, representations, or agreements. In case of conflict among these documents, the provisions of this Agreement shall control.

19.2. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns. This Agreement may be enforced by an action at law or in equity.

19.3. No Assignment. Consultant may not assign this Agreement, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

19.4. Adherence to Law. In the performance of this Agreement, Consultant shall adhere to all applicable federal, state, and local laws (including the Wilsonville Code and Public Works

Standards), including but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers compensation, and minimum and prevailing wage requirements. Any certificates, licenses, or permits that Consultant is required by law to obtain or maintain in order to perform the Services described on **Exhibit A**, shall be obtained and maintained throughout the term of this Agreement.

19.5. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. All contractual provisions required by ORS Chapters 279A, 279B, 279C, and related Oregon Administrative Rules to be included in public agreements are hereby incorporated by reference and shall become a part of this Agreement as if fully set forth herein.

19.6. Jurisdiction. Venue for any dispute will be in Clackamas County Circuit Court.

19.7. Legal Action/Attorney Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

19.8. Nonwaiver. Failure by either party at any time to require performance by the other party of any of the provisions of this Agreement shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

19.9. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

19.10. Modification. This Agreement may not be modified except by written instrument executed by Consultant and the City.

19.11. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

19.12. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City. Whenever a

time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

19.13. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

19.14. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

19.15. Good Faith and Reasonableness. The Parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City “sole discretion” or the City is allowed to make a decision in its “sole judgment.”

19.16. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other parties the full and complete enjoyment of rights and privileges hereunder.

19.17. Interpretation. As a further condition of this Agreement, the City and Consultant acknowledge that this Agreement shall be deemed and construed to have been prepared mutually by each party and it shall be expressly agreed that any uncertainty or ambiguity existing therein shall not be construed against any party. In the event that any party shall take an action, whether judicial or otherwise, to enforce or interpret any of the terms of the Agreement, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorney fees and costs, whether incurred in a court of law or otherwise.

19.18. Entire Agreement. This Agreement and all documents attached to this Agreement represent the entire agreement between the parties.

19.19. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement but all of which together shall constitute one and the same instrument.

19.20. Authority. Each party signing on behalf of Consultant and the City hereby warrants actual authority to bind their respective party.

The Consultant and the City hereby agree to all provisions of this Agreement.

CONSULTANT:

CITY:

CITY OF WILSONVILLE

By: _____

By: _____

Print Name: _____

Print Name: _____

As Its: _____

As Its: _____

Employer I.D. No. _____

APPROVED AS TO FORM:

Amanda Guile-Hinman, Asst. City Attorney
City of Wilsonville, Oregon

Exhibit A – Scope of Work

Wilsonville Road and Boones Ferry Road Repaving and Pedestrian Improvements

Kittelison and Associates, Inc. (Kittelison) and GeoDesign, Inc. (GeoDesign) will provide engineering services related to the design of pavement rehabilitation on SW Wilsonville Road and SW Boones Ferry Road, and associated pedestrian improvements on SW Wilsonville Road.

All plans will be developed in accordance with the City of Wilsonville (City) and Clackamas County (County) latest standards and specifications. Three agency-review periods are assumed: at preliminary design (60%), at advance design (90%), and final design (95%). Stamped and signed plans will be provided at 100% submittal.

DESIGN ASSUMPTIONS

This scope of work assumes a pavement investigation and recommendations for rehabilitation of the existing pavement within the limits defined below:

- SW Wilsonville Road from SW Willamette Way West to SW Kinsman Road (approximately 1 mile).
- SW Boones Ferry Road from SW Wilsonville Road to SW Boeckman Road (approximately 1 mile).
- Pavement striping will be replaced along both corridors within the project limits. Traffic signal loop detection will be replaced on SW Wilsonville Road.

Additionally, this scope of work assumes the following pedestrian improvements along SW Wilsonville Road:

- SW Wilsonville Road/SW Willamette Way East signalized intersection
 - ADA ramp upgrades – eight (8) ramps total; two ramps at each corner
 - New push buttons on new posts at each corner
 - New loop detection on SW Wilsonville Road impacted by pavement rehabilitation
- SW Wilsonville Road/Autumn Park Apartments/Wood Middle School stop-controlled intersection with pedestrian crossing beacon
 - ADA ramp upgrades – four (4) ramps total; two ramps at northwest corner, one ramp at southwest corner, and one ramp at northeast corner
 - New push buttons on new posts at the northwest and southwest corners
- SW Wilsonville Road/SW Guiss Way/Orchard Drive stop-controlled intersection
 - ADA ramp upgrades – four (4) ramps total; one ramp at each corner
- SW Wilsonville Road/SW Oakleaf Loop stop-controlled intersection

- ADA ramp upgrades – two (2) ramps total; one ramp at the southwest corner and one ramp at the southeast corner

- SW Wilsonville Road/SW Brown Road signalized intersection
 - ADA ramp upgrades – eight (8) ramps total; two ramps at each corner
 - New push buttons on new posts at each corner
 - New loop detection on SW Wilsonville Road impacted by pavement rehabilitation

- SW Wilsonville Road/SW Montebello Drive signalized intersection
 - ADA ramp upgrades – eight (8) ramps total; two ramps at each corner
 - New push buttons on new posts at each corner
 - New loop detection on SW Wilsonville Road impacted by pavement rehabilitation

EXCLUSIONS FROM THIS SCOPE

Based on preliminary review of the existing intersection configurations and potential improvements needed at each intersection (based on the descriptions above) it is anticipated the following design services will not be needed, and thus, not included as part of this scope of work. If these services are deemed necessary in the future, an amendment to the scope of work will be required.

- Major wet (water, sewer, storm) utility relocations including manholes and gravity main line relocation
- Major dry utility relocations (power, phone, telecommunications, etc.)
- Stormwater treatment and detention
- Landscape design
- Environmental documentation
- Signing plans (relocated signs will be noted on construction plans)
- Traffic signal interconnect plans
- Street lighting plans (relocated poles will be noted on construction plans)

SCOPE OF WORK

The following provides descriptions of each task to be completed during the project.

TASK 1: PROJECT MANAGEMENT AND KICK-OFF

- Coordinate project management-related items with the City, including schedule, meeting preparation, and deliverables. It is anticipated this project may last for a 10 month period.
- Prepare monthly invoices and progress reports (assume 10), and submit to the City for approval and payment. Monitor and manage project budget.
- Participate in a project kickoff meeting.
- Provide project coordination with subconsultants regarding their scope of work.
- Prepare and maintain project schedule.

TASK 2: SURVEY COLLECTION (Provided by S&F Land Services)

- Unmanned Aerial Vehicle (UAV) mapping along the project corridors:
 - SW Wilsonville Road from SW Willamette Way West to SW Kinsman Road
 - SW Boones Ferry Road from SW Wilsonville Road to SW Boeckman Road
- UAV mapping will be supported by topographic survey at the following intersections:
 - SW Wilsonville Road/SW Willamette Way East
 - SW Wilsonville Road/Autumn Park Apartments/Wood Middle School
 - SW Wilsonville Road/SW Guss Way/Orchard Drive
 - SW Wilsonville Road/SW Oakleaf Loop
 - SW Wilsonville Road/SW Brown Road
 - The City will provide survey for the SW Wilsonville Road/SW Montebello Drive intersection.

TASK 3: PAVEMENT INVESTIGATION AND RECCOMENDATIONS (Provided by GeoDesign)

- Review available documentation and as-builts for the pavement.
- Conduct a walkthrough to observe pavement condition. Provide information regarding pavement distress that may require repair or reconstruction prior to global rehabilitation.
- Coordinate and manage the field investigation, including locating utilities and scheduling of sub-contractors and GeoDesign staff.

- Prepare traffic control plans and obtain right-of-way permits from the City.
- Complete falling weight deflectometer (FWD) testing in the outside wheel track of the outside travel lanes at approximate 100 foot spacing. FWD tests in adjacent lanes will be offset by 50 feet.
- Complete seventeen pavement borings to depths of up to five feet below ground surface using solid stem auger methods; nine on SW Wilsonville Road and eight on SW Boones Ferry Road.
- Maintain a detailed log of each exploration, visually classify the soil encountered, obtain soil samples as appropriate for the soil conditions encountered, and observe groundwater conditions in each exploration.
- Conduct the following laboratory tests using soil samples obtained from the explorations:
 - Up to 17 moisture content tests in general conformance with American Society for Testing and Materials (ASTM) D2216.
 - Up to four atterberg limit tests in general conformance with ASTM D4318.
 - Up to four fines content tests (material passing the U.S No. 200 sieve) in general conformance with ASDM D1140.
- Collect 48-hour tube count information at three (3) locations along SW Wilsonville Road and two (2) locations along SW Boones Ferry Road.
- Analyze traffic classification count data and estimate design pavement ESAL.
- Analyze FWD and subsurface data to calculate estimated effective pavement structural capacity and subgrade resilient modulus.
- Provide recommendations for pavement repair and reconstruction if required.
- Provide rehabilitation recommendations for the existing road prism.
- Provide recommendations for pavement materials and construction.
- Provide project management including attendance of up to one meeting with the design team and the City.
- Provide a draft pavement report presenting the results of our field investigation and present our pavement engineering recommendations.
- Finalize the draft pavement report after incorporating review comments from the City and the design team.

Task 3 Assumptions:

- The core borings will be drilled within the City right-of-way.

- The drill cuttings are not contaminated and may be disposed of off-site by our drilling subcontractor. If the drill cuttings appear to be contaminated, the City will be informed immediately, and GeoDesign will take necessary action upon authorization.
- Polymer modified asphalt patch and aggregate base will be adequate for patching pavement borings.
- Work can be completed during normal weekday daylight hours.

TASK 4: DESIGN AND CONTRACT DOCUMENTS PREPARATION

- ADA Field Assessment and Report
 - Conduct an ADA Field Assessment to evaluate pedestrian ramps, landings, and push buttons for ADA compliance. Ramp and landing slopes will be measured with a smart level. Those meeting standards will be protected during construction and those not meeting standards will receive a detailed survey.
 - Prepare an ADA Assessment Report to include:
 - Summary of field assessment
 - Recommendations for ADA ramp reconstruction and push button relocation
 - Concept drawings depicting recommendations and associated impacts
 - A draft and final report will be provided to the City
 - Meet with the City to discuss the draft ADA Assessment report and review comments.
- 60% Design Submittal
 - Request and review traffic signal asbuilts.
 - Prepare 60% design plans including the following sheets:
 - **Title Sheet, Sheet Index, Construction Notes, Erosion Control Notes (3 sheets)**
 - **Demolition and Erosion/Sediment Control Plans (8 sheets),**
 - Assume 1 intersection per sheet. In addition, assume 1 sheet for Wilsonville Road corridor, and 1 sheet for Boones Ferry Road corridor showing location of inlet protection.
 - **General Construction Plans (6 sheets)**
 - Assume 1 intersection per sheet.
 - **ADA Ramp Grade Detail Plans (9 sheets)**
 - Assume 4 ramps per sheet (34 ramps total).

- Assume ramp details will note spot elevations, slopes, and dimensions for all grade breaks, control features, and at tie-in locations. No curb return profiles will be provided.
- **Traffic Signal and Detection Plans and Legend (8 sheets),**
 - Assume 4 signal plan sheets, 3 detection plan sheets, and 1 legend sheet.
 - Assume signal and detection plans will show existing poles, conduit, and wiring at each intersection based on asbuilts provided by the City and County.
- **Pavement Rehabilitation Plans and Details (6 sheets)**
 - Pavement rehabilitation plans will highlight area of needed rehabilitation based on GIS or aerial base-mapping information.
 - Assume 2 plan sheet for Wilsonville Road, 2 plan sheet for Boones Ferry Road, and up to 2 detail sheets.
- **Striping Plans (10 sheets)**
 - Striping plans will show all striping to be replaced as currently striped within the pavement rehabilitation project limits based on GIS or aerial base-mapping information. No changes to existing striping configuration is expected.
 - Assume each sheet will consist of 1,200 feet of roadway, with 2 rows of 600-foot sections of roadway stacked on each sheet.
- **Associated Construction and Standard City and County Detail Sheets (3 sheets)**
 - Prepare engineer's construction cost estimate.
 - Submit request for City and County specific special provisions.
- 90% Design Submittal
 - Attend meeting at the City to discuss 60% design review comments and responses.
 - Update design plans and engineer's construction estimate addressing City's review comments.
 - Prepare draft construction specifications/special provisions based on ODOT 2018 Standard Specifications and the latest City and County Public Works Standards. City and County will provide standard Special Provisions for inclusion in the project special provisions. The order of precedence shall be (1) Project Specific Special Provisions, (2) City and County Special Provisions, (3) ODOT Special Provisions.
 - Prepare bid schedule and bid item descriptions.
- 95% Design Submittal
 - Via phone call, discuss 90% design review comments and responses.

- Update design plans, engineer's construction estimate, construction specifications/special provisions, and bid schedule and bid item descriptions addressing the City's review comments.
- 100% Stamped and Signed Plans Submittal
 - Via phone call, discuss 95% design review comments and responses.
 - Update and prepare final (signed) design plans, engineer's construction estimate, construction specifications/special provisions, and bid schedule and bid item descriptions addressing the City's review comments.

TASK 5: BID AND CONSTRUCTION

This scope and fee estimate assumes City staff will provide primary construction management and inspection services for all work. KAI will provide supplemental field review services and engineering/design support.

- Bid Support
 - Coordinate with City staff regarding the construction plans/specifications. City to prepare bid documents.
 - Provide bidding assistance, including responding to questions from potential construction contractors and suppliers about the plans and specifications during the bidding process, and completion of any addendums necessary to clarify the documents when requested by the City.
- Construction Support
 - Participate in a pre-construction meeting.
 - Provide up to eight (8) contractor submittal reviews to the City.
 - Provide up to three (3) technical review of Requests for Information (RFIs) and Change Order Requests (COR) from the contractor, and coordinate with the City and Contractor as appropriate.
 - Conduct one field visit, if necessary, to review Contractor's construction staking layout.
- As-built Plans
 - Request and review as-built drawings/notes provided by the contractor.
 - Prepare preliminary as-built plans that reflect any changes made to the design during construction, and submit to the City for review.
 - Prepare final as-built plans to the City for approval. Final as-built engineering plans shall be provided in full size (22" x 34") paper, Mylar (min. 3-mil), digitally signed PDF, and 2018 of AutoCAD dwg format.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: August 20, 2018		Subject: Resolution No. 2702 Boones Ferry Park Master Plan	
		Staff Member: Mike McCarty, Parks & Recreation Director	
		Department: Parks & Recreation	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: November 5, 2018 <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: Staff is requesting a continuation of this Public Hearing to ensure a better, more complete document.	
Staff Recommendation: Staff recommends the Council continue the public hearing to a date certain of November 5, 2018.			
Recommended Language for Motion: I move to continue the Public Hearing on Resolution No. 2702 to the date certain of November 5, 2018.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

The City Council to open the public hearing regarding Boones Ferry Park Master Plan.

EXECUTIVE SUMMARY:

The City of Wilsonville entered into a contract with GreenPlay, LLC on August 21, 2017 to help complete a Master Plan for Boones Ferry Park with the understanding that the plan would involve

extensive input from the community. Design Concepts (hired by GreenPlay, LLC to complete this project) presented a draft of this plan to the City Council on June 4, 2018 and to the Planning Commission at the July 11 work session. Design Concepts and staff held a community meeting on June 5, 2018 at Boones Ferry Park with approximately 25 residents in attendance. City Council, Planning Commission and residents expressed positive comments concerning the proposed plan, which was to be addressed as a Public Hearing at Planning Commission's August 8 meeting and approved by Resolution by City Council on August 20, 2018. However, staff has determined that the Boones Ferry Park Master Plan needs to be further refined and has requested the Planning Commission continue the hearing until a date certain of October 10, 2018 with City Council continuing the hearing to a date certain of November 5, 2018.

EXPECTED RESULTS:

Continue August 20, 2018 public hearing to date certain of November 5, 2018.

TIMELINE:

Planning Commission Public Hearing: Wednesday, August 8, 2018

Planning Commission Public Hearing (continued): Wednesday, October 10, 2018

City Council Hearing: Monday, November 5, 2018

CURRENT YEAR BUDGET IMPACTS:

The total cost of the contract for the Boones Ferry Park Master Plan is \$44,000, and was budgeted in FY 2017-18. This projected will be "carried over" to the FY 2018-19 budget via a budget supplemental, anticipated in September or October.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 8/8/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 8/9/2018

COMMUNITY INVOLVEMENT PROCESS:

The community has provided vital information at three hands-on public workshops, one held at City Hall and two held on-site at Boones Ferry Park, as well as via an online survey, open Dec. 1, 2017 – Jan. 15, 2018, where the public could voice their opinions on the three conceptual plans. Public input has also been received via email.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Providing amenities and services that the community has requested from the Parks & Recreation Department.

ALTERNATIVES:

N/A

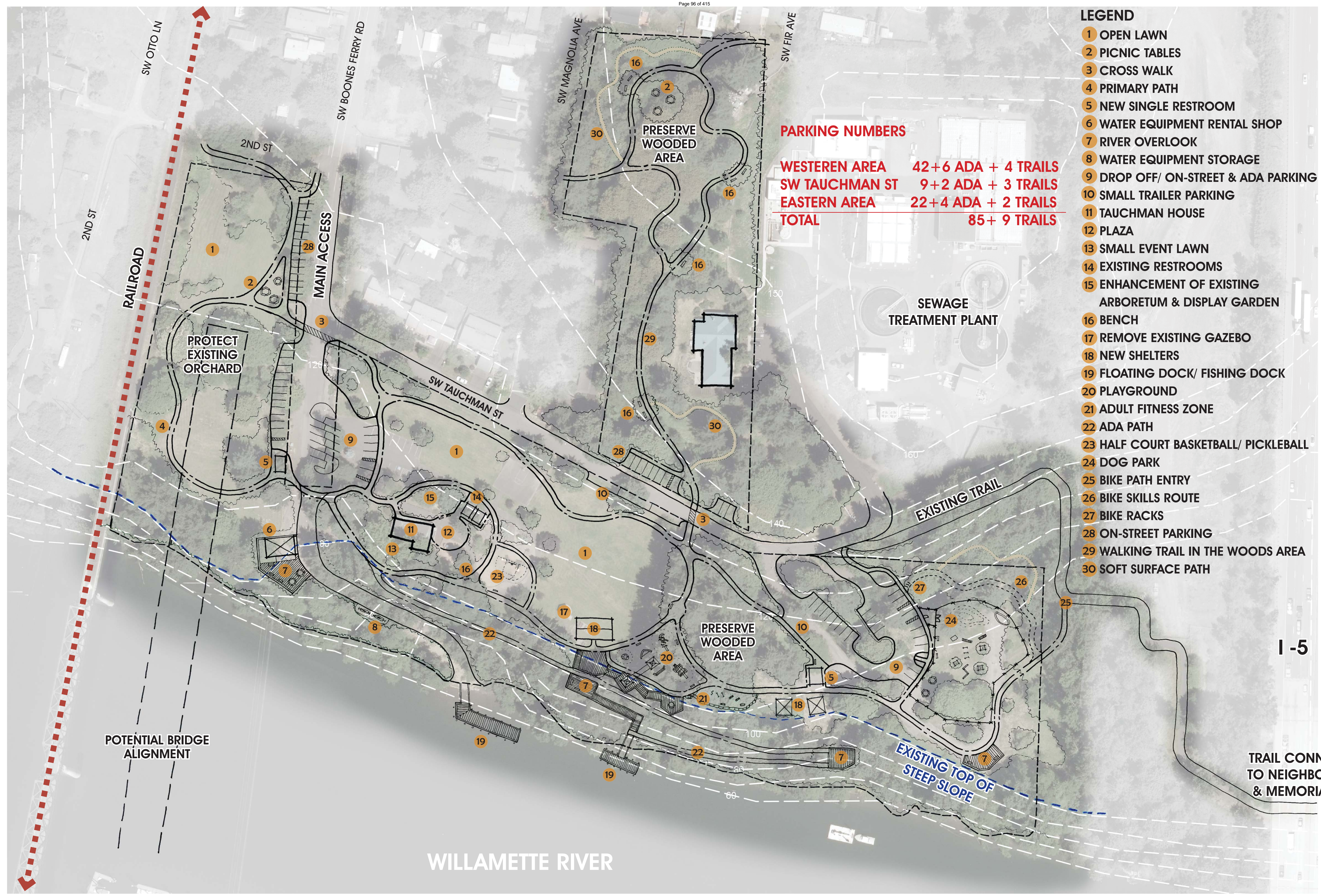
CITY MANAGER COMMENT:

N/A

ATTACHMENT:

- A. Boones Ferry Park Master Plan – Map
- B. Boones Ferry Park Master Plan – Public Outreach

- C. Boones Ferry Park Master Plan – Conceptual Survey Responses
- D. Boones Ferry Park Master Plan – Public Comment



- LEGEND**
- 1 OPEN LAWN
 - 2 PICNIC TABLES
 - 3 CROSS WALK
 - 4 PRIMARY PATH
 - 5 NEW SINGLE RESTROOM
 - 6 WATER EQUIPMENT RENTAL SHOP
 - 7 RIVER OVERLOOK
 - 8 WATER EQUIPMENT STORAGE
 - 9 DROP OFF/ ON-STREET & ADA PARKING
 - 10 SMALL TRAILER PARKING
 - 11 TAUCHMAN HOUSE
 - 12 PLAZA
 - 13 SMALL EVENT LAWN
 - 14 EXISTING RESTROOMS
 - 15 ENHANCEMENT OF EXISTING ARBORETUM & DISPLAY GARDEN
 - 16 BENCH
 - 17 REMOVE EXISTING GAZEBO
 - 18 NEW SHELTERS
 - 19 FLOATING DOCK/ FISHING DOCK
 - 20 PLAYGROUND
 - 21 ADULT FITNESS ZONE
 - 22 ADA PATH
 - 23 HALF COURT BASKETBALL/ PICKLEBALL
 - 24 DOG PARK
 - 25 BIKE PATH ENTRY
 - 26 BIKE SKILLS ROUTE
 - 27 BIKE RACKS
 - 28 ON-STREET PARKING
 - 29 WALKING TRAIL IN THE WOODS AREA
 - 30 SOFT SURFACE PATH

PARKING NUMBERS

WESTEREN AREA	42+6 ADA + 4 TRAILS
SW TAUCHMAN ST	9+2 ADA + 3 TRAILS
EASTERN AREA	22+4 ADA + 2 TRAILS
TOTAL	85+ 9 TRAILS

I-5

TRAIL CONNECTION TO NEIGHBORHOOD & MEMORIAL PARK

WILLAMETTE RIVER

**BOONES FERRY PARK
DRAFT MASTER PLAN**

APRIL 2018

0' 60' 120' 180' NORTH

DESIGN CONCEPTS
Community + Landscape Architects

Boones Ferry Park Master Plan – Public Outreach

First Public Meeting – Tuesday, September 5th, 2017 at Boones Ferry Park

- Postcard Notices – mailed to property owners & current residents (161 total), and business owners (14 total)
- [City of Wilsonville Media Release](#) – posted August 16, 2017. This news article was posted to the City’s website, emailed to e-notify subscribers, and appeared in the [September issue of the Boones Ferry Messenger](#).
- Flyer posted in City buildings (City Hall, Community Center, Library, Parks & Rec Admin Building)
- Article posted in Wilsonville Spokesman on August 30, 2017, titled “[Re-envisioning Boones Ferry Park](#)”
- A follow-up article was posted in the Wilsonville Spokesman on September 13, 2017, titled “[Old Town weighing in on Boones Ferry Park](#)”
- A Facebook event was created and shared on the Parks & Rec Facebook page.
- Total Event Attendance: 33 people

Boones Ferry Park Master Plan Public Workshop

Boones Ferry Park
31240 SW Boones Ferry Rd

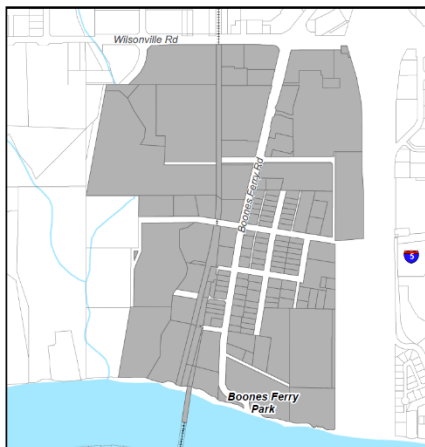
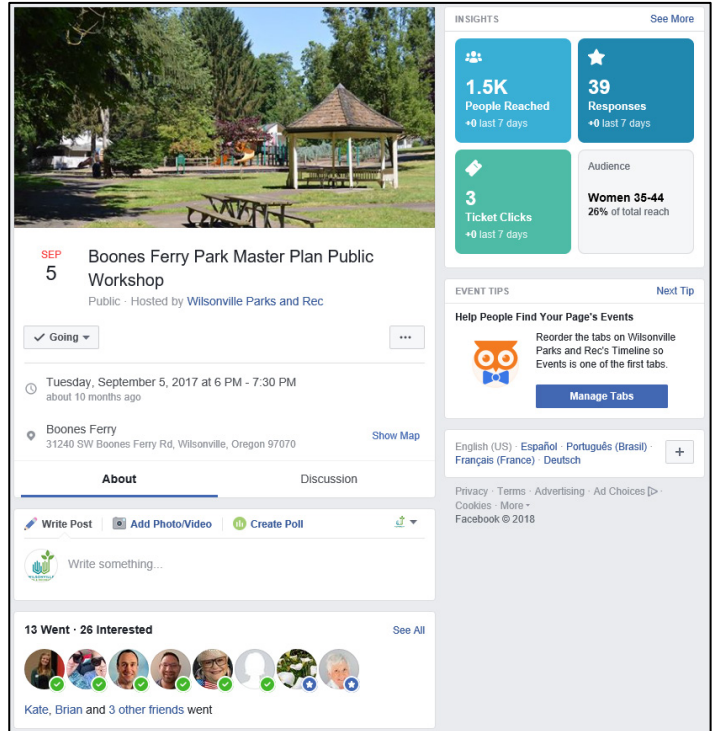
Tuesday, September 5, 2017
6:00–7:30 PM

The City of Wilsonville invites the public to attend a workshop to kick off the Boones Ferry Park Master Plan. The purpose of the master plan is to guide the future of the park to best meet the community’s current and future needs. The plan will encompass the existing park and highlighted City-owned parcels (see map).

Meet with project consultants and staff, learn more about the plan, and provide feedback. Refreshments will be served.

WilsonvilleParksandRec.com/ParksPlan



Boones Ferry Park Master Plan Public Workshop
Public · Hosted by Wilsonville Parks and Rec


1.5K People Reached
+0 last 7 days

39 Responses
+0 last 7 days

3 Ticket Clicks
+0 last 7 days

Women 35-44
26% of total reach

13 Went · 26 Interested



Wilsonville Parks and Recreation

Help Plan the Future of Boones Ferry Park

This historic site is an important part of Wilsonville’s unique Willamette River shoreline. It has both wooded and open areas, and many park amenities. At the workshop, project consultants will present the proposed conceptual plans and participants will break out into groups to discuss and offer feedback.

Help determine how Wilsonville should make the most of this opportunity and make Boones Ferry Park an even greater gem for the community!

**Boones Ferry Park Master Plan
Second Workshop**
Thursday, Oct. 26, 6:00-7:30 PM
Wilsonville City Hall
29799 SW Town Center Loop E

Public Works

Wilsonville Parks and Recreation
21600 SW Park Place
Wilsonville, OR 97070
503-783-PLAY
WilsonvilleParksandRec.com

8 – The Boones Ferry Messenger September 2017

Sept. 5 Community Kick-Off Event for Boones Ferry Park Master Plan

The City of Wilsonville is holding a community kick-off event to help plan the future of Boones Ferry Park on Tuesday, Sept. 5, 6 pm, at Boones Ferry Park, 31240 SW Boones Ferry Road. The City seeks community input regarding preferences for enhancing park and open-space amenities and increasing public access to the Willamette River through development of a new park master plan.

“We are excited to hear community members’ ideas on how the City should invest and manage Boones Ferry Park,” explained Parks and Recreation Director Mike McCarty.

The purpose of the Boones Ferry Park Master Plan project is to advise the City Council, Parks and Recreation Advisory Board, and City staff on how the park is currently functioning and to set the course for future use. Currently, the park is utilized for drop-in uses of the playground, an open-lawn area and basketball court.

The park is home to the Tauchman House, a popular historical location for City-sponsored programs and private rentals. The seven-acre park is located adjacent to four acres of forested waterfront property to the east acquired by the City in 2015, and to three undeveloped acres to the west between the railroad tracks and Boones Ferry Road and additional land to the north.

To help develop the plan the City hired GreenPlay, LLC, a national firm based in Colorado with extensive experience across the U.S. facilitating, researching and developing similar parks and recreation master plans.

For more information, contact Mike McCarty, Parks and Recreation Director, at 503-570-1579; mccarty@ci.wilsonville.or.us. For more information about the Parks & Recreation Master Plan, visit www.WilsonvilleParksandRec.com/ParksPlan.



Second Public Meeting – Thursday, October 26, 2017 at Wilsonville City Hall

- Postcard Notices – mailed to property owners & current residents (161 total), and business owners (14 total)
- [City of Wilsonville Media Release](#) – posted October 6, 2017. This news article was posted to the City’s website, emailed to e-notify subscribers, and appeared in the [October issue of the Boones Ferry Messenger](#).
- Flyer posted in City buildings (City Hall, Community Center, Library, Parks & Rec Admin Building)
- A follow-up article was posted in the Wilsonville Spokesman on November 3, 2017, titled [“Consultants present concept Boones Ferry Park designs”](#)
- A Facebook event was created and shared on the Parks & Rec Facebook page.
- Total Event Attendance: 15 people

Oct. 26 Public Workshop for Boones Ferry Park

Wilsonville Parks and Recreation Department is holding a second public workshop to help plan the future of Boones Ferry Park on Thursday, Oct. 26, 6 pm, at City Hall, 29799 SW Town Center Loop E. The City seeks community input regarding preferences for enhancing park and open-space amenities and increasing public access to the Willamette River through development of a new park master plan. The Boones Ferry Park master plan kicked-off on Sept. 5 when more than 40 community members gathered in Boones Ferry Park and shared their ideas

for the future of the scape architecture a for consultant Green from the first works Participants then break-out into groups and discuss the plans, offering valuable feedback. The seven-acre Boones Ferry Park is located adjacent to almost five acres of forested waterfront

Boones Ferry Park Master Plan Workshop
 • **Thur, Oct 26, 6-7:30 pm**
 City Hall, 29799 SW Town Center Loop E

property to the east acquired by the City in 2015, and to three undeveloped acres to the west between the railroad tracks and Boones Ferry Road.

To help develop the plan the City hired GreenPlay, LLC, a national firm based in Colorado experienced in developing parks and recreation master plans.

For information, contact Mike McCarty, Parks and Recreation Director, at 503-570-1579; mccarty@ci.wilsonville.or.us. For more information about the Parks & Recreation Master Plan visit www.WilsonvilleParksandRec.com/ParksPlan.



Online Public Survey – Open Dec. 1, 2017 through Jan. 15, 2018

- Postcard Notices – mailed to property owners & current residents (144 total), and business owners (14 total)
- [City of Wilsonville Media Release](#) – posted December 8, 2017. This news article was posted to the City’s website, emailed to e-notify subscribers, and an abbreviated article appeared in the [December issue of the Boones Ferry Messenger](#).
- Flyer posted in City buildings (City Hall, Community Center, Library, Parks & Rec Admin Building)
- Information was shared via social media on Facebook.
- Online survey was extended until January 15, 2018. A [City of Wilsonville Media Release](#) was posted on December 27, 2017, to the City’s website and emailed to e-notify subscribers. An article appeared in the [January issue of the Boones Ferry Messenger](#).
- Total number of Survey Responses: 211

Share Your Feedback
Boones Ferry Park Master Plan
 Feedback accepted through December 31, 2017

The City of Wilsonville seeks public feedback through December as part of the master-planning process for Boones Ferry Park. Based on initial suggestions by community members, three conceptual plans have been developed with various elements. Online feedback is accepted through Dec. 31 at the project website listed below.

Community members are asked to share their feedback and preferences for development options, which include greater river access, preserving natural areas, a dog park, nature play and a number of other options.

WilsonvilleParksandRec.com/BoonesFerry




Public Input Sought by Dec 31 on Boones Ferry Park Concept Plans

The Parks and Recreation Department is welcoming public feedback as part of the master-planning process for Boones Ferry Park. Three conceptual plans have been developed suggested as part of the master-planning process for Boones Ferry Park. Three conceptual plans have been developed suggested as part of the master-planning process for Boones Ferry Park. Three conceptual plans have been developed suggested as part of the master-planning process for Boones Ferry Park.

Community member are asked to share the feedback and preferences for developer which include: greater river access, nature play, a dog park, wooded trail system and a number of other options. Online feedback will be accepted until January 15 at www.WilsonvilleParksandRec.com/BoonesFerry

City of Wilsonville January 2018 The Boones Ferry Messenger - 5


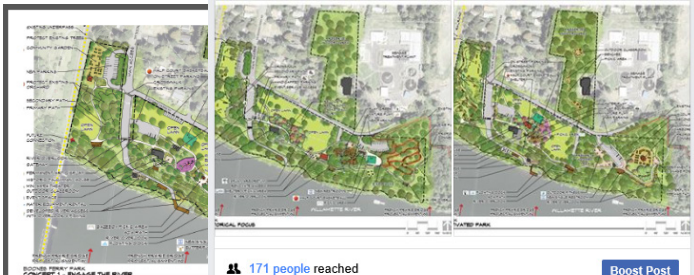
Three Concepts Proposed for Willamette Riverfront Boones Ferry Park
 City Seeks More Feedback on Proposals, Extends Public Input Timeline Until Jan. 15 with Online Survey

The Parks and Recreation Department is welcoming public feedback for an extended period through Jan. 15 as part of the master-planning process for Boones Ferry Park, which borders the Willamette River in Old Town Wilsonville. To review the concepts and provide feedback, visit www.WilsonvilleParksandRec.com/BoonesFerry.

Wilsonville Parks and Rec
 Published by Ahsamon Wilsonville Parks [?] · December 28, 2017

Deadline Extended! Three conceptual plans for the Boones Ferry Park Master Plan have been posted online. Community members are asked to share their feedback and preferences. Online feedback will be accepted until January 15.

To view the plans and complete the online surveys, visit www.WilsonvilleParksandRec.com/BoonesFerry



Wilsonville Parks and Rec

Help Plan the Future

The Parks and Recreation Department is welcoming public feedback as part of the Master Planning process for Boones Ferry Park.

Community members are asked to share their feedback on three conceptual plans and preferences for development, including: greater river access, nature play, a dog park, wooded trail system and a number of other options. Online feedback will be accepted until December 31st at: WilsonvilleParksandRec.com/BoonesFerry

Wilsonville Parks and Recreation
 29400 SW Park Place
 Wilsonville, OR 97070
 503-713-7141
WilsonvilleParksandRec.com

CONCEPT 1 - ENGAGE THE RIVER


Three conceptual plans have been developed with various elements. Online feedback is accepted through Dec. 31 at the project website listed below.

Community members are asked to share their feedback and preferences for development options, which include greater river access, preserving natural areas, a dog park, nature play and a number of other options.

CONCEPT 2 - HISTORICAL FOCUS

CONCEPT 3 - ACTIVATED PARK

For more information, contact Mike McCarty, Parks and Recreation Director, at 503-570-1579, mccarty@ci.wilsonville.or.us.



Final Public Meeting – Tuesday, June 5, 2018 at Boones Ferry Park

- Postcard Notices – mailed to property owners & current residents & apartment dwellers (281 total), and business owners (14 total)
- [City of Wilsonville Media Release](#) – posted May 14, 2018. This news article was posted to the City’s website, emailed to e-notify subscribers, and appeared in the [May issue of the Boones Ferry Messenger](#) and the [June issue of the Boones Ferry Messenger](#).
- A follow-up article was posted in the Wilsonville Spokesman on June 13, 2018, titled [“Revealing vision for community park, bridge”](#)
- A Facebook event was created and shared on the Parks & Rec Facebook page.
- Total Event Attendance: 21 people

Boones Ferry Park Master Plan Public Meeting

Boones Ferry Park Tuesday, June 5th, 2018
31240 SW Boones Ferry Rd 6:00 PM

The Parks & Recreation Department is hosting a public meeting at Boones Ferry Park on Tuesday, June 5th, at 6:00 pm. Project consultants will present the proposed draft of the Boones Ferry Park Master Plan and solicit final public input on the plan.

The plan is scheduled to be presented to the Planning Commission and City Council for consideration this summer.

For more information, please visit: WilsonvilleParksandRec.com/BoonesFerry

Boones Ferry Park Master Plan: Public Meeting Set for June 5

Join Parks and Recreation staff on June 5, 6 pm, at Boones Ferry Park to discuss the Boones Ferry Park Master Plan. This meeting is the time to give input and feedback regarding park design, layout, and amenities. See page 8 for more details.

JUN 5 Final Public Workshop - Boones Ferry Park Master Plan
 Public · Hosted by Wilsonville Parks and Rec

Tuesday, June 5 at 6 PM - 7:30 PM
 about 1 month ago

31240 SW Boones Ferry Rd, Wilsonville, OR 97070-9700, United States

3 Went · 3 Interested

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 +0 last 7 days

6 Responses
 +0 last 7 days

Audience
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 29% of total reach

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Boones Ferry Park Master Plan Public Meeting Set for June 5

The Parks and Recreation Department is hosting a public meeting at Boones Ferry Park on Tuesday, June 5, 6 pm, to solicit final public input on the Boones Ferry Park Master Plan, which develops a community vision for the park that best suits Wilsonville’s current and future needs.

Informed by engagement with community stakeholders at two workshops and via online survey, the Boones Ferry Park Master Plan draft was developed with GreenPlay, LLC, a Colorado-based firm with extensive experience researching and developing master plans for parks throughout the United States.

The plan’s purpose is to advise City Council and Parks and Recreation staff how Boones Ferry Park

currently functions, and to guide future park improvements. Recommendations in the draft plan would enhance the park with new active amenities and improve its access to the Willamette River.

Currently, the seven-acre park in Wilsonville’s Old Town neighborhood includes a playground, an open lawn area and a basketball court. The park is also home to the Tauchman House, a popular location for City-sponsored programs and private rentals.

The master plan guides development of four acres of forested waterfront property to the east, three undeveloped acres to the west (between the railroad tracks and Boones Ferry Road) and three forested acres to the north. It also accounts for the possible installation of the French Prairie Bridge, which would provide pedestrians and cyclists passage over the Willamette River.

Wilsonville Parks and Rec shared an event.
 Published by Ahsamon Wilsonville Parks (?) · June 4

The final public workshop for the Boones Ferry Park Master Plan is tomorrow, Tuesday, June 5, 6pm, at Boones Ferry Park. Project consultants will present the final draft plan and solicit public input on the plan.

TUE, JUN 5
Final Public Workshop - Boones Ferry Park Master Plan

You like Wilsonville Parks and Rec

215 people reached

Alejandra Contreras, Brooke Fossati and Julie Lowery

Like Comment





**BOONES FERRY PARK
 CONCEPT 1 - ENGAGE THE RIVER**

OCTOBER 2017

Q1 What do you like about Concept 1: Engage the River?

Answered: 39 Skipped: 2

#	RESPONSES	DATE
1	Really think highlighting the river as a beautiful feature of our community / this park is critical for this development.	1/16/2018 10:46 AM
2	Northwest parking lot can be used as a turnaround for the end of Boones Ferry. Lookout points	1/15/2018 7:04 PM
3	The interaction with the river is the most appealing part of the plan; the length of the park runs along the Willamette, so it would give the park a unique quality if it had several diverse ways of viewing the river, which is so central to Wilsonville. My favorite aspect is the river overlook and docks - and besides the river, the outdoor classroom and nature play looks like a great idea for our schools.	1/10/2018 8:48 AM
4	I like the developed river access and water equipment rentals. The drop-off area is a good idea.	1/9/2018 10:03 PM
5	Wilsonville has limited access to the river with only one public dock. "Engage the River" not only gives us beautiful views but a way to actually be 'on' the river! I love this concept.	1/8/2018 4:48 PM
6	Lots of river access. Nature play area close to Magnolia Ave, feels more like a community playground for the neighborhood.	1/4/2018 5:06 PM
7	Dog parks	1/4/2018 9:47 AM
8	This is my least favorite concept. I prefer 3 then 2 and lastly 1.	1/3/2018 11:50 AM
9	Public parking and the river overlook	1/2/2018 6:43 PM
10	It has a dog park. It has a dock.	1/2/2018 6:28 PM
11	Love the play area ideas, activating water edge, and recreational destinations.	1/2/2018 2:02 PM
12	I do not like this.	1/2/2018 1:34 PM
13	Like river part.	12/31/2017 4:12 PM
14	Create recreational destinations and river overlook along the riverside	12/31/2017 2:05 PM
15	Like ideas but not placement	12/30/2017 12:01 PM
16	Ensuring there will be a basketball court. The natures play areas. Good walking paths, but would be better if a loop could be made. River overlooks. Picnic areas. Good idea not to move bathrooms.	12/29/2017 5:03 PM
17	Community garden placement. That your not trying to cram so much into the available spaces. That your diverse activities io.e. dog park are located away from the long time Boone's ferry st residents which you don't give a crap about. Dog park location if you have to have one.	12/28/2017 12:54 PM
18	The focus on the river - multiple overlooks, floating docks & river rentals. I also like the community garden being at the main entry & where the dog park is located in this plan. This plan is by far my favorite of the 3.	12/28/2017 9:23 AM
19	Seems to be the most natural enhancement of the current park area without radically altering the overall ambiance and preserving its historic character while adding amenities for community access, family activities, and events. We like the location of the community garden on the northwestern part next to the rails and the dog park in the northeastern part as a compatible landscape extension next to the treatment plant and away from those core uses.	12/26/2017 11:12 PM
20	The river is a unique asset. It would be a waste not to maximize public access and visibility. Dog parks are a good idea as higher density has not seemed to diminish peoples desire for pets.	12/24/2017 9:11 AM
21	trails throughout including the north area	12/23/2017 6:00 PM
22	I like this plan the best.	12/21/2017 3:51 PM
23	Seems workable and functional.	12/19/2017 8:14 PM

Boones Ferry Park Master Plan Survey, Concept 1: Engage the River

24	Best of the three. Preserves most of the trees, better than the other two plans, as far as I can tell. Doesn't waste money by moving existing features senselessly.	12/12/2017 6:37 PM
25	I like this concept the best because it offers the most access to the very underutilized river	12/11/2017 9:57 AM
26	I am a 'water person' and want to have as much access to the river as possible.	12/8/2017 5:24 PM
27	I like the simplicity of it. This is my vote.	12/7/2017 10:16 PM
28	The floating docks are nice.	12/7/2017 2:24 PM
29	A safe place to ride a bike.	12/6/2017 9:06 PM
30	Love,love love the inclusion of the river in so many ways with so many options regardless of your abilities! It really seems to include so many options for usage by all age groups and families.	12/6/2017 10:52 AM
31	I like the floating docks and the river overlook, as well as the nature play.	12/5/2017 8:46 AM
32	great to have river access	12/5/2017 7:50 AM
33	This is the best option, it sounds like a place one can spend the entire day with family and friends!	12/2/2017 9:50 PM
34	Location of community garden Like that you are protecting the existing orchard and not putting a lot of activities in the western most plot of park. If activities must be added to the western most plot of park, they should be quiet activities so that they do not negatively impact the neighbors who live adjacent to this open space. Butterfly garden and a community garden in the western most part of the park is far preferable to the neighborhood than a bike pump track or dog park. Like that there is no bike pump track. That amenity seems highly special interest. Noting the character of the mostly boys who use the skate park at Memorial park, this type of amenity brings unsupervised teenage boys who smoke, are profane and leave garbage all over the place.	12/2/2017 12:15 PM
35	All fun River activities so close to home! Love this concept with more dock access and river rentals. Maybe add a water feature too do young families?	12/2/2017 10:06 AM
36	The simple fact of having river access is a must. There also needs to be more and better parking for sure.	12/2/2017 8:28 AM
37	LOVE the Community Garden and the Nature Play / Outdoor Classroom area, the preserved wooded area, and the bee and butterfly garden. Also like the idea of a mini-amphitheater near the house. This is my favorite of the three concepts.	12/2/2017 12:04 AM
38	Trail connection from the path that goes underneath the i5 bridge all the way to the community garden across Boones Ferry RD.	12/1/2017 5:07 PM
39	I love engaging the river. We are along the river with such little access. I also like that variety of enhancements in this plan. There seems to be something for everyone incorporated.	12/1/2017 4:34 PM

Q2 What do you dislike about Concept 1: Engage the River?

Answered: 33 Skipped: 8

#	RESPONSES	DATE
1	no walk path connecting to Fir St. drop-off point Overall underdeveloped	1/15/2018 7:04 PM
2	Nothing I particularly dislike about this one.	1/10/2018 8:48 AM
3	No dog park in this concept. I feel like dog parks are a well used asset in our community.	1/9/2018 10:03 PM
4	No water feature. Less walking trails.	1/4/2018 5:06 PM
5	No bike pump track	1/4/2018 9:47 AM
6	-It doesn't include a bike pump track, which I think would be a beneficial addition to the City's parks system. -The community garden, I think it's current location near Rose Ln is a more conducive location as it offers more room for expansion. I also feel the space in Boones Ferry park should be used for recreation and not a garden.	1/3/2018 11:50 AM
7	The extended access to the river. This is a steep bank and i would like to see it maintained. I'm good with improving the current river access at the end of Boones Ferry road.	1/2/2018 6:43 PM
8	No Kayak access. Would prefer the dog park and the restroom moved to the west side.	1/2/2018 6:28 PM
9	There's a great deal of added development for a park that is "off the beaten path" at a dead end road; it is excessive for a neighborhood park serving Old Town residents. This should not be developed as a "destination". Areas furthest from residential area (ie: the East edge of the Park) are most susceptible to illicit or illegal behavior, homeless camps, vandalism, or other undesirable activities. All enhanced activity in this area should be near the road and have open sightlines to rest of Park, and street.	1/2/2018 3:33 PM
10	The location of the dog park	1/2/2018 1:36 PM
11	No dog park	1/2/2018 1:34 PM
12	Dislike the rest of it.	12/31/2017 4:12 PM
13	Make the park bike and pedestrian friendly	12/31/2017 2:05 PM
14	Do not like dog park on other side of free way nor extra Parking. It's already a traffic nightmare to live here and is detrimental to our home values and way of life.	12/30/2017 12:01 PM
15	I like the idea, but not sure if it is the best place to rent kayaks etc, there is lots of boat activity on nice days. Not sure an additional parking lot is needed on the west side, the added street parking should be enough,	12/29/2017 5:03 PM
16	No additional parking West Boone's Ferry. Keep existing parking on Boone's Ferry. There is already a dog park in Wilsonville which is located in a much bigger park. Why don't you expand that dog park? If your going to have more dog parks you have to enforce the rules and stop all the off leash activity I see in Memorial Park.	12/28/2017 12:54 PM
17	That there is not a water play feature. The butterfly/bee habitat seems lacking.	12/28/2017 9:23 AM
18	The north wooded area can be further developed along the lines in Concept 3.	12/26/2017 11:12 PM
19	lacks adult exercise equipment	12/23/2017 6:00 PM
20	Does not appear to improve bikeability.	12/19/2017 8:14 PM
21	The dog park. I love dogs, but there doesn't have to be a designated dog park in this park. It's not really large enough to accommodate it. I think it's nicer to have more undeveloped area with trees.	12/12/2017 6:37 PM
22	I think it could have even more river access	12/11/2017 9:57 AM
23	I don't have kids, so have no interest in expanding 'space for families'... however, doing that has high interest for many - so that is not really a 'dislike'.	12/8/2017 5:24 PM

Boones Ferry Park Master Plan Survey, Concept 1: Engage the River

24	Please add a spot for skating. Does not need to be a full size skate park, just some some small concrete features: stairs, ramp, half-pipe. See the Spohn Ranch Website for examples of Skate Spots and Skate-able Art. https://www.spohnranch.com/ PS On design #2, I already replied and can't reopen it, but I now notice it did not have a floating dock.	12/7/2017 2:24 PM
25	Subsidized free car parking. No identified bicycle parking.	12/6/2017 9:06 PM
26	We live on the street leading into Memorial Park. We walk our dog to the loop around the park regularly. The current dog park there takes up a lot of the available parking, often forcing sports attendees and others to park on the grass or illegally and the large dog park included in the new plan does not take into account the very large numbers of vehicles that drive their dogs to the park. The bigger the dog park, the more parking you will need and the new space only shows 15 spaces and that is to be shared by people wanting to access the river for walks, picnics, fishing/kayaking, play areas... There is already a large dog park at Memorial. Perhaps the dog park elsewhere in the community's West side would be more reasonable, i.e. Grahams Oaks Nature Park for instance. There would then be a large dog park on both sides of town that way without taking up the limited parking area. We could still walk our dogs along the trails to use the park. Just add Doggy Pick-up bags. As an artist I would also like to see local artwork included, paintings in buildings, murals on the underpass, sculpture along trails etc.	12/6/2017 10:52 AM
27	No bike pump track	12/5/2017 8:46 AM
28	NA	12/2/2017 9:50 PM
29	Strongly dislike where new parking is located parallel to Boones Ferry Road. That open space should remain natural and not be turned into a parking lot. The neighborhood deserves this. Old Town has already lost the majority of its natural/park like open space. Add parking near the already existing parking lot if absolutely necessary and use street parking. Turning the park into a parking lot is short sighted and an offense to the neighborhood and home owners who have lived next to this green space for decades. Don't believe an amphitheater is needed. There is already an amphitheater at the McMenamins just down the road. There is too much going on, too many new amenities. Leave the park simple and natural. At the end of the day, this is a small park, at the end of a dead end road. There is limited parking and limited space. Inviting the entire region down here with all these activities could turn into a real nightmare for the neighborhood with increased crime, noise, and garbage. Keep it small. Keep it natural. Keep every tree possible. This is not a zoo and you shouldn't turn it into one. French Prairie Bridge Alignment 1 and 2 are an affront to the neighborhood.	12/2/2017 12:15 PM
30	The lack of a water fountain for kids	12/2/2017 10:06 AM
31	Extending the play area to the wooded area, unless that means play fields.	12/2/2017 8:28 AM
32	Not sure about the dog park placement.	12/2/2017 12:04 AM
33	The future connection on the lower left side of the picture it would of been better if we knew what are the city plans for the other side of train tracks.	12/1/2017 5:07 PM



**BOONES FERRY PARK
CONCEPT 2 - HISTORICAL FOCUS**

OCTOBER 2017

0' 60' 120' 180' NORTH

WILSONVILLE PARKS & RECREATION

DC DESIGN CONCEPTS
Community + Landscape Architects

Q1 What do you like about Concept 2: Historical Focus?

Answered: 30 Skipped: 2

#	RESPONSES	DATE
1	The Tauchman House display approach highlights the history of Wilsonville.	1/16/2018 10:56 AM
2	The key part of this design is the northwest parking lot. This layout would work well as a traffic circle to end Boones Ferry Rd. I like play creek. These get use.	1/15/2018 6:48 PM
3	I like the Play Creek idea and that the existing orchard is preserved. I think the bike pump track is a great idea to give people something fun and active to do. New restrooms instead of just one single restroom will probably be appreciated. Having the picnic area not close to the water sewage plant is a good idea as well. I think having the bike park and the community garden in these locations make sense.	1/9/2018 10:18 PM
4	Love the bike trails. Love the open lawn. I like the preserved wooden area. Good location for dog park.	1/4/2018 7:48 PM
5	Trails	1/4/2018 5:09 PM
6	Dog parks and bike pump track	1/4/2018 9:48 AM
7	-The bike pump track is WONDERFUL! I am very pleased to see it a feature of two of the concept designs. Cycling is a great lifetime fitness activity and pump tracks are a great way to cultivate an interest in cycling with kids. That said, I think the track design in concept 3 is superior.	1/3/2018 11:52 AM
8	In particular I like the basketball court and public parking. I would like to see pickle ball/tennis courts as well.	1/2/2018 6:46 PM
9	Not much. I wouldn't use it.	1/2/2018 6:31 PM
10	Dog Park and trails	1/2/2018 1:35 PM
11	This one is better.	12/31/2017 4:13 PM
12	Restrict vehicle street parking and drop-off area along main access	12/31/2017 2:08 PM
13	Dog park close to Boones Ferry road, keeping orchard in tact, river access, keeping historical aspects in line with Old Town charm.	12/30/2017 11:59 AM
14	picnic areas, dog park is better on the west side, big nature play area, walking trails	12/29/2017 5:09 PM
15	River assess ok. Again I ask why your cramming so much into this area that is so disruptive to the neighborhood when you have that huge memorial park you can add to i.e. expand that dog park.	12/28/2017 12:58 PM
16	The play creek looks interesting	12/28/2017 9:27 AM
17	Virtually nothing that is not as well or better provided for in Concept 1.	12/26/2017 11:07 PM
18	I don't like this plan.	12/24/2017 9:14 AM
19	Full of activities	12/23/2017 6:04 PM
20	I like the idea of enhancing Tauchman house and developing the east side with diverse activities.	12/21/2017 3:46 PM
21	Generally, OK	12/19/2017 8:16 PM
22	This is my least favorite concept.	12/11/2017 9:59 AM
23	Active area's. Also add spots for skateboarding (not a skate park) but smaller, inexpensive concrete stairs, rails, small ramps.	12/7/2017 2:03 PM
24	A safe place to ride a bike or skateboard.	12/6/2017 9:07 PM
25	Like the bike trials and play creek.	12/5/2017 4:59 PM
26	Play creek, nature play, protecting orchard	12/5/2017 8:47 AM

Boones Ferry Park Master Plan Survey - Concept 2: Historical Focus

27	Like the preservation of the wooded area in the center northern most tract of park land. Like that there are fewer new amenities, like that the park is being left in its more natural state. Like the on-street parking.	12/2/2017 12:15 PM
28	The defragmentation of the lawn area to make it more suitable for play. Enhancing the Tauchman house. It's lovely and been there forever and should be enhanced and a focal point.	12/2/2017 8:30 AM
29	I really like the play creek. The shelter/picnic area would also be a nice addition.	12/2/2017 12:11 AM
30	Separates small and big dogs as far away as possible. Bike track a great addition. Only suggestion add more trees or a good fence where teenagers wont cut through the path that goes underneath the i5 bridge into the bike track.	12/1/2017 5:05 PM

Q2 What do you dislike about Concept 2: Historical Focus?

Answered: 30 Skipped: 2

#	RESPONSES	DATE
1	Does not include river use/access which should be a major highlight.	1/16/2018 10:56 AM
2	The north end of the park needs to be cleaned and trimmed up. It currently has multiple transient camps. Safe walkways need to connect to Magnolia and Fir streets. I would like to see the basketball court covered. The area where the basketball court was vacated could be enlarged where a soccer ball could be kicked or a football, baseball or Frisbee thrown...	1/15/2018 6:48 PM
3	There is no water equipment rentals which are a great thing in Tualatin and I think our community would enjoy and benefit from. There looks to be no trail through the Preserved Wooded Area which there is on the other 2 plans. If you are going to have woods it would be nice to be able to walk through them. A lack of water equipment rentals is the biggest downfall of this concept, otherwise it seem like a very good plan.	1/9/2018 10:18 PM
4	Needs more access to the river and equipment rentals.	1/4/2018 7:48 PM
5	Seems like very minimal changes and I do not feel like it would be very utilized pretty much the same as it is now. No river access... we should always be taking advantage of all the river access possible. To many people misuse the river down there as it is and are not being respectful of the environment.	1/4/2018 5:09 PM
6	No canoe rental.	1/4/2018 9:48 AM
7	- I would like to see an access trail from SW Magnolia Ave so users could avoid walking along Boones Ferry Rd. - Too much space is allocated for the dog parks.	1/3/2018 11:52 AM
8	not a fan of the bike pump track. too age specific. put in something all ages can enjoy such as tennis/pickle ball.	1/2/2018 6:46 PM
9	No dog park. The river access looks like what is there now, essentially non existent, unless this plan includes a new concrete ramp that it doesn't show.	1/2/2018 6:31 PM
10	There's a great deal of added development for a park that is "off the beaten path" at a dead end road; it is excessive for a neighborhood park serving Old Town residents. This should not be developed as a "destination". Areas furthest from residential area (ie: the East edge of the Park) are most susceptible to illicit or illegal behavior, homeless camps, vandalism, or other undesirable activities. All enhanced activity in this area should be near the road and have open sightlines to rest of Park, and street.	1/2/2018 3:33 PM
11	not enough trails.	1/2/2018 1:35 PM
12	Not creating a bike friendly park	12/31/2017 2:08 PM
13	N/a	12/30/2017 11:59 AM
14	Not sure that much more parking is needed? Not really using the wooded area to the north.	12/29/2017 5:09 PM
15	No dog park on Boones Ferry. No bike bump track.	12/28/2017 12:58 PM
16	The bike pump track, the dog park location, the lack of floating docks & river rentals.	12/28/2017 9:27 AM
17	Too much prime landscape reserved for dog parks and bike track, neither of which relate to the special historical character and river location of the park. The bike track especially is a misuse of this park as it would have limited appeal to the city's citizens and as a facility should be located in a less sensitive location. Boone's Ferry Park must be regarded as a city treasure and developed for what is not replicable elsewhere in the city.	12/26/2017 11:07 PM
18	The bike pump track seems like too narrow of use focus. Doesn't make sense for a sufficient percentage of the population. Not enough leverage of river.	12/24/2017 9:14 AM
19	It is a city park and there should be access to the north area. Is there a place for non motorized boat access?	12/23/2017 6:04 PM

Boones Ferry Park Master Plan Survey Concept 2: Historical Focus

20	the water front is not developed to include a floating dock. It seems like an excessive expense to relocate existing services.	12/21/2017 3:46 PM
21	Restriction of parking. A city park needs to accommodate enough parking to allow more than the neighbors to use it. They can walk anyway.	12/19/2017 8:16 PM
22	Wastes money by moving an existing parking area and rebuilding it elsewhere. Also wastes money by moving the basketball court and restrooms a few feet from where they are now. No reason to create open lawn spaces, all trees should be preserved as they are.	12/12/2017 6:29 PM
23	No river access. There are other parks that could have the diverse activities where there are only a few parks that have the potential for river access. You should develop based on the uniqueness of this park	12/11/2017 9:59 AM
24	Too much free car parking.	12/6/2017 9:07 PM
25	The open lawn area is sloped right now, makes it hard to play on.	12/5/2017 4:59 PM
26	No floating docks	12/5/2017 8:47 AM
27	Strongly dislike where new parking is located parallel to Boones Ferry Road. That open space should remain natural and not be turned into a parking lot. The neighborhood deserves this. Old Town has already lost the majority of its natural/park like open space. Add parking near the already existing parking lot if absolutely necessary and use street parking. Turning the park into a parking lot is short sighted and an offense to the neighborhood and home owners who have lived next to this green space for decades. Like the dog park down in the old trailer park area better. Dog park will bring a lot of people and would prefer they are as far away from the neighborhood and homes as possible. The bike pump track seems highly special interest. Noting the character of the mostly boys who use the skate park at Memorial park, this type of amenity brings unsupervised teenage boys who smoke, are profane and leave garbage all over the place. Putting them down in the old trailer court is preferable to near the neighborhood, but unsupervised teenage boys in this remote location seems like a bad idea, too. At the end of the day, this is a small park, at the end of a dead end road. There is limited parking and limited space. Inviting the entire region down here with all these activities could turn into a real nightmare for the neighborhood with increased crime, noise, and garbage. Keep it small. Keep it natural. Keep every tree possible. This is not a zoo and you shouldn't turn it into one. French Prairie Bridge Alignment 1 and 2 are an affront to the neighborhood.	12/2/2017 12:15 PM
28	Parking may be a concern with this plan.	12/2/2017 8:30 AM
29	This is my least favorite concept. I don't like the "bike pump track". I don't think it's a good use of space as it takes up a big chunk of the park and will be utilized by only a very small section of the population. I also don't like the restrooms being moved so far away from the house and the green area. And there aren't as many playground areas in this concept as in the others.	12/2/2017 12:11 AM
30	can't see anything i don't like	12/1/2017 5:05 PM



**BOONES FERRY PARK
CONCEPT 3 - ACTIVATED PARK**

OCTOBER 2017

Q1 What do you like about Concept 3: Activated Park?

Answered: 42 Skipped: 2

#	RESPONSES	DATE
1	I like the parking areas to spread out the traffic and the dog park is away from the freeway and the trails. I also like the water feature which makes it very family friendly.	1/15/2018 9:29 PM
2	full development of river frontage especially the ada paths to the dock. this would be the most used feature of all presented. Development of the north end and paths to magnolia st	1/15/2018 6:10 PM
3	The water equipment rental is an excellent idea!	1/14/2018 3:53 PM
4	We love that it has a bike pump track next to the dog part, access to the river with a dock and two river overlook areas, handicap parking close to the river, a community garden, and three wooded wildlife areas. You get the most out of this plan. There is so much for kids and parents to do together, and older kids can ride their bikes while parents watch the dogs at the dog park. The community garden is perfect, and the kids area with water play is next to other activities that the older kids can participate in, so the whole family can have fun in the same location. The on-street parking is good because it frees up more space for the dog park and bike trail. Overall, Concept 3 is the nicest, most functional plan.	1/14/2018 2:44 PM
5	This is probably the nicest blend of community improvements and environmental engagement, both for the river and wooded areas. The more modest river overlooks and dock, outdoor fitness, dog parks, and the centralized play/recreation area in the middle are reminiscent of Memorial Park and would blend the two parks well, especially with their new connection.	1/10/2018 8:54 AM
6	I like the idea of pedestrian/bike network along the waters edge. Definitely the water equipment rental is a great idea.	1/9/2018 10:24 PM
7	Love this design so much! I would love a bike park and river access with Equipment rentals. I like the play equipment being close to the basketball and lawn. I don't have a dog, but I like the location of the dog park.. I love having a river overlook trail.	1/4/2018 7:46 PM
8	I really enjoy the layout on this one. Glad to see a water feature to safely enjoy with your kids. HAPPY TO SEE DOG PARKS IN ALL THE CONCEPTS, WOHO! Sorry, I didn't mean to yell, I'm just really happy to have another dog park closer to this side of town :) Also think that the equipment rentals is a fantastic idea.	1/4/2018 5:16 PM
9	I like everything. Best of 3 concepts.	1/4/2018 9:49 AM
10	-The bike pump track is WONDERFUL! I am very pleased to see it a feature of two of the concept designs. Cycling is a great lifetime fitness activity and pump tracks are a great way to cultivate an interest in cycling with kids. -The path from SW Magnolia Ave is a nice addition as it provides access to the park without using Boones Ferry Road. -The water play feature is a nice addition. -The various river overlooks are also welcomed.	1/3/2018 11:53 AM
11	parking and picnic area. Like the idea of the community garden and walking path along the river edge of the park.	1/2/2018 6:50 PM
12	dog park, play areas, river access	1/2/2018 6:35 PM
13	BY far the best of the 3. I like the area for the dog park better than Concept 1 I like that in addition to the floating dock there is a boat ramp. (You cant get in and out of a kayak from a floating dock) I like the arrangements of the play areas. I like the outdoor fitness area	1/2/2018 6:23 PM
14	Love the variety of play areas.	1/2/2018 2:01 PM
15	Love the new event space, and DOG PARK!! yea!!!	1/2/2018 1:36 PM
16	Nothing	12/31/2017 4:24 PM
17	I like this one.	12/31/2017 4:13 PM
18	Develop water edge and create pedestrian/bike network along edge	12/31/2017 2:06 PM
19	Dog park and pump track in the West side	12/31/2017 12:26 PM

Boones Ferry Park Master Plan Survey - Concept 3: Activated Park

20	Outdoor fitness center (exercised at a calisthenics park in Salzburg Austria along the river last summer and it was really cool), play equipment, on street parking vs additional lot	12/29/2017 5:18 PM
21	keeping existing parking, trees ect. on boones ferry rd.	12/28/2017 1:00 PM
22	The water play addition to the play area	12/28/2017 9:31 AM
23	The best feature of this concept is the development of the northern wooded area, which the other concepts mostly ignore. We don't see any reason this treatment couldn't be applied to the first concept.	12/26/2017 11:07 PM
24	I love the access to walk and bike ride along the river	12/26/2017 5:53 PM
25	retains river access/leverage	12/24/2017 9:18 AM
26	My favorite. It has kayak rental and fitness area. There is access to the north area.	12/23/2017 6:07 PM
27	This seems like an expanded concept # 1 plan. Whether or not it's a good plan depends on the cost.	12/21/2017 3:51 PM
28	OK plan	12/19/2017 8:17 PM
29	although limited, it does offer river access and trail along the edge. I like the idea of event space and dog park as well.	12/11/2017 10:00 AM
30	Active area's. Also add spots for skateboarding (not a skate park) but smaller, inexpensive concrete stairs, rails, small ramps.	12/7/2017 2:04 PM
31	I like the bike pump track and the bike path along the river.	12/6/2017 9:08 PM
32	Seems least disruptive to the area. Although I don't care for the vague term "activate" areas - would hope they would be sensitive to existing areas/minimize development-destruction.	12/5/2017 8:30 PM
33	The bike track would be a first for the city, great idea. Wide variety of potential activities.	12/5/2017 4:43 PM
34	Outdoor classroom, floating docks	12/5/2017 8:47 AM
35	a walking trail along the river would be nice, however it looks rather short.	12/5/2017 7:52 AM
36	Development along river's edge is a great addition!	12/2/2017 6:54 PM
37	It is the only concept that doesn't have new parking parallel to Boones Ferry in the NW most plot of the park. The neighborhood strongly rejects adding a parking lot there. Like the preservation of the wooded area in the center northern most tract of park land.	12/2/2017 12:15 PM
38	Dog park, event space, river access... all fantastic things	12/2/2017 8:31 AM
39	I like that there is a Community Garden and the Bee and Butterfly area.	12/2/2017 12:19 AM
40	Water equipment rental, dog park	12/2/2017 12:06 AM
41	keeps a lot or most of the trees in place and not a lot of cutting down of trees	12/1/2017 5:09 PM
42	Everything! Love the river walk idea	12/1/2017 4:18 PM

Q2 What do you dislike about Concept 3: Activated Park?

