

# ORDINANCE No. 186192

Revise enforcement provisions to standardize language related to Bureau of Environmental Services program enforcement activities (Ordinance: amend Code Chapters 17.32, 17.34, 17.35, 17.38, and 17.39).

The City of Portland ordains:

Section 1. The Council finds:

1. The City's Bureau of Environmental Services (BES) is tasked with providing public sewerage and stormwater management services for the City of Portland. Over the last 20 years, BES has developed a variety of permit, discharge approval and pollution prevention programs to protect these City assets.
2. Over the last two years, BES has undergone an in-depth review of its enforcement procedures for its non-billing-related programs. There are seven programs that have been part of this review process: the Pretreatment and Sanitary Discharge Program; the Septage Hauler Program; the Stormwater Discharge Program; the Public Works Enforcement Program; the Fats, Oil and Grease (FOG) Program; the BES Title 10 Enforcement Program; and the Maintenance Inspection Program for onsite stormwater management facilities. There has been significant effort made to develop consistent policies and procedures across these programs.
3. Upon this review it became clear that the Portland City Code (PCC) provisions authorizing BES enforcement for these program requirements was significantly out of date and provided a level of detail more appropriately described in program administrative rules.
4. This ordinance authorizes changes to the PCC provisions specified in Exhibit A in order to enhance program consistency and standardize enforcement tools and penalty assessment. This PCC change proposal was released for public review from May 17, 2013 to June 17, 2013. No public comment was received and no one attended the public hearing on June 5, 2013.

NOW, THEREFORE, the Council directs:

- a. That the proposed amendments to Chapters 17.32, 17.34, 17.35, 17.37, 17.38 and 17.39 be made in the PCC, as outlined in Exhibit A.
- b. That the Director of BES adopt changes to program administrative rules to reflect these and other enforcement policy changes. Administrative rule changes will be made to the Pretreatment and Sanitary Discharge Program (ENB-4.03); the Stormwater Discharge Program (now ENB-4.15, new ENB-4.13); the Public Works Enforcement Program (ENB-4.22); and the Fats, Oil and Grease (FOG) Program (ENB-4.26) before the end of this calendar year.
- c. That the Director of BES adopt new program administrative rules with consistent enforcement policies to the Septage Hauler Program (new ENB-4.12), the BES Title 10 Enforcement Program (new ENB-4.30); and the Maintenance Inspection Program (new ENB-4.31) before the end of this calendar year.

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Passed by the Council,  
Commissioner Nick Fish

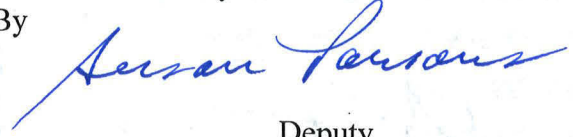
AUG 07 2013

[submitter] Dawn Hottenroth  
[date prepared] July 2, 2013

Cost object - ord

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By



Deputy

Agenda No. **186192**

Title

Revise enforcement provisions to standardize language related to Bureau of Environmental Services program enforcement activities (Ordinance: amend Code Chapters 17.32, 17.34, 17.35, 17.38, and 17.39).

<b>INTRODUCED BY</b> Commissioner/Auditor: <i>Nick Fish</i>	CLERK USE: DATE FILED <u>JUL 26 2013</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: BES Bureau Head: Dean Marriott <i>DeMarriott</i>	<b>ACTION TAKEN:</b>  <b>JUL 31 2013 PASSED TO SECOND READING AUG 07 2013 9:30 A.M.</b>
Prepared by: Dawn Hottenroth Date Prepared: July 2, 2013	
<b>Financial Impact &amp; Public Involvement Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <i>EM</i>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> <b>City Auditor Office Approval:</b> required for Code Ordinances <i>TRM</i>	
<input checked="" type="checkbox"/> <b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i>	
Council Meeting Date July 31 & August 7	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> <b>Start time:</b> _____  <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> <b>X</b> <b>Total amount of time needed: 10 min</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Novick	4. Novick <input checked="" type="checkbox"/>	
Hales	Hales <input checked="" type="checkbox"/>	