

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. 3-7767	3. Bureau/Office/Dept. BES / Director's Office
4a. To be filed (hearing date): July 31 and August 7, 2013	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: July 10, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation 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).

**2) Purpose of the Proposed Legislation:** To amend multiple PCC sections to reflect BES updated enforcement policies and procedures and provide consistency across five of the BES managed PCC Chapters.

**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.

No

**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.)

NA

**6) Staffing Requirements:**

- Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)

NA

- Will positions be created or eliminated in future years as a result of this legislation?

NA

*(Complete the following section only if an amendment to the budget is proposed.)*

**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.)*

NA

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

186192

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?

Not much change from program tools and penalties used today – just more consistency between programs. Largest impacts upon permitted industries and commercial operations.

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?

Two information meetings held for industrial and other permitted dischargers on March 13 and March 20 of 2013 at the BES Water Pollution Control Laboratory in N Portland. 23 stakeholders attended on the 13<sup>th</sup> and 21 stakeholders attended on the 20<sup>th</sup>.

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

Stakeholders asked many implementation questions regarding anticipated violations, penalty assessment and appeals. Based on their comments, the administrative review response period was extended from 14 to 20 days to allow for conveyance through out-of-town property owners.

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


The BES Environmental Compliance Manager and the BES Public Affairs Manager.

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

Matt Criblez , Environmental Compliance Manager 3-9803

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

Additional outreach is anticipated during public review of six of the seven program administrative rule changes anticipated from mid-July to mid-August of 2013. The seventh program rule set (Pretreatment and Sanitary Discharge Program) was released for public review with the PCC change package as an example of what the code changes would look like in an administrative rule for a BES program.

*EM* 

APPROPRIATION UNIT HEAD (Typed name and signature)



CITY OF PORTLAND  
ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Nick Fish, Commissioner ■ Dean Marriott, Director

186192

City Council  
Agenda Item  
Staff Supplemental Report

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TO: Commissioner Nick Fish  
THROUGH: Jim Blackwood

FROM: Matt Criblez, BES Environmental Compliance Manager

DATE: July 2, 2013

RE: Council Adoption of BES Enforcement Program changes to several BES PCC Chapters.

Requested Council Hearing Date:

I. RECOMMENDATION

Adoption of the PCC change proposal and direction for the BES director to adopt associated administrative rules prior to the end of the calendar year (adoption anticipated in the fall of 2013).

II. BACKGROUND

BES is updating and streamlining the bureau's environmental compliance and enforcement procedures. This effort is necessary to enhance the protection of the City's sanitary and stormwater infrastructure, to protect worker health and safety, and to ensure the City's compliance with federal and state permits. The streamlining effort removes multiple enforcement procedures from individual codes and consolidates these into one set of enforcement rules. The consolidated enforcement rules will provide for a single set of enforcement mechanisms, penalty assessment procedures, and appeals processes. This will result in more clarity and consistent application of all City code enforcement actions.

Over the last two years, BES staff has worked on PCC and administrative rule changes to update all non-financial BES enforcement programs and provide consistency between programs. The PCC change proposal required Council adoption, where the administrative rule changes are delegated to the BES director.

The proposed changes are intended to:

- Enhance consistency across BES programs that issue violations and penalties;
- Provide consistent enforcement tools and notices across programs;
- Standardize criteria for assessing violations based on severity of impact;
- Calculate penalties based on a standard formula based on impacts to the public sewer and drainage system, public health, safety and the environment;
- Standardize BES administrative review procedures; and

- Establish fees and procedures for appeal of issues to the City Code Hearings Officer.

III. FINANCIAL IMPACT

There is no anticipated financial impact either in cost or revenue. The majority of changes are cost neutral.

IV. LEGAL ISSUES

Some of the administrative rules are required to be updated as part of City of Portland National Pollutant Discharge Elimination System discharge permits for City treatment plants and stormwater outfalls to retain compliance with the Clean Water Act.

V. CONTROVERSIAL ISSUES

These changes predominantly revise authorities for consistency and change procedures where final outcomes are not drastically different.

VI. LINK TO CURRENT CITY POLICIES

This proposal provides consistency across all non-financial BES enforcement programs using existing policies for the basis of changes.

VII. CITIZEN PARTICIPATION

Two stakeholder information meetings (attended by over 40 stakeholders) and a public hearing (no attendees) have been held over the last four months to solicit input from concerned parties.

VIII. OTHER GOVERNMENT PARTICIPATION

The Oregon Department of Environmental Quality (DEQ) has had two review opportunities on materials relating to the City Pretreatment program over the last four months. There were no substantive issues.

IX. FINANCIAL IMPACT ON LOCAL ECONOMY

NA

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

NA