Answered: 37 Skipped: 7

#	RESPONSES	DATE
1	Nothing	1/15/2018 9:29 PM
2	no walk path around bike track. no access to fir st. besides the shoreline the rest of the plan seems underdeveloped in general logistics of kayak rentals	1/15/2018 6:10 PM
3	Nothing. Love it all!	1/14/2018 3:53 PM
4	Nothing. It has no drawbacks.	1/14/2018 2:44 PM
5	The bike pump track doesn't seem to be a huge community draw, but it is a much more integrated design than Concept 2.	1/10/2018 8:54 AM
6	There is no parking for the dog park that is close by. It seems like the bike pump trail and garden should be swapped.	1/9/2018 10:24 PM
7	Do people use outdoor fitness equipment? Honest question, because I don't see it used very often. Is there enough parking? We don't use the community garden, I am sure others would, but it isn't applicable to us. What does nature play mean? I would love a single awesome play area above a couple smaller play areas. That said, if nature play is truly engaging, that would be cool, too. These are exciting designs!!	1/4/2018 7:46 PM
8	I don't really know how much the exercise area will be used, but interested to see it if this is chosen. I wish there was more being done in the wooded area with the access off Magnolia. A playground or something would be great!	1/4/2018 5:16 PM
9	The community garden, I think it's current location near Rose Ln is a more conducive location as it offers more room for expansion. I also feel the space in Boones Ferry park should be used for recreation and not a garden.	1/3/2018 11:53 AM
10	again not a fan of the bike pump track. too age specific. Put in some tennis courts/pickle ball courts that all ages can enjoy or beef up/extend the frisbee golf course.	1/2/2018 6:50 PM
11	Adding to my previous comments. The restrooms should be more centrally located, or at both ends. It is currently shown a long way from the dog park and the primary play area.	1/2/2018 6:35 PM
12	I dont think the small dogs vs big dogs need to be separated. I go to the memorial park 2-3 days a week and have only seen the small dog park utilized a few times. Size shouldn't matter. I cant tell for sure, but there needs to be enough space near the bottom of the ramp to drop off a kayak and drive back up to park. It is far to far to carry one with that steep grade. Just a grassy area would be fine.	1/2/2018 6:23 PM
13	There's a great deal of added development for a park that is "off the beaten path" at a dead end road; it is excessive for a neighborhood park serving Old Town residents. This should not be developed as a "destination". Areas furthest from residential area (ie: the East edge of the Park) are most susceptible to illicit or illegal behavior, homeless camps, vandalism, or other undesirable activities. All enhanced activity in this area should be near the road and have open sightlines to rest of Park, and street.	1/2/2018 3:33 PM
14	No river play area.	1/2/2018 2:01 PM
15	Nothing	1/2/2018 1:36 PM
16	this would recent activity that should not be so close to where people live. I know some people near the park work nights and I'm sure they would not appreciate having a circus so close by.	12/31/2017 4:24 PM
17	Create a bike path along river that is connected to other bike paths in Wilsonville	12/31/2017 2:06 PM
18	Nothing	12/31/2017 12:26 PM
19	Would be nice to have a walking loop around the whole park.	12/29/2017 5:18 PM
20	Dog park location.	12/28/2017 1:00 PM

Boones Ferry Park Master Plan Survey Concept 3: Activated Park

21	The location of the dog park & the bike pump path.	12/28/2017 9:31 AM
22	Too much of the park's area and best landscape is given to dog parks and community garden, which are limited uses that relate to neither the historical character of the area nor the special riverside location that are not duplicated elsewhere in the city and should be be the focus of this Park. The dog parks and garden are more proportional and better located in Concept 1.	12/26/2017 11:07 PM
23	Bike pump track seems to be of limited use.	12/24/2017 9:18 AM
24	Needs on street parking. There is not enough parking spaces.	12/23/2017 6:07 PM
25	restricted parking	12/21/2017 3:51 PM
26	Don't restrict parking. This is a city park, not a neighborhood park.	12/19/2017 8:17 PM
27	The dog park is superfluous and unnecessary in a small park like this.	12/12/2017 6:42 PM
28	it could use more river access	12/11/2017 10:00 AM
29	Too much free, subsidized car parking.	12/6/2017 9:08 PM
30	Seems best of three evils - would prefer to leave it alone. This part of Wilsonville doesn't need 'development'	12/5/2017 8:30 PM
31	The trail that leads under I5 always felt very secluded and not very safe. I'm concerned the new trails will give that same sense of isolation.	12/5/2017 4:43 PM
32	nothing -- this plan looks the best!	12/2/2017 6:54 PM
33	Far too much going on. Prefer the park be left natural with not so many new activities. At the end of the day, this is a small park, at the end of a dead end road. There is limited parking and limited space. Inviting the entire region down here with all these activities could turn into a real nightmare for the neighborhood with increased crime, noise, and garbage. Keep it small. Keep it natural. Keep every tree possible. This is not a zoo and you shouldn't turn it into one. Like the dog park down in the old trailer park area better. Dog park will bring a lot of people and would prefer they are as far away from the neighborhood and homes as possible. The bike pump track seems highly special interest. Noting the character of the mostly boys who use the skate park at Memorial park, this type of amenity brings unsupervised teenage boys who smoke, are profane and leave garbage all over the place. Putting them down in the old trailer court is preferable to near the neighborhood, but unsupervised teenage boys in this remote location seems like a bad idea, as well. French Prairie Bridge Alignment 1 and 2 are an affront to the neighborhood.	12/2/2017 12:15 PM
34	Parking maybe a concern with this space.	12/2/2017 8:31 AM
35	Don't like the bike pump track - I don't think it's a good use of space. I also don't like that the parking near the dog park area is street parking only. I like the parking lots on the other concepts better. I'm not sure about the whole garden/play/picnic/shelter area in the middle of the open lawn. It looks like there's a lot crammed into that one little spot. I also hope that "extended building area" doesn't mean you plan on adding on to the historic house. That would be strange and wrong.	12/2/2017 12:19 AM
36	Would like addition of bee/ butterfly garden in concept 2	12/2/2017 12:06 AM
37	bike track is to close to the dog park, who knows if a dog might jump a fence or dogs be more aggressive seeing people on bikes going fast.	12/1/2017 5:09 PM

McCarty, Mike

From: T A <tavery159@gmail.com>
Sent: Thursday, September 14, 2017 11:28 AM
To: McCarty, Mike
Subject: Boones Ferry Park

Good Morning, Mike,

I was one of the attendees at last weeks Boones Ferry Park session and was just reading the article in the Spokesman. The article seemed to barely touch on new and innovative ideas for adding to our park system and I would hate for people to disengage because the parks we have now are beautiful so no discussion is needed. I thought the whole point of the gathering was to add to not just repeat what already exists.

While I understand that everyone has a different level of use, it seemed that a lot of the ideas were redundant and called for more of the same of what we already have in Wilsonville.

This summer we had a number of opportunities to kayak and a few of those time it was here in the Willamette Valley. Unfortunately, the one and only time we "put in", in Wilsonville we found ourselves carrying our kayaks down from Tauchman House parking lot on a very steep driveway that use to lead to the Boones Ferry.

When we reached the bottom there were a few people using the only access to the water for fishing, little ones wading a couple of dogs chasing sticks and us...trying to get our kayaks down a steep drop-off to reach the water. The area was covered with broken concrete, re-bar, some trash and broken glass (because there actually are people trying to both fish and picnic on a 30 foot stretch of water, but there are no trash receptacles). It was dirty, dangerous and directly across from a private marina. Really quite embarrassing and disappointing for Wilsonvilles only river access for those who would rather be able to fish, swim, picnic or paddle.

We found ourselves and friends opting instead to go to West Linn (Willamette Park) and Canby (Hebb Park) to "put in" and "take out". We would stay in the community for dinner as a group and even had a couple of large Bar-b-q's with others because those sites provided clean and user friendly paddling, places for kids to play in the river and fish.

Wilsonville already has a community garden, a dog park, playgrounds and water features for little ones. Walking paths are an excellent use of the land for views and access to the river and can have little impact on the environment. They can also present spaces that might include the history of Wilsonville, art, exercise and the natural beauty of our community. Please don't overlook the connection to one of the most powerful and beautiful assets in Wilsonville or the opportunity to grow and expand the vision of the local parks and what they can offer to all of the residents.

The "**Explore Wilsonville**" website features images of the river and shows an image of a kayaker in the "Play and Explore" drop down tab. In that tab under recreation the guide to fishing and boating promotes the private Boones Ferry Marina and Boating Club that charges \$1000.00-2100.00 and \$500.00 to be wait listed. SERIOUSLY!????! It also promotes Canby, Champoeg and 50 other places in the Willamette Valley to fish. None of which are in Wilsonville (including Wilsonville Pond which is actually in Aurora).

According to REI's adventure journal the stretch of the (affectionately referred to as The Willy) Willamette River from Corvallis to Portland is the #1 rated thru-paddle of any kayaking adventure in

the lower 48 and in the Willamette River Guide we don't even appear on their map as one of only 19 cities it flows through.

I hope going forward the city can grow and enhance all of it's assets for the benefit of the residents and the wider community regardless of their economic or physical limitations.

Thank You. Toni Avery

Boones Ferry Park Upgrades

Mike,

As you know I came late to the discussion. I want to thank you and Tod for meeting me last week and bringing me up to speed as to some of the topics discussed to this point and listening to my personal views and concerns.

I have already made several written comments but you brought up a couple things that I wanted to follow up on.

Of course there would be concerns of locals(myself being one of them) as to not only the added traffic getting to and from the park but also the increase of strangers in the neighborhood. And of course these concerns are legitimate.

Recently the City Council has voted to bring substantially more traffic through Old Town than any of the proposed Park Plans would produce. The improvements that come with the new traffic impacts deliver very very little gain to the Old Town community. I believe a nicely improved park would be a good way the City could mitigate the negative impacts of the 5th st Crossing.

Any new traffic heading to the Park would likely come at off-peak traffic hours so it would not add to congestion. And if there ended up being some extra traffic to the park that would imply we had a nice park that people wanted to drive to. This park is a very short walk to Old Town residence and some of the proposed elements would certainly be utilized by the locals and their guests.

Limiting parking for a popular destination WILL lead to improper unsafe parking and congestion.

My house would feel the brunt of this new traffic but I still believe the value of a well-developed park far exceeds the negatives of some new WELL-MANAGED traffic which would include targeted traffic law enforcement by the police.

The River and the City of course have a history and I believe the full development of the riverfront would celebrate this history. We should build something to be proud of. Somewhere people want to visit.

Just demand while they are visiting Old Town that they are respectful.

Thank you

Mark Britcliffe

From: [McCarty, Mike](#)
To: [Ante-Marandi, Ahsamon](#)
Subject: FW: Boones Ferry
Date: Friday, January 26, 2018 9:48:22 AM
Attachments: [boones_ferry_park.docx](#)

From: mark [mailto:markebrit@yahoo.com]
Sent: Monday, January 15, 2018 1:13 PM
To: McCarty, Mike <mccarty@ci.wilsonville.or.us>
Subject: Boones Ferry

Hi Mike,

Darla and I have a huge stake in Old Town. We have recently invested over a million dollars developing distressed lots.

I was hoping to talk to you more about earlier discussions concerning the park as I wasn't involved. You must have missed my 10 messages...

I've attached a letter regarding the development of the park with some comments. Could you please put this in the public record

Looking forward to the next step.

Thanks

Mark Britcliffe

Sent from [Mail](#) for Windows 10

Boones Ferry Park Expansion.

My name is Mark Britcliffe. My wife Darla and I live at 9155 sw 4th st in Old Town. We also own several rental units in Old Town with some on Boones Ferry Rd.

Darla and I both visit Boones Ferry Park regularly. We believe the Park is underused in general. We believe the Park should be developed to encourage outdoor activity especially incorporating the river.

Few communities have the opportunity to have a park fronting such a major and historic waterway. We believe the Park should be structured in a way that makes it possible for visitors to fully enjoy the river.

I have been in real-estate development since 1979 and I have always paid attention to the development and use of public parks. I believe that city parks in general should be designed with a broad range of uses available as to encourage a broad range of users. That being said I have noticed that invariably if there is not a commitment in the design to quality and scale of any specific feature that feature will be underused. Small(in scale) dog parks don't get used much, smaller bike tracks see little use after a short while, unchallenging playground elements quickly turn into "yard art". Whatever features are included in a final design should be substantial and memorable. Something someone would want to do again.

As I said Darla and I visit the Park regularly and we have also spent a great deal of time at the new large park in Sherwood. In regards to specific features. By far the most utilized feature in either of these parks is the walkways. Old Town has a scarce amount of safe walkways right now and there are no plans for any new ones. The new Park is a great place to mitigate this problem. If there is a dog park have a path around it if there is a bike track have a path around it if there is a ... have a path around it. For safety and comfort of use if any path is to accommodate both bicycles and pedestrians it should be wide enough and have well defined lanes. You would need to avoid the opportunity for a bicyclist to come from behind someone walking a dog on a lease on the same path.

The one single feature in all the plans that most impressed us was the ADA path down to a dock on the river and an ADA path up the other side. If that could be pulled off it would easily be the most used feature shown on any of the plans.

Substantial and challenging playground equipment is used regularly at the Sherwood Park.

The Large covered eating/seating area gets regular use in Sherwood. Parking close to a covered eating/seating area would be a key feature.

Basketball courts always get use. If the basketball court gets moved the area that is vacated could be expanded and used as a small soccer/multipurpose area. There is no flat grassed areas to speak of now and sloped grassed areas do not get much except in dog parks. I used the current basketball court all summer and by design it is very dirty. I blew the court with my commercial blower twice a week and it was still mostly dirty.

I think a covered court would have multiple uses and allow use of the park on more days. It would also work well in conjunction with a covered eating area.

The children's water feature gets use in the Sherwood Park as well as the one at the Korean War Memorial in Wilsonville which Darla and I also frequent.

We would be in favor of an expansion of the Tauchman House if the design was multifunctional and was intended to be used regularly by a range of citizens. Any expansion architecture should take full advantage of the views of the river and railroad trellis.

Adequate parking is essential however actual handicap parking on the path down to the river seems problematic. Not just the logistics of turning around for the legal parking but leaving the access open for any vehicle traffic will bring unwanted vehicle traffic as well.

We believe you should develop/access as much of the riverbank as possible. Most existing unhealthy foliage along the slope should be removed and replaced with more appropriate plantings. Plantings with concerns for better erosion control as well as leaving open river views at the lookout points and scenic paths.

The kayak rentals look good on paper and I hope it can work out but it would seem this would have to be managed remotely as I believe it would prove too costly, private or public, to have a person on-site for all the hours necessary for operation.

One plan shows traffic turn-around/drop-off point. I cannot see any situation where someone would need to be dropped off there. The drop-off point is adjacent to the parking lot.

A parking lot as you enter the park that could be used as a turn-around for the ending of Boones Ferry Rd or an actual traffic circle would be important for reducing illegal U-turns on Boones Ferry.

One of the dog parks could be placed on the existing sloped, grassed area

There is talk about leaving the northern most treed area "natural", as it is right now. Right now there are scattered transient camps hidden in the overgrowth. Last summer I discovered a cache of stolen items in one of the camps. I was told by Wilsonville Police they believe those items were from a rash of local burglaries. This area needs to be cleaned up and trimmed up for safety. There should be walking paths going through it connecting the neighborhood to the Park.

There is a similar problem on the south end of the Park with a well beaten path leading to a sleeping area under the railroad trellis. This area should be cleaned and trimmed up and the access blocked to the area under the trellis to discourage illegal activity.

There are a couple things left out of all 3 plans I would like to comment on. First, I would like to see a clear interface between the north end of the park and the Old Town neighborhood at the ends of Magnolia st and Fir st. with access by walking paths for both.

Also I would insist that traffic patterns, vehicle acceleration and speed on Boones Ferry Rd be in any conversation regarding a substantial increase of traffic through our residential neighborhood. I do not believe that park traffic will add to the congestion at Boones Ferry rd and Wilsonville rd as it will likely bring traffic during less congested traffic hours and days.

That being said, this traffic must be managed by design and a commitment to enforcement of traffic laws to mitigate its impacts.

Thank you

Mark and Darla

From: Ante-Marandi, Ahsamon
To: ["Steven Van Wechel"](#)
Subject: RE: Tauchmann House
Date: Thursday, February 08, 2018 1:50:00 PM

Thank you, Steve. I have forwarded your email to the project consultants and saved a copy for our project records.

Kindly,
Ahsamon

Ahsamon Ante-Marandi
Administrative Assistant II
Wilsonville Parks and Recreation
503.570.1530

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

From: Steven Van Wechel [mailto:stevevw.55@gmail.com]
Sent: Wednesday, February 07, 2018 4:43 PM
To: McCarty, Mike <mccarty@ci.wilsonville.or.us>
Cc: Ante-Marandi, Ahsamon <ante-marandi@ci.wilsonville.or.us>
Subject: Tauchmann House

Greetings, Mike:

Just wanted to reconfirm with you the historical society's interest in the Tauchmann House. We mentioned it once several months ago when I came in and met with you, but in double checking/triple checking thought it was good to do it again so it doesn't get lost. At the Society's meeting today, Charlotte Leehan also wanted me to make sure the message was there due to the planning process going on for the park.

The Wilsonville Boones Ferry Historical Society wants to go officially on-record as being interested in eventually moving into the Tauchmann House and developing a historical/heritage center there based on the history connected with building and location by the ferry. To be forthright, it will indeed be a space of time before the Society can take this project on, but it needs to be recorded in the plans for the park.

If you have any questions, please feel free to contact me via return email, or my phone number is 503-682-5048.

THANKS, Mike!

STEVE VW

--

Van Wechel

_____ Steve

From: [McCarty, Mike](#)
To: [Ante-Marandi, Ahsamon](#)
Subject: FW: park along the river
Date: Friday, March 09, 2018 1:51:42 PM

I already answered Mr. Thomas, can you put him on our list to contact for next meeting please.
Thanks Mike

From: Louis Thomas [mailto:louis.thomas.1968@gmail.com]
Sent: Friday, March 09, 2018 11:29 AM
To: McCarty, Mike <mccarty@ci.wilsonville.or.us>
Subject: park along the river

Mr. McCarthy,

I understand your team is in the planning stage for the park along the river and there are several options being proposed. This land is a great opportunity to add character and amenities to living in Wilsonville. Having water front access is a rare commodity and should be used to serve the entire city. I would love to see the following items in this space.

Access to the water for launching canoes, kayaks, and paddle boards! Along with appropriate parking to allow for loading and unloading of the equipment should be a priority. An area that could support open viewing of the river with benches and a play structure for our children. I understand it would be necessary to provide the infrastructure (bathrooms and a small shelter).

If there is a time and place that I need to show up to voice my opinion for a larger impact, please let me know.

Thank You for your time,
Louis 'Donovan' Thomas

From: [Steven Van Wechel](#)
To: [Ante-Marandi, Ahsamon](#)
Subject: Boones Ferry Park input
Date: Tuesday, June 26, 2018 3:25:32 PM

Don't know if this suggestion can still be gotten in, but the past week's front page article in the Spokesman prompted me to go ahead and give it a try. Maybe it could just be passed on for whatever it is worth.

The area of the park NORTH of the street (between the apartments and the sewer plant) could certainly be problematic - especially when the bridge gets built. Being totally isolated on three sides; being there would never be any police presence in it (unless they got a call); because it is totally unseen and tucked away in a very unnoticeable area -- I totally agree it could be a huge magnet for homeless camps, drug use by teenagers, etc. So I have come up with a suggestion that hopefully would mitigate those issue to a large extent.

My suggestions is to 1) put a couple/few picnic tables reasonably close to the road; 2) then fence off the entire rectangular area on further to the north; 3) then work with the school district, CREST, and/ or the environmental department of Clackamas Community College to convert the enclosed area into an arboretum to be used to be used for research, preservation, class presentations, Scout projects/merit badge work, etc.. Maybe a gate could be installed with a nominal 50 cent admission or something just to keep it clean and nice and to help prevent the area being used for nefarious purposes. (Maybe one of those new 'butterfly' houses that are popping up all over could be put in there as well and really make use of the area!!! / specializing in native butterflies and moths, etc. of the area - thus keeping a historical aspect to it fitting in with the historical nature of the park.)

I do feel that using the area in a way somewhat similar to this would negate the issues and make the area an actual,useful part of the park, and an excellent addition to Wilsonville.

Thanks for passing the idea along.

STEVE VAN WECHEL

--



Steve Van Wechel

7 August 2018

Mike McCarty
Parks and Recreation Director
29600 SW Park Place
Wilsonville, OR 97070

Dear Mr. McCarty,

As residents of Old Town we submit to the public record the following written testimony regarding the Boones Ferry Park Master Plan LP18-0008. Although the Planning Commission is expected to recommend adoption of the Boones Ferry Park Master Plan LP18-0008 to the City Council, many residents in Old Town have voiced grave concerns about the negative impact these changes will have on the Old Town neighborhood in numerous public meetings as well as in other written venues.

The aspects of the Boones Ferry Park Master Plan that will most negatively impact the Old Town Neighborhood are: parking and parking overflow issues, increased car and bike traffic into the neighborhood, keeping people out of the park after-hours, increased vandalism and malicious mischief (V&MM), increased garbage dumping, and loss of green space and wildlife habitat.

PARKING/ CAR /BIKE TRAFFIC

Old Town residents have very real concerns about current car traffic in the Old Town neighborhood. Speeding is a terrible problem on Boones Ferry Road. Additionally, many residents back out of their drive ways onto Boones Ferry Road and cars that are parked on the street significantly block visibility and create a safety issue. An increase in traffic on Boones Ferry Road will leave nowhere for kids and parents to play or walk safely near the road. This project will only exacerbate these issues. We recommend adding speed bumps or using some other method to slow down traffic from 5th Street to the end of Boones Ferry Road in Old Town.

We have urged the City to develop a parking strategy that keeps additional cars out of the Old Town neighborhood; however, this plan puts almost 100 new parking spaces in Boones Ferry Park. With 2-4 people arriving in the neighborhood in each car, this plan will continually be bringing 200-400 new people down a dead end road, past many homes, and into a very small park, relative in size to other parks in Wilsonville.

One looming question: when these 100 parking spaces are full, will cars then be allowed to overflow into the neighborhood and park wherever they please? Several large new homes with one car garages were built very near Boones Ferry Park this year and sold to homeowners with 5 or more vehicles in each home, so parking is already an issue in this area without any help from significantly more cars from park visitors overflowing in front of neighborhood homes.

ENTRANCE TO PARK AFTER HOURS

All other parks in town remain open from dusk until dawn. For the safety and comfort of the surrounding neighborhood, this park's hours should not be any different. Also, Memorial Park and Graham Oak Parks both have gates that can be closed to stop car traffic from entering. We recommend that Boones Ferry Park be gated, as well. Surely a professional designer can create a plan that secures Boones Ferry Park after hours and yet allows neighborhood residents to enter and leave their homes.

PUBLIC SAFETY/ VANDALISM

Public safety is currently a concern in Old Town as neighborhood crime and V&MM is on the rise. Vagrants have started fires near homes near Boones Ferry Park and condoms have been found in neighborhood driveways near the park. People are also defecating and urinating in yards near the park. Garage doors, the railroad tunnel, and the Boone Bridge have been sprayed with graffiti. Bikes, purses, artwork on fences, boom boxes and other items have been stolen from property near Boones Ferry Park. This vandalism is occurring and increasing prior to this project starting. It is imperative that the City have a plan in place for how it intends to address increased crime in the Old Town neighborhood if more people are heralded into the neighborhood as Boones Ferry Park is developed.

Old Town neighbors also fear that unwanted camping will become an even bigger issue than it already is. The police have been called several times in the past year to remove campers from different quadrants of Boones Ferry Park. No overnight camping signs need to be posted on all the streets that lead into the park.

GARBAGE

Garbage is being increasingly dropped and dumped in the Old Town neighborhood. From Wilsonville Road to under the Boone Bridge, a constant flow of garbage, a large percentage of which is non-recyclable Styrofoam fast food garbage, litters the ground, as well as is dropped in driveways and people's front yards. Furniture and other large objects have been abandoned on neighborhood roads. Not only are there an insufficient number of trash receptacles to deal with the current problem, neighbors are concerned that the issue will only be exacerbated by this project and the onslaught of more people being ushered into the neighborhood. A plan for garbage removal near Boones Ferry Park and on nearby bike trails, as well as along the length of Boones Ferry Road in Old Town needs to be addressed. The area around the park needs more garbage receptacles now, not at the end of this project.

LOSS OF GREEN SPACE/WILDLIFE HABITAT

Old Town has already lost the majority of its green space and turning any of the few remaining acres of park green space into parking lots or a Bridge landing is extremely undesirable to the neighborhood. Many homeowners bought their homes in Old Town because of the park, wildlife, and open space that was abundant in the neighborhood.

The open space in Boones Ferry Park closest to the railroad trestle contains many mature trees as well as an established fruit orchard. It has been a summer focal point for the neighborhood as neighbors enjoy fruit off the trees and people run their dogs in the grass. The neighborhood would like to see this parcel of land left as green space and not have The Bridge land in this part of the park nor have this green space turned into a parking lot.

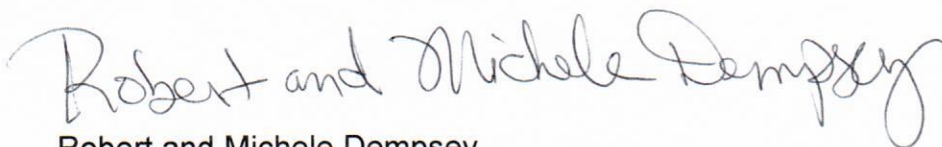
Although the Boones Ferry Park Master Plan and the French Prairie Bridge are two separate projects, their footprints overlap. The Old Town neighborhood has repeatedly stated that if the Bridge project happens at all, and most Old Town neighbors hope that it doesn't, but if it does, the Old Town neighborhood does not wish for the Bridge to land in the orchard. It should land on Boones Ferry Road, a more direct path for bikes and emergency vehicles (certainly a more direct path than landing it in the field and then having vehicles take a sharp right to get onto Boones Ferry Road) as well as a less destructive option for the neighborhood in terms of habitat loss.

The Boones Ferry Park Master Plans puts approximately 50 new parking spaces at the end of Boones Ferry Road exactly where the neighborhood would prefer that the Bridge land, if the Bridge project does in fact move forward, at some point in the future. This issue needs to be resolved before 50 parking spaces are put in this location. The neighborhood does not want to learn sometime in the future that the Bridge cannot land on Boones Ferry Road because there are 50 parking spaces there.

Old Town is the only neighborhood in Wilsonville that is bordered by the rail road, the sewer plant, and I-5 (as well as the Fred Meyer complex at the north end of the community). Surely, the City can understand why preserving greenspace is so important to Old Town residents.

The decisions that are being made with this plan that will negatively impact the Old Town neighborhood are being made by people who will not be impacted by these decisions. This is certainly ironic, unfortunate, and sadly, something that Old Town residents have no control over. That said, as you continue to develop this neighborhood we ask that you have the decency to consider how you would feel if you were a homeowner or renter here.

Thank you,



Robert and Michele Dempsey
30999 SW Boones Ferry Road
Wilsonville, OR 97070



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: August 20, 2018	Subject: Ordinance No. 818 Code Updates Regarding Enforcement Of Stormwater Regulations. Staff Member: Kerry Rappold, Natural Resources Manager; Amanda Guile-Hinman, Assistant City Attorney Department: Natural Resources/Legal	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: August 20, 2018 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: August 20, 2018 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: September 6, 2018 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: Staff seek a continuance of the public hearing scheduled for August 20, 2018 to a date certain of September 6, 2018 regarding revisions to Wilsonville Code Chapter 8 – Environment.	
Staff Recommendation: Staff recommends the Council continue the public hearing to a date certain of September 6, 2018.		
Recommended Language for Motion: Staff recommends the Council continue the public hearing to a date certain of September 6, 2018.		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUES BEFORE COUNCIL:

City staff seek a continuance of the public hearing on Ordinance No. 818 regarding revisions to Wilsonville Code (WC) chapter 8 – Environment to address housekeeping issues and substantive issues regarding regulation and enforcement of stormwater provisions. Currently, there is no clear process for enforcing violations of stormwater regulations. Moreover, Chapter 8 does not delineate between enforcement of stormwater as opposed to enforcement of industrial wastewater and sanitary sewer regulations. Because of the specific federal and state laws and regulations applicable to each, enforcement needs to be addressed in different, but complementary, manners.

The revisions also include some “housekeeping” within Chapter 8 and remove the provisions related to solid waste and recycling, as those matters are addressed in the recently adopted Ordinance No. 814. Staff added WC 8.010 under “General Provisions” to reflect that solid waste management is handled by Ordinance. Attached hereto as **Attachment A** is the Ordinance adopting revisions to Wilsonville Code Chapter 8. Attached hereto as **Attachment B** is a redline of the changes made to the current Wilsonville Code Chapter 8. Since the Stormwater regulations section was completely renumbered, the redlines appear as if the entire section (WC 8.300-8.336) is new. Attached hereto as **Attachment C** are the redlines for only the Stormwater section to show the particular changes to that section.

EXECUTIVE SUMMARY:

This Staff Report explains staff’s proposal for restructuring Chapter 8, as well as some of the issues concerning erosion prevention and sediment control (ESC) regulations found in WC 8.534 and enforcement of stormwater regulations in WC 8.536. This Staff Report further outlines the changes staff made to Chapter 8 since the Council held a work session on May 21, 2018.

1. Chapter 8 “Housekeeping”

City staff worked to reorganize Chapter 8 to match enforcement provisions with the regulations they enforce. The table below explains the “housekeeping” performed by staff:

Current Code Section/ Ordinance	New Code Section (if applicable)	Action Taken by Staff	Reason for Action
General Provisions – WC 8.000-8.008	Added WC 8.010	Update 8.006 (definitions); Add 8.010	Added definitions necessary for clarifying erosion prevention and sediment control and for enforcement of stormwater regulations; minor updates for consistency. Added a general provision discussing solid waste management to reflect new franchise agreement.
Water Conservation – WC 8.101-8.150	N/A	Update	Housekeeping; updates to reflect defined terms. Added language in WC 8.136 to address notifications via the internet regarding use of water during an emergency.
Public Sanitary Sewer Use – WC 8.200-8.214	N/A	Update	Housekeeping; updates to correct citations to Code provisions and grammatical errors.
Industrial Wastewater Regulations – WC 8.300-8.320	WC 8.400-8.420	Update	Housekeeping; updates to correct citations to Code provisions and grammatical errors.
Solid Waste Disposal – WC 8.400-8.404	WC 8.010	Update and Replace	Housekeeping; incorporated in Ordinance No. 814.

Code Section/ Ordinance	New Code Section (if applicable)	Action Taken by Staff	Reason for Action
Stormwater – WC 8.500-8.534	WC 8.300- 8.336	Update	Updated and renumbered WC 8.534 to WC 8.334 to provide clearer requirements for erosion prevention and sediment control and updated and renumbered 8.536 to 8.336 to enforce stormwater regulations.
Enforcement – WC 8.602-8.606	WC 8.502- 8.506	Update and Replace 8.400-8.404	Minor changes to reflect that the enforcement measures apply to WC 8.200-214 and 8.400-420. Moved to follow 8.400-8.420 so it follows the provisions it enforces.
Business Recycling Requirements – WC 8.700-8.750	WC 8.010	Update and Replace	Housekeeping, incorporated in Ordinance No. 814.
Industrial Pretreatment Program Enforcement Response Plan	N/A	Update	Housekeeping; updates to correct citations to Code provisions and grammatical errors.
Ordinance 482	N/A	Repeal	Requires and regulates ESC permits, which will be incorporated into WC 8.334, so the Ordinance is no longer necessary.

The proposed update to Chapter 8 has been reorganized so that the relevant provisions that potentially apply to any resident or business in Wilsonville are first in the Chapter and the more specific Industrial Wastewater regulations are later in the Chapter since they only apply to industrial users (as defined in the Chapter and by 40 CFR 403.8 (federal regulations set by the Environmental Protection Agency)).

2. Comprehensive Redrafting of Erosion Prevention and Sediment Control Regulation

One of the initial reasons that City staff began reexamining WC Chapter 8 was the need to revise the current sections titled: WC 8.534 – Erosion Prevention and Sediment Control (renumbered to WC 8.334) and WC 8.536 – Stormwater – Violations (renumbered to WC 8.336). Previously, the Erosion Prevention and Sediment Control (“ESC”) provision referred to the Stormwater Management Coordinator. However, to create a more efficient inspection process, these duties have been reassigned to the Engineering Technicians. Additionally, ESC was previously regulated under Ordinance No. 482. New requirements within the Oregon Department of Environmental Quality (DEQ) Municipal Separate Storm Sewer System (MS4) Permit require the City to issue a permit for any land disturbing activities between 500 square feet and five acres in area, which makes Ordinance No. 482 obsolete. City staff examined city codes from other jurisdictions and determined that the current WC 8.534 needed to be expanded to outline the ESC permit requirement, the ESC Plan that a developer must submit to the City, inspection requirements, and revisions necessary to such ESC Plans if erosion is occurring.

3. Enforcement of Stormwater Regulations

The second reason that City staff reexamined WC Chapter 8 was the lack of clarity and usefulness of the enforcement provisions found in the current WC 8.536 (renumbered to 8.336) to enforce the stormwater regulations found in the current WC 8.500 through 8.534 (renumbered to 8300 through 8.334). In particular, the current WC 8.536 does not allow for more substantial fines when the violation is significant and is not clear with respect to assessing fines per day when a stormwater

violation is ongoing. For example, if a business is found to be discharging contaminated water into the City's stormwater system, they are currently subject to a \$500 fine. An enforcement action last year involved a site where trash seepage and related materials were discharged into the City's stormwater system for over 25 days. The Stormwater Management Coordinator initially worked with the business, but eventually had to contact the City Attorney and the police department. After 25 days and two visits by a police officer, the discharge was finally stopped. A more efficient enforcement procedure implemented by City staff would provide the City a clearer mechanism to stop the flow of contaminated stormwater into the City's stormwater system.

The proposed draft of WC 8.336 (renumbered from the current WC 8.536) provides a process for City staff to enforce the stormwater regulations in the renumbered WC 8.300 through 8.334 and to impose fines that are applicable to the particular violation. In other words, if a minor violation is associated with an individual who may not be well-educated in ESC requirements, a smaller fine may be appropriate versus a sophisticated developer that chooses to disregard ESC standards.

City staff recommend a multi-factor approach to establishing the appropriate fine that can range from \$50 to \$5,000 per offense or, in the case of a continuing offense, up to \$1,000 for each day of the offense. This process is modeled after the City of Corvallis. The factors include:

- (a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- (b) Any prior violations of statutes, rules, orders and permits;
- (c) The gravity and magnitude of the violation;
- (d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- (e) The cost to the City;
- (f) The violator's cooperativeness and efforts to correct the violation; and
- (g) Any relevant regulation under the City Code.

The revised and renumbered 8.336 mimics other enforcement provisions found in Chapter 8, but tailors the enforcement provisions to stormwater because violations may be caused offsite from a property or by a party that is not the owner of the property.

4. Changes from May 21, 2018 Council Work Session

At the May 21, 2018 Council work session, Council raised questions regarding the terms used throughout Chapter 8 to better identify responsible party(ies) in each section. Staff noted that terms incorporated in certain sections coincide with the terms used under applicable state or federal laws, regulations, and permits, particularly the distinct terms required under the Federal NPDES Waste Discharge Permit and the NPDES Municipal Separate Storm Sewer System (MS4) Permit. Below is a summary of some key terms and how staff have attempted to clarify their meaning in the Chapter.

Term	Definition	Basis for Definition	WC Section Location
User or Industrial User	Any Person who contributes, causes, or allows the contribution of Sewage or Industrial Wastewater into the POTW, including Persons who contribute such wastes from mobile sources.	Tied to NPDES Wastewater Discharge Permit requirements from the US Environmental Protection Agency.	<u>Public Sanitary Sewer Use:</u> WC 8.200 <u>Industrial Wastewater Regulations:</u> WC 8.400 <u>Enforcement:</u> WC 8.500
Applicant	The Owner of a property and/or his or her agents, contractors, or developers who applies for a City permit.	General definition applied to sanitary sewer construction	<u>Public Sanitary Sewer Use:</u> WC 8.200
ESC Applicant	The Owner of a property and/or his or her agent, contractors, or developers who applies for an Erosion Prevention and Sediment Control Permit pursuant to this Chapter 8.	Specific definition tied to erosion prevention and sediment control in WC 8.334.	<u>Stormwater:</u> WC 8.300
Responsible Party	The Person who causes a violation of the Stormwater regulations contained in WC 8.300 through WC 8.334 or who has the authority to direct and control the Person causing the violation.	Related to stormwater violations; tied to NPDES MS4 Permit (stormwater permit)	<u>Stormwater:</u> WC 8.300
Owner	Shall mean the Person(s) who holds title to the property.	A Person(s) who may be the Responsible Party	<u>Pubic Sanitary Sewer Use:</u> WC 8.200 <u>Stormwater:</u> WC 8.300 <u>Industrial Wastewater Regulations:</u> WC 8.400
Lessee	A Person other than the Owner having a legal right to possess or control the property.	A Person(s) who may be the Responsible Party	<u>Pubic Sanitary Sewer Use:</u> WC 8.200 <u>Stormwater:</u> WC 8.300 <u>Industrial Wastewater Regulations:</u> WC 8.400

After additional consultation with members of City Council, City staff also created **Attachment D**, which is a chart serving as an administrative guide to explain which provisions of Chapter 8 apply to whom, when such provisions would apply, and what, if any, permits may be required of a Wilsonville resident or business.

EXPECTED RESULTS:

Developers and other interested parties will have a better understanding of the City's ESC requirements and City staff will have more clarity in the enforcement of City stormwater regulations.

TIMELINE:

The WC Chapter 8 revisions are scheduled for a first reading and public hearing on August 20, 2018; however, City staff request continuing the public hearing to a date certain of September 6, 2018 so that the Council will have more time to review the changes to Chapter 8. The second reading will then occur on September 17, 2018.

CURRENT YEAR BUDGET IMPACTS:

City staff do not anticipate any significant budget impacts. Refinement of WC Chapter 8 should not, and is not intended to, cause substantial increases in fines, but rather help encourage compliance before a fine becomes necessary.

FINANCIAL REVIEW / COMMENT:

Reviewed by: SCole Date: 7/20/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 7/20/2018

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Revision of WC Chapter 8 should benefit the community by encouraging compliance with the City's stormwater requirements.

ALTERNATIVES:

Retain WC Chapter 8 as is.

CITY MANAGER COMMENT:

N/

ATTACHMENTS:

- Attachment A: Ordinance No. 818
- Attachment B: Redline of Chapter 8
- Attachment C: Redline of Stormwater regulations
- Attachment D: Chart outlining applicability of Chapter 8

ORDINANCE NO. 818**AN ORDINANCE OF THE CITY OF WILSONVILLE REPEALING AND REPLACING CHAPTER 8 – ENVIRONMENT OF THE WILSONVILLE CODE AND TO REPEAL ORDINANCE NO. 482.**

WHEREAS, Wilsonville Code (WC) Chapter 8 was last revised via Ordinance No. 753 in November 2014; and

WHEREAS, portions of Chapter 8 – Environment need to be revised to provide for comprehensive compliance and enforcement measures related to stormwater management regulations; and

WHEREAS, the City of Wilsonville (City) was issued a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Discharge Permit from the Oregon Department of Environmental Quality (DEQ), which was renewed in March 2012 and has been administratively extended by DEQ; and

WHEREAS, the City is a co-permittee with Clackamas County, other cities within Clackamas County, and certain service districts under its NPDES MS4 Discharge Permit; and

WHEREAS, the City's Chapter 8 provisions governing stormwater management, particularly regarding compliance and enforcement, are insufficient and less robust in some instances than other co-permittees' code provisions; and

WHEREAS, the City has encountered incidents of continuing stormwater violations without clear guidance and provisions from Chapter 8 for how to enforce the City's stormwater management requirements; and

WHEREAS, in undertaking a review of Chapter 8 in relation to stormwater management, revising provisions for clarification and grammar became necessary; and

WHEREAS, in undertaking a review of Chapter 8, renumbering sections of Chapter 8 to provide a more logical approach to Chapter 8 also became necessary.

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

1. The above recitals are incorporated by reference as if fully set forth herein.
2. Chapter 8 – Environment of the Wilsonville Code is repealed and replaced with Attachment 1, attached hereto and incorporated by reference as if fully set forth herein.

- 3. Ordinance No. 482 is hereby repealed.
- 4. The City Recorder shall conform these amendments to the City’s code format and correct any scrivener’s errors.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 20th day of August 2018, and scheduled for second reading on the 6th day of September 2018, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the ____ day of _____ 2018, by the following votes: Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this ____ day of _____ 2018.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Council President Starr
- Councilor Stevens
- Councilor Lehan
- Councilor Akervall

Attachments:

Attachment 1 – Proposed New Wilsonville Code Chapter 8

WILSONVILLE CODE

CHAPTER 8 - ENVIRONMENT

GENERAL PROVISIONS

- 8.000 General Provisions
- 8.002 Administration
- 8.004 Abbreviations
- 8.006 Definitions
- 8.008 Miscellaneous Provisions
- 8.010 Solid Waste Management

WATER CONSERVATION

- 8.101 Declaration of Emergency
- 8.102 Notice of Declaration of Emergency
- 8.108 Standards – Purpose
- 8.112 Standards – Application
- 8.114 Standards – Wasted Water
- 8.116 Section Not Used
- 8.118 Standards – General
- 8.120 Section Not Used
- 8.130 Use of Water During Emergency – Prohibited Uses of Water
- 8.132 Use of Water During Emergency – Exemptions
- 8.134 Use of Water During Emergency – Length of Restriction
- 8.136 Use of Water During Emergency – Declaration Period
- 8.140 Authority of Officer
- 8.150 Penalties

PUBLIC SANITARY SEWER USE

- 8.200 General Provisions
- 8.202 Use of Public Sanitary Sewer Required
- 8.204 Private Sewage Disposal
- 8.205 Conflict
- 8.206 Buildings Sanitary Sewers and Connections
- 8.208 Use of Public Sanitary Sewers
- 8.210 Public Sanitary Sewers – Construction
- 8.212 Public Sanitary Sewers - Property Damage Prohibited
- 8.214 Powers and Authorities of Inspectors

STORMWATER

- 8.300 General Provisions
- 8.302 Stormwater System Construction
- 8.304 Use of Public Stormwater System
- 8.306 Public Stormwater System – Property Damage Prohibited
- 8.308 Right of Entry
- 8.310 Discharge of Pollutants
- 8.312 Discharge in Violation of Permit
- 8.314 Waste Disposal Prohibitions

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- 8.316 General Discharge Prohibitions
- 8.318 Compliance with Industrial NPDES Stormwater Permits
- 8.320 Compliance with Local, State, and Federal Laws and Regulations
- 8.322 Conflicts with Existing and Future Regulatory Requirements of Other Agencies
- 8.324 Accidental Spill Prevention and Control
- 8.326 Notification of Spills
- 8.328 Requirement to Eliminate Illicit Connections
- 8.330 Requirement to Remediate
- 8.332 Requirement to Monitor and Analyze
- 8.334 Erosion Prevention and Sediment Control
- 8.336 Stormwater – Violations

INDUSTRIAL WASTEWATER REGULATIONS

- 8.400 General Provisions
- 8.401 Applicability
- 8.402 General Sanitary Sewer Use Requirements
- 8.404 Pretreatment of Wastewater
- 8.406 Industrial Wastewater Discharge Permit
- 8.408 Industrial Wastewater Discharge Permit Issuance by City
- 8.410 Reporting Requirements
- 8.412 Compliance Monitoring
- 8.414 Confidential Information
- 8.416 Publication of Users in Significant Noncompliance
- 8.418 Affirmative Defense
- 8.420 Pretreatment Charges and Fees

ENFORCEMENT

- 8.502 Administrative Enforcement Remedies
- 8.504 Judicial Enforcement Remedies
- 8.506 Supplemental Enforcement Action

INDUSTRIAL PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

- Section I Introduction
- Section II Enforcement Remedies
- Section III Assessment of Administrative Fines
- Section IV Noncompliance Defined
- Section V Range of Enforcement Responses
- Section VI Enforcement Procedures
- Section VII Time Frames for Enforcement Action and Follow Up
- Section VIII Responsibilities of Personnel
- Section IX Enforcement Response Matrix

WILSONVILLE CODE**ENVIRONMENT****GENERAL PROVISIONS****8.000 General Provisions – Environment**

(1) Chapter 8 of this Code is enacted for the purpose of promoting the general public welfare by ensuring procedural due process in the administration and enforcement of the City's Comprehensive Plan, Design Review, Permitting Process, Building Code, Development Standards and Public Works Standards.

(2) This Chapter shall be known as the Environment Chapter and includes those ordinances familiarly referred to as the Water Conservation Ordinance, Public Sanitary Sewer Use Ordinance, Storm Water Ordinance, Industrial Wastewater Ordinance, and Environment Enforcement, etc.

8.002 Administration.

Except as otherwise provided herein, the Public Works Director shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to a duly authorized representative.

8.004 Abbreviations. The following abbreviations shall have the designated meanings:

(a)	<u>BOD</u>	Biochemical Oxygen Demand
(b)	<u>BMP</u>	Best Management Practices
(c)	<u>BMR</u>	Baseline Monitoring Reports
(d)	<u>CFR</u>	Code of Federal Regulations
(e)	<u>CIU</u>	Categorical Industrial User
(f)	<u>COD</u>	Chemical Oxygen Demand
(g)	<u>DEQ</u>	Oregon Department of Environmental Quality
(h)	<u>EPA</u>	U.S. Environmental Protection Agency
(i)	<u>gpd</u>	Gallons Per Day
(j)	<u>IU</u>	Industrial User
(k)	<u>mg/l</u>	Milligrams per liter
(l)	<u>NPDES</u>	National Pollutant Discharge Elimination System
(m)	<u>NSCIU</u>	Non-Significant Categorical Industrial User
(n)	<u>O&M</u>	Operation and Maintenance
(o)	<u>POTW</u>	Publicly Owned Treatment Works
(p)	<u>RCRA</u>	Resource Conservation and Recovery Act
(q)	<u>SIC</u>	Standard Industrial Classification
(r)	<u>SIU</u>	Significant Industrial User
(s)	<u>SNC</u>	Significant Non-Compliance
(t)	<u>SWDA</u>	Solid Waste Disposal Act (42 U.S.C. 6901, <u>et seq.</u>)
(u)	<u>TSS</u>	Total Suspended Solids
(v)	<u>USC</u>	United States Code

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8.006 Definitions. For the purpose of this Chapter, the following terms, words, phrases and their derivations shall have the meaning given herein, unless the context specifically indicates otherwise:

(1) Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

(2) Applicant. The Owner of a property and/or the Owner’s agents, contractors, or developers who applies for a City permit.

(a) ESC Applicant. The Owner of a property and/or the Owner’s agent, contractors, or developers who applies for an Erosion Prevention and Sediment Control permit pursuant to this Chapter 8.

(3) Authorized or Duly Authorized Representatives of the User.

(a) If the user is a corporation, authorized representative shall mean:

1) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or

2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate or direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulation; can ensure that the necessary systems are established or action taken to gather complete and accurate information for individual City-issued industrial wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(c) If the user is a Federal, State or local government facility the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs (3) (a)-(c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the City.

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(4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter mg/l).

(5) Best Management Practices or BMP's.. The schedule of activities, controls, prohibition of practices, maintenance procedures, and other management practices designed to prevent or reduce pollution.

(a) Erosion and Sediment Control BMPs. BMPs that are intended to prevent Erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, Sediment fences, and Sediment traps and ponds. Erosion and Sediment control BMPs are synonymous with stabilization and structural BMPs.

(b) Pretreatment BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's may also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.

(6) Building Drain. Shall mean that part of the lowest piping of a drainage system which receives the Discharge from soil, waste and other drainage pipes inside the exterior walls of the buildings and which conveys it to the Building Sewer, which begins five (5) feet (1.524 meters) outside of the building exterior wall.

(7) Building Sewer (Sanitary Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a Building Drain and that receives the Sewage Discharge of the Building Drain and conveys it to a public Sanitary Sewer, private sanitary Sewer, private Sewage disposal system, or other point of disposal (aka Sanitary Sewer Lateral).

(8) Building Sewer (Storm Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a Building Drain and that receives the Stormwater or other approved drainage, but no Sewage Discharge from a Building Drain, and conveys it to a Public Stormwater System, private Stormwater system or other point of disposal (aka Storm Sewer Lateral).

(9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S. C. 1317) that applies to a specific category of users and that appears in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.

(10) Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

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- (11) Chemical Oxygen Demand (COD). A measure of oxygen required to oxidize all compounds, both inorganic and organic in water. COD is expressed as the amount of oxygen consumed from chemical oxidant in mg/l during a specific test.
- (12) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.
- (13) City's Authorized Stormwater Representative. A Representative selected by the Community Development Director to oversee Stormwater activities and enforcement.
- (14) City Manager. The City Manager for the City of Wilsonville, other designated authority charged with the administration and enforcement of this Chapter, or the City Manager's duly authorized representative.
- (15) Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- (16) Commercial. Shall mean for the purposes of this Chapter, all buildings or structures of which are not designed for the purposes of these sections as Residential or Industrial in keeping with the City's zoning and building code provisions. Commercial when used in the context of this Chapter's Pretreatment Standards shall mean Industrial.
- (17) Composite Sample. The sample resulting from the combination of individual Wastewater samples taken at selected intervals based on either an increment of flow or time.
- (18) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added, is heat.
- (19) Control Authority. The City of Wilsonville, Oregon or designated representative of the City, tasked with the administration of this Chapter.
- (20) Customer. Shall mean any individual, firm, company, association, society, corporation, group or Owner, who receives utility services from the City such as water, Sanitary Sewer, Stormwater and streetlights.
- (21) Daily Maximum. The arithmetic average of all effluent samples for a Pollutant collected during a calendar day.
- (22) Daily Maximum Limits. The maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily Discharge is the total mass released or introduced over the course of a day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily Discharge is the arithmetic average measure of the Pollutant concentration derived from all the measurements taken that day.

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(23) Department of Environmental Quality or DEQ. The Oregon Department of Environmental Quality or where appropriate, the term may also be used any duly authorized official of the Department.

(24) Discharge. The release or the introduction of Pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d), of the Act.

(25) Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

(26) Erosion. The movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

(27) Erosion Prevention and Sediment Control (ESC). Any temporary or permanent measures taken to reduce Erosion, control siltation and sedimentation, and ensure that Sediment-laden water does not leave a site.

(28) Erosion Prevention and Sediment Control Plan (ESC Plan). Standards found within this Chapter and set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all Erosion and Sediment control measures.

(29) Existing Source. Any source of Discharge that is not a "New Source."

(30) Federal. The United States government, including all related branches and authorized representatives or officials of the United States government.

(31) Garbage. Shall mean all refuse and solid wastes, including ashes, rubbish in cans, debris generally, dead animals, street cleaning and Industrial wastes and things ordinarily and customarily dumped, solid wastes from domestic and Commercial preparation, cooking and dispensing food, and from the handling, storage and sale of product, but not including source separated recyclable material purchased from or exchanged by the generator for fair market value for recycling Sewage and body waste.

(32) Grab Sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream over a period of time not to exceed 15 minutes.

(33) Illicit Discharge. Any Discharge to the public or natural Stormwater conveyance system that is not composed entirely of Stormwater, except Discharges governed by and in compliance with an NPDES Stormwater Permit.

(34) Indirect Discharge. The introduction of pollutants into the POTW from a non-domestic source.

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(35) Instantaneous Limit. The maximum concentration of a Pollutant allowed to be Discharged at any time, determined from the analysis of any discrete or Composite Sample collected, independent of the Industrial flow rate and the duration of the sampling event.

(36) Industrial. Shall mean, in the context of Building Sanitary Sewer permits and connections, all buildings or structures in which a product is manufactured, stored, or distributed, or any combination of the above in keeping with the City's zoning and building code provisions. It shall otherwise mean in the context of this Chapter for Pretreatment Standards, non-domestic.

(37) Industrial Wastewater. Any non-domestic Wastewater originating from a nonresidential source.

(38) Interference. A Discharge, which, alone or in conjunction with a Discharge or Discharges from other sources:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes; use or disposal; and

(b) Therefore is a cause of a violation of the City's NPDES Waste Discharge Permit (including an increase in the magnitude or duration of a violation) or of the prevention of Sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or any more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

(39) Land Development. Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located or storage of equipment or materials located within the area of special flood hazard. A Land Development may encompass one or more tax lots.

(40) Lessee. A Person other than the Owner having a legal right to possess or control the property.

(41) Local Limits. Specific Discharge limits developed and enforced by the City upon Industrial or Commercial facilities to implement the general and specific Discharge prohibitions listed in this Chapter.

(42) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(43) Monthly Average. The sum of all "daily Discharges" measured during a calendar month divided by the number of "daily Discharges" measured during the month.

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(44) Monthly Average Limits. The highest allowable average of “daily Discharges” over a calendar month, calculated as the sum of all “daily Discharges” measured during a calendar month divided by the number of “daily Discharges” measured during that month.

(45) Municipal Separate Storm Sewer System (MS4). A system of conveyances, including roads, ditches, catch basins, and Storm Drains that are owned or operated by a public entity.

(46) National Pretreatment Standard. National Pretreatment Standard is defined in 40 CFR 403.3(l) as any regulation containing Pollutant Discharge limits promulgated by EPA under Section 307(b) and (c) of the Clean Water Act applicable to users, including the general and specific prohibition found in 40 CFR 403.5.

(47) New Source.

(a) Any building, structure, facility or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of Proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are hereafter promulgated in accordance with that section provided that:

- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- 2) The building, structure, facility or installation completely replaces the process of production equipment that causes the Discharge of Pollutants at the Existing Source or
- 3) The production of Wastewater generating processes of the buildings, structure, facility or installation is substantially independent of an Existing Source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the Existing Source should be considered.

(b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a) (1), (2) of this section but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a New Source as defined under this paragraph has commenced if the Owner or operator has:

- 1) Begun, or caused to begin as part of a continuous on-site construction program;

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a) Any placement, assembly, or installation of facilities or equipment; or

b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities for equipment or

2) Entered into a binding or contractual obligation for the purchase of facilities of equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(48) Non-contact Cooling Water. Water used for cooling that does not come into contact with any raw material, intermediate product, waste product or finished product.

(49) NPDES Stormwater Permit. A National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

(50) NPDES Waste Discharge Permit. A National Pollutant Discharge Elimination System permit issued pursuant to ORS 468B.050 and the Federal Clean Water Act.

(51) Official or Building Official. Shall be the Building Official for the City of Wilsonville.

(52) Owner. Shall mean the Person(s) who holds title to the property.

(53) Pass Through. A Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of the City's NPDES Waste Discharge Permit (including an increase in the magnitude or duration of a violation).

(54) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, or local governmental entities.

(55) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(56) Pollutant. Any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, Sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or Discharged equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial wastes and certain characteristics of Wastewater (e.g. pH, temperature, TSS,

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turbidity, Color, BOD, COD, toxicity, or odor).

(57) Pretreatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration in the nature of Pollutant properties in Wastewater prior to or in lieu of introducing such Pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical or biological processes, by process changes or by other means except by diluting the concentration of the Pollutant unless allowed by the applicable Pretreatment Standard.

(58) Pretreatment Requirement. Any substantive or procedural requirements related to the Pretreatment, other than National Pretreatment Standards, imposed on an Industrial user.

(59) Pretreatment Standard or Standard. Prohibited Discharge standards, Categorical Pretreatment Standards and Local Limits.

(60) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the Discharge of certain types or characteristics of Wastewater as established by EPA, DEQ, and/or the Public Works Director.

(61) Public Sewer. Shall mean a Sewer, either sanitary or storm, in which all the Owners of abutting property have equal rights, and which is controlled by public authority.

(62) Public Stormwater System. A Stormwater system owned or operated by the City of Wilsonville.

(63) Publicly Owned Treatment Works or POTW. A “treatment works” as defined in Section 212 of the Act, (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in collection, storage, treatment, recycling and reclamation of Sewage, or Industrial wastes, and any conveyances which convey Wastewater to a Treatment Plant or other point of Discharge. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

(64) Public Works Director. The Person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Chapter or their duly authorized representative.

(65) Receiving Stream or Water(s) of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.

(66) Residential. Shall mean for the purposes of this Chapter, Building Sewers and connections, buildings or structures, which are built to be occupied for living purposes in keeping with the City’s zoning and building code provisions.

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(67) Residential Users. Persons only contributing Sewage Wastewater to the municipal Wastewater system.

(68) Responsible Party. The Person who causes a violation of the Stormwater regulations contained in WC 8.300 through WC 8.334 or who has the authority to direct and control the Person causing the violation.

(69) Sanitary Sewer. Shall mean a City Sewer which carries Sewage and to which storm, surface and ground water are not intentionally admitted.

(70) Sediment. Mineral or organic matter generated as a result of Erosion.

(71) Septic Tank Waste. Any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(72) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

(73) Sewer. Shall mean a pipe or conduit for carrying Sewage in the case of Sanitary (Wastewater) Sewer lines. Shall mean a pipe or conduit for carrying Stormwater runoff, surface waters or drainage in the case of storm water lines.

(74) Sewer Lateral. See Building Sewer – Sanitary and Storm definitions.

(75) Significant Industrial User.

(a) Except as provided in paragraph (b) of this section, the term Significant Industrial User means:

- 1) An Industrial Users subject to Categorical Pretreatment Standards or
- 2) Any other Industrial User that Discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding Sanitary, Non-contact Cooling Water, and boiler blow-down Wastewater); contributes a process waste stream which makes up 5 per cent of more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the City on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 CFR 403.8(f)(6).

(b) The City may determine that an Industrial User subject to the Categorical Pretreatment Standards is a Non-significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding Sanitary, Non-contact Cooling Water, and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met.

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2) The Industrial User, prior to City’s findings, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

3) The Industrial User annually submits the certification statement required in Section 8.410(14) together with any additional information necessary to support the certification statement; and

4) The Industrial User never Discharges any untreated concentrated Wastewater.

(c) Upon finding that an Industrial User meeting the criteria in paragraph (a)(2) of this section has no reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(F)(6), determine that such Industrial User is not a Significant Industrial User.

(76) Slug Load or Slug Discharge. Any Discharge at a flow rate or concentration which has the potential to cause a violation of the specific Discharge prohibitions of this article. A slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits of Permit conditions.

(77) State. State of Oregon.

(78) Storm Drain. (Sometimes termed “Storm Sewer”). Shall mean a Sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial wastes, other than unpolluted Cooling Waters.

(79) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from, including snow melt.

(80) Summary Abatement. An abatement of a violation by the City pursuant to WC 8.336(13), or a contractor employed by the City, by removal, repair, or other acts necessary to abate the violation and without notice to the Applicant, agent, or occupant of the property, except for the notice required by this Section.

(81) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid which is removable by laboratory filtering.

(82) Treatment Plant Effluent. Any Discharge of Pollutants from the POTW into Waters of the State.

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(83) User or Industrial User. Any Person who contributes, or causes or allows the contribution of Sewage, or Industrial Wastewater into the POTW, including Persons who contribute such wastes from mobile sources.

(84) Visible and Measurable Erosion and Sediment.

(a) Sloughing, mud flows, gullies, rills, Sediment-laden water, or other Erosion that has occurred or is likely to occur.

(b) The presence of deposits or tracking of Sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.

(c) In streams or drainage systems, an increase in Total Suspended Solids and/or turbidity relative to a control point immediately upstream of the Discharge point of the Sediment-generating activity.

(d) Offsite airborne debris clearly visible to the eye, including but not limited to dust, as determined by City Manager or designee.

(85) Wastewater. The liquid and water-carried Industrial wastes, or Sewage from Residential dwellings, Commercial buildings, Industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal Wastewater system.

(86) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal Sewage and Industrial waste.

(87) Water is water from the City water supply system.

8.008 Miscellaneous Provisions

(1) Pretreatment Charges and Fees. The City may adopt, from time to time, by Administrative Authority, in the City’s Master Fee Schedule reasonable charges and fees for reimbursement of costs of setting up and operating the City’s Pretreatment Program which may include;

(a) Fees for permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by Industrial Users;

(c) Fees for reviewing and responding to accidental Discharge procedures and construction;

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(d) Fees for filing appeals;

(e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, system development charges, fines and penalties chargeable by the City.

(2) Non-exclusivity. Enforcement of Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Public Works Director may take other action against any Industrial User when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any non-compliant Industrial User.

8.010 Solid Waste Management

The regulation of disposal and hauling, including both hauler and customer requirements, for solid waste, recycling, yard debris, organic materials, and other materials shall be adopted by City ordinance.

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WATER CONSERVATION

8.101 Declaration of Emergency

A. When the City Water supply has become, or is about to become, depleted to such an extent as to cause a serious Water shortage in the City, the Mayor shall have the authority to declare an emergency Water shortage and to direct that the provision of Section 8.101, 8.102 and 8.130 of this article of the Code be enforced.

- B. In the event the Mayor is unavailable to declare an emergency, the following shall be the order of succession of authority, based upon availability:
 - a. The President of the Council;
 - b. Any other council person;
 - c. The City Manager;
 - d. The Public Works Director

8.102 Notice of Declaration of Emergency

When a declaration of emergency is announced by the Mayor, the City Manager shall make the declaration public in a manner reasonably calculated to provide reasonable notice to the public. This provision shall not be construed as requiring personal delivery or service of notice or notice by mail.

8.108 Standards – Purpose.

This Section is established because during the summer months and in other times of emergency there is or may be insufficient Water in the City Water supply system to allow irrigation and other uses of Water at all times by all parties; and the level of Water supplied by the City is at certain times dangerously low; and it is imperative to the public well-being that certain uses of Water not essential to health, welfare and safety of the City be restricted from time to time.

8.112 Standards – Application.

The provisions of this Section shall apply to all Persons using water, both in and outside the City, regardless of whether any Person using Water shall have a contract for Water services with the City.

8.114 Standards – Wasted Water.

(1) Where Water is wastefully or negligently used on a Customer’s premises, seriously affecting the general service, the City may discontinue the service if such conditions are not corrected after due notice by the City.

(2) Water shall not be furnished except through a meter to any premises where there are defective or leaking pipes, faucets, closets or other fixtures, or where there are Water closets or urinals without self-closing valves and, when such leakage or other defects are discovered and

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not corrected, the City may discontinue service after giving due notice and until repairs are made. If significant deficiencies are not corrected in a timely manner, as defined by the Public Works Director, the City may introduce enforcement action in conformance with Section 8.150 Violations.

(3) Water must not be allowed to run to waste through any faucet or fixture or kept running any time longer than actually necessary. Sprinkling of lawns, gardens, and parking strips shall be confined to what is actually needed and no running to waste on sidewalks, streets, and gutters shall be permitted. When any such waste is discovered, the Water service to the premises may be discontinued.

8.116 Section Not Used

8.118 Standards – General.

(1) In all new construction and in all repair and/or replacement of fixtures or trim, only fixtures or trim not exceeding the following flow rates and/or Water usage shall be installed. These rates are based on a presence at the fixture of 40 to 50 PSI.

Water closets, tank type	–	1.6 gallons per flush.
Water closets, flush-o-meter type	-	1.6 gallons per flush
Urinals, tank type	-	1.0 gallons per flush
Shower heads	-	2.5 GPM
Lavatory, sink faucets	-	2.5 GPM
Metered faucets	-	0.25 gallons per use

(2) Faucets on lavatories located in restrooms intended for the transient public in service stations, park toilet rooms, train stations and similar facilities shall be metering or self-closing.

(3) Any Water connective device or appliance requiring a continuous flow of five GPM of more and not previously listed in this section shall be equipped with an approved Water recycling system.

