

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Dawn Hottenroth	2. Telephone No. 503-823-7767	3. Bureau/Office/Dept. BES/ Office of the Director
4a. To be filed (hearing date): September 21 st and 2 nd reading on the 28th	4b. Calendar (Check One) Regular Consent 4/5ths X <input type="checkbox"/> <input type="checkbox"/>	5. Date Submitted to Commissioner's office and FPD Budget Analyst: September 14
6a. Financial Impact Section: <input type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input type="checkbox"/> Public involvement section completed

1) Legislation Title:

Update and replace the Stormwater Discharge Code to provide enhanced clarity for City discharge permits and authorizations and evaluation of proposed discharges. (Ordinance; repeal and replace PCC Chapter 17.39).

2) Purpose of the Proposed Legislation:

The Bureau of Environmental Services is replacing the city's Stormwater Discharge Code Chapter 17.39 to clarify BES authorities for the proper management of stormwater being discharged into the city's storm sewer and drainage system. The proposed code changes primarily a clarify many of the current requirements, including the following:

- Reorganization of the sections to be clear on allowable and prohibited discharges; stormwater, groundwater and sediment laden flows,
- Adding more information about prohibited toxic discharges in order to enhance protection of receiving waters,
- Expanding the type and use of city discharge authorizations to un-permitted discharges that could cause interference with or harm the city storm sewer and drainage system, contribute to a violation of the city's NPDES stormwater discharge permit, degrade the local receiving surface water or groundwater or have a negative effect on human health or the environment,
- Clarifying that BES can require site modifications and site plans prior to approval for discharge to a city system, and
- Establishing minimal review fees to administer city discharge authorizations and permits

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT**4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.**

Not Applicable

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)*

There may be limited additional staff time to respond to requests for discharge, however it is anticipated that the adoption of the associated administrative rules will provide detail and direction to both dischargers and staff that will enhance implementation of the proposed code.

6) Staffing Requirements:

No new staffing anticipated.

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Not applicable

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

184898

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES: Please proceed to Question #9.
- NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

The code itself is anticipated to create no new impacts, except for enhancing clarity about City authorities to deny or approve of a discharge. The new code should help avoid confusion for the public and for dischargers wanting to discharge to the City's storm sewer and drainage system.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

BES provided notice of this code change to the Development Review Advisory Committee (DRAC) via the monthly project reporting and to the development-related community through an article in the fall 2011 Plans Examiner. Development related interests are one of the most likely groups regulated by the Stormwater Discharge Code and less likely to understand discharge authorization requirements versus industries and other commercial businesses that routinely discharge to City systems.

BES anticipates a more comprehensive outreach process in development of the administrative rules that implement this code section. Stakeholders are will be more interested in the details of implementation.

c) How did public involvement shape the outcome of this Council item?

The code replacement is primarily for clarifying current code policies and there has been no public input to date.

d) Who designed and implemented the public involvement related to this Council item?

The BES Pollution Prevention Group has and will continue to implement outreach efforts to parties likely to be affected by implement the proposed Stormwater Discharge Code.

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Matt Criblez, BES Environmental Compliance Manager 503-823-9803
matt.criblez@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

BES will be undertaking a public review and hearing process in the late fall of 2011 for the adoption of administrative rules used to implement this code.



APPROPRIATION UNIT HEAD (Typed name and signature)



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Dan Saltzman, Commissioner ■ Dean Marriott, Director

City Council
Agenda Item
Staff Supplemental Report

184898

TO: Commissioner Dan Saltzman
THROUGH: Matt Grumm or Amy Trieu

FROM: Dawn Hottenroth, Bureau of Environmental Services

DATE: September 6, 2011

RE: Replacement of the Stormwater Discharge Code PCC Chapter 17.39

Requested Council Hearing Date: September 21, 2011

I. RECOMMENDATION

Accept and forward the request for City Council to adopt changes to City Code.

II. BACKGROUND

The Bureau of Environmental Services is replacing the city's Stormwater Discharge Code Chapter 17.39 to clarify BES authorities for the proper management of stormwater being discharged into the city's storm sewer and drainage system. The proposed code changes primarily a clarify many of the current requirements, including the following:

- Reorganization of the sections to be clear on allowable and prohibited discharges; stormwater, groundwater and sediment laden flows,
- Adding more information about prohibited toxic discharges in order to enhance protection of receiving waters,
- Expanding the type and use of city discharge authorizations to un-permitted discharges that could cause interference with or harm the city storm sewer and drainage system, contribute to a violation of the city's NPDES stormwater discharge permit, degrade the local receiving surface water or groundwater or have a negative effect on human health or the environment,
- Clarifying that BES can require site modifications and site plans prior to approval for discharge to a city system, and
- Establishing minimal review fees to administer city discharge authorizations and permits

Environmental Services expects a more complete public review and comment process on the administrative rules to implement these code provisions. The rules will detail how Environmental Services decides to approve or disapprove requests to discharge to the city system, and when city discharge permits or authorizations are required. Environmental Services expects to release draft rules for review and public comment in late fall or early winter 2011.

III. FINANCIAL IMPACT

Ph: 503-823-7740 Fax: 503-823-6995 ■ www.cleanriverspdx.org ■ Using recycled paper. ■ An Equal Opportunity Employer.
For disability accommodation requests call 503-823-7740, Oregon Relay Service at 1-800-735-2900, or TDD 503-823-6868.

The proposed amendments do not require new appropriations to implement and will be implemented within existing staff programs and workloads. Minimal revenue may be generated from fees for discharge request review, and any such funds shall either be returned to the general fund or used for specific educational needs related to this program area.

IV. LEGAL ISSUES

These amendments have been thoroughly reviewed by the City Attorney's Office over the last two years to assure they meet legal requirements and program needs to protect against legal actions and to limit any unanticipated legal liability for the City.

V. CONTROVERSIAL ISSUES

BES expects nothing in the proposed code package to be seen as controversial since almost all program elements are used by staff under the existing Chapter 17.39 code language.

VI. LINK TO CURRENT CITY POLICIES

The Code changes link to previous Council ordinances and program direction, and are modeled on language and processes found in other code sections of Title 17, specifically Chapter 17.32.

VII. CITIZEN PARTICIPATION

The proposed code changes and administrative rules packages have been noticed to the Development Review Advisory Committee (DRAC) and posted on the BES website since mid-August. The process yielded no comments as of date of filing.

VIII. OTHER GOVERNMENT PARTICIPATION

The proposed code changes represent more than three years of effort by the Bureau of Environmental Services and City Attorney's Office.

IX. FINANCIAL IMPACT ON LOCAL ECONOMY **NOT APPLICABLE**

IF APPLICABLE, PROVIDE INFORMATION ON ESTIMATED NUMBER OF JOBS CREATED BY THIS ACTION

IF THIS ACTION IS CONTRACT-RELATED, PROVIDE INFORMATION ON M/W/ESB PARTICIPATION (NUMBER AND PERCENTAGE)

X. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? **NOT APPLICABLE**

____ WHAT IS THEIR BUSINESS LICENSE NUMBER? ____ IS THEIR ACCOUNT WITH THE CITY CURRENT? ____ IF NOT, HOW MUCH IS OWING? _____