

ORDINANCE 1057

AN ORDINANCE ENACTING STAYTON MUNICIPAL CODE TITLE 13, CHAPTER 36, ESTABLISHING AN ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

WHEREAS, the United States Environmental Protection Agency approved the Willamette River Basin Total Maximum Daily Load (TMDL) Implementation Plan (WB- TMDL); and

WHEREAS, in the WB-TMDL, Stayton is listed as a Designated Management Agency (DMA) because it is bordered by Mill Creek and the North Santiam River which are Willamette River tributaries; and

WHEREAS, the Willamette River is a water quality impaired body of water for the parameters of temperature, mercury and bacteria; and

WHEREAS, as a DMA, Stayton is responsible for the water quality within its jurisdiction and is required to submit a TMDL Implementation Plan to the Oregon Department of Environmental Quality under Oregon Administrative Rule 340-042-0080 (3); and

WHEREAS, in 2008 The City of Stayton developed a Willamette Basin Total Maximum Daily Load (TMDL) Implementation Plan which met the intent and requirements for the development of a TMDL Implementation Plan; and

WHEREAS, Stayton’s TMDL Implementation Plan is to establish management strategies which will be used to achieve load allocation and reduce pollutant loading; and

WHEREAS, management strategies, timelines, completion dates for benchmarks, performance monitoring and evidence of compliance are shown on the Stayton TMDL Tracking Matrix that is submitted to DEQ annually; and

WHEREAS, a management strategy identified in the 2018 – 2023 Stayton TMDL Matrix was establishing an Illicit Discharge Detection and Elimination (IDDE) Program; and

WHEREAS, formalizing the IDDE program in the Stayton Municipal Code (SMC) through the Ordinance process was identified as the method for establishing this program; and

WHEREAS, the IDDE code will provide additional information and definitions of an illicit discharge, what is and is not a prohibited discharge, requirements to access, monitor and analyze facilities and penalties for violations of the code.

NOW, THEREFORE, THE CITY OF STAYTON ORDAINS:

Section 1. Title 13, Chapter 36 enacted. Chapter 13. 36 of title 13 of the Stayton Municipal Code, as contained in Exhibit 1 attached hereto, is hereby enacted.

Section 2. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor’s signing.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 15TH DAY OF AUGUST 2022.

Signed: 8/15, 2022

BY:


Henry A. Porter, Mayor

Signed: 8-15, 2022

ATTEST:


Julia Hajduk, City Manager

EXHIBIT 1

TITLE 13: MASTERS UTILITIES PLAN

Chapter 13.36

ILLICIT DISCHARGE DETECTION AND ELIMINATION

Sections:

- 13.36.010 Short title.
- 13.36.020 Definitions.
- 13.36.030 Prohibition of Illicit Connections.
- 13.36.040 General Discharge Prohibitions.
- 13.36.050 Waste Disposal Prohibitions.
- 13.36.060 Compliance with Local, State, and Federal Laws and Regulations.
- 13.36.070 Conflicts with Existing and Future Regulatory Requirements of Other Agencies.
- 13.36.080 Conditionally Allowed Discharges.
- 13.36.090 Requirement to Provide Access, Monitor, and Analyze.
- 13.36.100 Penalties.
- 13.36.110 Recovery of Cost Incurred by the City.

13.36.010 Short Title.

This Chapter shall be known as the “Illicit Discharge Detection and Elimination”.

13.36.020 Definitions

Except where the context otherwise requires, the definitions contained in this Section shall govern the interpretation of this Chapter.

1. **“Pollutant”** means any material or substance which may alter the chemical, physical, biological, and/or radiological condition of the Waters of the State.
2. **“Illegal Discharge”** means any direct or indirect pollutant-bearing discharge to the storm drainage utility, receiving waters, or Waters of the State, except as exempted by Stayton Municipal Code.
3. **“Illicit Connection”** is defined as any of the following:
 - (a) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drainage utility including, but not limited to, any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drainage utility,
 - (b) Any connections to the storm drainage utility from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency, or
 - (c) Any drain or conveyance connected from a commercial or industrial land to the storm drainage utility that has not been documented in drawings, maps, or equivalent records and /or approved by the City.