8.120 Section Not Used

8.130 Use of Water During Emergency – Prohibited Uses of Water.

(1) When a declaration of emergency is announced and notice has been given in accordance with this Section, the use and withdrawal of Water by any Person may be limited and include prohibition of the following:

(a) Sprinkling, watering or irrigating shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers or any other vegetation.

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- (b) Washing automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment
- (c) Washing sidewalks, driveways, filling station aprons, porches and other surfaces.
- (d) Washing the outside of dwellings, washing the inside or outside of office buildings.
- (e) Washing and cleaning any business or industrial equipment and machinery.
- (f) Operating any ornamental fountain or other structure making a similar use of water.
- (g) Maintaining swimming and wading pools not employing a filter and re-circulating system.
- (h) Permitting the escape of Water through defective plumbing.

8.132 Use of Water During Emergency – Exemptions.

At the discretion of the Mayor, one or more of the uses specified in Section 8.130 may be exempted from the provisions of this section. The exemption shall be made public as provided in Section 8.102 of this Chapter.

8.134 Use of Water During Emergency – Length of Restriction.

The prohibition shall remain in effect until terminated by an announcement by the Mayor in accordance with Sections 8.102.

8.136 Use of Water During Emergency – Declaration Period.

(1) The Mayor shall cause each declaration made by him pursuant to Sections 8.101 to 8.150 to be publicly announced by means of posting notice in three (3) public and conspicuous places in the City, and the Mayor may cause such declaration to be further announced in a newspaper of general circulation within the City when feasible, and publicize through the City’s website and any other internet sites the City deems appropriate. Each announcement shall prescribe the action taken by the Mayor, including the time it became or will become effective, and shall specify the particular use for which the use of Water will be prohibited.

(2) Whenever the Mayor shall find the conditions which gave rise to the Water prohibition in effect pursuant to Sections 8.101 to 8.150 no longer exist, the Mayor may declare the prohibition terminated in whole or in part in the manner prescribed by these sections, effectively immediately upon announcement.

(3) The Mayor shall make or cause to be made a record of each time and date when

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any declaration is announced to the public in accordance with this section, and this includes the notice of termination, both in whole or in part.

8.140 Authority of Officer.

Any police officer of the City, Clackamas County or designated employee of the City may enter the premises of any Person for the purpose of shutting off or reducing the flow of Water being used contrary to the provisions of Sections 8.101 to 8.150.

8.150 Penalties.

A Person convicted of a violation of any provisions of Sections 8.101 to 8.140 shall be punished upon a first conviction thereof for a violation pursuant to Section 1.012, and upon a subsequent conviction thereof for a Class C Misdemeanor pursuant to Section 1.011. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

WILSONVILLE CODE**PUBLIC SANITARY SEWER USE****8.200 Public Sanitary Sewer Use – General Provision**

(1) Purpose. Provides for the required use of public Sanitary Sewer facilities except as otherwise set forth, for the regulation of the building of and connection to public Sanitary Sewer facilities and for the uniform regulation of Indirect Discharge to the Publicly Owned Treatment Works (POTW) through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for other Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to Users within the City limits and to Users outside the City limits who, by contract or agreement with the City, are included as Users of the municipal Wastewater system.

8.202 Use of Public Sanitary Sewer Required. Except as herein provided in this Chapter:

(1) It shall be unlawful for any Person to place, deposit or permit to be deposited in any manner as described herein on public or private property within the City of Wilsonville, or in any area under the jurisdiction of said City, any human or animal excrement, Garbage or other objectionable waste.

(2) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of Sewage.

(3) The Owner or Lessee of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley of right-of-way, in which there is now located or may in the future be located, a public Sanitary Sewer of the City, is hereby required, at Owner or Lessee's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public Sanitary Sewer in accordance with the provisions of this section of the Code within ninety (90) days after the date of official notice to do so, provided that said public Sanitary Sewer for the Residential use is within three hundred (300) feet of the property. Commercial and Industrial buildings or structures shall connect no matter what the distance is from the public Sanitary Sewer to the property to be served.

8.204 Private Sewage Disposal.

(1) Where a public Sanitary Sewer is not available under the provisions of Section 8.202(3), the Building Sewer shall be connected to a private Sewage disposal system.

(2) Before commencement of construction of a private Sewage disposal system, the Owner or Lessee shall first obtain a written permit signed by the City.

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(a) The application for such permit shall be made on a form furnished by the City, and shall be supplemented by any plans, specifications and other information as are deemed necessary by the City. The appropriate Type B Construction Permit and plan check fee shall be paid by the City at the time the application is filed.

(b) A permit for a private Sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. Inspection of the work in any stage of construction shall be allowed and, in any event, the Applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City.

(3) The type, capacities, location and layout of a private Sewage disposal system shall comply with all recommendations to the Oregon State Board of Health. No permit shall be issued for any private Sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge any natural outlet. If it is determined by the City that a health hazard would be created or that the soil is unable to transfer the Sewage runoff through the soil as an effective means of treatment of Sewage disposal, the City shall reject the septic or private Sewage disposal system, and require, at the Owner's or Lessee's expense, construction of an adequately sized Sanitary Sewer line as approved by the City to connect to an existing public Sanitary Sewer system. The Owner or Lessee shall construct the Sanitary Sewer by those requirements of the Public Works Standards of the City of Wilsonville.

(4) At such time as a public Sanitary Sewer becomes available to a property served by a private Sewage disposal system, as provided in Section 8.202(3), a direct connection shall be made to the public Sanitary Sewer in compliance with this Code, and any septic tanks, cesspools and similar disposal facilities shall be removed or opened and filled with sand or gravel in accordance with the Oregon Plumbing Specialty Code.

(5) Where existing buildings are too low to be served by gravity by an available Sanitary Sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City under Section 8.202(3), approved pumping facilities shall be installed to pump the septic tank effluent to the available Sanitary Sewer system.

(6) The Owner or Lessee shall operate and maintain private Sewage disposal or pumping facilities in a sanitary manner at all times, at no expense to the City.

8.205 Conflict

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by State health officials.

WILSONVILLE CODE**8.206 Buildings Sanitary Sewers and Connections.**

(1) No unauthorized Person shall uncover, make any connections to or opening into, use, alter or disturb any Sanitary Sewer Lateral or appurtenance thereof without first obtaining a written permit from the Building Official. In each case, the Owner, Lessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Official.

(2) There shall be two (2) classes of plumbing permits for Sanitary Sewer Laterals that run from the property line to the structure on the property:

- (a) Residential, Single, and Multifamily; and
- (b) Commercial.

If a Person intends to connect a Sanitary Sewer Lateral to the Public Sewer, the Person must also obtain a public works permit from the City.

(3) All costs and expenses incident to the installation and connection of the Sanitary Sewer Lateral shall be borne by the Owner or Lessee. The Owner or Lessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of the Sanitary Sewer Lateral.

(4) A separate and independent Building Sanitary Sewer shall be provided for every building; except, however, when one building stands at the rear of another on an interior lot and no private Sanitary Sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, then the building Sanitary Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

(5) Old Building Sanitary Sewers may be used in connection with new buildings only when they are found, on examination or through tests, by the Official, to meet all requirements of this Code Chapter.

(6) The size, slope, alignment, construction material of a Building Sanitary Sewer, and the methods to be used excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Oregon Structural Specialty Code and the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

(7) Whenever possible, the building Sanitary Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the public Sanitary Sewer, sanitary Sewage carried by such Building Drain shall be lifted by an approved means and Discharged to the building Sanitary Sewer.

(8) No Person shall make connection of roof down spouts, areaway drains, or other sources of Stormwater runoff to a Building Sanitary Sewer or Sewer drain which, in turn, is

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connected directly or indirectly to the public Sanitary Sewer.

(9) The connection of the Building Sanitary Sewer into the public Sanitary Sewer shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight. Any deviation from prescribed procedures and materials must be approved by the Building Official before installation.

(10) The Applicant for the building permits shall notify the Building Official when the Building Sanitary Sewer is ready for inspection. The connection shall be made under the supervision of the Building Official or designated representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the Applicant's or Owner's or Lessee's expense in a manner satisfactory to the City, in accordance with adopted Public Works Standards.

(11) All excavations for Building Sanitary Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(12) The property Owner or Lessee is responsible for the maintenance, repair and replacement of the Sanitary Sewer Lateral from the building up to and including the connection to the Sanitary Sewer main. Sewer Lateral maintenance work, which, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for the Sewer Lateral shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

8.207 Equipment and/or Vehicle Washing Facilities

(1) Equipment and/or Vehicle wash areas shall be covered.

(2) Equipment and/or Vehicle washing facilities shall be equipped with a Water recycling system approved by the Public Works Director.

(3) Best available technology shall be utilized for the Pretreatment system of any drainage to the Sanitary Sewer system.

(4) No coin operated equipment and/or vehicle washing facilities shall be installed or used until plans have been submitted to and approved by the City. The plans shall show the method of connections to an approved Pretreatment system before discharging into the Sanitary Sewer system, disposal of rain or surface water and the protection of the potable water system. No rain or surface water shall be conveyed to or through the Sanitary Sewer system.

8.208 Use of Public Sanitary Sewers.

(1) No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb, any Public Sewer or appurtenance thereof without first obtaining a written permit from the City.

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(2) When required by the City, the Owner or Lessee of any property serviced by a Building Sanitary Sewer carrying Industrial wastes or large quantities of Discharge shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the Owner or Lessee at the Owner's or Lessee's expense, and shall be maintained by the Owner or Lessee so as to be safe and accessible at all times.

(3) All measurements, tests and analysis of the characteristics of water wastes to which reference is made in this Chapter of the Code shall be determined in accordance with the current edition of the "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon testing of suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public Sanitary Sewer to the point at which the building Sanitary Sewer is connection. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage works and to determine the existence of hazards to life, limb, and property. When customary measurement for BOD characteristics is impractical due to time constraints and the necessity to have immediate measurable results, mg/l of BOD may be based on forty-two percent (42%) of measured C.O.D.

(4) Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director or Building Official, they are necessary for the proper handling of Wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for Residential Users. All interception units shall be of type and capacity approved by the Public Works Director or Building Official and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the Owner or Lessee, at Owner or Lessee's expense. Connection to these devices shall conform to the requirements of the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

(5) Separation of Domestic and Industrial Waste Streams. All new and domestic Wastewaters from restrooms, showers, drinking fountains, etc., unless specifically included as part of a Categorical Pretreatment Standard, shall be kept separate from all Industrial Wastewaters until the Industrial Wastewaters have passed through a required Pretreatment system and the Industrial User's monitoring facility. When directed to do so by the Public Works Director, Industrial Users must separate existing domestic waste streams.

(6) Hauled Wastewater. Septic Tank Waste (septage) or hauled septage shall not be accepted into the municipal Wastewater system.

(7) Vandalism. No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or

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equipment, or other part of the municipal Wastewater system. Any Person found in violation of this requirement shall be subject to the sanctions set out in Section 8.504.

8.210 Public Sanitary Sewers – Construction

(1) No Person shall construct, extend or connect to any public Sanitary Sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required herein and the Public Works Standards for the City of Wilsonville. The provisions of this section requiring permits shall not be construed to apply to contractors constructing Sanitary Sewers and appurtenances under contracts awarded and entered into by the City.

(2) The application for a permit for public Sanitary Sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable sections of the Code, rules and regulations of the City prepared by a registered civil engineer in the State of Oregon showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the City Engineer or designee who shall, within twenty (20) days, approve them as filed or require them to be modified as the City Engineer or designee may deem necessary.

(3) All Sewer works plans, specifications and construction procedure shall conform to Public Works Standards for the City of Wilsonville.

(4) Prior to issuance of a permit for public Sanitary Sewer construction, the Applicant shall furnish to the City a performance bond, or cash deposit, in the amount of the total estimated cost of the work. Such performance bond, or cash deposit, shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the City.

(5) Except as provided, the extension of the public Sewage facilities to serve any parcel or tract of land shall be done by and at the expense of the Owner or Lessee. The size of all Sanitary Sewer mains and other Sewage facilities shall be as required by the City Engineer to lay Sewer pipe larger than that required for Owner or Lessee's own purposes, to accommodate other Users, and may be reimbursed under the provisions of Section 3.116 of the Wilsonville Code for the difference in cost between the size of the line installed and that which would be required for Owner or Lessee's own use.

(6) Where special conditions exist, in the opinion of the City Engineer, relating to any reimbursement agreement pursuant to the provisions of this section, The City may, either in addition to, or in lieu of any of the provisions of the section, authorize a special reimbursement contract between the City and the Person or Persons constructing Public Sewer facilities. Said special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the City.

(7) Vehicle maintenance installations shall be covered and equipped with oil/water

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separation and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(8) Vehicle fueling installations shall be covered and equipped with oil/water separators, spill control manholes, shut off valves and spill protection approved by the Public Works Director for any drainage to the sanitary system.

(9) Outside storage areas for grease, oil, waste products, recycling, Garbage, and other sources of contaminants shall be equipped with oil/water separators, shut off valves and spill protection approved by the Public Works Director for any drainage to the Sanitary Sewer system. No drainage is allowed to enter the Storm Sewer system

8.212 Public Sanitary Sewers – Property Damage Prohibited.

No unauthorized Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Sewage works which is a municipal public utility. Any Person violating this provision and as a result thereof damages any part of the Sewage works, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in OPRS 164.345 through 164.365.

8.214 Powers and Authorities of Inspectors

(1) In addition to the authority set forth in Section 8.412, the Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in connection with the provisions and regulations of City Sewage collection and treatment system as provided for in this Chapter.

(2) While performing the necessary work on private properties referred to in Section 8.412(1) and 8.214(1) above, the Owner or Lessee of the premises or representative shall notify the City or duly authorized employee of the City to observe all safety rules applicable to the premises established by the Owner or Lessee. The premises shall be maintained in a safe condition and the Owner or Lessee, or representative shall have a duty to notify the Public Works Director and any duly authorized representative of the City of any unsafe conditions.

(3) The City or duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a negotiated easement, of for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Sewage works which is connected to or lying within an easement. All entry and subsequent work, if any, on said easement of any connection thereto, on the sanitary system shall be done according to those regulations as stipulated in the Code of the City of Wilsonville.

WILSONVILLE CODE**STORMWATER****8.300 General Provisions**

(1) Purpose. Provides for the building of and connection to public Stormwater facilities and for the uniform regulation of Discharges to the Public Stormwater System through the issuance of permits and through enforcement of general requirements for other Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the Public Stormwater System.

8.302 Stormwater System Construction

(1) No unauthorized Person shall uncover, make any connections to or opening into the Public Stormwater System, use, alter or disturb any Storm Sewer Lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the Owner, Lessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City's Authorized Stormwater Representative.

(2) All costs and expenses incidental to the installation and connection of Stormwater facilities shall be borne by the Owner or Lessee. The Owner or Lessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of Stormwater facilities or connections to the Public Stormwater System.

(3) The size, slope, alignment, construction materials of Stormwater facilities, and the methods to be used excavating, placing of the pipe or other facilities, jointing, testing and backfilling the trench, shall all conform to the requirements of the State of Oregon Plumbing Specialty Code and other applicable rules and regulations of the City, including the City's Public Works Standards.

(4) The connection of the Stormwater facilities to the Public Stormwater System shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City, including the City's Public Works Standards. Any deviation from prescribed procedures and materials must be approved by the City's Authorized Stormwater Representative before installation.

(5) The property Owner or Lessee is responsible for the maintenance, repair and replacement of private Stormwater conveyance systems (such as a Storm Sewer Lateral, swale, etc.) from the building up to and including the connection to the Public Stormwater System. Storm Sewer Lateral maintenance work, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and

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replacement work for a private Stormwater conveyance system shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

(6) The Applicant shall notify the City's Authorized Stormwater Representative when the Stormwater facilities are ready for inspection. The connection shall be made under the supervision of the City's Authorized Stormwater Representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the Applicant's or Owner's or Lessee's expense in a manner satisfactory to the City, in accordance with the City's requirements.

(7) All excavations for Stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

8.304 Use of Public Stormwater System

(1) No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb, any Public Stormwater System or appurtenance thereof without first obtaining written permission from the City.

(2) Stormwater shall be Discharged to Storm Sewers and natural outlets under the authority and regulations of the NPDES Municipal Stormwater Permit Program, administered by the Oregon Department of Environmental Quality.

(3) No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the Public Stormwater System.

(4) It shall be unlawful to Discharge in or into any natural outlet or Stormwater Sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any Sewage or other polluted water.

(5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

8.306 Public Stormwater System – Property Damage Prohibited

(1) No unauthorized Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Public Stormwater System. Any Person violating this provision and as a result thereof damages any part of the Public Stormwater System, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in ORS 164.345 through 164.365.

8.308 Right of Entry

(1) Where it is necessary to perform inspections, measurements, sampling and/or

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testing, to enforce the provisions of this code, or where the City's Authorized Stormwater Representative has reasonable cause to believe that there exists upon the premises a condition which is contrary to or in violation of this code which makes the premises unsafe, dangerous or hazardous, the City's Authorized Stormwater Representative is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this code. Provided, however, that if such premises is occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the City's Authorized Stormwater Representative shall first make a reasonable effort to locate the Owner, Lessee, or other Person having charge or control of the premises and request entry. If entry is refused, the City's Authorized Stormwater Representative shall have recourse to the remedies provided by law to secure entry.

- (1) The premises shall be maintained in a safe condition by the Owner or a Person having charge or control of the premises and upon contact by the City's Authorized Stormwater Representative the Owner or a Person having charge or control of the premises shall have a duty to notify City's Authorized Stormwater Representative of any safety rules or unsafe conditions applicable to the premises.
- (2) Not with standing, Section 8.308(1) above, the City's Authorized Stormwater Representative shall be permitted to enter all private properties through which the City holds an easement, according to the terms of the easement. Any Stormwater facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.

8.310 Discharge of Pollutants

(1) The commencement, conduct, or continuance of any non-Stormwater Discharge to the Public Stormwater System is prohibited and is a violation of this Chapter, except as described below.

(2) The prohibition shall not apply to any non-Stormwater Discharge permitted or approved under an Industrial or Municipal NPDES Stormwater Permit, waiver, or Discharge order issued to the Person who Discharges and administered by the DEQ, provided that the Person who Discharges is in full compliance with all requirements of the permit, waiver, or Discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any Discharge to the Municipal Separate Storm Sewer System (MS4).

(a) Except as provided in subsection (3), the prohibition shall not apply to the following non-Stormwater Discharges to the Public Stormwater System: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the MS4, uncontaminated pumped groundwater, Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual Residential car washing, flows from riparian

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habitats and wetlands, de-chlorinated swimming pool Discharges, street wash water, and flows from firefighting.

(b) “Street wash water” is defined for purposes of this section to be water that originates from publicly-financed street cleaning activities consistent with the City’s NPDES Stormwater Permit.

(c) Discharge of flows to the public or private Stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.

(3) The City may require Best Management Practices to reduce Pollutants, or may prohibit a specific Person who Discharges from engaging in a specific activity identified in subsection (2) if at any time the City determines that the Discharge is, was, or will be a significant source of pollution.

8.312 Discharge in Violation of Permit

Any Discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater Permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other Discharges, is a violation of this Chapter and is prohibited. Liability for any such Discharge shall be the responsibility of the Responsible Party, and such Persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such Discharge.

8.314 Waste Disposal Prohibitions

(1) No Person may cause or contribute to pollution, including but not limited to any refuse, rubbish, Garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, Sediment or Sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations in or to the Public Stormwater System.

(2) Runoff from Commercial or Industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not Discharge directly to a private or Public Stormwater System except as allowed under Section 8.310 of this code; this includes but is not limited to outdoor Commercial, Industrial or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities Discharges directly or indirectly to a private or Public Stormwater System.

8.316 General Discharge Prohibitions

(1) It is unlawful to Discharge or cause to be Discharged directly or indirectly into the Public Stormwater System any of the following:

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- (a) Any Discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);
- (b) Any Discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic chemicals in toxic concentrations;
- (c) Any Discharge which causes or may cause damage, Interference, or hazard to the Public Stormwater System or the City personnel; and
- (d) Any Discharge containing human sanitary waste or animal feces.

8.318 Compliance with Industrial NPDES Stormwater Permits

Any Person who causes an Industrial Discharge, any Person who causes a Discharge associated with construction activity, or any Person who causes other Discharges subject to any NPDES Stormwater Permit issued by the Oregon DEQ, from which Pollutants may enter the public or private Stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by State and Federal regulations. Proof of compliance with said permits may be required in a form acceptable to the City prior to issuance of any grading, building, occupancy permits or business license.

8.320 Compliance with Local, State, and Federal Laws and Regulations

All users of the Public Stormwater System and any Person or entity whose actions may affect the system shall comply with all applicable local, State and Federal laws and regulations. Compliance with the requirements of this Chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, State and Federal laws and regulations.

8.322 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

Any provisions or limitation of this Chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, State, and Federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

8.324 Accidental Spill Prevention and Control

Accidental spills and releases by Persons who are not required to obtain a NPDES Stormwater Permit but who handle, store or use hazardous or toxic substances or Discharges prohibited under Section 8.312 and there is a reportable quantity as defined in OAR 340-142-0050, on their sites shall prepare and submit to the City an Accidental Spill Prevention and Control Plan within 60 days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this Section.

WILSONVILLE CODE**8.326 Notification of Spills**

(1) As soon as any Person in charge of a facility or responsible for emergency response for a facility becomes aware of any suspected, confirmed, or unconfirmed release of material, Pollutants, or waste creating a risk of Discharge to the Public Stormwater System, such Persons shall:

- (a) Begin containment procedures;
- (b) Notify proper emergency personnel in case of an emergency;
- (c) Notify appropriate city and/or State officials regarding the nature of the spill; and
- (d) Follow-up with the city regarding compliance and modified practices to minimize future spills, as appropriate.

(2) The notification requirements of this section are in addition to any other notification requirements set forth in local State, or Federal regulations and laws. The notification requirements do not relieve the Person of necessary remediation.

8.328 Requirement to Eliminate Illicit Connections

(1) The City's Authorized Stormwater Representative may require by written notice that a Responsible Party who makes an illicit connection to the Public Stormwater System complies with the requirements of this Chapter to eliminate the illicit connection or secure approval for the connection by a specified date.

(2) If, subsequent to eliminating a connection found to be in violation of this Chapter, the Responsible Party can demonstrate that an Illicit Discharge will no longer occur, that Person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the Responsible Party's expense.

8.330 Requirement to Remediate

Whenever the City finds that a Discharge of Pollutants is taking place or has taken place which will result in or has resulted in pollution of Stormwater or the Public Stormwater System, the City's Authorized Stormwater Representative may require by written notice to the Responsible Party that the pollution is remediated and the affected property restored, to the requirements of this Chapter.

8.332 Requirement to Monitor and Analyze

Whenever the City's Authorized Stormwater Representative determines that any Person engaged

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in any activity which may cause or contribute to Stormwater pollution or Illicit Discharges to the Public Stormwater System, the City's Authorized Stormwater Representative may, by written notice, order that the Responsible Party undertake such monitoring activities and/or analyses and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this Chapter. The written notice shall be served either by personal delivery or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required including but not limited to, that which may be undertaken by a third party independent monitor, sampler and/or tester. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail requiring the Owner to monitor the property and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this Chapter.

8.334 Erosion Prevention and Sediment Control

(1) Purpose. These regulations contained herein, together with the Clackamas County Water Environment Services' most current version of the Erosion Prevention and Sediment Control Planning and Design Manual, shall be known as the "City of Wilsonville Erosion Prevention and Sediment Control Standards," may be cited as such, and will be referred to herein as "these Standards." The purpose of these Standards is to establish uniform requirements for Land Development and construction-related activities in order to control the occurrence of Erosion and to prevent the creation, migration and/or transport of Erosion at the source during construction and Land Development.

(2) These Standards shall be administered and enforced by the City Manager or designee. The City Manager shall have the authority to develop and implement procedures, forms, policies, and interpretations for administering the provisions of these Standards.

(3) ESC Permit Required. An ESC Applicant must obtain an ESC permit before commencing any ground disturbing activity affecting 500 square feet or greater, cumulatively, throughout the duration of Land Development. The ESC Applicant must list each tax lot encompassed within the area where Land Development occurs, which tax lots will also be listed on the ESC permit. A copy of the approved ESC permit shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. An ESC Applicant must obtain a DEQ 1200-C permit if a site requires disturbing five acres or more. A copy of the approved 1200-C shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. DEQ 1200-C permits are obtained directly from DEQ.

(4) ESC Plan Required. The ESC Applicant shall submit an ESC Plan for projects requiring an ESC permit prior to commencing any ground disturbing activity. The City Manager or designee shall approve the ESC Plan if it demonstrates compliance with these Standards and the standards set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design

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Manual” for all Erosion and Sediment control measures.

(5) ESC Plan Implementation. An approved ESC permit shall be implemented and maintained as follows:

- (a) It shall be the duty of the ESC Applicant to inspect the property in conformance with the permit issued to ensure ESC measures are effective.
- (b) The ESC Applicant is responsible to ensure that no Visible and Measurable Erosion and Sediment leaves the permitted site.
- (c) The ESC Applicant shall keep a record of inspections with a brief explanation as to any signs of Erosion or Sediment release and measures taken to prevent future releases as well as any measures taken to clean up the Sediment that has left the site. Records must be made available to the City and DEQ upon request and must be submitted to the City upon final completion of work if so requested by the City.
- (d) During periods of wet weather, disturbed areas of the site and/or stockpiled soil shall be covered by the ESC Applicant by tarps or straws at the end of each day’s operations; all disturbed, unworked areas of the site shall be protected from Erosion
- (e) The ESC Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and Sediment deposits before receiving a final ESC inspection approval.

(6) Ineffective Measures and ESC Plan Amendment. If the facilities and techniques in the approved ESC Plan are not effective or sufficient to meet the purposes of this Chapter, based on an on-site inspection, the City Manager or designee may require the ESC Applicant to revise the ESC Plan. Such requirement shall be in writing and shall explain the problem. The written requirement shall be presented to the ESC Applicant and any other related parties.

- (a) The revised ESC Plan shall be submitted by the ESC Applicant not later than three (3) business days of when written notification by the City Manager is received. Receipt of such notice shall be deemed complete three (3) days after simultaneous regular mail and certified mail is deposited in the mail or completed the same day as personal delivery.
- (b) The ESC Applicant shall implement fully the revised ESC Plan not later than three (3) business days after mailing the revised ESC Plan to the City, or within such other time frame as the City Manager may specify.
- (c) In cases where significant Erosion is occurring, the City Manager or designee may require the ESC Applicant to immediately install interim control measures before submittal of a revised ESC Plan.

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(d) If there is a confirmed or imminent threat of significant off-site Erosion, the City Manager or designee shall issue a stop work order, upon issuance of which all work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with the City of Wilsonville's performance standards for ESC and are approved by the City Manager or designee.

8.336 Stormwater – Violation

(1) Enforcement. The City Manager or designee is authorized and directed to enforce all the provisions of Sections 8.300 through and including 8.334 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.300 through and including 8.334 to determine compliance or whenever the City Manager or designee has reasonable cause to believe there exists any violation of Sections 8.300 through and including 8.334. It is the policy of the City to pursue compliance and enforcement against the Responsible Party when a violation of Sections 8.300 through and including 8.334 occurs. When the Owner of a property where a violation occurs is not the Responsible Party, the City will pursue compliance and, when necessary, enforcement, only when the Responsible Party cannot be located or determined.

(2) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of Sections 8.300 through and including 8.334, the City Manager or designee, in accordance with Section 8.308, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.412(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.300 through and including 8.334 has occurred, the City Manager or designee shall notify the ESC Applicant or Responsible Party in writing of the violation observed. The notice of violation shall be delivered to the ESC Applicant or Responsible Party and posted at the property site of the violation. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail.

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.300 through and including 8.334, the City Manager or designee may issue a written stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. The Responsible Party shall not resume work until such time as the City Manager or designee provides specific approval in writing. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail of the stop work order.

(5) Termination of Permit. If an ESC Applicant violates the requirements of Sections 8.300 through and including 8.334, the City Manager or designee may revoke any or all of the ESC Applicant's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. If a Responsible Party violates the

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requirements of Sections 8.300 through and including 8.334, the City Manager or designee may revoke any or all of the Responsible Party's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. The Responsible Party or ESC Applicant may appeal such determination pursuant to WC 8.336(12) herein.

(6) Civil Penalties. In addition to any other civil or criminal penalties, fines, or other enforcement measures allowed under the Wilsonville Code, Oregon law and regulations, or federal law and regulations, upon a determination by the City Manager or designee that a Person has violated any provision of Sections 8.300 through and including 8.334, the City Manager or designee may impose upon the ESC Applicant or Responsible Party a civil penalty. The use of a civil penalty does not prevent other authorized enforcement actions. A civil penalty shall be no less than fifty dollars (\$50) and shall not exceed five thousand dollars (\$5,000) per offense per tax lot in which the violation(s) occurs within the Land Development area, or in the case of a continuing offense, not more than one thousand dollars (\$1,000) for each day of the offense and shall be processed in accordance with the procedures set forth in WC 8.336.

(a) Prior to imposing a civil penalty, the City Manager or designee, upon sending the ESC Applicant or Responsible Party an order to correct the violation(s), will pursue reasonable attempts to secure voluntary correction. Following the date or time by which the correction(s) must be completed as required by the order, the City Manager or designee shall determine whether such correction(s) has/have been completed. If the required correction(s) has/have not been completed by the date or time specified in the notice, the City Manager or designee may impose a civil penalty.

(b) In order to ensure that penalties correspond appropriately with the level of violation, and in consideration of this Section, for any fine above the fifty dollar (\$50) minimum fine, a formula will be used by the City Manager or designee to determine the dollar amount of the civil penalty.

(c) The civil penalty authorized by the Section shall be in addition to:

- 1) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement; and
- 2) Any other actions authorized by law.

(d) Notwithstanding WC 8.336(2)(a) above, the City Manager or designee may impose a civil penalty without having issued an order to correct violation or making attempts to secure voluntary correction where the City Manager or designee determines that the violation was knowing, intentional, or a repeat of a similar violation.

(e) If the City determines in its sole discretion that pursuing the Responsible Party is not feasible or it is in the public interest to pursue the Owner of the property for violations of WC 8.300 to WC 8.334, the City may impose a fine against the Owner pursuant to this subsection (6) after providing the Owner with written notice pursuant to

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WC 8.336(3).

(7) Civil Penalties Notice. The notice of civil penalty shall be served by personal service or shall be sent by registered mail or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three (3) days after the date mailed if to an address within the State, and seven (7) days after the date mailed if to an address outside this State. A notice of civil penalties shall include:

- (a) Reference to the particular code provision or rule involved;
- (b) A short and plain statement of the violation;
- (c) A statement of the amount of the penalty or penalties imposed;
- (d) If the penalty is imposed pursuant to WC 8.336(6)(d), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
- (e) A statement of the party's right to appeal the civil penalty to the City Council.

(8) In imposing a penalty authorized by this Section 8.336, the City Manager or designee shall consider:

- (a) The Person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- (b) Any prior violations of statutes, rules, orders and permits;
- (c) The gravity and magnitude of the violation;
- (d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- (e) Cost to City;
- (f) The violator's cooperativeness and efforts to correct the violation; and
- (g) Any relevant regulation under the City Code.

(9) Any Person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.336(12) herein shall govern any requested hearing. The burden of proof shall be on the party appealing the penalty.

(10) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the ESC Applicant or Responsible Party appeals the penalty to

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the City Council pursuant to, and within the time limit established by WC 8.336(12). If the ESC Applicant or Responsible Party appeals, the decision will become final, if at all, upon issuance of the City Council's decision affirming the imposition of the administrative civil penalty.

(11) Unpaid Penalties. Failure to pay a civil penalty imposed pursuant to this Section 8.336 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.336. The City Manager or designee shall assess the property the full amount of the unpaid fine, notify the ESC Applicant or Responsible Party of such assessment, and shall enter such an assessment as a lien in the City lien docket. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

(a) In addition to enforcement mechanisms authorized elsewhere in this Code, failure to pay an administrative civil penalty imposed pursuant to WC 8.336(6) shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

(12) Appeal Procedures.

(a) Filing deadline. A Person appealing a decision of the City Manager or designee shall file a written notice of appeal with the City Recorder within ten (10) calendar days from the date of mailing of the notice sent pursuant to WC 8.336(7).

(b) Notice of appeal content. The written notice of appeal shall include:

- 1) The name and address of the appellant;
- 2) A statement of the authority or jurisdiction for the appeal including specific code sections authorizing the appeal;
- 3) A statement of the appellant's standing or right to be heard;
- 4) The nature of the decision being appealed;
- 5) A copy of the decision being appealed;
- 6) A short and plain narrative statement including the reason(s) the original decision is alleged to be incorrect, with reference to the particular sections of the applicable code sections; and
- 7) The result the appellant desires on appeal.

(c) An appellant who fails to file such a statement with the information required in Subsection (12)(b) within the time permitted waives the objections, and the

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appeal shall be dismissed without a hearing.

(d) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal; however, any stop work order will remain in effect. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, a notice of suspension.

(e) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Council within thirty (30) days of the receipt of the notice of intent to appeal. At least ten (10) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(f) The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. The City may provide a response to the appeal for consideration by the City Council. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The City may also present testimony and oral arguments as well. If the appellant is represented by counsel, the City Attorney or designee will represent the City. The rules of evidence as used by courts of law do not apply.

(g) The City Council shall issue a written decision within ten business (10) days of the hearing date. The decision of the City Council after the hearing is final may include a determination that the appeal fee be refunded to the ESC Applicant or Responsible Party upon a finding by the City Council that the appeal was not frivolous.

(13) Abatement of Violation.

(a) Summary Abatement Authorized. The City Manager or designee may determine that the failure or non-existence of Stormwater control measures as required by this Section 8.300 through and including 8.334 constitute a violation presenting an immediate threat of injury to the public health, the environment, or public or private property. Such violations shall be subject to the requirements and enforcement measures stated in Sections 8.300 through and including 8.336. In cases where the City Manager or designee determines it is necessary to take immediate action in order to meet the purposes of this Section 8.300 through and including 8.336, Summary Abatement of such violation is authorized.

(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.300 through and including 8.336, the decision regarding whether or not to use Summary Abatement shall be at the City Manager's or designee's discretion. In case of Summary Abatement, notice to the ESC Applicant or Responsible Party prior to abatement is not required. However, following Summary Abatement, the City Manager or designee shall post upon the affected site the abatement notice describing the action taken to abate the violation and shall cause a notice to be mailed to the ESC Applicant or Responsible Party at the ESC Applicant's

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or Responsible Party's address as recorded in the county assessment and taxation records for the property in question.

(c) Financial Responsibility.

1) Whenever a violation is abated under this Subsection 8.336(13), the City Manager or designee shall keep an accurate account of all expenses incurred.

2) The City Manager or designee shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or designee shall mail a notice to the ESC Applicant or Responsible Party, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing.

3) Lien. In the event that amount due set forth in the notice is not paid in full within thirty (30) days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

WILSONVILLE CODE**INDUSTRIAL WASTEWATER REGULATIONS****8.400 General Provisions**

(1) Purpose and Policy. This Chapter sets forth uniform requirements for Users of the POTW for the City of Wilsonville and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this Chapter are:

- (a) To prevent the introduction of Pollutants into the POTW that will interfere with its operation;
- (b) To prevent the introduction of Pollutants into the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;
- (c) To protect both POTW personnel who may be affected by Wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of Industrial Wastewater and sludge from the POTW;
- (e) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws which the POTW is subject thereto.
- (f) This Chapter authorizes the issuance of individual City-issued industrial wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

8.401 Applicability

This Chapter shall apply to all Users of the POTW, whether inside or outside of the City limits, by contract, permit, or agreement with the City.

8.402 General Sanitary Sewer Use Requirements

- (1) Prohibited Discharge Standards.
 - (a) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which will cause Interference or Pass Through. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

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(b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or Wastewater:

- 1) Pollutants which create fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flash point of less than 140°F (60°C) using the test methods prescribed in 40 CFR 261.21.
- 2) Solid or viscous substances in amounts which will obstruct the flow in the POTW resulting in Interference.
- 3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- 4) Waste streams having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the POTW, City personnel or equipment. In cases where pH is continuously monitored, a violation is deemed to have occurred if the pH falls outside the 5.5 to 10.0 range more than 60 minutes in any one calendar day beginning at midnight and/or more than seven hours 26 minutes in any one calendar month, except that any Discharge below 5.0 or above 11.0 is a violation.
- 5) Pollutants, including oxygen- demanding Pollutants (BODs, etc.) released at a flow rate and/ or Pollutant concentration- which, either singly or by interaction with other Pollutants, to Pass Through or Interfere with the POTW, any Wastewater treatment or sludge process, or constitute a hazard to humans or animals.
- 6) Noxious or malodorous liquids, gases, or solids or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the Sanitary Sewers for maintenance and repair.
- 7) Any substance which may cause the Treatment Plant Effluent or any other residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance Discharged to the system cause the City to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other State requirements applicable to the sludge use and disposal practices being used by the City.
- 8) Any Wastewater which imparts Color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts Color to the Treatment Plants effluent thereby violating the City's NPDES Waste Discharge Permit. Color (in combination with turbidity) shall not cause the Treatment Plant Effluent to reduce

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the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

9) Any Wastewater having a temperature greater than 150°F(55°C), 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 104°F(40°C).

10) Any Wastewater containing any radioactive waste or isotopes except as specifically approved by the Public Works Director in compliance with applicable State and Federal laws and regulations.

11) Any Pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.

12) Any trucked or hauled Pollutants.

13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, deionized water, Non-contact Cooling Water and unpolluted Industrial Wastewater, unless specifically authorized by the Public Works Director.

14) Sludges, screenings, or other residues from the pretreatment of Industrial wastes.

15) Medical Wastes, except as specifically authorized by the Public Works Director in a City-issued industrial wastewater discharge permit.

16) Material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfered with the POTW.

17) Material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the Public Works Director.

18) Wastewater causing, alone or in conjunction with other sources, the Treatment Plant Effluent to fail toxicity test.

19) Recognizable portions of the human or animal anatomy.

20) Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

21) Any Wastewater from dry cleaning machines.

22) Wastewater discharging from Dental facilities which contain

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mercury shall be provided with an approved amalgam separator.

23) Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be Discharged to the POTW.

(2) National Categorical Pretreatment Standards.

(a) Users must comply with the Categorical Pretreatment Standards found in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein. The City shall recognize any variance to the Categorical Standards authorized by the DEQ under 40 CFR 403.13 for fundamentally difference factors from those considered by the EPA when developing the Categorical Pretreatment Standard.

(b) When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403 .6(e) using the combined waste stream formula.

(c) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the City may impose equivalent concentration or mass limits in accordance with Section (1) and (2) of this section.

1) Equivalent Concentration Limits: When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

2) The City may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Public Works Director.

When converting such limits to concentration limits, the City will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 8.402(6) of this Chapter. In addition, the City will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available.

3) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 8.402(2) in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.

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(d) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily Discharge limitations and a second limit for calculating maximum Monthly Average Limits, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(e) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the City within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the City of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(3) State Requirements. Users must comply with State requirements and limitations and Discharges to the POTW shall be met by all Users which are subject to such limitations in any instance in which they are more stringent than Federal requirements and limitations or those in this Chapter.

(4) Local Limits.

(a) Authority to Establish Local Limits: The City is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The Public Works Director may develop BMP's by ordinance or in individual City-issued industrial wastewater discharge permits to implement Local Limits and 8.402.

(b) Numerical Local Limits.

1) No nonresidential User shall Discharge Wastewater containing restricted substances into the POTW in excess of limitations specified in its City-issued industrial wastewater discharge permit or adopted, by resolution, by the City. The Public Works Director shall publish and revise, from time to time, standards for specific restricted substances. These standards shall be developed in accordance with 40 CFR Section 403.5 and shall implement the objectives of this Chapter. Standards published in accordance with this Section will be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

(c) At their discretion, the Public Works Director may impose mass limitations in addition to or in place of the concentration based limitations referenced above. The more stringent of either the Categorical Standards or the specific Pollutant limitations for a given Pollutant will be specified in the City-issued industrial wastewater discharge permit.

(d) Specific effluent limits shall not be developed and enforced without individual notices to Persons or groups who have requested such notice and an

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opportunity to respond.

(5) City's Right to Revision. The City reserves the right to establish, by ordinance or in a City-issued industrial wastewater discharge permit, more stringent limitations or requirements or Discharges to the POTW if deemed necessary to comply with the objectives presented in this Chapter.

(6) Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or regulations, or in other cases when the impositions of mass limitation is appropriate.

(7) Authority to Condition or Deny Industrial Discharge. The City reserves the right to Condition or deny any, or all Industrial Discharges to the City Sanitary Sewer system.

8.404 Pretreatment of Wastewater**(1) Pretreatment Facilities.**

(a) Users shall provide necessary Wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits and the prohibitions set out in Section 8.402, within the time limitations specified by the Public Works Director, EPA, or the State, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility.

(b) The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an acceptable Discharge to the City under the provisions of this Chapter.

(2) Additional Pretreatment Measures.

(a) Whenever deemed necessary, the Public Works Director may require Users to restrict their Discharge during peak flow periods, designate that certain Wastewater be Discharge only into specific Sanitary Sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from Industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Chapter.

(b) The City may require any Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A City-issued industrial wastewater discharge

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permit may be issued solely for flow equalization.

(c) Users with the potential to Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, even though a City-issued industrial wastewater discharge permit is not issued.

(3) Accidental Discharge/Slug Discharge Control Plans. The City shall evaluate whether each SIU needs a Discharge/Slug Discharge control plan or other action to control Slug Discharges. The City may require any User to develop, submit for approval and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the City may develop such plan for any User.

(a) An accidental Discharge/Slug Discharge plan shall address, at a minimum, the following:

1) Description of Discharge practices; including non-routine batch Discharges.

2) Description of stored chemicals.

3) Procedures for immediately notifying the Public Works Director of any accidental or Slug Discharge, as required by this Chapter;

(4) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response.

(5) Failure to comply with Spill/slug control plan conditions shall subject the permittee to enforcement action.

8.406 Industrial Wastewater Discharge Permit

(1) Authority to Require Data Disclosure. When requested by the Public Works Director, a User whether operating under a City-issued industrial wastewater discharge permit or not; and whether the User meets the criteria of a Significant Industrial User or not; the User must submit information on the nature and characteristics of all production processes; material storage, and their Wastewater generated on site. The User must submit this data within thirty (30) days of the request. The Public Works Director is authorized to prepare a form for this purpose and may periodically require Industrial Users to update this information.

(2) Wastewater Discharge Permit Requirement.

(a) SIU Wastewater Discharge Permit Required. No Significant Industrial Users shall Discharge to the POTW without first obtaining an individual City-issued

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industrial wastewater discharge permit from the Public Works Director, except that a SIU that has filed a timely application pursuant to Section 8.406(3) of the Chapter may continue to Discharge for the period of time specified therein.

(b) **Other Users May Obtain City-Issued Industrial Wastewater Discharge Permit:** The Public Works Director may require other Users, to obtain individual City-issued industrial wastewater discharge permits as necessary to carry out the purposes of this Chapter.

(c) **Violation of City-Issued Industrial Wastewater Discharge Permit.** Any violation of the terms and conditions of a City-issued industrial wastewater discharge permit shall be deemed a violation of this Chapter and subjects the industrial wastewater discharge permittee to the sanctions set out in Sections 8.502 through 8.506 of this Chapter. Obtaining a City-issued industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(3) **Permitting Existing Connections.** Any User required to obtain an individual Discharge permit who was discharging Wastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such Discharges in the future, shall within ninety (90) days after said date, apply to the City for an industrial wastewater discharge permit in accordance with Section 8.406(5) below, and shall not cause or allow Discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter except in accordance with the permit issues by the Public Works Director.

(4) **Permitting New Connections.** Any SIU proposing to begin or recommence discharging Industrial waste into the POTW must obtain a City-issued industrial wastewater discharge permit prior to beginning or recommending such Discharge. An application for this City-issued industrial wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any Discharge will begin or recommence.

(5) **Industrial Wastewater Discharge Permit Application Contents.** All Users required to obtain City-issued industrial wastewater discharge permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The City may require Users to submit all or some of the following information as part of a permit application:

(a) **Identifying Information.** The name, mailing address and location (if different from mailing address) of the facility, including the name of the operator and Owner or Lessee, Contact information, descriptions of the activities, facilities, and plant production processes on the premises;

(b) **Environmental Permits.** A list of any environmental control permits held by or for the facility;

(c) **Description of Operations.** A brief description of the nature, average rate

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of production (including each product produced by type, amount, processes and rate of production) and Standard Industrial Classification (SIC) or North American Industry Classification System (NAIS) of the operations carried out by such User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes, codes for Pretreatment the industry as a whole and any processes for which Categorical Pretreatment Standards have been promulgated;

(d) Types of waste generated and a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally Discharged to the POTW;

(e) Number and type of employees, and hours of operation, and proposed or actual hours of operation;

(f) Type and amount of raw materials processed (average and maximum per day);

(g) Site plans, floor plans, mechanical and plumbing plans, and details to show all Sewers, floor drains and appurtenances by size, location and elevation and all points of Discharge;

(h) Time and duration of the Discharge;

(i) The location for monitoring all wastes covered by the permit;

(j) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to use the combined waste stream formula in 40 CFR 403.6(e).

(k) Measurement of Pollutants.

1) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the City, of regulated Pollutants in the Discharge from each regulated process.

3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.410(10) of this Chapter. Where the Standard requires compliance with a BMP or pollution

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prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.

5) Sampling must be performed in accordance with procedures set out in Section 8.410(11) of this Chapter.

(1) Any other information as may be deemed by the Public Works Director to be necessary to evaluate the permit application.

(6) Application Signatories and Certification.

(a) All City-issued industrial wastewater discharge permit applications, User reports and certification statements must contain the following certification statement and be signed by an authorized representative of the User:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

(c) A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the signed certification statement in Section 8.410(14).

(7) City-Issued Industrial Wastewater Discharge Permit Decisions. The Public Works Director will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Public Works Director will determine whether or not to issue an industrial wastewater discharge permit. The City may deny any application for an industrial wastewater discharge permit.

8.408 Industrial Wastewater Discharge Permit Issuance by the City

(1) Permit Duration. City-issued industrial wastewater discharge permits shall be issued for a specific time period not to exceed five (5) years. A City-issued industrial wastewater discharge permit may be issued for a period less than five (5) years at the discretion of the Public Works Director. Each permit will indicate a specific date on which it will expire.

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(2) Permit Contents. City-issued industrial wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Public Works Director to prevent Pass Through or Interference and to protect the quality of the water body receiving the Treatment Plant Effluent, protect worker health and safety, facility sludge management and disposal, and protect against damage to the POTW.

(a) City-issued industrial wastewater discharge permits must contain:

1) A statement that indicates City-issued industrial wastewater discharge permit issuance date, expiration date and effective date;

2) A statement that the City-issued industrial wastewater discharge permit is nontransferable without prior notification to and approval from the City and provisions for furnishing the new Owner or operator with a copy of the existing permit;

3) Effluent limits, including Best Management Practices, based on applicable standards in Federal, State, and local law;

4) Self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of Pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local laws; and

6) Requirement to control Slug Discharges, if determined by the Public Works Director to be necessary. Significant Industrial Users are required to notify the Public Works Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(b) City-issued industrial wastewater discharge permits may contain, but need not be limited to, the following:

1) Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for flow regulation and equalization;

2) Requirements for the installation of Pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of Pollutants into the treatment works;

3) Requirements for the development and implementation of spill control plans or other special conditions including management practices

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necessary to adequately prevent accidental, unanticipated, or routine Discharges;

4) Development and implementation of waste minimization plans to reduce the amount of Pollutants Discharged to the POTW;

5) The unit charge or schedule of User charges and fees for the management of the Wastewater Discharged into the POTW;

6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

7) A statement that compliance with permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the permit; and/or

8) Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this Chapter; and State and Federal laws, rules, and regulations; the term of the permit.

(3) Permit Issuance Process.

(a) Permit Appeals. Any Person including the Industrial User, may petition the City to reconsider the terms of the permit within ten (10) days of the issuance of the final permit.

(b) Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.

(c) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.

(d) The effectiveness of the permit shall not be stayed pending the appeal.

(e) If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue a permit, or not modify a permit shall be considered final administrative action for purposes of judicial review.

(f) Aggrieved parties seeking judicial review of administrative permit decisions must do so by complaint with the Circuit Court for Clackamas County, State of Oregon within thirty (30) days of the final administrative decision.

(4) Permit Modifications. The Public Works Director may modify the permit for good cause and at any time including, but not limited to, the following:

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(a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(b) To address signification alterations or additions to the Industrial User's operation, processes, or Wastewater volume or character since the time of permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized Discharge;

(d) Information indicating that the permitted Discharge poses a threat to the POTW, City personnel, of the receiving waters;

(e) Violation of the terms or conditions of the City-issued industrial wastewater discharge permit;

(f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

(g) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 401.13;

(h) To correct typographical or other errors in the permit;

(i) To reflect a transfer of the facility ownership and/or operation to a new Owner/operator/Lessee.

(5) Permit Transfer.

(a) City-issued industrial wastewater discharge permits may be transferred to a new Owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Public Works Director and the Public Works Director approves the permit transfer. Failure to provide advance notice of a transfer renders the permit void as of the date of facility transfer, and the new Owner will be consider in violation of the City Codes for discharging without a permit. The notice must include a written certification to the new Owner which:

1) States that the new Owner has no immediate intent to change the facility's operations and processes;

2) Identifies the specific date on which the transfer is to occur; and

3) Acknowledges full responsibility for complying with the existing permit.

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(6) Permit Revocation.

(a) City-issued industrial wastewater discharge permits may be revoked for the following reasons:

- 1) Failure to notify the City of significant changes to the Wastewater prior to the changed Discharge;
- 2) Failure to provide prior notification to the City of changed conditions pursuant to Section 8.410(5);
- 3) Misrepresenting or failure to fully disclose all relevant facts in the City-issued industrial wastewater discharge permit application;
- 4) Falsifying self-monitoring reports;
- 5) Tampering with monitoring equipment;
- 6) Refusing to allow the City timely access to the facility premises and records;
- 7) Failure to meet effluent limitations;
- 8) Failure to pay fines;
- 9) Failure to pay Sewer charges;
- 10) Failure to meet compliance schedules;
- 11) Failure to complete a Wastewater survey or the City-issued industrial wastewater discharge permit application;
- 12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- 13) Violation of any Pretreatment Standard or Requirement or any terms of the permit or this Chapter;
- 14) Upon cessation of operations; or
- 15) Upon issuance of a new City-issued industrial wastewater discharge permit to the User.

(7) Permit Renewal. A User with an expiring City-issued industrial wastewater discharge permit shall apply for industrial wastewater discharge permit renewal by submitting a complete permit application, in accordance with Section 8.406 of this Chapter, a minimum of

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ninety (90) days prior to the expiration of the User's existing City-issued industrial wastewater discharge permit. The existing permit shall remain in effect until the renewed permit is issued, providing the User has submitted the renewal application ninety (90) days prior to the expiration of the User's existing City-issued industrial wastewater discharge permit. If the User did not comply with the renewal application submittal criteria, the User will not be authorized to continue discharging past the expiration date of the existing permit without the written authorization of the City.

(8) Regulation of Wastewater Received From Other Jurisdictions.

(a) The City may accept Wastewater from individual Industrial Users located in other jurisdictions, or other municipalities under the following conditions:

1) Municipalities – the municipality must develop and implement a Sanitary Sewer use ordinance that meets, or exceeds, the Wilsonville Industrial Wastewater Regulations, Chapter 8. The municipality must submit their request in writing and the request for Extra-Jurisdictional Wastewater treatment a list of Industrial Users within their jurisdiction, the nature and volume of the Industrial Discharges, the combined Discharge from the municipality that will be treated by the Wilsonville Wastewater Treatment Plant. Municipalities will not be issued industrial wastewater discharge permits. Municipalities must enter into an Extra-Jurisdictional Agreement between the City of Wilsonville and the requesting municipality.

2) Extra-Jurisdictional Industrial Users – the Industrial User must submit an industrial wastewater discharge permit application to the City. The Industrial User must agree to comply with the terms and conditions of the permit, including right-of-entry for purposes of inspection, and sampling, enforcement actions specified in the permit.

(b) An inter-jurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:

1) A requirement for the contributing municipality to adopt a Sanitary Sewer use ordinance which is at least as stringent as this Chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 8.402 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Wilsonville Code Chapter 8 or Local Limits;

2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

3) A provision specifying which Pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection

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and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;

4) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its Pretreatment activities;

5) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it Discharges to the POTW;

6) Requirements for monitoring the contributing municipality's Discharge;

7) A provision ensuring the City access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and

8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.

9) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the inter-jurisdictional agreement should specify that Wilsonville shall have the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against the Person who Discharges in the event the contributing jurisdiction is unable or unwilling to take such action.

8.410 Reporting Requirements

(1) Baseline Monitoring Reports.

(a) Users that become subject to new or revised Categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated a Non-Significant Categorical Industrial Users.

(b) Within either 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to Discharge to the POTW shall submit to the City a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an

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applicable Categorical Standard shall be required to submit to the City a report which contains the information listed in paragraph (b) below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source shall also give estimates of its anticipated flow and quantity of Pollutants Discharged.

(c) Users described above shall submit the information set forth below:

1) All information required in Section 8.406(2) through Section 8.406(7); and

2) Measurement of Pollutant. The City may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for Industrial Pretreatment measures.

(d) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

(e) Samples should be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(f) Sampling and analysis shall be performed in accordance with Section 8.410(10);

(g) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW;

(h) Compliance Certification. A statement, reviewed by the User's authorized representative and certified to be a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional Operations and maintenance (O&M) and/or additional Pretreatment is required in order to meet Pretreatment Standards and Requirements;

(i) Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest possible schedule by which the Industrial User will provide such additional Pretreatment and/or O&M. The completion date in this schedule not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 8.410(2) of this Chapter; and

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(j) **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Section 8.410(3) and signed by an Authorized Representative.

The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW.

(2) **Compliance Schedule Progress Reports.** The following conditions shall apply to the compliance schedule required by Section 8.410(1) of this Chapter:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the City.

(e) **Reports on Compliance with Categorical Pretreatment Standard Deadline.**

1) Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 8.406(5) of this Chapter. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 8.402(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.410(14) of this Chapter. All sampling will be done in conformance with Section 8.410.

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2) Periodic Compliance Reports. All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 8.410(14).

(f) Except as specified in Section 8.410(14), all Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year (June and December, or on dates specified, reports indicating the nature, concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

(g) All periodic compliance reports must be signed and certified in accordance with Section 8.410(14) of this Chapter.

(h) All Wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.

(i) If a User subject to the reporting requirement in this Section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section 8.410(11) of this Chapter, the results of this monitoring shall be included in the report.

(5) Report of Changed Conditions. Each User must notify the Public Works Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume at least thirty (30) days before the change.

(a) The Public Works Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater discharge permit application under Section 8.406(5), if necessary.

(b) The Public Works Director may issue an industrial wastewater discharge permit under Section 8.408(7) or modify an existing City-issued industrial wastewater discharge permit under Section 8.408(4) in response to changed conditions or anticipated changed conditions.

(6) Reports of Potential Problems.

(a) In the case of any Discharge, including but not limited to accidental Discharge non-routine, episodic nature, a non-customary batch Discharge, a Slug

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Discharge or Slug Load, that might cause potential problems for the POTW the User shall immediately telephone and notify the City of the incident. This notification shall include the location and Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) Within five (5) days following an accidental Discharge, the User shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Chapter.

(c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of an accidental Discharge as described above. Employers shall ensure that all employees who may cause or suffer such a Discharge to occur are advised of all the emergency notification procedures.

(d) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Reports from Un-Permitted Users. All Users not required to obtain a City-issued industrial wastewater discharge permit shall provide appropriate reports to the City as the Public Works Director may require.

(8) Notice of Violation/Repeat Sampling and Reporting.

(a) If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation.

(9) Notification of the Discharge of Hazardous Waste.

(a) Any User who commences the Discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division City, and State hazardous waste authorities, in writing, of any Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the User Discharges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream Discharged during that

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calendar month, and an estimation of the mass of constituents in the waste stream expected to be Discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste Discharged. However, notifications of changed conditions must be submitted under Section 8.410(5) of this Chapter. The notification requirement in this Section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 8.410(1), 8.410(3), and 8.410(4) of this Chapter.

(b) Persons who Discharge are exempt from the requirements of paragraph A, above, during a calendar month in which they Discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User Discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the City, the EPA Regional Waste Management Waste Division City, and State hazardous waste authorities of the Discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to Discharge any substance not otherwise permitted to be Discharged by this Chapter, a permit issued hereunder, or any applicable Federal or State law.

(10) Analytical Requirements. All Pollutant analyses, including sampling techniques, to be submitted as part of a City-issued industrial wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA.

(11) Sample Collection.

(a) Samples collected to satisfy reporting requirements must be based on data

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obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(b) The City shall establish the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

(c) Except as indicated in Section (d) and (e) below, the User must collect Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the Discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows:

1) For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;

2) For volatile organics and oil and grease, the samples may be composited in the laboratory.

3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.

(d) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(e) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 8.410(1) and 8.410(3), a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by paragraphs Section 8.410(4), the Industrial User is required to collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(12) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

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(13) Recordkeeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 8.402(4). Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.

(14) Certification Statements.

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 8.406(6): Users submitting baseline monitoring reports under Section 8.410(1); Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 8.410(3); Users submitting periodic compliance reports required by Section 8.410(4); and Users submitting an initial request to forego sampling of a Pollutant on the basis of Section 8.410(4). The following certification statement must be signed by an Authorized Representative:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(b) Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the following certification statement signed in accordance with the signatory requirements in Section 8.410(14). This certification must accompany an alternative report required by the City:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in

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Section 8.006 (81)(b)(1)-(3).).

2) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and

3) The facility never Discharged more than 100 gallons of total categorical Wastewater on any given day during this reporting period.

4) The Facility never Discharged concentrated untreated Wastewater.”

8.412 Compliance Monitoring

(1) Right of Entry; Inspection and Sampling.

(a) The City, an authorized representative of the EPA and/or authorized representative of the Oregon DEQ shall have the right to enter the premises of any User to ascertain whether the purpose of this Chapter is being met and all requirements are being met. Users shall allow authorized personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(b) Where a User has security measures in force that require proper identification and clearance before entry into their premises, the Industrial User shall make necessary arrangements with its security guards, so that upon presentation of suitable identification, personnel from the City, State and EPA will be permitted to enter, without delay, for the purposes of performing specific responsibilities.

(c) The City, State, and EPA shall have the right to set up or require installation of, on the Industrial User’s property, such devices as are necessary to conduct sampling, and/or metering of the User’s operations.

(d) The City may require the User to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated annually to ensure their accuracy. The location of the monitoring facilities shall provide ample room in or near the monitored facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the City’s requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the City to perform independent monitoring activities.

(e) Any temporary or permanent obstruction to safe and easy access to the Industrial facility to be inspected and/or sampled shall be promptly removed by the

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Industrial User at the written or verbal request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the User.

(f) Unreasonable delays in allowing the City access to the User's premises shall be a violation of this Chapter.

(2) Search Warrants. If the Public Works Director has been refused access to a building, structure or property or any part thereof, and if the Public Works Director has probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect as part of a routine inspection program of the City designed to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of the City may issue a search and/or seizure warrant describing herein the specific location subject to the warrant. The warrant shall specify what, if anything, may be search and/or seized on the property described. Such warrant shall be served at reasonable hours by the Public Works Director in the company of a uniformed police officer of the City.

8.414 Confidential Information

Information and data on a User obtained from reports, surveys, City-issued industrial wastewater discharge permit applications, City-issued industrial wastewater discharge permit, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

8.416 Publication of Users in Significant Noncompliance

(1) The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section and shall mean:

(a) Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a

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numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 8.402;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each Pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 8.402 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH;

(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 8.402 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any Discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City exercise of its emergency authority to halt or prevent such a Discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a City-issued industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local Pretreatment program.

8.418 Affirmative Defense

(1) Upset.

(a) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1) An upset occurred and the User can identify the cause(s) of the upset;

2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3) The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

a) A description of the Indirect Discharge and cause of noncompliance;

b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

(f) Users shall control production of all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited Discharge Standards. User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibition and the specific prohibitions in Section 8.402 of this chapter if it can prove it did not know or have

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reason to know that its Discharge alone or in conjunction with other Discharges, would cause Pass Through or Interference and that either:

(a) A local limit exists for each Pollutant Discharged and the User was in compliance with each limit directly prior to and during the Pass Through or Interference; or

(b) No local limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the City was regularly in compliance with the NPDES Waste Discharge Permit, and in the case of Interference, in compliance with applicable sludge use or disposal requirements.

(3) Bypass.

(a) For the purposes of this Section:

1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.

2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of (c) and (d).

(c) Bypass Notification.

1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten (10) days before the date of the bypass.

2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Public Works Director within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral

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report has been received within twenty-four (24) hours.

(d) Bypass is prohibited, and the Public Works Director may take enforcement action against an Industrial User for a bypass, unless;

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintaining during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3) The Industrial User submitted notices as required under paragraph (c) of this section.

4) The Public Works Director may approve an anticipated bypass after considering its adverse effects, if the Public Works Director determines that it will meet paragraph (3)(d)(1) of this Section.

8.420 Pretreatment Charges and Fees

(1) The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

(a) Fees for City-issued industrial wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's Discharge;

(c) Fees for reviewing monitoring reports and certification statements submitted by Users;

(d) Fees for reviewing and responding to slug color;

(e) Discharge procedures and construction;

(f) Fees for filing appeals;

(g) Fees to recover administrative and legal costs (not included in Section 8.504, Section 8.506 and 8.416) associated with the enforcement activity taken by the City to address IU noncompliance; and

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(h) Other fees as the City may deem necessary to carry out the requirements contained herein.

(2) These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the City.

WILSONVILLE CODE**ENFORCEMENT****8.502 Administrative Enforcement Remedies**

(1) Enforcement. In addition to the imposition of civil penalties, the City shall have the right to enforce Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420 by injunction, or other relief, and seek fines, penalties and damages in Federal or State courts. Any Discharge that fails to comply with the requirements of these rules and regulations or provisions of its City-issued industrial wastewater discharge permit may be subject to enforcement actions as prescribed in Section 8.502(2) through Section 8.502(9) below.

(a) The City is hereby authorized to adopt, by ordinance or resolution, an Enforcement Response Plan, with procedures and schedules of fines, to implement the provisions of this Section.

(b) The type of enforcement action shall be based, but not limited by the duration and the severity of the violation; impacts on water quality, sludge disposal, Interference, work health and safety; violation of the City's NPDES Waste Discharge Permit. Enforcement shall generally be escalated in nature.

(2) Notification of Violation. Whenever the City finds that any User has violated or is violating any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit or order issued hereunder, or any other Pretreatment Requirement, the Public Works Director or designee may serve upon said User a written Notice of Violation. Within ten (10) days of 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 to the Public Works Director. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of this Notice of Violation. Nothing in this section shall limit the authority of the City to take emergency action without first issuing a Notice of Violation.

(3) Consent Orders. The City may enter into Consent Orders, Assurance of Compliance, or other similar documents establishing an agreement with the any User responsible for the noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as administrative orders issued pursuant to Section 8.502(4) or 8.502(5) below and shall be judicially enforceable.

(4) Show Cause Hearing. The City may order any Industrial User which causes or contributes to any violation(s) of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, City-issued industrial wastewater discharge permits or orders issued hereunder, or any other Pretreatment Requirement to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or

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certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. Whether or not the User appears as notified, immediate enforcement action may be pursued following the hearing date. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(5) Compliance Orders. When the City finds that a User has violated, or continues to violate, any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants Discharged to the Sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(6) Cease and Desist Orders. When the City finds that a User has violated, or continues to violate, any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(a) Immediately comply with all requirements:

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatening violation, including halting operations and/or terminating the Discharge. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(7) Administrative Fines.

(a) When the City finds that a User has violated, or continues to violate, any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such User in an amount not to exceed five thousand dollars (\$5,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average Discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the User's next scheduled Sewer service charge

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and the City shall have such other collection remedies as may be available for other service charges and fees. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance, and interest shall accrue thereafter at a rate of seven percent (7%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(8) Emergency Suspensions. The City may immediately suspend a User's Discharge and the Industrial User's City-issued industrial wastewater discharge permit, after informal notice to the Industrial User, whenever such suspension is necessary in order to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent endangerment to the health and welfare of Persons. The City may also immediately suspend a User's Discharge and the Industrial User's City-issued industrial wastewater discharge permit, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any User notified of a suspension of its Discharge activity or City-issued industrial wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of an Industrial User's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the Sewer connection to prevent or minimize damage to the POTW, its Receiving Stream, or endangerment to any individuals. The City may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 8.502(9) are initiated against the User. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(b) Any User which is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Public Works Director prior to the date of any show cause or termination hearing under Section 8.502(4) or 8.502(9).

(9) Termination of Permit. Any User who violates the following conditions is subject to Discharge termination:

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- (a) Violation of City-issued industrial wastewater discharge permit conditions;
- (b) Failure to accurately report the Wastewater constituents and characteristics of its Discharge;
- (c) Failure to report significant changes in operations or Wastewater volume, constituents and characteristics prior to Discharge;
- (d) Refusal of reasonable access to the User’s premises for the purpose of inspection, monitoring or sampling;
- (e) Violation of the Pretreatment Standards in Section 8.402 of this Chapter.

