

ORDINANCE No. 189504

Authorize an Intergovernmental Agreement with Clean Water Services for construction of Woods Creek stormwater facilities for an amount not to exceed \$73,325 (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

1. On July 13, 2017, a sanitary sewer overflow (SSO) occurred from a manhole located at SW 69th Avenue and SW Railroad Street in Beaverton, Oregon, to an unnamed tributary and Woods Creek. The SSO originated from a City force main but discharged from manholes in the Clean Water Services' sanitary conveyance system. Oregon Emergency Response System (OERS) Number 2017-2029 was assigned to this event.
2. On January 31, 2018, the Oregon Department of Environmental Quality (DEQ) issued a Notice of Civil Penalty Assessment and Order to the City in response to the SSO. The SSO was in violation of ORS 468B.025(1)(b), specifically the water contact recreation bacteria standard set forth in OAR 340-041-0009(1)(a)(B), and the narrative standard set forth in OAR 340-007(10) when the SSO resulted in a fish kill in Woods Creek. The civil penalty assessed for this violation was \$55,200.
3. On March 3, 2018, the City submitted a Supplemental Environmental Project (SEP) proposal to the Oregon DEQ. The DEQ may consider SEPs in settlement for respondents who wish to reduce penalties by agreeing to fund projects that benefit public health and the environment as authorized under OAR 340-012-01070. The SEP project will provide stormwater quality treatment for several outfalls which discharge to the tributary of Woods Creek that was affected by the July SSO. The proposed stormwater facilities would be constructed and maintained by Clean Water Services and would provide long-term water quality benefits and improvements to a previously untreated area.
4. On July 11, 2018, the City entered into a Mutual Agreement and Final Order No. WQ/M-NWR-2017-163 with the Oregon Environmental Quality Commission and DEQ. The DEQ agreed to mitigate the \$55,200 civil penalty to \$11,040 on the condition the City satisfactorily completes the SEP proposal by November 1, 2019, and contributes a minimum of \$44,160 on the SEP.

5. The Bureau of Environmental Services desires to enter into an Intergovernmental Agreement with Clean Water Services that authorizes Clean Water Services to construct stormwater quality treatment facilities to capture and treat pollutants and sediments in stormwater runoff before they are discharged from outfalls to a tributary to Woods Creek in compliance with the SEP proposal and MAO WQ/M-NWR-2017-163.
6. The established cost to the City is \$73,325. Funds are available in the Sewer System Operating Fund, FY 2018-19 Budget, Bureau of Environmental Services WBS Element E10599.

NOW, THEREFORE, the Council directs:

- a. The Bureau of Environmental Services is authorized to execute an IGA with Clean Water Services for the purposes described in Section 1, in the amount of \$73,325.

Passed by the Council: MAY 22 2019

Commissioner Nick Fish
Prepared by: Amanda Haney
Date Prepared: April 2, 2019

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

Agenda No.
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 Title

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<p>INTRODUCED BY Commissioner/Auditor: FISH</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p> <p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Michael Jordan</p> <p>Prepared by: Amanda Haney Date Prepared: 4/2/2019</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date May 15, 2019</p>	<p>CLERK USE: DATE FILED <u>MAY 07 2019</u></p> <p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u>Kala</u> Deputy</p> <p>ACTION TAKEN:</p> <p>MAY 15 2019 PASSED TO SECOND READING MAY 22 2019 9:30 A.M.</p>
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<p align="center">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input checked="" type="checkbox"/></p> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 35%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th style="width: 20%;">YEAS</th> <th style="width: 25%;">NAYS</th> </tr> <tr> <td>1. Fritz</td> <td align="center">✓</td> <td></td> </tr> <tr> <td>2. Fish</td> <td align="center">✓</td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td align="center">✓</td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td align="center">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td align="center">✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	✓		2. Fish	✓		3. Hardesty	✓		4. Eudaly	✓		Wheeler	✓	
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