13.36.030 Prohibition of Illicit Connections

1. No person shall construct, use, maintain, or allow the continued existence of an illicit connection to the storm drainage utility. Existing illicit connections are expressly prohibited, without limitation, regardless

of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Examples of illicit connections include but are not limited to:

- a) Wastewater lines such as those from sanitary sewers, or drains carrying wash or industrial process water.

13.36.040 General Discharge Prohibitions

1. No Person shall cause any pollutant to be discharged into public rights-of-way, storm drainage utility, or any Waters of the State, or cause any pollutant to be placed in a location where such pollutant is likely to escape or be carried into the public rights-of-way, storm drainage utility, or into the Waters of the State, except as allowed under Section 13.36.070.

Prohibited discharges include, but are not limited to, the following:

- a) 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 substances.
- c) Any discharge which causes or may cause damage, interference, nuisance, or hazard to the public storm drainage utility or City personnel.
- d) Any discharge containing human sanitary waste or animal feces.
- e) Any substance that may cause the City to violate its NPDES and/or other storm system permits, or instream water quality standards set by the State of Oregon.
- f) Any discharge having a temperature that may inhibit biological activity in the receiving waters or cause the City to violate NPDES and/or instream water quality standards set by the State of Oregon, or that could harm the stormwater system.

13.36.050 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 and/or sediment laden runoff, hazardous materials, or other discharge or abandoned objects, articles, and accumulations in or to the storm drainage utility.
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 storm drainage utility except as allowed under Section 13.36.080; this includes but is not limited to outdoor commercial, industrial or business activities that create airborne particulate matter, process byproducts of wastes, hazardous materials, or fluids from stored vehicles, where runoff from those activities discharges directly or indirectly to a private or public storm drainage utility.

13.36.060 Compliance with Local, State, and Federal Laws and Regulations

1. All users of the storm drainage utility 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 not be a substitute for or eliminate the necessity for compliance with any other applicable local, State or Federal laws and regulations.

13.36.070 Conflicts with Existing and Future Regulatory Requirements of Other Agencies

1. Should any provision or limitation of this Chapter be superseded or 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, the more stringent shall apply.

13.36.080 Conditionally Allowed Discharges

1. The prohibition of pollutants defined in this section shall not apply to the following non-stormwater discharges to the storm drainage utility:
 - a) Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of Oregon under the authority of the Federal Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided the written approval has been granted by the City for any discharge to the storm drainage utility.
 - b) Municipal water line flushing and fire hydrant testing.
 - c) Landscape irrigation.
 - d) Diverted stream flows.
 - e) Rising groundwater.
 - f) Uncontaminated groundwater infiltration.
 - g) Uncontaminated pumped groundwater.
 - h) Discharges from potable water sources.
 - i) Foundation drains.
 - j) Air conditioning condensation.
 - k) Irrigation water.
 - l) Springs.
 - m) Water from crawl space pumps.
 - n) Footing drains.
 - o) Lawn watering.
 - p) Individual residential car washing.
 - q) Flows from riparian habitats and wetlands.
 - r) Dechlorinated swimming pool discharges.
 - s) Street wash water.
 - t) Discharges associated with dye testing, provided written or verbal notification was made to the Public Works Director prior to the start of the test.
 - u) Discharges from firefighting or other emergency actions by a public utility, the City, or any other governmental agency necessary to protect the public health and safety.

13.36.090 Requirement to Provide Access, Monitor, and Analyze

1. Pursuant to Chapter 1.24 of this Code, any authorized employee of the City shall be provided access to all parts of the premise which include portions of the City's storm drainage utility for the purpose of inspecting the condition and manner in which the system is used.
2. The authorized employee may require, by written notice, that any person engaged in any activity and/or the ownership or operation of any facility that may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the stormwater system or Waters of the State, to assume control at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this Chapter.

13.36.100 Penalties

1. A violation of this Chapter is subject to penalty pursuant to Chapter 13.32 of this Code.

13.36.110 Recovery of Costs Incurred by the City

1. Any person found violating any of the provisions of this Chapter, who discharges or causes a discharge containing a pollutant, producing an obstruction, or causing damage to or impairing the City's storm drainage utility shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. The City may require the discharger to pay for the costs incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge and for costs incurred by the City in investigating the violation and/or in enforcing this Chapter against the discharger, including reasonable administrative costs, fees for testing, attorney fees, court costs, and all expenses of litigation. The violator shall also reimburse the City for all fines or penalties levied against the City as a result of the discharge by the violator.