Such Users will be notified of proposed termination of its Discharge and be offered an opportunity to show cause under Section 8.502(4) above why the proposed action should not be taken.

Exercise of this option by the City shall not be a bar to, or establish a prerequisite for, taking any other action against the User.

(10) Appeals. Any enforcement action by the City may be appealed to the City Council by filing a petition for reconsideration. The petition must show cause why an enforcement action should not be taken.

- (a) Enforcement action appeals must be filed with the City Recorder within ten (10) working days of receipt of the enforcement action.
- (b) The petition for appeal shall indicate the nature of the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the enforcement response and the requirements of the Pretreatment program.
- (c) Upon appeal, the City Council shall first determine whether the appeal shall be heard on the record only, or upon an evidentiary hearing *de novo*. Where an appellant has been afforded an opportunity of an evidentiary hearing by the City, then the appeal shall be limited to a review of the record and a hearing for receipt of arguments regarding the record. Where an appellant has not been afforded an evidentiary hearing, or upon finding that under prejudice should otherwise result, the City Council shall conduct an evidentiary hearing *de novo*.
- (d) Unless otherwise provided by the City Council, an evidentiary hearing *de novo* on appeal shall require a record be kept of the following:
 - 1) The record, if any, of the matter before the City.
 - 2) A factual report prepared and presented by the City.

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3) All exhibits, materials and memoranda submitted by any party and received or considered in reaching the decision under review.

4) A record of testimonial evidence, if any.

(e) Upon review, the City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the Council modifies or renders a decision that reverses a decision regarding and enforcement action, the Council, in its order, shall set forth its finding and state its reasons for taking the action.

8.504 Judicial Enforcement Remedies

(1) Injunctive Relief. Whenever the City finds that a User has violated or continues to violate the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, permits or orders issued hereunder, or any other Pretreatment Requirements, the City through the City's attorney, may petition the Circuit Court of Clackamas County for issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the City-issued industrial wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for taking any other action against the User.

(2) Civil Penalties. A User which has violated or continues to violate the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of five thousand dollars (\$5,000) per violation per day. In the case of a monthly or other long term average Discharge limit, penalties shall accrue for each business day during the period of this violation.

(a) The City may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(b) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm, caused by the violation, the magnitude and duration, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the User, and any other factors as the justice requires.

(c) Filing a suit for civil penalties shall not be a bar to, or a prerequisite for, taking any other action against the User.

(3) Criminal Prosecution.

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(a) Any User who willfully or negligently violates any provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, any orders or permits issue hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(b) Any User who knowingly makes any false statement, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, or City-issued industrial wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(c) Any User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$5,000 per violation, per day, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(d) In the event of a second conviction, the User shall be punished by a fine not to exceed \$6,000 per violation per day or imprisonment for not more than three (3) years or both.

(4) Remedies Nonexclusive. The remedies provided for in this Chapter are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

8.506 Supplemental Enforcement Action

(1) Performance Bonds. The City may decline to reissue a permit to any User who has failed to comply with the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve a consistent compliance.

(2) Liability Insurance. The City may decline to reissue a permit to any Industrial User which has failed to comply with the provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater

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discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurance sufficient to restore or repair damage to the POTW caused by its Discharge.

(3) Payment of Outstanding Fees and Penalties. The City may decline to issue or reissue a City-issued industrial wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater discharge permit, or order issued hereunder.

(4) Water Supply Severance. Whenever a User has violated or continues to violate provisions of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, orders, or permits issued hereunder, Water services to the Industrial User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

(5) Public Nuisance. Any violation of the prohibitions of effluent limitations of this Chapter, permits, or orders issued hereunder is hereby declared by a public nuisance and shall be corrected or abated as directed by the City. Any Person(s) creating a public nuisance shall be subject to the provisions of Chapter 7 of the Wilsonville City Codes governing such nuisance, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

(6) Informant Rewards. The City may pay up to five hundred dollars (\$500) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the Industrial User, the Public Works Director is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed ten thousand dollars (\$10,000).

(7) Contractor Listing. Users which have not achieved consistent compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contract for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by an Industrial User found to be in significant violation with Pretreatment Standards may be terminated at the discretion of the City.

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CITY OF WILSONVILLE, OREGON

**Industrial Pretreatment Program
Enforcement Response Plan**

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WILSONVILLE CODE**SECTION I. INTRODUCTION**

The General Pretreatment Regulations, 40 CFR 403.8(f)(1)(vi)(A) require POTW's with approved Pretreatment programs to obtain remedies for noncompliance by any Industrial User. Specifically, 40 CFR 403.8(f)(5) requires the POTW to develop and implement an enforcement response plan.

EPA states that a violation occurs when any of the following conditions apply:

- Any requirement of the City's rules and regulations has not been met.
- A written request is not met within the specified time.
- A condition of a permit issued under the authority of rules and regulations is not met within the specified time.
- Effluent limitations are exceeded, regardless of intent or accident.
- False information has been provided by the Discharge.

Each day a violation occurs is considered a separate violation. Each parameter that is in violation is considered to be a separate violation.

Actions that can be taken by the City, in response to violations, are described in this Enforcement Response Plan.

This Enforcement Response Plan is intended to provide guidance to the City Staff for the uniform and consistent enforcement of the City Sewer Use Ordinance to all Users of the system. The Enforcement Response Plan should be considered a guide for making decisions on the appropriate actions to be taken to return the User to full compliance in the shortest possible time while not being excessive. For additional information see the City of Wilsonville Code, Chapter 8.

SECTION II. ENFORCEMENT REMEDIES**A. Preliminary Enforcement Contacts**

It is of mutual interest to the City and the IU to resolve compliance problems with a minimum of formal coercion. As an aid to the communication process surrounding a formal enforcement action, the City will use the following informal responses:

1. Phone Calls

A phone call maybe the initial informal action taken by the City for missed deadlines and other minor incidents of noncompliance as detected by sampling, inspection and/or as soon as a compliance deadline is missed or noncompliance is detected. The City is not

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required to take this action prior to taking other enforcement options.

A written record of the phone conversation is kept and will contain the following information:

- name of company (IU);
- City-issued industrial wastewater discharge permit number;
- name and title of Person contacted;
- date and time; nature of violation;
- items discussed;
- results of conversation; and
- initials or signature of City personnel initiating the phone call.

2. Informal Compliance Meeting

An informal compliance meeting may be held to discuss violations which have recurred, violations which remain uncorrected, or violations of a magnitude which warrant more communication between the City and the Industry. The compliance meeting is held specifically to include an authorized representative of the IU (e.g., vice president, general partner, or their duly authorized representative to ensure that he/she is aware that the industry is in noncompliance.

If possible, the compliance meeting should be held before significant noncompliance (SNC) is reached by the Industrial User. The Industrial User should already be aware of the criteria for SNC, and the compliance meeting will reinforce that the result of SNC includes enforcement measures mandated by federal regulations. The industry may in turn communicate any progress or measures it has taken to regain compliance.

B. Administrative Enforcement Remedies

Administrative Enforcement Remedies are actions that may be initiated at the City Staff level and are intended to be used as an escalation of enforcement. These enforcement actions are considered “formal” and are to be in a written format.

1. Notice of Violation

The Notice of Violation (NOV) is an appropriate initial response to any violations and may often be the first response. An informal enforcement action is not required prior to issuing a Notice of Violation. The purpose of a NOV is to notify the Industrial User of the detected violation. It may be the only response necessary in cases of infrequent and generally minor violations. As a general rule, the NOV will be issued not later than five (5) business days after discovery of the violation.

The NOV may be issued by the Pretreatment Coordinator.

The NOV will require the IU to submit a written explanation of the violation and a plan for its satisfactory correction within ten (10) days of receipt of the NOV. If the User does not return to

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compliance or submit a plan of correction, the City will escalate to more stringent enforcement responses.

2. Administrative Order

An Administrative Orders (AO) are enforcement actions requiring the IU to take a specific action within a specific time period, and may require the IU to seek outside assistance or to modify their production process to eliminate continued non-compliance. An Administrative Order is considered an escalation of the enforcement beyond an informal enforcement action and a Notice of Violation. The City is not required to take informal or less severe enforcement actions prior to issuing an Administrative Order. It is recommended that in most cases a Notice of Violation be issued prior to issuing an Administrative Order to assure the IU management are aware of the problem before ordering an action that may impact the productivity of the IU. The terms of an AO may or may not be negotiated with IUs.

a. Cease and Desist Order

A Cease and Desist Order directs a User in significant noncompliance (SNC) to cease illegal or unauthorized Discharges immediately or to terminate its Discharge altogether. A Cease and Desist Order should be used in situations where the Discharge could cause Interference of a Pass Through, or otherwise create an emergency situation. The Order may be issued immediately upon discovery of the problem or following a hearing. In an emergency, the Cease and Desist Order may be given initially by telephone, with follow-up (within 5 days) by formal written notice.

b. Consent Order

The Consent Order combines the force of an AO with the flexibility of a negotiated settlement. The Consent Order is an agreement between the City and the IU normally containing three elements:

- compliance schedules;
- stipulated fines or remedial actions; and
- signatures of the City and industry representatives.

Consent Orders are intended to provide a scheduled plan of action to be taken by the IU (sometimes actions to be taken by the City) to return to compliance. The compliance schedule should identify all significant actions in a step wise order and when each step should be completed. Routine written reports should be required of the IU providing written documentation of the status of the Consent Order at the time of the report. Typically Consent Orders should not exceed six months in overall time, and not specific step to exceed a ninety (90) day period. In some cases the completion of one consent order leads to the issuance of a second or third consent order dependent on the outcome of the previous consent order. Consent orders are effective providing the IU Discharge is not

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contributing to Pass Through or Interference of the POTW. The City may establish interim permit limits or special Discharge requirements while a Consent Order runs its course.

No informal or less severe enforcement action is required to be taken prior to issue of a Consent Order. Before issuing a Consent Order the City should consider the impact the IU's Discharge is having on the POTW (Pass Through or Interference) and the evidence that is used to determine the need for the order. The milestone dates established for completion of steps within the Consent Order become enforceable at the same level of a Discharge limit of the permit or a requirement of the City ordinance.

3. Show Cause Order

An order to show cause directs the User to appear before the City, and explain its noncompliance, and who caused why more severe enforcement actions against the User should not go forward. The order to show cause is typically issued after information contacts, NOVs, Consent Orders or Compliance Orders have failed to resolve the noncompliance. However, the Show Cause Order/hearing can also be used to investigate violations or previous orders.

The Show Cause Order will either be hand-delivered or mailed with return receipt required. The Order will indicate the nature of the violations and the proposed enforcement response. At the Show Cause meeting, the Public Works Director will present a factual report prepared as the basis for the proposed enforcement action. The IU will present exhibits, material and memoranda. A record of testimonial evidence will be kept by the City.

Within thirty (30) days following the Show Cause meeting, the Public Works Director will render a decision regarding an enforcement action to be taken, setting forth findings and stating reasons for taking the action. Affirmative defenses to Discharge violations (WC, Section 8.418) will be taken into consideration of the Public Works Director's decision.

Within ten (10) working days of receiving notice of the enforcement action to be taken, the IU may appeal the Public Works Director's decision to the City Council, pursuant to WC 8.502(10).

4. Compliance Order

Compliance Orders are similar to Consent Orders, in that, specific actions are mandated and milestone dates are established for the completion of each mandatory action. The primary difference is that a Compliance Order is not negotiated with the IU. The City establishes the mandatory actions and milestone dates without consideration of the IU with the primary focus on protection of the POTW. Compliance Orders may include the acquisition of professional

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assistance, engineering design, additional or replacement Pretreatment equipment, development of Best Management Practices, action plans, increased or special testing and/or self-monitoring requirements, and other activities that the City may deem necessary to returning the IU to full compliance. Compliance Orders may establish interim limits and requirements while the IU is operating under the compliance order. The compliance order should require routine reporting during the course of the compliance order.

No previous enforcement action is required prior to issuance of a compliance order

5. Administrative Fines

Administrative Fine are a monetary penalties assessed by the City's Public Works Director for violations of Pretreatment Standards and Requirements, violations of the terms and conditions of the City-issued industrial wastewater discharge permit and/or violations of compliance schedules. Administrative fines are punitive in nature and not related to a specific cost borne by the City. Instead, such fines are intended to recapture the full or partial economic benefit of noncompliance, and to deter future violations. The maximum amount of the fine is \$5,000 for each day that each violation continues.

Administrative Fines are recommended as an escalated enforcement response, particularly when NOVs or administrative orders have not prompted a return to compliance. Whether administrative fines are an appropriate responses to noncompliance also depend greatly on the circumstances surrounding the violation. The City will consider the factors as set forth in Section III of this plan when determining the amount of the fine.

6. Emergency Suspension Order

The Public Works Director may suspend an Industrial User's Discharge and the Industrial User's City-issued industrial wastewater discharge permit, without informal notice or previous enforcement action, in order to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent endangerment to the health or welfare of Persons, or an endangerment to the environment. Any Industrial User notified of an emergency suspension must immediately stop or eliminate its Discharge to the POTW. In the event of the Industrial User's failure to immediately comply voluntarily with the suspension order, the City may sever Sewer connection prior to the date of any show cause or termination hearing. The Industrial User must submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrences before Discharge to the POTW can be restored.

7. Termination of Permit

Termination of service is the revocation of an Industrial User's privilege to Discharge Industrial Wastewater into the City's Sewer system. Termination may be accomplished by physical severance of the industry's connection to the collection system, by issuance of a suspension

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order which compels the User to terminate its Discharge, or by court ruling. Termination of service is an appropriate response to industries which have not responded adequately to previous enforcement responses. Unlike civil and criminal proceedings, termination of service is an administrative response which can be implemented directly by the City. However, the decision to terminate service requires careful consideration of legal and procedural consequences.

Any Industrial User who violates the Wilsonville Code Chapter 8, City-issued industrial wastewater discharge permit, or compliance orders is subject to termination of the City-issued industrial wastewater discharge permit as an enforcement remedy. Non-compliant Industrial Users will be notified in writing of the proposed termination of their City-issued industrial wastewater discharge permit and will be offered an opportunity to show cause why the action should not be taken. The Public Works Director is authorized to terminate an IU's Discharge if it presents or may present an endangerment to the environment or if it threatens to interfere with the operation of the POTW.

In contrast to the Emergency Suspension Order, the Notice of Termination of the Discharge Permit is to be used when significant changes in the Industrial User's operations have occurred without authorization resulting in new Pollutant contributions or volume of Wastewater Discharged. Furthermore, through the course of administering, monitoring and compliance activity, the City may acquire new information which was not available at the time the City-issued industrial wastewater discharge permit was issued. Until corrections have been made, and continuing Discharge compliance can be assured, the City may terminate the IU's permitted right to Discharge into the City's POTW.

C. Judicial Enforcement Remedies

There are four judicial enforcement remedies which are available to the City, as outlined in Wilsonville Codes – Injunctive Relief, Civil Penalties, Criminal Penalties, and Remedies Non-Exclusive.

1. Injunctive Relief

Injunctive relief is the formal process of petitioning the Circuit Court of Clackamas County for the issuance of either a temporary or permanent injunction which restrains or compels the specific performance of the City-issued industrial wastewater discharge permit, order or other required imposed on the activities of the Industrial User. Injunctive relief is carried out by the City Attorney in conjunction with the City Manager, Public Works Director and the Mayor.

2. Civil Penalties

Civil litigation is the formal process of filing lawsuits against Industrial Users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the POTW of the noncompliance. It is normally pursued when the corrective action required is costly and complex, the penalty to be assessed exceeds that which the City can assess administratively, or when the Industrial User is considered to be recalcitrant and unwilling to cooperate. Civil litigation also includes enforcement measures which require involvement or

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approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is pursued by the City Attorney and only initiated as authorized by the City Council.

3. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of Wilsonville Code Chapter 8 provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings, and to deter future noncompliance. Criminal prosecutions are up to the discretion of the City Attorney and may be filed in municipal court.

4. Remedies Nonexclusive

The remedies provided for in the Chapter are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Public Works Director may take other action against any User when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any noncompliant User.

D. Supplemental Enforcement Remedies

Supplemental or innovative enforcement remedies are used to complement the more traditional enforcement responses already described. Normally, supplemental responses are used in conjunction with more traditional approaches. The following are provided for in the City Code:

- Performance Bonds
- Liability Insurance
- Payment of Outstanding Fees and Penalties
- Water Supply Severance
- Public Nuisance
- Informant Rewards
- Contractor Listing

SECTION III – ASSESSMENT OF ADMINISTRATIVE FINES

A. Base-Penalty Matrix

The following matrix provides a sample of suggested base-penalty (BP) for administrative fines based on the magnitude of the violations. The City should keep in mind that the following suggested fines are not mandatory and should be applied based on the various factors discussed in this section.

Class of Violation	Major	Moderate	Minor
Class I	\$5,000	\$2,500	\$1,000
Class II	\$2,000	\$1,000	\$500
Class III	\$500	\$250	\$100

WILSONVILLE CODE**B. Class of Violations****Class I:**

- * Un-permitted Discharge or failure to halt Discharge which cause harm to the POTW and/or the environment.
- * Failure to comply with notification requirements of a spill or Slug Load or upset condition.
- * Violation of an Administrative Order or compliance schedule.
- * Failure to provide access to premises or records.
- * Any violation related to water quality which causes a major harm or poses a major risk of harm to public health or the environment.
- * Significant Noncompliance (40 CFR 403.8(f)(2)(vii)(A-H).
- * Process waste stream dilution as a substitute for Pretreatment.

Class II:

- ** Operation of a Pretreatment facility without first obtaining a City-issued industrial wastewater discharge permit. (No harm to POTW or the environment).
- ** Any violation related to water quality which is not otherwise classified.
- ** Recurring violations of City-issued industrial wastewater discharge permit limits or Federal Standard.

Class III

- *** Un-permitted Discharge which causes no harm to POTW.
- *** Failure to operate and maintain a Pretreatment facility.
- *** Monitoring, record keeping, and reporting violations.
- *** First-time violation of a local permit limit or Federal Standard regulating the Discharge of Pollutants.

C. Magnitude of Violations**Major:**

- pH value less than 5.0 or more than 11.0.
- More than 2.0 times the maximum allowable limit established for regulated Pollutants, other than pH.
- Anything directly attributable to an upset condition or damage of the POTW.
- Recurring failure to meet the terms of a compliance order or recurring failure to correct a known violation.
- Missed compliance milestone or report submittal deadline by more than thirty (30) days without good cause.
- Any other violation meeting the definition of significant noncompliance (See Sections II and III, as well as the Enforcement Response Matrix).

Moderate:

- From 1.2 to 2.0 times the maximum allowable limit established for regulated Pollutants, other than pH.
- Third Notice of Violations of a City-issued industrial wastewater discharge permit

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condition or compliance order in a 12 month period.

Minor:

- pH value of 5.0 to 5.5 and 10.0 to 11.0 to 1.2 times the maximum allowable limit for regulated Pollutants, other than pH.
- Second Notice of Violation for the same City-issued industrial wastewater discharge permit condition or compliance order in a 12 month period.
- Missed compliance milestone or report submittal deadline without good cause by up to thirty (30) days.
- Violations detected during site visits which do not results in harm to the POTW or the environment.

D. Maximum/Minimum Fines

No administrative fine, civil or criminal penalty pursuant to this matrix shall be less than \$100. The maximum fine/penalty may not exceed \$5,000 per each day per violation.

E. Assessment of Fines/Penalties

1. Assessment Protocol

When determining the amount of an administrative fine or civil penalty to be assessed for any violation, the Public Works Director shall apply the following procedures:

- Determine the class and the magnitude of each violation.
- Choose the appropriate base penalty (BP) from the BP Matrix in paragraph A of this section.
- Starting with the base-penalty (BP), determine the total amount of penalty through application of the formula:

$$\mathbf{BP + [(0.1 \times BP) (P+H+O+R+C)] + EB}$$

Where:

BP = Base-Penalty

P = prior significant action taken against the IU. (Significant actions refers to any violation established either with or without admission by payment of a penalty.)

H = compliance history

O = violation repetitive or continuous

R = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act

C = Cooperation and effort put forth to correct the violation

EB = Approximated dollar sum of the economic benefit that the IU gained through noncompliance.

2. Values for (P) shall be as follows:

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- (i) 0 if no prior significant actions or there is insufficient information on which to base a finding.
- (ii) 1 if the prior significant action is one Class Two or two Class Threes;
- (iii) 2 if the prior significant action(s) is one Class One or equivalent;
- (iv) 3 if the prior significant actions are two Class One or equivalents;
- (v) 4 if the prior significant actions are three Class Ones or equivalents;
- (vi) 5 if the prior significant actions are four Class Ones or equivalents;
- (vii) 6 if the prior significant actions are five Class Ones or equivalents;
- (viii) 7 if the prior significant actions are six Class Ones or equivalents;
- (ix) 8 if the prior significant actions are seven Class Ones or equivalents;
- (x) 9 if the prior significant actions are eight Class Ones or equivalents;
- (xi) 10 if the prior significant actions are nine Class Ones or equivalents, of it any of the prior significant actions were issued for any violation of WC, Chapter 8.
- (xii) In determining the appropriate value for prior significant actions as listed above, the Public Works Director shall reduce the appropriate factor by:
 - (1) A value of two (2) if all prior significant actions are greater than three years but less than five years old;
 - (2) A value of four (4) if all the prior significant actions are greater than five years old;
 - (3) In making the above restrictions, no finding shall be less than 0.
- (xiii) Any prior significant action which is greater than ten years old shall not be included in the above determination.

3. Values for (H) shall be as follows:

(H) = Past history of the IU to take steps to correct violations cited in prior significant actions. In no case shall the combination of (P) and (H) be a value of less than zero.

- (i) -2 if IU took all feasible steps to correct each violation contained in any prior significant action;
- (ii) 0 if there is not prior history or if there is insufficient information on which to

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base a finding.

4. Values for (O) shall be as follows:

Where (O) = whether the violation was repeated or continuous

- (i) 0 if the violation existed for one day or less and did not recur on the same day;
- (ii) 2 if the violation existed for more than one day or if the violation recurred on the same day.

5. Values for (R) shall be as follows:

Where: (R) = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act.

- (i) 0 if an unavoidable accident, or if there is insufficient information or make a finding.
- (ii) 2 if negligent
- (iii) 6 if intentional; or
- (iv) 10 if flagrant

6. Values for (C) shall be as follows:

Where: (C) is the Cooperation and effort put forth by the IU to correct the violation.

- (i) 2 if IU was cooperative and took reasonable efforts to correct the violation or minimize the effects of the violation.
- (ii) 0 if there is insufficient information to make a finding, or if the violation of the effects of the violation could not be corrected.
- (iii) 2 if IU was uncooperative and did not take reasonable efforts to correct the violation or minimize the effects of the violation.

7. Values for (EB) shall be as follows:

Where: (EB) = Approximated dollar sum of the economic benefit that the IU gained through noncompliance. The penalty may be increased by the value assigned to (EB), provided that the sum penalty does not exceed the maximum allowed. In order to ensure that no IU may be able to pollute as a cost of doing business, the Public Works Director is empowered to take more than one enforcement action against any noncompliance IU (WC, Section 8.140(2)).

- (i) Add to the formula the approximate dollar sum of the economic benefit gained through noncompliance, as calculated by determining both avoided costs and the benefits obtained through any delayed costs, where applicable;

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- (ii) The Public Works Director need not calculate nor address the economic benefit component of the civil penalty when the benefit obtained is de minimis.

SECTION IV. NON COMPLIANCE DEFINED**A. Noncompliance**

Noncompliance is any violation of one or more of the, Wilsonville Code, Chapter 8, any of the conditions or limits specified in the IU's City-issued industrial wastewater discharge permit or any compliance order issued by the City. Enforcement action must be initiated for the following instances of noncompliance:

1. Industry failure to submit a permit application form;
2. Industry failure to properly conduct self-monitoring;
3. Industry failure to submit appropriate reports;
4. Industry failure to comply with appropriate Pretreatment Standards by the compliance deadline date;
5. Industry failure to comply with Pretreatment limits as determined from review of self-monitoring reports or City sampling;
6. Industry falsification of information;
7. Sewer use violation of the municipal code.

B. Significant Noncompliance:

Significant Noncompliance shall be applicable to all Significant Users or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section and shall mean:

1. Chronic violations of Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same Pollutant parameters during a six month period exceeded (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.
2. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) of more of Wastewater measurements taken for each Pollutant parameter taken during a six-month period equal or exceeded by the product of a numeric Pretreatment Standard or Requirement, including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other Pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement (Daily Maximum or longer-term average, Instantaneous Limits or narrative standard) that the City determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of City personnel of the general public);
4. Any Discharge of Pollutant that has caused imminent endangerment to the public

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or to the environment or has resulted in the City’s exercise of its emergency authority to halt or prevent such a Discharge.

5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual City-issued industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

6. Failure to provide within forty five (45) days after the due date, required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

7. Failure to accurately report noncompliance; or

8. Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the Pretreatment program.

SECTION V. RANGE OF ENFORCEMENT REPOSSES

When the City is presented with the need for enforcement response, it will select the most appropriate response to the violation. The City will consider the following criteria when determining a proper response:

- Magnitude of violation;
- Duration of the violation;
- Effect of the violation on the receiving water;
- Effect of the violation on the POTW;
- Compliance history of the Industrial User; and
- Good faith of the Industrial User.

These six criteria are discussed in detail below:

1. Magnitude of the Violation

Generally, an isolated instance on noncompliance can be met with an informal response and a Notice of Violation or Consent Order. However, certain violations or patterns of violations are significant and must be identified as such. Significant Noncompliance (SNC) may be on an individual or long-term basis of occurrence. Categorization of an IU as being in SNC provides the City with priorities for enforcement action and provides a means for reporting on the IU performance history. SNC is a violation which meets one or more of the criteria set forth in Section IV B.

2. Duration of Violation

Violations, regardless of severity, which continue over long periods of time will subject the Industrial User to escalated enforcement actions. For example, an effluent violation

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which occurs in two out of three samples over a six-month period or a report which is more than forty-five (45) days overdue is considered SNC, while a report which is two days late would not be deemed significant.

The City's response to these situations must prevent extended periods of noncompliance from recurring. The City may issue an administrative order for chronic violations. If the Industrial User fails to comply with the administrative order, the City will assess administrative penalties or initiate judicial action. If the prolonged violation results in serious harm to the POTW, the City will also consider terminating services or obtaining a court order to halt further violations as well as to recover the costs of repairing the damage.

3. Effect on the Receiving Water

One of the primary objectives of the national Pretreatment program is to prevent Pollutants from "passing through" the POTW and entering the Receiving Stream. Consequently any violation which results in environmental harm will be met with a SNC categorization and corresponding enforcement action. Environmental harm will be presumed whenever an industry Discharges a Pollutant into the Sewer system which:

- a. Passes through the POTW and causes a violation of the POTW's NPDES Waste Discharge Permit (including water quality standards); or
- b. Has a toxic effect on the receiving waters (i.e. fish kill).

The enforcement response should ensure the recovery from the noncompliance User of any NPDES fines and penalties paid by the City to any party whether governmental or otherwise. If a User's Discharge causes repeated harmful effects, the City will seriously consider terminating service to the User.

4. Effect on the POTW

Some of the violations may have negative impacts on the POTW itself. For example, they may result in significant increases in treatment costs, interfere or harm POTW personnel, equipment, process, operations, or cause sludge contamination resulting in increased disposal costs. These violations will be categorized as SNC. For example, when the Industrial User's Discharge upsets the Treatment Plant, damages the collection system through pipe corrosion, causes an obstruction or explosion, or causes additional expenses (e.g. to trace a spill back to its source), the POTW's response will include cost recovery, civil penalties, and a requirement to correct the condition causing the violation.

5. Compliance History of the User

A pattern of recurring violations (even if different program requirements) may indicate whether that the User's treatment system is inadequate or that the User has taken a casual approach to operating and maintaining its treatment system. Accordingly, Users exhibiting recurring compliance problems will be categorized as SNC. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example, if the violator has a good compliance history, the City may decide to use the less severe option.

WILSONVILLE CODE**6. Good Faith of the User**

The User's "good faith" in correcting its noncompliance is a factor in determining which enforcement response to invoke. Good faith is defined as the User's honest intention to remedy its noncompliance coupled with actions which give support to this intention. Generally, a User's demonstrated willingness to comply will predispose the City to select less stringent enforcement responses. However, good faith does not eliminate the necessity of an enforcement action. For example, if the City's POTW experiences a treatment upset, the City will recover its costs regardless of prior good faith. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner (although compliance with previous enforcement orders is not necessarily good faith).

SECTION VI. ENFORCEMENT PROCEDURES

The City must document procedures to evaluate industry self-monitoring data, reports and notices to accurately determine the compliance status of each significant User. These procedures must identify all violations, including non-Discharge or reporting violations.

This Enforcement Response Plan designates responsibilities for this evaluation task. The task is assigned to the Pretreatment Coordinator since he/ she is familiar with the IU's and the City's Pretreatment program rules and regulations. The Pretreatment Coordinator is responsible to identify the noncompliance and alert the Public Works Director (PWD) of the possible need for enforcement action.

The City will examine all monitoring data and reports within five (5) days of receipt. In order to review reports, the Pretreatment Coordinator will apply the following procedures:

- The Pretreatment Coordinator has established schedules in the City-issued industrial wastewater discharge permits to designate when self-monitoring reports are due. Each self-monitoring report will be checked to see that it is submitted by its due date, and is appropriately signed and certified. Likewise, the Pretreatment Coordinator will check notifications and report requirements.
- All analytical data will be screened by comparing it to categorical or Local Limits or to any additional Discharge standards which may apply.
- All violations will be identified and a record made of the response. At a minimum, this will be accomplished by circling the violation, using a red ink marker.
- The Pretreatment Coordinator, Responsible for screening data, must alert the PWD to the noncompliance. This allows the City to determine its enforcement response in a timely manner.

Industrial waste Discharges violations are usually detected by the following six ways:

- (1) An Industrial User reports a violation.

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- (2) The City’s collection system monitoring and field surveillance detects a possible violation.
- (3) The Treatment Plant process is upset.
- (4) An unauthorized waste disposal procedure is identified during a facility inspection.
- (5) Investigation of a Citizen Concern Action Report.
- (6) Emergency crews (i.e. police, fire, rescue) report a hazardous material incident.

Industrial source investigations will be initiated for each of the examples presented above, and ensuing enforcement actions will be of an escalating nature (see Enforcement Response Matrix). Enforcement will begin with administration remedies (e.g. Notice of Violation, Consent Orders, Compliance Orders). If necessary, civil/criminal penalties will be sought and/or emergency suspension of Sewer service will be ordered. Appropriate fines and penalties (civil/criminal) will be sought, as provided in WC Chapter 8.

The enforcement plan uses a three-level approach to enforcement action toward any noncompliance event.

LEVEL I: Responses represent the enforcement efforts utilized by the City to bring the IIU into compliance before a state of significant noncompliance (SNC) is reached. The following enforcement actions are utilized at this level of response.

<u>Response</u>	<u>City Personnel</u>
1. (Informal) Phone Call	Pretreatment Coordinator
2. (Informal) Compliance Meeting	Pretreatment Coordinator
3. Notice of Violation (WC, Section 8.502(2))	Pretreatment Coordinator
4. Consent Order (WC, Section 8.502(3))	Pretreatment Coordinator

LEVEL II: Responses are taken when an IU has reached significant noncompliance. Level II enforcement action must include the issuance of an Administrative Order, as described below:

<u>Response</u>	<u>City Personnel</u>
1. Compliance Order (WC, Section 8.502(5))	Public Works Director
2. Cease and Desist Order (WC, Section 8.502(6))	Public Works Director City Attorney
3. Emergency Suspension (WC, Section 8.502(8))	Public Works Director City Attorney

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- | | |
|--|--|
| 4. Termination of Permit
(WC, Section 8.502(9)) | Public Works Director
City Attorney |
|--|--|

When an IU is in SNC, the Pretreatment Coordinator will do the following:

1. Report such information to DEQ as a component of the City’s annual Pretreatment program report.
2. Include the IU in the annual published list of industries which were significantly violating applicable Pretreatment Standards and Requirements during the previous 12 months. The procedures the ESM will follow for compiling the list of IU’s, includes:
 - a. Prepare a compliance history from the City’s Pretreatment records for each SIU.
 - b. Review the history of each SIU for either a pattern of noncompliance, or if the SIU has been or continues to be in SNC.
 - c. To the extent that an SIU meets the criteria in (b), above, the SIU will be placed on the list for publication in the largest daily newspaper within the City of Wilsonville.
 - d. The published list of IU’s in SNC will include the following information:
 - I. Duration of violation.
 - ii. Parameters and/or reporting requirements violated.
 - iii. Compliance actions taken by the City.
 - iv. Whether or not the IU is currently in compliance or on a compliance schedule.

LEVEL III: This level of enforcement is reserved for the extreme occasion when the IU is in SNC and does not respond to an Administrative Order, does not adhere to compliance schedules, and where fines have not been effective in bringing the IU into compliance with Pretreatment regulations. Level III enforcement may also be used for willful Discharge of Wastewater in amounts which cause Pass Through or Interference, and cases of falsification. The timeframe for initiating Level III enforcement actions will range from immediate (e.g. reasonable potential to cause harm to the public, the POTW, or the environment, or a court ordered injunction for gaining access to an IU’s facility) to not more than sixty (60) days. This level of enforcement requires the consultation of the City Attorney to determine the appropriateness and legal basis for the action to be implemented.

<u>Response</u>	<u>City Personnel</u>
1. Injunctive Relief (WC, Section 8.504(1))	City Attorney City Council
2. Civil Penalties (WC, Section 8.504(2))	City Attorney City Council
3. Criminal Prosecution (WC, Section 8.504(3))	City Attorney City Council

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4. Supplemental Enforcement
(WC, Section 8.506)

Public Works Director, City Attorney,
City Council

SECTION VII. TIME FRAMES FOR ENFORCEMENT ACTION AND FOLLOW-UP

The City will provide timely response to violations. In Section I and Section IV it has been established that the Pretreatment Coordinator will review Industrial User reports within five (5) days of receipt. Similarly, violations observed in the field or upon receipt of compliance information will be responded to within five (5) days. Complex or larger violations may require a longer response time, and communications will be made with the Industrial User (IU) regarding the time of the City’s response. All formal enforcement notices will either be hand-delivered or mailed with return receipt required.

After its initial enforcement response, the City will closely track IU’s progress toward compliance. This may be done by inspection, as well as timely receipt of required progress reports. The frequency of User self-monitoring may be increased. When follow-up activities indicate that the violation persists or that satisfactory progress is not being made, the City will escalate its enforcement response, using the steps of the enforcement matrix as a guide.

The Pretreatment Coordinator will establish a manual log to record the receipt of required reports. This log will contain 12 sections. Each section will be titled with the name of the month, January through December. The pages in each monthly section will list all of the Industrial Users who are required to report. Under each listed industry will be listed the type of report due and its due date. Following the due date will be a place to write the date the report is actually received. Next to each listed industry, also on the same line which identifies required reports and due dates, will be an area to note a summary of compliance status, including enforcement actions, calculations of administrative fines and/or SNC, and enforcement action timelines.

At the end of the month, the material in the report log will be transferred to a computer file created for each Industrial User for ongoing storage and retrieval. The written records will be placed in a loose-leaf notebook developed to hold all Pretreatment information pertinent to the particular industry.

In summary, the tracking of noncompliance, including SNC will be accomplished as follows:

1. Monitoring reports, inspection reports and compliance reports will be reviewed by the Pretreatment Coordinator within 5 days of receipt. Likewise, all Pretreatment program violations will be identified and documented and the initial (Level 1) enforcement response (e.g. phone call or compliance meeting **and** an NOV or Consent Order) will occur within five (5) days of receipt of reports.
2. Violations classified by the Pretreatment Coordinator as SNC will be followed with an enforceable Level II order to be issued by the Public Works Director within three (3) days of

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receipt or detection of noncompliance.

3. Assisted by the City Attorney, the Pretreatment Coordinator will respond to persistent or recurring violations with an escalated enforcement response (Level III) within sixty (60) days after the initial enforcement action. Violations which threaten health, property or the environment will be treated as an emergency and an immediate enforcement response (e.g. Termination of Permit, Suspension Order, Injunctive Relief) will be initiated.

SECTION VIII. RESPONSIBILITIES OF PERSONNEL**A. POTW Supervisor**

The Wastewater Treatment Plant Supervisor is responsible for the overall operation and maintenance of the POTW, including employee safety, and protection of the Treatment Plant. The Supervisor is also responsible for compliance with the NPDES Waste Discharge Permit for Wastewater Discharge. The Supervisor has the authority to recommend to discontinue Sewer service in emergency situations where there reasonably appears to present an imminent endangerment or substantial endangerment to the health or welfare of Persons. The Supervisor will work under the direction of the Public Works Director.

B. Pretreatment Coordinator (PC)

The City will have a Pretreatment Coordinator who will be an individual thoroughly familiar with the program requirements and responsible for ensuring implementation of the City's pre-treatment program requirements. The Pretreatment Coordinator is also responsible for the administration and implementation of the Pretreatment program. The Pretreatment Coordinator will screen monitoring data, do inspections, and detect noncompliance. The Pretreatment Coordinator will be the Person typically working with Industrial Users. The Pretreatment Coordinator is responsible for recommending to the Public Works Director any enforcement action and publishing the annual list of significant noncompliance violators. The Pretreatment Coordinator will also review Industrial User reports and make reports of violations. The Pretreatment Coordinator is also responsible to track all actions of enforcement, by establishing time lines and all necessary follow-up and make recommendations to the Public Works Director, City Attorney and City Council for enforcement action. The PC will work under direction of the Public Works Director.

C. Public Works Director (PWD)

The Public Works Director is the Person designated to supervise and assume responsibility for the overall operations of the City's public works infrastructure, including the POTW, NPDES, NPDES Waste Discharge Permit compliance and the Industrial Pretreatment program. The PWD is primarily involved in the escalation of enforcement responses and determining administrative fines. The Public Works Director works under the direction of the City Manager and supervises the Pretreatment Coordinator.

D. City Attorney

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The City Attorney will be responsible for advising staff and City Council on Pretreatment enforcement matters. The Attorney works under the direction of the City Council. The City Attorney will also be responsible for preparation and implementation of judicial proceedings.

E. City Council

The City Council for the City of Wilsonville will be responsible for authorizing any Level III enforcement action taken, except in an emergency. As defined by City Charter, the City Council will be ultimately responsible for effluent quality, sludge use and disposal, NPDES compliance, the issuance of administrative orders, fines and assessments, and any judicial action followed in this Chapter.

SECTION IX. ENFORCEMENT RESPONSE MATRIX**A. Definitions**

AF	Administrative Fee
CA	City Attorney
CC	City Council of the City of Wilsonville
CDO	Cease and Desist Order. Unilateral order to require immediate IU compliance
CM	Compliance Meeting
CO-1	Consent Order. Voluntary compliance agreement, including specified timeframe
CO-2	Compliance Order. Unilateral order to require IU compliance within specified timeframe
ES	Emergency suspension of IU Discharge and City-issued industrial wastewater discharge permit
ESM	Environmental Services Manager
IU	Industrial User
Level III	When IU does not comply with CO-1 and CO-2, and AF has not been effective in bringing the IU into compliance, this level of enforcement requires the consultation of the CA to determine appropriate legal action which may include; injunctive relief, civil penalties, criminal prosecution
NOV	Notice of Violation
PC	Pretreatment Coordinator
PWD	Public Works Director
SNC	Significant Noncompliance
SCO	Show Cause Order requiring IU to appear and demonstrate why the City should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
TP	Termination of Permit

B. Applying the Enforcement Matrix

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The matrix specifies enforcement actions for each type (or pattern) of noncompliance. The Pretreatment Coordinator will select an appropriate response from the list of enforcement actions indicated by the matrix. There are a number of factors to consider when selecting a response from among these actions. Several of the factors are identical to those used in originally establishing the guide:

1. Good faith or the User.
2. Compliance history of the User.
3. Previous success of enforcement actions taken against the particular User.
4. Violation's effect on the receiving waters.
5. Violation's effect on the POTW.

Since the remedies designed in the matrix are all considered appropriate, the city staff and city council must weigh each of the factors outlined above before deciding whether to use a more or less stringent response. City personnel shall consistently follow the enforcement response matrix. To do otherwise sends a signal to Industrial Users and the public that the City is not acting in a predictable manner and may subject the City to charges of arbitrary enforcement decision making, thereby jeopardizing future enforcement. The enforcement response matrix is to be used as follows.

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation in column 2.
2. Assess the appropriateness of the recommended response(s) in column 3. First offenders or Users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.
3. From column 3, apply the enforcement response to the Industrial User. Specify correction action or other responses required of the Industrial User, if any. Column 4 indicates personnel responsible for initiating each response.
4. Follow-up with escalated enforcement action if the Industrial User's response is not received or the violation continues.

WILSONVILLE CODE**SECTION IX. ENFORCEMENT RESPONSE MATRIX****ENFORCEMENT RESPONSE MATRIX**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
I. Unauthorized Discharge (No Discharge Permit)				
A. Discharge without a Permit	IU unaware of requirement, no harm to POTW or Environment	I	Phone Call & NOV with Permit Application Form	PC
	IU unaware of requirement, Harm to POTW or Environment	II	CO-2 with AF	PWD
	Recurring Un-permitted Discharge	III	SCO	CA, CC
B. Discharge without a Permit Failure to Renew Existing Permit	IU did not submit permit renewal application within 90 days of permit expiration date	I	Phone Call & NOV with Permit Application Form	PC
	IU did not submit permit renewal application follow NOV and permit application, exceeded 45 days beyond submittal due date.	II	CO-2 with AF	PWD
	IU did not submit permit renewal application follow NOV and permit application, exceeded 60 days beyond submittal due date.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA, CC

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ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation				
A. Reported Limit Violation	Sample results exceed numerical permit limit but does not exceed Technical Review Criteria for severity.	I	Phone Call &/or NOV	PC
	Four (4) violations for same Pollutant with three (3) consecutive months	II	CM and CO-1	PWD
	Sample results exceed numerical permit limit (chronic violation) and exceeds the Technical Review Criteria (TRC)	II	CO-2 and AF pending severity of violation with adverse impact to POTW	PC, PWD,
	Recurring Violations resulting in SNC (Significant Noncompliance)	II	CDO with AF	PWD CA,
	Discharge limit violation which causes POTW interference, pass-through or health hazard.	II	CDO with AF	PWD, CA,
	Any discharge causing endangerment to the public or the environment	III	ES and SCO	PWD, CA, CC
B. pH Limit Violations – Grab Sampling	Any excursion detected during a 24-hour period.	I	Phone call & NOV,	PC
	Four (4) violations within 3 consecutive months	I	CM & CO-1	PC
	pH violations resulting in Significant Noncompliance	II	CO with possible AF	PWD, CA,CM
C. pH Limit Violation – continuous	Excursion exceeding 60 min. in 24 hour period (level 1) except that per 40 CFR 403.5(b)(2) any discharge below 5.0 is a violation. Excursions above 11.0 is also a violation.	I	Phone & NOV. ** 4 excursions in one quarter: CM & C)-1	PC
	Excursions exceeding 7 hours and 26 min. during a calendar month> (Level I)	I	Phone call & NOV. **4 excursions in one quarter: CM & CO-1	PC

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	Daily or monthly violations occurring during 66% or more of a 6 month period. (Level II)	II	CO-2 with AF	PWD
D. pH Limit Violation – resulting in harm to POTW or environment	pH violations resulting harm to POTW or environment are considered significant non compliance	II	If reported IU, CO-2 with possible AF. If not reported by IU, CDO with AF	PWD, CA

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation (continued)				
E. Spill or Slug Discharge resulting in mass loading violations	Reported by IU: No damage to POTW, Isolated Occurrence.	I	Phone call & NOV.	PC
	Second occurrence within 6 month period.	I	CO-1	PC
	Reported by IU. Resulting in pass-through interference, or damage to POTW. Isolated occurrence.	II	CO-2 with possible AF	PWD
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
	Not Reported by IU. No damage to POTW	I	CM and CO-1	PC
	Second occurrence within 6 month period.	II	CO-1 with possible AF	PWD, CA, CM
	Not Reported by IU. Resulting in Interference, pass-through or damage	II	CDO with AF	PWD, CA
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
III Monitoring and Reporting Violations				
A. Reporting Violations	Report is improperly signed or certified.	I	Phone call & NOV	PC
	Second occurrence within 6 month period	II	CM and CO-1	PC
	Scheduled reports late, 45 days or less, isolated incident	I	Phone call & NOV	PC
	Scheduled reports late more than 45 days.	II	CO-2 with AF	PWD

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	Failure to Submit Reports; or reports are always late.	II	CDO with possible AF	PWD, CA, PC
	Incomplete Reports	I	Phone Call &/or NOV second incident CM and CO-1	
	Failure to Accurately Report noncompliance	II	CO-2 with AF	PWD, CA
	Scheduled reports late more than 60 days	III	SCO	PWD, CA, CC

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
A. Reporting Violations (continued)	Report Falsification	III	Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA. CC
B. Monitoring Violations	Failure to monitor all Pollutants as specified by discharge permit	I	Phone Call &/or NOV	PC
	Second occurrence within 6 month period	II	CO-1with a possible AF	PWD, PC
	Improper sampling with evidence of intent	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA. CC
	Failure to install monitoring equipment. Delay of 30 days or less, with good cause	I	Phone Call &/or CO-1	PC
	Failure to install monitoring equipment. Delay of more than 30 days.	II	CM andCO-1 with possible AF	PWD
	Pretreatment Equipment and Monitoring Equipment no maintained or out of service, evidence of neglect.	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
C. Compliance Schedule in Discharge Permit	Milestone Date missed by 30 days or less	I	Phone Call &/or NOV	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (good cause of delay)	I	CM & CO-1	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (without good cause for delay).	II	CO-2 with possible AF	PWD
	Violation of Compliance Schedules issued to enforcement discharge permit compliance schedule.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
IV. Other Violations				
A. Waste Streams are Diluted in lieu of Pretreatment	Initial Violation	II	CDO with possible AF	PWD, CA
	Recurring Violations	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Failure to meet compliance date for starting construction or attaining final compliance.	No Harm to POTW or environment. Delay, with good cause, less than 90 days.	I	CM and CO-1	PC
	Delay exceeds 90 days	II	CO-2 with possible AF	PWD
C. Failure to Properly Operate and Maintain a Pretreatment Facility	Evidence of neglect of intent	II	CO-2 with possible AF	PWD

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ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
V. Violations Detected During Site Visit				
A. Entry Denied by the IU	Entry consent or copies of records denied.	II	Obtain warrant and return to IU for site visit. Follow-up with SCO for TP	PC PWD, CA, CC
B. Illegal Discharge	No Harm to POTW or environment	I	CM and CO-1	PC,
	Discharge causes harm or there is evidence of willful intent or neglect.	II	CDO with possible AF	PWD
	Recurring with evidence of willful intent or neglect.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
C. Improper Sampling	Unintentional sampling at incorrect location	I	Phone Call &/or NOV	PC
	Reoccurring unintentional sampling and incorrect location	II	Phone call &/or NOV	PC
	Reoccurring unintentional using incorrect techniques	II	Phone Call &/or NOV	PC
	Unintentionally using incorrect sample collection techniques	I	Phone Call &/or NOV	PC
D. Inadequate Record Keeping	Inspection finds records incomplete or missing	I	NOV possible CO-1	PC
	Recurrence of records incomplete or missing.	II	CO-2 with possible AF	PWD
E. Failure to report additional monitoring	Inspection finds additional monitoring data	I	NOV with possible CO-1	PC
	Recurrence of failure to report additional monitoring data.	II	CO-2 with possible AF	PWD

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SUMMARY OF TIME FRAMES FOR RESPONSES

1. Compliance Reports – reviewed within five (5) days of receipt.
2. All violations will be identified and documented within 5 days of receiving compliance information.
3. **Level I** Enforcement Response (NOV, CO-1) – within five (5) days of violation detection.
4. **Level II** Enforcement Response (CO-2, CDO, EX, TP, SCO) – within thirty (30) days of violation detection.
5. **Level III** Enforcement Response (judicial and supplemental enforcement actions) time frame is subject to case-by-case legal review by the City Attorney, but in no case will the initiation of a Level III action exceed sixty (60) days.
6. Recurring Violations – follow-up enforcement within sixty (60) days.
7. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the Discharge or terminating service.

**Entire Chapter 8 of the Code repealed and replaced by Ordinance No. 654 adopted on August 18, 2008.
Section 8.700-8.750 Added by Ordinance No. 664, adopted 6/1/09
Amended by Ordinance No. 689, adopted January 20, 2011 (correct scrivener errors)
Entire Chapter 8 Amended by Ordinance No. 753, adopted October 24, 2014**

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CHAPTER 8 - ENVIRONMENT

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INDUSTRIAL PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

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WILSONVILLE CODE**ENVIRONMENT****GENERAL PROVISIONS****8.000 General Provisions – Environment**

(1) Chapter 8 of this Code is enacted for the purpose of promoting the general public welfare by ensuring procedural due process in the administration and enforcement of the City's Comprehensive Plan, Design Review, Permitting Process, Building Code, Development Standards and Public Works Standards.

(2) This Chapter shall be known as the Environment ~~Ordinance~~ **Chapter** and includes those ordinances familiarly referred to as the Water Conservation Ordinance, Public Sanitary Sewer Use Ordinance, ~~Industrial Wastewater Ordinance~~, Storm Water Ordinance, ~~and Garbage Disposal~~ **Industrial Wastewater** Ordinance, and Environment Enforcement, etc.

8.002 Administration.

Except as otherwise provided herein, the Public Works Director, ~~hereinafter referred to as "Director"~~, shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the **Public Works** Director may be delegated by the **Public Works** Director to a duly authorized representative.

8.004 Abbreviations. The following abbreviations shall have the designated meanings:

(1) (a) BOD	Biochemical Oxygen Demand
(1) (b) BMP	Best Management Practices
(2) (c) BMR	Baseline Monitoring Reports
(3) (d) CFR	Code of Federal Regulations
(4) (e) CIU	Categorical Industrial User
(5) (f) COD	Chemical Oxygen Demand
(6) (g) DEQ	Oregon Department of Environmental Quality
(7) (h) US -EPA	U.S. Environmental Protection Agency
(8) (i) gpd	Gallons Per Day
(9) (j) IU	Industrial User
(10) (k) mg/l	Milligrams per liter
(11) (l) NPDES	National Pollutant Discharge Elimination System
(12) (m) NSCIU	Non-Significant Categorical Industrial User
(13) (n) O&M	Operation and Maintenance
(14) (o) POTW	Publicly Owned Treatment Works
(15) (p) RCRA	Resource Conservation and Recovery Act
(16) (q) SIC	Standard Industrial Classification
(17) (r) SIU	Significant Industrial User
(18) (s) SNC	Significant Non-Compliance
(19) (t) SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
(20) (u) TSS	Total Suspended Solids
(21) (v) USC	United States Code

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8.006 Definitions. For the purpose of this Chapter, the following terms, words, phrases and their derivations shall have the meaning given herein, unless the context specifically indicates otherwise:

(1) Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

~~(2) Approval Authority. The Oregon Department of Environmental Quality (DEQ).~~

~~(2) Applicant. The Owner of a property and/or the Owner’s agents, contractors, or developers who applies for a City permit.~~

~~(a) ESC Applicant. The Owner of a property and/or the Owner’s agent, contractors, or developers who applies for an Erosion Prevention and Sediment Control permit pursuant to this Chapter 8.~~

(3) Authorized or Duly Authorized Representatives of the User.

(a) If the user is a corporation, authorized representative shall mean:

1) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other ~~person~~Person who performs similar policy or decision-making functions for the corporation; or

2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate or direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulation; can ensure that the necessary systems are established or action taken to gather complete and accurate information for individual City-issued industrial wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

(c) If the user is a Federal, State or local government facility the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs (3) (a)-(c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the ~~discharge~~Discharge originates or having overall responsibility for

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environmental matters for the company, and the authorization is submitted to the City.

(4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter mg/l).

~~(5) Best Management Practices or BMP's~~ means schedules. The schedule of activities, controls, prohibition of practices, maintenance procedures, and other management practices designed to prevent or reduce pollution.

~~(a) Erosion and Sediment Control BMPs.~~ BMPs that are intended to prevent Erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, Sediment fences, and Sediment traps and ponds. Erosion and Sediment control BMPs are synonymous with stabilization and structural BMPs.

~~(5)(b) Pretreatment BMPs.~~ Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP's include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's may also include alternative means (i.e., management plans) of complying with, or in place of certain established ~~category~~ Categorical Pretreatment Standards and effluent limits.

(6) Building Drain. Shall mean that part of the lowest piping of a drainage system which receives the ~~discharge~~ Discharge from soil, waste and other drainage pipes inside the exterior walls of the buildings and which conveys it to the ~~building sewer~~ Building Sewer, which begins five (5) feet (-1.524 meters) outside of the building exterior wall.

(7) Building Sewer (Sanitary Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a ~~building drain~~ Building Drain and that receives the ~~sewage discharge~~ Sewage Discharge of the ~~building drain~~ Building Drain and conveys it to a public ~~sanitary sewer~~ Sanitary Sewer, private sanitary ~~sewer~~ Sewer, private ~~sewage~~ Sewage disposal system, or other point of disposal (aka ~~sanitary sewer lateral~~) Sanitary Sewer Lateral).

(8) Building Sewer (Storm Sewer). Shall mean that part of the horizontal piping of a drainage system that extends from the end of a ~~building drain~~ Building Drain and that receives the ~~stormwater~~ Stormwater or other approved drainage, but no ~~sewage discharge~~ Sewage Discharge from a ~~building drain~~ Building Drain, and conveys it to a ~~public stormwater system~~ Public Stormwater System, private ~~stormwater~~ Stormwater system or other point of disposal (aka ~~storm sewer lateral~~) Storm Sewer Lateral).

(9) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing ~~pollutant discharge~~ Pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S. C. 1317) that applies to a specific category of users and that appears in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.

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(10) Categorical Industrial User. An Industrial User subject to a ~~eategorical~~Categorical Pretreatment Standard or ~~eategorical~~Categorical Standard.

(11) Chemical Oxygen Demand (COD). A measure of oxygen required to oxidize all compounds, both inorganic and organic in water. COD is expressed as the amount of oxygen consumed from chemical oxidant in mg/l during a specific test.

(12) City. The City of Wilsonville, Oregon or the City Council of Wilsonville, Oregon or a designated representative of the City of Wilsonville, Oregon.

(13) ~~City~~City's Authorized Stormwater Representative for Stormwater. A Representative selected by the Community Development Director to oversee ~~stormwater~~Stormwater activities and enforcement.

~~(14)~~ City Manager. ~~The City Manager for the City of Wilsonville, other designated authority charged with the administration and enforcement of this Chapter, or the City Manager's duly authorized representative.~~

~~(14)~~(15) Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

~~(15)~~ ~~Combined Sewer~~. ~~Shall mean a sewer receiving both surface runoff and sewage.~~

(16) Commercial. Shall mean for the purposes of this Chapter, all buildings or structures of which are not designed for the purposes of these sections as ~~residential~~Residential or ~~industrial~~Industrial in keeping with the City's zoning and building code provisions. Commercial when used in the context of this ~~chapter~~Chapter's pretreatment standardsPretreatment Standards shall mean ~~industrial~~Industrial.

(17) Composite Sample. The sample resulting from the combination of individual ~~wastewater~~Wastewater samples taken at selected intervals based on either an increment of flow or time.

~~(18)~~ ~~Contractor~~. ~~Shall mean a person or persons, corporation, partnership or other entity who is a party to an agreement with the City.~~

~~(19)~~(18) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added, is heat.

~~(20)~~(19) Control Authority. The City of Wilsonville, Oregon or designated representative of the City, tasked with the administration of this Chapter.

~~(21)~~(20) Customer. Shall mean any individual, firm, company, association, society, corporation, group or ~~owner~~Owner, who receives utility services from the City such as

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water, ~~sanitary sewer, stormwater~~Sanitary Sewer, Stormwater and streetlights.

~~(22)~~(21) Daily Maximum. The arithmetic average of all effluent samples for a ~~pollutant~~Pollutant collected during a calendar day.

~~(23)~~(22) Daily Maximum Limits. The maximum allowable ~~discharge~~Discharge limit of a ~~pollutant~~Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily ~~discharge~~Discharge is the total mass ~~discharged~~released or introduced over the course of a day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily ~~discharge~~Discharge is the arithmetic average measure of the ~~pollutant~~Pollutant concentration derived from all the measurements taken that day.

~~(24)~~(23) Department of Environmental Quality or DEQ. The Oregon Department of Environmental Quality or where appropriate, the term may also be used any duly authorized official of the Department.

~~(25)~~ ~~Director. The City of Wilsonville Public Works Director for the City of Wilsonville or designated representative of the Director.~~

~~(26)~~(24) Discharge. The ~~discharge~~release or the introduction of ~~pollutants~~Pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d), of the Act.

~~(27)~~(25) Environmental Protection Agency or EPA. The ~~US~~United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

(26) Erosion. The movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

(27) Erosion Prevention and Sediment Control (ESC). Any temporary or permanent measures taken to reduce Erosion, control siltation and sedimentation, and ensure that Sediment-laden water does not leave a site.

(28) Erosion Prevention and Sediment Control Plan (ESC Plan). Standards found within this ~~chapter~~ Chapter and set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all Erosion and Sediment control measures.

~~(28)~~(29) Existing Source. Any source of ~~discharge~~Discharge that is not a "~~new source~~".New Source."

(30) Federal. The United States government, including all related branches and authorized representatives or officials of the United States government.

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~~(29)~~**(31)** Garbage. Shall mean all refuse and solid wastes, including ashes, rubbish in cans, debris generally, dead animals, street cleaning and ~~industrial~~**Industrial** wastes and things ordinarily and customarily dumped, solid wastes from domestic and ~~commercial~~**Commercial** preparation, cooking and dispensing food, and from the handling, storage and sale of product, but not including source separated recyclable material purchased from or exchanged by the generator for fair market value for recycling ~~sewage~~**Sewage** and body waste.

~~(30)~~**(32)** Grab Sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream over a period of time not to exceed 15 minutes.

~~(31)~~ Holding Tank Waste. ~~Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.~~

~~(32)~~**(33)** Illicit Discharge. Any ~~discharge~~**Discharge** to the public or natural ~~stormwater~~**Stormwater** conveyance system that is not composed entirely of ~~stormwater~~**Stormwater**, except ~~discharges~~**Discharges** governed by and in compliance with an NPDES ~~permit~~**Stormwater Permit**.

~~(33)~~**(34)** Indirect Discharge ~~or Discharge~~. The introduction of pollutants into the POTW from a non-domestic source.

~~(34)~~**(35)** Instantaneous Limit. The maximum concentration of a ~~pollutant~~**Pollutant** allowed to be ~~discharged~~**Discharged** at any time, determined from the analysis of any discrete or ~~composite sample~~**Composite Sample** collected, independent of the ~~industrial~~**Industrial** flow rate and the duration of the sampling event.

~~(35)~~**(36)** Industrial. Shall mean, in the context of ~~building sanitary sewer~~**Building Sanitary Sewer** permits and connections, all buildings or structures in which a product is manufactured, stored, or distributed, or any combination of the above in keeping with the ~~City's~~**City's** zoning and building code provisions. It shall otherwise mean in the context of this Chapter for ~~pretreatment standards~~**Pretreatment Standards**, non-domestic.

~~(36)~~ Industrial User. ~~A source of indirect discharge.~~

(37) Industrial Wastewater. Any non-domestic ~~wastewater~~**Wastewater** originating from a nonresidential source.

(38) Interference. A ~~discharge~~**Discharge**, which, alone or in conjunction with a ~~discharge~~**Discharge** or ~~discharges~~**Discharges** from other sources:

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes; use or disposal; and

(b) Therefore is a cause of a violation of the City's NPDES ~~permit~~**Waste Discharge Permit** (including an increase in the magnitude or duration of a violation) or of

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the prevention of ~~sewage~~Sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or any more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

(39) Land Development. Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located or storage of equipment or materials located within the area of special flood hazard. A Land Development may encompass one or more tax lots.

(40) Lessee. A Person other than the Owner having a legal right to possess or control the property.

~~(39)~~(41) Local Limits. Specific ~~discharge~~Discharge limits developed and enforced by the City upon ~~industrial~~Industrial or ~~commercial~~Commercial facilities to implement the general and specific ~~discharge~~Discharge prohibitions listed in this Chapter.

~~(40) Maximum Allowable Headwork's Loading. The maximum pollutant loading that can be received at the headwork's of the POTW and be fully treated to meet all disposal limits and without causing interference. This value is calculated in the derivation of Technically Based Local Limits.~~

~~(41) Major Sanitary Sewer Line Extension. Shall mean the extension of a sanitary mainline that is, or will be, located within public rights-of-way or dedicated easements.~~

(42) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(43) Monthly Average. The sum of all “daily ~~discharges~~Discharges” measured during a calendar month divided by the number of “daily ~~discharges~~Discharges” measured during the month.

(44) Monthly Average Limits. The highest allowable average of “daily ~~discharges~~Discharges” over a calendar month, calculated as the sum of all “daily ~~discharges~~Discharges” measured during a calendar month divided by the number of “daily ~~discharges~~Discharges” measured during that month.

(45) Municipal Separate Storm Sewer System (MS4). A system of conveyances, including roads, ditches, catch basins, and Storm Drains that are owned or operated by a public entity.

~~(45)~~(46) National Pretreatment Standard. National ~~pretreatment~~

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~~standard~~Pretreatment Standard is defined in 40 CFR 403.3(l) as any regulation containing ~~pollutant discharge~~Pollutant Discharge limits promulgated by EPA under Section 307(b) and (c) of the Clean Water Act applicable to users, including the general and specific prohibition found in 40 CFR 403.5.

~~(46) Municipal Separate Storm Sewer System (MS4). A system of conveyances, including roads, ditches, catch basins, and storm drains that are owned or operated by a public entity.~~

(47) New Source.

(a) Any building, structure, facility or installation from which there is or may be a ~~discharge~~Discharge of ~~pollutants~~Pollutants, the construction of which commenced after the publication of Proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are hereafter promulgated in accordance with that section provided that:

- 1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- 2) The building, structure, facility or installation completely replaces the process of production equipment that causes the ~~discharge~~Discharge of ~~pollutants~~Pollutants at the ~~existing source~~Existing Source or
- 3) The production of ~~wastewater~~Wastewater generating processes of the buildings, structure, facility or installation is substantially independent of an ~~existing source~~Existing Source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the ~~existing source~~Existing Source should be considered.

(b) Construction on a site at which an ~~existing source~~Existing Source is located results in a modification rather than a ~~new source~~New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a) (1), (2) of this section but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a ~~new source~~New Source as defined under this paragraph has commenced if the ~~owner~~Owner or operator has:

- 1) Begun, or caused to begin as part of a continuous on-site construction program;

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a) Any placement, assembly, or installation of facilities or equipment; or

b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of ~~new source~~New Source facilities for equipment or

2) Entered into a binding or contractual obligation for the purchase of facilities of equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(48) Non-contact Cooling Water. Water used for cooling that does not come into contact with any raw material, intermediate product, waste product or finished product.

(49) NPDES Stormwater Permit. A National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

(50) NPDES Waste Discharge Permit. A National Pollutant Discharge Elimination System permit issued pursuant to ORS 468B.050 and the Federal Clean Water Act.

(51) ~~Official~~ or Building Official. Shall be the Building Official for the City of Wilsonville.

(52) Owner. Shall mean the ~~person~~Person(s) who ~~may hold~~holds title to ~~or lease~~ the property ~~for which water service has or will be provided~~.

(53) Pass Through. A ~~discharge~~Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a ~~discharge~~Discharge or ~~discharges~~Discharges from other sources, is a cause of a violation of the City's NPDES Waste Discharge Permit (including an increase in the magnitude or duration of a violation).

(54) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, ~~state~~State, or local governmental entities.

(55) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

(56) Pollutant. Any dredged spoil, solid waste, incinerator residue, ~~sewage, garbage,~~Sewage, Garbage, Sewage sludge, munitions, ~~medical wastes~~Medical Wastes, chemical

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wastes, biological materials, radioactive materials, heat, wrecked or ~~discharged~~Discharged equipment, rock, sand, cellar dirt, municipal, agricultural and ~~industrial~~Industrial wastes and certain characteristics of ~~wastewater~~Wastewater (e.g. pH, temperature, TSS, turbidity, ~~color~~Color, BOD, COD, toxicity, or odor).

(57) Pretreatment. The reduction of the amount of ~~pollutants~~Pollutants, the elimination of ~~pollutants~~Pollutants, or the alteration in the nature of ~~pollutant~~Pollutant properties in ~~wastewater~~Wastewater prior to or in lieu of introducing such ~~pollutants~~Pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical or biological processes, by process changes or by other means except by diluting the concentration of the ~~pollutant~~Pollutant unless allowed by the applicable Pretreatment Standard.

(58) Pretreatment Requirement. Any substantive or procedural requirements related to the ~~pretreatment~~Pretreatment, other than ~~national pretreatment standards~~National Pretreatment Standards, imposed on an ~~industrial~~Industrial user.

(59) Pretreatment Standard or Standard. Prohibited ~~discharge~~Discharge standards, ~~categorical~~Categorical Pretreatment ~~standards~~Standards and Local Limits.

(60) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the ~~discharge~~Discharge of certain types or characteristics of ~~wastewater~~Wastewater as established by EPA, DEQ, and/or the Public Works Director.

~~(61) Properly Shredded Garbage. Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.~~

~~(62)~~(61) Public Sewer. Shall mean a ~~sewer~~Sewer, either sanitary or storm, in which all the ~~owners~~Owners of abutting property have equal rights, and which is controlled by public authority.

~~(63)~~(62) Public Stormwater System. A ~~stormwater~~Stormwater system owned or operated by the City of Wilsonville.

~~(64)~~(63) Publicly Owned Treatment Works or POTW. A “treatment works” as defined in Section 212 of the Act, (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in collection, storage, treatment, recycling and reclamation of ~~sewage~~Sewage, or ~~industrial~~Industrial wastes, and any conveyances which convey ~~wastewater~~Wastewater to a ~~treatment plant~~Treatment Plant or other point of ~~discharge~~Discharge. The term also means the municipal entity having responsibility for the operation and maintenance of the system.

~~(65)~~(64) Public Works Director. The ~~person~~Person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Chapter or their duly authorized representative.

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~~(66)(1) Residential. Shall mean for the purposes of this Chapter, building sewers and connections, buildings or structures, which are built to be occupied for living purposes in keeping with the City's zoning and building code provisions.~~

~~(67) Residential Users. Persons only contributing sewage wastewater to the municipal wastewater system.~~

~~(68)(65) Receiving Stream or Water(s) of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.~~

~~(66) Residential. Shall mean for the purposes of this Chapter, Building Sewers and connections, buildings or structures, which are built to be occupied for living purposes in keeping with the City's zoning and building code provisions.~~

~~(67) Residential Users. Persons only contributing Sewage Wastewater to the municipal Wastewater system.~~

~~(68) Responsible Party. The Person who causes a violation of the Stormwater regulations contained in WC 8.300 through WC 8.334 or who has the authority to direct and control the Person causing the violation.~~

~~(69) Sanitary Sewer. Shall mean a City sewerSewer which carries sewageSewage and to which storm, surface and ground water are not intentionally admitted.~~

~~(70) Sediment. Mineral or organic matter generated as a result of Erosion.~~

~~(70)(71) Septic Tank Waste. Any sewageSewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.~~

~~(71)(72) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)~~

~~(72)(73) Sewer. Shall mean a pipe or conduit for carrying sewageSewage in the case of sanitary (wastewater) sewerSanitary (Wastewater) Sewer lines. Shall mean a pipe or conduit for carrying stormwaterStormwater runoff, surface waters or drainage in the case of storm water lines.~~

~~(73)(74) Sewer Lateral. See Building Sewer – Sanitary and Storm definitions.~~

~~(74)(75) Significant Industrial User.~~

(a) Except as provided in paragraph (b) of this section, the term Significant

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Industrial User means:

1) An ~~industrial users~~Industrial Users subject to Categorical Pretreatment Standards or

2) Any other ~~industrial user~~Industrial User that ~~discharges~~Discharges an average of 25,000 gallons per day or more of process ~~wastewater~~Wastewater to the POTW (excluding ~~sanitary, non~~Sanitary, Non-contact ~~cooling~~Cooling Water, and boiler blow-down ~~wastewater~~Wastewater); contributes a process waste stream which makes up 5 per cent of more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the City on the basis that the ~~industrial user~~Industrial User has a reasonable potential for adversely affecting the POTW’s operation or for violating any ~~pretreatment standard~~Pretreatment Standard or ~~requirement~~Requirement (in accordance with 40 CFR 403.8(f)(6).

~~(b)~~ ~~(b)~~ The City may determine that an Industrial User subject to the ~~eategorical~~Categorical Pretreatment Standards is a Non-significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never ~~discharges~~Discharges more than 100 gallons per day (gpd) of total categorical ~~wastewater~~Wastewater (excluding ~~sanitary, non~~Sanitary, Non-contact ~~cooling~~Cooling Water, and boiler blowdown ~~wastewater~~Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met.

~~2)~~ ~~1)~~ The Industrial User, prior to City’s findings, has consistently complied with all applicable ~~eategorical~~Categorical Pretreatment Standards and Requirements;

~~3)~~ ~~2)~~ The Industrial User annually submits the certification statement required in Section 8.~~310~~410(14) together with any additional information necessary to support the certification statement; and

~~4)~~ ~~3)~~ The Industrial User never ~~discharges~~Discharges any untreated concentrated ~~wastewater~~Wastewater.

~~(c)~~ ~~___~~ Upon finding that an ~~industrial user~~Industrial User meeting the criteria in paragraph (a)(2) of this section has no reasonable potential for adversely affecting the POTW’s operation or for violating any ~~pretreatment standard or requirement~~Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an ~~industrial user~~Industrial User or POTW, and in accordance with 40 CFR 403.8(F)(6), determine that such ~~industrial user~~Industrial User is not a ~~significant industrial user~~Significant Industrial User.

~~(75)~~(76) Slug Load or Slug Discharge. Any ~~discharge~~Discharge at a flow rate or concentration which has the potential to cause a violation of the specific ~~discharge~~Discharge prohibitions of this article. A slug ~~discharge~~Discharge is any ~~discharge~~Discharge of a non-

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routine, episodic nature, including but not limited to an accidental spill or a non-customary batch ~~discharge~~Discharge, which has a reasonable potential to cause ~~interference~~Interference or ~~pass through~~Pass Through, or in any other way violate the POTW's regulations, Local Limits of Permit conditions.

~~(76)~~(77) State. State of Oregon.

~~(77)~~(78) Storm Drain. (Sometimes termed "~~storm sewer~~Storm Sewer"). Shall mean a ~~sewer~~Sewer which carries storm and surface waters and drainage, but excludes ~~sewage~~Sewage and ~~industrial~~Industrial wastes, other than unpolluted ~~cooling waters~~Cooling Waters.

~~(78)~~(79) Stormwater. Any flow occurring during or following any form of natural precipitation and resulting there from, including snow melt.

~~(80)~~ Summary Abatement. An abatement of a violation by the City pursuant to WC 8.336(13), or a contractor employed by the City, by removal, repair, or other acts necessary to abate the violation and without notice to the Applicant, agent, or occupant of the property, except for the notice required by this Section.

~~(79)~~(81) Suspended Solids or Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, ~~wastewater~~Wastewater, or other liquid which is removable by laboratory filtering.

~~(80)~~ Toxic Pollutant. One of the pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provision of Section 307 (33 U.S.C. 1317) of the Act.

~~(81)~~(82) Treatment Plant Effluent. Any ~~discharge~~Discharge of ~~pollutants~~Pollutants from the POTW into ~~waters~~Waters of the ~~state~~State.

~~(82)~~(83) User or Industrial User. Any ~~person~~Person who contributes, or causes or allows the contribution of ~~sewage~~Sewage, or ~~industrial wastewater~~Industrial Wastewater into the POTW, including ~~persons~~Persons who contribute such wastes from mobile sources.

~~(84)~~ Visible and Measurable Erosion and Sediment.

~~(a)~~ Sloughing, mud flows, gullies, rills, Sediment-laden water, or other Erosion that has occurred or is likely to occur.

~~(b)~~ The presence of deposits or tracking of Sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.

~~(c)~~ In streams or drainage systems, an increase in Total Suspended Solids and/or turbidity relative to a control point immediately upstream of the Discharge point

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of the Sediment-generating activity.

(d) Offsite airborne debris clearly visible to the eye, including but not limited to dust, as determined by City Manager or designee.

~~(83)~~(85) Wastewater. The liquid and water-carried ~~industrial~~Industrial wastes, or ~~sewage~~Sewage from ~~residential~~Residential dwellings, ~~commercial~~Commercial buildings, ~~industrial~~Industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed to the municipal ~~wastewater~~Wastewater system.

~~(84)~~(86) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal ~~sewage~~Sewage and ~~industrial~~Industrial waste.

(87) Water is water from the City water supply system

~~(85) Water Course. Shall mean a channel in which a flow of water occurs, either continuously or intermittently.~~

8.008 Miscellaneous Provisions

(1) Pretreatment Charges and Fees. The City may adopt, from time to time, by Administrative Authority, in the City's Master Fee Schedule reasonable charges and fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include;

(a) Fees for permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by ~~industrial-users~~Industrial Users;

(c) Fees for reviewing and responding to accidental ~~discharge~~Discharge procedures and construction;

(d) Fees for filing appeals;

(e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, system development charges, fines and penalties chargeable by the City.

(2) Non-exclusivity. Enforcement of ~~pretreatment~~Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Public Works Director may take other action against any ~~industrial-user~~Industrial User when the circumstances warrant. Further, the Public Works Director is empowered to take more than one

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enforcement action against nay non-compliant ~~industrial-user~~Industrial User.

8.010 Solid Waste Management

The regulation of disposal and hauling, including both hauler and customer requirements, for solid waste, recycling, yard debris, organic materials, and other materials shall be adopted by City ordinance.

WILSONVILLE CODE**WATER CONSERVATION****8.101 Declaration of Emergency**

A. When the City Water supply has become, or is about to become, depleted to such an extent as to cause a serious ~~water~~Water shortage in the City, the Mayor shall have the authority to declare an emergency ~~water~~Water shortage and to direct that the provision of Section 8.101, 8.102 and 8.130 of this article of the Code be enforced.

- B. In the event the Mayor is unavailable to declare an emergency, the following shall be the order of succession of authority, based upon availability:
- a. The President of the Council;
 - b. Any other council person;
 - c. The City Manager;
 - d. The Public Works Director

8.102 Notice of Declaration of Emergency

When a declaration of emergency is announced by the Mayor, the City Manager shall make the declaration public in a manner reasonably calculated to provide reasonable notice to the public. This provision shall not be construed as requiring personal delivery or service of notice or notice by mail.

8.108 Standards – Purpose.

This Section is established because during the summer months and in other times of emergency there is or may be insufficient ~~water~~Water in the City ~~water~~Water supply system to allow irrigation and other uses of ~~water~~Water at all times by all parties; and the level of ~~water~~Water supplied by the City is at certain times dangerously low; and it is imperative to the public well-being that certain uses of ~~water~~Water not essential to health, welfare and safety of the City be restricted from time to time.

8.112 Standards – Application.

The provisions of this Section shall apply to all ~~persons~~Persons using water, both in and outside the City, regardless of whether any ~~person~~Person using ~~water~~Water shall have a contract for ~~water~~Water services with the City.

8.114 Standards – Wasted Water.

~~(1)~~ _____ ~~(1)~~ Where ~~water~~Water is wastefully or negligently used on a ~~customer's~~Customer's premises, seriously affecting the general service, the City may discontinue the service if such conditions are not corrected after due notice by the City.

~~(2)~~ _____ ~~(2)~~ Water shall not be furnished except through a meter to any premises where there are defective or leaking pipes, faucets, closets or other fixtures, or where there are

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~~water~~Water closets or urinals without self-closing valves and, when such leakage or other defects are discovered and not corrected, the City may discontinue service after giving due notice and until repairs are made. If significant deficiencies are not corrected in a timely manner, as defined by the ~~Public Works Director~~, the City may introduce enforcement action in conformance with Section 8.150 Violations.

~~(3)~~ ~~Water~~ must not be allowed to run to waste through any faucet or fixture or kept running any time longer than actually necessary. Sprinkling of lawns, gardens, and parking strips shall be confined to what is actually needed and no running to waste on sidewalks, streets, and gutters shall be permitted. When any such waste is discovered, the ~~water~~Water service to the premises may be discontinued.

8.116 Section Not Used

8.118 Standards – General.

~~(1)~~ ~~In~~ all new construction and in all repair and/or replacement of fixtures or trim, only fixtures or trim not exceeding the following flow rates and/or ~~water~~Water usage shall be installed. These rates are based on a presence at the fixture of 40 to 50 PSI.

Water closets, tank type	–	1.6 gallons per flush.
Water closets, flush-o-meter type	-	1.6 gallons per flush
Urinals, tank type	-	1.0 gallons per flush
Shower heads	-	2.5 GPM
Lavatory, sink faucets	-	2.5 GPM
Metered faucets	-	0.25 gallons per use

~~(2)~~ ~~Faucets~~ on lavatories located in restrooms intended for the transient public in service stations, park toilet rooms, train stations and similar facilities shall be metering or self-closing.

~~(3)~~ ~~Any~~ ~~water~~Water connective device or appliance requiring a continuous flow of five GPM or more and not previously listed in this section shall be equipped with an approved ~~water~~Water recycling system.

8.120 Section Not Used

8.130 Use of Water During Emergency – Prohibited Uses of Water.

~~(1)~~ ~~When~~ a declaration of emergency is announced and notice has been given in accordance with this Section, the use and withdrawal of ~~water~~Water by any ~~person~~Person may be limited and include prohibition of the following:

- (a) Sprinkling, watering or irrigating shrubbery, trees, lawns, grass,

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groundcovers, plants, vines, gardens, vegetables, flowers or any other vegetation.

- (b) Washing automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment
- (c) Washing sidewalks, driveways, filling station aprons, porches and other surfaces.
- (d) Washing the outside of dwellings, washing the inside or outside of office buildings.
- (e) Washing and cleaning any business or industrial equipment and machinery.
- (f) Operating any ornamental fountain or other structure making a similar use of water.
- (g) Maintaining swimming and wading pools not employing a filter and re-circulating system.
- (h) Permitting the escape of ~~water~~Water through defective plumbing.

8.132 Use of Water During Emergency – Exemptions.

At the discretion of the Mayor, one or more of the uses specified in Section 8.130 may be exempted from the provisions of this section. The exemption shall be made public as provided in Section 8.102 of this Chapter.

8.134 Use of Water During Emergency – Length of Restriction.

The prohibition shall remain in effect until terminated by an announcement by the Mayor in accordance with Sections 8.102.

8.136 Use of Water During Emergency – Declaration Period.

~~(1)~~ ~~(1)~~ The Mayor shall cause each declaration made by him pursuant to Sections 8.101 to 8.150 to be publicly announced by means of posting notice in three (3) public and conspicuous places in the City, and ~~he~~the Mayor may cause such declaration to be further announced in a newspaper of general circulation within the City when feasible, and publicize through the City's website and any other internet sites the City deems appropriate. Each announcement shall prescribe the action taken by the Mayor, including the time it became or will become effective, and shall specify the particular use for which the use of ~~water~~Water will be prohibited.

~~(2)~~ ~~(2)~~ Whenever the Mayor shall find the conditions which gave rise to the ~~water~~Water prohibition in effect pursuant to Sections 8.101 to 8.150 no longer exist, ~~he~~the Mayor may declare the prohibition terminated in whole or in part in the manner prescribed by

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these sections, effectively immediately upon announcement.

~~(3)~~ ~~—~~ ~~(3)~~ The Mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section, and this includes the notice of termination, both in whole or in part.

8.140 Authority of Officer.

Any police officer of the City, Clackamas County or designated employee of the City may enter the premises of any ~~person~~ Person for the purpose of shutting off or reducing the flow of ~~water~~ Water being used contrary to the provisions of Sections 8.101 to 8.150.

8.150 Penalties.

A ~~person~~ Person convicted of a violation of any provisions of Sections 8.101 to 8.140 shall be punished upon a first conviction thereof for a violation pursuant to Section 1.012, and upon a subsequent conviction thereof for a Class C Misdemeanor pursuant to Section 1.011. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

WILSONVILLE CODE**PUBLIC SANITARY SEWER USE****8.200 Public Sanitary Sewer Use – General Provision**

(1) ~~(1)~~—Purpose. Provides for the required use of public ~~sanitary sewer~~Sanitary Sewer facilities except as otherwise set forth, for the regulation of the building of and connection to public ~~sanitary sewer~~Sanitary Sewer facilities and for the uniform regulation of ~~indirect discharge~~Indirect Discharge to the Publicly Owned Treatment Works (POTW) through the issuance of permits to certain non-domestic ~~users~~Users and through enforcement of general requirements for other ~~users~~Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires ~~user~~User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) ~~(2)~~—Application to Users within and outside of City limits. Provisions of this article shall apply to ~~users~~Users within the City limits and to ~~users~~Users outside the City limits who, by contract or agreement with the City, are included as ~~users~~Users of the municipal ~~wastewater~~Wastewater system.

8.202 Use of Public Sanitary Sewer Required. Except as herein provided in this ~~chapter~~Chapter:

(1) ~~_____~~—~~(1)~~—It shall be unlawful for any ~~person~~Person to place, deposit or permit to be deposited in any manner as described herein on public or private property within the City of Wilsonville, or in any area under the jurisdiction of said City, any human or animal excrement, ~~garbage~~Garbage or other objectionable waste.

(2) ~~_____~~—~~(2)~~—It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of ~~sewage~~Sewage.

(3) ~~_____~~—~~(3)~~—The ~~owner~~Owner or Lessee of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way, in which there is now located or may in the future be located, a public ~~sanitary sewer~~Sanitary Sewer of the City, is hereby required, at ~~his~~Owner or Lessee's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public ~~sanitary sewer~~Sanitary Sewer in accordance with the provisions of this section of the Code within ninety (90) days after the date of official notice to do so, provided that said public ~~sanitary sewer~~Sanitary Sewer for the ~~residential~~Residential use is within three hundred (300) feet of the property. Commercial and ~~industrial~~Industrial buildings or structures shall connect no matter what the distance is from the public ~~sanitary sewer~~Sanitary Sewer to the property to be served.

8.204 Private Sewage Disposal.

(1) ~~_____~~—~~(1)~~—Where a public ~~sanitary sewer~~Sanitary Sewer is not available under the provisions of Section 8.202(~~4~~3), the ~~building sewer~~Building Sewer shall be connected to a private ~~sewage~~Sewage disposal system.

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~~(2)~~ (2)—Before commencement of construction of a private ~~sewage~~Sewage disposal system, the ~~owner~~Owner or Lessee shall first obtain a written permit signed by the City.

(a) The application for such permit shall be made on a form furnished by the City, and shall be supplemented by any plans, specifications and other information as are deemed necessary by the City. The appropriate Type B Construction Permit and plan check fee shall be paid by the City at the time the application is filed.

(b) A permit for a private ~~sewage~~Sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. Inspection of the work in any stage of construction shall be allowed and, in any event, the ~~applicant~~Applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City.

~~(3)~~ (3)—The type, capacities, location and layout of a private ~~sewage~~Sewage disposal system shall comply with all recommendations to the Oregon State Board of Health. No permit shall be issued for any private ~~sewage~~Sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to ~~discharge~~Discharge any natural outlet. If it is determined by the City that a health hazard would be created or that the soil is unable to transfer the ~~sewage~~Sewage runoff through the soil as an effective means of treatment of ~~sewage~~Sewage disposal, the City shall reject the septic or private ~~sewage~~Sewage disposal system, and require, at the ~~owner's~~Owner's or Lessee's expense, construction of an adequately sized ~~sanitary sewer~~Sanitary Sewer line as approved by the City to connect to an existing public ~~sanitary sewer~~Sanitary Sewer system. The ~~owner~~Owner or Lessee shall construct the ~~sanitary sewer~~Sanitary Sewer by those requirements of the Public Works Standards of the City of Wilsonville.

~~(4)~~ (4)—At such time as a public ~~sanitary sewer~~Sanitary Sewer becomes available to a property served by a private ~~sewage~~Sewage disposal system, as provided in Section 8.202(~~43~~), a direct connection shall be made to the public ~~sanitary sewer~~Sanitary Sewer in compliance with this Code, and any septic tanks, cesspools and similar disposal facilities shall be removed or opened and filled with sand or gravel in accordance with the Oregon Plumbing Specialty Code.

~~(5)~~ (5)—Where existing buildings are too low to be served by gravity by an available ~~sanitary sewer~~Sanitary Sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City under Section 8.202(~~43~~), approved pumping facilities shall be installed to pump the septic tank effluent to the available ~~sanitary sewer~~Sanitary Sewer system.

~~(6)~~ (6)—The ~~owner~~Owner or Lessee shall operate and maintain private ~~sewage~~Sewage disposal or pumping facilities in a sanitary manner at all times, at no expense to the City.

WILSONVILLE CODE**8.205 Conflict**

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by State health officials.

8.206 Buildings Sanitary Sewers and Connections.

~~(1)~~ ~~_____~~ ~~(1)~~ No unauthorized ~~person~~ Person shall uncover, make any connections to or opening into, use, alter or disturb any ~~sanitary sewer lateral~~ Sanitary Sewer Lateral or appurtenance thereof without first obtaining a written permit from the Building Official. In each case, the ~~owner~~ Owner, Lessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the ~~official~~ Official.

~~(2)~~ ~~_____~~ ~~(2)~~ There shall be ~~three (3)~~ two (2) classes of ~~building sanitary sewer lateral plumbing~~ for Sanitary Sewer Laterals that run from the property line to the structure on the property:

- (a) Residential, Single, and Multifamily; and
- (b) Commercial; and
- ~~(c) Industrial Service.~~

~~_____~~ ~~(3)~~

If a Person intends to connect a Sanitary Sewer Lateral to the Public Sewer, the Person must also obtain a public works permit from the City.

~~(3)~~ ~~_____~~ All costs and expenses incident to the installation and connection of the ~~building sanitary sewer~~ Sanitary Sewer Lateral shall be borne by the ~~owner~~ Owner or Lessee. The ~~owner~~ Owner or Lessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of the ~~building sanitary sewer~~ Sanitary Sewer Lateral.

~~(4)~~ ~~_____~~ ~~(4)~~ A separate and independent ~~building sanitary sewer~~ Building Sanitary Sewer shall be provided for every building; except, however, when one building stands at the rear of another on an interior lot and no private ~~sanitary sewer~~ Sanitary Sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, then the building ~~sanitary sewer~~ Sanitary Sewer from the front building may be extended to the rear building and the whole considered as one ~~building sewer~~ Building Sewer.

~~(5)~~ ~~_____~~ ~~(5)~~ Old ~~building sanitary sewers~~ Building Sanitary Sewers may be used in connection with new buildings only when they are found, on examination or through tests, by the Official, to meet all requirements of this Code Chapter.

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~~(6)~~ ~~_____~~ ~~(6)~~ The size, slope, alignment, construction material of a ~~building sanitary sewer~~Building Sanitary Sewer, and the methods to be used excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Oregon Structural Specialty Code and the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

~~(7)~~ ~~_____~~ ~~(7)~~ Whenever possible, the building ~~sanitary sewer~~Sanitary Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any ~~building drain~~Building Drain is too low to permit gravity flow to the public Sanitary Sewer, sanitary ~~sewer, sanitary sewage~~Sewage carried by such ~~building drain~~Building Drain shall be lifted by an approved means and ~~discharged~~Discharged to the building ~~sanitary sewer~~Sanitary Sewer.

~~(8)~~ ~~_____~~ ~~(8)~~ No ~~person~~Person shall make connection of roof down spouts, areaway drains, or other sources of ~~stormwater~~Stormwater runoff to a ~~building sanitary sewer~~Building Sanitary Sewer or ~~sewer~~Sewer drain which, in turn, is connected directly or indirectly to the public ~~sanitary sewer~~Sanitary Sewer.

~~(9)~~ ~~_____~~ ~~(9)~~ The connection of the ~~building sanitary sewer~~Building Sanitary Sewer into the public ~~sanitary sewer~~Sanitary Sewer shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight. Any deviation from prescribed procedures and materials must be approved by the Building Official before installation.

~~(10)~~ ~~_____~~ ~~(10)~~ The ~~applicant~~Applicant for the building permits shall notify the Building Official when the ~~building sanitary sewer~~Building Sanitary Sewer is ready for inspection. The connection shall be made under the supervision of the Building Official or designated representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the ~~applicant's or owner's~~Applicant's or Owner's or Lessee's expense in a manner satisfactory to the City, in accordance with adopted Public Works Standards.

~~(11)~~ ~~_____~~ ~~(11)~~ All excavations for ~~building sanitary sewer~~Building Sanitary Sewer installation shall be adequately guarded with ~~barricades~~ and lights so as to protect the public from hazard.

~~(12)~~ ~~_____~~ ~~(12)~~ The property ~~owner~~Owner or Lessee is responsible for the maintenance, repair and replacement of the ~~sanitary sewer lateral~~Sanitary Sewer Lateral from the building up to and including the ~~sanitary sewer~~connection to the Sanitary Sewer main. Sewer ~~lateral~~Lateral maintenance work, which, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for the ~~sewer lateral~~Sewer Lateral shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

WILSONVILLE CODE**8.206207 Equipment and/or Vehicle Washing Facilities**

~~(1)~~ ~~_____~~ ~~(1)~~ Equipment and/or Vehicle wash areas shall be covered.

~~(2)~~ ~~_____~~ ~~(2)~~ Equipment and/or Vehicle washing facilities shall be equipped with a ~~water~~ Water recycling system approved by the Public Works Director.

~~(3)~~ ~~_____~~ ~~(3)~~ Best available technology shall be utilized for the ~~pretreatment~~ Pretreatment system of any drainage to the ~~sanitary sewer~~ Sanitary Sewer system.

~~(4)~~ ~~_____~~ ~~(4)~~ No coin operated equipment and/or vehicle washing facilities shall be installed or used until plans have been submitted to and approved by the City. The plans shall show the method of connections to an approved ~~pretreatment~~ Pretreatment system before discharging into the ~~sanitary sewer~~ Sanitary Sewer system, disposal of rain or surface water and the protection of the potable water system. No rain or surface water shall be conveyed to or through the ~~sanitary sewer~~ Sanitary Sewer system.

8.208 Use of Public Sanitary Sewers.

~~(1)~~ ~~_____~~ ~~(1)~~ No unauthorized ~~person~~ Person shall uncover, make any connections with or openings into, use, alter, or disturb, any ~~public sewer~~ Public Sewer or appurtenance thereof without first obtaining a written permit from the City.

~~(2)~~ ~~_____~~ ~~(3)~~ When required by the City, the ~~owner~~ Owner or Lessee of any property serviced by a ~~building sanitary sewer~~ Building Sanitary Sewer carrying ~~industrial~~ Industrial wastes or large quantities of ~~discharge~~ Discharge shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary ~~sewer~~ Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the ~~owner~~ Owner or Lessee at the ~~owner's~~ Owner's or Lessee's expense, and shall be maintained by the ~~owner~~ Owner or Lessee so as to be safe and accessible at all times.

~~(3)~~ ~~_____~~ ~~(4)~~ All measurements, tests and analysis of the characteristics of water wastes to which reference is made in this ~~chapter~~ Chapter of the Code shall be determined in accordance with the current edition of the "Standard Methods for the Examination of Water and Wastewater²," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon testing of suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public ~~sanitary sewer~~ Sanitary Sewer to the point at which the building ~~sanitary sewer~~ Sanitary Sewer is connection. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the ~~sewage~~ Sewage works and to determine the existence of hazards to life, limb, and property. When customary measurement for BOD characteristics is impractical due to time constraints and the necessity to have immediate measurable results, mg/l of BOD may be based on forty-two percent (42%) of

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measured C.O.D.

~~(4)~~ ~~_____~~ ~~(5)~~ Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director or Building Official, they are necessary for the proper handling of ~~wastewater~~ Wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for ~~residential users~~ Residential Users. All interception units shall be of type and capacity approved by the Public Works Director or Building Official and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the ~~owner, at his expense~~ Owner or Lessee, at Owner or Lessee's expense. Connection to these devices shall conform to the requirements of the Oregon Plumbing Specialty Code and other applicable rules and regulations of the City.

~~(5)~~ ~~_____~~ ~~(6)~~ Separation of Domestic and Industrial Waste Streams. All new and domestic ~~wastewaters~~ Wastewaters from restrooms, showers, drinking fountains, etc., unless specifically included as part of a ~~category pretreatment standard~~ Categorical Pretreatment Standard, shall be kept separate from all ~~industrial wastewaters~~ Industrial Wastewaters until the ~~industrial wastewaters~~ Industrial Wastewaters have passed through a required ~~pretreatment~~ Pretreatment system and the ~~industrial user's~~ Industrial User's monitoring facility. When directed to do so by the Public Works Director, ~~industrial users~~ Industrial Users must separate existing domestic waste streams.

~~(6)~~ ~~_____~~ ~~(7)~~ Hauled Wastewater. Septic ~~tank waste~~ Tank Waste (septage) or hauled septage shall not be accepted into the municipal ~~wastewater~~ Wastewater system.

~~(7)~~ ~~_____~~ ~~(8)~~ Vandalism. No ~~person~~ Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the municipal ~~wastewater~~ Wastewater system. Any ~~person~~ Person found in violation of this requirement shall be subject to the sanctions set out in Section 8.~~604~~ 504.

8.210 Public Sanitary Sewers – Construction

~~(1)~~ ~~_____~~ ~~(1)~~ No ~~person~~ Person shall construct, extend or connect to any public ~~sanitary sewer~~ Sanitary Sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing boards as required herein and the Public Works Standards for the City of Wilsonville. The provisions of this section requiring permits shall not be construed to apply to contractors constructing ~~sanitary sewers~~ Sanitary Sewers and appurtenances under contracts awarded and entered into by the City.

~~(2)~~ ~~_____~~ ~~(2)~~ The application for a permit for public ~~sanitary sewer~~ Sanitary Sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable sections of the Code, rules and regulations of the City prepared by a registered civil engineer in the State of Oregon showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the City Engineer or ~~and authorized representative of the~~

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~~City Engineer designee~~ who shall, within twenty (20) days, approve them as filed or require them to be modified as ~~he~~the City Engineer or designee may deem necessary.

~~(3)~~ ~~_____~~ ~~(3)~~ All ~~sewer~~Sewer works plans, specifications and construction procedure shall conform to Public Works Standards for the City of Wilsonville.

~~(4)~~ ~~(4)~~ Prior to issuance of a permit for public ~~sanitary sewer~~Sanitary Sewer construction, the ~~applicant~~Applicant shall furnish to the City a performance bond, or cash deposit, in the amount of the total estimated cost of the work. Such performance bond, or cash deposit, shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the City.

~~_____~~ ~~(5)~~
~~(5)~~ Except as provided, the extension of the public ~~sewage~~Sewage facilities to serve any parcel or tract of land shall be done by and at the expense of the ~~owner~~Owner or Lessee. The size of all ~~sanitary sewer~~Sanitary Sewer mains and other ~~sewage~~Sewage facilities shall be as required by the City Engineer to lay ~~sewer~~Sewer pipe larger than that required for ~~his~~Owner or Lessee's own purposes, to accommodate other ~~users~~Users, and may be reimbursed under the provisions of Section 3.116 of the Wilsonville Code for the difference in cost between the size of the line installed and that which would be required for ~~his~~Owner or Lessee's own use.

~~(6)~~ ~~(6)~~ Where special conditions exist, in the opinion of the City Engineer, relating to any reimbursement agreement pursuant to the provisions of this section, The City may, either in addition to, or in lieu of any of the provisions of the section, authorize a special reimbursement contract between the City and the ~~person~~Person or ~~persons~~Persons constructing ~~public sewerage~~Public Sewer facilities. Said special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the City.

~~(7)~~ ~~(7)~~ Vehicle maintenance installations shall be covered and equipped with oil/water separation and spill protection approved by the Public Works Director for any drainage to the sanitary system.

~~(8)~~ ~~(8)~~ Vehicle fueling installations shall be covered and equipped with oil/water separators, spill control manholes, shut off valves and spill protection approved by the Public Works Director for any drainage to the sanitary system.

~~(9)~~ ~~(9)~~ Outside storage areas for grease, oil, waste products, recycling, ~~garbage~~Garbage, and other sources of contaminants shall be equipped with oil/water separators, shut off valves and spill protection approved by the Public Works Director for any drainage to the ~~sanitary sewer~~Sanitary Sewer system. No drainage is allowed to enter the ~~storm sewer~~Storm Sewer system

8.212 Public Sanitary Sewers – Property Damage Prohibited.

No unauthorized ~~person~~Person shall with intent to cause substantial inconvenience or with intent

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to cause damage, break, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the ~~sewage~~Sewage works which is a municipal public utility. Any ~~person~~Person violating this provision and as a result thereof damages any part of the ~~sewage~~Sewage works, shall be subject ~~eto~~ arrest and prosecution under the laws of the State of Oregon as set forth in OPRS 164.345 through 164.365.

8.214 Powers and Authorities of Inspectors

(1) ~~(1)~~ In addition to the authority set forth in Section 8.~~312~~412, the Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing, in connection with the provisions and regulations of City ~~sewage~~Sewage collection and treatment system as provided for in this Chapter.

(2) ~~(2)~~ While performing the necessary work on private properties referred to in Section 8.~~312~~412(1) and 8.214(1) above, the ~~owner~~Owner or Lessee of the premises or representative shall notify the City or duly authorized employee of the City to observe all safety rules applicable to the premises established by the ~~owner~~Owner or Lessee. The premises shall be maintained in a safe condition and the ~~owner~~Owner or Lessee, or representative shall have a duty to notify the Public Works Director and any duly authorized representative of the City of any unsafe conditions.

(3) ~~(3)~~ The City or duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a negotiated easement, of for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the ~~sewage~~Sewage works which is connected to or lying within an easement. All entry and subsequent work, if any, on said easement of any connection thereto, on the sanitary system shall be done according to those regulations as stipulated in the Code of the City of Wilsonville.

WILSONVILLE CODE**ENVIRONMENT**
STORMWATER**8.300 General Provisions**

(1) Purpose. Provides for the building of and connection to public Stormwater facilities and for the uniform regulation of Discharges to the Public Stormwater System through the issuance of permits and through enforcement of general requirements for other Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the Public Stormwater System.

8.302 Stormwater System Construction

(1) No unauthorized Person shall uncover, make any connections to or opening into the Public Stormwater System, use, alter or disturb any Storm Sewer Lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the Owner, Lessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City's Authorized Stormwater Representative.

(2) All costs and expenses incidental to the installation and connection of Stormwater facilities shall be borne by the Owner or Lessee. The Owner or Lessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of Stormwater facilities or connections to the Public Stormwater System.

(3) The size, slope, alignment, construction materials of Stormwater facilities, and the methods to be used excavating, placing of the pipe or other facilities, jointing, testing and backfilling the trench, shall all conform to the requirements of the State of Oregon Plumbing Specialty Code and other applicable rules and regulations of the City, including the City's Public Works Standards.

(4) The connection of the Stormwater facilities to the Public Stormwater System shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City, including the City's Public Works Standards. Any deviation from prescribed procedures and materials must be approved by the City's Authorized Stormwater Representative before installation.

(5) The property Owner or Lessee is responsible for the maintenance, repair and replacement of private Stormwater conveyance systems (such as a Storm Sewer Lateral, swale, etc.) from the building up to and including the connection to the Public Stormwater System. Storm Sewer Lateral maintenance work, as used herein, includes pipe clean-out, clog removal,

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root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for a private Stormwater conveyance system shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.

(6) The Applicant shall notify the City's Authorized Stormwater Representative when the Stormwater facilities are ready for inspection. The connection shall be made under the supervision of the City's Authorized Stormwater Representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the Applicant's or Owner's or Lessee's expense in a manner satisfactory to the City, in accordance with the City's requirements.

(7) All excavations for Stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

8.304 Use of Public Stormwater System

(1) No unauthorized Person shall uncover, make any connections with or openings into, use, alter, or disturb, any Public Stormwater System or appurtenance thereof without first obtaining written permission from the City.

(2) Stormwater shall be Discharged to Storm Sewers and natural outlets under the authority and regulations of the NPDES Municipal Stormwater Permit Program, administered by the Oregon Department of Environmental Quality.

(3) No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the Public Stormwater System.

(4) It shall be unlawful to Discharge in or into any natural outlet or Stormwater Sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any Sewage or other polluted water.

(5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

8.306 Public Stormwater System – Property Damage Prohibited

(1) No unauthorized Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Public Stormwater System. Any Person violating this provision and as a result thereof damages any part of the Public Stormwater System, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in ORS 164.345 through 164.365.

8.308 Right of Entry

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(1) Where it is necessary to perform inspections, measurements, sampling and/or testing, to enforce the provisions of this code, or where the City's Authorized Stormwater Representative has reasonable cause to believe that there exists upon the premises a condition which is contrary to or in violation of this code which makes the premises unsafe, dangerous or hazardous, the City's Authorized Stormwater Representative is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this code. Provided, however, that if such premises is occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the City's Authorized Stormwater Representative shall first make a reasonable effort to locate the Owner, Lessee, or other Person having charge or control of the premises and request entry. If entry is refused, the City's Authorized Stormwater Representative shall have recourse to the remedies provided by law to secure entry.

(2) The premises shall be maintained in a safe condition by the Owner or a Person having charge or control of the premises and upon contact by the City's Authorized Stormwater Representative the Owner or a Person having charge or control of the premises shall have a duty to notify City's Authorized Stormwater Representative of any safety rules or unsafe conditions applicable to the premises.

(3) Not with standing, Section 8.308(1) above, the City's Authorized Stormwater Representative shall be permitted to enter all private properties through which the City holds an easement, according to the terms of the easement. Any Stormwater facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.

8.310 Discharge of Pollutants

(1) The commencement, conduct, or continuance of any non-Stormwater Discharge to the Public Stormwater System is prohibited and is a violation of this Chapter, except as described below.

(2) The prohibition shall not apply to any non-Stormwater Discharge permitted or approved under an Industrial or Municipal NPDES Stormwater Permit, waiver, or Discharge order issued to the Person who Discharges and administered by the DEQ, provided that the Person who Discharges is in full compliance with all requirements of the permit, waiver, or Discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any Discharge to the Municipal Separate Storm Sewer System (MS4).

(a) Except as provided in subsection (3), the prohibition shall not apply to the following non-Stormwater Discharges to the Public Stormwater System: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the MS4, uncontaminated pumped groundwater, Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual Residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool Discharges, street wash water, and

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flows from firefighting.

(b) “Street wash water” is defined for purposes of this section to be water that originates from publicly-financed street cleaning activities consistent with the City’s NPDES Stormwater Permit.

(c) Discharge of flows to the public or private Stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.

(3) The City may require Best Management Practices to reduce Pollutants, or may prohibit a specific Person who Discharges from engaging in a specific activity identified in subsection (2) if at any time the City determines that the Discharge is, was, or will be a significant source of pollution.

8.312 Discharge in Violation of Permit

Any Discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater Permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other Discharges, is a violation of this chapter Chapter and is prohibited. Liability for any such Discharge shall be the responsibility of the Responsible Party, and such Persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such Discharge.

8.314 Waste Disposal Prohibitions

(1) No Person may cause or contribute to pollution, including but not limited to any refuse, rubbish, Garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, Sediment or Sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations in or to the Public Stormwater System.

(2) Runoff from Commercial or Industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not Discharge directly to a private or Public Stormwater System except as allowed under Section 8.310 of this code; this includes but is not limited to outdoor Commercial, Industrial or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities Discharges directly or indirectly to a private or Public Stormwater System.

8.316 General Discharge Prohibitions

(1) It is unlawful to Discharge or cause to be Discharged directly or indirectly into the Public Stormwater System any of the following:

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(a) Any Discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);

(b) Any Discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic chemicals in toxic concentrations;

(c) Any Discharge which causes or may cause damage, Interference, or hazard to the Public Stormwater System or the City personnel; and

(d) Any Discharge containing human sanitary waste or animal feces.

8.318 Compliance with Industrial NPDES Stormwater Permits

Any Person who causes an Industrial Discharge, any Person who causes a Discharge associated with construction activity, or any Person who causes other Discharges subject to any NPDES Stormwater Permit issued by the Oregon DEQ, from which Pollutants may enter the public or private Stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by State and Federal regulations. Proof of compliance with said permits may be required in a form acceptable to the City prior to issuance of any grading, building, occupancy permits or business license.

8.320 Compliance with Local, State, and Federal Laws and Regulations

All users of the Public Stormwater System and any Person or entity whose actions may affect the system shall comply with all applicable local, State and Federal laws and regulations. Compliance with the requirements of this ~~chapter~~ Chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, State and Federal laws and regulations.

8.322 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

Any provisions or limitation of this ~~chapter~~ Chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, State, and Federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

8.324 Accidental Spill Prevention and Control

Accidental spills and releases by Persons who are not required to obtain a NPDES Stormwater Permit but who handle, store or use hazardous or toxic substances or Discharges prohibited under Section 8.312 and there is a reportable quantity as defined in OAR 340-142-0050, on their sites shall prepare and submit to the City an Accidental Spill Prevention and Control Plan within 60 days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this Section.

WILSONVILLE CODE**8.326 Notification of Spills**

(1) As soon as any Person in charge of a facility or responsible for emergency response for a facility becomes aware of any suspected, confirmed, or unconfirmed release of material, Pollutants, or waste creating a risk of Discharge to the Public Stormwater System, such Persons shall:

(a) Begin containment procedures;

(b) Notify proper emergency personnel in case of an emergency;

(c) Notify appropriate city and/or State officials regarding the nature of the spill; and

(d) Follow-up with the city regarding compliance and modified practices to minimize future spills, as appropriate.

(2) The notification requirements of this section are in addition to any other notification requirements set forth in local State, or Federal regulations and laws. The notification requirements do not relieve the Person of necessary remediation.

8.328 Requirement to Eliminate Illicit Connections

(1) The City's Authorized Stormwater Representative may require by written notice that a Responsible Party who makes an illicit connection to the Public Stormwater System complies with the requirements of this ~~chapter~~ Chapter to eliminate the illicit connection or secure approval for the connection by a specified date.

(2) If, subsequent to eliminating a connection found to be in violation of this ~~chapter~~ Chapter, the Responsible Party can demonstrate that an Illicit Discharge will no longer occur, that Person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the Responsible Party's expense.

8.330 Requirement to Remediate

Whenever the City finds that a Discharge of Pollutants is taking place or has taken place which will result in or has resulted in pollution of Stormwater or the Public Stormwater System, the City's Authorized Stormwater Representative may require by written notice to the Responsible Party that the pollution ~~by~~ is remediated and the affected property restored, to the requirements of this Chapter.

8.332 Requirement to Monitor and Analyze

Whenever the City's Authorized Stormwater Representative determines that any Person engaged in any activity which may cause or contribute to Stormwater pollution or Illicit Discharges to the Public Stormwater System, the City's Authorized Stormwater Representative may, by written

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notice, order that the Responsible Party undertake such monitoring activities and/or analyses and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this ~~chapter~~ Chapter. The written notice shall be served either by personal delivery or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required including but not limited to, that which may be undertaken by a third party independent monitor, sampler and/or tester. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail requiring the Owner to monitor the property and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this ~~chapter~~ Chapter.

8.334 Erosion Prevention and Sediment Control

(1) Purpose. These regulations contained herein, together with the Clackamas County Water Environment Services' most current version of the Erosion Prevention and Sediment Control Planning and Design Manual, shall be known as the "City of Wilsonville Erosion Prevention and Sediment Control Standards," may be cited as such, and will be referred to herein as "these Standards." The purpose of these Standards is to establish uniform requirements for Land Development and construction-related activities in order to control the occurrence of Erosion and to prevent the creation, migration and/or transport of Erosion at the source during construction and Land Development.

(2) These Standards shall be administered and enforced by the City Manager or designee. The City Manager shall have the authority to develop and implement procedures, forms, policies, and interpretations for administering the provisions of these Standards.

(3) ESC Permit Required. An ESC Applicant must obtain an ESC permit before commencing any ground disturbing activity affecting 500 square feet or greater, cumulatively, throughout the duration of Land Development. The ESC Applicant must list each tax lot encompassed within the area where Land Development occurs, which tax lots will also be listed on the ESC permit. A copy of the approved ESC permit shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. An ESC Applicant must obtain a DEQ 1200-C permit if a site requires disturbing five acres or more. A copy of the approved 1200-C shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. DEQ 1200-C permits are obtained directly from DEQ.

(4) ESC Plan Required. The ESC Applicant shall submit an ESC Plan for projects requiring an ESC permit prior to commencing any ground disturbing activity. The City Manager or designee shall approve the ESC Plan if it demonstrates compliance with these Standards and the standards set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all Erosion and Sediment control measures.

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(5) ESC Plan Implementation. An approved ESC permit shall be implemented and maintained as follows:

(a) It shall be the duty of the ESC Applicant to inspect the property in conformance with the permit issued to ensure ESC measures are effective.

(b) The ESC Applicant is responsible to ensure that no Visible and Measurable Erosion and Sediment leaves the permitted site.

(c) The ESC Applicant shall keep a record of inspections with a brief explanation as to any signs of Erosion or Sediment release and measures taken to prevent future releases as well as any measures taken to clean up the Sediment that has left the site. Records must be made available to the City and DEQ upon request and must be submitted to the City upon final completion of work if so requested by the City.

(d) During periods of wet weather, disturbed areas of the site and/or stockpiled soil shall be covered by the ESC Applicant by tarps or straws at the end of each day's operations; all disturbed, unworked areas of the site shall be protected from Erosion

(e) The ESC Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and Sediment deposits before receiving a final ESC inspection approval.

(6) Ineffective Measures and ESC Plan Amendment. If the facilities and techniques in the approved ESC Plan are not effective or sufficient to meet the purposes of this Chapter, based on an on-site inspection, the City Manager or designee may require the ESC Applicant to revise the ESC Plan. Such requirement shall be in writing and shall explain the problem. The written requirement shall be presented to the ESC Applicant and any other related parties.

(a) The revised ESC Plan shall be submitted by the ESC Applicant not later than three (3) business days of when written notification by the City Manager is received. Receipt of such notice shall be deemed complete three (3) days after simultaneous regular mail and certified mail is deposited in the mail or completed the same day as personal delivery.

(b) The ESC Applicant shall implement fully the revised ESC Plan not later than three (3) business days after mailing the revised ESC Plan to the City, or within such other time frame as the City Manager may specify.

(c) In cases where significant Erosion is occurring, the City Manager or designee may require the ESC Applicant to immediately install interim control measures before submittal of a revised ESC Plan.

(d) If there is a confirmed or imminent threat of significant off-site Erosion, the City Manager or designee shall issue a stop work order, upon issuance of which all

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work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with the City of Wilsonville's performance standards for ESC and are approved by the City Manager or designee.

8.336 Stormwater – Violation

(1) Enforcement. The City Manager or designee is authorized and directed to enforce all the provisions of Sections 8.300 through and including 8.334 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.300 through and including 8.334 to determine compliance or whenever the City Manager or designee has reasonable cause to believe there exists any violation of Sections 8.300 through and including 8.334. It is the policy of the City to pursue compliance and enforcement against the Responsible Party when a violation of Sections 8.300 through and including 8.334 occurs. When the Owner of a property where a violation occurs is not the Responsible Party, the City will pursue compliance and, when necessary, enforcement, only when the Responsible Party cannot be located or determined.

(2) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of Sections 8.300 through and including 8.334, the City Manager or designee, in accordance with Section 8.308, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.412(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.300 through and including 8.334 has occurred, the City Manager or designee shall notify the ESC Applicant or Responsible Party in writing of the violation observed. The notice of violation shall be delivered to the ESC Applicant or Responsible Party and posted at the property site of the violation. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail.

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.300 through and including 8.334, the City Manager or designee may issue a written stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. The Responsible Party shall not resume work until such time as the City Manager or designee provides specific approval in writing. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail of the stop work order.

(5) Termination of Permit. If an ESC Applicant violates the requirements of Sections 8.300 through and including 8.334, the City Manager or designee may revoke any or all of the ESC Applicant's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. If a Responsible Party violates the requirements of Sections 8.300 through and including 8.334, the City Manager or designee may revoke any or all of the Responsible Party's public works permits, building permits, or

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other permits within the Land Development area where the violation is occurring. The Responsible Party or ESC Applicant may appeal such determination pursuant to WC 8.336(12) herein.

(6) Civil Penalties. In addition to any other civil or criminal penalties, fines, or other enforcement measures allowed under the Wilsonville Code, Oregon law and regulations, or federal law and regulations, upon a determination by the City Manager or designee that a Person has violated any provision of Sections 8.300 through and including 8.334, the City Manager or designee may impose upon the ESC Applicant or Responsible Party a civil penalty. The use of a civil penalty does not prevent other authorized enforcement actions. A civil penalty shall be no less than fifty dollars (\$50) and shall not exceed five thousand dollars (\$5,000) per offense per tax lot in which the violation(s) occurs within the Land Development area, or in the case of a continuing offense, not more than one thousand dollars (\$1,000) for each day of the offense and shall be processed in accordance with the procedures set forth in WC 8.336.

(a) Prior to imposing a civil penalty, the City Manager or designee, upon sending the ESC Applicant or Responsible Party an order to correct the violation(s), will pursue reasonable attempts to secure voluntary correction. Following the date or time by which the correction(s) must be completed as required by the order, the City Manager or designee shall determine whether such correction(s) has/have been completed. If the required correction(s) has/have not been completed by the date or time specified in the notice, the City Manager or designee may impose a civil penalty.

(b) In order to ensure that penalties correspond appropriately with the level of violation, and in consideration of this Section, for any fine above the fifty dollar (\$50) minimum fine, a formula will be used by the City Manager or designee to determine the dollar amount of the civil penalty.

(c) The civil penalty authorized by the Section shall be in addition to:

1) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement; and

2) Any other actions authorized by law.

(d) Notwithstanding WC 8.336(2)(a) above, the City Manager or designee may impose a civil penalty without having issued an order to correct violation or making attempts to secure voluntary correction where the City Manager or designee determines that the violation was knowing, intentional, or a repeat of a similar violation.

(e) If the City determines in its sole discretion that pursuing the Responsible Party is not feasible or it is in the public interest to pursue the Owner of the property for violations of WC 8.300 to WC 8.334, the City may impose a fine against the Owner pursuant to this subsection (6) after providing the Owner with written notice pursuant to WC 8.336(3).

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(7) Civil Penalties Notice. The notice of civil penalty shall be served by personal service or shall be sent by registered mail or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three (3) days after the date mailed if to an address within the State, and seven (7) days after the date mailed if to an address outside this State. A notice of civil penalties shall include:

(a) Reference to the particular code provision or rule involved;

(b) A short and plain statement of the violation;

(c) A statement of the amount of the penalty or penalties imposed;

(d) If the penalty is imposed pursuant to WC 8.336(6)(d), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and

(e) A statement of the party's right to appeal the civil penalty to the City Council.

(8) In imposing a penalty authorized by this Section 8.336, the City Manager or designee shall consider:

(a) The Person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

(b) Any prior violations of statutes, rules, orders and permits;

(c) The gravity and magnitude of the violation;

(d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

(e) Cost to City;

(f) The violator's cooperativeness and efforts to correct the violation; and

(g) Any relevant regulation under the City Code.

(9) Any Person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.336(12) herein shall govern any requested hearing. The burden of proof shall be on the party appealing the penalty.

(10) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the ESC Applicant or Responsible Party appeals the penalty to the City Council pursuant to, and within the time limit established by WC 8.336(12). If the ESC Applicant or Responsible Party appeals, the decision will become final, if at all, upon

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issuance of the City Council's decision affirming the imposition of the administrative civil penalty.

(11) Unpaid Penalties. Failure to pay a civil penalty imposed pursuant to this Section 8.336 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.336. The City Manager or designee shall assess the property the full amount of the unpaid fine, notify the ESC Applicant or Responsible Party of such assessment, and shall enter such an assessment as a lien in the City lien docket. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

(a) In addition to enforcement mechanisms authorized elsewhere in this Code, failure to pay an administrative civil penalty imposed pursuant to WC 8.336(6) shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

(12) Appeal Procedures.

(a) Filing deadline. A Person appealing a decision of the City Manager or designee shall file a written notice of appeal with the City Recorder within ten (10) calendar days from the date of mailing of the notice sent pursuant to WC 8.336(7).

(b) Notice of appeal content. The written notice of appeal shall include:

1) The name and address of the appellant;

2) A statement of the authority or jurisdiction for the appeal including specific code sections authorizing the appeal;

3) A statement of the appellant's standing or right to be heard;

4) The nature of the decision being appealed;

5) A copy of the decision being appealed;

6) A short and plain narrative statement including the reason(s) the original decision is alleged to be incorrect, with reference to the particular sections of the applicable code sections; and

7) The result the appellant desires on appeal.

(c) An appellant who fails to file such a statement with the information required in Subsection (12)(b) within the time permitted waives the objections, and the appeal shall be dismissed without a hearing.

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(d) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal; however, any stop work order will remain in effect. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, a notice of suspension.

(e) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Council within thirty (30) days of the receipt of the notice of intent to appeal. At least ten (10) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(f) The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. The City may provide a response to the appeal for consideration by the City Council. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The City may also present testimony and oral arguments as well. If the appellant is represented by counsel, the City Attorney or designee will represent the City. The rules of evidence as used by courts of law do not apply.

(g) The City Council shall issue a written decision within ten business (10) days of the hearing date. The decision of the City Council after the hearing is final may include a determination that the appeal fee be refunded to the ESC Applicant or Responsible Party upon a finding by the City Council that the appeal was not frivolous.

(13) Abatement of Violation.

(a) Summary Abatement Authorized. The City Manager or designee may determine that the failure or non-existence of Stormwater control measures as required by this Section 8.300 through and including 8.334 constitute a violation presenting an immediate threat of injury to the public health, the environment, or public or private property. Such violations shall be subject to the requirements and enforcement measures stated in Sections 8.300 through and including 8.336. In cases where the City Manager or designee determines it is necessary to take immediate action in order to meet the purposes of this Section 8.300 through and including 8.336, Summary Abatement of such violation is authorized.

(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.300 through and including 8.336, the decision regarding whether or not to use Summary Abatement shall be at the City Manager's or designee's discretion. In case of Summary Abatement, notice to the ESC Applicant or Responsible Party prior to abatement is not required. However, following Summary Abatement, the City Manager or designee shall post upon the affected site the abatement notice describing the action taken to abate the violation and shall cause a notice to be mailed to the ESC Applicant or Responsible Party at the ESC Applicant's or Responsible Party's address as recorded in the county assessment and taxation records for the property in question.

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(c) Financial Responsibility.

1) Whenever a violation is abated under this Subsection 8.336(13), the City Manager or designee shall keep an accurate account of all expenses incurred.

2) The City Manager or designee shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or designee shall mail a notice to the ESC Applicant or Responsible Party, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing.

3) Lien. In the event that amount due set forth in the notice is not paid in full within thirty (30) days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

WILSONVILLE CODE**INDUSTRIAL WASTEWATER REGULATIONS****8.300-400 General Provisions:**

(1) ~~_____~~ Purpose and Policy. This ~~chapter~~ Chapter sets forth uniform requirements for Users of the ~~(POTW)~~ for the City of Wilsonville and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ~~chapter~~ Chapter are:

~~_____~~ (a) To prevent the introduction of ~~pollutants~~ Pollutants into the POTW that will interfere with its operation;

~~_____~~ (b) To prevent the introduction of ~~pollutants~~ Pollutants into the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;

~~_____~~ (c) To protect both POTW personnel who may be affected by ~~wastewater~~ Wastewater and sludge in the course of their employment and the general public;

~~_____~~ (d) To promote reuse and recycling of ~~industrial wastewater~~ Industrial Wastewater and sludge from the POTW;

~~_____~~ (e) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws which the POTW is subject thereto.

~~_____~~ (f) This Chapter authorizes the issuance of individual City-issued industrial wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires User reporting.

8.301401 Applicability:

This Chapter shall apply to all Users of the POTW, whether inside or outside of the City limits, by contract, permit, or agreement with the City.

8.302402 General Sanitary Sewer Use Requirements

(1) Prohibited Discharge Standards:

~~_____~~ (a) General Prohibitions. No ~~user~~ User shall introduce or cause to be introduced into the POTW any ~~pollutant~~ Pollutant or ~~wastewater~~ Wastewater which will cause Interference or Pass Through. These general prohibitions apply to all Users of the POTW whether or not they are subject to ~~cateogorical~~ Categorical Pretreatment Standards

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or any other National, State, or local ~~pretreatment standards~~Pretreatment Standards or ~~requirements~~Requirements.

——(b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following ~~pollutants~~Pollutants, substances, or ~~wastewater~~Wastewater:

—————1) Pollutants which create fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flash point of less than 140°F (60°C) using the test methods prescribed in 40 CFR 261.21.

—————2) Solid or viscous substances in amounts which will obstruct the flow in the POTW resulting in Interference.

—————3) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

—————4) Waste streams having a pH less than 5.5 or more than 10.0, or which may otherwise cause corrosive structural damage to the POTW, City personnel or equipment. In cases where pH is continuously monitored, a violation is deemed to have occurred if the pH falls outside the 5.5 to 10.0 range more than 60 minutes in any one calendar day beginning at midnight and/or more than seven hours 26 minutes in any one calendar month, except that any ~~discharge~~Discharge below 5.0 or above 11.0 is a violation.

—————5) Pollutants, including oxygen-demanding ~~pollutants~~Pollutants (BODs, etc.) released at a flow rate and/ or ~~pollutant~~Pollutant concentration- which, either singly or by interaction with other ~~pollutants~~Pollutants, to ~~pass through~~Pass Through or ~~interfere~~Interfere with the POTW, any ~~wastewater~~Wastewater treatment or sludge process, or constitute a hazard to humans or animals.

—————6) Noxious or malodorous liquids, gases, or solids or other ~~wastewater~~Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the ~~sanitary sewers~~Sanitary Sewers for maintenance and repair.

—————7) Any substance which may cause the ~~treatment plant effluent~~Treatment Plant Effluent or any other residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance ~~discharged~~Discharged to the system cause the City to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act,

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the Toxic Substances Control Act, or other State requirements applicable to the sludge use and disposal practices being used by the City.

_____8) Any ~~wastewater~~Wastewater which imparts ~~color~~Color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions-, which consequently imparts ~~color~~Color to the ~~treatment plants~~Treatment Plants effluent thereby violating the City's NPDES ~~permit~~Waste Discharge Permit. Color (in combination with turbidity) shall not cause the ~~treatment plant effluent~~Treatment Plant Effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

_____9) Any ~~wastewater~~Wastewater having a temperature greater than 150°F(55°C), or which will inhibit biological activity in the ~~treatment plant~~Treatment Plant resulting in ~~interference~~Interference, but in no case ~~wastewater~~Wastewater which causes the temperature at the introduction into the ~~treatment plant~~Treatment Plant to exceed 104°F(40°C).

_____10) Any ~~wastewater~~Wastewater containing any radioactive waste or isotopes except as specifically approved by the Public Works Director in compliance with applicable State and Federal laws and regulations.

_____11) Any ~~pollutants~~Pollutants which result in the presence of toxic gases, vapor or fumes within the system in a quantity that may cause worker health and safety problems.

_____12) Any trucked or hauled ~~pollutants~~Pollutants.

_____13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, deionized water, ~~non-contacting cooling water~~Non-contact Cooling Water and unpolluted ~~industrial wastewater~~Industrial Wastewater, unless specifically authorized by the Public Works Director.

_____14) Sludges, screenings, or other residues from the pretreatment of ~~industrial~~Industrial wastes.

_____15) Medical ~~wastes~~Wastes, except as specifically authorized by the Public Works Director in a City-issued industrial wastewater discharge permit.

_____16) Material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfered with the POTW.

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_____17) Material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the Public Works Director.

_____18) Wastewater causing, alone or in conjunction with other sources, the ~~treatment plant effluent~~ Treatment Plant Effluent to fail toxicity test.

_____19) Recognizable portions of the human or animal anatomy.

_____20) Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

_____21)- ~~Any wastewater~~ Wastewater from dry cleaning machines.

_____22)- ~~Wastewater~~ Wastewater discharging from Dental facilities which contain mercury shall be provided with an approved amalgam separator.

_____23)- ~~Wastes~~ Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be ~~discharged~~ Discharged to the POTW.

(2) National Categorical Pretreatment Standards-.

_____ (a) Users must comply with the ~~categorical~~ Categorical Pretreatment Standards found in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein. The City shall recognize any variance to the Categorical Standards authorized by the DEQ under 40 CFR 403.13 for fundamentally difference factors from those considered by the EPA when developing the ~~categorical pretreatment standard~~ Categorical Pretreatment Standard.

_____ (b) When ~~wastewater~~ Wastewater subject to a ~~categorical pretreatment standard~~ Categorical Pretreatment Standard is mixed with ~~wastewater~~ Wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403 .6(e) using the combined waste stream formula.

_____ (c) Where a ~~categorical~~ Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a ~~pollutant~~ Pollutant in ~~wastewater~~ Wastewater, the City may impose equivalent concentration or mass limits in accordance with Section (1) and (2) of this section.

_____1) Equivalent Concentration Limits: When the limits

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in a ~~category~~Categorical Pretreatment Standard are expressed only in terms of mass of ~~pollutant~~Pollutant per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of ~~pollutant discharged~~Pollutant Discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

_____2) The City may convert the mass limits of the ~~category~~Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Public Works Director.

When converting such limits to concentration limits, the City will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 8.~~302~~402(6) of this Chapter. In addition, the City will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available.

_____3) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 8.~~302~~402(2) in lieu of the promulgated ~~category~~Categorical Standards from which the equivalent limitations were derived.

_____ (d) Many ~~category~~Categorical Pretreatment Standards specify one limit for calculating maximum daily ~~discharge~~Discharge limitations and a second limit for calculating maximum Monthly Average Limits, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

—(e) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the City within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the City of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(3) State Requirements. Users must comply with State requirements and limitations and ~~discharges~~Discharges to the POTW shall be met by all ~~users~~Users which are subject to such limitations in any instance in which they are more stringent ~~then~~than Federal requirements and limitations or those in this ~~ordinance~~Chapter.

(4) Local Limits.

_____ (a) Authority to Establish Local Limits: The City is authorized to

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establish Local Limits pursuant to 40 CFR 403.5(c). The Public Works Director may develop BMP's by ordinance or in individual City-issued industrial wastewater discharge permits to implement Local Limits and 8.032402.

————(b) Numerical Local Limits.

—————1) No nonresidential userUser shall discharge wastewaterDischarge Wastewater containing restricted substances into the POTW in excess of limitations specified in its Wastewater Discharge PermitCity-issued industrial wastewater discharge permit or adopted, by resolution, by the City. The Public Works Director shall publish and revise, from time to time, standards for specific restricted substances. These standards shall be developed in accordance with 40 CFR Section 403.5 and shall implement the objectives of this Chapter. Standards published in accordance with this Section will be deemed Pretreatment Standards for the purposes of Section 307(d) of the Act.

—————(a(c) At their discretion, the Public Works Director may impose mass limitations in addition to or in place of the concentration based limitations referenced above. The more stringent of either the categorical standardsCategorical Standards or the specific pollutantPollutant limitations for a given pollutantPollutant will be specified in the Wastewater Discharge PermitCity-issued industrial wastewater discharge permit.

—————(b(d) Specific effluent limits shall not be developed and enforced without individual notices to personsPersons or groups who have requested such notice and an opportunity to respond.

(5) City's Right to Revision. The City reserves the right to establish, by ordinance or in a City-issued industrial wastewater discharge permit, more stringent limitations or requirements or dischargesDischarges to the POTW if deemed necessary to comply with the objectives presented in this Chapter.

(6) Dilution. No userUser shall ever increase the use of process water, or in any way attempt to dilute a dischargeDischarge as a partial or complete substitute for adequate treatment to achieve compliance with a dischargeDischarge limitation unless expressly authorized by an applicable pretreatment standard,Pretreatment Standard or requirementRequirement. The City may impose mass limitations on Users who are using dilution to meet applicable pretreatment standardsPretreatment Standards or regulations, or in other cases when the impositions of mass limitation is appropriate.

(7) Authority to Condition or Deny Industrial Discharge. The City reserves the right to Condition or deny any, or all industrial dischargesIndustrial Discharges to the City Sanitary Sewer system.

8.304404 Pretreatment of Wastewater

WILSONVILLE CODE(1) Pretreatment Facilities.

——(a) Users shall provide necessary ~~wastewater~~Wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all ~~category~~Categorical Pretreatment Standards, Local Limits and the prohibitions set out in Section 8.~~302~~402, within the time limitations specified by the Public Works Director, EPA, or the State, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the ~~user's~~User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility.

——(b) The review of such plans and operating procedures will in no way relieve the ~~user~~User from the responsibility of modifying the facility as necessary to produce an acceptable ~~discharge~~Discharge to the City under the provisions of this Chapter.

(2) Additional Pretreatment Measures.

——(a) Whenever deemed necessary, the Public Works Director may require ~~users~~Users to restrict their ~~discharge~~Discharge during peak flow periods, designate that certain ~~wastewater~~Wastewater be ~~discharge~~Discharge only into specific ~~sanitary sewers~~Sanitary Sewers, relocate and/or consolidate points of ~~discharge~~Discharge, separate ~~sewage~~Sewage waste streams from ~~industrial~~Industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the ~~user's~~User's compliance with the requirements of this Chapter.

——(b) The City may require any ~~person~~Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. ~~An individual~~A City-issued industrial wastewater discharge permit may be issued solely for flow equalization.

——(c) Users with the potential to ~~discharge~~Discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, even though a City-issued industrial wastewater discharge permit is not issued.

(3) Accidental Discharge/Slug Discharge Control Plans. The City shall evaluate whether each SIU needs a ~~discharge~~Discharge/Slug ~~discharge~~Discharge control plan or other action to control Slug ~~discharges~~Discharges. The City may require any User to develop, submit for approval and implement such a plan or take such other action that may be necessary to control Slug Discharges.⁵ Alternatively, the City may develop such plan for any User.

——(a) An accidental ~~discharge~~Discharge/Slug ~~discharge~~Discharge plan shall address, at a minimum, the following:

——1) Description of ~~discharge~~Discharge practices; including

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non-routine batch ~~discharges~~Discharges.

—2) Description of stored chemicals.

—3) Procedures for immediately notifying the Public Works Director of any accidental or Slug ~~discharge~~Discharge, as required by this Chapter;

(4) ~~—~~ Procedures to prevent adverse impact from any accidental or Slug ~~discharge~~Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic ~~pollutants~~Pollutants, including solvents, and/or measures and equipment for emergency response.

(5) ~~—~~ Failure to comply with Spill/slug control plan conditions shall subject the permittee to enforcement action.

8.306—406 Industrial Wastewater Discharge Permit

(1) Authority to Require Data Disclosure. When requested by the Public Works Director, a ~~Users~~User whether operating under a City-issued industrial wastewater discharge permit or not; and whether the User meets the criteria of a ~~significant industrial user~~Significant Industrial User or not; the User must submit information on the nature and characteristics of all production processes; material storage, and their ~~wastewater~~Wastewater generated on site. The ~~user~~User must submit this data within thirty (30) days of the request. ~~—~~The Public Works Director is authorized to prepare a form for this purpose and may periodically require ~~industrial users~~Industrial Users to update this information.

(2) Wastewater Discharge Permit Requirement.

—(a) SIU Wastewater Discharge Permit Required. No ~~significant industrial users~~Significant Industrial Users shall ~~discharge~~Discharge to the POTW without first obtaining an individual City-issued industrial wastewater discharge permit from the Public Works Director, except that a SIU that has filed a timely application pursuant to Section 8.306406(3) of the ~~chapter~~Chapter may continue to ~~discharge~~Discharge for the period of time specified therein.

—(b) Other Users May Obtain City-Issued Industrial Wastewater Discharge Permit: The Public Works Director may require other ~~users~~Users, to obtain individual City-issued industrial wastewater discharge permits as necessary to carry out the purposes of this ~~chapter~~Chapter.

—(c) Violation of City-Issued Industrial Wastewater Discharge Permit. Any violation of the terms and conditions of ~~an individual~~a City-issued industrial wastewater discharge permit shall be deemed a violation of this Chapter and subjects the

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~~individual~~ wastewater discharge permittee to the sanctions set out in Sections 8.~~602~~502 through 8.~~606~~506 of this Chapter. Obtaining ~~an individual~~a City-issued industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(3) Permitting Existing Connections. Any ~~user~~User required to obtain an individual ~~discharge~~Discharge permit who was discharging ~~wastewater~~Wastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such ~~discharges~~Discharges in the future, shall within ninety (90) days after said date, apply to the City for an ~~individual~~industrial wastewater ~~discharge~~discharge permit in accordance with Section 8.~~306~~406(5) below, and shall not cause or allow ~~discharges~~Discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter except in accordance with the permit issues by the Public Works Director.

(4) Permitting New Connections. Any SIU proposing to begin or recommence discharging ~~industrial~~Industrial waste into the POTW must obtain a City-issued industrial wastewater ~~discharge~~discharge permit prior to beginning or recommending such ~~discharge~~Discharge. An application for this ~~individual~~City-issued industrial wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any ~~discharge~~Discharge will begin or recommence.

(5) Industrial Wastewater Discharge Permit Application Contents. All ~~users~~Users required to obtain ~~a individual~~City-issued industrial wastewater discharge permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The City may require Users to submit all or some of the following information as part of a permit application:

——(a) Identifying Information. The name, mailing address and location (if different from mailing address) of the facility, including the name of the operator and ~~owner~~Owner or Lessee, Contact information, descriptions of the activities, facilities, and plant production processes on the premises;

——(b) Environmental Permits. A list of any environmental control permits held by or for the facility;

——(c) Description of Operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes and rate of production) and Standard Industrial Classification (SIC) or North American Industry Classification System (NAIS) of the operations carried out by such ~~user~~User. This description should include a schematic process diagram which indicates pints of ~~discharge~~Discharge to the POTW -from the regulated processes, codes for ~~pretreatment~~Pretreatment the industry as a whole and any processes for which ~~categorical pretreatment standards~~Categorical Pretreatment Standards have been promulgated;

——(d) Types of waste generated and a list of all raw materials and

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chemicals used at the facility which are or could accidentally or intentionally ~~discharged~~Discharged to the POTW;

———(e) Number and type of employees, and hours of operation, and proposed or actual hours of operation;

———(f) Type and amount of raw materials processed (average and maximum per day);

———(g) Site plans, floor plans, mechanical and plumbing plans, and details to show all ~~sewers~~Sewers, floor drains and appurtenances by size, location and elevation and all points of ~~discharge~~Discharge;

———(h) Time and duration of the ~~discharge~~Discharge;

———(i) The location for monitoring all wastes covered by the permit;

———(j) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to use the combined waste stream formula in 40 CFR 403.6(e).

———(k) Measurement of Pollutants.

—————1) The ~~categorical~~Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

—————2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the City, of regulated ~~pollutants~~Pollutants in the ~~discharge~~Discharge from each regulated process.

—————3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

—————4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section ~~8.310~~410(10) of this Chapter. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.

—————5) Sampling must be performed in accordance with procedures set out in Section ~~8.310~~410(11) of this Chapter.

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(1) Any other information as may be deemed by the Public Works Director to be necessary to evaluate the permit application.

(6) Application Signatories and Certification.

—(a) All City-issued industrial wastewater discharge permit applications, ~~user~~User reports and certification statements must contain the following certification statement and be signed by an authorized representative of the ~~user~~User:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

—(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

—(c) A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the signed certification statement in Section 8.~~310~~410(14).

(7) City-Issued Industrial Wastewater Discharge Permit Decisions. The Public Works Director will evaluate the data furnished by the ~~user~~User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Public Works Director will determine whether or not to issue an ~~individual~~industrial wastewater discharge permit. The City may deny any application for ~~a~~an industrial wastewater discharge permit.

8.308—408 Industrial Wastewater Discharge Permit Issuance by the City

(1) Permit Duration. ~~Permits~~City-issued industrial wastewater discharge permits shall be issued for a specific time period not to exceed five (5) years. A City-issued industrial wastewater discharge permit may be issued for a period less than five (5) years at the discretion of the Public Works Director. Each permit will indicate a specific date on which it will expire.

(2) Permit Contents. ~~Wastewater~~City-issued industrial wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Public Works Director to prevent ~~pass through~~Pass Through or ~~interference~~Interference and to protect the quality of the water body receiving the ~~treatment plant's effluent~~Treatment Plant Effluent, protect worker

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health and safety, facility sludge management and disposal, and protect against damage to the POTW.

(a) ~~Wastewater Permits~~City-issued industrial wastewater discharge permits must contain:

1) A statement that indicates City-issued industrial wastewater discharge permit issuance date, expiration date and effective date;

2) A statement that the City-issued industrial wastewater discharge permit is nontransferable without prior notification to and approval from the City and provisions for furnishing the new ~~owner~~Owner or operator with a copy of the existing permit;

3) Effluent limits, including Best Management Practices, based on applicable standards in Federal, State, and local law;

4) Self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of ~~pollutants~~Pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

5) A statement of applicable civil and criminal penalties for violation of ~~pretreatment standards~~Pretreatment Standards and ~~requirements~~Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local laws; ~~and~~

6) ~~Requirement~~ Requirement to control Slug Discharges, if determined by the Public Works Director to be necessary. Significant Industrial Users are required to notify the Public Works Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

(b) ~~Wastewater Discharge Permits~~City-issued industrial wastewater discharge permits may contain, but need not be limited to, the following:

1) Limits on the average and/or maximum rate of ~~discharge~~Discharge, time of ~~discharge~~Discharge, and/or requirements for flow regulation and equalization;

2) Requirements for the installation of ~~pretreatment~~Pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of ~~pollutants~~Pollutants into the treatment works;

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_____3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine ~~discharges~~Discharges:-

_____4) Development and implementation of waste minimization plans to reduce the amount of ~~pollutants discharged~~Pollutants Discharged to the POTW;

_____5) The unit charge or schedule of ~~user~~User charges and fees for the management of the ~~wastewater discharged~~Wastewater Discharged into the POTW;

_____6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

_____7) A statement that compliance with permit does not relieve the permittee of responsibility for compliance with all applicable ~~federal and state pretreatment standards~~Federal and State Pretreatment Standards, including those which become effective during the term of the permit; and/or

_____8) Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this Chapter; and State and Federal laws, rules, and regulations; the term of the permit.

(3) Permit Issuance Process.

_____ (a) Permit Appeals. Any ~~person~~Person including the ~~industrial user~~Industrial User, may petition the City to reconsider the terms of the permit within ten (10) days of the issuance of the final permit.

_____ (b) Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.

_____ (c) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the permit.

_____ (d) The effectiveness of the permit shall not be stayed pending the appeal.

_____ (e) If the City fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider ~~a~~an industrial wastewater discharge permit, not to issue a permit, or not modify a permit shall be considered final administrative action for purposes of judicial review.

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—(f) Aggrieved parties seeking judicial review of administrative permit decisions must do so by complaint with the Circuit Court for Clackamas County, State of Oregon within thirty (30) days of the final administrative decision.

(4) Permit Modifications. The Public Works Director may modify the permit for good cause and at any time including, but not limited to, the following:

—(a) To incorporate any new or revised Federal, State, or local ~~pretreatment standards~~ Pretreatment Standards or ~~requirements~~ Requirements;

—(b) To address signification alterations or additions to the ~~industrial user's~~ Industrial User's operation, processes, or ~~wastewater~~ Wastewater volume or character since the time of permit issuance;

—(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized ~~discharge~~ Discharge;

—(d) Information indicating that the permitted ~~discharge~~ Discharge poses a threat to the POTW, City personnel, of the receiving waters;

—(e) Violation of the terms or conditions of the City-issued industrial wastewater discharge permit;

~~(f)~~ —(f) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;

~~(g)~~ —(g) Revision of or a grant of variance from ~~categoryal pretreatment standards~~ Categorical Pretreatment Standards pursuant to 40 CFR 401.13;

—(h) To correct typographical or other errors in the permit;

—(i) To reflect a transfer of the facility ownership and/or operation to a new ~~owner~~ Owner/operator/Lessee.

(5) Permit Transfer.

—(a) ~~Wastewater Discharge Permits~~ City-issued industrial wastewater discharge permits may be transferred to a new ~~owner~~ Owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Public Works Director and the Public Works Director approves the permit transfer. Failure to provide advance notice of a transfer renders the permit void as of the date of facility transfer, and the new ~~owner~~ Owner will be consider in violation of the City Codes for discharging without a permit. The notice must include a written certification to the new ~~owner~~ Owner which:

—1) States that the new ~~owner~~ Owner has no immediate intent to change the facility's operations and processes;

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_____2) Identifies the specific date on which the transfer is to occur; and

_____3) Acknowledges full responsibility for complying with the existing permit.

(6) Permit Revocation.

_____ (a) ~~Wastewater~~ City-issued industrial wastewater discharge permits may be revoked for the following reasons:

_____1) Failure to notify the City of significant changes to the ~~wastewater~~ Wastewater prior to the changed ~~discharge~~ Discharge;

_____2) Failure to provide prior notification to the City of changed conditions pursuant to Section 8.310410(5);

_____3) Misrepresenting or failure to fully disclose all relevant facts in the City-issued industrial wastewater discharge permit application;

_____4) Falsifying self-monitoring reports;

_____5) Tampering with monitoring equipment;

_____6) Refusing to allow the City timely access to the facility premises and records;

_____7) Failure to meet effluent limitations;

_____8) Failure to pay fines;

_____9) Failure to pay ~~sewer~~ Sewer charges;

_____10) Failure to meet compliance schedules;

_____11) Failure to complete a ~~wastewater~~ Wastewater survey or the City-issued industrial wastewater discharge permit application;

_____12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;

_____13) Violation of any ~~pretreatment standard~~ Pretreatment Standard or ~~requirement~~ Requirement or any terms of the permit or this Chapter;

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_____14) Upon cessation of operations; ~~or~~ or

_____15) Upon issuance of a new City-issued industrial wastewater discharge permit to the User.

(7) Permit Renewal. A User with an expiring City-issued industrial wastewater discharge permit shall apply for industrial wastewater discharge permit renewal by submitting a complete permit application, in accordance with Section 8.~~306~~406 of this Chapter, a minimum of ninety (90) days prior to the expiration of the User’s existing City-issued industrial wastewater discharge permit. The existing permit shall remain in effect until the renewed permit is issued, providing the User has submitted the renewal application ninety (90) days prior to the expiration of the User’s existing City-issued industrial wastewater discharge permit. If the User did not comply with the renewal application submittal criteria, the User will not be authorized to continue discharging past the expiration date of the existing permit without the written authorization of the City.

(8) Regulation of Wastewater Received From Other Jurisdictions.

~~(a)~~ _____(a) The City may accept ~~wastewater~~Wastewater from individual ~~industrial users~~Industrial Users located in other jurisdictions, or other municipalities under the following conditions:

_____1) Municipalities – the municipality must develop and implement a ~~sanitary sewer~~Sanitary Sewer use ordinance that meets, or exceeds, the Wilsonville Industrial Wastewater Regulations, Chapter 8. The municipality must submit their request in writing and the request for Extra-Jurisdictional ~~wastewater~~Wastewater treatment a list of ~~industrial users~~Industrial Users within their jurisdiction, the nature and volume of the ~~industrial discharges~~Industrial Discharges, the combined ~~discharge~~Discharge from the municipality that will be treated by the Wilsonville ~~wastewater treatment plant.~~Wastewater Treatment Plant. Municipalities will not be issued industrial wastewater discharge permits. Municipalities must enter into an Extra-Jurisdictional Agreement between the City of Wilsonville and the requesting municipality.

_____2) Extra-Jurisdictional Industrial Users – the ~~industrial user~~Industrial User must submit a ~~Wastewater Permit Application~~an industrial wastewater discharge permit application to the City. The Industrial User must agree to comply with the terms and conditions of the permit, including right-of-entry for purposes of inspection, and sampling, enforcement actions specified in the permit.

_____ (b) An inter-jurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:

_____1) A requirement for the contributing municipality to adopt a ~~sanitary sewer~~Sanitary Sewer use ordinance which is at least as stringent

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as this Chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 8.302402 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Wilsonville ~~ordinance~~Code Chapter 8 or Local Limits;

_____2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

_____3) A provision specifying which ~~pretreatment~~Pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;

_____4) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its ~~pretreatment~~Pretreatment activities;

_____5) Limits on the nature, quality, and volume of the contributing municipality's ~~wastewater~~Wastewater at the point where it ~~discharges~~Discharges to the POTW;

_____6) Requirements for monitoring the contributing municipality's ~~discharge~~Discharge;

_____7) A provision ensuring the City access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and

_____8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.

_____9) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the inter-jurisdictional agreement should specify that Wilsonville shall have the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against ~~dischargers~~the Person who Discharges in the event the contributing jurisdiction is unable or unwilling to take such action.

8.310410 Reporting Requirements

~~(1)~~ ~~(1)~~ Baseline Monitoring Reports.

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~~(a)~~ ~~_____~~ ~~(a)~~ Users that become subject to new or revised ~~category~~ Categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated a Non-Significant Categorical Industrial Users.

~~_____~~ ~~(b)~~ Within either 180 days after the effective date of a ~~category~~ Categorical Pretreatment Standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical ~~industrial users~~ Industrial Users currently discharging to or scheduled to ~~discharge~~ Discharge to the POTW shall submit to the City a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their ~~discharge, new sources~~ Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable ~~category~~ Categorical Standard- shall be required to submit to the City a report which contains the information listed in paragraph (b) below. A ~~new source~~ New Source shall report the method of ~~pretreatment~~ Pretreatment it intends to use to meet applicable ~~category standards~~ Categorical Standards. A ~~new source~~ New Source shall also give estimates of its anticipated flow and quantity of ~~pollutants discharged~~ Pollutants Discharged.

~~_____~~ ~~(c)~~ Users described above shall submit the information set forth below:

~~_____~~ ~~1)~~ All information required in Section 8.~~306~~ 406(2) through Section 8.~~306~~ 406(7); and

~~_____~~ ~~2) Measurement of Pollutant.~~

~~2) Measurement of Pollutant.~~ The City may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for ~~industrial pretreatment~~ Industrial Pretreatment measures;

~~_____~~ ~~(a)~~ ~~(d)~~ The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

~~_____~~ ~~(b)~~ ~~(e)~~ Samples should be taken immediately downstream from ~~pretreatment~~ Pretreatment facilities if such exist or immediately downstream from the regulated process if no ~~pretreatment~~ Pretreatment exists. If other ~~wastewaters~~ Wastewaters are mixed with the regulated ~~wastewater~~ Wastewater prior to ~~pretreatment~~ Pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

~~_____~~ ~~(e)~~ ~~(f)~~ Sampling and analysis shall be performed in accordance with

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Section 8.310410(10);

—(d)(g) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutantPollutant Discharges to the POTW;

—(e)(h) Compliance Certification. A statement, reviewed by the User’s authorized representative and certified to be a qualified professional, indicating whether pretreatment standardsPretreatment Standards are being met on a consistent basis, and, if not, whether additional Operations and maintenance (O&M) and/or additional pretreatmentPretreatment is required in order to meet pretreatment standardsPretreatment Standards and requirementsRequirements;-

—(f)(i) Compliance Schedule. If additional pretreatmentPretreatment and/or O&M will be required to meet the pretreatment standardsPretreatment Standards; the shortest possible schedule by which the industrial userIndustrial User will provide such additional pretreatmentPretreatment and/or O&M. The completion date in this schedule not be later than the compliance date established for the applicable pretreatment standard.Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 8.310410(2) of this Chapter; and

—(g)(j) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 8.310410(3) and signed by an Authorized Representative.

The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutantPollutant Discharges to the POTW.

(2) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 8.310410(1) of this Chapter:

—(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatmentPretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

—(b) No increment referred to above shall exceed nine (9) months;

—(c) The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the

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reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

~~(d)~~ ~~(d)~~ In no event shall more than nine (9) months elapse between such progress reports to the City.

~~(e)~~ ~~(3)~~ Reports on Compliance with Categorical Pretreatment Standard Deadline.

~~1)~~ ~~a)~~ Within ninety (90) days following the date for final compliance with applicable ~~categorical~~ Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of ~~wastewater~~ Wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 8.~~306~~406(5) of this Chapter. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 8.~~302~~402(2), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to ~~categorical~~ Categorical Pretreatment Standards expressed in terms of allowable ~~pollutant discharge~~ Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.~~310~~410(14) of this Chapter. All sampling will be done in conformance with Section 8.~~310~~410.

~~(4)~~ Periodic Compliance Reports.

~~2)~~ Periodic Compliance Reports. All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 8.~~310~~(410)(14).

~~(a)~~ ~~(f)~~ Except as specified in Section 8.~~310~~(410)(14), all Significant Industrial Users must, at a frequency determined by the City submit no less than twice per year (June and December, or on dates specified, reports indicating the nature, concentration of ~~pollutants~~ Pollutants in the ~~discharge~~ Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

~~(b)~~ ~~(g)~~ All periodic compliance reports must be signed and certified in accordance with Section 8.~~310~~410(14) of this Chapter.

~~(c)~~ ~~(h)~~ All ~~wastewater~~ Wastewater samples must be representative of the User's ~~discharge~~ Discharge. Wastewater monitoring and flow measurement facilities shall

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be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its ~~discharge~~Discharge.

—~~(d)~~(i) If a User subject to the reporting requirement in this Section monitors any regulated ~~pollutant~~Pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section ~~8.310410~~(11) of this Chapter, the results of this monitoring shall be included in the report.

(5) Report of Changed Conditions. Each ~~user~~User must notify the Public Works Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume at least thirty (30) days before the change.

—(a) The Public Works Director may require the ~~user~~User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of ~~a~~an industrial wastewater ~~discharge~~discharge permit application under Section ~~8.306406~~(5), if necessary.

—(b) The Public Works Director may issue ~~a~~an industrial wastewater ~~discharge~~discharge permit under Section ~~8.308408~~(7) or modify an existing City-issued industrial wastewater discharge permit under Section ~~8.308408~~(4) in response to changed conditions or anticipated changed conditions.

(6) Reports of Potential Problems.

—(a) In the case of any ~~discharge~~Discharge, including but not limited to accidental ~~discharge~~Discharge non-routine, episodic nature, a non-customary batch ~~discharge~~Discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW the ~~user~~User shall immediately telephone and notify the City of the incident. This notification shall include the location and ~~discharge~~Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the ~~user~~User.

—(b) Within five (5) days following an accidental ~~discharge~~Discharge, the ~~user~~User shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the ~~discharge~~Discharge and the measures to be taken by the ~~user~~User to prevent similar future occurrences. Such notification shall not relieve the ~~user~~User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to ~~person~~Person or property; nor shall such notification relieve the ~~user~~User of any fines, civil penalties, or other liability which may be imposed by this Chapter.

—(c) A notice shall be permanently posted on the ~~user's~~User's bulletin board or other prominent place advising employees who to call in the event of an

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accidental ~~discharge~~Discharge as described above. Employers shall ensure that all employees who may cause or suffer such a ~~discharge~~Discharge to occur are advised of all the emergency notification procedures.

——(d) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Reports from Un-Permitted Users. All ~~users~~Users not required to obtain an ~~an~~individual City-issued industrial wastewater ~~discharge~~discharge permit shall provide appropriate reports to the City as the Public Works Director may require.

(8) Notice of Violation/Repeat Sampling and Reporting.

——(a) If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation.

(9) Notification of the Discharge of Hazardous Waste.

——(a) Any User who commences the ~~discharge~~Discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division City, and State hazardous waste authorities, in writing, of any ~~discharge~~Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of ~~discharge~~Discharge (continuous, batch, or other). If the User ~~discharges~~Discharges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream ~~discharged~~Discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be ~~discharged~~Discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the ~~discharge~~Discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste ~~discharged~~Discharged. However, notifications of changed conditions must be submitted under Section 8.~~310~~410(5) of this Chapter. The notification requirement in this Section does not apply to ~~pollutants~~Pollutants already reported by Users subject to categoricalCategorical Pretreatment Standards under the self-monitoring requirements of Sections 8.~~310~~410(1), 8.~~310~~410(3), and 8.~~310~~410(4) of this Chapter.

——(b) ~~Dischargers~~Persons who Discharge are exempt from the requirements of paragraph A, above, during a calendar month in which they ~~discharge~~Discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e).

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Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User ~~discharges~~Discharges more than such quantities of any hazardous waste do not require additional notification.

——(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the City, the EPA Regional Waste Management Waste Division City, and State hazardous waste authorities of the ~~discharge~~Discharge of such substance within ninety (90) days of the effective date of such regulations.

——(d) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

——(e) This provision does not create a right to ~~discharge~~Discharge any substance not otherwise permitted to be ~~discharged~~Discharged by this Chapter, a permit issued hereunder, or any applicable Federal or State law.

(10) Analytical Requirements. All ~~pollutant~~Pollutant analyses, including sampling techniques, to be submitted as part of a City-issued industrial wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable ~~category~~Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the ~~pollutant~~Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the ~~pollutant~~Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA.

(11) Sample Collection.

——(a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

——(b) The City shall establish the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.

——(c) Except as indicated in Section (d) and (e) below, the User must collect ~~wastewater~~Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is

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authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the ~~discharge~~Discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple ~~grab samples~~Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows:

_____1) For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field;

_____2) For volatile organics and oil and grease, the samples may be composited in the laboratory.

_____3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, ~~grab samples~~Grab Samples may be required to show compliance with Instantaneous Limits.

_____ (d) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

_____ (e) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 8.~~310~~410(1) and 8.~~310~~410(3), a minimum of four (4) ~~grab samples~~Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by paragraphs Section 8.~~310~~410(4), the Industrial User is required to collect the number of ~~grab samples~~Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(12) Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 8.~~302~~402(4). Records shall include the date, exact place, method, and time of sampling, and the name of the ~~person~~Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning

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the User or the City, or where the User has been specifically notified of a longer retention period by the City.

(14) Certification Statements.

_____ (a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section ~~8.306406(6);~~; Users submitting baseline monitoring reports under Section ~~8.310410(1);~~; Users submitting reports on compliance with the ~~eategorical~~Categorical Pretreatment Standard deadlines under Section ~~8.310410(3)~~; Users submitting periodic compliance reports required by Section ~~8.310410(4);~~; and Users submitting an initial request to forego sampling of a ~~pollutant~~Pollutant on the basis of Section ~~8.310410(4)~~. The following certification statement must be signed by an Authorized Representative:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

_____ (b) Annual Certification for Non-Significant Categorical Industrial Users - A facility determined to be a Non-Significant Categorical Industrial User by the City must annually submit the following certification statement signed in accordance with the signatory requirements in Section ~~8.310410(14)~~. This certification must accompany an alternative report required by the City:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the ~~eategorical~~Categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 8.006 (~~81)(b)-(1)-(0)-(3-).~~).

_____ 2) The facility complied with all applicable Pretreatment Standards and ~~requirements~~Requirements during this reporting period; and

3) The facility never ~~discharged~~Discharged more than 100 gallons of total categorical ~~wastewater~~Wastewater on any given day during this reporting period.

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4) The Facility never ~~discharged~~Discharged concentrated untreated ~~wastewater.~~Wastewater.”

8.312412 Compliance Monitoring(1) Right of Entry; Inspection and Sampling.

——(a) The City, an authorized representative of the ~~US~~US EPA and/or authorized representative of the Oregon DEQ shall have the right to enter the premises of any ~~user~~User to ascertain whether the purpose of this Chapter is being met and all requirements are being ~~complied with~~met. Users shall allow authorized personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

——(b) Where a ~~user~~User has security measures in force that require proper identification and clearance before entry into their premises, the ~~industrial user~~Industrial User shall make necessary arrangements with its security guards, so that upon presentation of suitable identification, personnel from the City, State and ~~US~~US-EPA will be permitted to enter, without delay, for the purposes of performing specific responsibilities.

——(c) The City, State, and ~~US~~US-EPA shall have the right to set up or require installation of, on the ~~industrial user's~~Industrial User's property, such devices as are necessary to conduct sampling, and/or metering of the ~~user's~~User's operations.

——(d) The City may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure ~~wastewater~~Wastewater flow and quality shall be calibrated annually to ensure their accuracy. The location of the monitoring facilities shall provide ample room in or near the monitored facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the City's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the City to perform independent monitoring activities.

——(e) Any temporary or permanent obstruction to safe and easy access to the ~~industrial~~Industrial facility to be inspected and/or sampled shall be promptly removed by the ~~industrial user~~Industrial User at the written or verbal request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the ~~user~~User.

——(f) Unreasonable delays in allowing the City access to the ~~user's~~User's premises shall be a violation of this Chapter.

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(2) Search Warrants.— If the Public Works Director has been refused access to a building, structure or property or any part thereof, and if the Public Works Director has probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect as part of a routine inspection program of the City designed to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Municipal Court Judge of the City may issue a search and/or seizure warrant describing herein the specific location subject to the warrant. The warrant shall specify what, if anything, may be search and/or seized on the property described. Such warrant shall be served at reasonable hours by the Public Works Director in the company of a uniformed police officer of the City.

8.314414 Confidential Information

~~(1)~~ Information and data on a User obtained from reports, surveys, City-issued industrial wastewater discharge permit applications, ~~individual~~City-issued industrial wastewater discharge ~~permits~~permit, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or ~~pretreatment~~Pretreatment program, and in enforcement proceedings involving the ~~person~~Person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

8.316416 Publication of Users in Significant Noncompliance

(1) The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section and shall mean:

—(a) Chronic violations of ~~wastewater discharge~~Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same ~~pollutant~~Pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 8.~~302~~402;

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——(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of ~~wastewater~~Wastewater measurements taken for each ~~pollutant~~Pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 8.~~302~~402 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other ~~pollutants~~Pollutants except pH);

——(c) Any other violation of a Pretreatment Standard or Requirement as defined by Section 8.~~302~~402 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other ~~discharges~~Discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

——(d) Any ~~discharge~~Discharge of a ~~pollutant~~Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City exercise of its emergency authority to halt or prevent such a ~~discharge~~Discharge;

——(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in ~~an individual~~a City-issued industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

——(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with ~~categorical~~Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

——(g) Failure to accurately report noncompliance; or

——(h) Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local ~~pretreatment~~Pretreatment program.

~~8.318~~418 **Affirmative Defense**

(1) Upset.

——(a) For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with ~~categorical~~Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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——(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with ~~ategorical~~Categorical Pretreatment Standards if the requirements of paragraph (c), below, are met.

——(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

——1) An upset occurred and the User can identify the cause(s) of the upset;

——2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

——3) The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

——a) A description of the ~~indirect discharge~~Indirect Discharge and cause of noncompliance;

——b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

——c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

——(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

——(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with ~~ategorical~~Categorical Pretreatment Standards.

——(f) Users shall control production of all ~~discharges~~Discharges to the extent necessary to maintain compliance with ~~ategorical~~Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited Discharge Standards. User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibition and the

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specific prohibitions in Section 8.~~302~~402 of this ~~chapter~~Chapter if it can prove it did not know or have reason to know that its ~~discharge~~Discharge alone or in conjunction with other ~~discharges~~Discharges, would cause ~~pass-through~~Pass Through or ~~interference~~Interference and that either~~:-:-~~:

——(a) A local limit exists for each ~~pollutant discharged~~Pollutant Discharged and the ~~user~~User was in compliance with each limit directly prior to and during the ~~pass-through~~Pass Through or ~~interference~~Interference; or

——(b) No local limit exists, but the ~~discharge~~Discharge did not change substantially in nature or constituents from the ~~user's~~User's prior ~~discharge~~Discharge when the City was regularly in compliance with the NPDES ~~permit~~Waste Discharge Permit, and in the case of ~~interference~~Interference, in compliance with applicable sludge use or disposal requirements.

(3) Bypass.

——(a) For the purposes of this Section~~:-~~:

—————1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.

—————2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

——(b) A User may allow any bypass to occur which does not cause ~~pretreatment standards~~Pretreatment Standards or ~~requirements~~Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of (c) and (d).

——(c) Bypass Notification~~:-~~:

—————1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible at least ten (10) days before the date of the bypass.

—————2) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Public Works Director within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not

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been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

—(d) Bypass is prohibited, and the Public Works Director may take enforcement action against an Industrial User for a bypass, unless;

—————1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

—————2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintaining during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

—————3) The Industrial User submitted notices as required under paragraph (c) of this section.

—————4) The Public Works Director may approve an anticipated bypass after considering its adverse ~~affects~~effects, if the Public Works Director determines that it will meet paragraph ~~(3)(d)-(1)~~(1) of this Section.

8.320420 Pretreatment Charges and Fees

(1) The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City’s Pretreatment Program, which may include:

——(a) Fees for City-issued industrial wastewater discharge permit applications including the cost of processing such applications;

——(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User’s ~~discharge~~Discharge;

~~(c)~~——(e) Fees for reviewing monitoring reports and certification statements submitted by Users;

~~(d)~~——(d) Fees for reviewing and responding to slug ~~discharge~~color;

~~(e)~~ Discharge procedures and construction;

~~(f)~~——(e) Fees for filing appeals;

~~(g)~~——(f) Fees to recover administrative and legal costs (not included

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in Section 8.~~604~~504, Section 8.~~606~~506 and 8.~~316~~416) associated with the enforcement activity taken by the City to address IU noncompliance; and

(h) — ~~(g)~~ — Other fees as the City may deem necessary to carry out the requirements contained herein.

(2) These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the City.

WILSONVILLE CODE**ENFORCEMENT****SOLID WASTE DISPOSAL****8.400 Garbage—General Regulations.**

~~(1) — The regulation of the disposal and hauling of garbage in the City under the provisions of this Code shall be under the supervision of the City Council or an agent or employee of the City, duly assigned by the City Council and the powers and duties of said Council or as designated shall include, though not exclusively, authority to conduct periodic inspections to insure full compliance with terms and provisions of these sections and to arbitrate or provide for arbitration of any and all disputes arising between the Garbage Contractor or Garbage Franchisee of the City and the citizens of the City.~~

~~(2) — It shall be unlawful for any person in possession, charge or in control of any dwelling, apartment, trailer camp, restaurant, camp, place of business or manufacturing establishment where garbage is created or accumulated, to fail at all times to keep portable cans or containers of standard type and construction and to deposit said garbage therein, provided however, that stiff paper products and wooden or metal waste matter may remain outside of cans or containers, if neatly and orderly stored. Said cans or containers for garbage shall be strong, watertight, rodent proof, insect proof and be of capacity approved by the City and shall have tight fitting lids. Said cans or containers shall be kept tightly closed at all times except when being emptied or filled and shall be kept and maintained at a place or places reasonably accessible to garbage haulers at first floor or ground level. Recyclable materials containers may be open if the materials are not likely to attract animals.~~

~~(3) — It shall be unlawful to burn, dump, collect, remove or in any other manner accumulate or dispose of garbage upon any street, alley, public place or private property, within the City, otherwise than as herein provided. Waste paper, rubbish and debris, brush, grass, wood and cuttings from trees, but excepting paper, cardboard or wood containers in commercial quantities, may be burned in furnaces, outside fireplaces or incinerators on private property in keeping with State and County laws, or upon special permit from the fire chief of the City, they may be burned in open fires. It shall always be unlawful to burn, within City limits, any wet garbage or other substance which creates foul or obnoxious orders. Any unauthorized accumulation of garbage on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage within thirty (30) days after the effective date of this Code shall be deemed in violation of this Section.~~

~~(4) — It shall be unlawful for any person to haul garbage upon the streets and public thoroughfares of the City, except as otherwise provided herein.~~

~~(5) — All persons in the City are hereby required to dispose of all perishable garbage before the same shall become offensive and to dispose of all non perishable garbage promptly and not permit the same to accumulate on or about the premises and to dispose of the same by burning, burying or such manner as shall not create a nuisance and as permitted by these sections.~~

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~~(6) — Any person may transport garbage produced by himself or itself upon the streets of the City provided that such garbage must be hauled in such manner as to prevent leakage or litter upon the streets and must be deposited upon designated dumping grounds or disposed of in a manner not inconsistent with these sections.~~

~~(7) — Except as provided herein, it shall be unlawful for any person, firm or corporation, other than a person, firm or corporation under contract with the City as provided in Section 8.402 of this Code to gather and haul garbage over the streets of the City.~~

8.402 Garbage — Contract Garbage Hauler

~~(1) — The Mayor of the City is hereby authorized and directed to enter into a contract with a person, firm or corporation for a period of five (5) successive years from and after the effective date of this Code granting to the said person, firm or corporation the exclusive right to collect, convey or dispose of all garbage as herein defined and which accumulates in the City. The terms and conditions of such contract to be first approved by the City Council. Upon expiration of said contract by the lapse of time or otherwise the Mayor of the City is hereby authorized to enter into a renewal contract or other contracts with other persons, firms, or corporations as may be required for the collection, conveyance, removal and disposal of garbage within the City.~~

~~(2) — For the right to collect and haul garbage over the streets of the City, the Contractor shall pay to the City as a license and inspection fee, annually, and in advance, an amount equal to three percent (3%) of the gross revenue collected by the Contractor for garbage collections services; and fee to be based upon the prior year's gross revenue.~~

~~(3) — The rates and compensation for the service rendered by the contract garbage hauler shall be reasonable and uniform and shall not be in excess of a schedule of charges and compensation to be fixed by the contract. Provided that such rates and charges may be changed from time to time after negotiations with the Contractor.~~

8.404 Garbage — Violation:

~~Any person violating any of these terms of this Chapter shall upon a first conviction thereof, be punished for a violation pursuant to Section 1.012 of the Wilsonville Code and upon a subsequent conviction thereof, be punished for a Class C Misdemeanor pursuant to Section 1.011 of the Wilsonville Code. In addition, upon a conviction, a person shall be liable for the costs of prosecution.~~

WILSONVILLE CODE**8.502 ~~STORMWATER~~****8.5008.300 ~~General Provisions~~**

(1) ~~Purpose.~~ Provides for the building of and connection to public stormwater facilities and for the uniform regulation of discharges to the public stormwater system through the issuance of permits and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) ~~Application to Users within and outside of City limits.~~ Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the public stormwater system.

8.5028.302 ~~Stormwater System Construction~~

(1) ~~No unauthorized person shall uncover, make any connections to or opening into the public stormwater system, use, alter or disturb any storm sewer lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the owner or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City's authorized stormwater representative.~~

(2) ~~All costs and expenses incidental to the installation and connection of stormwater facilities shall be borne by the owner. The owner shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of stormwater facilities or connections to the public stormwater system.~~

(3) ~~The size, slope, alignment, construction materials of stormwater facilities, and the methods to be used excavating, placing of the pipe or other facilities, jointing, testing and backfilling the trench, shall all conform to the requirements of the State of Oregon Plumbing Specialty Code and other applicable rules and regulations of the City, including the City's Public Works Standards.~~

(4) ~~The connection of the stormwater facilities to the public stormwater system shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City, including the City's Public Works Standards. Any deviation from prescribed procedures and materials must be approved by the City's authorized stormwater representative before installation.~~

(5) ~~The applicant shall notify the City's authorized stormwater representative when the stormwater facilities are ready for inspection. The connection shall be made under the supervision of the City's authorized stormwater representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the applicant's or owner's expense in a manner satisfactory to the City, in accordance with the City's requirements.~~

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~~(6)(1) All excavations for stormwater facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.~~

8.5048.304 Use of Public Stormwater System

~~(1) — No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb, any public stormwater system or appurtenance thereof without first obtaining written permission from the City.~~

~~(2) — Stormwater shall be discharged to storm sewers and natural outlets under the authority and regulations of the NPDES Municipal Stormwater Permit Program, administered by the Oregon Department of Environmental Quality.~~

~~(3) — No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the public stormwater system.~~

~~(4) — It shall be unlawful to discharge in or into any natural outlet or stormwater sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any sewage or other polluted water.~~

~~(5)(1) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.~~

8.506 Public Stormwater System — Property Damage Prohibited

~~(1) — No unauthorized person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the public stormwater system. Any person violating this provision and as a result thereof damages any part of the public stormwater system, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in ORS 164.345 through 164.365.~~

8.508 Right of Entry

~~(1) — Where it is necessary to perform inspections, measurements, sampling and/or testing, to enforce the provisions of this code, or where the City's authorized stormwater representative has reasonable cause to believe that there exists upon the premises a condition which is contrary to or in violation of this code which makes the premises unsafe, dangerous or hazardous, the City's authorized stormwater representative is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this code. Provided, however, that if such premises is occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the City's authorized stormwater representative shall first make a reasonable effort to locate the owner or other person having charge or control of the~~

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~~premises and request entry. If entry is refused, the City's authorized stormwater representative shall have recourse to the remedies provided by law to secure entry.~~

~~(2) — The premises shall be maintained in a safe condition by the owner or a person having charge or control of the premises and upon contact by the City's authorized stormwater representative the owner or a person having charge or control of the premises shall have a duty to notify City's authorized stormwater representative of any safety rules or unsafe conditions applicable to the premises.~~

~~(3) — Not with standing, Section 8.508(1) above, the City's authorized stormwater representative shall be permitted to enter all private properties through which the City holds an easement, according to the terms of the easement. Any storm water facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.~~

8.510 Discharge of Pollutants

~~(1) — The commencement, conduct, or continuance of any non stormwater discharge to the public stormwater system is prohibited and is a violation of this ordinance, except as described below.~~

~~(2) — The prohibition shall not apply to any non stormwater discharge permitted or approved under an Industrial or Municipal NPDES Stormwater permit, waiver, or discharge order issued to the discharger and administered by the DEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, or discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any discharge to the municipal separate storm wastewater system (MS4).~~

~~(a) — Except as provided in subsection (3), the prohibition shall not apply to the following non stormwater discharges to the public stormwater system: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the MS4, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, street wash water, and flows from firefighting.~~

~~(b) — "Street wash water" is defined for purposes of this section to be water that originates from publicly financed street cleaning activities consistent with the City's NPDES municipal stormwater permit.~~

~~(c) — Discharge of flows to the public or private stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.~~

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~~(3) — The City may require best management practices to reduce pollutants, or may prohibit a specific discharger from engaging in a specific activity identified in subsection (2) if at any time the City determines that the discharge is, was, or will be a significant source of pollution.~~

8.512 — Discharge in Violation of Permit

~~Any discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such discharge.~~

8.514 — Waste Disposal Prohibitions

~~(1) — No person may cause or contribute to pollution, including but not limited to any refuse, rubbish, garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, sediment or sediment laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations in or to the public stormwater system.~~

~~(2) — Runoff from commercial or industrial operations or businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not discharge directly to a private or public stormwater system except as allowed under Section 8.510 of this code; this includes but is not limited to outdoor commercial, industrial or business activities that create airborne particulate matter, process by products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities discharges directly or indirectly to a private or public stormwater system.~~

8.516 — General Discharge Prohibitions

~~(1) — It is unlawful to discharge or cause to be discharged directly or indirectly into the public stormwater system any of the following:~~

- ~~(a) — Any discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);~~
- ~~(b) — Any discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic chemicals in toxic concentrations;~~
- ~~(c) — Any discharge which causes or may cause damage, interference, nuisance or hazard to the public stormwater system or the City personnel; and~~
- ~~(d) — Any discharge containing human sanitary waste or animal feces.~~

WILSONVILLE CODE**8.518 Compliance with Industrial NPDES Stormwater Permits**

~~Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES Stormwater permit issued by the Oregon DEQ, from which pollutants may enter the public or private stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by State and Federal regulations. Proof of compliance with said permits may be required in a form acceptable to the City prior to issuance of any grading, building, occupancy permits or business license.~~

8.520 Compliance with Local, State, and Federal Regulations

~~All users of the public stormwater system and any person or entity whose actions may affect the system shall comply with all applicable local, state and federal laws. Compliance with the requirements of this chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, state and federal, state laws.~~

8.522 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

~~Any provisions or limitation of this chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, state and federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.~~

8.524 Accidental Spill Prevention and Control

~~Accidental spills and releases by dischargers who are not required to obtain a NPDES Stormwater permit but who handle, store or use hazardous or toxic substances or discharges prohibited under Section 8.512 and there is a reportable quantity as defined in OAR 340-142-0050, on their sites shall prepare and submit to the City an Accidental Spill Prevention and Control Plan within 60 days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this Section.~~

8.526 Notification of Spills

~~(1) — As soon as any person in charge of a facility or responsible for emergency response for a facility becomes aware of any suspected, confirmed, or unconfirmed release of material, pollutants, or waste creating a risk of discharge to the public stormwater system, such persons shall:~~

- ~~(a) — Begin containment procedures;~~
- ~~(b) — Notify proper emergency personnel in case of an emergency;~~
- ~~(c) — Notify appropriate city and/or state officials regarding the nature of the spill; and~~

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~~(d) Follow up with the city regarding compliance and modified practices to minimize future spills, as appropriate.~~

~~(2) The notification requirements of this section are in addition to any other notification requirements set forth in local state, or Federal regulations and laws. The notification requirements do not relieve the person of necessary remediation.~~

8.528 Requirement to Eliminate Illicit Connections

~~(1) The City's authorized stormwater representative may require by written notice that a person responsible for an illicit connection to the public stormwater system comply with the requirements of this chapter to eliminate the illicit connection or secure approval for the connection by a specified date.~~

~~(2) If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illicit discharge will no longer occur, that person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.~~

8.530 Requirement to Remediate

~~Whenever the City finds that a discharge of pollutants is taking place or has taken place which will result in or has resulted in pollution of stormwater or the public stormwater system, the City's authorized stormwater representative may require by written notice to the responsible person that the pollution be remediated and the affected property restored, to the requirements of this Chapter.~~

8.532 Requirement to Monitor and Analyze

~~Whenever the City's authorized stormwater representative determines that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or illicit discharges to the public stormwater system, the City's authorized stormwater representative may, by written notice, order that such person undertake such monitoring activities and/or analyses and furnish such reports as the City's authorized stormwater representative may deem necessary to demonstrate compliance with this chapter. The written notice shall be served either in person or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required including but not limited to, that which may be undertaken by a third party independent monitor, sampler and/or tester. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order.~~

8.534 Erosion Prevention and Sediment Control

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(1) ~~Any person performing construction work in the city shall comply with the provisions of this chapter and shall provide and maintain erosion and sediment controls that prevent discharges of pollutants to the public stormwater system. Any person performing construction work in the city shall comply with the City's Public Works Standards which establishes standards and guidelines for implementing Best Management Practices designed to provide erosion prevention and sediment control from construction sites.~~

(2) ~~The City's authorized stormwater representative may make periodic inspections to ensure compliance with the requirements of the Public Works Standards.~~

8.536 Stormwater Violation

~~Any person violating any of the terms of this Section shall upon a first conviction thereof, be subject to the violation fine provisions pursuant to City Code Chapter 1.012 of the Wilsonville Code and upon a subsequent conviction thereof, shall be subject to the Class C Misdemeanor fine provisions pursuant to City Code Chapter 1.011. In addition, upon a conviction, a person shall be liable for the costs of prosecution.~~

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ENFORCEMENT

8.602 Administrative Enforcement Remedies

(1) Enforcement. In addition to the imposition of civil penalties, the City shall have the right to enforce ~~this Chapter~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420 by injunction, or other relief, and seek fines, penalties and damages in Federal or State courts. Any ~~discharge~~ Discharge that fails to comply with the requirements of these rules and regulations or provisions of its City-issued industrial wastewater discharge permit may be subject to enforcement actions as prescribed in Section 8.602502(2) through Section 8.602502(9) below.

(a) The City is hereby authorized to adopt, by ordinance or resolution, an Enforcement Response Plan, with procedures and schedules of fines, to implement the provisions of this Section.

(b) The type of enforcement action shall be based, but not limited by the duration and the severity of the violation; impacts on water quality, sludge disposal, ~~interference~~ Interference, work health and safety; violation of the City's NPDES ~~discharge permit~~ Waste Discharge Permit. Enforcement shall, generally, be escalated in nature.

(2) Notification of Violation.— Whenever the City finds that any User has violated or is violating ~~this Chapter~~ any provision of Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit or order issued hereunder, or any other ~~pretreatment requirement~~ Pretreatment Requirement, the Public Works Director ~~of his agent or designee~~ may serve upon said ~~user~~ User a written Notice of Violation. Within ten (10) days of 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 to the Public Works Director. Submission of this plan in no way relieves the ~~user~~ User of liability for any violations occurring before or after receipt of this Notice of Violation. Nothing in this section shall limit the authority of the City to take emergency action without first issuing a Notice of Violation.

(3) Consent Orders.— The City may enter into Consent Orders, Assurance of Compliance, or other similar documents establishing an agreement with the any User responsible for the noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as administrative orders issued pursuant to Section 8.602502(4) or 8.602502(5) below and shall be judicially enforceable.

(4) Show Cause Hearing. The City may order any ~~industrial user~~ Industrial User which causes or contributes to any violation(s) of ~~this Chapter~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, City-issued industrial wastewater discharge permits or orders issued hereunder, or any other ~~pretreatment requirement~~ Pretreatment Requirement to appear before the City and show cause why a proposed enforcement action

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should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the ~~user~~User show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. Whether or not the User appears as notified, immediate enforcement action may be pursued following the hearing date. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(5) Compliance Orders.— When the City finds that a User has violated, or continues to violate, any provision of ~~this ordinance,~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an order to the User responsible for the ~~discharge~~Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, ~~sewer~~Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of ~~pollutants discharged~~Pollutants Discharged to the ~~sewer~~Sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(6) Cease and Desist Orders.— When the City finds that a User has violated, or continues to violate, any provision of ~~this ordinance~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(a) Immediately comply with all requirements:

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatening violation, including halting operations and/or terminating the ~~discharge~~Discharge. This action shall not be a bar against, or establish a prerequisite for, taking any other action against the User.

(7) Administrative Fines.

(a) When the City finds that a User has violated, or continues to violate, any provision of ~~this ordinance,~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such User in an amount not to exceed five thousand dollars (\$5,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term

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average ~~discharge~~Discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the ~~user's~~User's next scheduled ~~sewer~~Sewer service charge and the City shall have such other collection remedies as may be available for other service charges and fees. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance, and interest shall accrue thereafter at a rate of seven percent (7%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. ~~the~~The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(8) Emergency Suspensions.— ~~The~~ City may immediately suspend ~~an user's~~a User's Discharge and the Industrial User's City-issued industrial ~~user's~~Industrial User's wastewater discharge permit, after informal notice to the ~~industrial user~~Industrial User, whenever such suspension is necessary in order to stop an actual or threatened ~~discharge~~Discharge which reasonably appears to present or cause an imminent endangerment to the health and welfare of ~~persons~~Persons. The City may also immediately suspend ~~an user's discharge~~a User's Discharge and the Industrial User's City-issued industrial ~~user's~~Industrial User's wastewater discharge permit, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any User notified of a suspension of its ~~discharge~~Discharge activity or City-issued industrial wastewater ~~discharge~~Discharge permit shall immediately stop or eliminate its contribution. In the event of an ~~industrial user's~~Industrial User's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the ~~sewer~~Sewer connection to prevent or minimize damage to the POTW, its ~~receiving stream~~Receiving Stream, or endangerment to any individuals. The City may allow the User to recommence its ~~discharge~~Discharge when the ~~user~~User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section ~~8.602~~502(9) are initiated against the ~~user~~User. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(b) Any ~~user~~User which is responsible, in whole or in part, for any ~~discharge~~Discharge presenting imminent endangerment shall submit a written statement describing the causes of the harmful contribution and the measures taken to prevent any

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future occurrence to the Public Works Director prior to the date of any show cause or termination hearing under Section 8.~~602~~502(4) or 8.~~602~~502(9).

(9) Termination of Permit. Any User who violates the following conditions is subject to ~~discharge~~Discharge termination:

- (a) Violation of City-issued industrial wastewater discharge permit conditions;
- (b) Failure to accurately report the ~~wastewater~~Wastewater constituents and characteristics of its ~~discharge~~Discharge;
- (c) Failure to report significant changes in operations or ~~wastewater~~Wastewater volume, constituents and characteristics prior to ~~discharge~~Discharge;
- (d) Refusal of reasonable access to the ~~user's~~User's premises for the purpose of inspection, monitoring or sampling;
- (e) Violation of the ~~pretreatment standards~~Pretreatment Standards in Section 8.~~302~~402 of this Chapter.

Such Users will be notified of proposed termination of its ~~discharge~~Discharge and be offered an opportunity to show cause under Section 8.~~602~~502(4) above why the proposed action should not be taken.

Exercise of this option by the City shall not be a bar to, or establish a prerequisite for, taking any other action against the User.

(10) Appeals. Any enforcement action by the City may be appealed to the City Council by filing a petition for reconsideration. The petition must show cause why an enforcement action should not be taken.

- (a) Enforcement action appeals must be filed with the City Recorder within ten (10) working days of receipt of the enforcement action.
- (b) The petition for appeal shall indicate the nature of the interpretation that is being appealed. The matter at issue will be a determination of the appropriateness of the interpretation of the enforcement response and the requirements of the ~~pretreatment~~Pretreatment program.
- (c) Upon appeal, the City Council shall first determine whether the appeal shall be heard on the record only, or upon an evidentiary hearing *de novo*. Where an appellant has been afforded an opportunity of an evidentiary hearing by the City, then the appeal shall be limited to a review of the record and a hearing for receipt of arguments regarding the record. Where an appellant has not been afforded an evidentiary hearing, or upon finding that under prejudice should otherwise result, the City Council shall conduct an evidentiary hearing *de novo*.

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(d) Unless otherwise provided by the City Council, an evidentiary hearing de novo on appeal shall require a record be kept of the following:

~~1) _____ 1)~~ The record, if any, of the matter before the City.

~~2) _____ 2)~~ A factual report prepared and presented by the City.

~~3) 3)~~ All exhibits, materials and memoranda submitted by any
 _____ party and received or considered in reaching the decision
 _____ under review.

~~4) _____ 4)~~ A record of testimonial evidence, if any.

(e) Upon review, the City Council may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the Council modifies or renders a decision that reverses a decision regarding and enforcement action, the Council, in its order, shall set forth its finding and state its reasons for taking the action.

8.604504 Judicial Enforcement Remedies

(1) Injunctive Relief. _____ Whenever the City finds that a ~~user~~User has violated or continues to violate the provisions of ~~this Chapter~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, permits or orders issued hereunder, or any other ~~pretreatment requirements~~Pretreatment Requirements, the City through the City's attorney, may petition the Circuit Court of Clackamas County for issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the City-issued industrial wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the ~~user~~User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the ~~user~~User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for taking any other action against the User.

(2) Civil Penalties. _____ A User which has violated or continues to violate the provisions of ~~this Chapter~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a City-issued industrial wastewater discharge permit, or any order issued hereunder, or any other Pretreatment Standard or Requirement may be liable to the City for a maximum civil penalty of five thousand dollars (\$5,000) per violation per day. In the case of a monthly or other long term average ~~discharge~~Discharge limit, penalties shall accrue for each business day during the period of this violation.

(a) The City may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

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(b) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm, caused by the violation, the magnitude and duration, any economic benefit gained through the ~~industrial user's~~Industrial User's violation, corrective actions by the ~~industrial user~~Industrial User, the compliance history of the ~~user~~User, and any other factors as the justice requires.

(c) Filing a suit for civil penalties shall not be a bar to, or a prerequisite for, taking any other action against the ~~user~~User.

(3) Criminal Prosecution.

(a) Any User who willfully or negligently violates any provisions of ~~this Chapter~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, any orders or permits issue hereunder, or any other ~~pretreatment standard or requirement~~Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(b) Any User who knowingly makes any false statement, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to ~~this Chapter, or~~Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, or City-issued industrial wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than \$5,000 per violation per day or imprisonment for not more than one year or both.

(c) Any User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$5,000 per violation, per day, or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(d) In the event of a second conviction, the ~~user~~User shall be punished by a fine not to exceed \$6,000 per violation per day or imprisonment for not more than three (3) years or both.

(4) Remedies Nonexclusive.

The remedies provided for in this ~~ordinance~~Chapter are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of ~~pretreatment~~Pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

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~~8.606~~ 8.506 Supplemental Enforcement Action

(1) Performance Bonds. The City may decline to reissue a permit to any User who has failed to comply with the provisions of ~~this Chapter~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, ~~unless such user~~ User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve a consistent compliance.

(2) Liability Insurance. The City may decline to reissue a permit to any ~~industrial user~~ Industrial User which has failed to comply with the provisions of ~~this Chapter~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater discharge permit, or orders issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurance sufficient to restore or repair damage to the POTW caused by its ~~discharge~~ Discharge.

(~~4~~3) Payment of Outstanding Fees and Penalties. The City may decline to issue or reissue a City-issued industrial wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of ~~this ordinance, a previous~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, a previous City-issued industrial wastewater discharge permit, or order issued hereunder.

(~~5~~4) Water Supply Severance. — Whenever a User has violated or continues to violate provisions of ~~this Chapter~~ Sections 8.200 through and including 8.214 and/or 8.400 through and including 8.420, orders, or permits issued hereunder, ~~water~~ Water services to the ~~industrial user~~ Industrial User may be severed and service will only recommence, at the ~~user's~~ User's expense, after it has satisfactorily demonstrated its ability to comply.

(~~6~~5) Public Nuisance. — Any violation of the prohibitions of effluent limitations of this Chapter, permits, or orders issued hereunder is hereby declared by a public nuisance and shall be corrected or abated as directed by the City. Any ~~person~~ Person(s) creating a public nuisance shall be subject to the provisions of Chapter 7 of the Wilsonville City Codes governing such nuisance, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

(~~7~~6) Informant Rewards. — The City may pay up to five hundred dollars (\$500) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the ~~industrial user~~ Industrial User, the Public Works Director is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed ten thousand dollars (\$10,000).

(~~8~~7) Contractor Listing. — Users which have not achieved consistent compliance with applicable ~~pretreatment standards~~ Pretreatment Standards and ~~requirements~~ Requirements are not eligible to receive a contract for the sale of goods or services to the City. Existing contracts

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for the sale of goods or services to the City held by an ~~industrial-user~~Industrial User found to be in significant violation with ~~pretreatment standards~~Pretreatment Standards may be terminated at the discretion of the City.

WILSONVILLE CODE**BUSINESS RECYCLING REQUIREMENTS****8.700. Definitions:**

~~For the purposes of this Chapter, the following terms shall mean:~~

~~(1). Business. Any person or persons, or any entity, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational or other activity that is non-residential in nature, including public bodies. The terms shall not apply to businesses whose primary office is located in a residence, conducted as a home occupation. A residence is the place where a person lives.~~

~~(2). Source separate. To separate recyclable material from other solid waste.~~

8.710. Purpose:

~~The purpose of sections 8.700 through 8.750 is to comply with Business Recycling Requirements set forth in Metro Code chapter 5.10. A significant increase in business recycling will assist the Metro region in achieving waste reduction goals, conserving natural resources and reducing greenhouse gas emissions.~~

8.720. Business Recycling Requirements:

- ~~1. Businesses shall source separate from other solid waste all recyclable paper, cardboard, glass and plastic bottles and jars, and aluminum and tin cans for reuse or recycling.~~
- ~~2. Businesses shall ensure the provision of recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both.~~
- ~~3. Businesses shall post accurate signs where recyclable materials are collected, stored or both that identify the materials that the business must source separate for reuse or recycling and that provide recycling instructions.~~
- ~~4. Persons and entities that own, manage or operate premises with Business tenants, and that provide garbage collection service to those Business tenants, shall provide recycling collection systems adequate to enable the Business tenants to comply with the requirement of this section.~~

8.730. Exemption from Business Recycling Requirements:

~~A business may seek exemption from the business recycling requirement by providing access to a recycling specialist for a site visit and establishing that it cannot comply with the business recycling requirement for reasons that include, without limitation, space constraints and extenuating circumstances.~~

8.740. Compliance with Business Recycling Requirements:

~~A business or business recycling service customer that does not, in the determination of the City or the City's agent, comply with the business recycling requirement may receive a written notice of noncompliance. The notice of noncompliance shall describe the~~

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~~violation, provide the business or business recycling service customer an opportunity to cure the violation within the time specified in the notice and offer assistance with compliance.~~

~~A business or business recycling service customer that does not, in the determination of the City or the City's agent, cure a violation within the time specified in the notice of noncompliance may receive a written citation. The citation shall provide an additional opportunity to cure the violation within the time specified in the citation and shall notify the business or business recycling service customer that it may be subject to a fine.~~

8.750 Violations.

~~A business or business recycling service customer that does not cure a violation within the time specified in the citation may be subject to a fine provision pursuant to City Code Chapter 1.012, of up to \$250.00 for the first violation and up to \$500.00 for subsequent violations in a calendar year.~~

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CITY OF WILSONVILLE, OREGON

**Industrial Pretreatment Program
Enforcement Response Plan**

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WILSONVILLE CODE**SECTION I. INTRODUCTION**

The General ~~pretreatment~~**Pretreatment** Regulations, 40 CFR 403.8(f)(1)(vi)(A) require POTW's with approved ~~pretreatment~~**Pretreatment** programs to obtain remedies for noncompliance by any Industrial User. Specifically, 40 CFR 403.8(f)(5) requires the POTW to develop and implement an enforcement response plan.

EPA states that a violation occurs when any of the following conditions apply:

- Any requirement of the City's rules and regulations has not been met.
- A written request is not met within the specified time.
- A condition of a permit issued under the authority of rules and regulations is not met within the specified time.
- Effluent limitations are exceeded, regardless of intent or accident.
- False information has been provided by the ~~discharge~~**Discharge**.

Each day a violation occurs is considered a separate violation. Each parameter that is in violation is considered to be a separate violation.

Actions that can be taken by the City, in response to violations, are described in this Enforcement Response Plan.—

This Enforcement Response Plan is intended to provide guidance to the City Staff for the uniform and consistent enforcement of the City Sewer Use Ordinance to all Users of the system. The Enforcement Response Plan should be considered a guide for making decisions on the appropriate actions to be taken to return the User to full compliance in the shortest possible time while not being excessive. For additional information see the City of Wilsonville Code, Chapter 8.

SECTION II. ENFORCEMENT REMEDIES**A. Preliminary Enforcement Contacts**

It is of mutual interest to the City and the IU to resolve compliance problems with a minimum of formal coercion. As an aid to the communication process surrounding a formal enforcement action, the City will use the following informal responses:

1. Phone Calls

A phone call maybe the initial informal action taken by the City for missed deadlines and other minor incidents of noncompliance as detected by sampling, inspection and/or as soon as a compliance deadline is missed or noncompliance is detected. The City is not

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required to take this action prior to taking other enforcement options.

A written record of the phone conversation is kept and will contain the following information:

- name of company (IU);
- ~~City-issued industrial~~ wastewater discharge permit number;
- name and title of ~~person~~Person contacted;
- date and time; nature of violation;
- items discussed;
- results of conversation; and
- initials or signature of City personnel initiating the phone call.

2. Informal Compliance Meeting

An informal compliance meeting may be held to discuss violations which have recurred, violations which remain uncorrected, or violations of a magnitude which warrant more communication between the City and the Industry. The compliance meeting is held specifically to include an authorized representative of the IU (e.g., vice president, general partner, or their duly authorized representative to ensure that he/she is aware that the industry is in noncompliance.

If possible, the compliance meeting should be held before significant noncompliance (SNC) is reached by the ~~industrial-user~~Industrial User. The ~~industrial-user~~Industrial User should already be aware of the criteria for SNC, and the compliance meeting will reinforce that the result of SNC includes enforcement measures mandated by federal regulations. The industry may in turn communicate any progress or measures it has taken to regain compliance.

B. Administrative Enforcement Remedies

Administrative Enforcement Remedies are actions that may be initiated at the City Staff level and are intended to be used as an escalation of enforcement. These enforcement actions are considered “formal” and are to be in a written format.

1. Notice of Violation

The Notice of Violation (NOV) is an appropriate initial response to any violations and may often be the first response. An informal enforcement action is not required prior to issuing a Notice of Violation. — The purpose of a NOV is to notify the ~~industrial-user~~Industrial User of the detected violation. It may be the only response necessary in cases of infrequent and generally minor violations. As a general rule, the NOV will be issued not later than five (5) business days after discovery of the violation. -

The NOV may be issued by the Pretreatment Coordinator.

The NOV will require the IU to submit a written explanation of the violation and a plan for its

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satisfactory correction within ten (10) days of receipt of the NOV. If the ~~user~~User does not return to compliance or submit a plan of correction, the City will escalate to more stringent enforcement responses.

2. Administrative Order

An Administrative Orders (AO) are enforcement actions requiring the IU to take a specific action within a specific time period, and may require the IU to seek outside assistance or to modify their production process to eliminate continued non-compliance. An Administrative Order is considered an escalation of the enforcement beyond an informal enforcement action and a Notice of Violation. The City is not required to take informal or less severe enforcement actions prior to issuing an Administrative Order. It is recommended that in most cases a Notice of Violation be issued prior to issuing an Administrative Order to assure the IU management are aware of the problem before ordering an action that may impact the productivity of the IU. –The terms of an AO may or may not be negotiated with IUs.

a. Cease and Desist Order

A Cease and Desist Order directs a ~~user~~User in significant noncompliance (SNC) to cease illegal or unauthorized ~~discharges~~Discharges immediately or to terminate its ~~discharge~~Discharge altogether. A Cease and Desist Order should be used in situations where the ~~discharge~~Discharge could cause ~~interference~~Interference of a ~~pass-through~~Pass Through, or otherwise create an emergency situation. The Order may be issued immediately upon discovery of the problem or following a hearing. In an emergency, the Cease and Desist Order may be given initially by telephone, with follow-up (within 5 days) by formal written notice.

b. Consent Order

The Consent Order combines the force of an AO with the flexibility of a negotiated settlement. The Consent Order is an agreement between the City and the IU normally containing three elements:

- compliance schedules;
- stipulated fines or remedial actions; and
- signatures of the City and industry representatives.

Consent Orders are intended to provide a scheduled plan of action to be taken by the IU (sometimes actions to be taken by the City) to return to compliance. The compliance schedule should identify all significant actions in a step wise order and when each step should be completed. Routine written reports should be required of the IU providing written documentation of the status of the Consent Order at the time of the report. Typically Consent Orders should not exceed six months in overall time, and not specific step to exceed a ninety (90) day period. In some cases the completion of one consent order leads to the issuance of a second or third consent order dependent on the outcome of the previous consent order.

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Consent orders are effective providing the IU ~~discharge~~Discharge is not contributing to ~~pass-through~~Pass Through or ~~interference~~Interference of the POTW. The City may establish interim permit limits or special ~~discharge~~Discharge requirements while a Consent Order runs its course.

No informal or less severe enforcement action is required to be taken prior to issue of a Consent Order. Before issuing a Consent Order the City should consider the impact the IU's ~~discharge~~Discharge is having on the POTW (~~pass-through~~Pass Through or ~~interference~~Interference) and the evidence that is used to determine the need for the order. The milestone dates established for completion of steps within the Consent Order become enforceable at the same level of a ~~discharge~~Discharge limit of the permit or a requirement of the City ordinance.

3. Show Cause Order

An order to show cause directs the ~~user~~User to appear before the City, and explain it noncompliance, and who cause why more severe enforcement actions against the ~~user~~User should not go forward. The order to show cause is typically issued after information contacts, NOV's, Consent Orders or Compliance Orders have failed to resolve the noncompliance. However, the Show Case Order/hearing can also be used to investigate violations or previous orders.

The Show Cause Order will either be hand-delivered or mailed with return receipt required. The Order will indicate the nature of the violations and the proposed enforcement response. At the Show Cause meeting, the Public Works Director will present a factual report prepared as the basis for the proposed enforcement action. The IU will present exhibits, material and memoranda. A record of testimonial evidence will be kept by the City.

Within thirty (30) days following the Show Cause meeting, the ~~PW~~Public Works Director will render a decision regarding an enforcement action to be taken, setting forth findings and stating reasons for taking the action. Affirmative defenses to ~~discharge~~Discharge violations (WC, Section 8.~~318~~418) will be taken into consideration of the Public Works Director's decision.

Within ten (10) working days of receiving notice of the enforcement action to be taken, the IU may appeal the Public Works Director's decision to the City Council, pursuant to WC,~~Section 8.602~~502(10).

4. Compliance Order

Compliance Orders are similar to Consent Orders, in that, specific actions are mandated and milestone dates are established for the completion of each mandatory action. The primary difference is that a Compliance Order is not negotiated with the IU. The City establishes the mandatory actions and milestone

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dates without consideration of the IU with the primary focus on protection of the POTW. Compliance Orders may include the acquisition of professional assistance, engineering design, additional or replacement ~~pretreatment~~Pretreatment equipment, development of ~~best management practices~~Best Management Practices, action plans, increased or special testing and/or self-monitoring requirements, and other activities that the City may deem necessary to returning the IU to full compliance. Compliance Orders may establish interim limits and requirements while the IU is operating under the compliance order. The compliance order should require routine reporting during the course of the compliance order.

No previous enforcement action is required prior to issuance of a compliance order

5. Administrative Fines

Administrative Fine are a monetary penalties assessed by the City's Public Works Director for violations of ~~pretreatment standards~~Pretreatment Standards and ~~requirements~~Requirements, violations of the terms and conditions of the City-issued industrial wastewater discharge permit and/or violations of compliance schedules. Administrative fines are punitive in nature and not related to a specific cost borne by the City. Instead, such fines are intended to recapture the full or partial economic benefit of noncompliance, and to deter future violations. The maximum amount of the fine is \$5,000 for each day that each violation continues.

Administrative Fines are recommended as an escalated enforcement response, particularly when NOV's or administrative orders have not prompted a return to compliance. Whether administrative fines are an appropriate responses to noncompliance also depend greatly on the circumstances surrounding the violation. The City will consider the factors as set forth in Section III of this plan when determining the amount of the fine.

6. Emergency Suspension Order

The Public Works Director may suspend an ~~industrial user's discharge and the industrial user's~~Industrial User's Discharge and the Industrial User's City-issued industrial wastewater discharge permit, without informal notice or previous enforcement action, in order to stop an actual or threatened ~~discharge~~Discharge which reasonably appears to present or cause an imminent endangerment to the health or welfare of ~~persons~~Persons, or an endangerment to the environment. Any ~~industrial user~~Industrial User notified of an emergency suspension must immediately stop or eliminate its ~~discharge~~Discharge to the POTW. In the event of the ~~industrial user's~~Industrial User's failure to immediately comply voluntarily with the suspension order, the City may sever ~~sewer~~Sewer connection prior to the date of any show cause or termination hearing. The ~~industrial user~~Industrial User must submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrences before ~~discharge~~Discharge to the POTW can be restored.

7. Termination of Permit

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Termination of service is the revocation of an ~~industrial user's~~Industrial User's privilege to ~~discharge industrial wastewater~~Discharge Industrial Wastewater into the City's ~~sewer~~Sewer system. Termination may be accomplished by physical severance of the industry's connection to the collection system, by issuance of a suspension order which compels the ~~user~~User to terminate its ~~discharge~~Discharge, or by court ruling. Termination of service is an appropriate response to industries which have not responded adequately to previous enforcement responses. Unlike civil and criminal proceedings, termination of service is an administrative response which can be implemented directly by the City. However, the decision to terminate service requires careful consideration of legal and procedural consequences.

Any ~~industrial user~~Industrial User who violates the Wilsonville Code ~~of Ordinances,~~Chapter 8, ~~City-issued industrial wastewater~~ discharge permit, or compliance orders is subject to ~~termination of the City-issued industrial wastewater~~ discharge permit ~~termination~~ as an enforcement remedy. Non-compliant ~~industrial users~~Industrial Users will be notified in writing of the proposed termination of their ~~City-issued industrial wastewater~~ discharge permit and will be offered an opportunity to show cause why the action should not be taken. The Public Works Director is authorized to terminate an IU's ~~discharge~~Discharge if it presents or may present an endangerment to the environment or if it threatens to interfere with the operation of the POTW.

In contrast to the Emergency Suspension Order, the Notice of Termination of the Discharge Permit is to be used when significant changes in the ~~industrial user's~~Industrial User's operations have occurred without authorization resulting in new ~~pollutant~~Pollutant contributions or volume of ~~wastewater discharged~~Wastewater Discharged. Furthermore, through the course of administering, monitoring and compliance activity, the City may acquire new information which was not available at the time the ~~City-issued industrial wastewater~~ discharge permit was issued. Until corrections have been made, and continuing ~~discharge~~Discharge compliance can be assured, the City may terminate the IU's permitted right to ~~discharge~~Discharge into the City's POTW.

C. **Judicial Enforcement Remedies**

There are four judicial enforcement remedies which are available to the City, as outlined in Wilsonville Codes – Injunctive Relief, Civil Penalties, Criminal Penalties, and Remedies Non-Exclusive.

1. Injunctive Relief

Injunctive relief is the formal process of petitioning the Circuit Court of Clackamas County for the issuance of either a temporary or permanent injunction which restrains or compels the specific performance of the ~~City-issued industrial wastewater~~ discharge permit, order or other required imposed on the activities of the ~~industrial user~~Industrial User. Injunctive relief is carried out by the City Attorney in conjunction with the City ~~manager~~Manager, Public Works Director and the Mayor.

2. Civil Penalties

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Civil litigation is the formal process of filing lawsuits against ~~industrial users~~Industrial Users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the POTW of the noncompliance. It is normally pursued when the corrective action required is costly and complex, the penalty to be assessed exceeds that which the City can assess administratively, or when the ~~industrial user~~Industrial User is considered to be recalcitrant and unwilling to cooperate. Civil litigation also includes enforcement measures which require involvement or approval by the courts, such as injunctive relief and settlement agreements. Civil litigation is pursued by the City Attorney and only initiated as authorized by the City Council.

3. Criminal Prosecution

Criminal prosecution is the formal process of charging individuals and/or organizations with violations of ~~ordinance~~Wilsonville Code Chapter 8 provisions that are punishable, upon conviction, by fines and/or imprisonment. The purposes of criminal prosecution are to punish noncompliance established through court proceedings, and to deter future noncompliance. Criminal prosecutions are up to the discretion of the City Attorney and may be filed in municipal court.

4. Remedies Nonexclusive (~~§8.312~~)

The remedies provided for in the ~~ordinance~~Chapter are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of ~~pretreatment~~Pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Public Works Director may take other action against any User when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any noncompliant User.

D. Supplemental Enforcement Remedies

Supplemental or innovative enforcement remedies are used to complement the more traditional enforcement responses already described. Normally, supplemental responses are used in conjunction with more traditional approaches. -The following are provided for in the City Code:

- Performance Bonds
- Liability Insurance
- Payment of Outstanding Fees and Penalties
- Water Supply Severance
- Public Nuisance
- Informant Rewards
- Contractor Listing

SECTION III – ASSESSMENT OF ADMINISTRATIVE FINES

A. Base-Penalty Matrix

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The following matrix provides a sample of suggested base-penalty (BP) for administrative fines based on the magnitude of the violations. The City should keep in mind that the following suggested fines are not mandatory and should be applied based on the various factors discussed in this section.

Class of Violation	Major	Moderate	Minor
Class I	\$5,000	\$2,500	\$1,000
Class II	\$2,000	\$1,000	\$500
Class III	\$500	\$250	\$100

B. Class of Violations

Class I:

- * Un-permitted ~~discharge~~**Discharge** or failure to halt ~~discharge~~**Discharge** which cause harm to the POTW and/or the environment.
- * Failure to comply with notification requirements of a spill or ~~slug load~~**Slug Load** or upset condition.
- * Violation of an Administrative Order or compliance schedule.
- * Failure to provide access to premises or records.
- * Any violation related to water quality which causes a major harm or poses a major risk of harm to public health or the environment.
- * Significant Noncompliance (40 CFR 403.8(f)(2)(vii)(A-H).
- * Process waste stream dilution as a substitute for ~~pretreatment~~**Pretreatment**.

Class II:

- ** Operation of a ~~pretreatment~~**Pretreatment** facility without first obtaining a ~~Discharge Permit~~**City-issued industrial wastewater discharge permit**. (No harm to POTW or the environment).
- ** Any violation related to water quality which is not otherwise classified.
- ** Recurring violations of ~~local~~**City-issued industrial wastewater** discharge permit limits or Federal Standard.

Class III

- *** Un-permitted ~~discharge~~**Discharge** which causes no harm to POTW.
- *** Failure to operate and maintain a ~~pretreatment~~**Pretreatment** facility.
- *** Monitoring, record keeping, and reporting violations.
- *** First-time violation of a local permit limit or Federal Standard regulating the ~~discharge~~**Discharge** of ~~pollutants~~**Pollutants**.

C. Magnitude of Violations

Major:

- pH value less than 5.0 or more than 11.0.
- More than 2.0 times the maximum allowable limit established for regulated ~~pollutants~~**Pollutants**, other than pH.
- Anything directly attributable to an upset condition or damage of the POTW.
- Recurring failure to meet the terms of a compliance order or recurring failure to

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correct a known violation.

- Missed compliance milestone or report submittal deadline by more than thirty (30) days without good cause.
- Any other violation meeting the definition of significant noncompliance (See Sections II and III, as well as the Enforcement Response Matrix).

Moderate:

- From 1.2 to 2.0 times the maximum allowable limit established for regulated ~~pollutants~~Pollutants, other than pH.
- Third Notice of Violations of a ~~Discharge Permit~~City-issued industrial wastewater discharge permit condition or compliance order in a 12 month period.

Minor:

- pH value of 5.0 to 5.5 and 10.0 to 11.0 to 1.2 times the maximum allowable limit for regulated ~~pollutants~~Pollutants, other than pH.
- Second Notice of Violation for the same ~~Discharge Permit~~City-issued industrial wastewater discharge permit condition or compliance order in a 12 month period.
- Missed compliance milestone or report submittal deadline without good cause by up to thirty (30) days.
- Violations detected during site visits which do not results in harm to the POTW or the environment.

D. Maximum/Minimum Fines

No administrative fine, civil or criminal penalty pursuant to this matrix shall be less than \$100. The maximum fine/penalty may not exceed \$5,000 per each day per violation.

E. Assessment of Fines/Penalties

1. Assessment Protocol

When determining the amount of an administrative fine or civil penalty to be assessed for any violation, the Public Works Director shall apply the following procedures:

- Determine the class and the magnitude of each violation.
- Choose the appropriate base penalty (BP) from the BP Matrix in paragraph A of this section.
- Starting with the base-penalty (BP), determine the total amount of penalty through application of the formula:

$$BP + [(0.1 \times BP) (P+H+O+R+C)] + EB$$

Where:

BP = Base-Penalty

P = prior significant action taken against the IU. (Significant actions refers to any violation established either with or without admission by payment of a penalty.)

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H = compliance history

O = violation repetitive or continuous

R = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act

C = Cooperation and effort put forth to correct the violation

EB = Approximated dollar sum of the economic benefit that the IU gained through noncompliance.

2. Values for (P) shall be as follows:

- (i) 0 if no prior significant actions or there is insufficient information on which to base a finding.
- (ii) 1 if the prior significant action is one Class Two or two Class Threes;
- (iii) 2 if the prior significant action(s) is one Class One or equivalent;
- (iv) 3 if the prior significant actions are two Class One or equivalents;
- (v) 4 if the prior significant actions are three Class Ones or equivalents;
- (vi) 5 if the prior significant actions are four Class Ones or equivalents;
- (vii) 6 if the prior significant actions are five Class Ones or equivalents;
- (viii) 7 if the prior significant actions are six Class Ones or equivalents;
- (ix) 8 if the prior significant actions are seven Class Ones or equivalents;
- (x) 9 if the prior significant actions are eight Class Ones or equivalents;
- (xi) 10 if the prior significant actions are nine Class Ones or equivalents, of it any of the prior significant actions were issued for any violation of WC, Chapter 8.
- (xii) In determining the appropriate value for prior significant actions as listed above, the **Public Works** Director shall reduce the appropriate factor by:
 - (1) A value of two (2) if all prior significant actions are greater than three years but less than five years old;
 - (2) A value of four (4) if all the prior significant actions are greater than five years old;
 - (3) In making the above restrictions, no finding shall be less than 0.
- (xiii) Any prior significant action which is greater than ten years old shall not be included in the above determination.

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3. Values for (H) shall be as follows:

(H) = Past history of the IU to take steps to correct violations cited in prior significant actions. In no case shall the combination of (P) and (H) be a value of less than zero.

- (i) -2 if IU took all feasible steps to correct each violation contained in any prior significant action;
- (ii) 0 if there is not prior history or if there is insufficient information on which to base a finding.

4. Values for (O) shall be as follows:

Where (O) = whether the violation was repeated or continuous

- (i) 0 if the violation existed for one day or less and did not recur on the same day;
- (ii) 2 if the violation existed for more than one day or if the violation recurred on the same day.

5. Values for (R) shall be as follows:

Where: (R) = whether the violation resulted from an unavoidable accident, or a negligent, intentional or flagrant act.

- (i) 0 if an unavoidable accident, or if there is insufficient information or make a finding.
- (ii) 2 if negligent
- (iii) 6 if intentional; or
- (iv) 10 if flagrant

6. Values for (C) shall be as follows:

Where: (C) is the Cooperation and effort put forth by the IU to correct the violation.

- (i) 2 if IU was cooperative and took reasonable efforts to correct the violation or minimize the effects of the violation.
- (ii) 0 if there is insufficient information to make a finding, or if the violation of the effects of the violation could not be corrected.
- (iii) 2 if IU was uncooperative and did not take reasonable efforts to correct the violation or minimize the effects of the violation.

7. Values for (EB) shall be as follows:

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Where: (EB) = Approximated dollar sum of the economic benefit that the IU gained through noncompliance. The penalty may be increased by the value assigned to (EB), provided that the sum penalty does not exceed the maximum allowed. In order to ensure that no IU may be able to pollute as a cost of doing business, the ~~PW~~Public Works Director is empowered to take more than one enforcement action against any noncompliance IU (WC, Section 8.140(2)).

- (i) Add to the formula the approximate dollar sum of the economic benefit gained through noncompliance, as calculated by determining both avoided costs and the benefits obtained through any delayed costs, where applicable;
- (ii) The ~~PW~~Public Works Director need not calculate nor address the economic benefit component of the civil penalty when the benefit obtained is de minimis.

SECTION IV. NON COMPLIANCE DEFINED

A. Noncompliance

Noncompliance is any violation of one or more of the, Wilsonville Code, Chapter 8, any of the conditions or limits specified in the IU's ~~Wastewater Discharge Permit~~City-issued industrial wastewater discharge permit or any compliance order issued by the City. Enforcement action must be initiated for the following instances of noncompliance:

1. Industry failure to submit a permit application form;
2. Industry failure to properly conduct self-monitoring;
3. Industry failure to submit appropriate reports;
4. Industry failure to comply with appropriate ~~pretreatment standards~~Pretreatment Standards by the compliance deadline date;
5. Industry failure to comply with ~~pretreatment~~Pretreatment limits as determined from review of self-monitoring reports or City sampling;
6. Industry falsification of information;
7. Sewer use violation of the municipal code.

B. Significant Noncompliance:

Significant Noncompliance shall be applicable to all Significant ~~users~~Users or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section and shall mean:

1. Chronic violations of ~~wastewater discharge~~Wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same ~~pollutant~~Pollutant parameters during a six month period exceeded (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.
2. Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) of more of ~~wastewater~~Wastewater measurements taken for each

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~~pollutant~~Pollutant parameter taken during a six-month period equal or exceeded by the product of a numeric Pretreatment Standard or Requirement, including Instantaneous Limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other ~~pollutants~~Pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement (~~daily maximum~~Daily Maximum or longer-term average, Instantaneous Limits or narrative standard) that the City determines has caused, alone or in combination with other ~~discharges, interference or pass-through~~Discharges, Interference or Pass Through (including endangering the health of City personnel of the general public);

4. Any ~~discharge~~Discharge of ~~pollutant~~Pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a ~~discharge~~Discharge.

5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an individual City-issued industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

6. Failure to provide within forty five (45) days after the due date, required reports, including baseline monitoring reports, reports on compliance with ~~category~~Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

7. Failure to accurately report noncompliance; or

8. Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the ~~pretreatment~~Pretreatment program.

SECTION V. RANGE OF ENFORCEMENT RESPONSES

When the City is presented with the need for enforcement response, it will select the most appropriate response to the violation. The City will consider the following criteria when determining a proper response:

- ~~-~~ Magnitude of violation;
- ~~-~~ Duration of the violation;
- ~~-~~ Effect of the violation on the receiving water;
- ~~-~~ Effect of the violation on the POTW;
- ~~-~~ Compliance history of the ~~industrial user~~Industrial User; and
- ~~-~~ Good faith of the ~~industrial user~~Industrial User.

These six criteria are discussed in detail below:

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1. Magnitude of the Violation

Generally, an isolated instance on noncompliance can be met with an informal response and a Notice of Violation or Consent Order. However, certain violations or patterns of violations are significant and must be identified as such. Significant Noncompliance (SNC) may be on an individual or long-term basis of occurrence. Categorization of an IU as being in SNC provides the City with priorities for enforcement action and provides a means for reporting on the IU performance history. SNC is a violation which meets one or more of the -criteria set forth in Section IV B.

2. Duration of Violation

Violations, regardless of severity, which continue over long periods of time will subject the ~~industrial-user~~ Industrial User to escalated enforcement actions. For example, an effluent violation which occurs in two out of three samples over a six-month period or a report which is more than forty-five (45) days overdue is considered SNC, while a report which is two days late would not be deemed significant.

The City's response to these situations must prevent extended periods of noncompliance from recurring. The City may issue an administrative order for chronic violations. If the ~~industrial-user~~ Industrial User fails to comply with the administrative order, the City will assess administrative penalties or initiate judicial action. If the prolonged violation results in serious harm to the POTW, the City will also consider terminating services or obtaining a court order to halt further violations as well as to recover the costs of repairing the damage.

3. Effect on the Receiving Water

One of the primary objectives of the national ~~pretreatment~~ Pretreatment program is to prevent ~~pollutants~~ Pollutants from "passing through" the POTW and entering the ~~receiving stream~~ Receiving Stream. Consequently any violation which results in environmental harm will be met with a SNC categorization and corresponding enforcement action. Environmental harm will be presumed whenever an industry ~~discharges~~ Discharges a ~~pollutant~~ Pollutant into the ~~sewerage~~ Sewer system which:

- a. Passes through the POTW and causes a violation of the POTW's NPDES ~~permit~~ Waste Discharge Permit (including water quality standards); or
- b. Has a toxic effect on the receiving waters (i.e. fish kill).

The enforcement response should ensure the recovery from the noncompliance ~~user~~ User of any NPDES fines and penalties paid by the City to any party whether governmental or otherwise. If a ~~user's discharge~~ User's Discharge causes repeated harmful effects, the City will seriously consider terminating service to the ~~user~~ User.

4. Effect on the POTW

Some of the violations may have negative impacts on the POTW itself. For example, they may result in significant increases in treatment costs, interfere or harm POTW personnel, equipment, process, operations, or cause sludge contamination resulting in increased disposal costs. These violations will be categorized as SNC. For example, when the ~~industrial-user's~~

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~~discharge~~Industrial User's Discharge upsets the ~~treatment plant~~Treatment Plant, damages the collection system through pipe corrosion, causes an obstruction or explosion, or causes additional expenses (e.g. to trace a spill back to its source), the POTW's response will include cost recovery, civil penalties, and a requirement to correct the condition causing the violation.

5. Compliance History of the User

A pattern of recurring violations (even if different program requirements) may indicate whether that the ~~user's~~User's treatment system is inadequate or that the ~~user~~User has taken a casual approach to operating and maintaining its treatment system. Accordingly, ~~users~~Users exhibiting recurring compliance problems will be categorized as SNC. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example, if the violator has a good compliance history, the City may decide to use the less severe option.

6. Good Faith of the User

The ~~user's~~User's "good faith" in correcting its noncompliance is a factor in determining which enforcement response to invoke. Good faith is defined as the ~~user's~~User's honest intention to remedy its noncompliance coupled with actions which give support to this intention. Generally, a ~~user's~~User's demonstrated willingness to comply will predispose the City to select less stringent enforcement responses. However, good faith does not eliminate the necessity of an enforcement action. For example, if the City's POTW experiences a treatment upset, the City will recover its costs regardless of prior good faith. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner (although compliance with previous enforcement orders is not necessarily good faith).

SECTION VI. ENFORCEMENT PROCEDURES

The City must document procedures to evaluate industry self-monitoring data, reports and notices to accurately determine the compliance status of each significant ~~user~~User. These procedures must identify all violations, including non-~~discharge~~Discharge or reporting violations.

This Enforcement Response Plan designates responsibilities for this evaluation task. The task is assigned to the Pretreatment Coordinator since he/ she is familiar with the IU's and the City's ~~pretreatment~~Pretreatment program rules and regulations. The Pretreatment Coordinator is responsible to identify the noncompliance and alert the Public Works Director (PWD) of the possible need for enforcement action.

The City will examine all monitoring data and reports within five (5) days of receipt. In order to review reports, the Pretreatment Coordinator will apply the following procedures:

- The Pretreatment Coordinator has established schedules in the ~~Industrial Wastewater Discharge Permits~~City-issued industrial wastewater discharge permits to designate when self-monitoring reports are due. Each self-monitoring report will be checked to see that it is submitted by its due date, and is appropriately signed and certified. Likewise, the Pretreatment Coordinator will check notifications and report requirements.

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- All analytical data will be screened by comparing it to categorical or ~~local limits~~Local Limits or to any additional ~~discharge~~Discharge standards which may apply.
- All violations will be identified and a record made of the response. At a minimum, this will be accomplished by circling the violation, using a red ink marker.
- The Pretreatment Coordinator, Responsible for screening data, must alert the PWD to the noncompliance. This allows the City to determine its enforcement response in a timely manner.

Industrial waste ~~discharges~~Discharges violations are usually detected by the following six ways:

- (1) An ~~industrial user~~Industrial User reports a violation.
- (2) The City’s collection system monitoring and field surveillance detects a possible violation.
- (3) The ~~treatment plant~~Treatment Plant process is upset.
- (4) An unauthorized waste disposal procedure is identified during a facility inspection.
- (5) Investigation of a Citizen Concern Action Report.
- (6) Emergency crews (i.e. police, fire, rescue) report a hazardous material incident.

Industrial source investigations will be initiated for each of the examples presented above, and ensuing enforcement actions will be of an escalating nature (see Enforcement Response Matrix). Enforcement will begin with administration remedies (e.g. Notice of Violation, Consent Orders, Compliance Orders). If necessary, civil/criminal penalties will be sought and/or emergency suspension of ~~sewer~~Sewer service will be ordered. Appropriate fines and penalties (civil/criminal) will be sought, as provided in WC Chapter 8.

The enforcement plan uses a three-level approach to enforcement action toward any noncompliance event.

LEVEL I: Responses represent the enforcement efforts utilized by the City to bring the IIU into compliance before a state of significant noncompliance (SNC) is reached. The following enforcement actions are utilized at this level of response.

<u>Response</u>	<u>City Personnel</u>
1. (Informal) Phone Call	Pretreatment Coordinator
2. (Informal) Compliance Meeting	Pretreatment Coordinator
3. Notice of Violation (WC, Section 8. 602 <u>502</u> (2))	Pretreatment Coordinator
4. Consent Order (WC, Section 8. 602 <u>502</u> (3))	———Pretreatment Coordinator

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LEVEL II: Responses are taken when an IU has reached significant noncompliance. Level II enforcement action must include the issuance of an Administrative Order, as described below:

<u>Response</u>	<u>City Personnel</u>
1. Compliance Order (WC, Section 8. 602 <u>502</u> (5))	Public Works Director
2. Cease and Desist Order (WC, Section 8. 602 <u>502</u> (6))	Public Works Director City Attorney
3. Emergency Suspension (WC, Section 8. 602 <u>502</u> (8))	Public Works Director City Attorney
4. Termination of Permit (WC, Section 8. 602 <u>502</u> (9))	Public Works Director City Attorney

When an IU is in SNC, the Pretreatment Coordinator will do the following:

1. Report such information to DEQ as a component of the City's annual ~~pretreatment~~Pretreatment program report.
2. Include the IU in the annual published list of industries which were significantly violating applicable ~~pretreatment standards and requirements during the previous 12 months. The procedures the ESM will follow for compiling the list of IU's, includes:~~
~~pretreatment standards and requirements during the previous 12 months. The procedures the ESM will follow for compiling the list of IU's, includes:~~
 - a. Prepare a compliance history from the City's ~~pretreatment~~Pretreatment records for each SIU.
 - b. Review the history of each SIU for either a pattern of noncompliance, or if the SIU has been or continues to be in SNC.
 - c. To the extent that an SIU meets the criteria in (b), above, the SIU will be placed on the list for publication in the largest daily newspaper within the City of Wilsonville.
 - d. The published list of IU's in SNC will include the following information:
 - I. Duration of violation.
 - ii. Parameters and/or reporting requirements violated.
 - iii. Compliance actions taken by the City.
 - iv. Whether or not the IU is currently in compliance or on a compliance schedule.

LEVEL III: This level of enforcement is reserved for the extreme occasion when the IU is in SNC and does not respond to an Administrative Order, does not adhere to compliance schedules, and where fines have not been effective in bringing the IU into compliance with ~~pretreatment~~Pretreatment regulations. Level III enforcement may also be used for willful

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~~discharge~~**Discharge** of ~~wastewater~~**Wastewater** in amounts which cause ~~pass-through~~**Pass Through** or ~~interference~~**Interference**, and cases of falsification. The timeframe for initiating Level III enforcement actions will range from immediate (e.g. reasonable potential to cause harm to the public, the POTW, or the environment, or a court ordered injunction for gaining access to an IU's facility) to not more than sixty (60) days. This level of enforcement requires the consultation of the City Attorney to determine the appropriateness and legal basis for the action to be implemented.

Response**City Personnel**

- | | |
|--|---|
| 1. Injunctive Relief
(WC, Section 8. 604 504 (1)) | City Attorney
City Council |
| 2. Civil Penalties
(WC, Section 8. 604 504 (2)) | City Attorney
City Council |
| 3. Criminal Prosecution
(WC, Section 8. 604 504 (3)) | City Attorney
City Council |
| 4. Supplemental Enforcement
(WC, Section 8. 606 506) | Public Works Director, City Attorney,
City Council |

SECTION VII. TIME FRAMES FOR ENFORCEMENT ACTION AND FOLLOW-UP

The City will provide timely response to violations. In Section I and Section IV it has been established that the Pretreatment Coordinator will review ~~industrial-user~~**Industrial User** reports within five (5) days of receipt. Similarly, violations observed in the field or upon receipt of compliance information will be responded to within five (5) days. Complex or larger violations may require a longer response time, and communications will be made with the ~~industrial user~~**Industrial User** (IU) regarding the time of the City's response. All formal enforcement notices will either be hand-delivered or mailed with return receipt required.

After its initial enforcement response, the City will closely track IU's progress toward compliance. This may be done by inspection, as well as timely receipt of required progress reports. The frequency of ~~user~~**User** self-monitoring may be increased. When follow-up activities indicate that the violation persists or that satisfactory progress is not being made, the City will escalate its enforcement response, using the steps of the enforcement matrix as a guide.

The Pretreatment Coordinator will establish a manual log to record the receipt of required reports. This log will contain 12 sections. Each section will be titled with the name of the month, January through December. The pages in each monthly section will list all of the

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~~industrial users~~ **Industrial Users** who are required to report. Under each listed industry will be listed the type of report due and its due date. Following the due date will be a place to write the date the report is actually received. Next to each listed industry, also on the same line which identifies required reports and due dates, will be an area to note a summary of compliance status, including enforcement actions, calculations of administrative fines and/or SNC, and enforcement action timelines.

At the end of the month, the material in the report log will be transferred to a computer file created for each ~~industrial user~~ **Industrial User** for ongoing storage and retrieval. The written records will be placed in a loose-leaf notebook developed to hold all ~~pretreatment~~ **Pretreatment** information pertinent to the particular industry.

In summary, the tracking of noncompliance, including SNC will be accomplished as follows:

1. Monitoring reports, inspection reports and compliance reports will be reviewed by the Pretreatment Coordinator within 5 days of receipt. Likewise, all ~~pretreatment~~ **Pretreatment** program violations will be identified and documented and the initial (Level 1) enforcement response (e.g. phone call or compliance meeting **and** an NOV or Consent Order) will occur within five (5) days of receipt of reports.
2. Violations classified by the Pretreatment Coordinator as ~~SMC~~ **SNC** will be followed with an enforceable Level II order to be issued by the Public Works Director within three (3) days of receipt or detection of noncompliance.
3. Assisted by the City Attorney, the Pretreatment Coordinator will respond to persistent or recurring violations with an escalated enforcement response (Level III) within sixty (60) days after the initial enforcement action. Violations which threaten health, property or the environment will be treated as an emergency and an immediate enforcement response (e.g. Termination of Permit, Suspension Order, Injunctive Relief) will be initiated.

SECTION VIII. RESPONSIBILITIES OF PERSONNEL

A. POTW Supervisor

The ~~wastewater treatment plant~~ **Wastewater Treatment Plant** Supervisor is responsible for the overall operation and maintenance of the POTW, including employee safety, and protection of the ~~treatment plant~~ **Treatment Plant**. The Supervisor is also responsible for compliance with the NPDES ~~permit~~ **Waste Discharge Permit** for ~~wastewater discharge~~ **Wastewater Discharge**. The Supervisor has the authority to recommend to discontinue ~~sewer~~ **Sewer** service in emergency situations where there reasonably appears to present an imminent endangerment or substantial endangerment to the health or welfare of ~~persons~~ **Persons**. The Supervisor will work under the direction of the Public Works Director.

B. Pretreatment Coordinator (PC)

The City will have a Pretreatment Coordinator who will be an individual thoroughly familiar with the program requirements and responsible for ensuring implementation of the City's pre-treatment program requirements. The Pretreatment Coordinator is also

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responsible for the administration and implementation of the ~~pretreatment~~Pretreatment program. The Pretreatment Coordinator will screen monitoring data, do inspections, and detect noncompliance. The Pretreatment Coordinator will be the ~~person~~Person typically working with ~~industrial users~~Industrial Users. The Pretreatment Coordinator is responsible for recommending to the Public Works Director any enforcement action and publishing the annual list of significant noncompliance violators. The Pretreatment Coordinator will also review ~~industrial user~~Industrial User reports and make reports of violations. The Pretreatment Coordinator is also responsible to track all actions of enforcement, by establishing time lines and all necessary follow-up and make recommendations to the Public Works Director, City Attorney and City Council for enforcement action. The PC- will work under direction of the Public Works Director.

C. Public Works Director (PWD)

~~As provided by WC, Section 8.006(58), the~~The Public Works Director is the ~~person~~Person designated to supervise and assume responsibility for the overall operations of the City’s public works infrastructure, including the POTW, NPDES, ~~permit~~NPDES Waste Discharge Permit compliance and the ~~industrial pretreatment~~Industrial Pretreatment program. The PWD is primarily involved in the escalation of enforcement responses and determining administrative fines. The Public Works Director works under the direction of the City Manager and supervises the Pretreatment Coordinator.

D. City Attorney

The City Attorney will be responsible for advising staff and City Council on ~~pretreatment~~Pretreatment enforcement matters. The Attorney works under the direction of the City Council. The City Attorney will also be responsible for preparation and implementation of judicial proceedings.

E. City Council

The City Council for the City of Wilsonville will be responsible for authorizing any Level III enforcement action taken, except in an emergency. As defined by City Charter, the City Council will be ultimately responsible for effluent quality, sludge use and disposal, NPDES compliance, the issuance of administrative orders, fines and assessments, and any judicial action followed ~~by the sewer use ordinance~~in this Chapter.

SECTION IX. ENFORCEMENT RESPONSE MATRIX

A. Definitions

AF	Administrative Fee
CA	City Attorney
CC	City Council of the City of Wilsonville
CDO	Cease and Desist Order. Unilateral order to require immediate IU compliance
CM	Compliance Meeting

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CO-1	Consent Order. Voluntary compliance agreement, including specified timeframe
CO-2	Compliance Order. Unilateral order to require IU compliance within specified timeframe
ES	Emergency suspension of IU discharge <u>Discharge</u> and <u>City-issued industrial wastewater</u> discharge permit
ESM	Environmental Services Manager
IU	Industrial User
Level III	When IU does not comply with CO-1 and CO-2, and AF has not been effective in bringing the IU into compliance, this level of enforcement requires the consultation of the CA to determine appropriate legal action which may include; injunctive relief, civil penalties, criminal prosecution
NOV	Notice of Violation
PC	Pretreatment Coordinator
PWD	Public Works Director
SNC	Significant Noncompliance
SCO	Show Cause Order requiring IU to appear and demonstrate why the City should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
TP	Termination of Permit

B. Applying the Enforcement Matrix

The matrix specifies enforcement actions for each type (or pattern) of noncompliance. The Pretreatment Coordinator will select an appropriate response from the list of enforcement actions indicated by the matrix. There are a number of factors to consider when selecting a response from among these actions. Several of the factors are identical to those used in originally establishing the guide:

1. Good faith or the ~~user~~ User.
2. Compliance history of the ~~user~~ User.
3. Previous success of enforcement actions taken against the particular ~~user~~ User.
4. Violation's effect on the receiving waters.
5. Violation's effect on the POTW.

Since the remedies designed in the matrix are all considered appropriate, the city staff and city council must weigh each of the factors outlined above before deciding whether to use a more or less stringent response. City personnel shall consistently follow the enforcement response matrix. To do otherwise sends a signal to ~~industrial users~~ Industrial Users and the public that the City is not acting in a predictable manner and may subject the City to charges of arbitrary enforcement decision making, thereby jeopardizing future enforcement. The enforcement response matrix is to be used as follows.

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation in column 2.
2. Assess the appropriateness of the recommended response(s) in column 3. First

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offenders or ~~users~~Users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response.

3. From column 3, apply the enforcement response to the ~~industrial-user~~Industrial User. Specify correction action or other responses required of the ~~industrial-user~~Industrial User, if any. Column 4 indicates personnel responsible for initiating each response.

4. Follow-up with escalated enforcement action if the ~~industrial-user's~~Industrial User's response is not received or the violation continues.

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SECTION IX. ENFORCEMENT RESPONSE MATRIX

ENFORCEMENT RESPONSE MATRIX

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
I. Unauthorized Discharge (No Discharge Permit)				
A. Discharge without a Permit	IU unaware of requirement, no harm to POTW or Environment	I	Phone Call & NOV with Permit Application Form	PC
	IU unaware of requirement, Harm to POTW or Environment	II	CO-2 with AF	PWD
	Recurring Un-permitted Discharge	III	SCO	CA, CC
B. Discharge without a Permit Failure to Renew Existing Permit	IU did not submit permit renewal application within 90 days of permit expiration date	I	Phone Call & NOV with Permit Application Form	PC
	IU did not submit permit renewal application follow NOV and permit application, exceeded 45 days beyond submittal due date.	II	CO-2 with AF	PWD
	IU did not submit permit renewal application follow NOV and permit application, exceeded 60 days beyond submittal due date.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA, CC

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Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation				
A. Reported Limit Violation	Sample results exceed numerical permit limit but does not exceed Technical Review Criteria for severity.	I	Phone Call &/or NOV	PC
	Four (4) violations for same pollutant with three (3) consecutive months	II	CM and CO-1	PWD
	Sample results exceed numerical permit limit (chronic violation) and exceeds the Technical Review Criteria (TRC)	II	CO-2 and AF pending severity of violation with adverse impact to POTW	PC, PWD,
	Recurring Violations resulting in SNC (Significant Noncompliance)	II	CDO with AF	PWD CA,
	Discharge limit violation which causes POTW interference, pass-through or health hazard.	II	CDO with AF	PWD, CA,
	Any discharge causing endangerment to the public or the environment	III	ES and SCO	PWD, CA, CC
B. pH Limit Violations – Grab Sampling	Any excursion detected during a 24-hour period.	I	Phone call & NOV,	PC
	Four (4) violations within 3 consecutive months	I	CM & CO-1	PC
	pH violations resulting in Significant Noncompliance	II	CO with possible AF	PWD, CA,CM
C. pH Limit Violation – continuous	Excursion exceeding 60 min. in 24 hour period (level 1) except that per 40 CFR 403.5(b)(2) any discharge below 5.0 is a violation. Excursions above 11.0 is also a violation.	I	Phone & NOV. ** 4 excursions in one quarter: CM & C)-1	PC
	Excursions exceeding 7 hours and 26 min. during a calendar month> (Level I)	I	Phone call & NOV. **4 excursions in one quarter: CM & CO-1	PC
	Daily or monthly	II	CO-2 with AF	PWD

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	violations occurring during 66% or more of a 6 month period. (Level II)			
D. pH Limit Violation – resulting in harm to POTW or environment	pH violations resulting harm to POTW or environment are considered significant non compliance	II	If reported IU, CO-2 with possible AF. If not reported by IU, CDO with AF	PWD, CA

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
II. Discharge Limit Violation (continued)				
E. Spill or Slug Discharge resulting in mass loading violations	Reported by IU: No damage to POTW, Isolated Occurrence.	I	Phone call & NOV.	PC
	Second occurrence within 6 month period.	I	CO-1	PC
	Reported by IU. Resulting in pass-through interference, or damage to POTW. Isolated occurrence.	II	CO-2 with possible AF	PWD
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
	Not Reported by IU. No damage to POTW	I	CM and CO-1	PC
	Second occurrence within 6 month period.	II	CO-1 with possible AF	PWD, CA, CM
	Not Reported by IU. Resulting in interference Interference, pass-through or damage	II	CDO with AF	PWD, CA
	Second occurrence within 6 month period.	III	Confer with CA to determine appropriated Level III enforcement action	PWD, CA. CC
III Monitoring and Reporting Violations				
A. Reporting Violations	Report is improperly signed or certified.	I	Phone call & NOV	PC
	Second occurrence within 6 month period	II	CM and CO-1	PC
	Scheduled reports late, 45 days or less, isolated incident	I	Phone call & NOV	PC
	Scheduled reports late more than 45 days.	II	CO-2 with AF	PWD
	Failure to Submit	II	CDO with possible AF	PWD, CA, PC

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	Reports; or reports are always late.			
	Incomplete Reports	I	Phone Call &/or NOV second incident CM and CO-1	
	Failure to Accurately Report noncompliance	II	CO-2 with AF	PWD, CA
	Scheduled reports late more than 60 days	III	SCO	PWD, CA, CC

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
A. Reporting Violations (continued)	Report Falsification	III	Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA. CC
B. Monitoring Violations	Failure to monitor all pollutants Pollutants as specified by discharge permit	I	Phone Call &/or NOV	PC
	Second occurrence within 6 month period	II	CO-1with a possible AF	PWD, PC
	Improper sampling with evidence of intent	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA. CC
	Failure to install monitoring equipment. Delay of 30 days or less, with good cause	I	Phone Call &/or CO-1	PC
	Failure to install monitoring equipment. Delay of more than 30 days.	II	CM andCO-1 with possible AF	PWD
	Pretreatment Equipment and Monitoring Equipment no maintained or out of service, evidence of neglect.	II	CO-2 with possible AF	PWD

WILSONVILLE CODE**ENFORCEMENT RESPONSE MATRIX (Continued)**

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
III Monitoring and Reporting Violations (continued)				
C. Compliance Schedule in Discharge Permit	Milestone Date missed by 30 days or less	I	Phone Call &/or NOV	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (good cause of delay)	I	CM & CO-1	PC
	Milestone date missed by more than 30 days or delay will affect other compliance dates (without good cause for delay).	II	CO-2 with possible AF	PWD
	Violation of Compliance Schedules issued to enforcement discharge permit compliance schedule.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
IV. Other Violations				
A. Waste Streams are Diluted in lieu of Pretreatment	Initial Violation	II	CDO with possible AF	PWD, CA
	Recurring Violations	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
B. Failure to meet compliance date for starting construction or attaining final compliance.	No Harm to POTW or environment. Delay, with good cause, less than 90 days.	I	CM and CO-1	PC
	Delay exceeds 90 days	II	CO-2 with possible AF	PWD
C. Failure to Properly Operate and Maintain a Pretreatment Facility	Evidence of neglect of intent	II	CO-2 with possible AF	PWD

WILSONVILLE CODE

ENFORCEMENT RESPONSE MATRIX (Continued)

Noncompliance	Nature Of Violation	Violation Level	Enforcement Responses	Staff
V. Violations Detected During Site Visit				
A. Entry Denied by the IU	Entry consent or copies of records denied.	II	Obtain warrant and return to IU for site visit. Follow-up with SCO for TP	PC PWD, CA, CC
B. Illegal Discharge	No Harm to POTW or environment	I	CM and CO-1	PC,
	Discharge causes harm or there is evidence of willful intent or neglect.	II	CDO with possible AF	PWD
	Recurring with evidence of willful intent or neglect.	III	SCO and Confer with CA to determine appropriated Level III enforcement action; Possible criminal actions	PWD, CA, CC
C. Improper Sampling	Unintentional sampling at incorrect location	I	Phone Call &/or NOV	PC
	ReOccurringReoccurring unintentional sampling and incorrect location	II	Phone call &/or NOV	PC
	Reoccurring unintentional using incorrect techniques	II	Phone Call &/or NOV	PC
	Unintentionally using incorrect sample collection techniques	I	Phone Call &/or NOV	PC
D. Inadequate Record Keeping	Inspection finds records incomplete or missing	I	NOV possible CO-1	PC
	Recurrence of records incomplete or missing.	II	CO-2 with possible AF	PWD
E. Failure to report additional monitoring	Inspection finds additional monitoring data	I	NOV with possible CO-1	PC
	Recurrence of failure to report additional monitoring data.	II	CO-2 with possible AF	PWD

WILSONVILLE CODE

SUMMARY OF TIME FRAMES FOR RESPONSES

1. Compliance Reports – reviewed within five (5) days of receipt.
2. All violations will be identified and documented within five (5) days of receiving compliance information.
3. **Level I** Enforcement Response (NOV, CO-1) – within five (5) days of violation detection.
4. **Level II** Enforcement Response (CO-2, CDO, EX, TP, SCO) – within thirty (30) days of violation detection.
5. **Level III** Enforcement Response (judicial and supplemental enforcement actions) time frame is subject to case-by-case legal review by the City Attorney, but in no case will the initiation of a Level III action exceed sixty (60) days.
6. Recurring Violations – follow-up enforcement within sixty (60) days.
7. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the ~~discharge~~Discharge or terminating service.

Entire Chapter 8 of the Code repealed and replaced by Ordinance No. 654 adopted on August 18, 2008.
Section 8.700-8.750 Added by Ordinance No. 664, adopted 6/1/09
Amended by Ordinance No. 689, adopted January 20, 2011 (correct scrivener errors)
Entire Chapter 8 Amended by Ordinance No. 753, adopted October 24, 2014

STORMWATER

8.5008.300 General Provisions

(1) Purpose. Provides for the building of and connection to public ~~stormwater~~Stormwater facilities and for the uniform regulation of ~~discharges~~Discharges to the ~~public stormwater system~~Public Stormwater System through the issuance of permits and through enforcement of general requirements for other ~~users~~Users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Application to Users within and outside of City limits. Provisions of this article shall apply to users within the City limits and to users outside the City limits who, by contract or agreement with the City, are included as users of the ~~public stormwater system~~Public Stormwater System.

8.5028.302 Stormwater System Construction

(1) No unauthorized ~~person~~Person shall uncover, make any connections to or opening into the ~~public stormwater system~~Public Stormwater System, use, alter or disturb any ~~storm sewer lateral~~Storm Sewer Lateral or appurtenance thereof without first obtaining a permit from the City. In each case, the ~~owner~~Owner, Lessee, or their agent, shall make application on a special form furnished by the City. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City's ~~authorized stormwater representative~~Authorized Stormwater Representative.

(2) All costs and expenses incidental to the installation and connection of ~~stormwater~~Stormwater facilities shall be borne by the ~~owner~~Owner or Lessee. The ~~owner~~Owner or Lessee shall indemnify the City from any loss or damage to the City that may directly or indirectly be occasioned by the installation of ~~stormwater~~Stormwater facilities or connections to the ~~public stormwater system~~Public Stormwater System.

(3) The size, slope, alignment, construction materials of ~~stormwater~~Stormwater facilities, and the methods to be used excavating, placing of the pipe or other facilities, jointing, testing and backfilling the trench, shall all conform to the requirements of the State of Oregon Plumbing Specialty Code and other applicable rules and regulations of the City, including the City's Public Works Standards.

(4) The connection of the ~~stormwater~~Stormwater facilities to the ~~public stormwater system~~Public Stormwater System shall conform to the requirements of the State of Oregon Specialty Plumbing Code in effect at the time, and other applicable rules and regulations of the City, including the City's Public Works Standards. Any deviation from prescribed procedures and materials must be approved by the City's ~~authorized stormwater representative~~Authorized Stormwater Representative before installation.

(5) ~~The property Owner or Lessee is responsible for the maintenance, repair and replacement of private Stormwater conveyance systems (such as a Storm Sewer Lateral, swale, etc.) from the building up to and including the connection to the Public Stormwater System. Storm Sewer Lateral maintenance work, as used herein, includes pipe clean-out, clog removal, root removal, foaming and any other work or protocol required to ensure proper flow. Repair and replacement work for a private Stormwater conveyance system shall be done in accordance with the City's Public Works Standards and the City's Right of Way Permit.~~

~~(5)(6)~~ ~~The~~ ~~The applicant shall notify the City's authorized stormwater representative when the stormwater~~ Applicant shall notify the City's Authorized Stormwater Representative when the Stormwater facilities are ready for inspection. The connection shall be made under the supervision of the City's ~~authorized stormwater representative.~~ Authorized Stormwater Representative. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the ~~applicant's or owner's~~ Applicant's or Owner's or Lessee's expense in a manner satisfactory to the City, in accordance with the City's requirements.

~~(6)(7)~~ All excavations for stormwater ~~Stormwater~~ facility installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

8.5048.304 Use of Public Stormwater System

(1) No unauthorized ~~person~~ Person shall uncover, make any connections with or openings into, use, alter, or disturb, any ~~public stormwater system~~ Public Stormwater System or appurtenance thereof without first obtaining written permission from the City.

(2) Stormwater shall be ~~discharged~~ Discharged to ~~storm sewers~~ Storm Sewers and natural outlets under the authority and regulations of the NPDES Municipal Stormwater Permit Program, administered by the Oregon Department of Environmental Quality.

(3) No ~~person~~ Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the ~~public stormwater system~~ Public Stormwater System.

(4) It shall be unlawful to ~~discharge~~ Discharge in or into any natural outlet or ~~stormwater sewer~~ Stormwater Sewer inlet (catch basin, grate, roof downspout, etc.) within the City of Wilsonville, or in any area under the jurisdiction of said City, any ~~sewage~~ Sewage or other polluted water.

(5) Stormwater shall be protected from soap, wax, or other pollution runoff from vehicle wash facility entrance and exits.

8.506306 Public Stormwater System – Property Damage Prohibited

(1) No unauthorized ~~person~~ Person shall with intent to cause substantial inconvenience or with intent to cause damage, break, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the ~~public stormwater system.~~ Public

Stormwater System. Any ~~person~~Person violating this provision and as a result thereof damages any part of the ~~public stormwater system~~Public Stormwater System, shall be subject to arrest and prosecution under the laws of the State of Oregon as set forth in ORS 164.345 through 164.365.

8.508 8.308 Right of Entry

(1) Where it is necessary to perform inspections, measurements, sampling and/or testing, to enforce the provisions of this code, or where the City's ~~authorized stormwater representative~~Authorized Stormwater Representative has reasonable cause to believe that there exists upon the premises a condition which is contrary to or in violation of this code which makes the premises unsafe, dangerous or hazardous, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this code. Provided, however, that if such premises is occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative shall first make a reasonable effort to locate the ~~owner~~Owner, Lessee, or other ~~person~~Person having charge or control of the premises and request entry. If entry is refused, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative shall have recourse to the remedies provided by law to secure entry.

(1) The premises shall be maintained in a safe condition by the ~~owner~~Owner or a ~~person~~Person having charge or control of the premises and upon contact by the City's ~~authorized stormwater representative~~Authorized Stormwater Representative the ~~owner~~Owner or a ~~person~~Person having charge or control of the premises shall have a duty to notify City's ~~authorized stormwater representative~~Authorized Stormwater Representative of any safety rules or unsafe conditions applicable to the premises.

(2) Not with standing, Section 8.~~508~~308(1) above, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative shall be permitted to enter all private properties through which the City holds an easement, according to the terms of the easement. Any ~~storm water~~Stormwater facility work within said easement shall be done according to the regulation provided in this Code and/or the Public Works Standards.

8.510310 Discharge of Pollutants

(1) The commencement, conduct, or continuance of any non-~~stormwater discharge~~Stormwater Discharge to the ~~public stormwater system~~Public Stormwater System is prohibited and is a violation of this ~~ordinance~~Chapter, except as described below.

(2) The prohibition shall not apply to any non-~~stormwater discharge~~Stormwater Discharge permitted or approved under an Industrial or Municipal NPDES Stormwater ~~permit~~Permit, waiver, or ~~discharge~~Discharge order issued to the ~~discharger~~Person who Discharges and administered by the DEQ, provided that the ~~discharger~~Person who Discharges is in full compliance with all requirements of the permit, waiver, or ~~discharge~~Discharge order and other applicable laws or regulations and provided that written approval has been granted by the City for any ~~discharge~~Discharge to the ~~municipal separate storm wastewater system~~Municipal

Separate Storm Sewer System (MS4).

(a) Except as provided in subsection (3), the prohibition shall not apply to the following non-~~stormwater discharges~~Stormwater Discharges to the ~~public stormwater system~~Public Stormwater System: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to the MS4, uncontaminated pumped groundwater, ~~discharges~~Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual ~~residential~~Residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool ~~discharges~~Discharges, street wash water, and flows from firefighting.

(b) “Street wash water” is defined for purposes of this section to be water that originates from publicly-financed street cleaning activities consistent with the City’s NPDES ~~municipal stormwater permit~~Stormwater Permit.

(c) Discharge of flows to the public or private ~~stormwater~~Stormwater system from private washing of sidewalks, streets and parking lots are discouraged to the maximum extent practicable.

(3) The City may require ~~best management practices~~Best Management Practices to reduce ~~pollutants~~Pollutants, or may prohibit a specific ~~discharger~~Person who Discharges from engaging in a specific activity identified in subsection (2) if at any time the City determines that the ~~discharge~~Discharge is, was, or will be a significant source of pollution.

8.512312 Discharge in Violation of Permit

Any ~~discharge~~Discharge that would result in or contribute to a violation of an existing or future Municipal NPDES Stormwater ~~permit~~Permit and any amendments, revisions, or reissuance thereof, either separately considered or when combined with other ~~discharges~~Discharges, is a violation of this chapter and is prohibited. Liability for any such ~~discharge~~Discharge shall be the responsibility of the ~~person~~Person(s) causing or responsible for the ~~discharge~~Discharge, and such ~~persons~~Persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such ~~discharge~~Discharge.

8.514314 Waste Disposal Prohibitions

(1) No ~~person~~Person may cause or contribute to pollution, including but not limited to any refuse, rubbish, ~~garbage~~Garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, sand, dirt, sod, ~~sediment~~Sediment or ~~sediment~~Sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations in or to the ~~public stormwater system~~Public Stormwater System.

(2) Runoff from ~~commercial~~Commercial or ~~industrial~~Industrial operations or

businesses that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not ~~discharge~~Discharge directly to a private or ~~public stormwater system~~Public Stormwater System except as allowed under Section 8.~~510~~310 of this code; this includes but is not limited to outdoor ~~commercial, industrial~~Commercial, Industrial or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities ~~discharges~~Discharges directly or indirectly to a private or ~~public stormwater system~~Public Stormwater System.

8.516~~316~~ General Discharge Prohibitions

(1) It is unlawful to ~~discharge~~Discharge or cause to be ~~discharged~~Discharged directly or indirectly into the ~~public stormwater system~~Public Stormwater System any of the following:

- (a) Any ~~discharge~~Discharge having a visible sheen, or containing floating solids or discoloration (including but not limited to dyes and inks);
- (b) Any ~~discharge~~Discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic chemicals in toxic concentrations;
- (c) Any ~~discharge~~Discharge which causes or may cause damage, ~~interference, nuisance~~Interference, or hazard to the ~~public stormwater system~~Public Stormwater System or the City personnel; and
- (d) Any ~~discharge~~Discharge containing human sanitary waste or animal feces.

8.518~~318~~ Compliance with Industrial NPDES Stormwater Permits

Any ~~industrial discharger, discharger~~ Person who causes an Industrial Discharge, any Person who causes a Discharge associated with construction activity, or any Person who causes other ~~discharger~~Discharges subject to any NPDES Stormwater ~~permit~~Permit issued by the Oregon DEQ, from which ~~pollutants~~Pollutants may enter the public or private ~~stormwater~~Stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by State and Federal regulations. Proof of compliance with said permits may be required in a form acceptable to the City prior to issuance of any grading, building, occupancy permits or business license.

8.520~~320~~ Compliance with Local, State, and Federal Laws and Regulations

All users of the ~~public stormwater system~~Public Stormwater System and any ~~person~~Person or entity whose actions may affect the system shall comply with all applicable local, ~~state~~State and ~~federal~~Federal laws and regulations. Compliance with the requirements of this chapter shall in no way substitute for or eliminate the necessity for compliance with applicable local, ~~state~~State and ~~federal, state~~Federal laws and regulations.

8.522~~322~~ Conflicts with Existing and Future Regulatory Requirements of Other Agencies

Any provisions or limitation of this chapter and any rules adopted pursuant hereto are superseded and supplemented by any applicable local, ~~state~~State, and ~~federal~~Federal requirements existing or adopted subsequent hereto, which are more stringent than the provisions and limitations contained herein.

8.524~~324~~ Accidental Spill Prevention and Control

Accidental spills and releases by ~~dischargers~~Persons who are not required to obtain a NPDES Stormwater ~~permit~~Permit but who handle, store or use hazardous or toxic substances or ~~discharges~~Discharges prohibited under Section 8.512312 and there is a reportable quantity as defined in OAR 340-142-0050, on their sites shall prepare and submit to the City an Accidental Spill Prevention and Control Plan within 60 days of notification by the City. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this Section.

8.526~~326~~ Notification of Spills

(1) As soon as any ~~person~~Person in charge of a facility or responsible for emergency response for a facility becomes aware of any suspected, confirmed, or unconfirmed release of material, ~~pollutants~~Pollutants, or waste creating a risk of ~~discharge~~Discharge to the ~~public stormwater system~~Public Stormwater System, such ~~persons~~Persons shall:

- (a) Begin containment procedures;
- (b) Notify proper emergency personnel in case of an emergency;
- (c) Notify appropriate city and/or ~~state~~State officials regarding the nature of the spill; and
- (d) Follow-up with the city regarding compliance and modified practices to minimize future spills, as appropriate.

(2) The notification requirements of this section are in addition to any other notification requirements set forth in local ~~state~~State, or Federal regulations and laws. The notification requirements do not relieve the ~~person~~Person of necessary remediation.

8.528~~328~~ Requirement to Eliminate Illicit Connections

(1) The City's ~~authorized stormwater representative~~Authorized Stormwater Representative may require by written notice that a ~~person~~Person responsible for an illicit connection to the ~~public stormwater system~~Public Stormwater System comply with the requirements of this chapter to eliminate the illicit connection or secure approval for the connection by a specified date.

- (2) If, subsequent to eliminating a connection found to be in violation of this chapter,

the responsible ~~person~~Person can demonstrate that an ~~illicit discharge~~Illicit Discharge will no longer occur, that ~~person~~Person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible ~~person's~~Person's expense.

8.530330 Requirement to Remediate

Whenever the City finds that a ~~discharge~~Discharge of ~~pollutants~~Pollutants is taking place or has taken place which will result in or has resulted in pollution of ~~stormwater~~Stormwater or the ~~public stormwater system~~Public Stormwater System, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative may require by written notice to the responsible ~~person~~Person that the pollution be remediated and the affected property restored, to the requirements of this Chapter.

8.532332 Requirement to Monitor and Analyze

Whenever the City's ~~authorized stormwater representative~~Authorized Stormwater Representative determines that any ~~person~~Person engaged in any activity ~~and/or owning or operating any facility~~ which may cause or contribute to ~~stormwater~~Stormwater pollution or ~~illicit discharges~~Illicit Discharges to the ~~public stormwater system~~Public Stormwater System, the City's ~~authorized stormwater representative~~Authorized Stormwater Representative may, by written notice, order that ~~such person~~the Responsible Party undertake such monitoring activities and/or analyses and furnish such reports as the City's ~~authorized stormwater representative~~Authorized Stormwater Representative may deem necessary to demonstrate compliance with this chapter. The written notice shall be served either ~~in person~~by personal delivery or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required including but not limited to, that which may be undertaken by a third party independent monitor, sampler and/or tester. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail requiring the Owner to monitor the property and furnish such reports as the City's Authorized Stormwater Representative may deem necessary to demonstrate compliance with this chapter.

8.534334 Erosion Prevention and Sediment Control

(1) Any person performing construction work in the city shall comply with the provisions of this chapter and shall provide and maintain erosion and sediment controls that prevent discharges of pollutants to the public stormwater system. Any person performing construction work in the city shall comply with the City's Public Works Standards which establishes standards and guidelines for implementing Best Management Practices designed to provide erosion prevention and sediment control from construction sites. Purpose. These regulations contained herein, together with the Clackamas County Water Environment Services' most current version of the Erosion Prevention and Sediment Control Planning and Design Manual, shall be known as the "City of Wilsonville Erosion Prevention and Sediment Control Standards," may be cited as such, and will be referred to herein as "these Standards." The

purpose of these Standards is to establish uniform requirements for Land Development and construction-related activities in order to control the occurrence of Erosion and to prevent the creation, migration and/or transport of Erosion at the source during construction and Land Development.

(2) These Standards shall be administered and enforced by the City Manager or designee. The City Manager shall have the authority to develop and implement procedures, forms, policies, and interpretations for administering the provisions of these Standards.

(3) ESC Permit Required. An ESC Applicant must obtain an ESC permit before commencing any ground disturbing activity affecting 500 square feet or greater, cumulatively, throughout the duration of Land Development. The ESC Applicant must list each tax lot encompassed within the area where Land Development occurs, which tax lots will also be listed on the ESC permit. A copy of the approved ESC permit shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. An ESC Applicant must obtain a DEQ 1200-C permit if a site requires disturbing five acres or more. A copy of the approved 1200-C shall be submitted to the City Manager before any clearing or grading shall be allowed to proceed. DEQ 1200-C permits are obtained directly from DEQ.

(4) ESC Plan Required. The ESC Applicant shall submit an ESC Plan for projects requiring an ESC permit prior to commencing any ground disturbing activity. The City Manager or designee shall approve the ESC Plan if it demonstrates compliance with these Standards and the standards set forth in the Clackamas County Water Environment Services' most current version of the "Erosion Prevention and Sediment Control Planning and Design Manual" for all Erosion and Sediment control measures.

(5) ESC Plan Implementation. An approved ESC permit shall be implemented and maintained as follows:

(a) It shall be the duty of the ESC Applicant to inspect the property in conformance with the permit issued to ensure ESC measures are effective.

(b) The ESC Applicant is responsible to ensure that no Visible and Measurable Erosion and Sediment leaves the permitted site.

(c) The ESC Applicant shall keep a record of inspections with a brief explanation as to any signs of Erosion or Sediment release and measures taken to prevent future releases as well as any measures taken to clean up the Sediment that has left the site. Records must be made available to the City and DEQ upon request and must be submitted to the City upon final completion of work if so requested by the City.

(d) During periods of wet weather, disturbed areas of the site and/or stockpiled soil shall be covered by the ESC Applicant by tarps or straws at the end of each day's operations; all disturbed, unworked areas of the site shall be protected from Erosion

(e) The ESC Applicant shall remove ESC measures, establish permanent groundcover on all exposed soils; clean and remove trash, construction waste and Sediment deposits before receiving a final ESC inspection approval.

(6) Ineffective Measures and ESC Plan Amendment. If the facilities and techniques in the approved ESC Plan are not effective or sufficient to meet the purposes of this Chapter, based on an on-site inspection, the City Manager or designee may require the ESC Applicant to revise the ESC Plan. Such requirement shall be in writing and shall explain the problem. The written requirement shall be presented to the ESC Applicant and any other related parties.

(a) The revised ESC Plan shall be submitted by the ESC Applicant not later than three (3) business days of when written notification by the City Manager is received. Receipt of such notice shall be deemed complete three (3) days after simultaneous regular mail and certified mail is deposited in the mail or completed the same day as personal delivery.

(b) The ESC Applicant shall implement fully the revised ESC Plan not later than three (3) business days after mailing the revised ESC Plan to the City, or within such other time frame as the City Manager may specify.

(c) In cases where significant Erosion is occurring, the City Manager or designee may require the ESC Applicant to immediately install interim control measures before submittal of a revised ESC Plan.

(d) If there is a confirmed or imminent threat of significant off-site Erosion, the City Manager or designee shall issue a stop work order, upon issuance of which all work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with the City of Wilsonville's performance standards for ESC and are approved by the City Manager or designee.

~~(1)~~

~~(2) The City's authorized stormwater representative may make periodic inspections to ensure compliance with the requirements of the Public Works Standards.~~

8.536-336 Stormwater – Violation

~~Any person violating any of the terms of this Section shall upon a first conviction thereof, be subject to the violation fine provisions pursuant to City Code Chapter 1.012 of the Wilsonville Code and upon a subsequent conviction thereof, shall be subject to the Class C Misdemeanor fine provisions pursuant to City Code Chapter 1.011. In addition, upon a conviction, a person shall be liable for the costs of prosecution.~~

(1) Enforcement. The City Manager or designee is authorized and directed to enforce all the provisions of Sections 8.300 through and including 8.334 and may conduct inspections whenever it is necessary to enforce any provisions of Sections 8.300 through and including 8.334 to determine compliance or whenever the City Manager or designee has

reasonable cause to believe there exists any violation of Sections 8.300 through and including 8.334. It is the policy of the City to pursue compliance and enforcement against the Responsible Party when a violation of Sections 8.300 through and including 8.334 occurs. When the Owner of a property where a violation occurs is not the Responsible Party, the City will pursue compliance and, when necessary, enforcement, only when the Responsible Party cannot be located or determined.

(2) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of Sections 8.300 through and including 8.334, the City Manager or designee, in accordance with Section 8.308, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code. If entry is refused, the City Manager shall have recourse to the remedies provided by Code Section 8.412(2) to secure entry.

(3) Notification. When it is determined that a violation of any provision of Sections 8.300 through and including 8.334 has occurred, the City Manager or designee shall notify the ESC Applicant or Responsible Party in writing of the violation observed. The notice of violation shall be delivered to the ESC Applicant or Responsible Party and posted at the property site of the violation. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail.

(4) Stop Work Orders. When it is necessary to gain compliance with Sections 8.300 through and including 8.334, the City Manager or designee may issue a written stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. The Responsible Party shall not resume work until such time as the City Manager or designee provides specific approval in writing. If the City cannot locate the Responsible Party and the Responsible Party is a Person other than the Owner of the property, the City will notify the Owner of the property in writing via personal delivery or certified mail of the stop work order.

(5) Termination of Permit. If an ESC Applicant violates the requirements of Sections 8.300 through and including 8.334, the City Manager or designee may revoke any or all of the ESC Applicant's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. If a Responsible Party violates the requirements of Sections 8.300 through and including 8.334, the City Manager or designee may revoke any or all of the Responsible Party's public works permits, building permits, or other permits within the Land Development area where the violation is occurring. The Responsible Party or ESC Applicant may appeal such determination pursuant to WC 8.336(12) herein.

(6) Civil Penalties. In addition to any other civil or criminal penalties, fines, or other enforcement measures allowed under the Wilsonville Code, Oregon law and regulations, or federal law and regulations, upon a determination by the City Manager or designee that a Person has violated an provision of Sections 8.300 through and including 8.334, the City Manager or designee may impose upon the ESC Applicant or Responsible Party a civil penalty. The use of a civil penalty does not prevent other authorized enforcement actions. A civil penalty shall be no

less than fifty dollars (\$50) and shall not exceed five thousand dollars (\$5,000) per offense per tax lot in which the violation(s) occurs within the Land Development area, or in the case of a continuing offense, not more than one thousand dollars (\$1,000) for each day of the offense and shall be processed in accordance with the procedures set forth in WC 8.336.

(a) Prior to imposing a civil penalty, the City Manager or designee, upon sending the ESC Applicant or Responsible Party an order to correct the violation(s), will pursue reasonable attempts to secure voluntary correction. Following the date or time by which the correction(s) must be completed as required by the order, the City Manager or designee shall determine whether such correction(s) has/have been completed. If the required correction(s) has/have not been completed by the date or time specified in the notice, the City Manager or designee may impose a civil penalty.

(b) In order to ensure that penalties correspond appropriately with the level of violation, and in consideration of this Section, for any fine above the fifty dollar (\$50) minimum fine, a formula will be used by the City Manager or designee to determine the dollar amount of the civil penalty.

(c) The civil penalty authorized by the Section shall be in addition to:

1) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement; and

2) Any other actions authorized by law.

(d) Notwithstanding WC 8.336(2)(a) above, the City Manager or designee may impose a civil penalty without having issued an order to correct violation or making attempts to secure voluntary correction where the City Manager or designee determines that the violation was knowing, intentional, or a repeat of a similar violation.

(e) If the City determines in its sole discretion that pursuing the Responsible Party is not feasible or it is in the public interest to pursue the Owner of the property for violations of WC 8.300 to WC 8.334, the City may impose a fine against the Owner pursuant to this subsection (6) after providing the Owner with written notice pursuant to WC 8.336(3).

(7) Civil Penalties Notice. The notice of civil penalty shall be served by personal service or shall be sent by registered mail or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three (3) days after the date mailed if to an address within the State, and seven (7) days after the date mailed if to an address outside this State. A notice of civil penalties shall include:

(a) Reference to the particular code provision or rule involved;

(b) A short and plain statement of the violation;

(c) A statement of the amount of the penalty or penalties imposed;

(d) If the penalty is imposed pursuant to WC 8.336(6)(d), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and

(e) A statement of the party's right to appeal the civil penalty to the City Council.

(8) In imposing a penalty authorized by this Section 8.336, the City Manager or designee shall consider:

(a) The Person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

(b) Any prior violations of statutes, rules, orders and permits;

(c) The gravity and magnitude of the violation;

(d) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

(e) Cost to City;

(f) The violator's cooperativeness and efforts to correct the violation; and

(g) Any relevant regulation under the City Code.

(9) Any Person who has been issued a notice of civil penalty may appeal the penalty to the City Council. The provisions of WC 8.336(12) herein shall govern any requested hearing. The burden of proof shall be on the party appealing the penalty.

(10) A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the ESC Applicant or Responsible Party appeals the penalty to the City Council pursuant to, and within the time limit established by WC 8.336(12). If the ESC Applicant or Responsible Party appeals, the decision will become final, if at all, upon issuance of the City Council's decision affirming the imposition of the administrative civil penalty.

(11) Unpaid Penalties. Failure to pay a civil penalty imposed pursuant to this Section 8.336 within fourteen (14) days after the penalty becomes final shall constitute a violation of this Section 8.336. The City Manager or designee shall assess the property the full amount of the unpaid fine, notify the ESC Applicant or Responsible Party of such assessment, and shall enter such an assessment as a lien in the City lien docket. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

(a) In addition to enforcement mechanisms authorized elsewhere in this Code, failure to pay an administrative civil penalty imposed pursuant to WC 8.336(6) shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

(12) Appeal Procedures.

(a) Filing deadline. A Person appealing a decision of the City Manager or designee shall file a written notice of appeal with the City Recorder within ten (10) calendar days from the date of mailing of the notice sent pursuant to WC 8.336(7).

(b) Notice of appeal content. The written notice of appeal shall include:

1) The name and address of the appellant;

2) A statement of the authority or jurisdiction for the appeal including specific code sections authorizing the appeal;

3) A statement of the appellant's standing or right to be heard;

4) The nature of the decision being appealed;

5) A copy of the decision being appealed;

6) A short and plain narrative statement including the reason(s) the original decision is alleged to be incorrect, with reference to the particular sections of the applicable code sections; and

7) The result the appellant desires on appeal.

(c) An appellant who fails to file such a statement with the information required in Subsection (12)(b) within the time permitted waives the objections, and the appeal shall be dismissed without a hearing.

(d) If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal; however, any stop work order will remain in effect. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, a notice of suspension.

(e) Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Council within thirty (30) days of the receipt of the notice of intent to appeal. At least ten (10) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(f) The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. The City may provide a response to the appeal for consideration by the City Council. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The City may also present testimony and oral arguments as well. If the appellant is represented by counsel, the City Attorney or designee will represent the City. The rules of evidence as used by courts of law do not apply.

(g) The City Council shall issue a written decision within ten business (10) days of the hearing date. The decision of the City Council after the hearing is final may include a determination that the appeal fee be refunded to the ESC Applicant or Responsible Party upon a finding by the City Council that the appeal was not frivolous.

(13) Abatement of Violation.

(a) Summary Abatement Authorized. The City Manager or designee may determine that the failure or non-existence of Stormwater control measures as required by this Section 8.300 through and including 8.334 constitute a violation presenting an immediate threat of injury to the public health, the environment, or public or private property. Such violations shall be subject to the requirements and enforcement measures stated in Sections 8.300 through and including 8.336. In cases where the City Manager or designee determines it is necessary to take immediate action in order to meet the purposes of this Section 8.300 through and including 8.336, Summary Abatement of such violation is authorized.

(b) Notification Following Summary Abatement. When Summary Abatement is authorized by Sections 8.300 through and including 8.336, the decision regarding whether or not to use Summary Abatement shall be at the City Manager's or designee's discretion. In case of Summary Abatement, notice to the ESC Applicant or Responsible Party prior to abatement is not required. However, following Summary Abatement, the City Manager or designee shall post upon the affected site the abatement notice describing the action taken to abate the violation and shall cause a notice to be mailed to the ESC Applicant or Responsible Party at the ESC Applicant's or Responsible Party's address as recorded in the county assessment and taxation records for the property in question.

(c) Financial Responsibility.

1) Whenever a violation is abated under this Subsection 8.336(13), the City Manager or designee shall keep an accurate account of all expenses incurred.

2) The City Manager or designee shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or designee shall mail a notice to the ESC Applicant or Responsible

Party, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing.

3) Lien. In the event that amount due set forth in the notice is not paid in full within thirty (30) days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

Chapter 8 Code Revision – Chart of Applicability of Chapter 8

Chapter 8 – Environment

Code Section	Who It Applies To	When It Applies	How It Applies	Key Terms	Applicable Permits
<u>Water Conservation:</u> WC 8.101-8.150	All residents and businesses located within the City of Wilsonville.	Emergency situations, including but not limited to a drought and moratoriums.	Advises residents and businesses how they should use water in extreme circumstances.	Person.	N/A
<u>Public Sanitary Sewer Use:</u> WC 8.200-8.214	All residents and businesses located within and outside the City limits by contract or agreement with the City, except for properties with a septic system.	When an individual or business has to hook up or discharge to a public sewer system.	Hooking up to sanitary sewer; or using a public sewer system.	Person, Owner, Lessee, Applicant, User, and Residential User.	Plumbing Permit when performing work on the sanitary sewer system on private property (e.g. replacing a shower); Public Works Permit when connecting a sanitary sewer lateral to the public sewer system.
<u>Stormwater:</u> WC 8.300-8.334 (Incl. Erosion Prevention and Sediment Control)	Anyone with a stormwater facility/conveyance system or discharging pollutants; and construction sites subject to erosion prevention and sediment control requirements.	When an individual has to hook up or discharge to a stormwater system and/or perform construction activities.	Provides connection to public Stormwater system and for uniform regulations of discharge.	Person, ESC Applicant, Owner, Lessee, Responsible Party	Public Works Permit ESC Permit.
<u>Stormwater— Violation:</u> WC 8.336 (Part of Stormwater Section [8.300-8.336])	Anyone with a stormwater facility/conveyance system and construction sites subject to erosion prevention and sediment control requirements. Anyone who causes a violation of the stormwater regulations or who has authority to direct and control the person causing the violation.	When violations are discovered or reported.	Enforcement procedures depend on the type of violation discovered or reported. Appeal procedures.	Person, ESC Applicant, Owner, Lessee, Responsible Party	N/A

Chapter 8 Code Revision – Chart of Applicability of Chapter 8

<p><u>Industrial Wastewater Regulations:</u> WC 8.400-8.420</p>	<p>All industry as it is defined by 40 CFR 403. The Code language regarding industrial wastewater regulations is from 40 CFR 403 and such language has been approved by DEQ as complying with 40 CFR 403.</p>	<p>All Significant Industrial Users and when Best Management Practices (BMP) are necessary.</p>	<p>Protects wastewater plants, employees working in the collection system, and rivers from discharge through enforcement mechanisms.</p>	<p>Person, User/Industrial User, Significant Industrial Users.</p>	<p>Industrial Wastewater Discharge Permit. BMP Agreement.</p>
<p><u>Enforcement:</u> WC 8.502-8.506</p>	<p>Anyone subject to Sanitary Sewer and Industrial Wastewater regulations.</p>	<p>When violations are discovered or reported.</p>	<p>Enforcement procedures depend on the type of violation discovered or reported.</p>	<p>Person, User/Industrial User.</p>	<p>N/A</p>
<p><u>Industrial Pretreatment Program Enforcement Response Plan</u></p>	<p>All industry as it is defined by 40 CFR 403.</p>	<p>Guidance to City staff and Users for the uniform and consistent enforcement of City Industrial Wastewater Regulations as applied to all Users of the system.</p>		<p>Person, User/Industrial User, Significant Industrial Users.</p>	<p>Industrial Wastewater Discharge Permit. BMP Agreement.</p>



JULY 2018

MONTHLY

REPORT

From The Director's Office

Big news for July in Community Development included:

We welcomed our new Civil Engineer, Matt Palmer. Matt brings us very valuable municipal engineering experience to Wilsonville gained primarily from working in Milwaukie and Tualatin. When not at work, Matt's interests include playing music (guitar and piano), traveling, reading, and outdoor activities such as hiking and kayaking.

A baby boy, Remi Hudson Vance, was born July 12, 2018 to his very proud parents Jordan and Mandi.

The Oregon Transportation Commission adopted the I-5 Wilsonville Road (Boone Bridge) Facility Plan that documents the bottleneck and supports adding a ramp-to-ramp (auxiliary) lane between Wilsonville Road and the Canby-Hubbard exits. The project will be included in the 2018 Regional Transportation Plan and ODOT can now program for its future funding and construction. Check it out at <https://www.oregon.gov/ODOT/Regions/Pages/I-5-Wilsonville-Facility-Plan.aspx>.

A big thank you to Preston, Manny, and the crew for installing new signage to enhance three pedestrian crossings in Wilsonville—one in Charbonneau, one near Murase Park, and one by Graham Oaks Park. See photos on next page. This is the latest in crosswalk signage that instructs drivers where to stop for pedestrians. Let's hope it helps!

Congratulations to Dan Carlson! He received a Special Recognition Award for the Education Advocate of the Year Award from OBOA (Oregon Building Officials Association) at their conference this month. He was recognized for the vital role he has played restarting the building inspection technology program at Chemeketa Community College. The program was suspended during the great recession. When the economy began to rebound, the need for qualified inspectors increased. Dan pushed the college to restart the program, restructured the program to meet the needs of the industry and ICC certifications, and got it approved through the college curriculum committee. Dan was especially recognized for his teaching role in the program, his innovative and hands-on experiences that enhance his lectures, and how he mentors and motivates his students. The award acknowledges Dan's valuable contributions to the future of a high quality building inspection industry.

Enjoy the rest of your summer!

–Nancy Kraushaar, PE, Director





New crosswalk signage at French Prairie Road and Boones Bend Road



New crosswalk signage at Wilsonville Road and Kolbe Lane



New crosswalk signage at Wilsonville Road and Willamette Way West



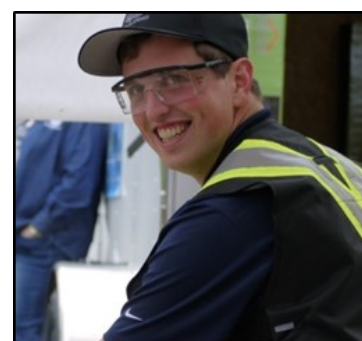
Building Division

FY 2017-2018: A Year in Review

It's been a very positive and productive year for the Building Division. The following are some highlights:

Staffing & Certifications

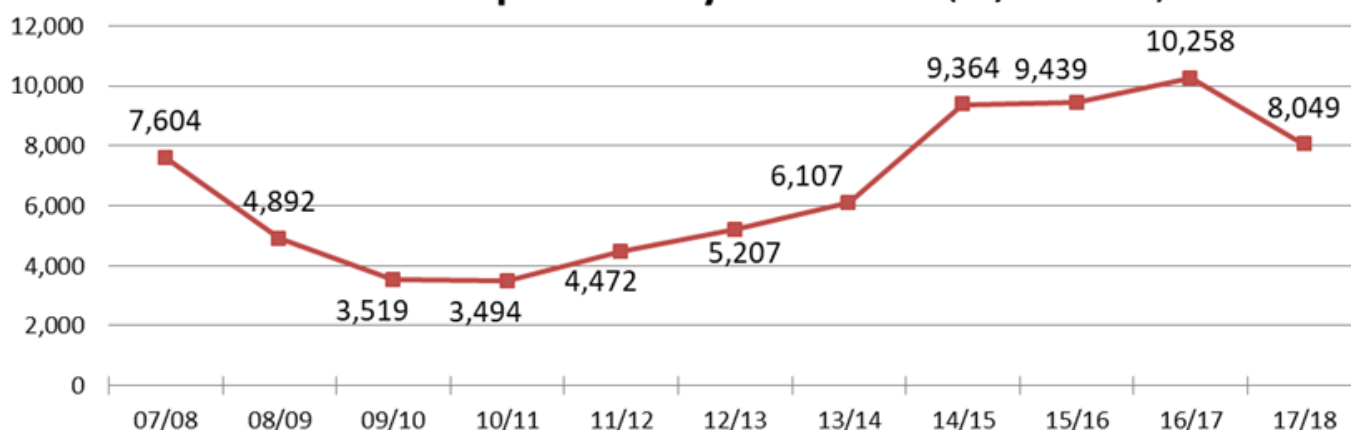
- Completed a reorganization – We now have a 4-tier career ladder for certified Building Inspector/Plans Examiners (BIPE) starting with a BIPE 1 and topping-out as a BIPE 4 lead worker.
- As of September 2017, all eight of our Building Division staff are International Code Council (ICC) certified.
- In FY 17/18 staff added 8 state and national certifications to our collective resume bringing the total certification number to 85.
- Welcomed Carl Brown to our inspection and plan review team. He brings several years of practical experience in construction. Carl is multi-certified with state certifications which allows flexibility for him to do both inspections and plan review of construction projects. This makes our team even stronger and able to serve customers more efficiently. Carl is presently enrolled in a 20 week state plumbing inspector course.
- Mike Ditty completed a 6 month state certification training course for residential plan review and residential inspections.
- Longtime commercial plans examiner Don Walters retired after 19.5 years. His vacancy was filled by the promotion of Building Inspection/Plans Examiner Leadworker, Melissa Gitt.



Services & Projects

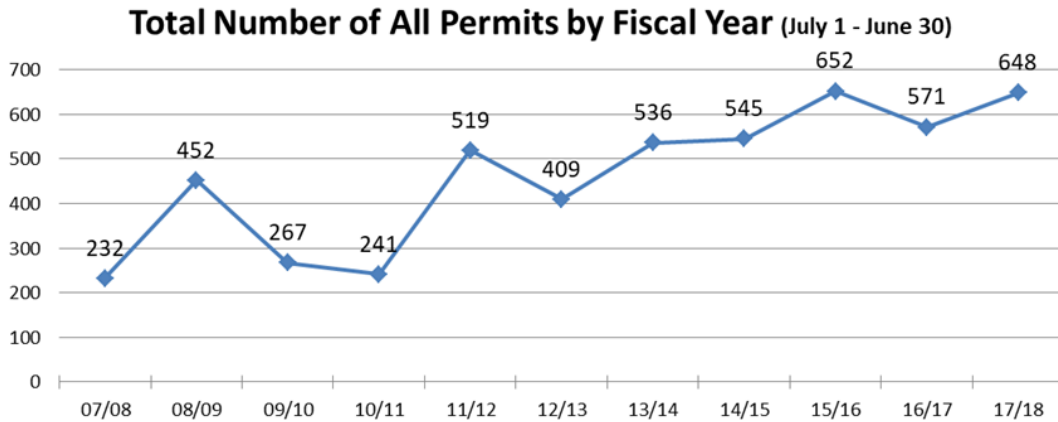
- As noted in the chart below, in 16/17 we completed the highest annual number of inspections in the last 10 years. After a record setting year we anticipated the slight dip in 17/18 with the completion of Meridian Creek Middle School and only one new small commercial project in development. Conversely, activity in FY 18/19 should be very busy with several major commercial projects in the plan review queue, and approval of two new subdivisions at Frog Pond.

Number of Inspections by Fiscal Year (July 1 - June 30)



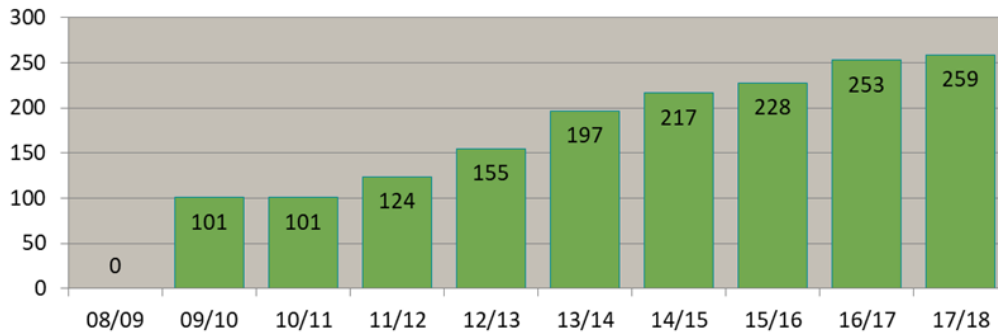
Building Division (Cont.)

- The total of all permit activity remains extremely high with tenant improvement permits and trades permits such as plumbing and mechanical permits taking the lead.

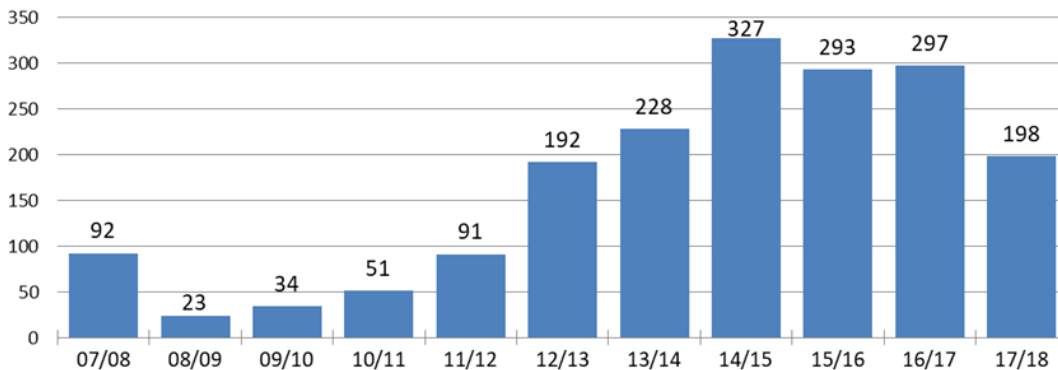


- ePermits - The number of online permits reached an all-time high of 259. This service allows plumbing and mechanical trades contractors to obtain permits anytime 24/7 which results in significant time savings with 259 fewer trips needed to City Hall to get permits.

Annual Number of Plumbing and Mechanical Permits Issued Online (Contractor Trips Saved to City Hall)



Number of New Home Permits by Fiscal Year (July 1 - June 30)



- New home permit numbers (permits issued) trailed the record breaking pace of the last 3 years, but overall remains high. There are several large commercial projects in the pre-development and plan review stages. In addition, as Villabois activity slows, two new developments are coming online in Frog Pond.

Economic Development



Community Development is excited to welcome to the world baby Remi Hudson Vance, born July 12, 2018! Manager Jordan was out of the office, at home with baby and Mom. The Economic Development update will resume next month.



Engineering Division, Capital Projects

Charbonneau High Priority Utility Repair Phase II (2500/7500)

This project continues the replacement and repair of the most deficient sewer and storm pipes within Charbonneau. This project represents the second of three planned phases to construction over three years. Project is substantially complete with final inspection scheduled in the next couple of weeks.

Charbonneau High Priority Utility Repair Phase III (7500)

This project continues the replacement and repair of the most deficient storm pipes within Charbonneau. This project represents the last of three planned phases to construction over three years. Project is substantially complete with final inspection scheduled in the next couple of weeks.

Exit 283 Southbound Ramps (4199)

Project is completed. Staff is looking into adding additional signage on when the new stacking lane can be utilized.

French Prairie Bridge (9137)

This project will determine the final location, alignment, and design type and includes preparation of preliminary construction and environmental documents for a new pedestrian, bike, and emergency vehicle bridge over the Willamette River in the vicinity of Boones Ferry Road. Staff are coordinating with ODOT to determine the Environmental Assessment scope of work and cost. Public outreach to begin the preferred bridge type process is scheduled to begin in August 2018.

Garden Acres Road (4201)

The project involves the design and construction of Garden Acres Road from a rural local access road to an urban industrial roadway as part of the Coffee Creek Industrial Area plan. Property acquisition work is underway. 90% design plans are currently under staff review.

I-5 Pedestrian Bridge (4202)

This project involves the design and preparation of construction documents for a pedestrian and bicycle bridge over Interstate 5 from Town Center Loop West to Boones Ferry/Barber Street. Council approved an IGA with Metro to exchange grant funds with the Kinsman Road Extension project, allowing the bridge project to be de-federalized, but the grant funds to apply to a City project. Design of the bridge will begin after completion of the Town Center Plan.

124th Avenue Extension

After a brief pause, Washington County's contractor continues construction on the 124th Avenue Extension project. The contractor began work just north of Day Road by placing Willamette Water Supply's 66" pipeline under the roadway on Grahams Ferry Road (see right) and will continue north to tie into Tonquin Road. We are coordinating with the County on the portions of work within the City limits.



Pipeline under the roadway on Grahams Ferry Rd.

Engineering Division, Capital Projects (Cont.)

Memorial Park Sewer Pump Station (2065)

The pump station replacement and upgrade project design continues with Murraysmith. The land use process, site design, and architecture design are underway and the geotechnical investigation is wrapping up.

Tooze Road to Grahams Ferry Road (4146)

We are over halfway done with construction. Tooze Road is scheduled for paving August 6-7. Signal pole installation scheduled for late August to mid-September. Contractor's schedule anticipates completion in mid-October.

Water Telemetry (1114)

Brown & Caldwell is helping us develop the standards that align with our water system's communication hardware and control needs. They are putting together the network and communication upgrade plan that will include a project list and estimates for future upgrades.

WWSP Coordination (1127)

Ongoing coordination efforts are occurring for the Garden Acres Road project (4201), the 5th/Kinsman project (4196), and the Kinsman/Wilsonville Road truck turning improvements. Submittal of 90% design plans for the 5th/Kinsman project and Kinsman/Wilsonville Road truck turning improvements is anticipated within the next month.

WWTP Outfall Replacement (2095)

The Wilsonville Wastewater Treatment Plant is under a directive from DEQ to replace the damaged outfall pipe with a new, upsized outfall that meets current discharge compliance requirements. Outfall pipe installation work (pictured below) is underway and will continue through mid-August. The I-5 Undercrossing Trail is closed to trail users on weekdays during daytime construction hours (7:00 am—6:00 pm) until the pipe installation work is complete in August. All project work is anticipated to finish at the end of October.



Engineering Division, Private Developments

Frog Pond—Morgan Farm

Staff are busy reviewing plans for the first phase (37 homes) of this 81-lot subdivision. Developer plans to get the project under construction in August.

Frog Pond—Stafford Meadows

Public Works Permit has been issued and construction is underway on this 44-lot subdivision.

Hilton Garden Inn

Plans have been submitted and are under review.

Villebois Calais East

Subdivision is almost complete. Model home construction is underway.

Villebois Mont Blanc

Subdivision (68 lots near Villebois Drive and Orleans Ave) is underway.

Natural Resources

What's the Right Height?

Stormwater management has evolved significantly over the last twenty years. It is no longer acceptable to locate oversized stormwater ponds, surrounded by security fences, in remote corners of a site. Low impact development and green infrastructure, which require the decentralization and integration of stormwater facilities, have established a new norm. Stormwater facilities are now seamlessly integrated into landscaping, whether it is in a parking lot, planter strip, or greenspace.

Street right-of-way is an important part of the equation because it offers long, linear areas that can accept stormwater runoff. However, due to the types of vegetation suitable for stormwater facilities, there can be issues maintaining a clear line of sight on roadways. In order to resolve this issue, staff are discussing new planting requirements for right-of-ways, specifically as it applies to shrubs and taller herbaceous plants. Establishing a height limit for vegetation located within the sight distance triangle at an intersection will help keep pedestrians and traffic moving safely. As stormwater management practices evolve, it is important to identify issues and adapt practices for multiple situations.



Taller shrubs partially obscuring line of sight.



Shorter shrubs that maintain line of sight.

Planning Division, Current

Projects Being Prepared for DRB Hearings

- New Bowling Center and Expansion of Family Fun Center
- Three home development on the southeast corner of Villebois Drive and Barber Street
- Holiday Inn Expansion and Master Plan for Future Additional Adjacent Hotel

Administrative Land Use Decisions Issued

- 2 Class I Administrative Reviews
- 6 Type A Tree Permits
- 4 Type B Tree Permit
- 2 Type C Tree Permit
- 3 Class I Sign Permits
- New Single-family building permits

Board and Commission Updates

Development Review Board (DRB)

The DRB Panels A and B did not hold any meetings during the month of July. The next regularly scheduled meetings are August 13 for Panel A and August 27 for Panel B.

Planning Commission

On July 11, the Planning Commission held two public hearings. The first public hearing pertained to a Concept Plan for the Basalt Creek Planning Area. City staff presented the Basalt Creek Concept Plan for consideration, and the Planning Commission approved a resolution to recommend adoption of the Plan to the Wilsonville City Council. A hearing is scheduled for the City Council on August 6, at 7:00 pm at Wilsonville City Hall.

The second public hearing covered proposed Accessory Dwelling Unit (ADU) code updates. The Planning Commission approved a motion to continue the hearing on September 12 so that City staff can prepare additional analyses and findings for the Planning Commission's consideration.

In addition, the Planning Commission held a work session on the Boones Ferry Park Master Plan providing staff with direction for refining the Plan prior to the public hearing on this matter scheduled for August 8 at 6:00 pm at Wilsonville City Hall. Specific direction included better integrating the French Prairie Bridge landing preferred alignment into the site plan and proposed circulation, modifying the parking plan to provide the small boat parking spaces closer to the dock, moving the basketball court closer to the other active park facilities, providing additional ADA accessibility, and including additional passive amenities such as more benches.

The next regular Planning Commission meeting will be Wednesday, August 8 at 6:00 pm, which will include hearings on the Citywide Parks and Recreation Master Plan as well as the Boones Ferry Park Master Plan, and work sessions on the Town Center Plan and the SMART Programs Enhancement Strategy.

Planning Division, Long Range



Basalt Creek Concept Plan

During July, staff from both Tualatin and Wilsonville prepared for and presented the Basalt Creek Concept Plan to the Washington County Board of County Commissioners. In addition, City staff compiled the public record on the Concept Plan and prepared for a public hearing on the matter. On July 11, the Planning Commission held a public hearing on the Basalt Creek Concept Plan, approving Resolution LP18-0005 recommending adoption of the Basalt Creek Concept Plan to the City Council. As a result, staff prepared the public record materials for the August 8 Wilsonville City Council meeting, when the City Council will hold a public hearing and consider Resolution 2697 adopting a Concept Plan for the Basalt Creek Planning Area.

City of Tualatin staff presented the Concept Plan on July 19 to the Tualatin Planning Commission, and on July 23 the Tualatin City Council held a public hearing and approved a motion to direct Tualatin City staff to prepare a Resolution to adopt the Basalt Creek Concept Plan for their August 13 City Council meeting.

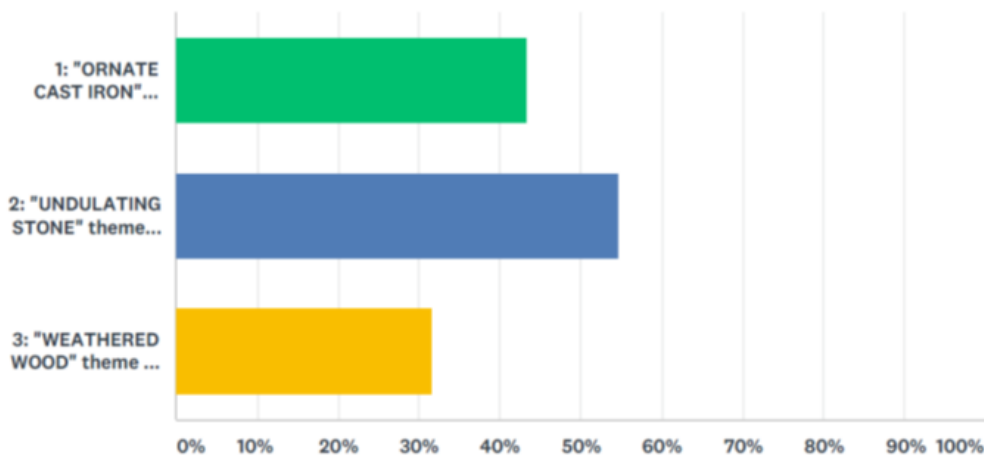
General project information is available on the project website <http://www.basaltcreek.com/>.

Sign Design and Wayfinding Signage Plan

An on-line open house on the three sign design alternatives ran from July 2 through July 16 garnering 194 responses. The majority of responses were received in the first two days after the survey went live. The results depict a preference for the “undulating stone” theme with 55% of the respondents preferring this style, followed by “ornate cast iron” at 43% and “weathered wood” at 32%.

Q1 Which themes do you like as a guiding principle for sign design? (select as many as you like)

Answered: 187 Skipped: 7

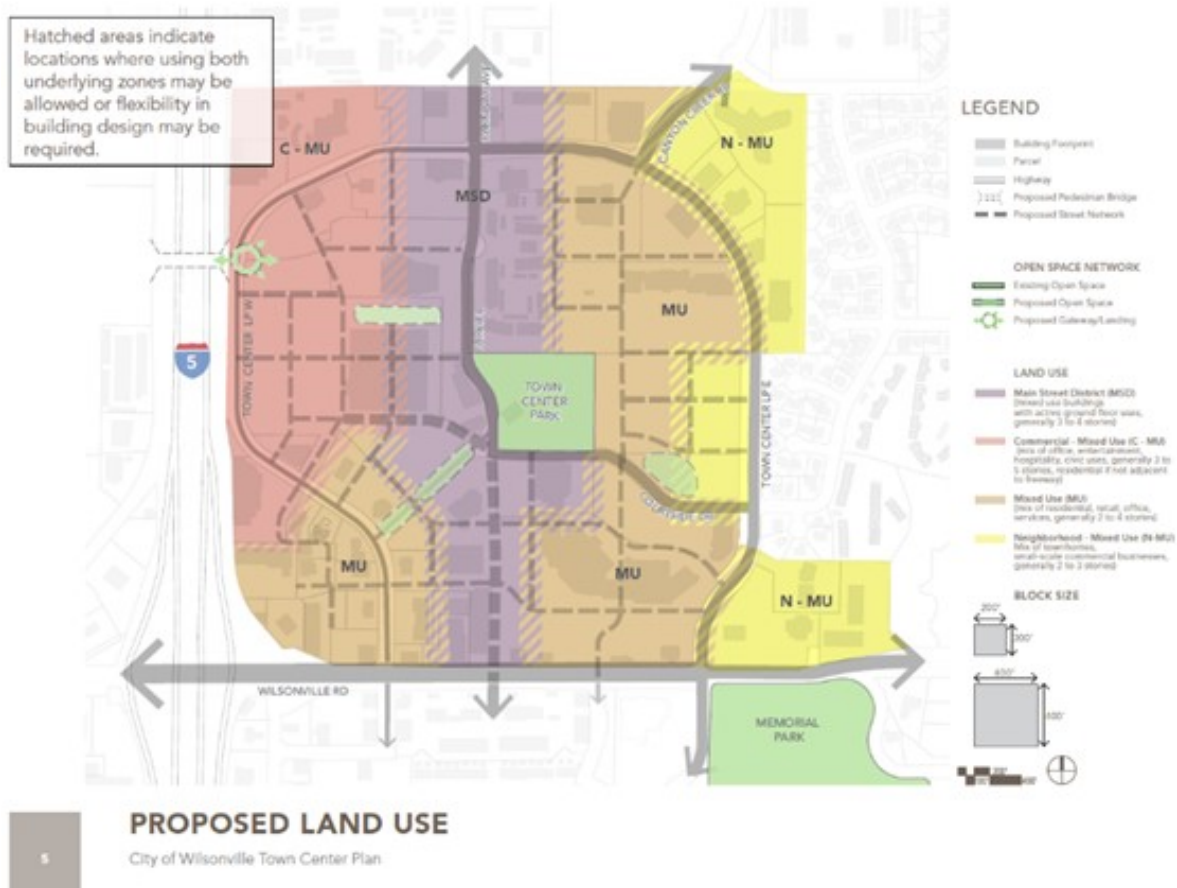


The next steps in the process will be to refine the draft sign packages to test and evaluate variations in color, materials, font, and design. To review the full survey results please visit the project web page at www.ci.wilsonville.or.us/planning/page/citywide-signage-and-wayfinding-plan.

Planning Division, Long Range



WILSONVILLE TOWN CENTER PLAN



With input for the Town Center Task Force, gathered at their June 5 meeting, the Town Center project team has drafted various design standards and development code options for achieving the community's desired land use and built form for Town Center. These draft standards will be the topic of a Planning Commission work session on August 8 at 6:00 pm at Wilsonville City Hall. The project team is also working to prepare for a project update to the City Council scheduled for August 20 at 5:00 pm at Wilsonville City Hall.

In addition, the project team is planning for a Pop-Up Main Street as part of the Community Block Party on August 22 to demonstrate the community's ideas for their future Main Street. The project team is also working on a financial analysis of the desired building types for the Main Street and other areas of future Town Center. This information, paired with the market analysis, will be a topic of conversation for an event in the fall and will help finalize the implementation actions included in the plan. Given the importance of these topics to local businesses, the project team prepared another project update newsletter (in July) and distributed it to businesses in Town Center.

For additional information about the Town Center Plan project, visit the project website www.wilsonvilletowncenter.com.



8200 SW Wilsonville Road Wilsonville, OR 97070 (503) 682-2744

AUGUST 7, 2018

RECENT EVENTS

- Reptile Man visits during the Summer Reading Fun Show Finale; over 300 attended
- OMSI Summer Science Classes were held with 240 kids
- Over 2,300 kids and teens have signed up for the Summer Reading Program
- New English Conversation group started meeting weekly in late June
- Library Grand Re-Opening Event held on July 20th
- July circulation of materials up 5% from last year

SMILE!

Reptile Man at Murase Plaza Park, Thursday, October 25
Summer Reading Program



UPCOMING

- Teen robotics club presenting three drop in demonstrations on Children's Room patio in August
- Fall youth programs start the week of September 10-14 (9 events that week)
- New children's program starts in September: "Read to the Bunny!"
- First Friday Films and BookNotes return
- Saturday, October 27 - Wilsonville Public Library Foundation – A Toast to Imagination
- Saturday, October 13 – Photo Roundup with the Wilsonville Boones Ferry Historical Society

JULY 2018



MONTHLY REPORT



Recreation Updates:

Wilsonville Wellness Fair

The Wilsonville Wellness Fair was held on Saturday July 14th from 9am to 1pm in Town Center Park. The event was the product of combining both the Holistic Health Fair and the Wilsonville Health Fair held in prior years.

The event featured a bike rodeo hosted by SMART, over 30 local health and wellness vendors, and several performances throughout the event including youth cultural dancers, tai chi demonstrations, and the Wilsonville Ukulele group.



Movies in the Park

The first movie of our movie in the park series, “A Dog’s Purpose”, was a success! The department received a \$1000 sponsorship from Wilsonville Subaru for this years movie series. The event brought in more than 100 movie goers. Other films in the series include; Coco, Early Man, and Beauty & the Beast.



Block Party Planning

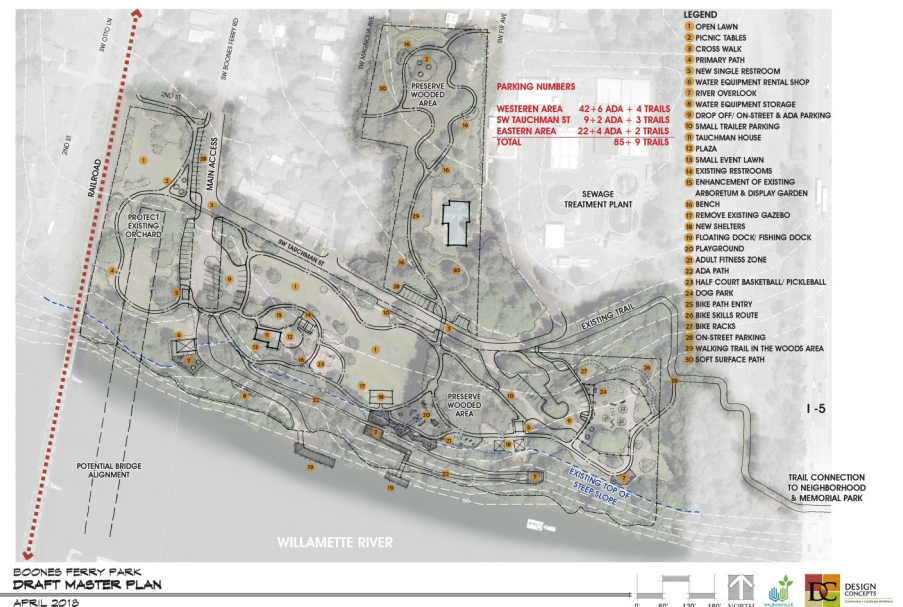
The annual Wilsonville Community Block Party will be held on August 22nd in Town Center Park from 5pm—8pm. The adoption of this event by Parks and Recreation from the City Administrative offices has come with lots of planning and preparation. This year the event will feature singer Nate Botsford, food trucks, lawn games, rubber ducky races, and train rides for kids!

Camps, Camps and more Camps!

June and July have been busy months for youth summer camps offered through Parks and Recreation. Over 150 kids in the months of June and July have participated in some form of camp from Star Wars camp and outdoor adventure camps, to cheerleading and basketball camps.

Board Updates: Parks and Rec. Advisory Board:

The Parks and Recreation Advisory board met this month on Thursday, July 26th to discuss final edits to the Boones Ferry Master plan. The board also discussed conceptual design plans for Frog Pond Community Park.



Wilsonville Community Seniors Inc:

The WCSI continues to look for ways to increase fundraising for their Board and will be hosting their inaugural fashion show in the fall. Additionally, the Board is exploring ways to partner with the Wilsonville PieceMakers Quilting group with the goal of expanding recognition and income for both.

Parks Maintenance Updates:

- Pruned vegetation at Kolbe Bridge in preparation for parking lot construction
- Cleared all trails of low hanging branches
- Pruned landscaping at Murase Plaza and Arrowhead Creek Drive
- Prepared for and hosted a wide range of reservations and events including: Movies in the Park, Summer Sizzle Pickleball Tournament, NIKE Cup Soccer Tournament and WUFC Soccer Tournament
- Added recycled wood chips to Murase Plaza embankment slide



- Topdressed soccer fields in Memorial Park



MONTHLY NEWS City of Wilsonville Police

VOLUME 1 | ISSUE 3 | PUBLISHED AUGUST 6, 2018 | **July 2018**

July Highlights

- **See something. Say something.** Thanks to a local resident, we were able to make contact with and detain someone suspected of using heroin in his vehicle. (1)
- We were happy to know the City of Wilsonville was considered safe and welcoming enough for Representative Greg Walden to host House Speaker Paul Ryan at the World of Speed for a political event. (4)
- Officer Fanger helped out at the City's Wellness Fair promoting bicycle safety and helping kids decorate their helmets. (3)
- You never know what you'll see! Chief Wurpes and a McCaw he was introduced to while interacting with the public. (2)
- Wilsonville Police got to patrol from above as Officer Dolan was recently selected to become a Tactical Flight Officer (TFO). The TFO assists our pilot by running radios and the FLIR camera system, as needed. This is an on-call collateral duty to his regular assignment as our School Resource Officer (SRO). It goes without saying, FLIR is a local company—and we like our abbreviations. (5)
- Keep an eye out for our bicycle patrol officers. We've been spending time on the bikes—police equipped and marked—patrolling the City's fantastic parks, town center, old town and Villebois. (6)



Wilsonville July 2018



City of Wilsonville Police Department

30000 SW Town Center Loop E
Wilsonville, OR 97070

In Partnership with



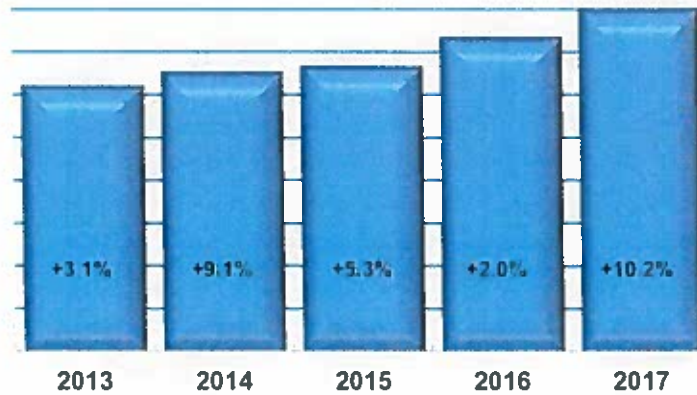
**Clackamas County
Sheriff's Office**

Monthly Summary

During July 2018, the Clackamas County Sheriff's Office provided law enforcement service to the City of Wilsonville on a 24 hour a day basis. During this time deputies assigned to Wilsonville responded to 660 calls for service, which was an average of 21.3 calls a day.

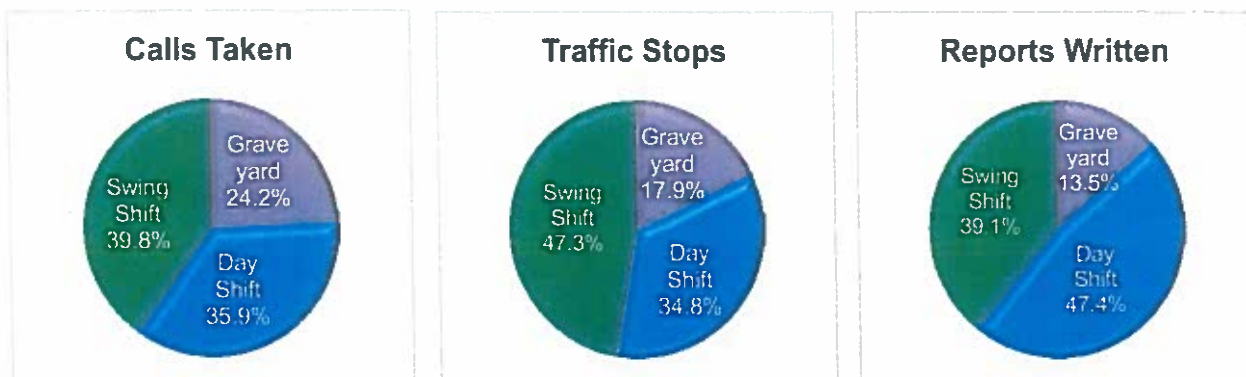
Below is a chart showing the number of calls for service in the City during the last 5 years.

<u>Year</u>	<u>Number of Calls</u>	<u>Monthly Average</u>	<u>Daily Average</u>
2013	6,230	519.2	17.1
2014	6,558	546.5	18.0
2015	6,689	557.4	18.3
2016	7,369	614.1	20.2
2017	8,021	668.4	22.0



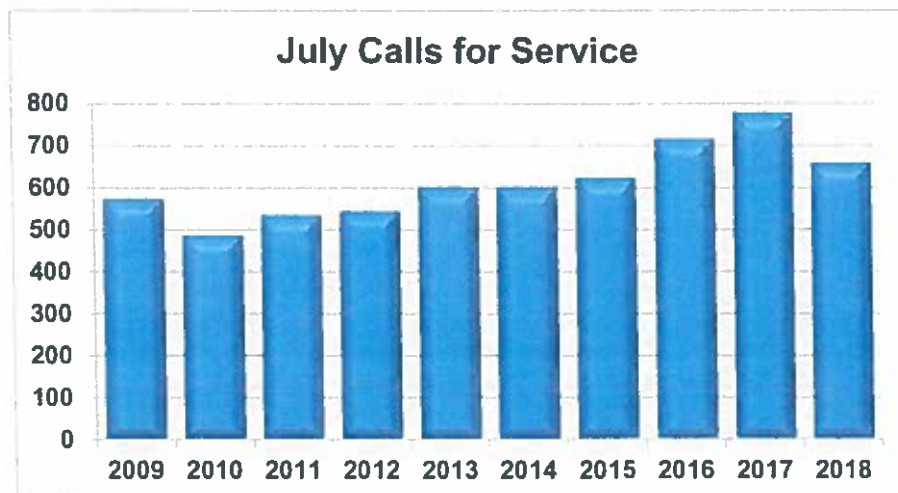
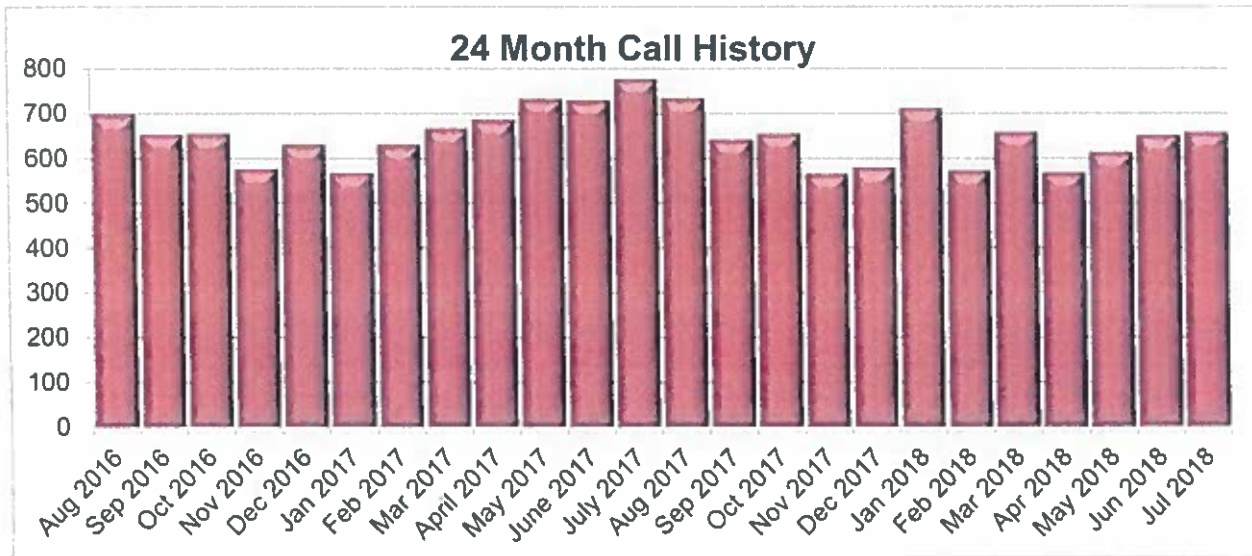
An overall look at the shift activity shows the following percentages of calls taken, traffic stops made and reports written for July 2018.

	<u>Percentage of Calls Taken</u>	<u>Percentage of Traffic Stops</u>	<u>Percentage of Reports Written</u>
Graveyard	24.2%	17.9%	13.5%
Day Shift	35.9%	34.8%	47.4%
Swing Shift	39.8%	47.3%	39.1%



Calls for Service

Number of Calls Per Shift	July 2018	July 2017	Monthly Average 2017
Graveyard (2100-0700)	160	172	131.4
Day Shift (0700-1700)	237	347	320.3
Swing Shift (1100-0300)	263	261	216.7
Monthly Total	660	780	668.4
Daily Average	21.3	25.2	22.0



Types of Calls

This chart shows the types of calls for service during the month. These calls do not reflect actual criminal activity. In some cases the call was dispatched as a particular type of incident, but it was later determined to be of a different nature.

Type of Call	July 2018	July 2017	2017 Monthly Avg.
Alarm	91	94	66.8
Parking Complaint	58	60	51.6
Assist Public	43	45	42.8
Traffic Crash	40	26	27.8
Theft	37	53	42.0
Disturbance	32	34	34.5
Suspicious Person	32	39	33.2
Welfare Check	28	32	27.9
Unwanted / Trespass	24	22	20.5
Traffic Complaint	21	26	35.0
Animal Complaint	20	13	12.4
Property Investigation	19	28	16.2
Threat / Harassment	19	15	20.0
Juvenile Problem	16	12	17.0
Assist Agency	15	37	30.5
Hazard	15	10	10.3
Suspicious Vehicle	15	16	16.2
Mental	14	15	6.1
Suicide Attempt / Threat	13	7	8.2
Fraud	12	13	18.6
Criminal Mischief	10	15	12.1
Fire Services	10	16	9.7
Unknown / Incomplete	9	11	9.0
Noise Complaint	8	18	7.7
Suspicious Circumstances	8	19	13.8
Vice Complaint	7	10	8.7
Abandoned Vehicle	5	2	3.5
Burglary	4	9	5.0
Stolen Vehicle	4	7	5.7
Viol. Restraining Order	4	2	2.3
Promiscuous Shooting	2	2	1.1
Open Door / Window	2	1	1.2
Assault	1	7	5.3
Extra Patrol Request	1		2.1
Minor in Possession	1	1	1.9
Robbery	1	1	0.8
Sex Crimes	1	2	2.7
Other	18	18	11.2
Death Investigation			1.8
Missing Person		9	3.9
Provide Information		24	13.5
Prowler			0.5
Recovered Stolen Vehicle		2	1.9
Runaway		7	5.3
Shooting			0.1
Total Calls:	660	780	668.4

Other / Self-Initiated Activity

Type of Call	July 2018	July 2017	2017 Monthly Avg.
Traffic Stop	486	219	339.8
Follow-Up Contact	60	113	92.3
Suspicious Veh. Stop	58	58	53.4
Subject Stop	28	19	28.2
Premise Check	20	10	8.8
Suspect Contact	3	6	4.6
Detail	2	22	32.7
Court		3	4.8
Foot Patrol		9	4.2
Meeting		15	10.6
Training		16	15.5
Warrant Service		5	7.7
Total Calls:	657	495	602.6

Reports Written

During July 2018, 133 reports were written. 13.5% were written by the graveyard shift, 47.4% by the dayshift units and 39.1% were written by the swing shift units.

Type of Report	July 2018	July 2017	2017 Monthly Avg.
Theft	25	39	31.1
Traffic Crash	19	12	10.9
Burglary	5	6	3.2
Criminal Mischief	4	10	9.0
Assault	4	13	4.9
Stolen Vehicle	2	4	3.6
Identity Theft	1	3	2.5
Drug Crimes	1	8	6.3
Other Reports	72	118	114.4
Total Calls:	133	213	185.9

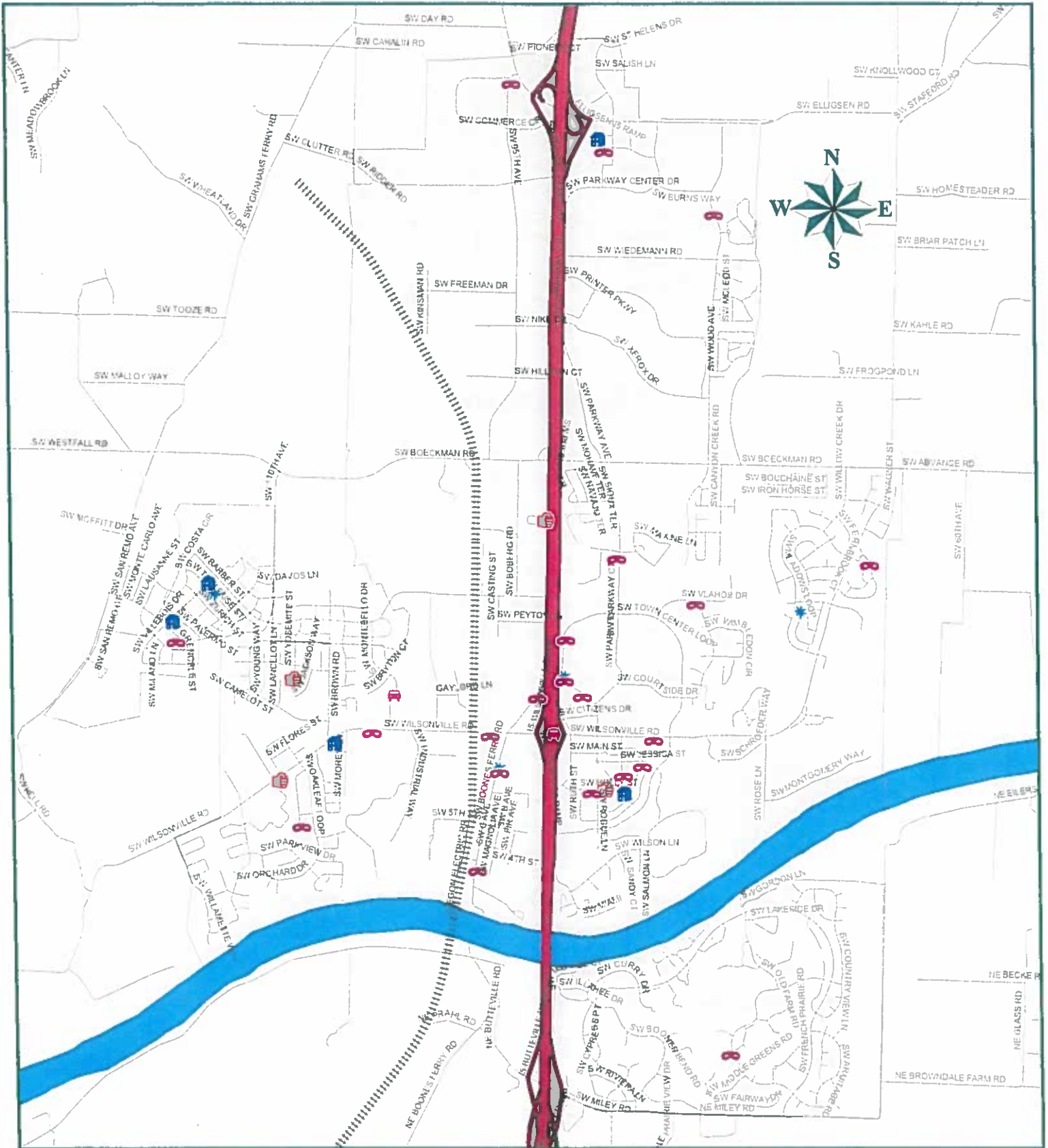
Shift Totals	July 2018	July 2017	2017 Monthly Avg.
Graveyard	18	53	38.2
Day Shift	63	101	86.0
Swing Shift	52	59	61.7



Wilsonville July 2018



-  Assault
-  Burglary
-  Criminal Mischief
-  Stolen Vehicle
-  Theft

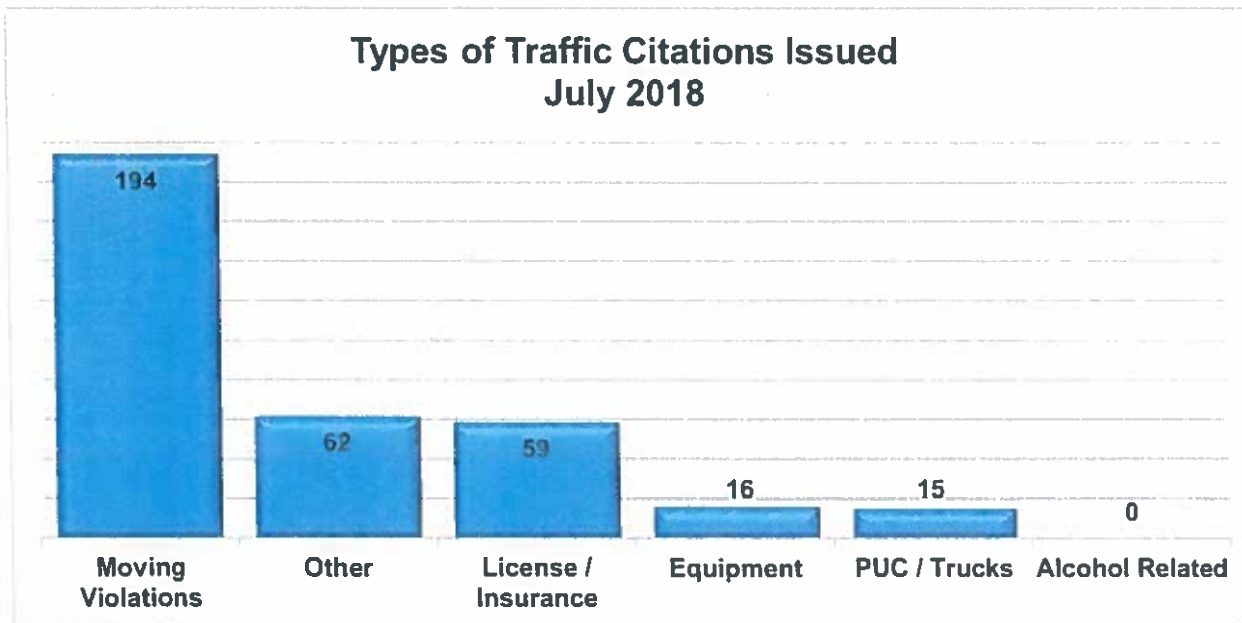


Traffic

During July 2018, 486 traffic stops were made in the City and 346 traffic citations were issued. Included in these totals are 261 traffic stops (53.7%) and 303 (87.6%) citations issued by the traffic deputies.

There were 6 arrests for Driving Under the Influence of Intoxicants (DUII).

Shift	Traffic Stops	Citations Issued
Graveyard	87	22
Day Shift	169	124
Swing Shift	230	200
Total:	486	346



PUBLIC WORKS IN JULY

Aug 7, 2018

UTILITIES

Blow Off Maintenance and Water Meter Repairs

The water crew focused on exercising and maintaining blow off assemblies this month and performed a number of meter and service line repairs, including this one on Ash Meadows Boulevard.

The water crew, with help from the sewer crew replaced a two-inch domestic water meter and curb stop. Water Technicians Steve Gering and Ian Eglitis excavated the meter pit while Chris Reece assembled repair fittings and a new meter. Part of the Ash Meadows complex requested a shutdown for their own plumbing repairs, so the crew took advantage of the timing and performed their repairs concurrently. The Vaccon truck saved valuable time by quickly excavating the repair site so that the work could be completed in less than two hours.

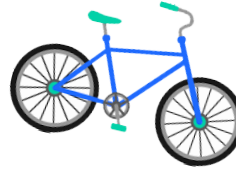
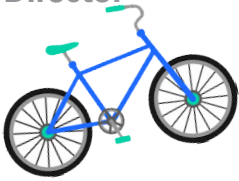


Water Technician Chris Reece opens a blow off valve on Ironwood Court in Charbonneau.



July Report
August 5, 2018

Director's Report
Dwight Brashear
Transit Director



THE HEAT IS ON

The month of July blew into the Willamette Valley, in the words of Marty Robbins, "as wild as the West Texas wind" ...hot and unrelenting.

Ensuring the comfort of our employees and customers is job one. The HVAC system at SMART's operations/fleet facility appears to be up to the task, keeping our office areas cool and comfortable. The fleet department has done a stellar job of maintaining the A/C units on all SMART vehicles. Our drivers and customers are riding cool and confident.



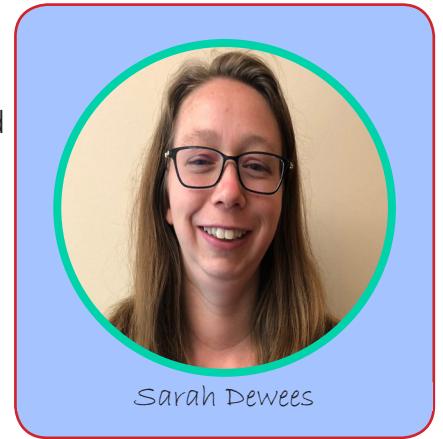
With the heat index approaching record levels, SMART has once again setup a cooling station at SMART Central, offering shade and ice water to all those in need.

Finally, SMART continues to plan for the additional funding it expects to receive through HB 2017 – the Keep Oregon Moving legislation. With deadlines for plan submittal fast approaching, the SMART team is making final adjustments to a projects list that will result in service enhancements that are sure to be a huge hit with our riders.

NEW SUMMER GIS INTERN

Operations - Eric Loomis Operations Manager

In July, the SMART team welcomed Sarah Dewees to the newly created GIS Intern position. Sarah recently finished the GIS certificate at PCC after spending the past ten years working across the county as a wildlife biologist. As the GIS intern, Sarah will be updating route maps, maintaining information on bus stops, and establishing stop IDs. These improvements will give SMART customers improved access to services the city provides.



Sarah Dewees

Outside of SMART, Sarah is also working part time as a GIS Technician for the Oregon Department of Land Conservation and Development and volunteering with the home orchard society learning about the care of fruit trees.

Ridership by Route

Route	1X Salem	2X Barbur	2X Sat Barbur	3X Canby	4 Wilsonville	4 Sat Wilsonville	5 95th Commerce	6 Argyle Square	C Charb Shuttle	7 Villebois	Villebois Shuttle	Total
July 2017	3459	4899	300	654	7196	390	983	1362	N/A	182	1565	20990
July 2018	3139	6112	219	757	7214	333	1075	1951	116	151	1740	22816
% Change	-9.25%	+24.8%	-27%	+15.75%	+25%	-14.62%	+9.36%	+43.25%	N/A	-12.09%	-7.35%	+8.7%

NEW CUTAWAY ARRIVES

Fleet - Scott Simonton Fleet Manager

We have taken delivery of one new cutaway bus this month. This seventeen passenger bus will be used primarily on in town routes.

The total cost of the vehicle was \$85,431. Through the use of Federal grant dollars, the final cost to the City was \$17,086. We are finishing up a few minor equipment installation items, and anticipate sending it out on route within the next week.



Outreach - Michelle Marston Marketing and Outreach Coordinator

Events and Marketing The big news for July was SMART's first ever Bike Rodeo for kids. This was hosted in conjunction with the City Wellness Fair on Saturday July 14. Approximately 50 kids participated by either bike/scooter/or parent push toy. Each bike was given a quick free tune up prior to riding in the course. Participants received a headlight, pant ankle reflective strap, course medal, and snack. They were even able to decorate their helmets courtesy of Clackamas County Sheriff's Department.



Travel Training

The third Charbonneau Shuttle class was held at the Charbonneau Clubhouse on July 10th. Seven Charbonneau residents attended the class where they received information, schedules, and maps on the new service.



After the class, they boarded the bus for a real-time experience. Sydney Herbst has left her role as Travel Trainer, but Ride Connection and SMART renewed the contract and will be hiring a replacement as soon as possible. Ride Connection will seek to fill this vacancy and continue this great collaborative service.

Grants & Procurement - Elli Work Grants and Programs Manager

Grants awarded in July include:

- FY2017 5307 formula funding for \$408,515 for preventive maintenance, staff vehicles, technology and REL upgrades. The parking lot and bus stop improvements are pending approval of the Environmental Worksheet, which details the minimal (if any) environmental impact.
- FY2016-17 5310 formula funding for \$32,511 for bi-monthly senior trips

Planning - Nicole Hendrix Transit Management Analyst

On July 2, Appendix B of the Transit Master Plan was amended by Council to meet the cost-planning targets to be eligible for the new Statewide Transportation Improvement Fund. The amended Appendix B project list was presented at Clackamas County House Bill 2017 Transit Advisory Committee for review on July 10 and approved by the Committee on July 24. This approved list now moves on to HB 2017 Executive Committee for review. On July 16, SMART staff presented the public comment results from the SMART Future Services Survey to Council and is now developing the draft Programs Enhancement Strategy.